

Exhibit A



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To: Joan Hunt, Chris Fruge, Maree Sneed
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Wayne T. Stewart
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CC: Pam Starns
Career Law Clerk to the Honorable Jay C. Zainey

Dale Bailey, Ken Swindol, William Swindol
Independent Monitors

From: Lauren Winkler and Sophia Mire Hill of Southern Poverty Law Center and Neil Ranu

RE: Plaintiffs' proposal for proactive compliance and improved monitoring in *P.B., et al., v. Cade Brumley, et al.* (Civil Action No. 10-4049).

I. Introduction

We offer this proposal for proactive compliance and improved monitoring pursuant to Court's order in *P.B. v. Brumley* (Civil Action No. 10-4049).¹ In its order, the Court expressed its concerns with reactive versus proactive special education compliance over the last few years that the Consent Judgment has been in effect. The Court asked the parties to consider what proactive compliance and improved special education monitoring should entail for the Defendants after the termination of the Consent Judgment. This proposal sets forth practices, policies, and procedures that Defendants Orleans Parish School Board (OPSB)² and Louisiana Department of Education (LDE) should adopt for special education compliance and monitoring going forward.

As an initial matter, we would like to express our appreciation and gratitude to the many people who work on special education in New Orleans. These people include the staff at schools, OPSB, and LDE. We also acknowledge the efforts of advocates who support families and work to protect the rights of students with disabilities. With respect to this case, specifically, we would like to recognize the Independent Monitors (IMs) for their efforts under the Consent Judgment and their responsiveness. It takes coordination, collaboration, and very often, the expression and resolution of disagreements to meet the needs of students with disabilities. Nothing in this proposal should

¹ Rec Doc. 412.

² OPSB refers to the public school district in New Orleans as NOLA Public Schools. For purposes of this proposal, we mean to include the relevant functions, operations, and responsibilities of NOLA Public Schools when we refer to OPSB.

be taken as a critique or diminishment of honest efforts made by those involved in special education. This proposal is directed at the structural attributes of New Orleans' school system and the policies and practices the district and the state have adopted to monitor and support it.

We do not believe that the Consent Judgment is ripe for termination. LDE and OPSB have not yet demonstrated that they are ensuring the delivery of free appropriate public education (FAPE) in New Orleans' complex and decentralized school system. Consent Judgment monitoring shows that systemic noncompliance still pervades the independent LEAs in the city.³ Significant gaps exist in the academic achievement between students with disabilities and other students.⁴ More than half of the schools in the city that have received school grades have been cited by LDE for being in need of urgent intervention for the educational outcomes of students with disabilities.⁵ Families still report to us about the difficulties they face in finding quality special education programs and subsequently holding schools accountable. Furthermore, LDE is falling short in its practices and systems of monitoring and oversight. In 2020, the United States Department of Education (U.S. DOE) determined that LDE "needs assistance" in implementing the Individual with Disabilities Education Act (IDEA).⁶ Since 2004—the earliest year of available data—LDE has been in various levels of noncompliance with federal standards every year but one (2011).⁷ LDE also committed a number of school selection errors in its administration of the Consent Judgment.⁸ These errors raise doubts about whether LDE has developed the processes necessary to effectively oversee schools in a decentralized system.

If the Consent Judgment is to be terminated, we believe that OPSB and LDE must incorporate the principles and processes set forth in the Consent Judgment into their monitoring and compliance frameworks. This proposal provides a pathway to do that.

It should go without saying that we are not offering a final solution to the challenges of special education compliance in New Orleans. For instance, researchers and policy analysts recommend the centralization of special education services for decentralized school systems, either as a whole or in certain program areas.⁹ OSBP has already centralized its expulsion and enrollment processes

³ See discussion below in Section V(A), *Gaps in School Compliance, Performance, and Culture*.

⁴ *Id.*

⁵ *Id.*

⁶ United States Dept. of Educ., 2020 Determination Letters on State Implementation of IDEA (June 2020), available at <https://sites.ed.gov/idea/files/ideafactsheet-determinations-2020.pdf>; Letter to Brumley from United States Dept. of Educ. (June 2020); available at <https://sites.ed.gov/idea/files/LA-apr1tr-2020b.pdf>.

⁷ U.S. Dept. of Educ., Part B State Performance Plans Letters and Annual Performance Plans Letters, available at <https://www2.ed.gov/fund/data/report/idea/partbspap/allyears.html#la>; U.S. Dept. of Educ., *Determination Letters on State Implementation of IDEA Fiscal Year 2006*, available at <https://www2.ed.gov/fund/data/report/idea/partbspap/allyears.html#la>.

⁸ Rec. Doc. 399.

⁹ See Paul O'Neill and Lauren Morando Rhim, *Equity at Scale: How Public Charter School Networks Can Innovate and Improve Services for Students with Disabilities* (2015), available at <https://www.publiccharters.org/publications/equity-at-scale>; Paul O'Neill and Robert Garda, *Charter Schools and Special Education: Ensuring Legal Compliance Through Capacity Building*, U. Mem. L.R. (forthcoming, Spring 2021); Robert Garda, *Culture Clash: Special Education in Charter Schools*, 90 North Carolina Law Review 655 (March 2012); National Center for Special Education in Charter Schools, *Shared Responsibility, Shared Accountability: An Analysis of Enrollment of Students with Disabilities in Colorado's Charter School Sector* (2020), available at <https://www.cde.state.co.us/cdechart/nationalcenterreport2020>; Katharine Parham, *Charter Schools and Special Education: Institutional Challenges and Opportunities for Innovation* (Columbia Teachers College Working

due to the challenges posed by a decentralized school system.¹⁰ But this proposal does not go so far. Instead, this proposal is tied to the Consent Judgment and is limited by the practices, policies, and procedures it anticipates. Schools, families, and policymakers must continue to find ways to fulfill the IDEA mandates in New Orleans in the future.

This proposal is structured in three parts: (1) a description of the process and principles we used to create this proposal and identify the major needs this proposal addresses; (2) a summary of the specific proposals we are making; and (3) a list of the proposals is set forth in Appendix A.

We welcome the opportunity to discuss this proposal with OPSB, LDE, and the Court.

II. Our Process

This proposal is based on the information we have learned about special education in New Orleans through the Consent Judgment. The information includes both the data that has come from the monitoring process and from the public's response to the Consent Judgment. Since the filing of this case, we have received reports from families of their experiences with special education. We have regularly checked-in with local advocates to understand how the Consent Judgment has affected special education in New Orleans. The most common comment we receive about the Consent Judgment has to do with its termination. Advocates and families are apprehensive about oversight when the requirements of the Consent Judgment are lifted. They fear that there may be a lapse in accountability.

The specific set of recommendations that we offer in this proposal were developed in consultation with families, advocates, and academics who actively participate in the city's special education system and are familiar with *P.B. v. Brumley*.

Our analysis of LDE's and OPSB's monitoring and compliance systems was led by Professor Robert Garda at Loyola University of New Orleans College of Law. The recommendations we make for these systems are based on his research comparing the systems to high-quality and robust oversight models that have been effectively implemented across the country.

Our engagement with families was coordinated by members of the Sunshine Parents advocacy group. The Sunshine Parents advocate for greater transparency in special education in the city.¹¹ For this proposal, the Sunshine Parents organized a series of virtual parent focus group sessions.

Paper 242 August 10, 2020), available at https://ncspe.tc.columbia.edu/working-papers/WP242.pdf?utm_source=WP+242B&utm_campaign=Charter+Schools+and+Special+Education&utm_medium=email; National Center for Special Education in Charter Schools, *Between a Rock and a Hard Place: Educating Students with Disabilities in Charter Schools in the State of Connecticut* (2020), available at <https://www.google.com/url?q=https://www.ncsecs.org/wp-content/uploads/Between-a-Rock-and-a-Hard-Place-Synthesis.pdf&sa=D&ust=1609256274510000&usg=AOvVaw2v3HOaJ3HjqLqwKJ0aFOOq>.

¹⁰ See NOLA Public Schools, About Common Enrollment, available at <https://enrollnola.org/about/enrollnola-oneapp/>; NOLA Public Schools, Student Hearing Office Manual 2019-2020, available at <https://www.nolapublicschools.com/documents/school/school-leadership-resources/student-support-and-attendance/school-leader-forms/school-hearing-office-information/student-hearing-office-manual-2019-2020>.

¹¹ See Marta Jewson, 'Sunshine Parents' Demand Greater Special Education Accountability at Bricolage Academy, The Lens (January 2020), available at <https://thelensnola.org/2020/01/08/sunshine-parents-demand-greater-special-education-accountability-at-bricolage-academy/>.

The parent group was recruited by an open call for volunteers in online venues and through local special education advocacy organizations. The focus group consisted of 12 parents whose 18 children with disabilities attended 13 different schools in the city (7 elementary, 1 middle school, and 5 high schools). The group was also diverse with respect to the range of students' learning disabilities and its demographics with 39% of the students identifying their race or ethnicity as white, 28% as black, 22% more than one race, 6% as Hispanic, and 6% as Asian. A few of the students represented also had a Section 504 plan. The group shared with us their experiences in the city's special education system. Specifically, they were asked to identify what is and is not working in the system (i.e., strengths and weaknesses), the information they want to know when making enrollment and transfer decisions for their children, and the supports and reforms they would like the district and state to implement in order to improve special education programs in the city. They also offered comments on an initial draft of this proposal.

Finally, the recommendations were vetted by local special education advocates and the National Center for Special Education in Charter Schools (NCSECS). NCSECS reviewed the recommendations to ensure that they were consistent with practices and policies that have been successfully implemented across the country for the effective oversight of special education in charter schools.

We note again that this proposal is limited by the Consent Judgment and the Court's orders of October 1, 2020.¹² Many of the stakeholders we consulted offered innovative and creative suggestions for adapting special education oversight to the unique circumstances of New Orleans' decentralized school system. These suggestions are not part of this proposal because they did not fit within its basic guiding principles.

III. Guiding Principles

We have been committed to maintaining the integrity of this proposal throughout our drafting process. For us, this meant offering proposals that are consistent with the Consent Judgment and the Court's Order for proposals that strengthen proactive special education compliance and monitoring.

We have ensured that our recommendations (a) track the principles, terms, and goals embodied in the Consent Judgment and (b) fit within the monitoring, oversight, and support frameworks that OPSB and LDE have already put in place. We believe this proposal achieves the shared goals that Defendants and Plaintiffs articulated in the Consent Judgment and can be adopted by OPSB and LDE with minor modifications to their current processes and practices. We sought proposals that could be efficiently implemented while having the greatest impact.

We agree with the Court's insistence on proactive compliance for special education programs in New Orleans. By itself, the monitoring of Local Education Agencies (LEAs) is reactive. It catches mistakes after they have been made and, as a result, students lose time and opportunities in their education. Monitoring becomes proactive when it is part of a process of continuous improvement. Continuous improvement is a cycle of planning, implementation and monitoring,

¹² Rec Doc. 412.

evaluation (study), and action (revision).¹³ It is an integral part of the oversight and monitoring regime of the IDEA,¹⁴ and this proposal is built on its governing principles.

The proposal identifies critical areas where monitoring must occur on a regular and ongoing basis and asks the district and state to make information about special education programs more accessible. These changes will provide the district, state, schools, and families with the information they need to assess the performance of special education programs. Using this information, educators and system administrators will know how to target efforts for improvement and support, and parents/caregivers will be able to hold education leaders and officials accountable and determine which programs will best serve the unique needs of their children.

IV. A Unique School System with Unique Special Education Challenges

OPSB has structured its school district as a decentralized system of schools. The district began the 2019-2020 school year as the first major American city to fully provide public education through charter schools.¹⁵ This system has attracted the attention of researchers, scholars, and the local and national media beginning with its origins after Hurricane Katrina.¹⁶

A review of the literature on the reforms that have taken place in New Orleans is clearly beyond the scope of this proposal. For our purposes, it is important to reference some of the research and new reports that examine how special education programming and oversight are affected in a decentralized system.

¹³ National Council on Disability, *Federal Monitoring and Enforcement of IDEA Compliance* (2018), available at https://www.ncd.gov/sites/default/files/NCD_Monitoring-Enforcement_Accessible.pdf; National Center for Education Evaluation and Regional Assistance at IES, *Continuous Improvement in Education: A Toolkit for Schools and Districts* (2020), available at https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2021014.pdf.

¹⁴ U.S. Dept. of Educ., *State Monitoring and Support*, <https://sites.ed.gov/idea/state-monitoring-support/>. See, e.g., Mass. Dept. of Educ, Coordinated Program Review Procedures, School District Information Package, Special Education (2017-18); Texas Education Agency, *Texas Continuous Improvement Process*, <https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/texas-continuous-improvement-process>).

¹⁵ Marta Jewson, *New Orleans Becomes First Major American City Without Traditional Schools*, The Lens (July 2019), available at <https://thelensnola.org/2019/07/01/new-orleans-becomes-first-major-american-city-without-traditional-schools/>.

