# The Center for Learner Equity

# *Shifting the Tide:*
## Exploring Centralization of Services for Students with Disabilities in New Orleans

# About The Center for Learner Equity (CLE)

CLE is a nonprofit organization dedicated to ensuring that students with disabilities have equitable access to a high-quality public education. CLE provides research, policy analysis, coalition building, and technical assistance to a variety of stakeholders across the nation.

## Mission

We are committed to catalyzing student success and eradicating the complex, pervasive, and systematic barriers that prevent students with disabilities from accessing quality educational opportunities and choices, robust support, and inclusive environments.

## Vision

All students with disabilities are respected, learning, and thriving.

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## Acknowledgments

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The Center for
Learner Equity

# Shifting the Tide: Exploring Centralization of Services for Students with Disabilities in New Orleans

### Synthesis of CLE's Forthcoming Technical Report

In response to persistent challenges associated with ensuring that New Orleans' families and students with disabilities can access high-quality supports and services across the city's uniquely decentralized, all-charter school system, the Center for Learner Equity (CLE) sought to understand the root causes of these challenges and surface viable systemic solutions through in-depth interviews with local stakeholders. Specifically, CLE examined the feasibility of centralizing aspects of special education[1] through the creation of an *Educational Service Agency (ESA)*.[2] **We learned that a vast majority of stakeholders believe centralization through an ESA could be an effective solution to improve special education programming, so long as particular needs are met and concerns addressed.**

This synthesis outlines key highlights from CLE's technical report, which provides an in-depth review of the challenges associated with providing a full continuum of special education services across New Orleans' decentralized system of autonomous charter schools; the potential of an Educational Service Agency to address these challenges; and factors that must be contemplated in order to create an effective ESA. CLE has also published a companion paper, "Educational Service Agencies: Public Infrastructure to Solve Charter Schools' Special Education Capacity Challenges."
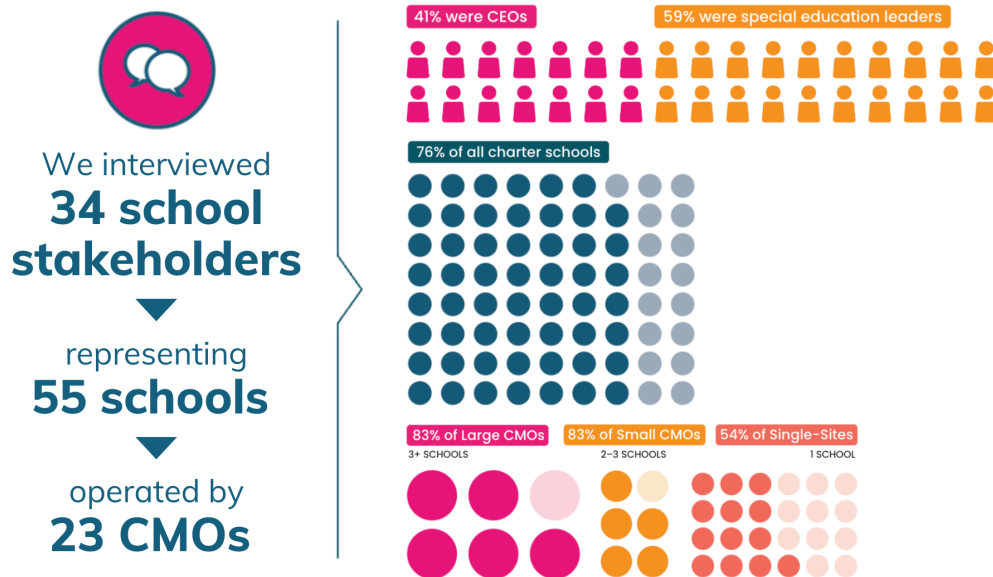


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[1] We refer to "*special education*" and "*special education programming*" as an imperfect but efficient way to refer to the totality of programs, services, and supports for students with disabilities. Special education is neither a place nor a label; it is a set of services that some students receive to support their academic and behavioral success. The purpose of special education is to provide individualized services to ensure that students with disabilities can access learning and achieve their most ambitious personal goals.

