

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ADRIENNE ALSTON, ARMANDO JAIME, AND
NECOLE MANCE,

Plaintiffs

v.

CIVIL ACTION NO.:
09-10793-EFH

THE COMMONWEALTH OF MASSACHUSETTS,
BOSTON PUBLIC SCHOOLS, ET AL.,

Defendants.

AMENDED
MEMORANDUM AND ORDER

October 14, 2009

HARRINGTON, S.D.J.

The Memorandum and Order issued on October 13, 2009, is hereby amended as follows:

Add the words "by further disciplined study," and insert said words
after the words "scholastic deficiencies" on line 16 of page 10.

A copy of page 10, as amended, is attached hereto.

SO ORDERED.

/s/ Edward F. Harrington
EDWARD F. HARRINGTON
United States Senior District Judge

no facts to back up these legal claims, thus lacking the factual enhancement critical to a properly pleaded complaint. Both Twombly and Iqbal instruct that the claims be dismissed in such a scenario.

The MTEL prescribes the minimal standards of language and learning that are required to be met in order to qualify as a teacher in the Boston public schools. The principal purpose and function of the teaching profession is to educate the student (See Mass. Gen. Laws. Ch. 69 § 1 (2003) and the quality of that education is contingent upon the degree of excellence of the teacher. A teacher is accorded a position of prestige, privilege and trust for the benefit of the student and not for himself.

Minimal standards are as necessary to the teaching profession as they are to the legal and medical professions. For how else can the public be assured that a teacher is competent? A person who fails the bar examination does not practice law! A competent teacher is one who has thorough knowledge of his subject and the faculty of communicating that knowledge effectively to his students. No student deserves to suffer an inferior education because he was exposed to a teacher less than qualified . Society would be better served for plaintiffs to ameliorate their scholastic deficiencies by further disciplined study, rather than to seek to undermine the standards of a profession most essential to the vitality of a nation's culture.

Decision

Defendants Boston Public Schools', Carol Johnson's, the Boston School Committee's, the City of Boston's, and Thomas Menino's Motion to Dismiss Plaintiffs' Action in its Entirety with Prejudice Pursuant to Fed. R. Civ. P. 12(b)(6) (Docket No. 11); State Defendants' Partial

Publisher Information

**Note* This page is not part of the opinion as entered by the court.
The docket information provided on this page is for the benefit
of publishers of these opinions.**

1:09-cv-10793-EFH Alston et al v. Commonwealth of Massachusetts et al
Edward F. Harrington, presiding
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Attorneys
Tyler H. Fox, Esq.
675 Massachusetts Avenue
Eighth Floor
Cambridge, MA 02149
617-499-4399
tylerfox@verizon.net
Assigned: 05/14/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED representing

Adrienne Alston
(Plaintiff)

Armando Jaime
(Plaintiff)

Necole Mance
(Plaintiff)

Michael B. Keating
Foley Hoag LLP
155 Seaport Boulevard
Seaport World Trade Center West
Boston, MA 02210
617-832-1136
617-832-7000 (fax)
mkeating@foleyhoag.com
Assigned: 06/30/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED representing

Evaluation Systems Group of Pearson
(Defendant)

Jennifer G. Miller
Massachusetts Attorney General's Office
One Ashburton Place
20th Floor
Boston, MA 02108
617-727-2200 ext. 2178
617-727-5785 (fax)
Jennifer.Miller@state.ma.us
Assigned: 06/30/2009
ATTORNEY TO BE NOTICED representing

Commonwealth of Massachusetts
(Defendant)

Ian D. Prior
City Of Boston Law Department
City Hall
Boston, MA 02201
617-635-4017
617-635-3199 (fax)
ian.prior@cityofboston.gov
Assigned: 06/30/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED representing

Boston Public Schools
(Defendant)

Robert E. Toone, Jr.
Foley Hoag LLP
155 Seaport Boulevard
Seaport World Trade Center West
Boston, MA 02210
617-832-1242
617-832-7000 (fax)
rtoone@foleyhoag.com
Assigned: 06/30/2009
ATTORNEY TO BE NOTICED representing

Evaluation Systems Group of Pearson
(Defendant)

Catherine H. Wicker
Foley Hoag LLP
155 Seaport Boulevard
Seaport World Trade Center West
Boston, MA 02210
617-832-3108
617-832-7000 (fax)
cwicker@foleyhoag.com
Assigned: 07/01/2009
ATTORNEY TO BE NOTICED representing

Evaluation Systems Group of Pearson
(Defendant)