¹⁶ See, e.g., The Cowen Institute (<http://www.coweninstitute.org/>); Education Research Alliance for New Orleans <https://educationresearchalliancenola.org/>; Douglas Harris, *Good News for New Orleans*, Education Next (2015), available at <https://www.educationnext.org/good-news-new-orleans-evidence-reform-student-achievement/>; *The Real Story of New Orleans and its Charter Schools*, Washington Post (2018), available at <https://www.washingtonpost.com/education/2018/09/04/real-story-new-orleans-its-charter-schools/>; Bruce D. Baker, *What Should We Really Learn from New Orleans after The Storm?*, Network for Public Education (2018), available at <https://networkforpubliceducation.org/real-story-new-orleans-charter-schools/>; CREDO, *Charter School Performance in Louisiana* (2009), available at https://credo.stanford.edu/sites/g/files/sbiybj6481/f/la_charter_school_report_credo_2009.pdf; Adamson, Cook-Harvey and Darling-Hammond, *Whose Choice? Student Experiences and Outcomes in the New Orleans School Marketplace* (Stanford Ctr. for Opportunity policy in Ed. 2015), available at <https://edpolicy.stanford.edu/sites/default/files/publications/scope-report-student-experiences-new-orleans.pdf>.

Researchers note that the strengths of the school system in New Orleans include collaboration among stakeholders, special education innovation, and a weighted funding formula.¹⁷ But the system has created challenges for families and for the oversight and accountability of special education.¹⁸ Some of the notable challenges include:

- Leveraging economies of scale to meet the resource-intensive needs of special education students.
- Ensuring access to skilled and knowledgeable special education staff across the school system.
- Offering quality special education and the full continuum of special education services at approximately 83 schools and 52 independent LEAs.¹⁹
- Providing families information to make informed decisions about initial school enrollment and transfers.
- Identifying deficiencies and noncompliance at individual schools and LEAs and providing targeted support.
- Strengthening family engagement, collaboration, and responsiveness at the school and district levels.
- Overlapping yet separate functions of OPSB as an elected school board, authorizer, implementing LEA, and oversight LEA,²⁰ which leads to confusion among families and community members about OPSB's role in resolving special education disputes and ensuring compliance of special education programs.
- Incorporating school-level special education compliance and performance into school ratings (i.e., the accountability framework).
- Aligning charter school values and principles (autonomy, innovation, and competition) to underlying principles of special education laws (due process and legal compliance).²¹

¹⁷ Center for Reinventing Public Education, *Special Education and School Choice in New Orleans* (2019), available at https://www.crpe.org/sites/default/files/final_nola_brief_2019.pdf.

¹⁸ See, *supra*, note 9; National Council on Disability, *School Choice Series: Charter Schools and Implications for Students with Disabilities* (2018), available at <https://ncd.gov/publications/2018/school-choice-report-series>; Mark Weber, *Special Education from the (Damp) Ground Up: Children with Disabilities in a Charter-School Dependent Educational System*, 11 Loy. J. Pub. Int. L 217 (2010); Comment, Erin Hankens Diaz, *Is it Really a Choice?: How Charter Schools Without Choice May Result in Students Without a Free Appropriate Education*, 2016 B.Y.U. Educ. & L.J. 25 (2016); Note, Joshua Gillerman, *Building Capacity: Building on the Special Education Quality Improvement Act of 2014 by Developing a Framework for a Baseline Offering of a Continuum of Special Education Services in D.C. Public Charter Schools*, 23 Geo. J. on Poverty L. & Pol'y 107 (Fall 2015); Robert Garda, *Searching for Equity Amid a System of Schools: The View from New Orleans*, 42 Fordham Urban Law Journal 613 (2015).

¹⁹ See The Cowen Institute, 2020-2021 New Orleans Public Schools Governance Chart (2020), available at http://www.thecoweninstitute.com.php56-17.dfw3-1.websitetestlink.com/uploads/2020-2021_Governance_Chart_FINAL-1600111455.pdf; NOLA Public Schools, School Directory (2020), available at <https://nolapublicschools.com/schools/directory>; List of schools in which OPSB implements special education programs as implementing LEA, available at <https://nolapublicschools.com/families/parents-resources/special-education/>; Louisiana Department of Education, *Students With Disabilities and Gifted/Talented Rates by LEA- Feb 2020*, available at https://louisianabelieves.com/docs/default-source/academics/2020-feb-sped-rates-by-lea-site_public.xlsx?sfvrsn=ea92981f_4.

²⁰ La. Admin. Code tit. 28, Pt. CXXXIX, §2303(2)(d) (2020).

²¹ See, *supra*, note 16. See also Katharine Parham, *Charter Schools and Special Education: Institutional Challenges and Opportunities for Innovation* (Columbia Teachers College Working Paper 242), available at https://ncspe.tc.columbia.edu/working-papers/WP242.pdf?utm_source=WP+242B&utm_campaign=Charter+Schools+and+Special+Education&utm_medi

- Collecting and evaluating enrollment and performance information for students with disabilities from 83 schools and 52 independent LEAs within a single parish.²²
- The fiscal and school accountability pressures related to serving students with disabilities incentivizes the counseling-out of students and weak special education programs.²³
- Multiple school transfers that students with disabilities and their families experience to find an appropriate placement.²⁴
- Financial difficulties in schools committed to serving students with disabilities.²⁵
- The denial of protections and rights provided by state public education laws to students in New Orleans because of the piecemeal application of these laws to charter schools.²⁶

[um=email](#); Robert Garda, *Culture Clash: Special Education in Charter Schools*, 90 North Carolina Law Review 655 (March 2012); Marta Jewson, *State Report: Kennedy HS Misused Credit Recovery Program, Special Education Services Were Inadequate*, The Lens (July 2, 2019) available at <https://thelensnola.org/2019/07/02/state-report-kennedy-hs-misused-credit-recovery-program-special-education-services-were-inadequate/>; Katy Reckdahl, *Charter Schools Aren't Measuring Up to Their Promises*, The Hechinger Report (October 17, 2017) available at <https://hechingerreport.org/charters-felt-pressured-to-promise-miraculous-progress-but-none-met-the-targets/>.

²² See, *supra*, note 19.

²³ Andrea Gabor, *The Myth of the New Orleans School Makeover*, The New York Times (Aug. 22, 2015), available at <https://www.nytimes.com/2015/08/23/opinion/sunday/the-myth-of-the-new-orleans-school-makeover.html>; Andrew Vanacore, *Study Finds Some New Orleans Schools Tried to Screen Students*, NOLA.COM (Mar. 31, 2015), available at https://www.nola.com/news/education/article_aba9f46c-ea9d-5ce9-879e-929d00621f92.html; Andrew Vanacore, *Lagniappe Academies: Isolated Case or Sign of Widespread Problems in Educating Special-needs Students?*, NOLA.COM (Mar. 26, 2015), available at https://www.nola.com/news/education/article_d3fb734c-0f8e-5cc4-a678-c6a5bd58449c.html; Marta Jewson, *Five Years After Settlement in Citywide Special Education Suit, Some New Orleans Families Still Struggle for Services*, The Lens (December 10, 2019), available at <https://thelensnola.org/2019/12/10/five-years-after-settlement-in-citywide-special-education-suit-some-new-orleans-families-still-struggle-for-services/>.

²⁴ Marta Jewson, *Recovery School District Tracking Students Who Transfer Due to Special-Ed Needs*, NOLA.COM (Dec. 17, 2016), available at https://www.nola.com/news/education/article_8b47c1fe-30c5-5b6d-8437-12aa7b0f18af.html; Richard O. Welsh, Matthew Duque, Andrew McEachin, *Does School Choice Mean Students Attend Better Schools?*

The Case of Post-Hurricane Katrina New Orleans, RAND Corporation (2017) available at https://www.rand.org/pubs/research_briefs/RB9966.html; Greg LaRose, *WDSU Investigates: New Orleans Charter Schools Struggle to Provide Special Education, Parent Says*, WDSU News (Jul. 21, 2020), available at <https://www.wdsu.com/article/wdsu-investigates-new-orleans-charter-schools-struggle-to-provide-special-education-parent-says/30184518>.

²⁵ See, e.g., Marta Jewson, *Cypress Academy Will Close, Students to Transfer to Foundation Prep Next Year* (Nov. 12, 2018), available at <https://thelensnola.org/2018/11/12/cypress-academy-will-close-students-to-transfer-to-foundation-prep-next-year/>; Lynn Schnaiberg and Robin Lake, *Special Education in New Orleans: Juggling Flexibility, Reinvention and Accountability in the Nation's Most Decentralized School System* (2015), available at https://www.crpe.org/sites/default/files/crpe-special-education-new-orleans-report_0.pdf; Andrea Gabor, *The K-12 Takeover*, Harper's Magazine (November 2019), available at <https://harpers.org/archive/2019/11/the-k-12-takeover-charter-schools-new-orleans/>; Sharon Lurye, *These Schools are Opening Their Arms to Special Education Students. Can They Afford It?*, The Hechinger Report (Aug. 30, 2018), available at <https://hechingerreport.org/these-schools-are-opening-their-arms-to-special-education-students-can-they-afford-it/>.

²⁶ La. Rev. Stat. Ann. §17:3996. For example, students with disabilities lose out on the protections of the state's teacher certification requirements, and based on LDE's interpretation of state law, the state's guarantee of gifted services. See Marta Jewson, *A Mother's Year-Long Fight for a Gifted Test Reveals Charters Don't Have to Offer Services*, The Lens (Aug. 5, 2019), available at <https://thelensnola.org/2019/08/05/a-mothers-year-long-fight-for-a-gifted-test-reveals-charters-dont-have-to-offer-services/>. An exemption from the statutory protections for gifted services is troubling because diagnosis with disability can mask a twice exceptional student's gifts. The potential for this masking is heightened when the disability intersects with other marginalized statuses. See The Wisconsin English Journal, Symposium: Supporting Twice Exceptional African American Students (Nov. 2016), available at

- Schools sites or LEAs with small populations of students with disabilities present difficulties for program evaluation and accountability purposes because data is not reported for small special education populations, and when data is reported, populations may be too small to make robust conclusions.²⁷
- The creation of 52 independent LEAs in New Orleans has increased the monitoring responsibilities and duties of LDE and requires LDE to devote sufficient resources and personnel to fulfill its monitoring functions in the district. The 52 LEAs in New Orleans comprise nearly one-third of the total LEAs in the state.²⁸
- The need for effective interventions and corrective actions from OPSB and LDE to improve special education compliance and performance so that schools remain open and serve students with high quality programs. The primary mechanism for school accountability in a decentralized system is school closure. But closures disrupt and destabilize the educational experience of families. Families pay for special education non-compliance and academic underperformance because they suffer the most immediate and significant consequences of closure.²⁹

Any system of special education oversight, monitoring, and continuous improvement used by LDE and OPSB must account for the challenges that are inherent to the structure of a decentralized school district. A number of processes and practices used in such a system are contained in the Consent Judgment. These include targeted monitoring and corrective actions, the dissemination of uniform guidance to schools and families, the development and posting of special education program descriptions, and the creation of complaint processes for enrollment discrimination. One of the goals of this proposal is to create a road map for incorporating the proactive and effective monitoring practices set forth in the Consent Judgment into LDE's and OPSB's systems after the Consent Judgment is terminated.

V. Providing Families the Options & Information They Need

OPSB and LDE have created a school system in New Orleans governed by choice. Every family must choose a school for their children to attend. But a choice is only as good as the options and information available when making that choice. In New Orleans' complex and decentralized

<https://wisconsinenglishjournal.org/category/vol-58-no-2-2016/symposium-supporting-twice-exceptional-african-american-students/>.

²⁷ See, e.g., LDE 2018-2019 State Performance Profiles under Louisiana's State Performance Plan-Part B addressing reporting requirements under the IDEA, available at [https://louisianabelieves.com/docs/default-source/academics/performance-profiles-\(all-leas\)-2018-2019.zip?sfvrsn=fe3f981f_6](https://louisianabelieves.com/docs/default-source/academics/performance-profiles-(all-leas)-2018-2019.zip?sfvrsn=fe3f981f_6); Andrew Vanacore, *Lagniappe Academies: Isolated Case or Sign of Widespread Problems in Educating Special-Needs Students?*, NOLA.COM (Mar. 26, 2015), available at https://www.nola.com/news/education/article_d3fb734c-0f8e-5cc4-a678-c6a5bd58449c.html; Center for Popular Democracy & Coalition for Community Schools, *System Failure: Louisiana's Broken Charter School Law Underinvestment in Oversight Leaves Louisiana's Charter Schools Vulnerable to Financial Fraud and Academic Failures* (May 2015), available at https://populardemocracy.org/sites/default/files/Charter-Schools-Louisiana-Report_web3.pdf.

²⁸ Louisiana Department of Education, *Students With Disabilities and Gifted/Talented Rates by LEA- Feb 2020*, available at https://louisianabelieves.com/docs/default-source/academics/2020-feb-sped-rates-by-lea-site_public.xlsx?sfvrsn=ea92981f_4.

²⁹ See Jess Clark, *Closing A Failing School Is Normal, But Not Easy*, In *Charters-Only New Orleans*, NPR WWNO (Sept. 6, 2019), available at <https://www.npr.org/2019/09/06/756456951/closing-a-failing-school-is-normal-but-not-easy-in-charters-only-new-orleans>.

school system, this means that OPSB and LDE must provide families a range of quality school options and the information they need to choose between them. These prerequisites for choice are especially important for students with disabilities. Their families must understand the capacity and desire of schools to meet the needs of their students, many of whom have unique challenges and require highly trained staff and specialized resources. The participation of students with disabilities in the school system is inequitable if they are denied the options and information that are essential for them to exercise informed decisions. We devote this section to discussing gaps in the most basic requirements for implementing effective special education programs: compliance, performance, and information.

