

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT  
OF THE TRIAL COURT

M.G.J., a minor, by and through her next friend  
Juanita Batchelor; A.G., a minor, by and  
through his next friend Saudi Pelegrin-Gomez;  
J.T., a minor, by and through her next friend  
Ariuna Jones; A.B., a minor, by and through his  
next friend, Samantha Batista; I.G., a minor, by  
and through his next friend, Rosie Brenes;  
A.M., a minor, by and through his next friend,  
Ashley Stackow; L.M., a minor, by and through  
his next friend, Ashley Stackow; I.P., a minor,  
by and through her next friend, Lila Pope; M.P.,  
a minor, by and through her next friend, Lila  
Pope; Essex County Community Organization;  
Worcester Interfaith; YWCA of Central  
Massachusetts; Out Now,

Plaintiffs,

v.

Massachusetts Department of Elementary and  
Secondary Education; Pedro Martinez,  
Commissioner of Elementary and Secondary  
Education, in his official capacity; Executive  
Office of Education; Stephen Zrike, Jr.,  
Massachusetts Secretary of Education, in his  
official capacity; Massachusetts Board of  
Elementary and Secondary Education;  
Katherine Craven, Chair of Board of  
Elementary and Secondary Education, in her  
official capacity,

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

## INTRODUCTION

“The crux of the Commonwealth’s duty lies in its obligation to educate all of its children.”  
*McDuffy v. Sec’y of Exec. Off. of Educ.*, 415 Mass. 545, 618 (1993)

1. The Massachusetts Constitution guarantees schoolchildren the right to an adequate education and to equal protection under the law. The Commonwealth’s current educational system violates both guarantees by maintaining racially segregated school districts characterized by concentrated poverty that deny Black and Latino students an adequate and equal education and undermine the State’s civic and economic future.

2. While Massachusetts touts its national reputation as home to some of the best public schools in the country, the Commonwealth relegates over 175,000 Black and Latino schoolchildren to a second-tier education. Across the state, Black and Latino students are largely limited to under-performing schools in districts that are racially segregated and plagued by high concentrations of poverty. By maintaining discriminatory district lines and school assignment policies that prioritize municipal boundaries over equal access to educational opportunities, the Commonwealth has codified segregation into its educational system and structure.

3. Massachusetts’ district lines and school assignment policies foster and maintain segregation, with scant opportunities for students to attend schools beyond those boundaries. Even where Black and Latino schoolchildren live just a stone’s throw away from higher-performing, lower-poverty school districts, the Commonwealth’s district lines and school assignment policies deprive these students of the educational opportunities that the State concentrates in predominantly white school districts.

4. The extent of this segregation is staggering. Over 225,000 Massachusetts students—one out of four—attend segregated or intensely segregated non-white schools.<sup>1</sup>

Nearly two-thirds (63%) of schools across the state are considered racially segregated.<sup>2</sup>

5. As the State’s own Racial Imbalance Advisory Council (“RIAC”) has said, “[i]f, as the data show, these schools are producing the worst outcomes for their students, it’s Latino and Black kids who are overwhelmingly suffering those systemic failures.”<sup>3</sup> More than 76% of the 225,000 students in these segregated or intensely segregated non-white schools are Black or Latino, accounting for over half of the state’s Black students (56%) and Latino students (55%).<sup>4</sup> Of the roughly 100,000 students who attend intensely segregated non-white schools, nearly 90% are Black or Latino.<sup>5</sup>

6. This racial separation across schools today is comparable to the segregation condemned in Boston’s landmark school desegregation case, *Morgan v. Hennigan*.<sup>6</sup>

7. Today, nearly all—92%—of the racial segregation in Massachusetts schools occurs between districts (rather than within districts as in *Morgan v. Hennigan*).<sup>7</sup> Among the harms of between-district racial segregation is the high concentration of poverty in segregated Black and Latino districts. In the 10 non-charter public-school districts with the highest share of

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<sup>1</sup> Racial Imbalance Advisory Council, *Racial Segregation in Massachusetts Schools: Annual Report of the Racial Imbalance Advisory Council (2024)* (“RIAC Report”) at 23, 26, <https://tinyurl.com/yc78s4th> (defining “segregated white” schools as 71%-89% white; “intensely segregated white” schools as more than 90% white; “segregated nonwhite” schools as 71%-89% nonwhite; and “intensely segregated nonwhite” as more than 90% nonwhite).

<sup>2</sup> *Id.* at 24.

<sup>3</sup> *Id.* at 26.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> 379 F. Supp. 410, 424 (D. Mass. 1974) (62% of Black Boston public school students attended schools where the student population was over 70% Black), *aff’d sub nom. Morgan v. Kerrigan*, 509 F.2d 580 (1st Cir. 1974), and *supplemented sub nom. Morgan v. Kerrigan*, 388 F. Supp. 581 (D. Mass. 1975), *aff’d*, 530 F.2d 431 (1st Cir. 1976). Unlike *Morgan v. Hennigan*, Plaintiffs do not ask this Court to order mandatory busing as a remedy for Defendants’ violations. See Prayer for Relief *infra* pp. 52.

<sup>7</sup> Stanford University: The Educational Opportunity Project, *Segregation Tracking Project Data Downloads* (2023), <https://edopportunity.org/segregation/data/downloads/> (based on data in “school\_seg\_state\_2.0” download).

Black and Latino students, an average of 75% of students are considered low-income, compared to a statewide average of 41%.<sup>8</sup> Massachusetts maintains the second-highest level of between-district economic segregation in the country, second only to New Jersey.<sup>9</sup>

8. This profound segregation—created and perpetuated by the Commonwealth’s discriminatory district lines and school assignment policies—has enormous negative consequences for students throughout Massachusetts. Recent research confirms that “racial segregation is strongly associated with the magnitude of achievement gaps ... and the rate at which gaps grow,” and that “racial segregation is harmful because it concentrates minority students in high-poverty schools, which are, on average, less effective than lower-poverty schools.”<sup>10</sup> In Massachusetts, this pattern is devastatingly clear: students in segregated Black and Latino school districts with high concentrations of poverty receive an inadequate, unequal education, performing measurably worse than their peers in whiter, more affluent school districts across key measures, including standardized test scores, graduation rates, college enrollment, suspensions, and chronic absenteeism.<sup>11</sup>

9. Plaintiffs<sup>12</sup> and Black and Latino students throughout the Commonwealth have and continue to suffer at the hands of the Commonwealth’s segregated, two-tiered public school system.

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<sup>8</sup> Massachusetts Dep’t of Elementary & Secondary Educ. (“Mass. DESE”), 2025-26 Enrollment by Selected Population (District), <https://profiles.doe.mass.edu/statereport/selectedpopulations.aspx>; *see also* Mass. DESE, 2026 Enrollment By Race/Gender Report (District), <https://profiles.doe.mass.edu/statereport/enrollmentbyracegender.aspx>.

<sup>9</sup> Mass. DESE, 2026 Enrollment By Race/Gender Report (District), <https://profiles.doe.mass.edu/statereport/enrollmentbyracegender.aspx>.

<sup>10</sup> Sean F. Reardon et al., *Is Separate Still Unequal? New Evidence on School Segregation And Racial Achievement Gaps*, 89 AM. SOCIOLOGICAL REV. 971, 971 (Dec. 2024), <https://journals.sagepub.com/doi/abs/10.1177/00031224241297263>.

<sup>11</sup> RIAC Report at 30-34; *see also* Geoffrey D. Borman & Maritza Dowling, *Schools and Inequality: A Multilevel Analysis of Coleman’s Equality of Educational Opportunity Data*, 112 TCHRS. COLL. REC. 1201, 1236 (2010).

<sup>12</sup> “Plaintiffs” encompasses both named student Plaintiffs and the members of organizational Plaintiffs.

10. Indeed, the Commonwealth’s own officials have repeatedly recognized the severity of school segregation and its harms to students in Massachusetts. As a 2024 report by RIAC states: “A close look at the data of our schools – the persistence of racial segregation and the correlative impact of segregated learning environments – reveals just how long of a road we still need to travel to realize the promise of Brown.”<sup>13</sup>

11. The current inequities in Massachusetts’ public education system are particularly striking given the Commonwealth’s history as a leader in public education and equality. Massachusetts is home to the nation’s first public school, was the first state to make public education compulsory, and has long espoused the value that education is essential to a functioning democracy.

12. The Massachusetts Constitution’s Education Clause, adopted in 1780, provides that “[w]isdom, and knowledge, as well as virtue, diffused generally among the body of the people, [are] necessary for the preservation of their rights and liberties,” and that these depend on “spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people.” MASS. CONST. pt. II, ch. 5, § 2.

13. The Massachusetts Constitution’s Education Clause imposes mandatory duties on the State to safeguard these constitutional protections for the benefit of all students. *McDuffy v. Sec’y of the Exec. Off. of Educ.*, 415 Mass. 545, 551 (1993) (noting “constitutional duty on the Commonwealth to ensure the education of its children in the public schools”).

14. So, too, has the Commonwealth espoused equality—another foundational value enshrined in the Constitution. MASS. CONST. amend. art. CVI (“Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin.”).

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<sup>13</sup> RIAC Report at 23 (citing *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954)).

15. In 1855, almost a century before the U.S. Supreme Court’s decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), the Massachusetts Legislature outlawed segregation in its public schools.<sup>14</sup> The Supreme Judicial Court (“SJC”) has since made clear that the Massachusetts Constitution’s equal protection guarantee is dynamic, responsive to changing circumstances, and provides more robust protection than its federal counterpart. *Goodridge v. Dep’t of Pub. Health*, 440 Mass. 309, 328-329 (2003) (reaffirming constitutional “liberty and equality safeguards”).

16. The Commonwealth’s actions in creating and perpetuating a discriminatory two-tiered public education system runs afoul of these fundamental protections of the Massachusetts Constitution. Separately and in conjunction, the Education and Equal Protection Clauses prohibit the Commonwealth from relegating Black and Latino students to segregated school districts characterized by high concentrations of poverty and with markedly worse educational opportunities and outcomes.

17. There are a multitude of alternatives—well-known to Defendants—that are readily available to remedy the two-tiered system the Commonwealth currently operates, and to create the adequate and equal public education system required by the Constitution. From investing in inter-district magnet and regional schools, to meaningful voluntary cross-district transfer opportunities, to improved transportation, to leveraging construction and facilities funding to incentivize integration, the Commonwealth has available to it a variety of strategies to rectify school segregation and its resulting harms. RIAC detailed eighteen recommendations to address school segregation across the state, explicitly stating that the Massachusetts Department of Elementary and Secondary Education (“DESE”) and the Board of Elementary and Secondary

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<sup>14</sup> Ronald R. Edmonds, *Simple Justice in the Cradle of Liberty: Desegregating the Boston Public Schools*, 31 VANDERBILT L. REV. 887, 889 (1978).

Education (“BESE”) “have neglected their oversight duties as required by state law” and “local districts are failing to address racial imbalance within their jurisdiction.”<sup>15</sup> According to RIAC, “[t]hese bodies must come into immediate compliance with these laws, with leadership from the Secretary and Commissioner of Education.”<sup>16</sup>

18. Yet Defendants have failed to implement these alternatives, relying instead on a patchwork of limited programs—primarily the Metropolitan Council for Educational Opportunity (“METCO”) program, which serves only 0.35% of students in the state,<sup>17</sup> and the inter-district transfer program, which is not widely used and permits districts to opt-out, MASS. GEN. LAWS ch. 76 § 12B.

19. It is clear that the State’s existing programs have not sufficiently addressed the ongoing constitutional violations: racial segregation between white students and non-white students in Massachusetts schools has stagnated since the State began its inter-district transfer program in 1991.<sup>18</sup> It is not just Black and Latino students who are being harmed. School segregation deprives all students of the benefits of learning with and from each other in racially and economically diverse schools.<sup>19</sup>

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<sup>15</sup> RIAC Report at 9.

