

June 16, 2011

Mary Gerbig  
Davis & Kuelthau  
318 S. Washington St.  
Suite 300  
Green Bay, WI 54301-4242

**VIA E-MAIL AND FIRST CLASS MAIL**

Dear Ms. Gerbig:

As you know, Disability Rights Wisconsin (DRW) has been conducting an investigation into the abusive behavior of Mary Berglund, who taught students with disabilities in Appleton School District for almost 20 years. At this time, DRW represents C. B., B. B., L. C., A. G., and M. H., by and through their parents, regarding the physical abuse the students in Mary Berglund's classroom suffered from at least as early as September 2009 until January 2011, when Ms. Berglund was removed from the classroom. In addition, I want to inform you that DRW has agreed to work cooperatively with Jason Abraham, who represents T. H. on similar claims.

We now believe that we have sufficient evidence to move forward with a variety of special education and civil rights claims against the school district, Mary Berglund and relevant administrators for failing to protect the civil rights of these children and thereby denying them a free appropriate public education. According to the interviews conducted during the police investigation and the daily log maintained by Doris Verboomen<sup>1</sup>, Mary Berglund's former aide, Ms. Berglund's inexcusable conduct included, but was not limited to the following incidents: Ms. Berglund grabbed the back of A. G.'s head and pushed it into a desk causing his mouth to bleed; she also grabbed A.'s hand and pulled him across room; grabbed his leg and dragged across room; and while A. had his hand in mouth she pushed on his hand causing it to go further into his mouth and throat. Ms. Berglund grabbed L. C. by the shoulders and shook him; grabbed L. by the upper arm and back of the neck and pushed him into the chair and pushed his head down on the table. She also pushed L.' hand into his mouth as far as she could and shoved a dirty Kleenex into his mouth. She also dug her fingers in the back of L.'s neck. Ms. Berglund grabbed B. B. by the back of the neck, squeezing it until he cried and she pushed him down into a chair. Ms. Berglund slapped M. H.'s hand and shoved a fork into her mouth leaving a large red scratch on the side of her face. Finally, she forced C. B.'s head down requiring her to pick something up which she had thrown. All of this physical abuse was accompanied by regular verbal abuse of all of my clients.

The fact that Ms. Berglund's appalling behavior was able to continue for so long is at least partially attributable to the sign on her door, which required visitors to knock before entering.

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<sup>1</sup> As you and I have discussed, the letter which Doris Verboomen gave to Rick Waters regarding the abuse which she observed is missing. We consider it the responsibility of the Appleton Area School District to find and provide us with that letter. Failing to do so can only be interpreted as an intentional attempt to obstruct justice.

This well-known policy was initially put in place to address a particular student's needs, a student whom, incidentally, has been out of the district for over five years. The policy went unquestioned for the past five years, thereby demonstrating that administrators were not fulfilling their supervisory obligations.

Prior to taking any formal legal action, I am writing you in the hope that Appleton School District may be willing to engage in good faith negotiation, which could include mediation, in order to resolve this dispute. In order to help you and your clients understand the nature of what my clients are seeking, the following is an outline of their demands:

1. A letter of apology from the school districts and the county for failing to protect my clients.
2. Discipline of all school administrators and staff who were aware of Mary Berglund's abusive behavior.
4. Compensatory education to address the trauma that each of my clients has suffered.
5. Training on how to recognize abuse, by a well qualified trainer, for teachers, aides, support staff, related service staff, and administrators.
6. Training on mandatory reporting guidelines for all staff.
7. Adoption of clear policies that lay out what is expected of Appleton School District staff if they become aware of or suspect abuse.
8. Adoption of clear policies that prohibit any long term closure of classroom doors or windows.
9. Monetary damages for each of my clients.

I will give you until June 27, 2011, in order to let me know whether your clients wish to enter into good faith negotiations and/or mediation in an attempt to resolve the issues that I have described above. If I do not hear from you, or your clients refuse to enter into good faith negotiations and/or mediation by that date, I shall proceed with initiating legal action against your clients on my clients' behalf. As always, feel free to contact me if you have any questions. I look forward to hearing from you.

Sincerely,

Jeffrey Spitzer-Resnick  
Managing Attorney

Cc: C. and C. B.  
M. B.  
F. C. and H. H.  
D. E.  
A. and M. G.