

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT

AKETA NARANG KAPUR,
Plaintiff,
v.
BOSTON PUBLIC SCHOOLS and
DREW ECHELSON in his individual
capacity and his official capacity as the
Deputy Superintendent of Academics,
Defendants.

Civil Action No.:

COMPLAINT AND JURY DEMAND

INTRODUCTION

The Plaintiff, Aketa Narang Kapur (“Kapur”), brings this complaint against the Defendants, Boston Public Schools (“BPS”) and Drew Echelson (“Echelson”), for discrimination on the basis of race and color; retaliation and interference in violation of M.G.L. c. 151B § 4(1), 4(4), and 4(4A); retaliatory termination in violation of the Massachusetts public employee whistleblower statute, M.G.L. c. 149, §185; and common law claims of termination in violation of public policy and interference with advantageous employment relationship.

Plaintiff Kapur is a South Asian woman with a profound commitment and deep expertise in educating and supporting students who are English Language Learners (“ELLs”). At the time BPS unlawfully forced her out of her job of 15 years, she was recognized as an excellent employee who earned promotions for her dedication to BPS and ELL students. Throughout this time, BPS struggled—and often failed—to meet its requirements under federal and state law for educating ELL students. For more than a decade, BPS has been subject to a legally-binding Agreement with the United States Department of Justice (“DOJ”), requiring the district to comply with numerous specific requirements to ensure educational opportunity for ELLs; the Massachusetts Department

of Elementary and Secondary Education (“DESE”) has similarly frequently faulted the district’s compliance with the laws related to ELL students. BPS repeatedly called on Kapur to use her expertise to help BPS comply with these legal mandates, including to increase the number of ELL instructors operating within BPS. In her most recent position as Assistant Superintendent of the Office of English Learners (“OELL”), Kapur’s authority grew in that she was responsible for oversight of the entire OELL department, all of its programs, and its compliance with state and federal laws.

However, within days of when Kapur began raising the alarm bells over a problematic mass transfer of over 200 ELL students into a general education setting, BPS forced her out of her role. To justify ending her employment, BPS manufactured various policy violations related to procurement policies and conflict of interest, ignoring Kapur’s years of service and spotless personnel record. Using a pattern it employs with employees of color and those seeking to protect the rights of students of color, BPS abruptly placed her on administrative leave, engaged in a sham investigation, and ultimately forced her out of BPS. By this action, Kapur seeks to remedy these discriminatory and retaliatory actions.

PARTIES

1. The Plaintiff, Aketa Narang Kapur (“Kapur”), is a woman of South Asian descent residing in Westwood, Massachusetts, located in Norfolk County. Kapur was employed by the Boston Public Schools from 2006 until BPS pushed her out on April 1, 2022. At all times relevant to this complaint, Kapur was an employee in Massachusetts as defined by M.G.L. c. 151B and M.G.L. c. 149, §185 (a)(1).

2. The Defendant, Boston Public Schools (“BPS”), is the regional school district within the City of Boston, located at 2300 Washington Street, Boston, Massachusetts, in Suffolk

County. At all times relevant to this complaint, BPS was a public employer as defined under M.G.L. c. 151B and M.G.L. c. 149, §185 (a)(2), and controlled the terms and conditions of Kapur's employment.

3. At all times relevant to this complaint, the Defendant, Drew Echelson, served as the BPS Deputy Superintendent of Academics and controlled the terms and conditions of Kapur's employment. He was Kapur's supervisor as defined by M.G.L. c. 149, §185 (a) (4). He is sued in his individual and official capacities.

FACTS

4. Kapur grew up in California, where her first languages were Punjabi and Hindi. She began her early education receiving English as a Second Language ("ESL") services in an ELL classroom and continued to receive language support until she entered the fifth grade.

5. Inspired by her experience as an ELL student, Kapur pursued a career in the ESL field. Kapur achieved a Bachelor of Arts degree in Linguistics, Spanish and Psychology and a Masters of Education degree in Elementary Education, ESL, and Bilingual Education, both from the University of California, Los Angeles.

