



Be Heard

# Families of Students With Disabilities in New Orleans

Since 2015, a federal court has monitored charter schools in New Orleans on how they provide special education services to students with disabilities. The judge is now considering whether to end his supervision. But before he makes his decision, he wants to hear from families regarding their experiences with special education at a hearing on Nov. 12 and 13.

**This is your chance to be heard.**

## Overview of the Case

After Hurricane Katrina struck New Orleans in 2005, many if not all aspects of life in the city changed, including the public school system. The state reorganized the city's schools into an all-charter system. What was a single unified school district under the Orleans Parish School Board (OPSB) was fractured into more than 50 mini-school districts (i.e., local education agencies) over time. However, one thing remained unchanged: the mandate for every school to provide students with disabilities a free and appropriate education under federal law. Ultimately, it was the responsibility of the Louisiana Department of Education (LDOE) and the OPSB to ensure that the charter schools they authorized to take over the public school system followed all laws regarding students with disabilities.

But families experienced firsthand the failure of the decentralized school system, and in 2010, 10 families filed a federal civil rights lawsuit against the LDOE and the OPSB. They were represented by the Southern Poverty Law Center, the Loyola University New Orleans College of Law and other partners.

The lawsuit, *P.B. v. Brumley* (originally *P.B. v. Pastorek*), described the various ways that charter schools in New Orleans failed to fulfill their obligations under federal law to students with disabilities. It outlined how these students were denied admission to schools because of their disabilities, punished for behavior stemming from their disabilities, and not identified and evaluated for required services in a timely fashion.

In 2015, the LDOE and the OPSB agreed to settle the case and entered into a consent judgment. Under the settlement, the parties agreed to hire independent monitors to observe schools in four categories: (i) discipline, (ii) enrollment, (iii) identifying students with disabilities and (iv) providing special education services. Every 180 days, the monitors issue reports detailing whether 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 achieved.



**Attend the Hearing**

**Nov. 12 & 13  
9:00 a.m.**

**U.S. District Court  
for the Eastern District  
of Louisiana**

**500 Poydras St.,  
New Orleans, LA**

**If you would like  
to participate or  
attend, call or text  
the SPLC at 504-  
526-1570 or email  
us at [PBvBrumley@  
splcenter.org](mailto:PBvBrumley@splcenter.org).**

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 and should continue. The plaintiffs believed that the OPSB and the LDOE needed to develop more proactive measures to ensure schools fulfilled their legal obligations to students with disabilities before the consent judgment was terminated. The judge ordered the SPLC to develop proposals detailing such proactive assurances.

**Plaintiffs' proposals included:**

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

Between December 2021 and January 2024, the plaintiffs and defendants met on a regular basis to discuss the plaintiffs' proposals and how the defendants could adopt and implement them. However, despite three years of meetings, the defendants refused to adopt any of the plaintiffs' proposals.

In February 2025, the defendants filed a motion to terminate the consent judgment. The plaintiffs opposed the defendants' motion, citing evidence that students with disabilities continue to experience barriers to accessing special education in New Orleans.

Despite the plaintiffs' opposition, the judge said he may be willing to end the consent judgment and is holding one final hearing to allow parents and families the opportunity to speak to him directly regarding their issues with special education in New Orleans schools.