A. Gaps in School Compliance, Performance, and Culture

To provide quality special education in New Orleans, schools across the system must comply with the basic legal requirements of the IDEA, educate students with disabilities in a manner consistent with other general education students to the greatest extent possible, and promote a culture among staff and students that is supportive of students with disabilities. The school system in New Orleans has not met these standards.

There are approximately 52 independent LEAs implementing the IDEA at 83 schools in New Orleans.³⁰ Each of these LEAs has assumed the responsibility of ensuring that the federal and state laws that apply to students with disabilities are fulfilled at these schools. The LEAs independently define their approaches to special education, determine special education staffing, and decide how their special education programs relate to their general education curriculum.

Independent monitoring under the Consent Judgment indicates that schools struggle to offer compliant programs meeting the most basic requirements of the IDEA. Appendix B summarizes how schools have performed in independent monitoring. Over the course of the Consent Judgment, 70% of all schools have shown systemic non-compliance in initial monitoring. For the two most recent monitoring cohorts during Fall 2019, schools were systemically noncompliant at rates of 50% and 60%.

Non-compliance in the area of related services is especially concerning. The related services monitoring protocol is used to audit schools selected for monitoring in the areas of both related services and enrollment, which demonstrate the highest rates of non-compliance. For example, the aggregate rate of non-compliance was 69% for all schools monitored using the related services protocol in Fall 2019.

Schools show improvement when they are placed on corrective action plans (CAPs), but non-compliance still occurred in follow-up monitoring. Overall, 27% of schools that were placed on CAPs showed systemic non-compliance again in follow-up monitoring and were issued intensive corrective action plans (ICAPs). The areas in which schools struggled the most were in the areas of related services and child find. Almost half of the schools with CAPs in child find failed to achieve compliance when those CAPs were reviewed in follow-up monitoring.

³⁰ See, *supra*, note 19.

We find it notable that almost 20% of the CAPs that have been issued over the course of the Consent Judgment have been issued to schools that have since closed. Depending on the way this fact is interpreted, school closure can be considered reactive or proactive. We do not address that issue here; rather, we highlight this finding because it raises questions about the investment of resources on schools that are now closed. Furthermore, monitoring needs to continue to measure compliance given the changes in school composition that have occurred in the system (i.e., school openings and closings). We also note that 15 of the 54 schools that have been selected for initial targeted monitoring have been selected for monitoring more than once. See Appendix C for a list of schools that have been monitored and Appendix D for a list of schools that have been selected for monitoring multiple times.

Schools have not closed large gaps in educational performance for students with disabilities in the city. Appendix E lists the schools in New Orleans that LDE has identified as requiring or needing urgent intervention because of the academic performance of specified subgroups of students. More than 50% of the schools in New Orleans that have received school grades have been cited for intervention because of the performance of their students with disabilities. Twenty-three (23) schools require urgent intervention. This means that those schools earned a school grade equivalent to an F for two or more consecutive years based on the performance of students with disabilities enrolled on their campuses. Appendix F contains selected information from the 2019 School Performance Profiles that LDE prepared under the IDEA for schools in New Orleans. This data shows that the percentage of students with disabilities who scored “basic” or above on annual assessments is significantly lower than their general education peers in Math and English Language Arts.

With respect to school culture and climate, parents/caregivers of students with disabilities tell us that they and their children often face significant barriers that limit their full participation in their child’s education. One area of acute concern to parents/caregivers is school discipline. Families report that their children are subjected to punitive disciplinary practices from school personnel at rates significantly higher than their non-disabled peers. These concerns are supported by LDE data that show students with disabilities are suspended at a rate 1.53 times as often as their non-disabled peers for the most recent year.³¹ And beyond disciplinary actions that are publicly reported, parents/caregivers find that their children are excluded from class and other activities through shadow discipline³² and exclusionary practices that are not captured in the official data. These

³¹ See Louisiana Department of Education discipline data, available at, <https://www.louisianabelieves.com/resources/library/school-system-attributes>.

³² The Consent Judgment addressed the specific concern of undocumented suspensions. The Consent Judgment required OPSB and LDE to provide technical assistance to schools on the prohibited practice of undocumented suspensions and to broadly disseminate information to parents on the unlawfulness of this practice. See Sections IV(C)(3-4) of the Consent Judgment. For a definition of shadow discipline and a study of the practice in Texas, see *Shadow Discipline in Texas Schools*, Easterseals Central Texas, Texas Appleseed, Disability Rights Texas (2019), available at <https://www.texasappleseed.org/sites/default/files/ShadowDisciplineReport-Y-FINAL.pdf>. For a discussion on recent changes in discipline practices in New Orleans, see Wilborn P. Nobles III, *New Orleans schools seek better discipline process as expulsions drop but suspensions rise*, NOLA.COM (Aug. 17, 2019) available at https://www.nola.com/news/education/article_b777475f-4267-5bff-8a97-8b6847af2692.html; Mónica Hernández, *The Effects of the New Orleans School Reforms on Exclusionary Discipline Practices*, The Education Research Alliance (Mar. 2019), available at <https://educationresearchalliancenola.org/publications/the-effects-of-the-new-orleans-school-reforms-on-exclusionary-discipline>; Nathan Barrett, Andrew McEachin, Jonathan N. Mills, and Jon Valant, *What are the Sources of School Discipline Disparities by Student Race and Family Income?*,

actions include: removing students from classrooms for behaviors that are manifestations of their disabilities, calling parents to pick-up their children early from school (i.e., undocumented suspensions), denying students access to recess, withholding lunch or snacks from students, and denying students participation in field trips or extracurricular activities. These actions have the effect of limiting FAPE and stigmatizing students. Parents also worry about the safety of their children. Parents have expressed concern that schools are not doing enough to create positive school environments for students with disabilities. These parents report that their children are bullied or teased by other students and that their schools have not created awareness and acceptance of students with disabilities through outreach efforts to the school community or through increased parent education and engagement. Parents of children with Autism and other disabilities report their concerns about safety and whether their schools have the proper training and knowledge to appropriately respond to their children's behaviors- including elopement.³³ The use of punitive disciplinary practices and the safety concerns faced by students with disabilities show that there are still schools within New Orleans that are not serving students with disabilities when it comes to creating safe school environments and cultures. Schools should be welcoming to all students and their families. In New Orleans, there are schools where this is not the case.

This proposal addresses the gaps in program quality by asking LDE and OPSB to engage in ongoing and mandatory monitoring and professional development in special education. We propose that more areas of special education be independently included in the state's risk indicators (i.e., child find and discipline) and that interventions occur as soon as there is data suggesting low performance or noncompliance. In addition to professional development in areas of noncompliance, schools should conduct annual professional development on special education for school staff. This programming can help promote school cultures with greater understanding, skill, and compassion toward students with disabilities.

B. Gaps in Information

Families with children who are entitled to special education services have a strong need for information about general and special education programs when making enrollment decisions and when evaluating the special programs their children may currently attend or choose to attend in the future. Without this information, they are disempowered and denied the ability to fully, or effectively, exercise their choices within the system.

Currently, the data and information that is offered to families about special education during enrollment is very limited.³⁴ Most of the publicly available information about special education programs in New Orleans is posted online in PDF documents or Excel spreadsheets that must be

Education Research Alliance (Nov. 2017), available at <https://educationresearchalliancenola.org/publications/what-are-the-sources-of-school-discipline-disparities-by-student-race-and-family-income>.

³³ Elopement is a condition prevalent in children with Autism as well as some other behavioral disorders in which a child wanders or runs away from a designated area. Experts report that nearly 50% of individuals with ASD have attempted or successfully eloped from a known adult.

³⁴ See, e.g., the enrollment information for Akili Academy of New Orleans available at the following sources: LDE's Louisiana School Finder available at https://louisianaschools.com/schools/381001/academic-performance#breakdown_student_groups; OPSB's school directory available at <https://nolapublicschools.com/directory/k12/akili-academy-of-new-orleans>; and OPSB's common enrollment website, EnrollNOLA, available at <https://enrollnola.org/k12/akili-academy-of-new-orleans/>.

found in information libraries on various web pages on LDE's website.³⁵ A parent looking for data about a special education program in New Orleans would first need to find the online library where the information is located and then find the PDF document or Excel spreadsheet that provides the information they need. Once the document or spreadsheet is identified, the parent would need to search it for a school or LEA of interest because most of these documents or spreadsheets present information on an aggregated basis for the entire state.³⁶ Not every parent would know how or be able to access this information.

The Consent Judgment required schools to supplement the publicly available information that LDE and OPSB make available with special education program descriptions³⁷ created by the schools. These program descriptions can be found on LDE's website in one of the information libraries,³⁸ on OPSB's website on its special education page,³⁹ and schools' websites.⁴⁰ Parents would only be able to find these descriptions during enrollment if they knew to look for them, as they are not accessible through the district's OneApp enrollment website, which directs parents of students with special needs to contact schools directly for more information.⁴¹ Parents tell us that these descriptions are helpful but incomplete as currently formulated and are of limited value to them in making enrollment decisions.⁴² At one time, OPSB published school "mobility" or re-enrollment rates for special education students, providing a meaningful measure of parent satisfaction with schools. However, OPSB no longer makes this information available to families. Furthermore, neither OPSB nor LDE proactively gather information from families who participate in special education. Rather, they only hear directly from families if complaints are filed with either entity. This level of information collection and distribution is insufficient for a school system entirely based on choice. The collection and dissemination of key information to parents are essential, particularly if the Consent Judgment is terminated.

It is only those families with in-depth knowledge and access to resources who can make-up for the gaps in information by investigating schools on their own. They may interview school

³⁵ LDE's four Student with Disabilities Libraries are *available at* <https://louisianabelieves.com/resources/library/academics>; <https://louisianabelieves.com/resources/library/students-with-significant-cognitive-disabilities>; <https://louisianabelieves.com/resources/library/special-education-reporting-and-funding>; and <https://www.louisianabelieves.com/resources/library/early-childhood>.

³⁶ For example, LDE's 2019-2020 IDEA Monitoring Results for all LEAs within the state are found in a single 130 page document, *available at* https://louisianabelieves.com/docs/default-source/students-with-disabilities/2019-2020-monitoring-results.pdf?sfvrsn=51d06618_4. LEA Performance Profiles and LDE Corrective Action Plans are similarly reported in total for all LEAs in the state. This hard-to-find information would be valuable to parents in selecting schools.

³⁷ The Program Descriptions are listed in one place on the NOLA PS website - <https://nolapublicschools.com/ecs-programs> - and are not linked on individual school directory pages. A parent would only find them if he or she knew they existed.

³⁸ LDE's Special Education Program descriptions - Orleans Type 2 or Type 5, *available at* <https://louisianabelieves.com/resources/library/academics>.

³⁹ NOLA Public Schools' Special Education Program Descriptions available at <https://nolapublicschools.com/families/parents-resources/special-education>.

⁴⁰ *See, e.g.,* 2020-21 Special Education Program Description for Lycée Français de la Nouvelle-Orléans *available at* <https://www.lfno.org/wp-content/uploads/2020/07/lfno-program-description-2020.pdf>.

⁴¹ *See* Enroll NOLA, School Choice Interactive Guide, *available at*, <https://enrollnola.org/wp-content/uploads/2017/01/interactive-guide-1.pdf>.

⁴² This proposal sets forth recommendations on improving the Special Education Program Description template.

administrators even while not knowing if they can rely on the assurances they receive,⁴³ and they may speak to other families to find out what others might know about special education programs in the city. The inequities that result from these informal methods of information gathering are apparent. Most families will not have the time, knowledge, or social connections to engage in the sort of vetting required to find a good match for their child's specific needs. Hence, families of students with disabilities experience high rates of transfer.⁴⁴ The information collected under the Consent Judgment confirms that students with disabilities often switch schools. For example, Appendix G summarizes the rates at which students with disabilities chose not to re-enroll in schools for the 2017-2018 school year (the most recent school year for which we have obtained this data from LDE). Notably, there were 12 schools where students with disabilities chose not to re-enroll at rates over 40%, and at over half the schools the rates were over 20%. The Independent Monitors have noted that on average, for the five years that the Consent Judgment has been in effect, 1 in 5 students with disabilities choose not to re-enroll in the school they attended the year before.⁴⁵ Some parents also report that they have reluctantly resorted to homeschooling because they have been unsatisfied with their special education options. This dynamic was common among the parents who participated in our focus group.

Reliable and relevant information is also critical to school accountability. The decentralized system in New Orleans is said to have created a marketplace of school options, and families, by selecting one school over another, put pressure on schools to compete and improve their services.⁴⁶ Without commenting on the validity of this market-based theory of accountability, we note that this type of accountability is not possible without a robust system of information collection and dissemination, which are necessary for families to make good choices.

This proposal addresses the existing gaps in information by asking OPSB to expand school program descriptions with information that is already collected by LDE or the US DOE, post/hyperlink information that is already collected on special education programs on school directory pages, and collect information from families during school monitoring and when families request school transfers. These proposals would require OPSB to make information more accessible, and to proactively disseminate more of the information families need to know when choosing schools.