6. BPS hired her as a teacher in ESL and the Sheltered English Immersion programs in 2006.

BPS' Longstanding Failure To Adequately Educate ELL Students.

7. At the time that Kapur was hired by BPS, and continuing to the present day, BPS has failed to adequately meet its legal obligations to educate ELL students. Federal laws including the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f) (EEOA) and Title VI of the 1964 Civil Rights Act, 20 U.S.C. § 2000d et seq., and its implementing regulations at 34 C.F.R. part 100 (Title VI) require that school districts ensure that ELL students can participate meaningfully and equally

in educational programs. BPS has an obligation under these laws to assess ELL students in a timely and accurate manner, to provide language assistance to students who need it, to have sufficient resources and staff for ELL programming, and to communicate with families in languages they can understand.

8. BPS also has duties under Massachusetts law. For example, the Look Act, 2017 Mass. Legis. Serv. Ch. 138 (M.G.L. c. 69 – 71A), requires districts to provide notification to parents/guardians of ELL students regarding various topics, including their right to choose a language acquisition program among those offered by the district and requires districts that intend to offer new programs for ELL students to submit specific information for review.

9. For more than twenty years, both federal and state authorities have repeatedly found fault with the ELL services and programming that BPS provides.

10. A joint investigation concluded by DOJ and the United States Department of Education in 2010 determined that “since 2003, the Boston Public Schools had failed to properly identify and adequately serve thousands of [ELL] students as required by the Equal Educational Opportunities Act of 1974 and Title VI of the Civil Rights Act of 1964.”¹ As a result of this investigation, BPS entered into a comprehensive settlement agreement with DOJ in 2010, which contained numerous mandates about how BPS was required to assess and educate ELL students and inform parents of their rights.

11. In 2012, BPS and DOJ entered into a new agreement (the “Successor Agreement”) that again set forth binding requirements such as outlining ELL program placements and class sizes,

¹ See U.S. Department of Justice, Departments of Justice and Education Reach Settlement with Boston School Committee to Ensure Equal Opportunities for ELL Students (Oct. 1, 2010), available at <https://www.justice.gov/opa/pr/departments-justice-and-education-reach-settlement-boston-school-committee-ensure-equal>

ESL instruction, and parental understanding and notification. Among other requirements, the Successor Agreement mandates that all ESL instruction must be provided by certified ESL educators; sets strict requirements on where ELL students may be placed; and mandates parental notification and input at numerous junctures. The Successor Agreement is legally binding on BPS.

12. Similarly, the Massachusetts Department of Elementary and Secondary Education (“DESE”) has frequently notified BPS that it is failing to provide adequate instruction to ELL students. For example, in March 2020, following a district review of BPS, DESE found that “[t]he district has not created equitable conditions to ensure that all English learners progress both academically and in English language development.”²

13. BPS’ failures in regard to educating ELL students have been frequently reported on in the media, raising public scrutiny of BPS’ actions.

Kapur’s BPS Career

14. Kapur worked for BPS as a teacher in ESL and the Sheltered English Immersion programs from 2006 through 2015. In her role as a teacher, Kapur consistently received the highest ratings on educator evaluations. She was also credited with playing a major role in improving ESL teaching and learning at the David A. Ellis Elementary School, one of the BPS schools with the greatest ELL testing growth rates between 2006 and 2009. BPS had other teachers observe Kapur for best practices in teaching ESL.

15. From 2015 through 2017, Kapur accepted more responsibility, becoming an Administrator/Supervisor of the Young Achiever’s Math and Science Pilot School ELL Program

² See Letter from Jeffrey C. Riley, Commissioner, Massachusetts Department of Elementary and Secondary Education to Superintendent Brenda Cassellius, March 13, 2020, available at <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.doe.mass.edu%2Faccountability%2Fdi-strict-review%2Fnolevel%2F2020-0035.docx&wdOrigin=BROWSELINK>

for Grades K1 through Grade 8. In that role, she was responsible for managing all ESL compliance and data work related to BPS, state, and federal mandates for her program.