[2] An "*Educational Service Agency*" is a "regional public multiservice agency (i) authorized by state law to develop, manage, and provide services or programs to local educational agencies; and (ii) recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary schools and secondary schools of the state." *Individuals with Disabilities Education Act* (IDEA), 20 U.S.C. § 1401(5). For more information, please see CLE's forthcoming companion publication, *Educational Service Agencies: Public Infrastructure to Solve Charter Schools' Special Education Capacity Challenges.*

## CLE's Approach

To understand the current system's challenges and examine the feasibility of centralization, CLE conducted in-depth interviews with school stakeholders and families of students with disabilities currently enrolled in New Orleans' uniquely decentralized system of over 70 autonomous Local Education Agency (LEA) charter schools.[3] Stakeholder interviews explored the current state of special education program implementation, the feasibility of centralization, and the characteristics of centralization essential for its success in New Orleans' unique context.

**Our school stakeholder perception data reflects 76% of public charter schools authorized by the Orleans Parish School Board (OPSB) and NOLA Public Schools.** The stakeholder voices that inform our findings represent the diversity of charter management organizations (CMOs) in New Orleans: 83% of Large CMOs, 83% of Small CMOs, and 54% of single-site schools,[4] and are composed of both Chief Executive Officers (CEOs) (41% of interviewees) and network-level Special Education Leaders (59%). Additionally, CLE partnered with Families Helping Families NOLA, a nonprofit family advocacy organization, to host three virtual focus group sessions for families of students with disabilities, reaching 12 parents.



We interviewed
**34 school stakeholders**
▼
representing
**55 schools**
▼
operated by
**23 CMOs**

41% were CEOs

59% were special education leaders

76% of all charter schools

83% of Large CMOs
3+ SCHOOLS

83% of Small CMOs
2-3 SCHOOLS

54% of Single-Sites
1 SCHOOL

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[3] By "decentralized system" we mean every New Orleans charter school authorized by NOLA Public Schools is designated its own Local Educational Agency (LEA) for purposes of special education pursuant to state charter school statute.

[4] To ensure a diversity of charter school perspectives, we identified three peer groups of CMOs: Large CMOs, operating three or more schools; Small CMOs, operating two to three schools; and single-site CMOs, operating one school. We solicited stakeholder interviews with mindfulness to capture the diversity of experiences across these peer groups.

## Current State: Persistent challenges hinder quality educational options for New Orleans students with disabilities.

CLE examined the state of special education implementation to understand current challenges and inform potential solutions fully. **School stakeholders consistently correlated their difficulty or ease of special education program implementation with their CMO network's relative size and ability to realize economies of scale.** Stakeholders attributed their successes or challenges to enrolling a sufficient number of students with similar need profiles to sustain dedicated staff or specialized programs. They correlated increased enrollment size with increased purchasing power to secure staff or services and optimize resource allocation across a network. In many instances, school stakeholders referenced the system's decentralization itself as the source of their capacity challenges:

> "We're at a space where we can be a lot of things to a lot of kids, but we can't be absolutely everything that everybody needs… There may be one expert in the city on certain things. And you know, there may be ten kids that need that expert, but instead, we have the ten kids spread all over… it doesn't make any sense."  *CEO, Single-site*

**Stakeholders across the diversity of CMOs are struggling to secure the necessary staff to effectively implement special education programs and services,** with access to qualified special educators and related service providers cited as particular challenges. The one exception is pupil appraisal personnel, with most respondents feeling secure in their staffing approach for evaluations. We also heard about the service provider shortage from the perspective of families and how it impacted their children.

