



MPS rejects deal on lawsuit

District critical of costs to settle special education litigation

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Private negotiations to settle a lawsuit over how Milwaukee Public Schools handles special education students broke into the open Thursday when MPS rejected a proposal that could extend such services to thousands of students who are suspended from school frequently or held back a grade.

With harsh words particularly for the state Department of Public Instruction, MPS leaders said the proposed settlement could cost tens of millions of dollars, harm the education of students who don't need special education services and interfere with the pursuit of broader goals for improving MPS.

But Jeffrey Spitzer-Resnick, an attorney for Disability Rights Wisconsin, which brought the suit in 2001, said the agreement was a "fantastic" opportunity for MPS and that MPS had not negotiated in good faith. He said it was frustration with MPS negotiators that led his organization and DPI to reach a separate settlement and to demand MPS take it or leave it.

The terms of the settlement would put special education in MPS under the control of an outside authority; require MPS to make major improvements in identifying students who need special education services; and potentially extend services to thousands of students.

MPS would have to meet ambitious goals for complying with the improved system. DPI would pay for the costs of several jobs, including the outside authority. MPS would have to pay other costs.

W. Alan Coulter, a professor at Louisiana State University who is the former head of the National Center for Special Education Accountability Monitoring, was proposed as the outside authority.

Special
Education
Lawsuit

Documents

📄 [A letter from the state informing MPS of a possible settlement](#)

📄 [Text of the settlement](#)

📄 [Letter from MPS rejecting the settlement](#)

Documents including the proposed settlement were released by MPS at the request of the Journal Sentinel after MPS leaders announced the School Board had decided in a closed session this week not to accept the settlement.

"MPS believes this proposed settlement would result in a tax increase for city residents, harm the education children receive at MPS and force the district to lower its educational standards," Gary Ruesch, an attorney for MPS, wrote in a letter to other attorneys in the case.

In September, U.S. Magistrate Judge Aaron Goodstein ruled that MPS had systematically failed to provide special education services to many students and the state Department of Public Instruction had failed to provide required oversight. He urged negotiations to come up with a plan for correcting the problems.

Spitzer-Resnick said the agreement "could do so much to turn this School District into what it needs to be to help all children in Milwaukee. It's a shame that MPS can't buy into it."

A spokesman for the state Department of Public Instruction declined to comment.

The decision by DPI to negotiate separately with the disability rights group angered MPS officials.

School Board President Peter Blewett said, "This settlement does not represent something that emerges from a partnership."

MPS Superintendent William Andrekopoulos said DPI "kind of kicked us to the curb on this. . . . We were kind of shocked by it."

Andrekopoulos, Blewett and Jeff Spence, the vice president of the School Board, said they could not put a price tag on what the settlement would cost, but it could be very expensive, as schools are being squeezed heavily on spending and taxpayers are upset about property tax increases.

Spence said, "We don't even know how we would pay for something of the magnitude that could come out of this. It's completely mind-numbing." He said DPI was "taking a rather cavalier attitude about how to pay for this. 'Just go to the taxpayers' is rather disturbing."

Spitzer-Resnick said he would tell MPS officials, "Do something to get the money instead of whining about it. . . . But don't tell the children of Milwaukee we can't educate you. . . because we don't have the money."

He said his organization would be willing to join MPS in lobbying legislators about what MPS would need.

Andreopoulos said a state mediator had joined negotiations to settle the case in recent months and that hundreds of hours had been spent on the effort, only to have the agreement between the disability rights group and DPI forced on MPS.

But Spitzer-Resnick said the MPS negotiating team "was not prepared. . . to come up with real answers to the problems that existed. That negotiating stance drove DPI into negotiating with us."

DPI and the disability rights group plan to submit their agreement to Goodstein by April 8. Spitzer-Resnick said he hopes Goodstein will accept it and order MPS to comply. A trial is scheduled to begin Nov. 3 if efforts to settle the case fail.

<http://www.jsonline.com/story/index.aspx?id=728057>