<sup>16</sup> *Id.*

<sup>17</sup> Mass. DESE, METCO Enrollment, <https://www.doe.mass.edu/metco/> (enrollment approximately 3,200 as of 2025); *see also* Mass. DESE, School and District Profiles, Boston (003500000), <https://profiles.doe.mass.edu/profiles/student.aspx?orgtypecode=5&fycode=2025&type=DISTRICT&orgcode=00350000> (total state enrollment 915,932 as of 2025).

<sup>18</sup> School segregation between white and non-white students in 2023 was 91% of the level in 1991. *See* Stanford University: The Educational Opportunity Project, *Segregation Tracking Project Data Downloads* (2023), <https://edopportunity.org/segregation/data/downloads/> (based on data in “school\_seg\_state\_2.0” download).

<sup>19</sup> *See generally*, e.g., The Century Foundation, *The Benefits of Socioeconomically and Racially Integrated Schools and Classrooms* (2019), <https://tcf.org/content/facts/the-benefits-of-socioeconomically-and-racially-integrated-schools-and-classrooms/>; Genevieve Seigel-Hawley, *Research Brief: How Nonminority Students Also Benefit From Racially Diverse Schools*, The National Coalition on School Diversity (2012); Jennifer Ayscue et al., *Research Brief: The Complementary Benefits of Socioeconomic Diversity in Schools*, The National Coalition on School Diversity (2017); Amy Stuart Wells et al., The Century Foundation, *How Racially Diverse Schools and Classrooms Can Benefit All Students* 9 (Feb. 2016), [https://production-tcf.imgix.net/app/uploads/2016/02/09142501/HowRaciallyDiverse\\_AmyStuartWells-11.pdf](https://production-tcf.imgix.net/app/uploads/2016/02/09142501/HowRaciallyDiverse_AmyStuartWells-11.pdf).

20. Critical benefits of integrated educational environments include exposure to diverse students, perspectives, and experiences, which fosters problem-solving and critical thinking skills, reduces prejudice and bias, increases empathy, encourages civic participation, and better prepares students throughout the Commonwealth to compete in the global economy of the 21st century.<sup>20</sup> The current segregated school system thus undermines the Commonwealth's future, denying tomorrow's business owners, civic leaders, employees, and taxpayers adequate preparation for the workplaces and institutions they will inherit. It also harms the State's social cohesion.<sup>21</sup> To prepare students of every race and ethnicity to thrive in an increasingly diverse, interconnected world, the Commonwealth must ensure that all children have access to schools that are meaningfully diverse and well-resourced.

21. By maintaining exclusionary district lines and school assignment policies, Defendants have enshrined residential segregation into Massachusetts school districts and allowed the resulting inadequate and unequal education for Black and Latino students to flourish—with full knowledge of the devastating consequences to students.

22. Defendants have the ability and the obligation to provide a constitutionally adequate education to all students. By this lawsuit, Plaintiffs respectfully urge this Court to require Defendants to ensure that the Plaintiff students—and children like them across the State—are provided adequate educational opportunities and equal protection as required by the Massachusetts Constitution.

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<sup>20</sup> See generally, e.g., Amy Stuart Wells et al., *supra* note 19.

<sup>21</sup> Jomills Henry Braddock II & Amaryllis Del Carmen Gonzalez, *Social Isolation and Social Cohesion: The Effects of K-12 Neighborhood and School Segregation on Intergroup Orientations*, 112 TCHRS. COLL. REC. 1631 (2010).

## NATURE OF ACTION

23. Plaintiff students, parents, guardians, and organizations bring this action to require Defendants to provide Plaintiff students with the education to which they are entitled under the Commonwealth's Constitution.

24. Jurisdiction and venue are proper in this matter pursuant to MASS. GEN. LAWS ch. 214 §§ 1, 5 and MASS. GEN. LAWS ch. 231A §§ 1 *et seq.*

## PARTIES

### A. Plaintiffs<sup>22</sup>

25. Plaintiff M.G.J. is a Black student, age 12, residing in Springfield, Massachusetts. M.G.J. brings this action by and through her guardian and next friend, Juanita Batchelor. M.G.J. is enrolled in the Springfield Public Schools district, where Black and Latino students make up approximately 86% of the student population, and 84% of students are classified as low-income.<sup>23</sup> The Springfield Public Schools district abuts the school districts of Longmeadow, East Longmeadow, and Hampden-Wilbraham, where Black and Latino students make up less than 20% of the student populations, and 25% or less of students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict M.G.J.'s right to attend school to Springfield, where he resides.

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<sup>22</sup> School district data is compiled from annual reporting of the Massachusetts Department of Elementary and Secondary Education. *See* Mass. DESE, School and District Report Cards, <https://reportcards.doe.mass.edu/>.

<sup>23</sup> Mass. DESE, Profiles Help – About the Data, <https://profiles.doe.mass.edu/help/data.aspx?section=students> (considering a student low-income based on “participation in one or more of the following state-administered programs: the Supplemental Nutrition Assistance Program (SNAP); the Transitional Assistance for Families with Dependent Children (TAFDC); the Department of Children and Families’ (DCF) foster care program; expanded MassHealth (Medicaid) up to 185% of the federal poverty level, as well as students identified by districts as homeless and students the district confirmed had met the low-income criteria through the supplemental process and collected the required supporting documentation.”).

26. Plaintiff A.G. is a Latino student, age 8, residing in Brockton, Massachusetts. A.G. brings this action by and through Saudi Pelegrin-Gomez, his parent and next friend. A.G. is enrolled in the Brockton Public Schools district, where Black and Latino students make up approximately 83% of the student population, and 74% of students are classified as low-income. The Brockton Public Schools district abuts the districts of Easton, West Bridgewater, and East Bridgewater, where Black and Latino students make up less than 20% of the student populations, and 25% or less of students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict A.G.'s right to attend school to Brockton, where he resides.

27. Plaintiff J.T. is a Black student, age 8, residing in Brockton, Massachusetts. He brings this action by and through his parent and next friend, Ariuna Jones. J.T. is enrolled in the Brockton Public Schools district, where Black and Latino students make up approximately 83% of the student population, and 74% of students are classified as low-income. The Brockton Public Schools district abuts the districts of Easton, West Bridgewater, and East Bridgewater, where Black and Latino students make up less than 20% of the student populations, and 25% or less of students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict J.T.'s right to attend school to Brockton, where he resides.

28. Plaintiff A.B. is a Latina student, age 11, residing in Lawrence, Massachusetts. She brings this action by and through her parent and next friend, Samantha Batista. A.B. is enrolled in the Lawrence Public Schools district, where Black and Latino students make up approximately 96% of the student population, and 85% of students are classified as low-income.

The Lawrence Public School district abuts the districts of Andover and North Andover, where Black and Latino students make up 20% or less of the student populations, and 23% or less of students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict A.B.'s right to attend school to Lawrence, where she resides.

29. Plaintiff I.G. is a Black student, age 8, residing in Boston, Massachusetts. I.G. brings this action by and through his parent and next friend, Rosie Brenes. I.G. is enrolled in the Boston Public Schools district, where Black and Latino students make up approximately 74% of the student population, and 70% of the students are classified as low-income. The Boston Public Schools district abuts the districts of Needham, Newton, and Brookline, where Black and Latino students make up less than 20% of the student populations, and 15% or less of students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict I.G.'s right to attend school to Boston, where he resides.

30. Plaintiff A.M. is a Latino student, age 8, residing in Holyoke, Massachusetts. A.M. brings this action by and through his parent and next friend, Ashley Stackow. A.M. is enrolled in the Holyoke Public Schools district, where Black and Latino students make up approximately 86% of the student population, and 84% of the students are classified as low-income. The Holyoke Public Schools district abuts the districts of Southamptton, Easthampton, and South Hadley, where Black and Latino students make up 21% or less of the student populations, and less than 40% of students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities

in these neighboring school districts, but Defendants restrict A.M.'s right to attend school to Holyoke, where he resides.

31. Plaintiff L.M. is a Latino student, age 6, residing in Holyoke, Massachusetts. L.M. brings this action by and through his parent and next friend, Ashley Stackow. L.M. is enrolled in the Holyoke Public School district, where Black and Latino students make up 86% of the student population, and nearly 84% of the students are classified as low-income. The Holyoke Public Schools district abuts the districts of Southamptton, Easthampton, and South Hadley, where Black and Latino students make up 21% or less of the student populations, and less than 40% of students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict L.M.'s right to attend school to Holyoke, where he resides.

32. Plaintiff I.P. is a multiracial Black student, age 5, residing in Worcester, Massachusetts. I.P. brings this action by and through her parent and next friend, Lila Pope. I.P. is enrolled at a K-6 school in the Worcester Public Schools district, where Black and Latino students make up approximately 64% of the student population, and 72% of the students are classified as low-income. The Worcester Public Schools district abuts the districts of Wachusett Regional School District and Auburn, where Black and Latino students make up less than 20% of the student populations, and 28% or less of the students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict I.P.'s right to attend school to Worcester, where she resides.

33. Plaintiff M.P. is a multiracial Black student, age 10, residing in Worcester, Massachusetts. M.P. brings this action by and through her parent and next friend, Lila Pope. M.P. is enrolled in the Worcester Public Schools district, where Black and Latino students make up approximately 64% of the student population, and 72% of the students are classified as low-income. The Worcester Public Schools district abuts the districts of Wachusett Regional School District and Auburn, where Black and Latino students make up less than 20% of the student populations, and 28% or less of the students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict M.P.'s right to attend school to Worcester, where she resides.

34. Plaintiff Essex County Community Organization ("ECCO"), a nonprofit organization, is a multi-faith network of 59 congregations and community groups. ECCO has worked for over 40 years to unite people across lines of difference to address the root causes of racial and economic injustice, including in education. ECCO's community members include Lynn Public Schools district students, where Black and Latino students make up approximately 81% of the student population, and 74% of the students are classified as low-income. Lynn's neighboring school districts include Lynnfield and Swampscott, where Black and Latino students make up less than 20% of the student populations, and 20% or less of students are classified as low-income. The State's district lines and school assignment policies concentrate substantially greater educational opportunities in these neighboring school districts, but Defendants restrict ECCO's Lynn-based student community members' rights to attend school to Lynn. ECCO's headquarters are located in Lynn, Massachusetts.

35. Plaintiff Worcester Interfaith (“WI”) is a community-based membership nonprofit organization founded in 1993, comprised of over a dozen congregations that reflect Worcester’s religious, racial, ethnic, and geographic diversity. WI works to develop leaders and organize power for social justice and change, including by leveraging community support and funding for Worcester Public Schools. WI’s members include parents with children enrolled in the Worcester Public Schools district. As described above, the State’s district lines and school assignment policies concentrate substantially greater educational opportunities in neighboring school districts, but Defendants restrict WI’s Worcester-based members children’s rights to attend school to Worcester. WI’s headquarters are located in Worcester, Massachusetts.

36. Plaintiff YWCA of Central Massachusetts (“YWCA”) is a nonprofit organization that has worked for over 135 years to eliminate racism and empower women in communities across Central Massachusetts. Racial equity in education is core to its mission, and it has significant programming aimed at improving educational outcomes for its members. Its members include public school students across Central Massachusetts, including those who live in municipalities with segregated school districts, such as Worcester. The State’s district lines and school assignment policies concentrate substantially greater educational opportunities in neighboring school districts than in Worcester and other segregated school districts, but Defendants restrict YWCA student members’ rights to attend school to the municipality in which they live. The YWCA’s headquarters are located in Worcester, Massachusetts.

37. Plaintiff Out Now is a youth-led, adult-advised, LGBTQ+ youth organization that promotes harm reduction, self-determination, and community building through anti-oppression organizing, including the fight for educational equity. Its members include Springfield Public Schools district students. As described above, the State’s district lines and school assignment

policies concentrate substantially greater educational opportunities in neighboring school districts, but Defendants restrict Out Now’s Springfield-based student members’ rights to attend school to Springfield. Out Now’s headquarters are located in Springfield, Massachusetts.