VI. Summary of Proposals and Underlying Concerns

In this section, we briefly summarize our proposals and the concerns that gave rise to them. Our proposals are based on the monitoring and oversight processes and procedures outlined in the following policies and frameworks:

⁴³ Center for Reinventing Public Education, *Special Education and School Choice in New Orleans* (2019), available at https://www.crpe.org/sites/default/files/final_nola_brief_2019.pdf.

⁴⁴ See, *supra*, note 24.

⁴⁵ Summary of Follow-up Inquiry Submitted by Plaintiff's Counsel, Rec. Doc. 409 at 9.

⁴⁶ Christian Buerger and Douglas Harris, *How Can Decentralized Systems Solve System-Level Problems? An Analysis of Market-Driven New Orleans School Reforms*, American Behavioral Scientists (2015, Vol 59(10)) available at https://educationresearchalliancenola.org/files/cvs/Buerger_Harris_Governance.pdf; Gary Sernovitz, *What New Orleans Tells Us About the Perils of Putting Schools on the Free Market*, The New Yorker (July 30, 2018) available at <https://www.newyorker.com/business/currency/what-new-orleans-tells-us-about-the-perils-of-putting-schools-on-the-free-market>.

Louisiana Department of Education	Orleans Parish School Board
LDE Special Education Monitoring Information Sheet ⁴⁷	OPSB Charter School Accountability Framework ⁴⁸
LDE Sample IDEA Monitoring Rubric ⁴⁹	OPSB Special Education Monitoring and Support Summary ⁵⁰
LDE Risk-based Monitoring Oversight Structure Summary ⁵¹	OPSB Board Policy Section H - Charter Schools ⁵²
Louisiana Charter School Performance Compact ⁵³	NOLA Public Schools School Website Checklist
BESE Bulletin 1922- Compliance Monitoring Procedures ⁵⁴	
2020-2021 BESE Authorized Charter School Assurances ⁵⁵	
2020-2021 BESE Authorized Charter School Student Handbook Checklist ⁵⁶	
2020-2021 BESE Authorized Charter School Website Checklist ⁵⁷	

We understand that LDE’s current monitoring process and protocol applies uniformly across the state. While we believe the proposals we make here would benefit all LEAs in Louisiana, we acknowledge that *P.B. v. Brumley* was filed to address special education issues in New Orleans’ decentralized system of schools, and to challenge the deficiencies of the state’s existing monitoring structure as it applied to New Orleans’ decentralized system of numerous schools and small LEAs. Accordingly, to make the adoption of this proposal more efficient, LDE could limit its

⁴⁷ Louisiana Department of Education, Special Education Monitoring, available at https://www.louisianabelieves.com/docs/default-source/students-with-disabilities/special-education-monitoring.pdf?sfvrsn=a5319e1f_10.

⁴⁸ OPSB, Charter School Accountability Framework, available at <https://nolapublicschools.com/documents/opsb-charter-school-accountability-framework-5-18-18/download>.

⁴⁹ Rec. Doc. 408-47.

⁵⁰ Rec. Doc 408-46.

⁵¹ Rec Doc. 408-48.

⁵² Orleans Parish School Board, Policy Manual Display and Reference Guide, (April 19, 2016), available at <https://nolapublicschools.com/CAPS/OrleansCAPS.htm>.

⁵³ Louisiana Department of Education, Louisiana Charter School Performance Compact, available at <https://www.louisianabelieves.com/docs/default-source/school-choice/charter-performance-compact.pdf>.

⁵⁴ BESE, Bulletin 1922, Compliance Monitoring Procedures, available at <http://www.doa.la.gov/osr/lac/28v91/28v91.doc>.

⁵⁵ Louisiana Department of Education, 2020-2021 BESE Authorized Charter School Assurances, available at https://www.louisianabelieves.com/docs/default-source/school-choice/2020-2021-bese-authorized-charter-school-assurances.pdf?sfvrsn=61ef991f_2.

⁵⁶ Louisiana Department of Education, 2020-2021 BESE Authorized Charter School Student Handbook Checklist, available at https://www.louisianabelieves.com/docs/default-source/school-choice/2020-2021-bese-authorized-charter-school-student-handbook-checklist.pdf?sfvrsn=60ef991f_2.

⁵⁷ Louisiana Department of Education, 2020-2021 BESE Authorized Charter School Website Checklist, available at https://www.louisianabelieves.com/docs/default-source/school-choice/2020-2021-bese-authorized-charter-school-website-checklist.pdf?sfvrsn=67ef991f_2.

implementation to decentralized school districts (i.e., school districts in which more than 50% of the students attend charter schools) or LEAs whose student populations are significantly smaller than traditional districts. The limitation of the proposal in this way is consistent with the problems this case was filed to resolve.

A. Enhancing the Monitoring Process

This group of proposals offers enhancements to the processes that LDE and OPSB use for special education monitoring.

For LDE, our primary concern relates to the proliferation of independent LEAs in New Orleans' decentralized school system. We question LDE's ability to engage in meaningful monitoring of all LEAs in New Orleans if it relies exclusively on its Risk-based Monitoring Rubric to select schools for monitoring. With so many individual LEAs operating their own independent special education programs, it is critical that all LEAs be subject to regular oversight.

Our concern is illustrated by the outcomes from the monitoring of the schools that were incorrectly selected for initial targeted monitoring.⁵⁸ As noted by the Independent Monitors, one might reasonably expect that the schools selected in error would demonstrate a higher rate of IDEA compliance.⁵⁹ This was not the case. Eight (8) out of the ten (10) (or 80%) of the schools that were incorrectly selected were placed on CAPs for systemic non-compliance across the areas of child find, related services, and enrollment stability.⁶⁰ As a result, the Independent Monitors raised doubts about the reliability of the selection metrics under the Consent Judgment in predicting the actual level of risk of IDEA non-compliance.⁶¹ We believe that the question of reliability would likely translate to indicators used in LDE's Risk-based monitoring system for assessing risk in New Orleans decentralized system of schools. Like the Independent Monitors, we believe that outcomes from the monitoring of the incorrectly selected schools suggest the need for continued LDE oversight and support under the provisions of the Consent Judgment.⁶²

To address our concern, we propose that LDE modify its monitoring process to include mandatory monitoring of charter schools in New Orleans with scheduled intensity and frequency. Mandatory monitoring is common in other jurisdictions. The District of Columbia and Massachusetts require desk reviews of special education program compliance every three years. Both of these State Education Agencies (SEAs) also have mandatory on-site visits: DC every five years and Massachusetts every three years.⁶³

⁵⁸ Summary of findings for IM concerns related to OPSB/NOLA charter schools selected for targeted monitoring under the *P.B. v White* Consent Judgment for the fall, 2017 and fall 2018 monitoring cycles, Rec. Doc 399.

⁵⁹ *Id.* at 14-15.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ D.C. Office of State Special Education, Special Education Monitoring & Compliance Manual (Aug. 2014), available at <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/2014-15%20Monitoring%20and%20Compliance%20Manual%20with%20Appendix.pdf>; Massachusetts Coordinated Program Review Procedures, School District Information Package, Special Education (2017-18), available at <https://www.doe.mass.edu/psm/resources/sped-instrument.docx>.

We also propose that LDE require Special Education Advisory Councils (SEACs) to participate in the monitoring process by reviewing self-assessments submitted by schools and reviewing the monitoring results issued by LDE. We believe the inclusion of SEACs in this process will lead to greater accountability at the school level and will strengthen community engagement.

For OPSB's monitoring process, OPSB should continue its annual monitoring activities for special education through the Exceptional Children's Services Team (ECST) and to expand the monitoring process with classroom visits and the collection of information from families. The work of the ECST should be included in the regular oversight activities required by the Charter School Accountability Framework so that the outcomes of OPSB's special education monitoring are more closely linked to school accountability. We also propose that OPSB add parent interviews and surveys to its annual review of LEAs as a way to gather information about program performance and compliance. The results of these surveys and interviews should be made available to the public along with the other monitoring outcomes. Information from families would provide critical and necessary information currently missing in New Orleans' decentralized system.

B. Strengthening Monitoring Standards

Our proposals include recommendations for improving the monitoring standards used by LDE and OPSB.

For LDE, we propose creating separate and independent risk indicators for child find, service provision, discipline, and student mobility (re-enrollment), in its Risk-based Monitoring Rubric. Child find is already included in "Risk Indicator 5: LEA Determination," but given its importance, it deserves to be weighted separately. Elevating these indicators to independent status would create more transparency around these indicators and would give the state the ability to compel targeted technical assistance in areas where there are deficiencies. It is not difficult to separately identify these risk areas. These were areas of monitoring under the Consent Judgment, and LDE already elevates graduation and dropout rates out of "Risk Indicator 5: LEA Determinations." We also propose that most of the 17 OSEP indicators be included in the Risk-based Monitoring Rubric either as independent indicators, or within a catch-call category such as the current Risk Indicator 5. LDE should be using all information that is collected to evaluate these schools.

For OPSB, we propose adding a monitoring standard related specifically to parent involvement and family engagement in its annual review process. Louisiana schools are required to publicly report on family involvement under the IDEA. But our review of State Performance Profiles showed that only four (4) public schools in New Orleans reported information about parent involvement and whether schools facilitated involvement as a means of improving services (*see* LDE State Performance Profiles, Indicator 8).⁶⁴ Other jurisdictions include this standard in their monitoring framework.⁶⁵ By elevating parent involvement to an area of compliance, OPSB will be able to assess whether schools are succeeding in this area, and to provide support where needed.

⁶⁴ *See* Appendix F.

⁶⁵ *See, e.g.*, Massachusetts Coordinated Program Review Procedures, School District Information Package, Special Education (2017-18), available at <https://www.doe.mass.edu/psm/resources/sped-instrument.docx>.

We also believe that OPSB should include a set of defined and publicly reported targets/scores for the “compliance review instruments” that it uses for its annual reviews in the compliance areas of enrollment, child find, least restrictive environment, delivery of services, related services and discipline. An example of such scoring/targets can be found in the Louisiana Charter School Performance Compact that is used by BESE for the charter schools it authorizes. Under the current system, OPSB places schools into performance categories (i.e., tiers) according to their relative performance against one another. The creation of scoring/targets will help measure schools against the standards of the IDEA instead of each other. The District of Columbia Charter School Board is an example of a district that uses numerous, precise “triggers” for additional monitoring and intervention—e.g., if special education enrollment falls below 8.5% of the overall student population.⁶⁶ A set of clear standards will inform schools, families, and communities of the level of compliance and programming required of schools providing special education.

For both OPSB and LDE, we propose that they use the absolute rate of suspensions and expulsions to identify schools at risk for non-compliance in discipline instead of solely relying on the number of removals for ten days or more. As discussed above, discipline practices are difficult to assess because they often go unreported. Furthermore, researchers at the Education Research Alliance have reported that there have been significant shifts in how schools in New Orleans issue suspensions and expulsions.⁶⁷ Suspensions have increased, while expulsions have decreased. Our analysis of LDE discipline data for the state shows that the number of students suspended for 10 or more cumulative days represents a small percentage of all disciplinary removals, however, in-school suspensions have risen significantly, and the total number of suspensions and cumulative removals continue to rise, with nearly 40,000 removals reported for students with disabilities in 2017-18.⁶⁸ By focusing only on removals of ten or more days in their risk assessment, OPSB and LDE are missing most of the disciplinary activity that is occurring in schools.

C. Ensuring that Technical Assistance is Responsive & Targeted

Our proposals ask LDE and OPSB to require LEAs to obtain technical assistance based on the areas where their special education programming is non-compliant or deficient.

For LDE, we propose that LDE compel schools to receive technical assistance in any problem areas identified by their scores on the Risk-based Monitoring Rubric. Based on our review, LDE compels training only if (a) their total score on the monitoring rubric is low enough to justify a desk or onsite review and (b) the review results in the issuance of a CAP. The ability to improve programs is long delayed by waiting for the issuance of a CAP. Using the scores from the rubric to trigger training will help problems be identified and addressed proactively before they become pervasive.

⁶⁶ DC Public Charter School Board, Special Education Audit Policy (2019), available at <https://dcpcsb.org/special-education-audit-policy>.

⁶⁷ See, *supra*, note 32.

⁶⁸ See Louisiana Department of Education, School System Attributes, Discipline Data, available at, <https://www.louisianabelieves.com/resources/library/school-system-attributes>; Louisiana Department of Education, Special Education Reporting and Funding, Discipline Data, available at, <https://www.louisianabelieves.com/resources/library/special-education-reporting-and-funding>.

For OPSB, we propose continuing the activities and services provided by its School Support and Improvement Team (SSIT) and continue the practice of providing schools technical assistance using its tiered system of intervention. Many stakeholders expressed concern about the quality and intensity of training that schools receive. As a response to this concern, we propose that OPSB require schools to report annually on the training, technical assistance, and professional development they receive on special education. This will permit families to understand the areas in which a school has sought to build its capacities.

We also propose that key school personnel receive annual training on the legal rights and protections afforded students with disabilities with a special emphasis on the child find and discipline requirements of the IDEA. It is important that school leaders understand the legal obligations that schools have to these students.

