

***P.B. v. Brumley* overview:**

After Hurricane Katrina struck New Orleans in 2005, many if not all aspects of life in the city changed, including the school system. The city shifted to an all-charter system of public schools. The organization and structure of the school system changed, transitioning from one local education agency to over 50 local education agencies at times as each school became its own school district. However, the federal mandate to provide students with disabilities a free and appropriate education remained the same. The Louisiana Department of Education (LDOE) and the Orleans Parish School Board (OPSB) must abide by federal laws regarding students with disabilities.

However, families witnessed firsthand the failure of the decentralized school system over time.

In 2010, 10 families represented by the Southern Poverty Law Center, Loyola University of New Orleans College of Law and other partners filed a [federal civil rights lawsuit](#) against the LDOE and the OPSB. It describes how the OPSB denied students with disabilities admission to schools because of their disabilities. What's more, students were punished in school for behavior stemming from their disabilities, according to the lawsuit. The lawsuit, *P.B. v. Brumley* (originally *P.B. v. Pastorek*), also outlines how the OPSB failed to establish policies and practices to identify and evaluate students with disabilities for services in a timely fashion.

The state and OPSB agreed to settle, entering into a consent judgment on March 25, 2015. The parties agreed to hire independent monitors to observe schools in the categories of discipline, enrollment, identifying students with disabilities and providing special education services. Every 180 days, the monitors issue reports detailing whether the schools are in compliance with the consent judgment. If noncompliance is found, the monitors determine whether it is a systemic issue or an isolated case. The monitors continue observing schools until compliance is found.

PLAINTIFFS' PROPOSAL

In October 2020, both the OPSB and the LDOE notified the court that they felt it was time for the monitoring to end. The plaintiffs argued that termination would be premature, and that the monitoring had been successful — in fact, more proactive measures are needed before the consent judgment is terminated. The judge ordered the SPLC to develop a proposal that includes proactive assurances that could be adopted if monitoring under consent judgment ends.

The SPLC worked in partnership with two local experts, Professor Rob Garda of Loyola Law School and Chris Roe of the Sunshine Parents, a group of parents who advocate for greater transparency in special education in New Orleans, to develop proposals that would enhance and strengthen special education in New Orleans. The Sunshine Parents organized a series of virtual focus group sessions where a diverse group of parents of students with disabilities were asked to give feedback on special education in New Orleans. Specifically, the parent group was asked what is and isn't working in the system, the information they need when making enrollment and transfer decisions for their children, and the supports and reforms they would like the district and state to implement to improve special education programs in the city.

OPSB denied students with disabilities admission to schools because of their disabilities.

— *P.B. v. Brumley*

The plaintiffs' comprehensive proposal, filed with the court in October 2021, ensures continued robust monitoring of special education in New Orleans. It promotes a proactive system of compliance and monitoring instead of the current reactive model. The needs of families and students with disabilities are at the center of the proposal, which would enhance transparency.

The proposal includes the following:

- Create an Office of Ombudsman in the New Orleans Public School system to help families and schools to resolve conflicts and issue reports on its activities each year
- Increase transparency in special education, including in school choice, complaint procedures, and how students with disabilities are doing in New Orleans schools
- Incorporate the consent judgment monitoring into New Orleans' monitoring and compliance frameworks, and
- Continue to hold the LDOE and the OPSB accountable for the special education of students in New Orleans.

Before the consent judgment is terminated, the plaintiffs' proposal should be adopted to ensure a stronger system for students with disabilities.

To share your experiences about special education in New Orleans with the SPLC call [504-533-4121](tel:504-533-4121) or email us at PBvBrumley@splcenter.org