**B. Defendants**

38. Defendant Massachusetts Department of Elementary and Secondary Education (“DESE”) is an executive office within the Executive Office of Education and is supervised and managed by the Commissioner of Elementary and Secondary Education. *See* MASS. GEN. LAWS ch. 15 § 1. DESE is responsible for working with the Commissioner of Elementary and Secondary Education and the Board of Elementary and Secondary Education (“BESE”) to collect and analyze data pertaining to school districts; propose budgeting to the legislature; establish education-related policies; and develop academic standards, frameworks, and guidelines. *See* MASS. GEN. LAWS ch. 69 § 1A.

39. Defendant Pedro Martinez is the Commissioner of Elementary and Secondary Education and is being sued in his official capacity. Commissioner Martinez is responsible for analyzing and supporting the present and future goals, needs and requirements of public elementary, secondary and vocational-technical schools and recommending comprehensive means to achieve a well-coordinated system of high achievement in public education in the Commonwealth. MASS. GEN. LAWS ch. 69 § 1A. He is advised by RIAC.<sup>24</sup>

40. Defendant Executive Office of Education (“EOE”) is the executive office that “works to connect all Massachusetts residents with a high-quality education regardless of their

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<sup>24</sup> Mass. DESE, *Racial Imbalance Advisory Council*, <https://www.doe.mass.edu/bese/councils/racial.html> (“RIAC advises the Commissioner of Education and the Board of Education on matters pertinent to racial imbalance in schools and districts across the Commonwealth.”).

circumstance, zip code, or socioeconomic status.”<sup>25</sup> The EOE is “under the supervision and control of a secretary of education.” MASS. GEN. LAWS ch. 6A § 14A.

41. Defendant Stephen Zrike, Jr. is the Massachusetts Secretary of Education and is being sued in his official capacity. In overseeing the EOE, Secretary Zrike is responsible for analyzing and supporting the “present and future goals, needs, and requirements of public education in the commonwealth[,] ... mak[ing] recommendations to the secretary of administration and finance and the governor concerning the funding of education in the commonwealth[,] and assist[ing] in preparing budget proposals to be put before the legislature[,]” among other responsibilities. MASS. GEN. LAWS ch. 6A § 14A. Secretary Zrike “serve[s] as the governor’s advisor on educational issues and represent[s] the interests of education in the governor’s cabinet.” *Id.*

42. Defendant Massachusetts Board of Elementary and Secondary Education is a state agency within DESE, MASS. GEN. LAWS ch. 15 § 1E, that is responsible for establishing “policies relative to the education of students in public early childhood, elementary, secondary and vocational-technical schools[,]” and “for the administration of vocational education and the supervision of the administration thereof by local educational agencies[,]” among other responsibilities. MASS. GEN. LAWS ch. 69 § 1B. BESE provides support to schools and school districts for technical needs, curriculum, and other support services. *Id.* BESE is also responsible for establishing standards for school and district audits and for establishing the “process and standards for declaring a school or school district to be ‘under-performing’ or ‘chronically under-performing.’” *Id.* BESE is advised by RIAC.<sup>26</sup>

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<sup>25</sup> Mass. EOE, *Executive Office of Education*, <https://www.mass.gov/orgs/executive-office-of-education>.

<sup>26</sup> Mass. DESE, *Racial Imbalance Advisory Council*, <https://www.doe.mass.edu/bese/councils/racial.html> (“RIAC advises the Commissioner of Education and the Board of Education on matters pertinent to racial imbalance in schools and districts across the Commonwealth.”).

43. Defendant Katherine Craven is the Chair of BESE and is sued in her official capacity. Chair Craven is responsible for presiding over BESE meetings, calling special meetings, appointing committees, and taking action to ensure BESE fulfills its statutory duties, among other tasks. BESE By-Laws art. I, § 3.

## BACKGROUND

### A. Segregation in Massachusetts Public Schools

44. The Commonwealth, through its discriminatory district lines and school assignment policies, has created and continues to maintain racially segregated school districts. Students only have the right to attend the public schools of the town in which they “actually reside[,]” with few exceptions, resulting in a system that locks neighborhood residential segregation into its public schools. MASS. GEN. LAWS ch. 76, §5. This segregation harms the Commonwealth’s schoolchildren and disproportionately impacts Black and Latino students.

45. Massachusetts has long prized public education as a civic virtue necessary for a healthy democracy. As early as 1647, the General Court of the Massachusetts Bay Colony required every town of more than 50 residents to appoint a schoolmaster to teach its residents’ children, and for every town of more than 100 residents to “set up a *Grammar School*.” *McDuffy*, 415 Mass. at 570. The General Court passed similar laws when the Province of Massachusetts Bay was established in 1692. *Id.* at 572-573. Families joined together to create local schools under the mandate of the General Court.<sup>27</sup>

46. In the ensuing decades, the General Court continued to refine and strengthen the Commonwealth’s system of public schools, enacting various education laws, monitoring compliance, and authorizing towns to tax their residents to support public schools. *Id.* at 573-74.

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<sup>27</sup> Sarah Carleton et al., Mass. DESE, *School District Consolidation in Massachusetts: Opportunities and Obstacles* 1 (Nov. 2009).

47. A key feature of the Commonwealth’s public education system was its design to be accessible to children regardless of wealth or social status. *Jenkins v. Andover*, 103 Mass. 94, 96-97, 100 (1869) (noting “the importance and necessity of providing for the universal education of the people”); *McDuffy*, 415 Mass. at 576 (citing laws providing for the education of low-income children).

48. The Massachusetts Constitution, adopted in 1780, elevated the Commonwealth’s interest in public education to a constitutional mandate: making it “the duty of the legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences ... especially ... [in] public schools and grammar schools in the towns.” *McDuffy*, 415 Mass. at 559-60 (quoting MASS. CONST. pt. II, ch. 5, § 2); *see also id.* at 564 (explaining that “cherish” at the time of enactment meant “an obligation to support or nurture”).<sup>28</sup> According to the SJC, this constitutional provision reflected “the understanding that it would require the Legislature to mandate universal public education.” *Id.* at 582. The universal nature of the mandate was understood to be essential for a republican form of government, because “[l]iberty cannot be preserved without a general knowledge among the people.” *Id.* at 583 (quoting *Dissertation on the Canon and Feudal Law*, in 3 Works of John Adams 456, 457 (C.F. Adams ed. 1851)).

49. The SJC has since held that a constitutionally “adequate” education under the Education Clause should provide students with the following capabilities:

- (i) sufficient oral and written communication skills to enable students to function in complex and rapidly changing civilization;
- (ii) sufficient knowledge of economic, social, and political systems to enable students to make informed choices;
- (iii) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation;
- (iv) sufficient self-knowledge and

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<sup>28</sup> “Legislatures” refers to the Massachusetts Senate and House of Representatives; “magistrates” refers to the executive branch. *McDuffy*, 415 Mass. at 561 n.16; *see also id.* at 548 (“This duty lies squarely on the executive (magistrates) and legislative (Legislatures) branches of this Commonwealth.”).

knowledge of his or her mental and physical wellness; (v) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage; (vi) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and (vii) sufficient level of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market.

*McDuffy*, 415 Mass. at 618-619 (citation omitted).<sup>29</sup>

50. At the time of the Constitution’s adoption in 1780, the “universal” public education mandate—while including both rich and poor—did not extend the same education requirements to Black children.<sup>30</sup>

51. In 1848, Robert Morris, the country’s second Black lawyer, sued the City of Boston on behalf of Sarah Roberts, a young Black girl who was forced to attend a segregated school. *Roberts v. City of Boston*, 59 Mass. 198 (1849) (upholding segregation through systems of student classification and geographic assignment). The SJC eventually ruled against Sarah, presaging the “separate but equal” rationale in *Plessy v. Ferguson*, 163 U.S. 537, 552 (1896). While purporting to recognize that “all persons without distinction of age or sex, birth or color, origin or condition, are equal before the law,” *Roberts*, 59 Mass. at 206, the SJC nonetheless found that “the good of both classes of schools will be best promoted, by maintaining the separate primary schools for colored and for white children,” *id.* at 209.

52. Recognizing the unequal opportunities resulting from state-sanctioned segregation, Massachusetts families and civil rights advocates petitioned the Massachusetts

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<sup>29</sup> See also *Doe v. Sec’y of Educ.*, 479 Mass. 375, 387 n.23 (2018) (the Commonwealth must have a plan to ensure students obtain the capabilities identified in *McDuffy*); *Hancock v. Comm’r of Educ.*, 443 Mass. 428, 455 (2005) (Marshall, C.J., concurring) (“[T]he Massachusetts Constitution imposes an enforceable duty on the Commonwealth to ensure that all children in its public schools receive an education that is to include certain specific training.” (quoting *Student No. 9 v. Bd. of Educ.*, 440 Mass. 752, 754 (2004))).

<sup>30</sup> See An Act Concerning Public Schools, 1855 Mass. Acts, ch. 256, 674.

Legislature to overturn *Roberts*, which it did in 1855, passing a law to make public schools in the Commonwealth open to all students without regard to “race, color, or religious opinions.”<sup>31</sup>

53. By the 1800s, there were approximately 2,250 disparate school districts across the Commonwealth,<sup>32</sup> and the Massachusetts Legislature granted municipalities sole authority to fund and manage local school districts.<sup>33</sup>

54. To promote consolidation of school districts, the Massachusetts Legislature enacted the Regional Schools Act in 1949, authorizing municipalities to form independent regional school districts with governance shared by participating municipalities.<sup>34</sup> Mass. Acts, ch. 71, § 16.

55. Some municipalities elected to create regional districts covering K–12 education.<sup>35</sup> Others created regional districts to cover certain types of education, such as secondary education or vocational education. For example, today the Wachusett Regional School District is a PK–12 regional school district that serves the communities of Holden, Paxton, Princeton, Rutland, and Sterling.<sup>36</sup> The Concord-Carlisle Regional School District

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<sup>31</sup> *Id.*

<sup>32</sup> Mass. DESE, School District Consolidation in Massachusetts: Opportunities and Obstacles 1 (Nov. 2009), <https://www.doe.mass.edu/research/reports/2009/11consolidation.doc>; *see also* Susan M. Brelsford, Building for the Future: A Historical Narrative of the Regionalization and Construction of a New High School in Somerset and Berkley, Massachusetts, at 12-13 (Aug. 2016) (Ph.D. dissertation, Northeastern University), <https://repository.library.northeastern.edu/files/neu:cj82nq54h/fulltext.pdf>.

<sup>33</sup> *See* The Act to Abolish the School District System, 1882 Mass. Acts, ch. 219 (abolishing school districts in the Commonwealth of Massachusetts); *see also* Brelsford, Building for the Future, at 13.

<sup>34</sup> Mass. DESE, School District Consolidation in Massachusetts: Opportunities and Obstacles 1 (Nov. 2009), <https://www.doe.mass.edu/research/reports/2009/11consolidation.doc>.

<sup>35</sup> Commonwealth of Massachusetts Office of the State Auditor, *Supporting Student and Community Success: Updating the Structure and Finance of Massachusetts Regional School Districts 25* (Oct. 18, 2017), <https://www.mass.gov/doc/supporting-student-and-community-success-updating-the-structure-and-finance-of-massachusetts/download>.

<sup>36</sup> *Id.*; *see also* Wachusett Regional School District, *History*, <https://www.wrsd.net/district-info/history>.

provides secondary education for the towns of Concord and Carlisle, but each town maintains its own district for the lower grades.<sup>37</sup>

56. With the Commonwealth failing to monitor consolidation meaningfully, inequities emerged.<sup>38</sup> Regionalization efforts across the Commonwealth stopped short of municipalities where substantially more Black and Latino students live. For example, Springfield, Brockton, Holyoke, and Worcester all directly abut—but are excluded from—regional districts.<sup>39</sup> Even today, the legacy of racialized regionalization harms Plaintiffs: while 10% of Massachusetts public school students are enrolled in one of 58 regional districts, none of these regional districts include the segregated communities where Plaintiffs live.<sup>40</sup>

57. Defendants’ district lines and school assignment policies prevent Plaintiffs from attending neighboring districts with substantially greater educational opportunities and better outcomes, locking residential segregation into the Commonwealth’s public schools.