Our final proposal for OPSB in this area is for OPSB to require schools with low parent involvement and family engagement rates to conduct joint training sessions with parents. Parents told us that their ability to collaborate with school staff improved when they had the chance to learn alongside one another. Parents explained that joint learning opportunities strengthened relationships and established shared expectations between parents and staff. Such opportunities should be used by schools to improve family engagement.

For both LDE and OPSB, we propose that they should continue offering guidance and obtaining assurances that are described in the Consent Judgment. Conducting these activities on an ongoing and regular basis is essential to ensuring that special education compliance is a priority for schools.

D. Empowering Families & Enhancing Transparency

Our proposal includes recommendations to empower families as the primary actors within the decentralized school system, to strengthen connections between OPSB and families, and to enhance special program transparency.

For LDE, we propose providing robust guidance and direction to local Special Education Advisory Councils (SEACs). These state-mandated councils are a venue for school and local communities to conduct direct oversight of their special education programs.⁶⁹ To be effective, SEACs must understand their role and exercise some independence from a school's administration. These councils will be better empowered with support from the LDE. A good example of support for SEACs is the model used by the Virginia Department of Education.⁷⁰ The US DOE also maintains an online guide for SEACs with useful information LDE can share with these councils.⁷¹ We also propose that LDE maintain the processes for responding to complaints of enrollment discrimination set forth in the Consent Judgment. These processes are important for families to understand how to resolve such complaints.

⁶⁹ See La. Rev. Stat. Ann. §§17:1944.1 & 17:3996(B).

⁷⁰ Virginia Department of Education, Local Special Education Advisory Committees, *available at* https://www.doe.virginia.gov/boe/committees_advisory/special_ed/local_sped_advisory_committees/index.shtml.

⁷¹ Center for Parent Information and Resources (January 1, 2021). Advocacy in Action: A Guide to Local Special Education Parent Advisory Councils, Newark, NJ, Center for Parent Information & Resources (2019), *available at* <https://sepacguide.parentcenterhub.org>.

For OPSB, we propose formalizing a process for interviewing and surveying families of students with disabilities who apply for mid-year transfers. The information gathered from these interviews and surveys should be used as part of OPSB's oversight activities. It is important that OPSB understand why students with disabilities undertake the difficult process of transferring from one school to another. Students with disabilities may be choosing to transfer for reasons that are different from their nondisabled peers. These interviews and surveys would provide OPSB insights into special education programs from those most affected by them.

We propose that OPSB make information about special education programs more accessible by posting or linking this information on the school pages in OPSB's school directory. In addition to special education information, OPSB should also post and link to the annual school quality profiles that it describes in its Charter School Accountability Framework. When we reviewed OPSB's website, we were unable to locate these profiles.

OPSB should serve as a valuable resource and convener for families of students with disabilities. We propose that OPSB host annual information sessions for families to learn about special education options and to meet with representatives from schools. OPSB should also host community summits on special education. Much has changed in the education landscape over the past five years, and we recommend that OPSB directly engage with the families it serves to understand their experiences navigating special education in the district.

For both LDE and OPSB, we ask that they continue the publication of special education program descriptions and that they supplement these descriptions with a list of disciplinary actions they permit on their campuses and a performance profile developed from information already collected by LDE or the US DOE regarding special education outcomes, resources, and school climate. As discussed above, discipline and safety are major concerns for parents, and the publication of program information for special education is essential for families to make meaningful choices and for schools to be held accountable. We also propose that LDE and OPSB continue to disseminate the guidance described in the Consent Judgment to families. They should also continue to require schools to post disability discrimination complaint procedures on their websites. It is critical for families to understand the rights and protections afforded to students with disabilities.

E. Enhancing Accountability

A major concern that has been expressed by families and special education advocates is the difficulty of navigating OPSB's complaint and reporting system. OPSB plays a number of roles in the oversight of schools in New Orleans. It is an authorizer, an implementing LEA for those schools that are not independent LEAs, and an oversight LEA for schools that are independent LEAs.⁷² Families with special education-related problems are confronted with at least three different complaint processes when they go to OPSB's website. This places the onus on families to understand the complex nuances of the accountability structure and properly classify the nature of their complaint before they even submit it. It puts too great a burden on families. Furthermore, many of those who have registered complaints with OPSB tell us that they do not understand what

⁷² See, *supra*, note 20.

role OPSB plays in resolving their complaints (i.e., authorizer, implementing LEA, or oversight LEA), and they do not understand what resolution of the complaint actually means or whether resolution has or will occur. Currently, there is no easy or clear way for parents or the public to ascertain this information.

To address these concerns, OPSB should create a separate and independent Office of Ombudsman. The Ombudsman would help families and schools resolve conflicts and would issue reports on its activities each year. The District of Columbia State Board of Education maintains an example of how such an office might operate.⁷³ We also recommend that the Ombudsman adopt a unified complaint system. The Ombudsman should work with families to identify the type of complaint they are making, clearly articulate the complaint process, and provide a written record of how it was resolved. A complaint should not have to be in writing to qualify as a complaint. The unified complaint policy used by the DC Public Charter School Board has elements that the newly created Office of Ombudsman should consider adopting to make its complaint process more responsive to families.⁷⁴

We also propose that OPSB create an annual authorizer report on the performance special education city-wide. This report would be important for families and the public to understand how the district as a whole (i.e., OPSB) is ensuring that the needs of students with disabilities are being met.

We are concerned that OPSB and LDE may not consider special education program compliance and performance with a high enough level of scrutiny at the time of charter school renewal. The Superintendent of OPSB's recommendations for charter school renewals this year illustrate our concern.⁷⁵ Excluding schools that received automatic renewals of their charter contracts, every school but one is on LDE's urgent intervention list for students with disabilities.⁷⁶ Five (5) of the eighteen (18) schools that were up for renewal had been issued CAPs under the Consent Judgment. Two of these schools, Lusher Charter School and Lake Forest Elementary Charter School, were recommended for the maximum automatic renewal terms of ten (10) years despite being issued a CAPs in 2018 and 2019, respectively. Mildred Osborne Charter School was recommended for a five (5) year renewal even though it has been issued three (3) CAPs under the Consent Judgment and one (1) ICAP.

We propose that OPSB and LDE continue to require organizations and charter schools that submit charter applications or renewals to provide the special education program descriptions identified in the Consent Judgment. We also propose that the OPSB and LDE conduct a targeted audit and review of a school's special education program at renewal. OPSB and LDE should review the descriptions to ensure that the school is meeting the needs of students with disabilities and that the

⁷³ District of Columbia State Board of Education, Office of the Ombudsman for Public Education, *available at* <https://sboe.dc.gov/page/office-ombudsman-public-education>.

⁷⁴ DC Public Charter School Board, Community Complaint Policy (2020), *available at* <https://dcpcsb.org/community-complaint-policy>.

⁷⁵ Aubri Juhasz, *NOLA Public Schools Recommends Non-Renewal for Crocker College Prep, Extends Charters for 17 Schools*, The Lens (Dec. 8, 2020), *available at* <https://www.wwno.org/post/nola-public-schools-recommends-non-renewal-crocker-college-prep-extends-charters-17-schools>; OPSB Special Board Meeting Agenda for December 8, 2020, *available at* <https://go.boarddocs.com/la/nops/Board.nsf/Public>.

⁷⁶ *Id.*

school has consistently provided the services it describes. These reviews fit well within the organizational performance evaluation that is included within the state's and district's accountability frameworks. Schools that fail to comply with the law or underperform on a consistent or material basis should not be permitted to receive charter renewals longer than three years.

OPSB and LDE should also define minimum standards that would trigger the non-renewal of charter agreements for special education non-compliance. The accountability frameworks for both the district and the state permit both entities to revoke a charter agreement for material violations of special education laws. However, there is no description or standard for what constitutes such a violation. Given the amount of monitoring and data collection conducted on special education programs, OPSB and LDE should be able to identify a set of baseline performance and compliance targets that would disqualify a charter school from operating after a material violation of law or policy.

VII. Conclusion

We appreciate the opportunity to share our proposals with LDE and OPSB. We look forward to discussing how these proposals can be implemented into the processes, policies, and practices of both the district and the state.

Appendix A
Plaintiffs' Proposal for Proactive Compliance & Improved Monitoring

Plaintiffs' List of Proposals

I. Enhancing the Monitoring Process

A. Proposals for Louisiana Department of Education (LDE)

1. In addition to its current practice of identifying LEAs for monitoring using the Risk-based Monitoring Rubric, LDE should conduct mandatory and regular monitoring of LEAs for child find, related services, discipline, and enrollment compliance with the following frequency (at minimum):
 - a) Self-assessments every year;
 - b) Desk reviews at least every three years; and
 - c) Onsite monitoring at least every five years.
2. LDE should require Special Education Advisory Councils (SEACs) to participate in self-assessments submitted through LDE's IDEA monitoring. SEACs should certify these self-assessments before they are submitted to LDE.
3. LDE should require SEACs to annually review the IDEA monitoring results issued by LDE. Schools and/or LEAs should certify to LDE that the SEACs have conducted this review.
4. LDE should annually publish the Risk-based monitoring rubrics for all LEAs on its website.

B. Proposals for Orleans Parish School Board (OPSB)⁷⁷

1. OPSB should maintain its Exceptional Children's Services Team (ECST) and continue the team's annual monitoring and onsite visits of all schools in New Orleans for special education compliance.
2. The annual school monitoring and review conducted by the ECST should be included in the annual oversight activities required by OPSB's Charter School Accountability Framework. This review should be a separately enumerated activity in the annual oversight activities conducted by the district.⁷⁸

⁷⁷ These proposals relate to the processes set forth in OPSB's Special Education Monitoring and Support Summary (Rec. Doc. 408-46).

⁷⁸ See page 9 of OPSB's Charter School Accountability Framework for the current list of annual oversight activities.

3. The ECST should observe instruction in school classrooms to ensure compliance with special education laws and consistency with best practices for special education.
4. OPSB should continue to require all schools in New Orleans to complete the Child Find Quality in Schools Assessment described in OPSB's Special Education Monitoring and Support Summary.
5. OPSB should conduct parent interviews and surveys as part of the ECST's annual monitoring process for all schools. The survey should seek information that is important for families in New Orleans. Local SEACs can help identify this information. Questions can also be drawn from the question bank developed by the National Center for Special Education Accountability Monitoring (NCSEAM) to measure parent involvement and family engagement.

II. Strengthening Monitoring Standards

A. Proposals for LDE

1. LDE should separately enumerate child find, service provision, and discipline as separate risk indicators for charter schools in its Risk-based Monitoring Rubric for IDEA monitoring.
2. LDE should add the student mobility rate used in Section IV(D)(7) of the Consent Judgment as a separate risk indicator for charter schools in its Risk-based Monitoring Rubric.
3. The discipline indicator used in the Risk-based Monitoring Rubric for charter schools should be based on the absolute rate of suspensions and expulsions for special education students. It should not be based solely on removals of ten days or more.
4. LDE should include most of the remaining 17 OSEP indicators in the Risk-based Monitoring Rubric either as independent indicators, or within the catch-all category Risk Indicator 5.

B. Proposals for OPSB⁷⁹

1. OPSB should set defined and publicly reported scoring standards (i.e., rubrics) for the "compliance review instruments" that the ECST uses to measure compliance in the areas of enrollment, child find, least restrictive environment, delivery of services, related services, and discipline.

⁷⁹ These proposals relate to the processes set forth in OPSB's Special Education Monitoring and Support Summary (Rec. Doc. 408-46).

2. OPSB should add an “area of compliance” for parent involvement and family engagement in the “criteria, metrics, and tools for data evaluation” that it uses for annual school reviews and identify how it will measure performance in this area. The results of parent surveys and interviews should contribute to a school’s review in this monitoring area.
3. OPSB should continue using the SPLC Monitoring Instruments, or similarly robust monitoring instruments, as the “compliance review instruments” in the monitoring areas for related services and discipline.
4. OPSB should modify the “selection criteria” used for discipline to be based on the absolute rate of suspensions and expulsions. It should not be based solely on removals of ten days or more.

III. Ensuring that Technical Assistance is Responsive & Targeted

A. Proposal for LDE

1. LDE should require schools to receive tiered technical assistance and support in specific monitoring areas based on the scores they receive on indicators in the Risk-based Monitoring Rubric. LDE should not wait to issue CAPs before requiring technical assistance or professional development.

B. Proposals for OPSB

1. OPSB should continue the activities and services provided by its School Support and Improvement Team (SSIT) and continue providing schools technical assistance using its tiered system of intervention described in OPSB’s Special Education Monitoring and Support Summary.
2. OPSB should require all schools to report to the ECST annually on the training, technical assistance, and professional development they receive related to special education. These reports should include, at a minimum, the following information for each activity: participating staff, number of hours, topic(s) covered, and objective of the activity.
3. OPSB should require schools that do not perform well in the proposed compliance area of parent involvement and family engagement to conduct at least one joint training or professional development session that includes both parents and school staff.

C. Proposals for LDE and OPSB

1. Both LDE and OPSB should require the schools they authorize to provide school leaders, directors for discipline/culture, special education

coordinators, and RTI/MTSS coordinators annual professional development regarding the legal rights and protections afforded students with disabilities with an emphasis on the child find and discipline requirements of the IDEA.

