



MPS resists special ed ruling

Improvements already made, district says, despite losing lawsuit

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Posted: Sept. 12, 2007

Milwaukee Public Schools officials expressed confidence Wednesday that continuing improvements they have made in determining whether children need special education help will convince a federal judge that he does not need to force the school system to do more.

While U.S. Magistrate Judge Aaron Goodstein talked in a decision issued Tuesday about "systemic failures" in how MPS assessed children and got them into programs, Patricia Yahle, director of special services for MPS, talked about systemic improvements. Yahle said the Goodstein decision was based on the track record through 2005 and that things had gotten better since.

"We all believe we have made important systemic changes," she said. "I think that you would definitely see a different picture now. . . . We have moved consistently forward and have made many, many improvements in many aspects of our service."

In his decision, Goodstein referred to data showing that 61.5% of MPS schools fell short of the goals for performance in assessing children and related issues, based on data from the 2004-'05 school year. About a sixth of those schools were in a more serious category because of a large number of shortfalls.

Yahle said a report this summer found that the percentage of schools below the target level of compliance was under 30%, and the number of schools that fell short on enough points to require more serious monitoring had fallen from 32 three years ago to 10.

She said MPS improvement efforts focus on schools in the bottom quarter of compliance scores. In 2004-'05, she said, the average score of those schools on a list of things they need to do was 78%. This year, she said, the average score for the bottom quarter of the schools was 92.6%, and 141 out of 200 schools had better than 95%

Special Ed

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compliance.

Goodstein ruled that MPS was not in compliance with federal law on special education and that the state Department of Public Instruction had not done enough to force MPS to come into compliance.

He urged that all the parties involved in the case work on reaching an out-of-court settlement on what steps should be taken to make sure children get required services, and he set a hearing for Sept. 27 to discuss what should happen next as remedies are considered.

Kevin St. John, a spokesman for the Wisconsin Department of Justice, declined to comment on Goodstein's decision, saying, "We've received the decision and we are reviewing this decision with our client agency," the DPI.

What about plaintiffs?

Jeffrey Spitzer-Resnick, the primary lawyer for the plaintiffs in the case, questioned what MPS plans to do for those children whose legal rights had been violated between 2000 and 2005.

"The court even talks about compensatory education," he said. "That has to be part of any court order or settlement. You can't blow off the older kids even if they are out of school - and there are thousands of them."

He added that his team will make extensive efforts to discover if MPS has improved in the last two years as much as it claims if the case goes to trial again.

Overall, he said, "Maybe they are doing a little better. I hope they are."

But "anecdotally, we continue to receive regular complaints on the same issues," he said. "One of the most pathetic things about the way MPS has defended this case is that they didn't even solve the issues for a few named plaintiffs."

Yahle said she was concerned that parents who heard about the decision would think MPS is not being effective in responding when a parent asks that a child be assessed for possible special education needs, and said parents should have confidence in how MPS will deal with potential special education children.

Parents concerned about their children should contact their neighborhood school to begin the process of assessing a child or call a number in the central MPS administration, (414) 475-8593.

"I'm hoping that parents will feel real confident and comfortable doing that," Yahle said.

The special education lawsuit was begun in 2001 by an organization now called Disability Rights Wisconsin, and it has been an expensive matter. St. Aubin said MPS had paid Quarles & Brady, a large private law firm that is representing it, about \$3.4 million to defend the case. She said the bulk of the money is covered by insurance.

Special education is a major issue in MPS - and for school districts in general. One indicator of this: St. Aubin said that for the 2007-'08 school year, MPS expects to spend about \$210 million for special education, almost 20% of the system's entire spending.

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