58. Since 1902, Defendants have only granted students the right to attend public school in the municipality where they reside, Rev. L., ch. 44, §1 (1902), thereby restricting Plaintiffs and others similarly situated to segregated, under-performing, and under-resourced schools. Defendants have maintained this segregated system in multiple laws, most recently in 2004.<sup>41</sup>

59. On September 17, 2004, the Massachusetts Legislature authorized school districts to impose costs on students who attend school in a town where they do not reside, further

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<sup>37</sup> MassGIS, Massachusetts Public Schools Districts, <https://massgis.maps.arcgis.com/apps/webappviewer/index.html?id=5b652451857f41ecabc5aa96ef53641c>

<sup>38</sup> Sarah Carleton et al., *School District Consolidation in Massachusetts: Opportunities and Obstacles*, Mass. DESE (Nov. 2009), at 2.

<sup>39</sup> *See supra* note 37; *see also* 2024-25 School Attending Children Report, Mass. DESE, <https://profiles.doe.mass.edu/statereport/schoolattendingchildren.aspx>.

<sup>40</sup> *Id.*

<sup>41</sup> *See* An Act Relative to School Attendance and to The Employment of Minors, ch. 779 § 3 (1913); *see also* Place of Attendance; Violations; Discrimination, MASS. GEN. LAWS, ch. 76, §5 (2004).

penalizing students who seek educational opportunities outside their town of residence and further foreclosing access to those opportunities. MASS. GEN. LAWS, ch. 76, §5 (2004).

60. Through these adverse actions, Massachusetts imposed known patterns of residential segregation directly onto its school districts, and continues to maintain and entrench them.

**B. School District Lines Impose Known Residential Segregation Patterns on School Districts**

61. Segregation in Massachusetts public schools is a direct and known consequence of creating and maintaining school district lines linked and locked to the Commonwealth’s enduring history of residential segregation. In Massachusetts, “historic patterns of segregation and disinvestment have led to the convergence of communities of color with areas of concentrated poverty.”<sup>42</sup> Across the State, Black and Latino students are thus more likely to live in neighborhoods with greater exposure to poverty and lower levels of educational attainment—among other challenges—and the State’s district lines and school assignment policies lock students into the scarce resources of these communities.<sup>43</sup>

62. The Commonwealth concedes that “[b]ecause schools reflect the racial and ethnic composition of the municipalities, the consequences of racial isolation have a particular impact on the Commonwealth’s school-aged children.”<sup>44</sup> Since the State ties a resident’s school

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<sup>42</sup> Mass. Dep’t of Housing and Community Dev’t, *2019 Analysis of Impediments to Fair Housing Choice* (“DHCD Analysis”) 4, <https://www.mass.gov/doc/analysis-of-impediments-to-fair-housing-choice-2019/download> (internal citations omitted). Massachusetts prohibits housing discrimination based on lawful source of income because economic exclusion entrenches segregation and inequality. See MASS. GEN. LAWS ch. 151B, § 4(10). The Commonwealth cannot embrace that principle in housing while simultaneously allocating educational opportunity through district lines that track concentrated affluence and poverty.

<sup>43</sup> DHCD Analysis, at 12 (“In Massachusetts, Black and Hispanic households are more likely to live in neighborhoods with greater exposure to poverty, higher exposure to unemployment, lower levels of educational attainment, less labor market engagement, and poorer air quality than neighborhoods where White households are more likely to reside”).

<sup>44</sup> *Id.* at 10.

assignment to residency, *see* MASS. GEN. LAWS ch. 76, § 5, “[s]chools remain a critical reflection of [residential] segregation.”<sup>45</sup> The Commonwealth has recognized the “[l]ocation of proficient schools and school assignment policies” as an impediment to meeting its fair housing goals.<sup>46</sup>

63. The Commonwealth’s actions have resulted in staggering segregation across school districts. And this harmful segregation transcends all community contexts. Black and Latino students are disproportionately represented in urban areas, where schools score lower on objective performance metrics compared to suburban and rural areas of the State.<sup>47</sup> Even in suburban areas, where schools score the highest in these measures, Black and Latino students still live in neighborhoods that “face disparities in access to high-scoring schools.”<sup>48</sup>

64. Defendants have failed to provide sufficient support to school districts and local leaders to address the harms caused by segregation, despite the State’s constitutional obligation to provide an adequate and equal education. MASS. CONST. ch. 5, § 2 (“... it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth ....”).

65. Massachusetts offers extremely limited opportunities for students to attend schools outside the municipality where they reside. The existing programs—hindered by scope, design, and school district opt-outs—are insufficient to effectively address the severity of school segregation.

66. For example, METCO, authorized under Massachusetts General Laws chapter 76, § 12A, is a state-funded desegregation program that enables students to attend public schools in participating suburban districts—but only if they reside in Boston and Springfield.<sup>49</sup> In the

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<sup>45</sup>

*Id.*

<sup>46</sup>

*Id.* at 183.

<sup>47</sup>

*Id.* at 204-205.

<sup>48</sup>

*Id.* at 205.

<sup>49</sup>

Mass. DESE, *METCO Program*, <https://www.doe.mass.edu/metco/>.

2022-23 school year, only about 3,200 students participated in the METCO program, the vast majority of whom were from Boston (only 101 were from Springfield).<sup>50</sup> In total, METCO represents less than 0.5% of the total public school students in the State.<sup>51</sup> METCO provides important opportunities, and increasing enrollment would be beneficial, but it cannot substitute for a comprehensive remedy to statewide segregation.

67. Similarly, the Massachusetts School Choice Program is a voluntary inter-district program that allows students to enroll in districts beyond where they live. *See* MASS. GEN. LAWS ch. 76, §12B. Participation is capped by law at 2% of total public school students, with an exception for interdistrict transfers designed to address racial imbalance, such as METCO. *Id.* Critically, the State allows districts to opt-out or impose other restrictions, such as limiting participation to specific schools or grades. *See* MASS. GEN. LAWS ch. 76, § 12B(d). Altogether, only 2.6% of public school students participate in these inter-district programs.<sup>52</sup> Many of the wealthier districts abutting Plaintiffs' school districts accepted zero students through the School Choice Program in 2025-2026, including Swampscott, Andover, North Andover, Newton, and Needham.<sup>53</sup>

68. Finally, while the State authorizes vocational technical schools that can enroll students across multiple districts, MASS. GEN. LAWS ch. 74, § 7, the program suffers from a

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<sup>50</sup> Mass. DESE, FY2023 METCO Program Report at 11-12, <https://malegislature.gov/Bills/194/SD2855.pdf> (enumerating Springfield receiving districts and total enrollees).

<sup>51</sup> Mass. DESE, METCO Enrollment, <https://www.doe.mass.edu/metco/> (stating that METCO student enrollment approximately 3,200 as of 2025); Mass. DESE, School and District Profiles, Boston (003500000), <https://profiles.doe.mass.edu/profiles/student.aspx?orgtypecode=5&fycode=2025&type=DISTRICT&orgcode=00350000> (total state enrollment 915,932 as of the 2024-2025 school year).

<sup>52</sup> Mass. DESE, 2024-25 School Attending Children Report, <https://profiles.doe.mass.edu/statereport/schoolattendingchildren.aspx> (collecting data).

<sup>53</sup> Mass. DESE, *Inter-District School Choice Receiving District Status* (Feb. 12, 2026), <https://www.doe.mass.edu/finance/schoolchoice/default.html>.

similar lack of scale: in total, only 3.7% of students attend a vocational technical school.<sup>54</sup> In Boston, Holyoke, Lynn, Springfield, and Worcester, where Plaintiffs attend school, fewer than 1% of public school students are enrolled in a vocational technical school despite the immense need.<sup>55</sup>

69. By adopting, maintaining, and enforcing district lines and school assignment policies that tie public school access to residency with scarce exceptions, Defendants have structured the school system to replicate the Commonwealth's well-known residential inequities. In doing so, Defendants have caused and entrenched in their public education system the same unequal and disparate access to opportunity for Black and Latino students that has long festered in racially segregated communities across Massachusetts. The Commonwealth's segregated housing and Defendants' segregated schools are inextricably linked to the detriment of the Plaintiffs, who experience profound educational disparities.<sup>56</sup>

**C. School District Lines Create Stark Segregation and Educational Disparities Between Neighboring School Districts Across the State**

70. The educational segregation created and maintained by Defendants exists across the Commonwealth and is most starkly evident in areas where widely divergent school districts are adjacent to one another. These districts offer vastly unequal educational experiences and outcomes, with Defendants consigning Black and Latino students to schools that offer

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<sup>54</sup> Mass. DESE, 2024-25 School Attending Children Report, <https://profiles.doe.mass.edu/statereport/schoolattendingchildren.aspx> (collecting data).

<sup>55</sup> *Id.*; see also Editorial Board, *Mass. Needs More Voc-tech Schools—and a Fairer Way for Students to get into Them*, BOS. GLOBE (Feb. 8, 2023), <https://www.bostonglobe.com/2023/02/08/opinion/mass-needs-more-voc-tech-schools-fairer-way-students-get-into-them> (“There is a good deal of political rhetoric these days around building more housing, fixing the MBTA, and dealing with crumbling infrastructure—but not nearly enough effort is being exerted on producing the workers who can get that done.”).

<sup>56</sup> See DHCD Analysis at 10; see also Emma Phan, *Segregation High: The Hidden Failure of Massachusetts' Schools*, BROWN POL. REV. (Oct. 31, 2025), <https://brownpoliticalreview.org/segregation-high-the-hidden-failure-of-massachusetts-schools> (“This enduring pattern of segregation has produced the stark educational disparities between towns like Milton and Randolph that we see today.”).

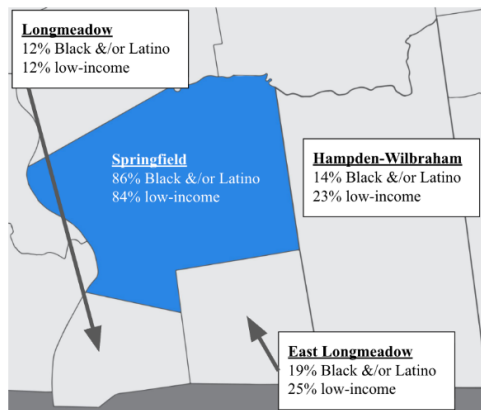
overwhelmingly fewer opportunities to prepare them for postsecondary success despite their geographic proximity to better-resourced schools.

71. The segregated or intensely segregated non-white districts where Plaintiffs live illustrate how Defendants’ discriminatory policies drive this stark inequity for Black and Latino students as compared to their peers in whiter and wealthier districts.

**Disparities Between Plaintiffs’ School Districts and Illustrative<sup>57</sup> Adjacent Districts<sup>58</sup>**

***The Springfield Region***

**Map 1. Illustrative School Districts in Springfield Region**



<sup>57</sup> Maps and Tables 1-7 in Plaintiffs’ Complaint have been compiled from school district data collected, reported, and maintained by Defendant DESE and are illustrative only. *See* Mass. DESE, School and District Report Cards, <https://reportcards.doe.mass.edu/>. They show that segregation is a statewide problem, but they do not purport to capture the full extent of segregation, its harms, or every segregated region in the State.

<sup>58</sup> Definition of terms in tables: per the Department’s definitions on school and district report cards, “experienced teachers” refers to teachers who have been teaching in a Massachusetts public school for at least 3 years; “out of school suspensions” refers to the percent of students suspended out of school; “ELA (3-8) Meet / Exceed” and “ELA (10) Meet / Exceed” refer to the percentage of students in the indicated grades that were “meeting” or “exceeding” expectations or on the Massachusetts Comprehensive Assessment System (MCAS) English Language Arts Assessment; “Math (3-8) Meet / Exceed” and “Math (10) Meet / Exceed” refers to the percentage of students in the indicated grades that scored “meeting” or “exceeding” expectations on the MCAS Math assessment. MCAS is only administered and reported in these grades. *See* Mass. DESE, School and District Report Cards, <https://reportcards.doe.mass.edu/>.

