

## SPECIAL EDUCATION TEACHER'S LAWSUIT COMES TO A HALT



Judge David Ricciardone has already thrown out a couple of the claims that were made against the city by Donna Byrnes. Byrnes, who worked as a special education teacher, filed a lawsuit and made claims against the city due to her firing, which took place back in 2009. While Judge Ricciardone did throw out several of the claims, he did state that the School Department will need to pay Byrnes the wages she earned on the particular day of her firing. Byrnes first started off working as the School Department office manager and was then hired in February of 2009 to work as a special education teacher, even though she did not have the certification or education to do so. As a special education teacher, Byrnes was to earn a salary of \$60,059. Having been fired, Byrnes filed a lawsuit back in the summer of 2009, specifically in June, claiming that the firing that took place was simply unlawful. She also said that school administration went against her contract and worked in a defamatory way to eliminate her from her position, which she says, is a violation of the Massachusetts Wage Act because she was not paid for her final day of work. Byrnes believes she was let go because of the school administration and the media scrutiny it received due to the fact that she was not qualified for the special education teacher position. Byrnes admitted to the fact that she did not have the right certification for the job but she felt as though she was qualified for the position. Judge Ricciardone dismissed Byrnes claims about defamation, stating that the former special education teacher could not provide any evidence that would back this claim up. In the meantime, the Judge did not dismiss the Byrnes's claim of the school administration violating the Massachusetts Wage Act, allowing the claim to stand. In doing so, he found that the city was, in fact, liable because they did not pay her the wages she earned on the particular day in which she was terminated. Judge Ricciardone believed that Byrnes clearly provided evidence to back up the fact that the city was in violation of the Wage Act for the state of Massachusetts. For Byrnes, however, this likely does not feel like a victory because two out of three of her claims in the lawsuit were dismissed by Judge Ricciardone, even though she will receive the wages that she is due from her final day of working as a special education teacher for the school.