16. During this time, Kapur also supported other BPS teachers with their Massachusetts Tests for Educator Licensure (“MTEL”) tests, providing free tutoring and support. MTEL tests are administered by DESE to ensure educators can communicate adequately and are knowledgeable in the subject matters that they teach. All candidates for educator licensure in Massachusetts must pass the MTEL.

17. On or about 2017, BPS created a MTEL Prep Program Coordinator position. Top administrators at BPS were aware that the MTEL was one of the biggest hurdles to educator licensure, particularly for aspiring educators of color. They recognized that a position was needed to help BPS educators obtain their ESL license by passing the MTEL. Under the DOJ Successor Agreement, only licensed ESL educators could provide ESL to ELL students, and the district needed many more, a need that was heightened by the growing number of ELL students in the district.

18. The MTEL Prep Program Coordinator position was a new part-time managerial job, which was funded by the Office of Human Capital and the OELL. The role was created to effectuate that goal. The position was part of BPS’ Diversity Programs; one of the stated goals of the Diversity Programs is to recruit a diverse group of educators and attract, develop, and retain a highly effective teacher workforce that is responsive to the racial, cultural, and linguistic needs of Boston youth.

19. Then-Assistant Superintendent of OELL, Priya Tahiliani, and Chief of Human Capital, Emily Qasilbash, with the approval of the Superintendent, asked Kapur to apply before the position was even posted. Kapur was sought out because of her decade of exemplary service as an ESL

teacher, coach, leader, and her success with supporting teachers in MTEL prep, including members of the administrative team, such as then Manager of Recruitment Cultivation and Diversity Programs, Ceronne Daly.

20. Once the position was posted, Kapur and other candidates applied. Out of this competitive field, BPS chose Kapur.

21. On or around September 2017, Kapur began her position as the BPS MTEL Prep Program Coordinator.

22. As the MTEL Prep Program Coordinator, Kapur was specifically responsible for facilitating MTEL prep courses for all BPS employees who required it.

23. After a successful first year in her new position, Kapur had secured an 81 percent passage rate overall on the MTEL and a 91 percent passage rate for educators of color. Both of these metrics were much higher than the statewide passage rates of 52 percent and 31 percent respectively.

24. BPS' need for the services that Kapur provided continued to grow, and for the 2018-2019 school year, BPS upgraded the role to full-time from part-time and installed Kapur as the full-time MTEL and ESL Mentorship Specialist (also known as the BTU Specialist).

Kapur Is Promoted, Learns Of Federal Law Violations, And Reports Them

25. By the summer of 2021, after approximately 4 years as the MTEL and ESL Mentorship Specialist, Kapur had successfully assisted more than 300 professionals in passing the MTEL and received excellent performance reviews. Kapur was rated for "exemplary performance," the highest possible rating, in every annual evaluation from 2014 through 2021.

26. In or around July or August 2021, the BPS Deputy Superintendent, Defendant Echelson ("Echelson") and then-Superintendent Brenda Casselius recruited Kapur for a promotion to the

position of Assistant Superintendent of the OELL. Echelson, who was familiar with Kapur's exemplary work at Young Achievers, specifically asked Kapur to apply for the position.

27. The Assistant Superintendent of OELL was responsible for oversight of the entire OELL department, including all programs for ELL, and ensuring state and federal compliance.

28. Kapur applied for the Assistant Superintendent position, along with other candidates. After receiving some of the highest ratings from the hiring committee, Kapur was offered the job. She accepted the position in October 2021 and was set to begin the position on November 15, 2021.

29. Shortly before Kapur began her new position, in late October or early November 2021, she met with the English Learner Task Force ("EL Task Force") and some of her new staff to learn more about OELL and to identify any concerns. The EL Task Force is a subcommittee of the School Committee that provides oversight and advice specific to ELL matters.

30. Thereafter, around November 3, 2021, Kapur visited her prior school, the Young Achievers. While there, Kapur noticed that a third grade Sheltered English Immersion class was very small.