**Table 1. Illustrative Data: Education Disparities in Segregated Springfield Region**

State exposes students to concentrated poverty		State provides students unequal experiences		State actions result in inadequate and unequal education			
Low-income	Experienced teachers	Out of school suspensions	ELA (3-8) Meet / Exceed	Math (3-8) Meet / Exceed	ELA (10) Meet / Exceed	Math (10) Meet / Exceed	
<i>Segregated nonwhite district characterized by high concentration of poverty</i>							
Springfield	84%	65%	5%	22%	18%	27%	18%
<i>Illustrative neighboring districts</i>							
Longmeadow	12%	87%	1%	58%	62%	67%	67%
East Longmeadow	25%	80%	1%	44%	47%	49%	47%
Hampden-Wilbraham	23%	87%	2%	50%	46%	59%	62%

**Source:** DESE, *School and District Report Cards*, <https://reportcards.doe.mass.edu/> (2025 data)

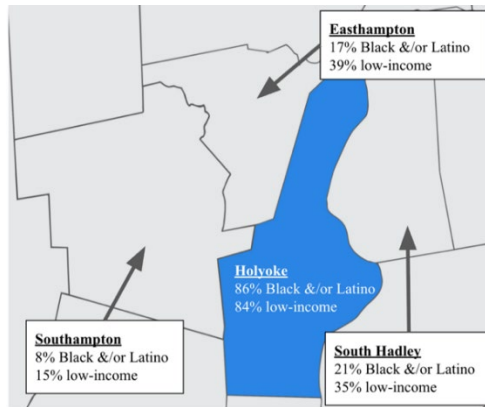
72. Map 1 and Table 1 show that Springfield’s largely Black and Latino students are exposed to student poverty rates 3.5 to 7 times higher than those in nearby districts. Springfield public school students are eligible for METCO, but only 101 participated in 2022-23.<sup>59</sup> That same year, only 827 Springfield students attended school outside district lines through the State’s public school choice program, while Springfield only attracted 16 out-of-district students.<sup>60</sup>

<sup>59</sup> Springfield Public Schools, *METCO*, [https://www.springfieldpublicschools.com/departments/student\\_assignment\\_services/m\\_e\\_t\\_c\\_o](https://www.springfieldpublicschools.com/departments/student_assignment_services/m_e_t_c_o) (noting that East Longmeadow, Longmeadow, Hampden-Wilbraham, and Southwick-Tolland-Granville are receiving districts for Springfield METCO); *see also* FY2023 METCO Program Report, DESE, 11-12, <https://malegislature.gov/Bills/194/SD2855.pdf> (identifying that East Longmeadow, Longmeadow, Hampden-Wilbraham, and Southwick-Tolland-Granville School Districts collectively accepted 101 students from Springfield in fiscal year 2023).

<sup>60</sup> Mass. DESE, *Trends in Inter-District School Choice Pupils and Tuition*, <https://www.doe.mass.edu/finance/schoolchoice/default.html> (last visited May 14, 2026).

*The Holyoke Region*

**Map 2. Illustrative School Districts in Holyoke Region**



**Table 2. Illustrative Data: Education Disparities in Segregated Holyoke Region**

State exposes students to concentrated poverty		State provides students unequal experiences		State actions result in inadequate and unequal education			
Low-income	Experienced Teachers	Out of school suspensions	ELA (3-8) Meet / Exceed	Math (3-8) Meet / Exceed	ELA (10) Meet / Exceed	Math (10) Meet / Exceed	
<i>Segregated nonwhite district characterized by high concentration of poverty</i>							
Holyoke	84%	47%	10%	11%	6%	20%	10%
<i>Illustrative Neighboring Districts</i>							
Southampton	15%	93%	No State Data	43%	56%	No State Data	No State Data
Easthampton	39%	86%	4%	31%	35%	39%	35%
South Hadley	35%	82%	4%	35%	32%	49%	51%

**Source:** DESE, *School and District Report Cards*, <https://reportcards.doe.mass.edu/> (2025 data)

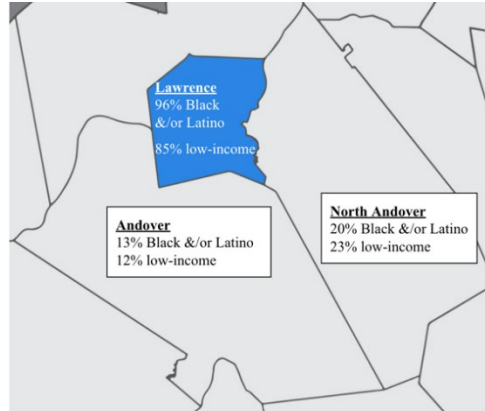
73. Map 2 and Table 2 show that Holyoke’s largely Black and Latino students are exposed to student poverty rates more than twice as high as those in nearby districts. Despite the greater needs associated with living in under-resourced communities, more than half of Holyoke’s educators have fewer than three years of experience. Research shows that educators in their first three years are still learning their craft and are generally less effective.<sup>61</sup> This helps

<sup>61</sup> Tara Kini & Anne Podolsky, *Does Teaching Experience Increase Teacher Effectiveness? A Review of the Research* at 20, LEARNING POL’Y INST. (June 2016) (“The authors found that teachers’ effectiveness at raising student test scores significantly increased during their second year of teaching; however, the authors also found that teachers who taught for at least five years did not make any statistically significant gains in their effectiveness after three years.”).

explain the district’s vastly higher suspension rates and abysmally low proficiency rates in Math and English Language Arts, ranging from 6% to 20% across grades and subjects.

***The Lawrence Region***

**Map 3. Illustrative School Districts in Lawrence Region**



**Table 3. Illustrative Data: Education Disparities in Segregated Lawrence Region**

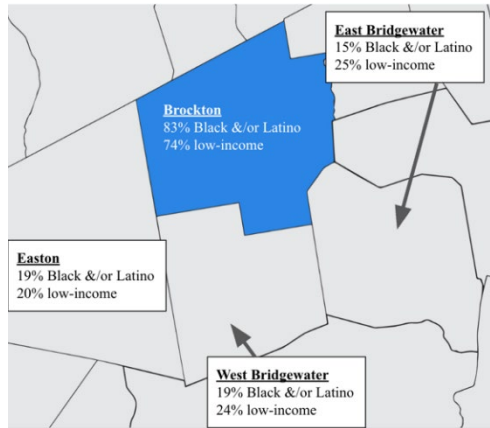
State exposes students to concentrated poverty		State provides students unequal experiences		State actions result in inadequate and unequal education			
Low-income	Experienced Teachers	Out of school suspensions	ELA (3-8) Meet / Exceed	Math (3-8) Meet / Exceed	ELA (10) Meet / Exceed	Math (10) Meet / Exceed	
<i>Segregated nonwhite district characterized by high concentration of poverty</i>							
Lawrence	85%	47%	2%	18%	19%	17%	11%
<i>Illustrative Neighboring Districts</i>							
Andover	12%	86%	0.4%	65%	68%	75%	77%
North Andover	23%	81%	1%	47%	52%	59%	53%

**Source:** DESE, *School and District Report Cards*, <https://reportcards.doe.mass.edu/> (2025 data)

74. Map 3 and Table 3 show that Lawrence’s almost entirely Black and Latino students are exposed to student poverty rates 3.5 to 7 times higher than students in Andover and North Andover. Fewer than half of Lawrence’s educators have at least three years of experience. Proficiency rates in Math and English are 2.5 to 7 times higher in Andover and North Andover.

*The Brockton Region*

**Map 4. Illustrative School Districts in Brockton Region**



**Table 4. Illustrative Data: Education Disparities in Segregated Brockton Region**

State exposes students to concentrated poverty		State provides students unequal experiences		State actions result in inadequate and unequal education			
Low-income	Experienced Teachers	Out of school suspensions	ELA (3-8) Meet / Exceed	Math (3-8) Meet / Exceed	ELA (10) Meet / Exceed	Math (10) Meet / Exceed	
<i>Segregated nonwhite district characterized by high concentration of poverty</i>							
Brockton	74%	76%	5%	21%	19%	29%	18%
<i>Illustrative Neighboring Districts</i>							
Easton	20%	88%	1%	54%	58%	69%	72%
West Bridgewater	24%	78%	2%	43%	40%	49%	43%
East Bridgewater	25%	70%	2%	36%	33%	44%	38%

**Source:** DESE, *School and District Report Cards*, <https://reportcards.doe.mass.edu/> (2025 data)

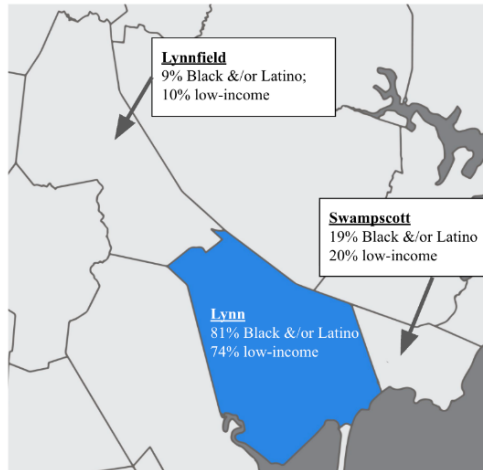
75. Map 4 and Table 4 show that Brockton’s largely Black and Latino students are exposed to student poverty rates 3 to 4 times higher than those in nearby districts. Defendants do not allow Brockton’s roughly 15,000 students to participate in METCO, and in 2024, only 303 attended school outside district lines through the State’s interdistrict choice program.<sup>62</sup> Brockton attracted only 12 out-of-district students.<sup>63</sup>

<sup>62</sup> Mass. DESE, Trends in Inter-District School Choice Pupils and Tuition (June 26, 2024), <https://www.doe.mass.edu/finance/schoolchoice/default.html>.

<sup>63</sup> *Id.*

*The Lynn Region*

**Map 5. Illustrative School Districts in Lynn Region**



**Table 5. Illustrative Data: Education Disparities in Segregated Lynn Region**

State exposes students to concentrated poverty		State provides students unequal experiences		State actions result in inadequate and unequal education			
Low-income	Experienced Teachers	Out of school suspensions	ELA (3-8) Meet / Exceed	Math (3-8) Meet / Exceed	ELA (10) Meet / Exceed	Math (10) Meet / Exceed	
<i>Segregated nonwhite district characterized by high concentration of poverty</i>							
Lynn	74%	58%	3%	17%	14%	27%	16%
<i>Illustrative Neighboring Districts</i>							
Lynnfield	10%	85%	0.2%	63%	62%	77%	65%
Swampscott	20%	80%	1%	46%	46%	53%	48%

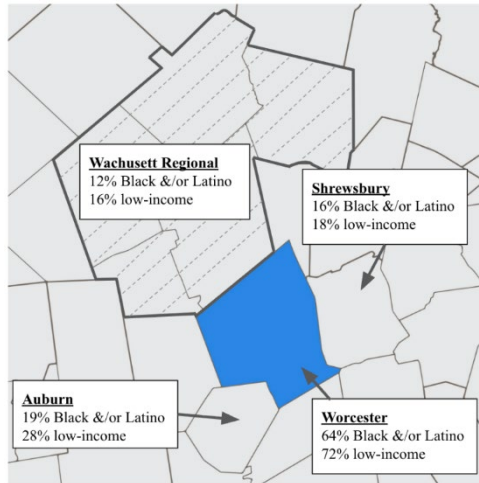
**Source:** DESE, *School and District Report Cards*, <https://reportcards.doe.mass.edu/> (2025 data)