> "My son started to regress… the speech therapy that he was supposed to get, he wasn't getting it as often as he was supposed to get it… He [started] being aggressive with himself - he was inflicting self-harm, he's biting himself. He's hitting himself."  *Parent of a New Orleans Student with Disabilities*
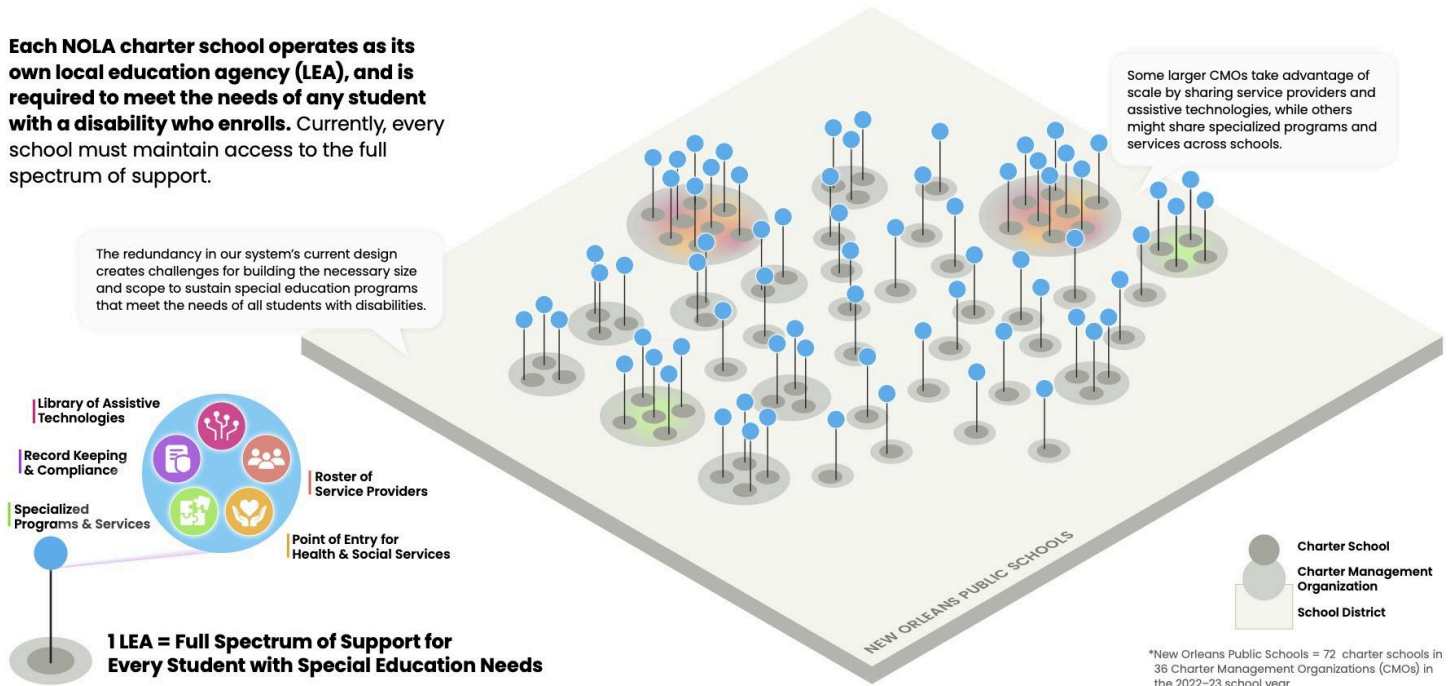
**Stakeholders are also struggling to access the full continuum of placements to meet the needs of all students with disabilities.** Particular emphasis was placed on programs and services to educate students with more significant needs at the deeper ends of the service continuum ("specialized programming").[5] Schools reported facing particular challenges providing appropriate supports and services to students with low-incidence disabilities (particularly blindness and deafness), autism, and significant behavioral health needs.

**Families of students with disabilities in our focus groups feel ignored trying to navigate the city's decentralized school system and ensure their children's needs are met.** Families are navigating a school system that they feel does not provide sufficient structure for information or support. Families do not feel that schools have high expectations for what their children can achieve, nor do they feel their children are living up to their full potential.

*New Orleans has a decentralized system that is siloed and inefficient in educating students with disabilities.*

# Current State | Special Education Infrastructure



**Each NOLA charter school operates as its own local education agency (LEA), and is required to meet the needs of any student with a disability who enrolls.** Currently, every school must maintain access to the full spectrum of support.

The redundancy in our system's current design creates challenges for building the necessary size and scope to sustain special education programs that meet the needs of all students with disabilities.

Some larger CMOs take advantage of scale by sharing service providers and assistive technologies, while others might share specialized programs and services across schools.

