

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

JAMIE S, et al.,

Plaintiffs,

-vs-

Case No. 01-C-928

**MILWAUKEE PUBLIC SCHOOLS,
DEPARTMENT OF PUBLIC INSTRUCTION,
STATE OF WISCONSIN, et al.,**

Defendants.

DECISION AND ORDER

This matter is a long-running class-action lawsuit seeking structural reform of special education in the Milwaukee public school district. In the previous district court proceedings, Judge Goodstein certified a class based upon alleged violations of the “child find” requirements of the Individuals with Disabilities Education Act. After a bench trial, the Department of Public Instruction reached a settlement with the class, agreeing to order the Milwaukee Public Schools to meet certain compliance benchmarks.

On appeal, the Seventh Circuit vacated the district court’s class-certification order. The Seventh Circuit also vacated the settlement reached between the plaintiffs and the Department of Public Instruction. The Seventh Circuit remanded for further proceedings, the necessity of which appears to be an open question. “What remains are the claims of the individual plaintiffs; the district court did not find a denial of a free appropriate public education in any individual case. Furthermore, the court’s reasons for excusing

administrative exhaustion appear to have been tied to the class allegations, and it's not clear whether the court would have excused exhaustion for any of the individual claims. Finally, it's possible – perhaps likely – that some of the named plaintiffs' individual factual circumstances have changed such that their claims are now moot. We leave to the district court on remand the task of determining whether anything remains of this case and what, if anything, should happen next.” *Jamie S. v. Mil. Pub. Sch.*, 668 F.3d 481, 499-500 (7th Cir. 2012).

If the plaintiffs want to pursue this case any further, they should meet and confer with the defendants pursuant to Federal Rule of Civil Procedure 26(f) and submit a proposed discovery plan within **thirty (30)** days of the date of this Order. Failing that, the Court will enter an order of dismissal.

Dated at Milwaukee, Wisconsin, this 20th day of March, 2012.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Rudolph T. Randa", written over a horizontal line.

HON. RUDOLPH T. RANDA
U.S. District Judge