31. Kapur learned that more than 200 Second-Year Level 3 ELL students had been dumped into general education pursuant to a directive from the Central Office and Echelson. ELL students are grouped from Level 1 to Level 5 according to their English proficiency, with Level 1 constituting the lowest level of English proficiency. The students that BPS summarily moved into general education had been assessed and classified as Level 3 for the second year in a row (Second-Year Level 3s).

32. According to Massachusetts guidance, students should not be moved into a general education classroom prior to achieving Level 4 or 5 status.

33. Equally as problematic, BPS moved those 200 students without notifying their parents, in violation of state law and the DOJ Successor Agreement.

34. State and federal law and the legal obligations of the DOJ Successor Agreement requires that ELL students at BPS are supposed to be in separate English Learner Programs until they reach a certain level of proficiency. Once they reach proficiency, and only after an extensive process for parental input, they may be transferred into general education classes.

35. The recommended protocol is to assess students individually. Instead, BPS opted to move 200 ELL students in one swoop into general education classes—without parental notification.

36. Kapur became alarmed because the transfers appeared to violate the terms of the Successor Agreement.

37. On November 4, 2021, Kapur informed the Executive Director of OELL, Faye Karp (“Karp”) that it appeared to her that BPS improperly transferred 200 ELL students out of their English Learner Programs and into general education without either the appropriate level of proficiency or the required parental input. She was clear with Karp that she believed the transfer violated of federal and state laws and obligations, including the DOJ Successor Agreement and the Look Act.

38. At the time, Karp was a supervisor as defined by M.G.L. c. 149, §185 (a) (4). Karp did nothing to alleviate Kapur’s concerns about the impropriety of the mass transfer.

39. Kapur next went to Defendant Echelson, Karp’s supervisor, on November 8, 2021. Echelson was also a supervisor defined by M.G.L. c. 149, §185 (a) (4).

40. Kapur again reported that she believed the transfer of students out of their English Learner Programs violated federal and state laws and obligations, including the DOJ Successor Agreement and the Look Act.

41. Echelson dismissed her concerns. He also did nothing.

42. At around this same time, reporters began inquiring about BPS sending 200 ELL students out of their specialized classes without parental consent. The Boston Globe contacted BPS' Communication Department with questions about the transfer, and the Department asked Echelson, Karp, Kapur and a few other key administrators what was going on. When Kapur attempted to respond to the inquiries from the Boston Globe about the matter, Echelson demanded Kapur not respond or take any further action.

43. Kapur again raised her concerns with Karp through a text exchange and then by phone on November 8, 2021. Kapur informed Karp of Echelson's dismissive behavior toward her around the issue. Additionally, she wrote a document explaining her concern in Google Drive which she shared with Karp.

44. The text message and Google document constitute the written notice to her superiors as required by M.G.L. c. 149, §185.

45. On or about November 8, 2021, Kapur also shared her concerns with the EL Taskforce Chairperson, Suzanne Lee. Lee shared that she would reach out to DOJ directly and request a meeting to discuss the issue.

46. On or about November 11, 2021, DOJ representatives met with Echelson, Karp, and the Chief of Academics, Farah Assiraj and reprimanded BPS administration for improperly moving students out of their ELL programs and into general education.

47. Kapur learned that Echelson and Karp did not inform DOJ that the move had been made without parental and teacher notice or input.

48. Throughout November 2021, Kapur continued to object to the lack of parental consent and urged Echelson to involve the parents and the EL Taskforce to ensure BPS met the needs of the ELL students and abided by the DOJ Successor Agreement.

Defendants Retaliate Against Kapur and Discharge Her, Using Pretextual Reasons

49. Immediately after Kapur voiced her objections to Echelson about the dumping of ELL students, his behavior towards her changed. Echelson, who is white, began to belittle and demean Kapur, regularly interrupting her at virtually every one-on-one and public meeting.

50. In group meetings, Echelson's bullying was obvious: Kapur was the only employee towards whom he engaged in this type of behavior.