Library of Assistive Technologies

Record Keeping & Compliance

Specialized Programs & Services

Roster of Service Providers

Point of Entry for Health & Social Services

**1 LEA = Full Spectrum of Support for Every Student with Special Education Needs**

NEW ORLEANS PUBLIC SCHOOLS

Charter School

Charter Management Organization

School District

*New Orleans Public Schools = 72 charter schools in 36 Charter Management Organizations (CMOs) in the 2022–23 school year

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[5] "Specialized programming" refers to a unique program or setting designed to target a specific population of students with disabilities, where students are placed through specific enrollment criteria. This definition has been adopted by NOLA Public Schools in the course of its informal policy making on the subject.

## Centralization of aspects of special education is a viable solution to systemic capacity challenges.

Given well-documented, persistent, and systemic capacity challenges, charter schools in New Orleans must adapt and explore innovative solutions - the system's commitment to equity for all students, including students with disabilities, demands it. **73% of school stakeholders interviewed believe centralization would improve their ability to meet the needs of students with disabilities.** Stakeholders identified clear systemic benefits of centralization:

### Opportunity to remedy inconsistent availability of programming and opportunities across the school system:

"The most significant factor [that informs my opinion on centralizing special education] is the most vulnerable kids and families, and just inequity and making sure everybody as close to humanly possible is getting equitable services..." *Special Education Leader, Single-site*

### Better leveraging of limited staff expertise and improving efficiencies in citywide coordination of programs:

"I'd like to see New Orleans become more centralized in terms of best practices for special education. There's one, maybe two people in the whole city who can provide [certain] services, and they just don't have the bandwidth for us." *CEO, Single-site*

### Enabling collective efforts to develop a citywide talent pipeline and consistent professional development:

"I want us to solve our leadership crisis. We have a vacuum of leadership. We can't keep people. We burn them out. We stress them out. They're hard to find. And the reason that's happening is not only because of the ambiguity of what we do and how we do it, but also the lack of support for extreme cases." *Special Education Leader, Single-site*

### Improving access to and reducing costs of related services:

"There's all kinds of pieces that I do think that a district and centralization would be able to provide that we're not able to provide... things like... access to occupational therapy or physical therapy through centralized contracts." *Special Education Leader, Small CMO*

> ### *Improving the quality of programming and services:*
>
> **"[The most significant factor that informs my opinion on centralization] is a lot of schools have to do a lot of things. And because they're trying to do a lot of things, they're doing nothing exceptionally well. And so having a centralized group allows schools to, like, really hone in and make high quality."** *Special Education Leader, Large CMO*

**Stakeholders largely support centralization happening at a public entity,** and many are comfortable with that public entity being NOLA Public Schools. However, for many, NOLA Public Schools centralizing special education programming is fraught and complicated. Our interviews surfaced four consistent barriers to their leadership of centralization:

- Tension with charter autonomy;
- Conflict with NOLA Public Schools' existing authorizer function and dissatisfaction with existing lines of oversight;
- NOLA Public Schools' lack of staffing and readiness;
- and simply, a lack of trust.

In articulating concerns that surfaced these barriers, stakeholders named non-negotiable guarantees that would need to be true if NOLA Public Schools proceeded to lead schools in pursuing a centralization initiative. CLE also proposed ideas for a centralization entity and asked stakeholders to rate them on a scale of "non-important" to "critical" in their ability to support centralization.

The totality of stakeholder opinions reveals a path forward for centralizing special education programming through NOLA Public Schools, conditional upon meeting these criteria.

> *To mitigate tension with charter autonomy,* **NOLA Public Schools must guarantee charter autonomy, including the decision regarding their level of engagement with centralization.**

**NOLA Public Schools should not disrupt existing autonomy in charter LEA status nor existing funding arrangements predicated upon charter LEA status.** Autonomy is an integral component of New Orleans charter schools' identities. Stakeholders shared that their autonomy enables them to be flexible, responsive, and adaptive - that they make better decisions about how to meet students' needs because they are closest to the students.