2. Both LDE and OPSB should require the schools they authorize to provide new teachers professional development on the legal rights and protections afforded students with disabilities with an emphasis on the child find and discipline requirements of the IDEA. This professional development should be provided to new teachers by the end of their first year of teaching.
3. Both LDE and OPSB should require the schools they authorize to continue making the annual attestations required by the Consent Judgment. These include:
 - a) Assurances of changes in discipline policies/codes of conduct;⁸⁰
 - b) Assurances of the dissemination of documents to school staff and parents described in Proposals IV(C)(3-4) below; and
 - c) Assurances of the dissemination of the school's disability discrimination complaint procedures to school staff and parents described in Proposal IV(C)(5) below.
4. Both LDE and OPSB should continue the annual dissemination of the written guidance required by the Consent Judgment to schools they authorize. This guidance includes:
 - a) Child Find Written Guidance;⁸¹
 - b) Undocumented Suspension Guidance;⁸² and
 - c) Enrollment Discrimination Policy Guidance.⁸³
5. Both LDE and OPSB should continue to review the discipline policies of the schools they authorize as set forth in Sections IV(C)(1-2) of the Consent Judgment. Schools should assure OPSB and LDE that no changes have been made to their discipline policies, and if changes have been made, OPSB and LDE should review all new policies to ensure that they include the required procedural safeguards for students with disabilities, as well as a plan for supporting positive student behavior. They should further attest that all instances of disciplinary actions have been properly documented and reported to the state, and that parents have been duly informed of any actions taken against their students.

⁸⁰ See Sections IV(C)(1-2) of the Consent Judgment.

⁸¹ See Section IV(A)(4)(a-e) of the Consent Judgment.

⁸² See Sections IV(C)(3-4) of the Consent Judgment.

⁸³ See Sections IV(D)(1-2) of the Consent Judgment.

IV. Empowering Families & Enhancing Transparency

A. LDE Proposals

1. LDE should provide detailed and robust guidance to SEACs online and through direct engagement. This guidance can further be incorporated into official policies that are meant to support and inform SEACs.
2. LDE should continue the practices required by Section IV(D)(5)(b) of the Consent Judgment. These practices involve responding to complaints of disability discrimination for the schools it authorizes by, at minimum, providing the complainant contact information for the US DOE's Office for Civil Rights, low-cost lawyers, and, where required under the IDEA, initiate an investigation of the complaint.

B. OPSB Proposals

1. OPSB should conduct surveys and interviews with the families of students with disabilities who apply for mid-year transfers. The results of these surveys and interviews should be considered part of the annual school oversight activities pursuant to OPSB's Charter School Accountability Framework.
2. OPSB should post/hyperlink the following special education information for schools on the individual school pages in the NOLA Public Schools Directory:
 - a) IDEA monitoring results issued by LDE;⁸⁴
 - b) State Performance Profile;⁸⁵
 - c) Corrective Action Plans issued to school through IDEA monitoring (if any);⁸⁶
 - d) Special Education Program Description;⁸⁷
 - e) Parent FAQs for Special Education in Charter Schools;⁸⁸
 - f) Notices of Non-Compliance issued to school by OPSB (if any);⁸⁹
 - g) OPSB Annual School Quality Profile;
 - h) Urgent Intervention Status;⁹⁰ and
 - i) Parent survey and interview results described in Proposal I(B)(5) above.
3. OPSB should host district-wide community summits on special education during the next two school years. These summits should include the

⁸⁴ Available at <https://louisianabelieves.com/resources/library/academics>.

⁸⁵ Available at <https://louisianabelieves.com/resources/library/special-education-reporting-and-funding>.

⁸⁶ Available at <https://louisianabelieves.com/resources/library/academics>.

⁸⁷ Available at <https://nolapublicschools.com/families/parents-resources/special-education>.

⁸⁸ Available at <https://nolapublicschools.com/documents/parent-faqs-special-education-in-charter-schools/download>.

⁸⁹ Available at <https://nolapublicschools.com/families/parents-resources/school-accountability>.

⁹⁰ Available at <https://www.louisianabelieves.com/schools/struggling-schools-and-essa>.

opportunity for families of special education students to give feedback and recommendations to the district on special education.

4. OPSB should host annual information sessions for families to learn about special education options in the city and to meet with representatives from schools.

C. LDE and OPSB Proposals

1. OPSB and LDE should continue requiring the schools they authorize to develop annual Special Education Program Descriptions.
2. OPSB and LDE should require the supplementation of the Special Education Program Descriptions with the following:
 - a) A description of the disciplinary interventions, disciplinary actions, and behavioral or disciplinary classroom removals a school permits on its campus for students with disabilities;
 - b) The special education professional development and training a school's staff have completed and reported as described in Proposal III(B)(2) above; and
 - c) The quantitative indicators set forth in the Special Education Program Profile set forth in Appendix H.
3. Both OPSB and LDE should keep current and continue to broadly disseminate to parents (including by posting on their websites) the guidance and schedules required by the Consent Judgment. These include:
 - a) Child Find Written Guidance;⁹¹
 - b) Undocumented Suspension Guidance;⁹²
 - c) Parent FAQs: Special Education in Charter Schools;⁹³ and
 - d) Enrollment Discrimination Policy Guidance.⁹⁴
4. Both OPSB and LDE should require the schools they authorize to disseminate the following information to parents annually (in addition to posting this information on the schools' websites):
 - a) The guidance set forth in Proposal IV(c)(3) above;
 - b) Special Education Program Descriptions; and
 - c) IDEA monitoring results issued by LDE.
5. Both OPSB and LDE should continue to require the schools they authorize to keep current and post on their websites their written disability discrimination complaint procedures consistent with the standards set forth in Sections IV(D)(5-6) of the Consent Judgment.

⁹¹ See Section IV(A)(1)(a-c) of the Consent Judgment.

⁹² See Sections IV(C)(3-4) of the Consent Judgment.

⁹³ See Sections IV(C)(3-4) of the Consent Judgment.

⁹⁴ See Sections IV(D)(1-2) of the Consent Judgment.

V. Enhancing Accountability

A. Proposals for OPSB

1. OPSB should create an annual authorizer report on the performance of special education of the charter schools on a city-wide basis, and this report should address student outcomes, resources and program quality, and school climate and culture.
2. OPSB should create a separate and independent Office of Ombudsman to resolve conflicts and complaints. The Ombudsman should report annually on its activities. This new office should adopt a uniform complaint system to handle complaints from families and community members. The complaints received by this office should be considered as part of the annual school oversight activities pursuant to OPSB's Charter School Accountability Framework.

B. Proposals for LDE and OPSB

1. Both LDE and OPSB should require organizations/charter schools submitting charter applications or renewals to provide the descriptions and information required by Sections IV(A)(2) and IV(B)(1) of the Consent Judgment.
2. Both LDE and OPSB should conduct a targeted audit and review of an organization's/charter school's special education program when considering its renewal application. This audit can be conducted as part of the evaluation of organizational performance. The audit should evaluate schools for consistent and quality performance in addition to legal compliance. The audit can be modeled on the standards identified by the National Association of Charter School Authorizers (NACSA).⁹⁵ LDE and OPSB should limit the charter renewal term to three years for schools whose special education programs repeatedly underperform or fail to comply with the law. Such schools would include BESE authorized schools that "do not meet expectations" in special education compliance in any given year and OPSB authorized schools that are either receiving "Tier 2: Targeted Interventions and Supports" or "Tier 3: Intensive Interventions and Supports".
3. Both LDE and OPSB should define the minimum standards (i.e., baseline targets) that would trigger non-renewal of charter agreements for special education non-compliance. For OPSB, this means defining minimum

⁹⁵ See National Association of Charter School Authorizers and The National Center for Special Education in Charter Schools, *Special Education Toolkit: Guidance for Charter School Authorizers* (2018), available at <https://www.ncsecs.org/wp-content/uploads/SpecialEducationToolkit2018.pdf>.

standards for what constitutes “significant, consistent, or material violations” related to special education for its accountability framework. For LDE, this means defining minimum standards for what constitutes “serious, systemic, or repeated non-compliance” with special education laws and policies for its accountability framework.

Appendix B
Plaintiffs' Proposal for Proactive Compliance & Improved Monitoring

*P.B. vs. Brumley - CAPs and ICAPs Issued**CAPS issued in Initial Monitoring*

	Child-Find			Related Services			Discipline			Enrollment			Totals		
	Number of Schools Monitored	Number of CAPs Issued	Percentage Non-compliance	Number of Schools Monitored	Number of CAPs Issued	Percentage Non-compliance	Number of Schools Monitored	Number of CAPs Issued	Percentage Non-compliance	Number of Schools Monitored	Number of CAPs Issued	Percentage Non-compliance	Number of Schools Monitored	Number of CAPs Issued	Percentage Non-compliance
Spring 2016	3	3	100%	3	3	100%	3	2	67%	3	3	100%	12	11	83%
Fall 2016	3	3	100%	3	3	100%	3	3	100%	3	3	100%	12	12	100%
Fall 2017	3	2	67%	3	3	100%	3	2	67%	3	3	100%	12	10	58%
Fall 2018	3	1	33%	3	1	33%	3	0	0%	3	2	67%	12	4	33%
Fall 2019 (Regular)	3	1	33%	3	2	67%	3	1	33%	3	2	67%	12	6	50%
Fall 2019 (Supplemental)	3	1	33%	5	3	60%	0	0	0%	2	2	100%	10	6	60%
Totals	18	11	61%	20	15	75%	15	8	53%	17	15	88%	70	49	70%

ICAPS issued in Follow-up Monitoring

	Child-Find			Related Services			Discipline			Enrollment			Totals		
	Number of CAPS Monitored	Number of ICAPs Issued	Percentage Non-compliance	Number of CAPS Monitored	Number of ICAPs Issued	Percentage Non-compliance	Number of CAPS Monitored	Number of ICAPs Issued	Percentage Non-compliance	Number of CAPS Monitored	Number of ICAPs Issued	Percentage Non-compliance	Number of CAPS Monitored	Number of ICAPs Issued	Percentage Non-compliance
Spring 2017	3	3	100%	3	2	67%	2	0	0%	2	2	100%	10	7	70%
Spring 2018	3	0	0%	3	0	0%	3	0	0%	3	0	0%	12	0	0%
Spring 2019	2	0	0%	3	1	33%	2	0	0%	3	1	33%	10	2	20%
Spring 2020	1	1	100%	2	0	0%	0	0	0%	2	0	0%	5	1	20%
Totals	9	4	44%	11	3	27%	7	0	0%	10	3	30%	37	10	27%

CAPs issued: Closed vs. Open Schools

	Child-Find			Related Services			Discipline			Enrollment			Totals		
	CAPs Issued to Open Schools	CAPs Issued to Closed Schools	Percentage to Closed Schools	CAPs Issued to Open Schools	CAPs Issued to Closed Schools	Percentage to Closed Schools	CAPs Issued to Open Schools	CAPs Issued to Closed Schools	Percentage to Closed Schools	CAPs Issued to Open Schools	CAPs Issued to Closed Schools	Percentage to Closed Schools	CAPs Issued to Open Schools	CAPs Issued to Closed Schools	Percentage to Closed Schools
Spring 2016	2	1	33%	2	1	33%	2	0	0%	3	0	0%	9	2	18%
Fall 2016	1	2	67%	2	1	33%	3	0	0%	3	0	0%	9	3	25%
Fall 2017	2	0	0%	2	1	33%	1	1	50%	2	1	33%	7	3	30%
Fall 2018	1	0	0%	1	0	0%	0	0	#DIV/0!	1	1	50%	3	1	25%
Fall 2019 (Regular)	1	0	0%	2	0	0%	1	0	0%	2	0	0%	6	0	0%
Fall 2019 (Supplemental)	1	0	0%	3	0	0%	0	0	#DIV/0!	2	0	0%	6	0	0%
Totals	8	3	27%	12	3	20%	7	1	13%	13	2	13%	40	9	18%

Appendix C**Plaintiffs' Proposal for Proactive Compliance & Improved Monitoring*****P.B. vs. Brumley - Schools Selected for Initial Monitoring***Table Summary

- 54 schools have undergone initial targeting monitoring.
- 46 of these schools are still open.
- 8 of these schools have been closed.

