

December 11, 2020

Dr. Keith Posley, Superintendent  
Milwaukee Public Schools  
P.O. Box 2181  
Milwaukee, WI 53201-2181

Dear Dr. Posley:

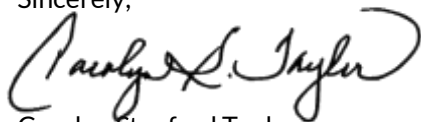
As you are aware, the Individuals with Disabilities Education Act (IDEA) and Chapter 115 of the Wisconsin Statutes remain in effect during the 2020-2021 school year. School districts must continue to provide a free, appropriate public education (FAPE) to each student with an individualized education program (IEP). While most students are able to receive FAPE effectively through distance learning options, some students with disabilities require in-person instruction and/or related services in order to receive FAPE. It is the department's expectation Milwaukee Public Schools (MPS) meets their responsibility to provide FAPE to every student with a disability. In-person instruction and services must be delivered to those students either individually or in small groups who require it in order to receive FAPE in a manner that follows health and safety protocols.

This message has been communicated directly to MPS staff on multiple occasions and in multiple ways since July 2020. As of today's date, MPS has failed to provide any in-person services during the 2020-2021 school year, and no public health order has prevented them from doing so. The City Health Department has also approved the provision of these services.

Consequently, I am writing to inform you that unless MPS begins providing in-person services to those students who require them in order to receive FAPE by January 25, 2021, the department will move forward with withholding reimbursement of state special education categorical aids as well as funds available under Part B of the IDEA. The department also expects MPS to determine compensatory services for those students who did not receive FAPE during the first half of the 2020-2021 school year, and the department will monitor the determination and implementation of these compensatory services.

The department reiterates that it is available to provide technical assistance and share practices to support MPS in the provision of FAPE. If you have questions regarding this letter, please contact Dr. Barbara Van Haren, Assistant State Superintendent, Division of Learning Support, at [barbara.vanharen@dpi.wi.gov](mailto:barbara.vanharen@dpi.wi.gov) or 608-266-1649.

Sincerely,



Carolyn Stanford Taylor  
State Superintendent

CST: bv

cc: Jennifer Mims Howell, Senior Director of Specialized Services, Milwaukee Public Schools  
Jeremiah Holiday, Interim Chief Academic Officer, Milwaukee Public Schools  
Larry Miller, School Board President, Milwaukee Public Schools