Furthermore, CMOs must have autonomy to choose their level of engagement with the centralization of special education programming: there are no "one-size-fits-all" solutions for stakeholders. **73% of interviewees support centralization with multiple options for engagement and *a la carte* services, with support amongst CEOs overwhelmingly favorable (85%).**

> *To shield potential conflict with its authorizer function and address dissatisfaction with existing lines of oversight,* **NOLA Public Schools must adopt a "firewall" and should identify opportunities to streamline oversight and codify expectations.**

Some stakeholders oppose NOLA Public Schools centralizing special education programming because of its existing role as the charter authorizer. Stakeholders are also frustrated by current special education oversight, fueled by charter schools answering to multiple oversight bodies: NOLA Public Schools as authorizer, the Louisiana Department of Education for routine IDEA monitoring, and the court-appointed independent monitors in place because of the ongoing federal consent decree.[6] In particular, Special Education Leaders' frustrations are fueled by wanting NOLA Public Schools to play a bigger support role - to help them navigate the other oversight entities and to norm expectations and standards for compliance in special education programming.

**NOLA Public Schools must adopt explicit guardrails and transparency around the intersection with its authorizer function (i.e., a "firewall"),** as a condition of stakeholders agreeing to its taking on the function of centralized special education programming. 49% of stakeholders interviewed ranked a firewall as important or critical if NOLA Public Schools centralized special education services.[7]

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[6] *P.B. et. al. v Brumley*, 2:10-cv-04049. Eastern District of Louisiana. Filed Oct. 26, 2010. For more information see https://bit.ly/3MtTdwH.

[7]Specifically, CLE asked stakeholders, "*If NOLA Public Schools is the entity that hosts centralized special education services, one idea is to explore creating a firewall to separate the centralized services department from the accountability office. How significant does that feel to your willingness to explore centralizing special education? Critical, Important, Nice to Have, no impact.*"

Centralizing special education at NOLA Public Schools could create the policy context in which it is possible to standardize oversight functions, redefine the lines of authority for compliance matters, and norm expectations and standards across schools.

> "There needs to be strict and consistent guidelines, including expectations of special education, expectations of IEPs and evaluations. This can be a collective agreement." *CEO, Large CMO*

> "We need meaningful sustained resources or opportunities. It would be great to have resources for people to back up the fact that we're doing things correctly in the right way, not just audit us and say you get a gold star. That sort of support system, with very clear detail about what would be offered, how it would be offered, and what it's going to cost us." *Special Education Leader, Small CMO*

> *To address its lack of staffing and readiness,* NOLA Public Schools must build up sufficient, qualified staffing and operations as a prerequisite of the launch of a centralization entity.

Stakeholders cited concerns about the current staffing levels at NOLA Public Schools as a barrier to its success in launching centralization. This concern is likely an uncontested fact: the configuration of NOLA Public Schools today is insufficient to launch an entity that centralizes special education programming across the city. If NOLA Public Schools plans to launch an entity to centralize special education programming, **its success is predicated on building up sufficient and qualified staffing and sound operations before launch.**

Stakeholders want knowledgeable, experienced leadership at the helm of the entity. Their source of knowledge and expertise should be both special education programmatic *and* contextual to the unique New Orleans school system. During the design process, there should be an explicit benchmark for staffing levels to meet demand. Staffing and bona fides of various aspects of the centralization entity should be transparent to boost confidence in the entity's capacity to implement.

> *To build trust,* NOLA Public Schools must create a Charter School Governing Board to oversee centralization, collaboratively co-design centralization with schools, and create clarity on centralization's substance and impact.

For many stakeholders, the biggest barrier is simply *trust*. Course-correcting for multiple years of disputes and perceived neglect cannot happen overnight. The necessary trust in NOLA Public Schools for long-term success will itself be a long-time endeavor to build. Furthermore, realistically, charter schools and NOLA Public Schools will always exist in some degree of tension, given the nature of their opposing interests on fundamental issues with charter school governance.

**Creating a Charter School Governing Board that oversees and directs NOLA Public Schools' centralization of special education is a necessary structural solution to this dilemma.** 65% of stakeholders ranked a Charter School Governing Board as important or critical to their willingness to explore centralizing special education at NOLA Public Schools. It should have an explicit oversight function and the power to make decisions and influence the direction of the centralization entity, and it must comprise a diversity of charter schools. For some, it was essential to their willingness to consider NOLA Public Schools' leadership of a centralization entity because it balanced the power between NOLA Public Schools and the charter schools:

> **"Revolutionary. That would probably give me a little bit more optimism about this."** *CEO, Large CMO*

For others, the Charter School Governing Board represented a means of ensuring quality and responsiveness.