76. Map 5 and Table 5 show that Lynn’s largely Black and Latino students are exposed to 3.5 to 6 times the poverty rates as those in nearby districts and rely far more on inexperienced educators. Lynn students are exceedingly unlikely to meet the State’s expectations in English Language Arts and Math. Defendants do not allow Lynn students to participate in METCO, and during the 2024-25 school year, fewer than 1% of Lynn students were enrolled in

schools outside their district.<sup>64</sup> At the same time, State data from 1996 to 2024 show that Lynn has attracted zero out-of-district students.<sup>65</sup>

*The Worcester Region*

**Map 6. Illustrative School Districts in Worcester Region**



**Table 6. Illustrative Data: Education Disparities in Segregated Worcester Region**

State exposes students to concentrated poverty	State provides students unequal experiences		State actions result in inadequate and unequal education				
	Low-income	Experienced Teachers	Out of school suspensions	ELA (3-8) Meet / Exceed	Math (3-8) Meet / Exceed	ELA (10) Meet / Exceed	Math (10) Meet / Exceed
<i>Segregated nonwhite district characterized by high concentration of poverty</i>							
Worcester	72%	70%	3%	26%	24%	33%	24%
<i>Illustrative Neighboring Districts</i>							
Wachusett Regional	16%	85%	1%	53%	55%	62%	65%
Shrewsbury	18%	82%	0.6%	58%	67%	72%	74%
Auburn	28%	84%	1%	45%	40%	42%	44%

**Source:** DESE, *School and District Report Cards*, <https://reportcards.doe.mass.edu/> (2025 data)

77. Map 6 and Table 6 show that Worcester students are exposed to student poverty rates 2.5 to 4.5 times higher than students in nearby districts. Defendants do not allow Worcester’s nearly 25,000 students to participate in METCO, and in 2024, only 512 of those

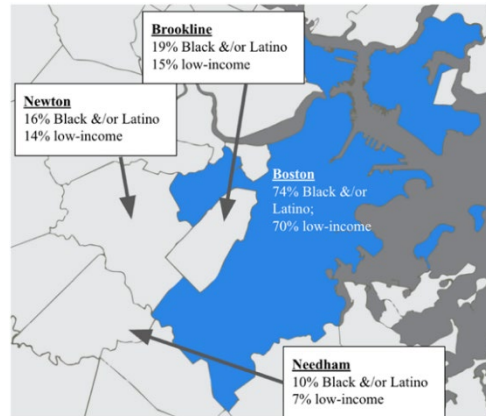
<sup>64</sup> Mass. DESE, *School Attending Children* (July 17, 2025), <https://profiles.doe.mass.edu/statereport/schoolattendingchildren.aspx> (collecting data).

<sup>65</sup> See *supra* note 62.

students attended public schools outside district lines.<sup>66</sup> Meanwhile, Worcester attracted only 141 out-of-district students.<sup>67</sup>

### The Boston Region

**Map 7: Illustrative School Districts in Boston Region**



**Table 7. Illustrative Data: Education Disparities in Segregated Boston Region**

State exposes students to concentrated poverty		State provides students unequal opportunities		State actions result in inadequate and unequal education			
Low-income	Experienced Teachers	Out of school suspensions	ELA (3-8) Meet / Exceed	Math (3-8) Meet / Exceed	ELA (10) Meet / Exceed	Math (10) Meet / Exceed	
<i>Segregated nonwhite district characterized by high concentration of poverty</i>							
Boston	70%	69%	3%	30%	28%	39%	37%
<i>Illustrative Neighboring Districts</i>							
Needham	7%	79%	0.4%	72%	74%	85%	85%
Newton	14%	78%	0.3%	66%	69%	77%	79%
Brookline	15%	79%	0.3%	69%	71%	83%	84%

**Source:** DESE, *School and District Report Cards*, <https://reportcards.doe.mass.edu/> (2025 data)

78. Map 7 and Table 7 show that school segregation persists in the Boston region.

METCO provides roughly 3,100 Boston students<sup>68</sup>—less than 6% of Boston’s public school

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> Springfield Public Schools, METCO,

[https://www.springfieldpublicschools.com/departments/student\\_assignment\\_services/m\\_e\\_t\\_c\\_o](https://www.springfieldpublicschools.com/departments/student_assignment_services/m_e_t_c_o) (establishing East Longmeadow, Longmeadow, Hampden-Wilbraham, and Southwick-Trolland-Granville are receiving districts for Springfield METCO); FY2023 METCO Program Report at 11-12, Mass. DESE, <https://malegislature.gov/Bills/194/SD2855.pdf> (listing 101 participating students in East Longmeadow, Longmeadow, Hampden-Wilbraham, and Southwick-Trolland-Granville for fiscal year 2023, so of the total 3,169 students participating in METCO, the remaining 3,068 are Boston students).

students—with access to schools outside the district, often requiring them to trek long distances from their homes to receive a quality education. Meanwhile, Boston attracts no out-of-district students through the State’s public school choice program.<sup>69</sup>

79. Since *Morgan v. Hennigan*, Boston Public Schools have experienced a substantial decline in white student enrollment, locking Black and Latino students in schools that are “still deeply unequal” and “intensely segregated.”<sup>70</sup>

80. As the illustrative regional maps demonstrate, Defendants’ district lines and school assignment policies create stark disparities between school districts. These disparities are not isolated. Across Massachusetts, Defendants have created and perpetuated segregation and inequities between adjacent districts<sup>71</sup>—like the ones identified in the illustrative maps—profoundly harming Plaintiffs and others who are locked into districts with constitutionally inadequate educational opportunities and outcomes.<sup>72</sup>

81. The data presented in the Tables above show a clear statewide pattern of the racial segregation, concentrated poverty, and unequal educational opportunities created by Defendants’ discriminatory district lines and school assignment policies. For example, Defendants have also consigned Plaintiffs to schools with far greater shares of teachers who are not licensed in the subjects they teach. In Springfield, Holyoke, and Lawrence, 21%, 38%, and 30% of teachers,

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<sup>69</sup> See *supra* note 62.

<sup>70</sup> Mike Damiano et al., *A School System Still Unequal, Still Segregated*, BOS. GLOBE (June 20, 2024), <https://apps.bostonglobe.com/metro/2024/06/busing-in-boston/school-system-still-unequal-segregated/>.

<sup>71</sup> See DHCD Analysis, at 10; RIAC Report, at 6. See also *Crossing the Line: Segregation and Resource Inequality in America’s School Districts* (2024), Interactive Map, New America Foundation, [https://experience.arcgis.com/experience/a26502575732433b9e759572c15c0a67/page/National-Map/#data\\_s=id%3Awidget\\_215\\_output\\_config\\_1%3A0](https://experience.arcgis.com/experience/a26502575732433b9e759572c15c0a67/page/National-Map/#data_s=id%3Awidget_215_output_config_1%3A0).

<sup>72</sup> Sean F. Reardon et al., *The Geography of Racial/Ethnic Test Score Gaps*. *Stanford Center for Education Policy Analysis* 30 (Stanford Ctr. for Educ. Pol’y Analysis, Working Paper No. 16-10, 2018) (“In metropolitan areas and districts where black and Hispanic students attend schools with higher average poverty rates than white students, achievement gaps are larger, on average, than in places with smaller differences in exposure to school poverty”).

respectively, are not licensed in the subjects they teach, compared with 1% and 13% in neighboring districts, in 2025.<sup>73</sup>

82. Defendants' perpetuation of segregated, high-poverty schools also denies Plaintiffs equal access to rigorous coursework and to types of courses that prepare them for postsecondary success or enable them to earn college credits (e.g., advanced placement courses<sup>74</sup>). For example, among high schools serving the greatest numbers of Black and Latino students, only 57% offered Algebra II, compared with 98% of high schools serving the fewest Black and Latino students.<sup>75</sup> Access to advanced math, calculus, physics, and chemistry is likewise limited in schools serving high percentages of Black and Latino students.<sup>76</sup> Similar disparities exist between high schools serving the greatest concentrations of low-income students and those serving the fewest.<sup>77</sup> Thus, it is not surprising that only 42% of 11th and 12th grade students in Brockton complete at least one advanced course, compared to roughly 70% in nearby Easton and West Bridgewater.<sup>78</sup> Similarly, in Lynn, only 50% complete at least one advanced course, compared to 89% in Lynnfield.<sup>79</sup>

83. By consigning Black and Latino students to racially and economically segregated school districts despite these resulting harms, the Commonwealth is denying Plaintiff students of their basic rights to both an adequate and equal education, in violation of the Massachusetts Constitution's guarantees. *See McDuffy*, 415 Mass. at 618-19.

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<sup>73</sup> Mass. DESE, School and District Report Cards, <https://reportcards.doe.mass.edu/>.

<sup>74</sup> Melanie Leung et al., *Inequitable Opportunity to Learn: Access to Advanced Mathematics and Science Courses*, LEARNING POL'Y INST., May 2021, at 16, 21, 28, 35.

<sup>75</sup> *Id.* at 16.

<sup>76</sup> *Id.* at 16, 21.

<sup>77</sup> *Id.* at 30, 35.

<sup>78</sup> *See supra* note 73.

<sup>79</sup> *Id.*

84. In each of Plaintiffs' school districts, Defendants have failed to develop students' constitutionally mandated capabilities, resulting in student outcomes in core competencies that are vastly lower than those of their peers in whiter, wealthier neighboring school districts.<sup>80</sup>

85. For example, all of Plaintiffs' school districts have significantly lower percentages of students who meet or exceed the State's expectations in English Language Arts across grades 3-8 and in high school as measured by the Massachusetts Comprehensive Assessment System ("MCAS"), and all about at least one whiter, wealthier district where students are more than twice as likely to meet this standard.<sup>81</sup> This amounts to a widespread failure to ensure that these students have "sufficient oral and written communication skills," especially relative to their peers. *McDuffy*, 415 Mass. at 618.

86. Defendants have likewise failed to ensure that Black and Latino students have "sufficient knowledge of economic ... systems." *McDuffy*, 415 Mass. at 618. Plaintiffs' school districts meet math standards across grades 3-8 and in high school as measured by the MCAS at severely lower rates than in the neighboring districts, and all but at least one whiter, wealthier district where students are more than twice as likely to meet this standard.<sup>82</sup>

87. Because of the severity of Defendants' school district segregation, and the resulting lack of exposure to diversity of backgrounds and experiences, the Commonwealth also fails to ensure "sufficient knowledge of ... social systems ... to allow enable students to make informed choices." *McDuffy*, 415 Mass. at 618.

88. Similarly, through the inequitable access to advanced courses and experienced teachers for Black and Latino students, the Commonwealth fails to ensure that these students

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<sup>80</sup> See *supra* Tables 1-7.

<sup>81</sup> *Id.*

<sup>82</sup> See *supra* note 73.

gain a “sufficient level of academic and vocational skills” from their education. *McDuffy*, 415 Mass. at 618.

89. By subjecting Plaintiffs to the harms of segregated schools and districts with high concentrations of poverty, including higher disciplinary rates and fewer resources and staffing, the Commonwealth fails to ensure Plaintiffs receive sufficient preparation to enable them to “compete favorably with their counterparts in surrounding states, in academics or in the job market.” *McDuffy*, 415 Mass. at 618-619.

90. In this manner, Defendants unconstitutionally impede Plaintiffs’ rights to an adequate education and perpetuate an unequal, two-tiered public school system that disproportionately harms Black and Latino students. *See Sch. Comm. of Springfield v. Bd. of Ed.*, 366 Mass. 315, 333 (1974) (State action to freeze de facto segregation violates equal protection guarantees) (citing *Opinion of the Justs.*, 363 Mass. 899, 904 (1974)).

**D. Unequal Outcomes Stem From Segregated Conditions, Not Student Potential**

91. The Commonwealth’s predominantly Black and Latino segregated school districts are characterized by high concentrations of poverty—in sharp contrast to their whiter, wealthier neighboring school districts—adversely impacting Black and Latino students.

