

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JAMIE S., on behalf of the class,**

**Plaintiffs,**

**v.**

**Case No. 01-C-928**

**MILWAUKEE PUBLIC SCHOOLS, et. al.,**

**Defendants.**

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**ORDER REGARDING CLASS NOTIFICATION**

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On July 24, 2009, the parties each submitted proposed general and individualized class action notices, claim forms, as well as procedures for the distribution of these notices. In accordance with Federal Rule of Civil Procedure 23(c)(2)(A) and upon considering the parties' proposals, the court hereby approves the attached notice of class action, which shall be used for both the general and individual notices, explanation of the class action to be included in the individual notice, and claim form, and sets forth here the procedures for the dissemination of these notices.

**GENERAL NOTICE**

The general class notice shall be distributed in the following manner:

1. Posted in a location highly visible to the general public within the main school office of every Milwaukee Public School;
2. Posted in at least one other high-traffic public location within every Milwaukee Public School; it shall be within the discretion of an administrator within each school to determine an appropriate high traffic area;

3. Posted in numerous high traffic public locations within Milwaukee Public Schools' Central Offices, including, but not necessarily limited to, all bulletin boards or similar locations where information regarding MPS or community events or issues is posted;
4. Posted in a location highly visible to the general public within the MPS Parent Information Center;
5. A link to a PDF version of the class action notice shall be posted in a prominent location on the main page of MPS' website, <http://mpsportal.milwaukee.k12.wi.us>;
6. MPS shall post the general class notice in all of its locations listed above no later than **September 1, 2009**. The notice shall remain posted until **January 4, 2010**;
7. MPS shall include the general notice in all district-wide MPS publications, e.g. district-wide parent newsletters, mailed to parents or guardians of current MPS students between **September 14, 2009** and **December 14, 2009**;
8. DRW shall post the general notice on its website;
9. DRW may disseminate the general notice to newspapers and other media outlets, provide it to other community organizations, or otherwise disseminate the notice as it sees fit, all at its own cost;
10. DPI may post the general notice on its website, at its own cost.

## **INDIVIDUAL NOTICE**

The individual class notice shall be distributed in the following manner:

1. The individual class notice packet shall consist of the general class notice, the five-page information packet, and a Potential Class Member Claim Form.
2. The five-page information packet may be printed double-sided.
3. MPS shall identify all current and former students:

- a. whose special education evaluations occurred more than 10 days beyond the statutory deadline then in effect, between September 2000 and June 2005, without a valid extension; or
  - b. who were suspended more than 10 days in any school year.
4. Not later than **October 16, 2009**, MPS shall provide DRW a list identifying all students identified as meeting either of these criteria.
5. MPS shall mail an individual class notice packet to the last known address of all students identified as meeting either of these criteria, not later than **October 16, 2009**.

#### **CLAIM FORM**

1. In addition to being mailed with each individual class notice packet, a PDF version of the claim form shall be available on MPS and DRW's respective websites. With respect to MPS' website, <http://mpsportal.milwaukee.k12.wi.us>, a link to a PDF version of the class action notice shall be posted in a prominent location on the main page of MPS' website, adjacent to the general notice of class action.
2. MPS shall mail a claim form to any individual requesting one by calling the Office of the Director of Special Services at 414-475-8745.
3. The claim form may be printed as a single, double-sided page.

#### **SUBMISSION**

1. The deadline for the submission of all claim forms shall be **January 4, 2010**. Claim forms postmarked on this date or earlier shall be accepted by MPS.
2. All forms must be mailed to MPS at: Milwaukee Public Schools, Office of the Director of Special Services (Room 272), Attn: Class Action Remedy Administrator, P.O. Box 2181, Milwaukee, WI 53201-2181.

3. There shall be no provision for emailing, electronically submitting, or personally delivering claim forms to MPS. The court finds that requiring all potential claimants to mail a claim form to a single address is necessary to ensure that claim forms are handled in a uniform manner and to minimize the possibility that a form is lost in the bureaucratic shuffle.
4. If DRW chooses to collect claim forms from individual claimants, it shall be DRW's responsibility to ensure that such claim forms are timely mailed to MPS.
5. For any claim form received by MPS that is found to be deficient, for example because the claim form is not signed, MPS shall mail a notice to the claimant informing the claimant of the deficiency and providing the claimant at least 14 days to submit an amended claim form.
6. No later than **January 22, 2010**, MPS shall provide to the independent monitor and DRW copies of all claim forms received.

**SO ORDERED.**

Dated at Milwaukee, Wisconsin this 19th day of August 2009.

U.S.

s/AARON E. GOODSTEIN  
Magistrate Judge