> **"In the absence of [this Governing Board], it's hard to imagine... we don't have any real change happening. We've struggled when it's people who are not in schools or haven't been in schools for a decade or more that are handing down decisions."** *CEO, Single-site*

Additionally, **NOLA Public Schools can begin to repair trust with school stakeholders by demonstrating leadership in the process of building a centralization entity. This process must be transparent, inclusive, and collaborative. It should clarify the substance and impact of centralization and produce clear quality indicators.** Stakeholders were explicit in their desire to see NOLA Public Schools display leadership in the process of designing a centralization entity.

> **"I want to hear from the board, leadership that it's a priority. I want to hear from Dr. Williams, Dr. Fulmore, and the board, 'This is a priority. This is why we did this.' And if we don't hear that then I'm like, let's do our own thing."** *CEO, Large CMO*
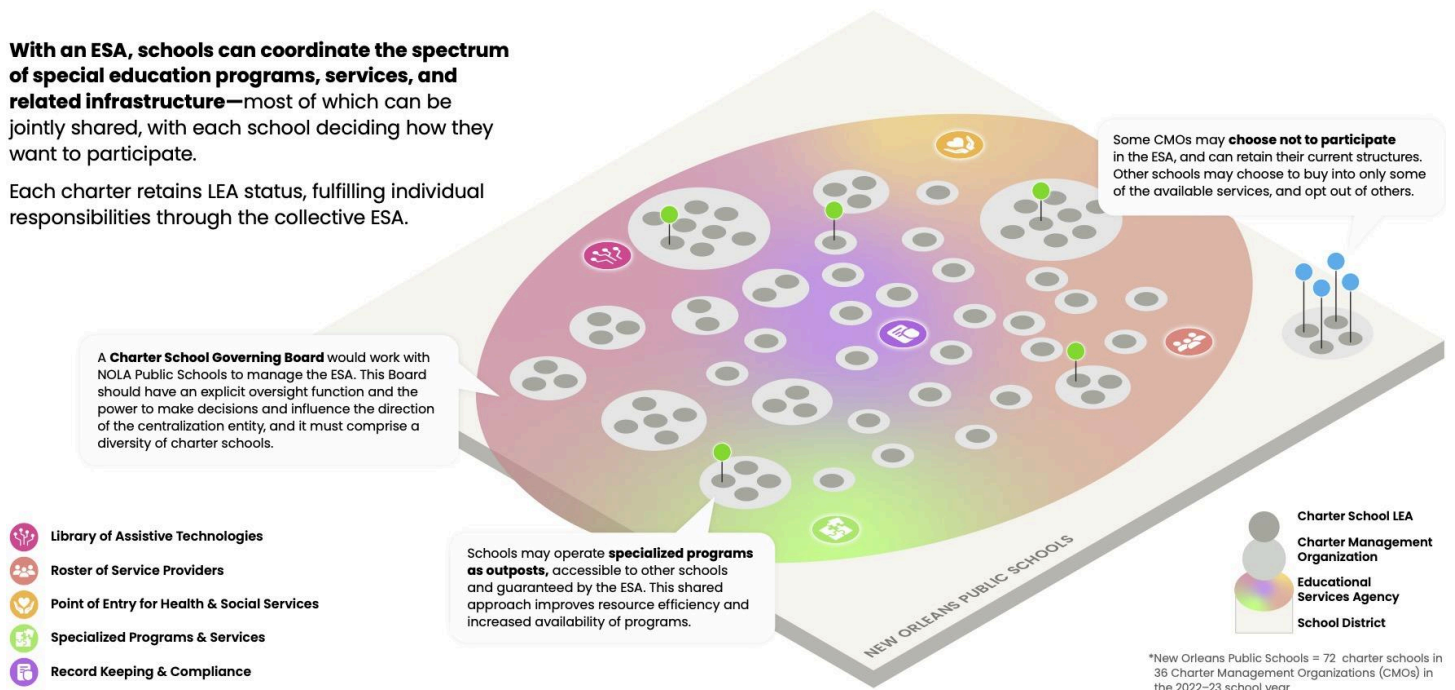
## Shifting the Tide: Imagining an Educational Service Agency for New Orleans