51. Kapur speaks with a slight South Asian English dialect. After her report, Echelson began repeatedly publicly ridiculing her manner of speech in the presence of others, saying, "I don't understand what you are saying. Stop. That doesn't make sense," and demanding that she repeat herself when speaking to him, sometimes more than once in a meeting. On one occasion, a colleague informed Kapur that Echelson had been putting her down in front of other colleagues at a meeting saying that she did not know how to talk. Kapur understood Echelson's comments to be a way of publicly ridiculing her manner of speech.

52. Kapur informed Echelson that his behavior triggered her prior trauma as a South Asian woman who learned English as a second language. He continued with his behavior. Continuing with this behavior illustrates Echelson's discriminatory animus and his retaliatory animus. Echelson's behavior made Kapur feel incompetent and silenced.

53. Echelson's disparaging comments about Kapur's speech, communication, and performance constituted discrimination against her based on race and color and interfered with her

right to work in an environment free from discrimination in the terms, conditions, and privileges of employment.

54. Echelson's behavior was part of a pattern of retaliation against her for her complaint about violations of federal and state laws and legal obligations regarding the mistreatment of ELL students.

55. Kapur remained concerned that BPS dumped 200 ELL students in violation of federal and state laws and obligations, and that BPS was not protecting the rights of students and families. Accordingly, Kapur began working with the EL Taskforce to implement a plan to notify parents of the transfer and provide them with an opportunity to return their children in the English Learning Program.

56. The plan was announced at the EL Taskforce meeting on December 9, 2021, and Kapur reported that she would be meeting with DOJ about this issue on December 13, 2021. Echelson was present at this meeting.

57. On or about December 11, 2021, two days before her planned meeting with DOJ, BPS Chief of Human Capital, Albert Taylor, put Kapur on immediate administrative leave. Kapur's leave was instigated by Echelson. BPS took this action to retaliate against Kapur, to keep its violations of federal and state law covered up, and because of her race and national origin.

58. BPS' purported reason for placing Kapur on administrative leave was a conflict of interest from a prior business and "procurement irregularities" concerning laptop donations that Kapur had attempted to facilitate for OELL staff. These reasons are all false and were to cover a retaliatory motive and discrimination.

59. Kapur had an advantageous employment relationship with BPS.

60. Echelson had knowledge of Kapur's employment relationship with BPS.

61. Echelson interfered with this relationship by improper motive and/or means. His conduct was intentional, reckless, malicious and outrageous, and constitutes intentional interference with the advantageous employment relationship Kapur had with BPS.

62. As a result of the actions of Echelson and BPS, Kapur incurred damages and harm to her professional reputation and future career opportunities as a result of being placed on administrative leave, and later constructively discharged by BPS.

Defendants Use Pretextual Reasons To Force Kapur out of BPS.

63. Defendants were aware that it would be illegal for them to retaliate against Kapur because she raised concerns about BPS' compliance with federal and state laws and obligations relating to ELL students, including compliance with the DOJ Successor Agreement. To get her out and provide themselves cover, they concocted other false reasons to retaliate against her.

64. BPS began an investigation into Kapur led by the BPS Legal Advisor, Lisa Maki. BPS retained an outside attorney, Anne Marie Noonan, who had worked closely with the BPS Legal Department in the past, as an external investigator.

65. Kapur remained on administrative leave during BPS' three-month investigation into her alleged violations of policies.

66. Finally, on or about April 12, 2022, Superintendent Casselius informed Kapur that the investigation was complete and that she intended to terminate her employment.

67. BPS ultimately provided Kapur with a choice to either resign or face dismissal. Kapur had no choice but to resign from her employment with BPS on April 29, 2022. BPS fired Kapur through discrimination and retaliation.

Defendants' Allegations of Kapur's Misconduct are False.

68. The first pretextual reason that Defendants used to discharge Kapur's employment concerned a private tutoring business that Kapur owned for a time with a partner.

69. Starting around 2012, Kapur, on her own time, began assisting BPS teachers of color on passing their MTELEs by providing tutoring at no cost. Kapur was aware of the urgent need for educators of color to pass their MTELEs. Private MTEL tutors can charge thousands of dollars. However, not all educators, particularly those of color, can afford such expensive resources and support. This tutoring was separate and apart from her role at BPS.

