

COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT

MIDDLESEX COUNTY

NO. 2011-P-0127

ROBERT DOE	)	MOTION OF THE CHILDREN'S
Plaintiff/Appellee,	)	LAW CENTER OF
	)	MASSACHUSETTS, THE EDLAW
	)	PROJECT, THE JUVENILE
v.	)	JUSTICE CENTER OF
	)	SUFFOLK UNIVERSITY LAW
	)	SCHOOL, AND THE
TOWN OF WESTON	)	MASSACHUSETTS ADVOCATES
SUPERINTENDENT OF SCHOOLS	)	FOR CHILDREN TO FILE
Defendant/Appellant.	)	BRIEF AMICUS CURIAE IN
	)	SUPPORT OF APPELLEE,
	)	ROBERT DOE

The Children's Law Center of Massachusetts (CLCM), the EdLaw Project, the Juvenile Justice Center of Suffolk University Law School (JJC), and the Massachusetts Advocates for Children (MAC) move this Court for leave to file a brief as amici curiae in support of the appellee, Robert Doe.

CLCM, founded in 1977, is a private, non-profit legal services agency that provides direct representation and appellate advocacy for indigent children in juvenile justice, child welfare, and education matters. CLCM attorneys regularly participate in continuing legal education seminars and have filed amicus curiae briefs in matters that affect children's rights in the past. CLCM has a vital

interest in ensuring that the rights and interests of children in the Commonwealth and throughout the nation are protected. This case presents questions of significance both to the children and to the attorneys who represent them. CLCM hopes that its views will add to the Court's consideration of the issues raised in this appeal.

The EdLaw Project is an advocacy organization created to ensure equal opportunity in life achievement for indigent Massachusetts court-involved youth by enforcing every child's right to a quality education. The Project is an initiative of CLCM and the Youth Advocacy Department of the Committee for Public Counsel Services. CLCM is a private, non-profit legal services organization for indigent children offering a wide range of legal assistance, primarily in the metropolitan Boston-North Shore area. The Youth Advocacy Department is a multidisciplinary initiative of the state's public defender office that combines legal, clinical, and community outreach services for court-involved youth in the courts and the communities of Massachusetts. The EdLaw Project is uniquely situated to understand the tragic connection between inappropriate, ineffective, and

unfair school disciplinary policies and lifetime chronic court involvement and, therefore, has a vital interest in ensuring that the rights and interests of children in the Commonwealth and throughout the nation are protected.

MAC is a private non-profit organization whose mission is to be an independent and effective voice for children who face significant barriers to equal educational and life opportunities. MAC works to overcome these barriers by changing conditions for many children, while also helping one child at a time. For more than forty years, MAC has responded to the needs of children who are vulnerable because of race, poverty, limited English, or disability. Since MAC's first report, in 1970, which documented public schools' exclusion of children, MAC has continued to focus on this subject to the present. In the early 1990s, MAC expressed concerns regarding legislation that led to enactment of Mass. Gen. Laws ch. 71, §§ 37H-37H1/2, and has actively worked to modify harsh discipline policies. MAC chairs the Education Law Task Force (ELTF), a coalition of legal services and private attorneys who represent children and parents regarding education law matters. A working group of

ELTF has studied the subject of school discipline closely and in each of the last two legislative sessions has collaborated with policymakers, legislators, and community groups to champion legislation that would scale back overly punitive discipline policies and keep more students in school. MAC also created the Trauma and Learning Policy Initiative (TLPI), a partnership with Harvard Law School, which is recognized nationally for its work to create school environments that address in non-punitive ways the role that trauma can play in children's behaviors, learning, and relationships. TLPI's Education Law Clinic at Harvard has represented numerous students facing exclusion. Last year, MAC was appointed to the Code of Conduct Advisory Council created by the Boston School Committee. MAC believes this case is of special significance as Robert, like so many other Massachusetts public school students, was expelled from school without opportunity for alternative education, thereby denying him access to public education.

The JJC of Suffolk University Law School is a child-focused program, which seeks improved outcomes for at-risk youth in schools, courts, and our

community. Through its various clinical education programs, law students under the supervision of full-time law professors and practitioners provide vigorous, high-quality representation for youth in delinquency proceedings, school administrative hearings, and other legal matters. The JJC employs a holistic, multi-disciplinary team approach to working with youth, which includes legal resources, social services, mental health providers, education experts, and other professionals, as the Center works to fulfill its mission to its at-risk clients. The JJC also encourages systemic improvement through training, education, and policy efforts to prevent delinquency and delinquency recidivism; provides quality education and training for law students, lawyers, judges, rule makers, and advocates; and produces conferences, practice materials, and scholarship regarding issues relevant to the legal representation of young people in multi-jurisdictional contexts. The JJC has an interest in improving access to educational services for all children in the Commonwealth and averting the irreparable harm resulting from denial of education due to permanent school exclusions.

Accordingly, movants respectfully request that this Court grant leave to file the accompanying brief in support of appellee, Robert Doe.

Respectfully Submitted,

THE CHILDREN'S LAW CENTER OF MASSACHUSETTS,
THE EDLAW PROJECT, THE JUVENILE JUSTICE
CENTER OF SUFFOLK UNIVERSITY LAW SCHOOL, AND
THE MASSACHUSETTS ADVOCATES FOR CHILDREN

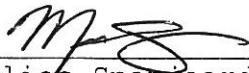
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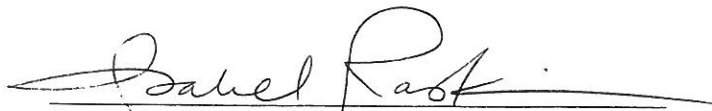
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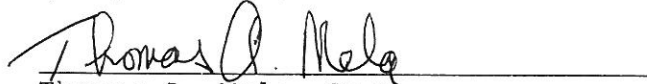
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CERTIFICATE OF SERVICE

I, Thomas A. Mela, Esq., certify under the pains and penalties of perjury that I served a copy of: MOTION OF THE CHILDREN'S LAW CENTER OF MASSACHUSETTS, THE EDLAW PROJECT, THE JUVENILE JUSTICE CENTER OF SUFFOLK UNIVERSITY LAW SCHOOL, AND THE MASSACHUSETTS ADVOCATES FOR CHILDREN TO FILE BRIEF AMICUS CURIAE IN SUPPORT OF APPELLEE, ROBERT DOE on Leonard H. Kesten, Esq., counsel for Defendant/Appellant Town of Weston Superintendent of Schools and Richard J. Hayes, Esq., Counsel for the Plaintiff/Appellee, at the addresses below via first class mail on the date following my signature.

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3/31/11
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