Exploring Structural Reforms to Minimize the Culture Clash Between Special Education and Charter Schools

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Charter schools and special education for disabled students are based on conflicting education reforms and agency oversight principles. Charter schools operate in a culture of regulatory freedom and flexibility. They arose out of the modern era of accountability reform, in which student outcomes are the primary measure of school success and the driving engine of agency oversight. In stark contrast, special education laws were conceived in the civil rights era of education reform, which emphasized process and paid little attention to outcomes. The education of disabled students is steeped in a culture of regulatory oversight focused on rigid compliance with complex procedures. Special education and charter schools stand on competing foundations in the same schoolhouse. The presentation discusses this culture clash, the consequences to disabled students, and possible solutions.

The presentation begins by looking at the recent Consent Decree issued to settle a class action lawsuit filed against the Louisiana Department of Education regarding special education in New Orleans. It explains how the Consent Decree addresses some fundamental monitoring and service provision issues in New Orleans, but fails to ultimately reduce the culture clash between charter schools and special education law because it fails to make any structural changes to the system. The presentation next explains how the uncomfortable fit between charter schools and special education can often lead to violations of disabled students’ civil rights. It suggests how the three primary sources of law affecting charter schools - federal law, state law, and charter agreements – should be changed to achieve a seamless fit of charter schools’ square peg into special education’s round hole for the benefit of disabled students.

I. The Culture Clash Between Charter Schools and Special Education
   A. The Charter School Culture: Autonomy, Outcome Accountability, Choice
   B. The Culture of Special Education: Centralized Bureaucracy, Process Over Results, Collective Action
   C. The Clash

II. Manifestations of the Culture Clash: Under-Enrollment, Least Restrictive Environment, Child Find.
   B. New Orleans and Consent Decree: What it Did, and Did Not, Accomplish.

C. Minimizing the Clash
   A. Federal Law
   B. State Level
      1. Educational Service Agencies
      2. Universal Enrollment
      3. Charter Application Requirements
   C. Authorizer Level