92. Black, Latino, and low-income students are not predestined to fail, but when Defendants consign them to schools with high concentrations of poverty, learning becomes much harder, and outcomes are far worse.<sup>83</sup> The school context has a material impact on student

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<sup>83</sup> Sean F. Reardon et al., *Is Separate Still Unequal? New Evidence on School Segregation And Racial Achievement Gaps* 31-35 (Stanford Ctr. for Educ. Pol’y Analysis, Working Paper No. 19-06, 2022); Katharine Bradbury, *The Roles of State Aid and Local Conditions in Elementary School Test-Score Gaps* 24 (Fede. Rsrv. Bank of Bos., Rsch. Dep’t, Working Paper No. 21-2, Nov. 2020) (finding that “where minority students are in schools or districts with greater fractions of low-income students compared with the schools or districts of white students, test-score gaps between the races are larger.”); Geoffrey D. Borman & Maritza Dowling, *Schools and Inequality: A Multilevel Analysis of Coleman’s Equality of Educational Opportunity Data*, 112 TCHRS. COLL. REC. 1201, 1236 (2010).

outcomes.<sup>84</sup> As the Commonwealth’s own RIAC report concluded after reviewing extensive data about low educational attainment in segregated school districts: “One thing the data make clear is this – it’s the conditions, not the kids,”<sup>85</sup>—conditions that Defendants have created, maintained, and refused to remedy.

93. In Massachusetts, for example, low-income students in the Andover or North Andover school districts have dramatically better chances of meeting or exceeding reading and math standards by 10th grade than low-income students next door in Lawrence.<sup>86</sup> Meet or exceed rates for low-income elementary and middle schoolers in the wealthier, whiter districts that about Holyoke are up to eight times higher than for low-income students in Holyoke.<sup>87</sup> More than half of low-income 10th grade students in Longmeadow meet or exceed standards on math or English language arts assessments.<sup>88</sup> Meanwhile, in neighboring Springfield, students from this same low-income demographic are much less likely to meet those standards.<sup>89</sup> Black, Latino, and low-income students are far more likely to meet the State’s expectations in English Language Arts and Math in Wachusett Regional, Shrewsbury, and Auburn than in Worcester.<sup>90</sup>

94. Defendants’ discriminatory policies also produce indignities and punishments that disproportionately harm Plaintiffs. For example, students in high-poverty schools are much more likely to face suspensions than those in lower-poverty schools.<sup>91</sup> In Brockton, for example, the percentage of students subjected to out-of-school suspensions is more than twice as high as in

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<sup>84</sup> Katharine Bradbury, *The Roles of State Aid and Local Conditions in Elementary School Test-Score Gaps* 6, 23 (Fede. Rsr. Bank of Bos., Rsch. Dep’t, Working Paper No. 21-2, 2020).

<sup>85</sup> RIAC Report, at 35.

<sup>86</sup> *See supra* note 73.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> Kristine A. Camacho & Michael P. Krezmien, *Individual- and School-Level Factors Contributing to Disproportionate Suspension Rates: A Multilevel Analysis of One State*, 27 HAMMILL INST. DISABILITIES, Apr. 2018, at 6.

neighboring districts.<sup>92</sup> Research shows that higher disciplinary rates for students of color and low-income students are not primarily driven by differences in students' behavior, but rather by factors such as implicit bias and subjective discipline.<sup>93</sup> This lost instructional time is harmful, as is the message sent to children that they do not belong in school.

### **E. Segregation Harms The Entire State**

95. Segregation prevents all students—especially Black and Latino students—from accessing the benefits of well-resourced schools that are racially and economically diverse.<sup>94</sup>

96. For example, the consequence of Defendants' exclusionary district lines and school assignment policies is that “White children are highly unlikely to come into contact with children of color either in their communities or within their schools.”<sup>95</sup> Defendants deprive students of diverse peers and perspectives, and benefits such as increased critical thinking and empathy, which better prepare them for success in school and beyond.<sup>96</sup>

97. Defendants' school segregation also increases racial and ethnic prejudice<sup>97</sup> and exacerbates income inequality,<sup>98</sup> both of which threaten the strength of democratic institutions.<sup>99</sup>

The inadequacies resulting from school segregation is contrary to the Massachusetts

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<sup>92</sup> Mass. DESE, School and District Report Cards, <https://reportcards.doe.mass.edu/>.

<sup>93</sup> Terri J. Sabol et al., *A Window into Racial and Socioeconomic Status Disparities in Preschool Disciplinary Action Using Developmental Methodology*, 1508 ANN N.Y. ACAD SCI. 123, 124-25 (2022); see, e.g., Jing Liu, *Disciplinary Referrals, Teachers, and the Sources of Racial Disciplinary Disproportionalities*, BROOKINGS INST. (Jan. 30, 2023), <https://www.brookings.edu/articles/disciplinary-referrals-teachers-and-the-sources-of-racial-disciplinary-disproportionalities/>; see also Mass. DESE, Rethinking Discipline Initiative, <https://www.doe.mass.edu/sfs/discipline/default.html>.

<sup>94</sup> See RIAC Report, at 16, 36.

<sup>95</sup> DHCD Analysis, at 139.

<sup>96</sup> See Amy Stuart Wells et al., *How Racially Diverse Schools and Classrooms Can Benefit All Students*, Century Found. (Feb. 9, 2016), at 9.

<sup>97</sup> Braddock & Gonzalez, *supra* note 21, at 1631-32, 1636, 1648-51.

<sup>98</sup> See RUCKER C. JOHNSON & ALEXANDER NAZARYAN, CHILDREN OF THE DREAM: WHY SCHOOL INTEGRATION WORKS 63 (2019); see also Elizabeth Setran, *Busing to Opportunity? The Impacts of METCO Voluntary School Desegregation Program on Urban Students of Color* (Nat'l Bureau of Econ. Rsch., Working Paper No. 32864, 2024) (METCO “[e]nrollment increases average earnings at age 35 by \$16,250”).

<sup>99</sup> See Steven V. Miller & Nicholas T. Davis, *The Effect of White Social Prejudice on Support for American Democracy*, 6 J. RACE, ETHNICITY & POLITICS 334, 347 (2020); Eli G. Rau & Susan Stokes, *Income Inequality and the Erosion of Democracy in the Twenty First Century* 122 PNAS (2024), at 1-2.

Constitution’s Education Clause, which expressly notes that common education is necessary to the “functioning of our democracy and society.” *Doe v. Sec’y of Educ.*, 479 Mass. 375, 387 n.23 (2018) (citing *McDuffy*, 415 Mass. at 618-19). *See also* MASS. CONST. pt. II, ch. 5, § 2 (“Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education ....”).

98. The Commonwealth has an obligation to provide to all students—no matter where they live—equal access to educational opportunities. By maintaining segregated school districts characterized by concentrated poverty, Defendants impose systemic harm to the detriment of all students who attend segregated schools, especially Black and Latino students.

**F. The Commonwealth is Well Aware of its Segregated Educational System and its Harms to Black and Latino Students**

99. Defendants have long tracked demographic information for each Massachusetts school and district and are well aware of the segregated nature of the Commonwealth’s educational system, as well as the harms caused by this state-maintained segregation.

100. Knowledge of the Commonwealth’s discriminatory, segregated public education system—coupled with their failure to act—renders Defendants culpable in the continuation of this segregated and unequal system. Moreover, Defendants’ own officials have repeatedly and publicly sounded the alarm over this issue, including in statewide housing assessments and the RIAC Report.<sup>100</sup>

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<sup>100</sup> *See, e.g.*, Carrie Jung, *Report Notes Segregation Patterns in Massachusetts Schools*, WBUR (June 11, 2024), <https://www.wbur.org/news/2024/06/11/racial-segregation-massachusetts-schools>.

## 2019 Statewide Housing Assessment

101. In its 2019 statewide assessment and 5-year housing planning document, the Massachusetts Executive Office of Housing and Economic Development’s Department of Housing and Community Development (“DHCD”), explained the consequences of limiting school attendance to a student’s municipality: “[B]ecause school systems are locally financed and serve local residents, residential segregation inherently leads to educational segregation, with communities of color disproportionately exposed to poverty and, in many cases, poorer quality schools than those present in predominantly White communities.”<sup>101</sup>

102. DHCD acknowledged that schools are a “critical reflection” of existing municipal segregation, and that because “Black and Hispanic children overwhelmingly reside in communities with the greatest educational challenges, limited resources, and poorest educational outcomes .... the consequences of racial isolation have a particular impact on the Commonwealth’s school aged children.”<sup>102</sup>

103. DHCD’s report also documented discrepancies between majority white schools and majority non-white schools, explaining that majority non-white schools have lower MCAS scores and higher proportions of economically disadvantaged students, “high needs” students, English language learners, and students with disabilities.<sup>103</sup>

## RIAC Report

104. RIAC, a subcommittee appointed by Defendant BESE, issued a 2024 report documenting the high levels of racial segregation between Massachusetts public school districts.<sup>104</sup>

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<sup>101</sup> DHCD Analysis at 5.

<sup>102</sup> *Id.* at 10.

<sup>103</sup> *Id.* at 139.

<sup>104</sup> RIAC Report at 23, 30.

105. As described above, the RIAC Report outlined—using the Defendants’ own data—how students attending segregated schools consistently experience worse educational outcomes as compared to those attending diverse or segregated white schools.

106. The RIAC Report documented how the segregated schools that Defendants maintain are inherently unequal. The RIAC Report detailed how students attending intensely segregated non-white schools—which are 90% or more non-white—have four-year high school graduation rates over 20 percentage points lower than their counterparts attending intensely segregated white schools.<sup>105</sup> Students attending intensely segregated non-white schools have a college attendance rate 23 percentage points lower than students attending intensely segregated white schools.<sup>106</sup>

107. The RIAC Report documented how every other metric of scholastic success follows the same alarming trend. Students attending intensely segregated non-white schools experience nearly four times as many suspensions as students in intensely segregated white schools.<sup>107</sup> Students at intensely segregated white schools are 2.5 times more proficient in third grade English Language Arts, and three times more proficient in fifth grade math than students at intensely segregated non-white schools.<sup>108</sup>

108. The RIAC Report noted a 42-point gap in the rate of chronic high school absenteeism between intensely segregated white and intensely segregated non-white schools maintained by Defendants, along with a 132-point gap in SAT Verbal scores.<sup>109</sup> The report highlighted stark differences based on Defendant DESE’s “Accountability Percentile,” which

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<sup>105</sup> *Id.* at 30.

<sup>106</sup> *Id.* at 31.

<sup>107</sup> *Id.*

<sup>108</sup> *Id.* at 32.

<sup>109</sup> *Id.* at 33–34.

measures overall school quality on a scale from the 1st to the 99th percentile. Using the Defendants' own metrics, there is a 48-point gap between segregated white schools and segregated non-white schools, with segregated white schools ranking at the 66th percentile on average, compared to segregated non-white schools at the 18th percentile.<sup>110</sup>

109. The RIAC Report also described how Defendants DESE and BESE have abdicated their statutory responsibility to identify and address school segregation. MASS. GEN. LAWS ch. 71 § 37D.<sup>111</sup> If segregation is found, Defendant DESE must notify the district in writing of its determination: “Whenever the board of education...finds that racial imbalance exists in a public school, it shall in writing notify the school committee or regional district school committee having jurisdiction over such school that such finding has been made.” *Id.* The law also allows students attending segregated non-white schools to seek intra-district transfers to achieve racial integration statewide. *Id.*

110. The RIAC Report described how Defendant DESE has failed to use its own data to identify or remedy segregation. Defendant DESE has not made a single determination in the last 20 years that any school in any district in the Commonwealth is segregated, nor has it provided any data on the number of students who have exercised their right to an intra-district school transfer because of racial segregation in their designated school.<sup>112</sup>

111. Defendants' inaction is not new. Six years ago, a report by the Beyond Test Scores Project and the Center for Education and Civil Rights (“CECR”) found “little evidence”

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<sup>110</sup> *Id.* at 35.

<sup>111</sup> *Id.* at 5.

