



MPS ordered to do more for special needs

District says ruling could mean a big spending increase

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A federal judge has ruled full-force in favor of potentially historic changes that would require Milwaukee Public Schools to provide more services sooner to thousands of struggling students.

Jeffrey Spitzer-Resnick, the attorney representing the plaintiffs in the case, said Sunday that the decision will bring "the most substantial reform in MPS history," one that will bring higher graduation rates, fewer discipline problems and improved test scores within a few a years.

MPS officials have fought the goals set forth in the decision of Federal Magistrate Judge Aaron Goodstein, saying they would lead to big increases in spending and taxes and actually harm children and lower educational standards. MPS spokeswoman Roseann St. Aubin said Superintendent William Andrekopoulos and School Board members had not yet seen the decision and did not want to comment until they met about it. She quoted Andrekopoulos saying only, "We're going to continue to move forward with education reforms that meet the needs of all our children."

Goodstein's decision, signed Friday and circulated over the weekend, came down on every point in favor of the position of the plaintiffs, an organization now known as Disability Rights Wisconsin, and in favor of a settlement reached recently between that organization and the state Department of Public Instruction, which was also a defendant in the case. Goodstein rejected all grounds MPS offered for finding things wrong with that settlement.

"This case has always involved much more than simply obtaining relief for each class member," Goodstein wrote, referring to students who were in need of special education in 2000, the starting point for the lawsuit. "And this proposed settlement does much to accomplish this goal."

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In a nutshell, Goodstein ruled in favor of a system that would require MPS to have at least a 95% success rate in each school in the system for meeting legal requirements for assessing the needs of children who might need special education services; for MPS to provide 95% of students who have large numbers of suspensions "early intervention services . . . designed to address the students' behavior issues;" and for MPS to provide intervention to 95% of students who flunk a grade.

W. Alan Coulter, a professor at Louisiana State University, would be named to oversee how MPS is doing in implementing the plan. Coulter would have broad powers to give orders to MPS.

Goodstein's decision is not the final word in the case, but it was clearly a major step for a legal situation that has hung over Milwaukee schools for more than half a dozen years. Still ahead are legal steps to see if anyone, other than MPS, objects to the settlement, and a trial in November on issues such as whether MPS might be ordered to provide compensatory damages to anyone who was denied adequate special education in 2000 - a potentially expensive matter.

And MPS, of course, is likely to appeal the case to higher federal courts.

To Spitzer-Resnick, the judge's ruling means "any struggling kid is going to have to get early intervention services to remedy that . . . and just won't be allowed to fall by the wayside."

By five to eight years from now, the decision promises "all in all, a better education for the children of Milwaukee," he said. "This settlement requires every single school building to succeed."

"There's a lot of hard work ahead for everyone," he said, "It will be easier if MPS stops fighting it."

Goodstein's decision is the culmination of a suit filed in 2001 that claimed that the rights of numerous special education students in MPS had been violated because they had not received services to which they were entitled.

Goodstein ruled last September that MPS and the state DPI had failed to meet requirements for identifying students who need special help and seeing that they get it. He ordered the case to move into a phase focusing on what to do about that. That led to a settlement agreement between Disability Rights and DPI, announced in March, in which DPI said it would fund several positions to train people in MPS and put Coulter in charge of special education in Milwaukee.

MPS objected strongly to that agreement and, among other things, argued that the plan violated the school district's rights.

Goodstein rejected those arguments and said that DPI, as the legal body responsible for seeing that special education laws are enforced, could act on its own to do most of what the settlement calls for. If MPS resisted, DPI could withhold tens of millions of dollars in support for such services.

If Goodstein's decision appeared to balk at anything, it was the 95% figure for compliance with the law for identifying students with special needs - what about the other 5%, he asked, in effect. He accepted the argument that by requiring 95% success in each individual school, the actual rate in MPS would have to be higher than 95% overall.

Asked his reaction to the position of MPS officials that the settlement can't be afforded, Spitzer-Resnick said, "They're not going to have a choice. The question now is, how are they going to afford this? . . . Their hand's being forced."

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