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Civil Rights Groups' Statement on Supreme Judicial Court's Dismissal of *Doe v. Peyser*

It is time for Massachusetts to stop pitting schools against each other and improve the educations of our most vulnerable youth in all schools.

Boston, MA: Today, the Massachusetts Supreme Judicial Court (SJC) affirmed the dismissal of *Doe v. Peyser*, a lawsuit that sought to have the Court declare the cap on charter schools unconstitutional. As the organizations and students who raised the adverse civil rights implications of the plaintiffs' claims in briefs and oral argument before the SJC, we applaud the Court's decision. We hope our Commonwealth's attention can now be properly turned to improving education in every school, particularly for students of color and our most vulnerable youth. Along with the voters' rejection of Question Two – a 2016 ballot initiative intended to remove the charter school cap – today's decision puts to rest another battle between traditional public schools and charter schools in Massachusetts.

The Commonwealth's energy is better spent identifying solutions that benefit students in all schools rather than pitting one type of school against another. Indeed, this kind of zero-sum game is particularly harmful to the students represented by our civil rights organizations in this case: students of color, English language learners, and students with disabilities who are disproportionately under-enrolled in charter schools or over-disciplined out of them. The education of these students would have been harmed by eliminating the cap as funds would have been removed from their traditional public schools – which are required to serve all students – diminishing the support, instruction, and enrichment they receive in the process.

The New England Area Conference of the NAACP, the NAACP – Boston Branch, and the Boston Education Justice Alliance, together with individual students of color, students with disabilities, and English language learners, served as “friends of the court” in opposing the lawsuit and arguing for its dismissal, both in the trial court and before the SJC. Collectively, they were represented by the Lawyers' Committee for Civil Rights and Economic Justice, the Center for Law and Education, Multicultural Education, Training, and Advocacy, Inc. (META, Inc.), and *pro bono* partners at Anderson & Kreiger LLP. *Doe v. Peyser* was dismissed in Suffolk Superior Court in 2016 - a month before Massachusetts voters rejected Question 2 - and was before the Supreme Judicial Court on appeal.

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