70. Kapur and another BPS ESL teacher subsequently created a private small business, Telescope Education ("Telescope"), that created an MTEL curriculum and affordable resources targeted to teachers struggling to pass their MTELEs. The business served a well-known need and then-Superintendent Tommy Chang signed off on it on October 10, 2017 through a disclosure form recommended by the State Ethics Commission.

71. Even beyond this formal disclosure to the Superintendent, it was well known within BPS that Kapur owned and operated Telescope; Kapur communicated about the business with numerous individuals and entities within BPS. For example, in addition to communications with the State Ethics Commission and then-Superintendent Chang, Kapur communicated about her business with BPS Legal and with her supervisor, the Managing Director of Recruitment, Cultivation and Diversity Programming, Ceronne Daly.

72. In 2019, BPS applied for a grant from DESE to hire BPS instructors to teach MTEL prep classes using Telescope's "train the trainer" model by providing exam prep materials. Kapur did not draft, submit, or approve this grant.

73. In fact, upon learning of the grant, Kapur again formally disclosed her business relationship with Telescope to the then-BPS Legal Advisor, Kathy Lizotte (“Lizotte”) and the DESE grant evaluator. Kapur submitted a second disclosure form to BPS.

74. In August 2019, after speaking with Lizotte, Kapur voluntarily decided to divest her ownership of Telescope so as to not interfere with the business contract with BPS and the DESE grant.

75. Kapur heard nothing more about this issue until over two years later—immediately after she raised concerns about BPS’ compliance with federal and state laws and obligations relating to ELL students—when BPS alleged it as a reason for placing her on administrative leave.

76. BPS’ claim of a conflict of interest with Telescope is obviously false. She disclosed her business multiple times to the highest leaders at BPS, who not once in the six years since she began the business flagged it as a problem. Firing Kapur because of Telescope was a pretext to retaliate against her for objecting to and reporting activities which she knew or had a reasonable belief were violations of law.

77. As another pretext for getting rid of her, BPS cited an incident in which Kapur tried to get donated computers for employees of OELL. This reason was also a pretext for retaliation and discrimination.

78. The OELL staff was responsible for ensuring compliance and support for more than 15,000 ELL students. In early November 2021, right before starting her position as Assistant Superintendent of OELL, Kapur realized that her staff did not have sufficient resources to meet the demands of their job responsibilities.

79. Kapur began to make multiple inquiries to various BPS personnel to identify whether BPS could acquire additional computers for OELL staff, or if they could be obtained by other means.

Kapur then obtained permission from the person in charge of budget procurement in her department to solicit laptop donations. Kapur inquired with a few businesses, including Telescope, regarding laptop donations to BPS.

80. Telescope agreed to donate two laptops. Kapur attempted to facilitate the donation of these laptops from Telescope.

81. Information Technology Director Mark Racine and Defendant Echelson claimed that Kapur did not follow the correct process. BPS' claim of impropriety is false, as she had gone through the appropriate avenues to inquire about the donation process, and followed that process. The pretext is made even more clear by the fact that no donations were made.

82. The allegations against Kapur regarding her attempt to obtain donated laptops for BPS staff were a pretext to retaliate against her for objecting to and reporting activities which she knew or had a reasonable belief were violations of law.

BPS Weaponized Disciplinary Protocols to Eject Kapur

83. Not only were the grounds on which Kapur was discharged pretextual, the process that BPS used was retaliatory and discriminatory as well.

84. BPS did not provide Kapur written notice of the alleged policy violations at the time she was notified of leave. Her leave was abruptly announced, and her access to all BPS communication resources, staff and property were immediately and summarily blocked. Her investigatory meeting was rushed in an attempt to intimidate and bar her from retaining counsel and support.

85. BPS has used this process repeatedly, as a means of retaliating against and/or discriminating against employees of color. For example, from approximately July 2021 to approximately November 2022, BPS placed six employees of color in the Central Office/administration on extended periods of administrative leave, forcing them to resign, after

they advocated for the rights, services, resources, or funding for ELL students, students with disabilities, or students and staff of color.