NOLA Public Schools can centralize special education programming and honor charter schools' boundaries and needs through the vehicle of an *Educational Service Agency (ESA)*. An Educational Service Agency is an attractive option for this local context, given its status as a public entity, authorized in law to fulfill and coordinate explicit public education functions on behalf of LEAs in a defined region, and with transparency and accountability mandates that attach to any public body. Creating an Educational Service Agency within NOLA Public Schools (Orleans Parish School Board), as the sole parish-wide public education entity, creates a layer of public administration for special education that enables New Orleans to centrally coordinate special education solutions without disrupting the existing autonomy of LEA charter schools.



# **Proposed Future State** | Educational Services Agency

**With an ESA, schools can coordinate the spectrum of special education programs, services, and related infrastructure—**most of which can be jointly shared, with each school deciding how they want to participate.

Each charter retains LEA status, fulfilling individual responsibilities through the collective ESA.

A **Charter School Governing Board** would work with NOLA Public Schools to manage the ESA. This Board should have an explicit oversight function and the power to make decisions and influence the direction of the centralization entity, and it must comprise a diversity of charter schools.

Some CMOs may **choose not to participate** in the ESA, and can retain their current structures. Other schools may choose to buy into only some of the available services, and opt out of others.

Schools may operate **specialized programs as outposts,** accessible to other schools and guaranteed by the ESA. This shared approach improves resource efficiency and increased availability of programs.

- Library of Assistive Technologies
- Roster of Service Providers
- Point of Entry for Health & Social Services
- Specialized Programs & Services
- Record Keeping & Compliance

Charter School LEA

Charter Management Organization

Educational Services Agency

School District

*New Orleans Public Schools = 72 charter schools in 36 Charter Management Organizations (CMOs) in the 2022–23 school year

NEW ORLEANS PUBLIC SCHOOLS

It's time to change the education trajectory for students with disabilities. Together, New Orleans education leaders can confront the complex, systemic barriers that prevent students with disabilities from learning and thriving while protecting what makes the all-charter system unique.

"I would really like not just for [centralization] to be something that we talk about and brainstorm, but something that actually starts happening. It's a huge need. I would say in just the New Orleans area, that we aren't able to really give students what they need, we have to give them what we have. And it's frustrating for families, it's frustrating for staff because nobody wants to not give kids what they need… Like, there has to be a better way."
*Special Education Leader, Small CMO*

"There's an orientation that everybody on the team needs to have - us as charters, district, all personnel, that like this is really critical for us to figure out for kids. Leave your judgment, leave your past experiences, and let's try to create something. I'd be happy about that."  *CEO, Large CMO*

## Next Steps, as of early 2024

Our examination of the feasibility of centralizing aspects of special education in New Orleans demonstrated a critical need for change and a viable path forward. However, enacting such a dramatic change in this complex system of autonomous charter schools impacts school resource allocations, staffing, contracts, and policy. Successful launch is predicated upon a nuanced design process and effective modeling. Based on CLE's research and recommendations memorialized in this brief and the companion technical report, local stakeholders and funders are moving forward with exploring and designing an Educational Service Agency for New Orleans.

CLE continues to provide expert technical assistance to local leaders and recommends the following milestones to design and launch an Educational Service Agency.

- **Identify a coalition of interested schools and charter management organizations that want to explore the piloting of an Educational Service Agency.**
- **Articulate the initial services and programming to be launched in an Educational Service Agency pilot.**
- **Seat a working group of stakeholders to design and pressure test the Educational Service Agency pilot, inclusive of subgroups assigned responsibility to build out the programmatic, financial, and advocacy components.**
- **Secure third-party experts to contribute to Educational Service Agency design and launch, including a third-party facilitator to lead the working group, an expert consultant to lead cost modeling, and legal counsel to draft necessary policy changes, memorialize contract arrangements, and issue-spot governance challenges.**
- **Continue to engage school leaders across the city to develop and maintain a commitment to centralization.**
- **Secure public and private funding to support the development and launch of the Educational Service Agency.**
- **Advocate for a school board resolution to memorialize the design and exploration process, create official timelines for reporting and measuring progress, and give voice to key stakeholders.**