



Judge orders search for MPS students in need of special education

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A federal judge has ordered Milwaukee Public Schools to launch a wide search for students who didn't get special education services they should have gotten between 2000 and 2005 and to figure out what needs to be done to make that up to them.

U.S. Magistrate Judge Aaron Goodstein ordered that someone from outside the system be hired to monitor work on providing education services to compensate the students or former students involved because MPS has not shown it will adequately remedy its problems in special education on its own.

Goodstein's decision earlier this month was another step in a lawsuit that dates to 2001. In earlier decisions, he ruled that MPS had denied students their rights in the past and ordered major changes in how MPS deals with deciding whether children are entitled to special education help. The process of making those changes is under way.

In the recent ruling, Goodstein accepted some of the main positions of Disability Rights Wisconsin, the organization that has led the legal fight with MPS. But he didn't accept the positions of either the disability rights group or MPS when it came to what to do for those who didn't get services. Instead, he came down in between the two.

Leaders on neither side in the case estimated how many people might be entitled to help, nor did they estimate how much money the help might cost.

"It will cost," Superintendent William Andrekopoulos said. "We will have to find the resources in a tight budget."

He said MPS would work to meet the terms of the decision.

Jeffrey Spitzer-Resnick, managing attorney for Disability Rights, said Goodstein did the two things the organization most wanted by ordering the independent monitor and the broad search for those who might be affected.

"We will obviously do our best to find those students," he said. "It could be in the thousands of kids."

Goodstein said students during that five-year period were entitled to get a determination by a team of special education professionals on what educational help they should get now to make up for the failings of the system at that time. There was no discussion in his

lengthy opinion about offering money, but even those who have graduated high school and are doing other things now might be entitled to compensatory education.

Goodstein strongly criticized MPS. He said that while the record showed MPS was paying more attention to compensatory education, "the evidence demonstrates that MPS has a long way to go."

The ruling also said "MPS has failed to demonstrate that it is taking appropriate steps to comply with its obligations" under federal law to remedy situations in which a student did not get, as the law puts it, free, appropriate public education, often referred to as FAPE.

"The court does not believe MPS will accomplish the task required without outside intervention," Goodstein wrote, so he ordered the appointment of a special monitor. He urged the two sides to negotiate on selecting a monitor and to report to the court by July 24.

He said he would allow MPS employees to be part of a team to deal with individual cases, under the monitor's oversight. He said the key question in each case will be: If the student had received the services they should have, would they be in a better educational position now?

"Compensatory . providing the student with the . services must be aimed at . educational benefits lost during the denial of FAPE," Goodstein wrote.

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