Selected schools that are still open

Abramson Sci Academy
 Alice M. Harte Charter School
 Arise Academy
 Audubon (Lower) Charter School
 Audubon (Middle/Grades 6-8) Charter School
 Benjamin Franklin Elementary
 Benjamin Franklin High School
 Cohen College Prep
 Dr. Martin Luther King, Jr. High School
 Edna Karr Charter High School
 Edward Hynes Charter School
 Einstein at Village De'Lest
 Einstein Charter High School
 Einstein Charter School at Sherwood Forest Elementary
 Einstein Middle Charter School at Sara Towles Reed
 Eleanor McMain Secondary School (Inspire Schools LEA)
 Eleanor McMain Secondary School (OPSB LEA)
 Encore Academy
 Foundation Preparatory Charter School
 Frederick A. Douglass High School
 G. W. Carver Collegiate Academy
 International High School of New Orleans
 International School of Louisiana Charter School
 James M. Singleton Charter School
 John F. Kennedy Senior High School
 Joseph A. Craig Charter School
 Kipp Central City
 Lake Forest Elementary Charter School
 Landry-Walker High School
 Langston Hughes Charter Academy
 Livingston Collegiate Academy
 Lusher Charter School
 Martin Behrman Charter School Academy of Creative Arts and Sciences
 Mary D. Coghill Elementary School (OPSB LEA)
 Mary McLeod Bethune Elementary School
 McDonogh 42 Charter School
 Mildred Osborne Charter School
 New Orleans Charter Math and Science High School
 New Orleans Military & Maritime Academy
 ReNEW Accelerated High School
 Robert Russa Moton Charter School
 Sophie B. Wright Charter School
 Success Prep at Thurgood Marshall
 The NET Charter School
 Walter L. Cohen College Preparatory High School
 Warren Easton Senior High School

Selected schools that have been closed

Algiers Technology Academy
 Crescent Leadership Academy
 Cypress Academy
 Edgar P. Harney Spirit of Excellence Academy
 Joseph S. Clark High School
 Lake Area New Tech Early College High School
 Medard H. Nelson Elementary School
 William J. Fischer Accelerated Academy

Appendix D**Plaintiffs' Proposal for Proactive Compliance & Improved Monitoring*****P.B. vs. Brumley - Schools Selected for Initial Targeted Monitoring More Than Once***Table Summary

- 15 schools have undergone initial targeting monitoring more than once.
- These 15 schools comprise 28% of the schools monitored.
- 2 schools that have been monitored multiple times have closed.

School	Initial Targeted Monitoring Selections	Years Monitored	Area Monitored
Joseph A. Craig	2	Spring 2016 Spring 2016	Child Find Enrollment
Sophie B. Wright CS	2	Spring 2016 Fall 2016	Child Find Enrollment
Joseph S. Clark HS (<i>closed</i>)	3	Fall 2016 Fall 2016 Fall 2017	Child Find Related Services Discipline
Mildred Osborne CS	3	Spring 2016 Fall 2016 Fall 2019	Enrollment Child Find Discipline
Walter L. Cohen College Prep HS	2	Spring 2016 Fall 2018	Discipline Child Find
International High School of New Orleans	2	Spring 2016 Spring 2016	Related Services Discipline
G. W. Carver Collegiate Academy	2	Spring 2016 Fall 2016	Enrollment Discipline
McDonogh 42 Charter School	2	Fall 2016 Fall 2017	Enrollment Discipline
Warren Easton HS	2	Fall 2017 Fall 2019	Child Find Related Services
Encore Academy	2	Fall 2017 Fall 2019	Enrollment Discipline
Benajmin Franklin HS	2	Fall 2019 Fall 2019	Child Find Related Services
Lake Forest Elementary CS	2	Fall 2018 Fall 2019	Child Find Related Services
New Orleans Charter Math & Science HS	2	Fall 2018 Fall 2019	Discipline Related Services
New Orleans Military & Maritime Academy	2	Fall 2016 Fall 2018	Related Services Discipline
William J. Fischer Accelerated High School (<i>closed</i>)	2	Fall 2016 Fall 2018	Child Find Enrollment

Appendix E**Plaintiffs' Proposal for Proactive Compliance & Improved Monitoring*****New Orleans Public Schools - 2020 Schools Identified for Urgent Intervention***Table Summary

- 41 schools need or require urgent intervention for students with disabilities.
- These schools comprise 55% of the schools that could have been identified for intervention.*

School Name	Intervention Category							
	Students w/ Disabilities	Discipline	Hispanic/Latino	English Learner	Black or African American	Economically Disadvantaged	Homeless	All Students
Alice Harte Charter School	UIN							
Benjamin Franklin Elementary Mathematics and Science School	UIN	UIR					UIN	
Bricolage Academy	UIN							
CA: Livingston Collegiate Academy	UIN							
Dwight D. Eisenhower Academy of Global Studies	UIN							
Einstein Charter at Sarah Towles Reed (High School)	UIN			UIN				
Einstein Charter School at Village De L'est	UIN		UIR	UIN	UIN	UIN		CIR
FirstLine Schools: Arthur Ashe Charter School	UIN	UIR						
FirstLine Schools: Live Oak Academy	UIN		UIN	UIN	UIN	UIN		
Harriet Tubman Charter School	UIN		UIN	UIN	UIN	UIN	UIN	
Homer A. Plessy Community School	UIN		UIN		UIR	UIR		CIR
James M. Singleton Charter School	UIN				UIR	UIR	UIR	CIR
Mary McLeod Bethune Elementary School of Literature and Technology	UIN							
McDonogh #35 College Preparatory High School	UIN				UIN	UIN	UIN	
McDonogh #42 Elementary Charter School	UIN							
Morris Jeff Community School	UIN			UIN				
Akili Academy of New Orleans	UIR	UIR			UIN	UIN	UIR	
Andrew H. Wilson Charter School	UIR							
ARISE Academy	UIR	UIR			UIN	UIN	UIN	CIR
Audubon Charter School: Uptown	UIR							
Einstein Charter at Sarah Towles Reed (Middle School)	UIR		UIR	UIR	UIN	UIN		
Einstein Charter School at Sherwood Forest	UIR		UIN		UIN	UIN		
ENCORE Academy	UIR	UIR			UIN	UIN	UIR	
Fannie C. Williams Charter School	UIR			UIN	UIN	UIN	UIN	
FirstLine Schools: Langston Hughes Academy	UIR	UIR			UIN	UIN		
FirstLine Schools: Phillis Wheatley Community School	UIR	UIR	UIN	UIN	UIN	UIN	UIN	
FirstLine Schools: Samuel J Green Charter School	UIR	UIR	UIN					

School Name	Intervention Category								
	Students w/ Disabilities	Discipline	Hispanic/Latino	English Learner	Black or African American	Economically Disadvantaged	Homeless	All Students	
Elan Academy*									
IDEA Oscar Dunn*									
Living School*									
New Harmony High*									
New Orleans Accelerated High School*									
Noble Minds Institute for Whole Child Learning*									
<i>Total UIN</i>	16	0	10	11	24	23	11	-	
<i>Total UIR</i>	25	14	2	1	2	2	5	-	
<i>Total UIN & UIR</i>	41	14	12	12	26	25	16	14	
<i>Percentage of Schools Identified for Intervention*</i>	55%	19%	16%	16%	35%	34%	22%	19%	

Intervention Codes

Comprehensive Intervention Required (CIR): School earned an overall letter grade of D or F for three consecutive years and/or a cohort graduation rate below 67% in the most recent year.

Urgent Intervention Required (UIR): School earned a subgroup score equivalent to an F for two consecutive years; school had an out-of-school suspension rate greater than twice the national average for three consecutive years.

Urgent Intervention Needed (UIN): School earned a subgroup score equivalent to a D or F in the most recent year.

Notes

* These schools are not counted in the Percentage of Schools Identified for Intervention because they didn't receive school grades in the 2018-2019 school year. LDE used data from the 2018-2019 school year to identify schools for intervention in 2020 because school report cards were not issued in the 2019-2020 school year due to the impact of COVID-19 on school closures.

Data Sources

https://www.louisianabelieves.com/docs/default-source/school-redesign/2020-schools-in-need-of-intervention-list.xlsx?sfvrsn=8829991f_6

https://www.louisianabelieves.com/docs/default-source/data-management/2019-school-performance-scores.xlsx?sfvrsn=c88f9a1f_6

Appendix F
Plaintiffs' Proposal for Proactive Compliance & Improved Monitoring

New Orleans Public Schools - Selected 2019 State Performance Profile Information

Table Summary

- Nearly all schools show a notable gap in proficiency for students with disabilities.
- Only 4 schools reported information on parent involvement and family engagement.
- Nearly half of reporting schools (28 of 66) fail to meet the state's target of 100% on time evaluations.

	Student Counts				Indicator 3C			Indicator 3C			Indicator 8	Indicator 11
	Total	SWD	Gifted	Regular Ed.	Total Math Proficiency		Proficiency Difference	Total ELA Proficiency		Proficiency Difference	Parent Involvement	Evaluation Timelines
State	-	12.9%	<5%	≥80%	35.3%	64.7%	29.4%	39.4%	70.9%	31.5%	85.7%	>99%
Akili Academy of New Orleans	623	21.8%	5.0%	73.2%	24.5%	42.1%	17.6%	30.6%	56.5%	25.9%	N/A	>99%
Alice Harte Charter School	780	9.9%	5.0%	85.1%	39.5%	74.9%	35.4%	60.5%	79.9%	19.4%	N/A	66.7%
Andrew H. Wilson Charter School	713	10.1%	<5%	≥80%	23.8%	64.3%	40.5%	31.0%	60.8%	29.8%	N/A	>99%
ARISE Academy	495	17.4%	<5%	≥80%	13.0%	34.4%	21.4%	10.3%	34.0%	23.7%	N/A	87.5%
Audubon Charter School: Gentilly	151	19.2%	5.3%	75.5%	N/A	N/A		N/A	N/A		N/A	>99%
Audubon Charter School: Uptown	873	11.6%	24.5%	63.9%	27.9%	76.2%	48.3%	38.1%	84.2%	46.1%	N/A	60.0%
Benjamin Franklin Elementary Mathematics and Science School												
Benjamin Franklin High School	982	<5%	42.5%	56.6%	>95%	>95%		>95%	>95%		N/A	>99%
Bricolage Academy	575	16.0%	<5%	≥80%	55.6%	75.2%	19.6%	71.1%	83.5%	12.4%	N/A	84.4%
CA: Abramson Sci Academy	588	16.8%	<5%	≥70%	51.7%	75.7%	24.0%	35.7%	66.0%	30.3%	N/A	>99%
CA: G.W. Carver High School	860	22.0%	<5%	≥70%	37.2%	61.1%	23.9%	50.0%	58.6%	8.6%	N/A	>99%
CA: Livingston Collegiate Academy	482	20.7%	<5%	≥70%	41.7%	66.4%	24.7%	43.2%	59.8%	16.6%	N/A	>99%
CA: Rosenwald Collegiate Academy	161	19.3%	<5%	≥70%	33.3%	81.1%	47.8%	26.3%	72.2%	45.9%	N/A	>99%
Dr. Martin Luther King Jr. Charter School For Science and Technology	1,016	10.1%	<5%	≥80%	28.6%	44.2%	15.6%	21.6%	51.6%	30.0%	N/A	83.3%
Dwight D. Eisenhower Academy of Global Studies	692	10.1%	<5%	≥80%	38.9%	51.4%	12.5%	35.2%	56.2%	21.0%	N/A	87.5%
Edna Karr High School	1,066	9.2%	6.9%	83.9%	26.5%	55.4%	28.9%	24.0%	65.2%	41.2%	N/A	>99%
Edward Hynes Charter School												
Edward Hynes Charter School French Immersion – UNO												
Einstein Charter at Sarah Towles Reed	273	9.2%	12.8%	78.0%	28.6%	60.5%	31.9%	33.3%	60.8%	27.5%	N/A	>99%
Einstein Charter School at Sherwood Forest	508	8.9%	<5%	≥80%	20.0%	41.8%	21.8%	25.0%	59.2%	34.2%	N/A	85.7%
Einstein Charter School at Village De L'est	465	5.6%	<5%	≥90%	30.0%	41.3%	11.3%	40.0%	53.8%	13.8%	N/A	>99%
Elan Academy												
Eleanor McMain Secondary School	841	10.0%	5.5%	84.5%	36.8%	58.2%	21.4%	29.4%	66.8%	37.4%	N/A	>99%
ENCORE Academy	604	13.9%	7.5%	78.6%	15.3%	39.1%	23.8%	33.9%	54.0%	20.1%	N/A	73.7%
Esperanza Charter School	553	12.0%	<5%	≥80%	35.7%	52.5%	16.8%	44.6%	59.0%	14.4%	N/A	66.7%
Fannie C. Williams Charter School	577	12.5%	<5%	≥80%	32.1%	48.6%	16.5%	24.5%	51.9%	27.4%	100%	>99%
FirstLine Schools: Arthur Ashe Charter School	830	13.0%	<5%	≥80%	43.1%	55.0%	11.9%	44.4%	63.9%	19.5%	N/A	>99%
FirstLine Schools: Langston Hughes Academy	795	12.6%	<5%	≥80%	28.6%	49.3%	20.7%	29.9%	57.4%	27.5%	N/A	91.7%
FirstLine Schools: Live Oak Academy	477	14.5%	<5%	≥80%	18.4%	34.7%	16.3%	27.5%	45.5%	18.0%	N/A	>99%
FirstLine Schools: Phillis Wheatley Community School	835	12.5%	<5%	≥80%	28.0%	50.7%	22.7%	28.6%	52.5%	23.9%	N/A	>99%
FirstLine Schools: Samuel J Green Charter School	504	17.3%	<5%	≥80%	27.7%	56.6%	28.9%	33.8%	61.7%	27.9%	N/A	81.8%
Foundation Preparatory												
Frederick A. Douglass High School												
Harriet Tubman Charter School	901	15.5%	<5%	≥80%	23.7%	38.8%	15.1%	24.6%	47.1%	22.5%	N/A	>99%
Homer A. Plessy Community School												
IDEA Oscar Dunn												
International High School	508	9.6%	<5%	≥90%	30.0%	55.8%	25.8%	55.6%	51.2%	-4.4%	N/A	>99%
International School of Louisiana: Camp Street Campus	1,387	5.6%	<5%	≥90%	54.3%	75.7%	21.4%	65.7%	87.7%	22.0%	N/A	>99%
James M. Singleton Charter School	424	9.0%	<5%	≥80%	12.1%	17.6%	5.5%	15.2%	28.2%	13.0%	N/A	>99%
John F. Kennedy High School at Lake Area	683	14.2%	<5%	≥80%	27.3%	34.2%	6.9%	17.6%	47.0%	29.4%	N/A	>99%
KIPP Believe	674	15.7%	<5%	≥80%	27.4%	47.6%	20.2%	35.7%	55.4%	19.7%	N/A	90.9%
KIPP Booker T. Washington High School	383	16.7%	<5%	≥80%	39.1%	57.8%	18.7%	40.0%	58.8%	18.8%	N/A	>99%
KIPP Central City	960	12.6%	<5%	≥80%	29.4%	56.6%	27.2%	30.6%	64.8%	34.2%	N/A	88.2%