86. BPS had no formal policies which set forth when paid administrative leave and investigatory meetings are appropriate, leaving the process vulnerable to bias.

87. BPS' similar actions towards other employees of color in the Central Office/administration is further evidence of discriminatory animus against Kapur and further illustrates that BPS's treatment of Kapur was discriminatory.

88. Placing Kapur on administrative leave, suspending, and then separating her for false reasons, after she advocated for ELL students, was discrimination against her on the basis of her race and color and retaliation against her for objecting to and reporting activities which she knew or had a reasonable belief were violations of law, in violation of M.G.L. c. 149, § 185.

89. As a result of the discrimination and retaliation as outlined above, Kapur suffered damages, including emotional distress, loss of wages and benefits, and other damages.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

90. Pursuant to state and federal law, Kapur has exhausted her administrative filing requirements by filing a charge alleging race, color, gender and age discrimination and retaliation against BPS with the Massachusetts Commission Against Discrimination and the Equal Employment Opportunities Commission on October 5, 2022.

91. On March 6, 2024, Kapur filed a notice of Withdrawal with the Massachusetts Commission Against Discrimination with respect to her charge of discrimination.

COUNT I
Violation of M.G.L. c. 151B, § 4(1)-(1B)
Discrimination
(All Defendants)

Plaintiff incorporates and realleges the allegations as set forth above, and incorporated by reference here. The actions of the Defendants constitute discrimination against Kapur on the basis of race and color in violation of M.G.L. c. 151B, § 4(1)-(1B).

COUNT II
Violation of M.G.L. c. 151B, § 4 (4)
Retaliation
(All Defendants)

The actions of the Defendants as set forth above, and incorporated by reference here, constitute retaliation in violation of M.G.L. c. 151B, § 4 (4).

COUNT III
Violation of M.G.L. c. 151B, § 4 (4A)
Interference
(Echelson)

The actions of Defendant Echelson as set forth above, and incorporated by reference here, constitute interference in violation of M.G.L. c. 151B, § 4 (4A).

COUNT IV
Violation of M.G.L. c. 149, § 185
The Massachusetts Whistleblower Statute
(All Defendants)

The actions of the Defendants as set forth above, and incorporated by reference here, violate M.G.L. c. 149, § 185.

COUNT V
Interference with Advantageous Employment Relationship
(Echelson)

The actions of Defendant Echelson as set forth above, and incorporated by reference here, constitute interference with Kapur's advantageous employment relationship with BPS under state common law.

COUNT VI
Wrongful Termination in Violation of Public Policy
(All Defendants)

The actions of the Defendants as set forth above, and incorporated by reference here, constitute wrongful termination in violation of public policy under state common law for Kapur objecting to and reporting what was, and what she reasonably believed to be, violations of law.

PRAYER FOR RELIEF

WHEREFORE, Kapur respectfully requests that this Court find in her favor on all counts and order the following relief to Kapur:

- 1) Reinstatement to her former, or an equivalent, position with BPS with full fringe benefits and seniority rights, as required by M.G.L. c. 149, §185;
- 2) All damages provided for by M.G.L. c. 151B and M.G.L. c. 149, §185, and provided for in common law, including:
 - a. Compensation to Kapur for her lost wages and benefits incurred as a result of discrimination and retaliation;
 - b. Compensation to Kapur for her future lost wages and benefits as a result of discrimination and retaliation;
 - c. Compensation to Kapur for her emotional distress;

- d. Liquidated and/or punitive damages as provided for by M.G.L. c. 151B and M.G.L. c. 149, § 185 (triple damages); and
- e. Interest as providing by law;
- 3) Attorneys' fees and costs as allowed by law.
- 4) Any other relief to which Kapur may be entitled.

JURY DEMAND

Kapur demands a trial by jury on all claims.

Dated: March 15, 2024

Respectfully submitted,
AKETA NARANG KAPUR,
By her attorneys,



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