<sup>112</sup> *Id.* at 40–41.

that the Commonwealth had implemented its racial integration plans, even though more than a dozen school districts had racial integration plans in place.<sup>113</sup>

112. In this manner, Defendants have long been aware that the Commonwealth’s school districts are segregated and that this segregation harms students across the State, particularly Black and Latino students. Yet, they have failed to take meaningful steps—well within their constitutional authority and responsibility—to remedy the problem.

**G. Massachusetts Existing Programs Are Insufficient And The State Can Implement Policies to Remedy Its Constitutional Violations**

113. Defendants do not have a sufficient plan to remedy this harm. The persistence of such a staggering degree of school segregation over decades;<sup>114</sup> the limited scale, scope, and impact of the State’s existing programs; the demonstrated reluctance to exercise its oversight authority, and the continuing legacy of racially segregated school districts that far outlive “moments” in time, offer no “reasonable assurance” to Plaintiffs that this segregation will improve over a reasonable period of time. *Doe*, 479 Mass. at 389; *see also Hancock*, 443 Mass. at 454 (Marshall, C.J., concurring).<sup>115</sup>

114. Defendants’ discriminatory district lines and school assignment policies—and the resulting composition of Massachusetts school districts—are not justified by educational need or any state interest that outweighs Plaintiffs’ right to an equal and adequate public education. They are the direct and foreseeable result of Defendants’ discriminatory decision to create and maintain policies that largely lock students into segregated schools and perpetuate inequality. By

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<sup>113</sup> Jack Schneider et al., *School Integration in Massachusetts: Racial Diversity and State Accountability 25* (2020), <https://cecr.psu.edu/assets/uploads/documents/CECR-School-Integration-in-Massachusetts-Racial-Diversity-and-State-Accountability.pdf>.

<sup>114</sup> *See supra* note 18.

<sup>115</sup> Unlike *Doe* and *Hancock*, Defendants do not have a reasonable plan to remedy the persistent racial segregation of the State’s public school system and the resulting educational inadequacies for Black and Latino students.

doing so, Defendants have elevated rigid, discriminatory residency-based assignment policies above educational equality and students' constitutional rights.

115. Defendants are duty-bound and constitutionally obligated to act, and a multitude of tools are at their disposal to meaningfully integrate school districts and improve educational outcomes.<sup>116</sup> Options to decrease segregation include, but are not limited to, inter-district collaboration and resource sharing, regionalization, inter-district magnet schools, expanding vocational-technical schools that enroll across district lines, and expanding voluntary cross-district transfer opportunities (with transportation and other supports for students). These strategies also include meaningfully investing in school facilities in segregated communities to improve educational opportunities for students and attract out-of-district students and the attendant resources that follow them. Strategic use of school facilities funding presents opportunities to incentivize meaningful integration plans, especially for creating desirable schools in segregated non-white school districts. All these recommendations and others are practical and feasible.

116. After detailing the dire current state of segregated schools, RIAC issued similar recommendations to Defendants, including: a) adopting a comprehensive approach to integrating Massachusetts' public schools, with corresponding funding; b) creating regional and magnet schools that foster integration; c) amplifying inter-district school choice options and ensuring corresponding transportation burdens are alleviated; d) prioritizing funding for school building

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<sup>116</sup> This case is also dissimilar to *Doe* in that it does not ask the Court to implement a preferred education reform. It challenges Defendant's assignment structure: district lines and residency rules that make access to public education turn on racially segregated municipal boundaries. The remedies outlined here are illustrative and include examples of both remedial and race-neutral measures.

projects to increase integration; and e) dramatically expanding existing programs, such as METCO.<sup>117</sup> Defendants have failed to meaningfully implement any of these recommendations.

117. The Commonwealth must fulfill its constitutional obligation to provide an adequate and equal education for all public school students. Integrated school districts benefit both disadvantaged students and the economy as a whole.<sup>118</sup> Black and Latino students who have been relegated to school districts with high concentrations of poverty deserve—and are legally entitled to—an adequate and equal public education that ensures the prosperity of the Commonwealth.

## COUNT I

### **Violation of Massachusetts Constitution pt. II, ch. 5, § 2 (Education Clause)**

118. Plaintiffs reallege and hereby incorporate by reference all of the allegations contained in paragraphs 1 through 117 of this complaint.

119. The Commonwealth has an affirmative constitutional duty to ensure that all students in the Commonwealth—regardless of race, color, national origin, wealth, or address—can receive an adequate education. *See* MASS. CONST. pt. II, ch. v, § 2. That provision imposes a mandatory duty on Defendants to “cherish the ... public schools and grammar schools in the towns,” in light of the fact that a functioning democracy depends on “spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people.” MASS. CONST. pt. II, ch. 5, § 2.

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<sup>117</sup> RIAC Report, at 9–13.

<sup>118</sup> Will McGrew, *U.S. School Segregation in the 21st Century: Causes, Consequences, and Solutions* 4 (Oct. 2019), <https://equitablegrowth.org/wp-content/uploads/2019/10/101519-school-seg.pdf>.

120. Defendants violate this constitutional duty because the Commonwealth's public education does not provide a reasonable assurance of an opportunity for an adequate education to *all* of its children, regardless of race, in every city and town.

121. A constitutionally "adequate" education must provide students with the following capabilities:

- i. "sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization;
- ii. sufficient knowledge of economic, social, and political systems to enable students to make informed choices;
- iii. sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation;
- iv. sufficient self-knowledge and knowledge of his or her mental and physical wellness;
- v. sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;
- vi. sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and
- vii. sufficient level of academic or vocational skills to enable public school students to compete favorably with their counterparts in surrounding states, in academics or in the job market."

*McDuffy*, 415 Mass. at 618; *see Hancock*, 443 Mass. at 454–455 (Marshall, C.J., concurring) (noting importance of *McDuffy* capabilities); *see also Doe*, 479 Mass. at 387 n.23 (same).

122. The persistent segregation that Defendants have created and maintained denies Black and Latino children in Massachusetts a constitutionally adequate education, as demonstrated by Defendants' own data and reports.

123. The Commonwealth's role in creating and perpetuating an unequal, two-tiered public education system—where Black and Latino students are structurally relegated to segregated school districts characterized by concentrated poverty—constitutes a violation of the Commonwealth's duties to provide an adequate education, because segregation deprives students of the core capabilities the Constitution guarantees.

124. Defendants have long been aware of this entrenched segregation and the harm it causes but have failed to implement a meaningful plan to address it, depriving students assigned to segregated non-white school districts characterized by concentrated poverty of a constitutionally adequate education as a result.

125. Whatever steps Defendants have taken to reduce segregation have been, and remain, constitutionally infirm and insufficient to remedy pervasive statewide segregation. Defendants are aware of their ineffectiveness. Defendants' failure to adopt effective remedies makes them culpable for the maintenance and entrenchment of the Commonwealth's pervasive school segregation.

126. Plaintiffs are therefore entitled to declaratory and injunctive relief against Defendants for the Commonwealth's continued failure to provide an adequate education to *all* of its children—regardless of race, color, or national origin—as the Constitution mandates.

## **COUNT II**

### **Massachusetts Constitution, Articles I, X, CXI (Equal Protection)**

127. Plaintiffs reallege and hereby incorporate by reference all of the allegations contained in paragraphs 1 through 126 of this complaint.

128. The Constitution guarantees that equality under the law shall not be denied or abridged because of race, color, or national origin, MASS. CONST. amend. art. CVI, and the Commonwealth has a duty to ensure that all students receive a constitutionally adequate education regardless of these characteristics. “[T]he equal protection principles of the Massachusetts Constitution prohibit lawmakers from treating similarly-situated citizens differently without adequate justification.” *Doe*, 479 Mass. at 387.

129. “No student shall be assigned to or denied admittance to a public school on the basis of race, color, national origin or creed.” MASS. CONST. amend. art. CXI. The Commonwealth, therefore, cannot treat students differently without adequate justification, and it cannot deny students their fundamental right to a constitutionally adequate education on the basis of their race, color, or national origin.

130. Defendants have an affirmative duty to provide a constitutionally adequate education to all the Commonwealth’s students. By creating and knowingly maintaining a segregated public school system, Defendants violate the equal protection rights of the Plaintiffs and thousands of Black and Latino students under Articles I, X, and CXI of the Massachusetts Constitution.

131. As Black and Latino students, Plaintiffs are a suspect class for purposes of Equal Protection. In addition, the right to a constitutionally adequate education free of segregation is a fundamental right. As such, Defendants’ actions and inaction in creating and maintaining a segregated public education system are subject to strict scrutiny.

132. It is consistent with the Commonwealth's history and tradition and the demands of modern society that Massachusetts children have such a fundamental right to an adequate public education, because the Constitution not only imposes a duty on the State to provide free public education but also generally requires that school-aged students attend school.

133. Defendants have a duty to ensure that the Commonwealth provides a constitutionally adequate education to all students—regardless of race, color, or national origin—as guaranteed by the Constitution.

134. Segregated school districts substantially burden Plaintiffs' access to their right to education by depriving them of the resources and educational opportunities they need to become productive members of society. Defendants' failure to address pervasive segregation in the public school system deprives Plaintiffs and thousands of other Black and Latino children of their fundamental right to a constitutionally adequate education.

135. Moreover, Defendants' actions and knowing inaction are not narrowly tailored, are not educationally necessary, and do not serve a compelling state interest because Defendants have failed to address school segregation despite having had ample opportunity to do so since the civil rights era.

136. The Commonwealth does not have any interest, much less a compelling one, nor any legitimate purpose in maintaining a segregated public school system. There are numerous effective alternatives that would be less discriminatory and less harmful to Black and Latino students, yet Defendants have ignored or under-prioritized those alternatives.

137. The Commonwealth harms Plaintiffs and thousands of other Black and Latino students by relegating them to segregated school districts that are characterized by concentrated poverty. Rather than providing these students with an equal education, the Commonwealth

subjects them to an array of harms stemming from high-poverty, underperforming schools that directly undermine the capabilities that are legally and constitutionally required for an adequate education. These harms include lower high school graduation and college attendance rates, higher suspension and chronic absenteeism rates, poorer SAT performance, and lower proficiency in Math and English. These harms individually and collectively impact long-term earnings and opportunities for Black and Latino students.<sup>119</sup> This is unconstitutional discrimination based on race, color, and/or national origin.

138. As a direct and foreseeable result of Defendants' actions and inaction, Plaintiffs have personally suffered harm.

139. Plaintiffs are therefore entitled to declaratory and injunctive relief against Defendants for their continued violation of Plaintiffs' rights to equal treatment regardless of their race, color, or ethnicity under the Massachusetts Constitution.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor as follows:

- A. Declare that Defendants' actions and inaction in creating and perpetuating a segregated public school system violate Plaintiffs' rights under the Education Clause of the Massachusetts Constitution, MASS. CONST. pt. II, ch. 5, § 2;
- B. Declare that Defendants' actions and inaction in creating and perpetuating a segregated public school system violate Plaintiffs' rights under the Equal

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<sup>119</sup> See, e.g., Elizabeth Setran, *Busing to Opportunity? The Impacts of METCO Voluntary School Desegregation Program on Urban Students of Color* (Nat'l Bureau of Econ. Rsch., Working Paper No. 32864, 2024) (METCO "[e]nrollment increases average earnings at age 35 by \$16,250").

Protection guarantees of the Massachusetts Constitution, MASS. CONST. amend.  
art. CVI;

- C. Enjoin Defendants from continuing to violate Plaintiffs' rights relating to education in the Commonwealth, as required by the Massachusetts Constitution;
- D. Order Defendants to prepare and submit to the Court and to Plaintiffs a detailed remedial plan to eliminate the unconstitutional effects of the challenged districting and residency rules with measurable and enforceable benchmarks, implementation timelines, periodic reporting requirements, and mechanisms for judicial oversight;
- E. Award Plaintiffs their reasonable costs and attorney's fees; and
- F. Such other relief the Court may deem just and proper.

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