	Student Counts				Indicator 3C			Indicator 3C			Indicator 8	Indicator 11
	Total	SWD	Gifted	Regular Ed.	Total Math Proficiency			Total ELA Proficiency			Parent Involvement	Evaluation Timelines
					SPED	Gen Ed.	Proficiency Difference	SPED	Gen Ed.	Proficiency Difference		
KIPP East Community	515	10.5%	<5%	≥80%	37.0%	70.5%	33.5%	18.5%	55.7%	37.2%	N/A	40.0%
KIPP Leadership	919	14.0%	<5%	≥80%	17.3%	40.9%	23.6%	18.4%	53.9%	35.5%	N/A	88.9%
KIPP Morial (McDonogh 15)	995	12.9%	<5%	≥80%	17.3%	52.6%	35.3%	14.8%	55.4%	40.6%	N/A	90.0%
L. B. Landry – O. Perry Walker College and Career Preparatory High School	998	14.5%	5.2%	80.3%	13.6%	44.3%	30.7%	13.0%	52.5%	39.5%	N/A	>99%
Lafayette Academy Charter School	972	15.8%	<5%	≥80%	8.5%	32.3%	23.8%	12.4%	45.7%	33.3%	N/A	>99%
Lake Forest Elementary Charter School	643	6.2%	14.9%	78.8%	93.5%	>95%		93.5%	>95%		N/A	>99%
Lawrence D. Crocker College Prep: A School for the Arts and Technology Living School	548	16.2%	<5%	≥80%	7.6%	21.3%	13.7%	9.1%	34.3%	25.2%	N/A	71.4%
Lusher Charter School	1,806	<5%	32.1%	64.6%	85.0%	>95%		85.0%	>95%		N/A	>99%
Lycee Francais de la Nouvelle-Orleans (LFNO)	931	8.9%	10.1%	81.0%	38.6%	76.3%	37.7%	61.4%	87.3%	25.9%	N/A	92.9%
Martin Behrman Charter School Academy of Creative Arts and Sciences	734	7.6%	<5%	≥90%	<5%	46.0%		21.4%	66.4%	45.0%	N/A	>99%
Mary D. Coghill Elementary School	598	9.5%	<5%	≥80%	22.2%	31.5%	9.3%	20.0%	41.2%	21.2%	N/A	>99%
Mary McLeod Bethune Elementary School of Literature and Technology												
McDonogh #35 College Preparatory High School												
McDonogh #42 Elementary Charter School	448	8.9%	<5%	≥80%	23.5%	48.3%	24.8%	23.5%	52.8%	29.3%	N/A	50.0%
Mildred Osborne Charter School	503	13.7%	<5%	≥80%	21.2%	50.8%	29.6%	23.1%	52.9%	29.8%	N/A	95.0%
Morris Jeff Community School	1,004	15.9%	9.0%	75.1%	50.0%	60.5%	10.5%	49.5%	72.0%	22.5%	N/A	94.7%
New Harmony High	45	28.9%	<5%	≥70%	42.9%	72.4%	29.5%	36.4%	71.4%	35.0%	N/A	N/A
New Orleans Accelerated High School	230	22.6%	<5%	≥70%	<5%	18.2%		<5%	9.5%		N/A	>99%
New Orleans Center for Creative Arts	237	<5%	<5%	≥95%	N/A	N/A		N/A	N/A		N/A	N/A
New Orleans Charter Science and Math High School (Sci High)	486	13.2%	<5%	≥80%	26.3%	55.0%	28.7%	20.0%	68.7%	48.7%	N/A	>99%
New Orleans Military and Maritime Academy (NOMMA)	870	7.8%	<5%	≥90%	35.7%	55.9%	20.2%	55.2%	73.0%	17.8%	100%	80.0%
Noble Minds Institute for Whole Child Learning	74	13.5%	<5%	≥80%	<5%	12.5%		50.0%	62.5%	12.5%	N/A	>99%
Paul Habans Charter School	696	13.5%	<5%	≥80%	21.3%	51.4%	30.1%	21.3%	52.4%	31.1%	N/A	87.5%
Pierre A. Capdau Charter School at Avery Alexander Elementary	754	14.1%	<5%	≥80%	18.5%	37.5%	19.0%	20.7%	49.7%	29.0%	N/A	88.2%
ReNew Dolores T. Aaron Academy	810	14.7%	<5%	≥80%	25.3%	46.5%	21.2%	28.7%	55.0%	26.3%	N/A	88.2%
ReNew Schaumburg Elementary	775	17.4%	<5%	≥70%	12.3%	32.8%	20.5%	11.4%	37.4%	26.0%	N/A	94.7%
ReNew Scitech Academy	1,043	39.8%	<5%	≥50%	17.4%	36.1%	18.7%	18.3%	43.7%	25.4%	N/A	96.7%
Robert Russa Moton Charter School	452	5.3%	<5%	≥90%	18.8%	43.8%	25.0%	31.3%	63.3%	32.0%	N/A	87.5%
Rooted School												
Sophie B. Wright Charter School	530	9.4%	<5%	≥90%	25.0%	65.3%	40.3%	50.0%	66.1%	16.1%	50%	>99%
Success Prep @ Thurgood Marshall	430	15.3%	<5%	≥80%	21.4%	42.1%	20.7%	25.0%	47.4%	22.4%	0%	91.7%
The Net Charter High School	142	19.7%	<5%	≥70%	<5%	13.6%		80.0%	50.0%	-30.0%	N/A	>99%
The Net Charter High School: Gentilly	172	27.9%	<5%	≥70%	<5%	11.1%		<5%	42.4%		N/A	66.7%
Travis Hill School												
Walter L. Cohen College Prep	340	19.7%	<5%	≥70%	31.6%	37.5%	5.9%	27.3%	50.0%	22.7%	N/A	>99%
Warren Easton High School												
Orleans Parish	5,011	13.9%	11.1%	75.1%	38.4%	63.3%	24.9%	43.0%	73.3%	30.3%	N/A	>99%

Notes

A dark shaded line means that no data was reported for this school individually.

Data Source

[https://louisianabelieves.com/docs/default-source/academics/performance-profiles-\(all-leas\)-2018-2019.zip?sfvrsn=fe3f981f_6](https://louisianabelieves.com/docs/default-source/academics/performance-profiles-(all-leas)-2018-2019.zip?sfvrsn=fe3f981f_6)

Appendix G**Plaintiffs' Proposal for Proactive Compliance & Improved Monitoring*****P.B. vs. Brumley - Rate at which Students with Disabilities (SWD) chose not to Reenroll Between 2016-17 and Oct. 1, 2017***Table Summary

- 12 schools show very high rates of mobility for students with disabilities (over 40%).
- In over half of schools, students with disabilities choose not to enroll at rates over 20%.
- Students with disabilities show extremely high rates of mobility in the year before a school is closed.

Rates at which SWD Choose Not to Reenroll	Number of Schools	Percentage of Schools
0%	6	7%
1-10%	6	7%
11-20%*	26	32%
21-30%	20	24%
31-40%	12	15%
41-50%	4	5%
51-60%^	2	2%
61-70%	2	2%
71-80%	0	0%
81-90%	0	0%
91-100%*	2	2%
100%+*	1	1%
Data unavailable	1	1%
Total	82	

Notes

(1) This table represents the most recent school level re-enrollment data in possession of Plaintiffs under the Consent Judgment.

(2) The five year annual average percentage of students with disabilities choosing not to re-enroll in a previously attended school site by October 1 from the previous school year for all NOLA/OPSB charter schools from 2014-2015 school year to 2018-2019 school year was 22%. See page 9, Rec. Doc. 409, Summary of Follow-up Inquiry submitted by Plaintiff's Counsel.

(3) This table excludes re-enrollment data for alternative schools and detention centers.

(4) * means 1 school in these categories was closed in the following school year (2018-2019).

(5) ^ means 2 schools in this category were closed in the following school year (2018-2019).

Data Source

Database produced by LDE for calculation of mobility rates under the Consent Judgment.

Please note that school-level information is not provided because this data may contain protected personally identifiable information.

Appendix H
Plaintiffs' Proposal for Proactive Compliance & Improved Monitoring

**SPECIAL EDUCATION PROGRAM PROFILE
(TEMPLATE)**

School: _____

General

- Grades Served: _____
- Total Enrollment: _____
- % IEP: _____
- % 504: _____
- Least Restrictive Environment
 - (% of SWDs enrolled in each category)
 - (% of SWDs enrolled in each category)
 - (% of SWDs enrolled in each category)

INDICATOR	SPECIAL EDUCATION RESULTS	COMPARISON GROUP(S)
1. STUDENT OUTCOMES		
1a. Academic Proficiency <i>(% Basic & above)</i>	ELA: Math: Intervention Status:	School: City SPED: State SPED:
1b. Academic Progress <i>(Growth)</i>	% Top Growth:	School: City SPED: State SPED:
1c. HS Graduation	SPED grad %:	School: City SPED: State SPED: Federal SPED:
1d. College/Work Readiness	SPED ACT scores: CTE credentials:	School: City SPED: State SPED: Federal SPED:
1e. Student Transitions	% w/ transition plan to early ed: % w/ transition plan at age 16:	City SPED: State SPED: Fed SPED: City SPED: State SPED: Fed SPED:
1f. Attendance Rates	% SPED absent > than 15 days/yr.:	School: City SPED: State SPED: Fed SPED:
2. PROGRAM RESOURCES AND QUALITY		
2a. Teachers		
▪ Teacher effectiveness	% Ranked Highly Effective:	City: State:
▪ Certification	Teachers fully certified: SPED teachers fully certified:	City: State SPED: State:
▪ Ave salary	Average salary:	City: State:
▪ Yrs experience	More than 2 years experience:	City: State: Federal:
▪ Retention	% Teachers returning:	City: State:
▪ Attendance	% absent > 10 days annually:	City: State: Federal:

	Ave # days absent:	City:	State:
	Gen Ed:	City:	State: Federal:
2c. Staff Training	Prof Dev. for SPED:	N/A	
2d. Staffing Levels (i.e., # of counselors, psych, nurse, aides, support staff, OT, PT)	Student/spec. support staff ratio: % budget for instructional support:	City: City:	State: Federal: State: Federal:
2e. Service Provision Rates	Ave # of service minutes/student:	City SPED:	State SPED:
2f. On-Time Evaluations	% evaluations completed on time:	State:	
3. SCHOOL CULTURE AND CLIMATE			
3a. Discipline	*See below		
3b. Re-enrollment /Student Stability	% SPED students re-enrolling:	School:	City SPED: Federal:
3c. Parent Satisfaction	% Parents rating school as Satisfactory or better:	City SPED:	State:
3d. Parent Engagement	Does school have a parent engagement plan & program?	City:	
3e. Oversight	Has SPED Advisory Council fulfilled duties? Results of school SPED audits: Corrective Action Plans (+links):	City:	
3f. Safety/Bullying	Reported incidents: Does school have anti-bullying program?	City:	State:
3g. Inclusion Awareness	Does school have school-community Inclusion/awareness program? Does prog. meet standards?	N/A	
3h. Complaints	# reported:	City:	

3a. School Discipline – Students with Disabilities

Disciplinary Action	Results	Comparison Groups
SWDs receiving 1 or more in-school suspensions	#: %:	School: State SPED: Fed. SPED: Fed:
SWDs receiving only 1 out-of-school suspension	#: %:	School: State SPED: Fed. SPED: Fed:
SWDs receiving > than 1 out-of-school suspension	#: %:	School: State SPED: Fed. SPED: Fed:
SWDs subjected to Restraint	#: %:	School: State SPED: Fed. SPED: Fed:
SWDs subjected to Seclusion	#: %:	School: State SPED: Fed. SPED: Fed:
SWD Expulsions	# : %:	School: State SPED: Fed. SPED: Fed:
SWDs Transferred to Alternative School	#: %:	School: State SPED: Fed. SPED: Fed:
SWD Referrals to law enforcement	#: %:	School: State SPED: Fed. SPED: Fed:
SWD School-related arrests	#: %:	School: State SPED: Fed. SPED: Fed:
Serious Offenses	#:	School: State SPED: Fed. SPED: Fed: