

CURRICULUM VITAE

Robert A. Garda, Jr.

Fanny Edith Winn Distinguished Professor of Law
Loyola University of New Orleans College of Law
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EDUCATION

Duke University School of Law

Juris Doctor, 1994 (GPA 3.5. Duke does not provide class rankings)
Duke Law Journal, Articles Editor and Member

Duke University

Bachelor of Arts, 1990

Dean's List; Major Political Science and Public Policy Studies

PROFESSIONAL EXPERIENCE

2002-present

Professor of Law, Loyola University New Orleans College of Law

-Professor of the Year Award 2008-09 and 2009-10.

-Courses taught: Contracts, Commercial Transactions, International Commercial Transactions, Education Law Seminar, Advanced Constitutional Law Fourteenth Amendment, Advanced Constitutional Law First Amendment, International Dispute Resolution, Legal Profession/Professional Responsibility, Employment Discrimination, Legal Methods, Scholarly Writing Seminar, Law Review Practicum

-Administrative Activities: Chair, Self-Study Committee (2013-2015); Provost Search Committee (2011-2012); Ad Hoc Committee on Law School Rankings (2011-2012); Grants Office Development Committee (2010-2011); Admissions Committee (2002-2005, 2011-2013, 2014-present); Faculty Appointments Committee (2003-2006), Law School Representative to University Senate (2002-2004, 2007-2010); Legal Education Committee (2004-present); Petitions & Readmissions Committee (2006-2010), Faculty Development Committee (2006-2011); Chair, Orientation, Special Admit and Academic Support Committee (2006-2011); Tenure and Promotion Standards Committee (2009-2010); Curriculum & Bar Committee (2009-2011); Clinic, Skills & CLE (2009-2011),

-Faculty advisor to: Vis Moot Court Team (2011-2014); Loyola Law Review (2003-2010), Intellectual Property Law Society (2004-2012), Thomas Tang Moot Court Team (2004-2005), Loyola Chapter of Phi Delta Phi (2005-present).

2014: University of Vienna Law School and Loyola University New Orleans College of Law (Summer)

-taught International Sales Transactions

2013: State University of Rio de Janeiro Law School and Loyola University New Orleans College of Law (Summer)

-taught International Sales Transactions

- 2012: Eötvös Loránd University College of Law and Loyola University New Orleans College of Law (Summer)
 -program director
 -taught International Sales Transactions
- 2011: University of Costa Rica Law School and Loyola University New Orleans College of Law (Summer)
 -taught International Sales Transactions
- 2010: Tulane University Law School.
 -taught Contracts II (Commercial Transactions) as visitor.
- 2010: Eötvös Loránd University College of Law and Loyola University New Orleans College of Law (Summer)
 -program director
 -taught International Sales Transactions
- 2009: University of Costa Rica Law School and Loyola University New Orleans College of Law (Summer)
 -taught International Sales Transactions
- 2007: University of Vienna Law School and Loyola University New Orleans College of Law (Summer)
 -taught Comparative Education Law

1993-2002

Fabian & Clendenin, Salt Lake City, Utah

- Clerk Summer 1993, Associate 1994-2000, Partner 2001-2002
- general commercial litigation in state and federal court, with experience at all levels of trial and appellate practice, including mediation, arbitration and administrative hearings
- Specialized in complex commercial litigation, intellectual property, employment law and education law. Experience in antitrust, construction and the U.C.C.

1992

Utah Supreme Court, Salt Lake City, Utah

- Extern for Chief Justice Michael Zimmerman

PUBLICATIONS

Searching for Equity Amid a System of Schools: The View from New Orleans, 42 FORDHAM URBAN LAW JOURNAL 613 (2015)

The Legal Impact of Emerging Governance Models on Public Education and Its Office Holders, 45 THE URBAN LAWYER 21 (co-authored with David Doty) (Winter 2013)

Book chapter entitled “The Rights of Disabled Students” in Black, Derek W., Garda, Robert A., Taylor, John E. and Waldman, Emily Gold, EDUCATION LAW: EQUALITY, FAIRNESS AND REFORM (Wolters Kluwer 2013)

Disabled Students’ Rights of Access to Charter Schools under the IDEA, Section 504 and the ADA, 32 JOURNAL OF THE NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDICIARY 516 (2012)

Culture Clash: Special Education in Charter Schools, 90 NORTH CAROLINA LAW REVIEW 655 (March 2012)

The White Interest in School Integration, 63 FLORIDA LAW REVIEW 605 (Spring 2011)

The Politics of Education Reform: Lessons Learned from New Orleans, 40 JOURNAL OF LAW & EDUCATION 1 (Spring 2011) (peer-reviewed)

Introduction to Symposium on Reconstructing Education in New Orleans Post-Katrina, 11 LOYOLA JOURNAL OF PUBLIC INTEREST LAW 159 (Spring 2010)

LOUISIANA APPLESEED FOUNDATION, *EQUITABLE AND ADEQUATE FUNDING FOR SPECIAL NEEDS CHILDREN IN LOUISIANA* (2010)

Coming Full Circle: The Journey From Separate But Equal to Separate and Unequal Schools, 2 DUKE JOURNAL OF CONSTITUTIONAL LAW & PUBLIC POLICY 1 (2007)

Who is Eligible Under the Individuals with Disabilities Education Improvement Act?, 35 JOURNAL OF LAW & EDUCATION 291 (Summer 2006) (peer-reviewed)

The New IDEA: Shifting Educational Paradigms to Achieve Racial Equality in Special Education, 56 ALABAMA LAW REVIEW 1071 (2005)

Portions reprinted in MAURICE DYSON, *OUR PROMISE: ACHIEVING EDUCATIONAL EQUITY FOR AMERICA'S CHILDREN* (Carolina Academic Press 2009)

Untangling Eligibility Requirements Under the Individuals With Disabilities in Education Act, 69 MISSOURI LAW REVIEW 441 (Spring 2004)

WORKS IN PROGRESS

“An IDEA Past its Time: Outcome Accountability in Special Education.” This article explains special education law remains stuck in the civil-rights era agency oversight model premised on rule and process adherence with little regard to student outcomes. General education has abandoned this governance model and moved to almost a singular focus on outcome accountability. This article argues that the Individuals With Disabilities in Education Act can and should adopt outcome accountability principles for disabled students.

“The Consequences of Narrowing the Purpose of Education.” This article explores how the accountability reforms of the last two decades are irreparably changing the meaning of education and the purpose of schooling. The incessant spotlight on academic outcomes devalues the socializing and democratizing components of education and will have alarming long-term effects. This article explores the legal effects of eliminating socialization as a fundamental purpose of education on issues such as integration, student speech, and civic principles.

“The Educational Industrial Complex.” This article examines the influence that monied interests, such as unions, textbook manufacturers, examination preparers, charter management organizations and tutoring firms, exert on education policy in the United States. Education has always been a big business, but with passage of the No Child Left Behind Act non-governmental entities became major players in the provision of education. This article tracks the rise of the educational industrial complex and examines how, and to what extent, private entities influence educational policies.

LECTURES/PAPER PRESENTATIONS

- 2015:
- “Special Education Law and Public Charter Schools: Opportunities for Creative Approaches” to be presented at the 61st Annual Education Law Conference (November 2015)
 - “Special Education Governance in Charter Schools” presented at the Alliance of Public Charter Schools Annual Meeting (April 2015)
- 2014:
- “Barriers to Creating Diverse Charter Schools” presented at the 60th Annual Conference of the Education Law Association (November 2014)
 - “Searching for Equity in a System of Schools: The View from New Orleans” presented at the 7th Annual Cooper-Walsh Colloquium at Fordham Law School (October 2014)
 - “The Intersection of Outcome Accountability and Special Education” presented at the 2014 Annual Meeting of AALS, Education Law Section (January 2014)
- 2013:
- “The Rights of Students with Disabilities to Exercise School Choice” presented at the 59th Annual Conference of the Education Law Association (November 2013)
 - “Interpreting *Fisher* through the *Parents Involved* Decision to Glean the Future of Affirmative Action” presented at the University of Toledo Law Review Symposium 59th Annual Conference of the Education Law Association (October 2013)
 - “The Legal Impact of Emerging Governance Models” ABA Section of State and Local Government webcast “Outsourcing K-12 Education: The Re-Shaping of School Governance and Its Impact on Your Practice” (August 2013)
 - “The End of Federal Accountability? NCLB Waivers” presented at Texas Southern University School of Law Conference on the No Child Left Behind Act (February 2013)
- 2012:
- “Culture Clash: Special Education and Charter Schools” presented at the 58th Annual Conference of the Education Law Association (November 2012)
 - Select participant in “Charter Schools and Students with Disabilities Converge,” hosted by the Office of Civil Rights, the Department of Education, the Office of Innovation and Improvement and the Office of Special Education and Rehabilitative Services (October 2012)
 - “The Legal Impact of Emerging Governance Models on Public Education and Its Office Holders” presented at the Education Law Symposium for the ABA Section of State and Local Government Law Fall Meeting, University of Missouri Kansas City (October 2012)
 - Participant in Disability Law Roundtable Discussion, Southeast Association of Law Schools Annual Meeting (July 2012)

- Invited by U.S Dept. of Education to present “Equitable Enrollment for Students With Disabilities: Understanding Recent Legal Challenges” at conference entitled “Building the Capacity of Charter Schools: Effectively Serving Students with Disabilities” sponsored by the American Institute of Research (June 2012)

- “The White Interest in School Integration” presented at the University of Georgia College of Education, sponsored by the Dean’s Council on Diversity (February 2012)

- “The Benefits of Diversity for White Students” presented at the University of Georgia Chapel (February 2012)

- American Constitution Society/Federalist Society debate regarding the benefits of diverse educational environments presented at the University of Georgia School of Law, hosted by the Education Law Students Association (February 2012)

- Roundtable Discussion at Clarke Central High School regarding economic and racial integration (February 2012)

- “Access to Charter Schools under IDEA, Section 504 and the ADA” presented at Pepperdine Law School at symposium entitled “Examining the IDEA in Theory and Practice” (February 2012)

2011:

- “My Kind of Loyalty: The Legal Impact of Changing Governance Models on Public Education and its Office Holders,” presented at the 57th Annual Conference of the Education Law Association (November 2011)

- “Charter Schools and Special Education: The Experiences in New Orleans and Washington D.C.” presented to the Advocates for Education and Alliance of Public Charter School Attorneys, Harvard University (October 2011)

- “As of Now, I’m in Control Here . . .” presented at the National School Board Association Council of School Attorneys’ 2011 School Law Practice Seminar (October 2011)

- “Achieving Socio-economic Diversity in Charter Schools” presented at the Diversity Roundtable of the Alliance of Public Charter School Attorneys (June 2011)

- “Why Charter Schools Struggle With Special Education” presented at the American Educational Research Ass’n. Annual Meeting (March 2011)

- “The White Interest in School integration” presented at the Marquette Faculty Workshop Series (January 2011)

2010:

- “Special Education in Louisiana’s Charter Schools” presented to National Alliance of Public Charter School Attorneys (December 2010)

- “The White Interests in School Integration” presented at the 56th Annual Conference of the Education Law Association (November 2010)

- “Charter Schools’ Obligations under Open Meeting and Public Documents Laws” presented at the Louisiana Charter School Conference (October 2010)

- “Special Education in New Orleans Post-Katrina” presented at the Five Years of Post-Katrina Educational Reform conference at the University of New Orleans (September 2010)

- “The Politics of Education Reform in New Orleans” presented at the American Association of Law Schools section on Education Law (January 2010)

2009: •“The Unique Challenges of Providing Special Education in Charter Schools” presented at the 55th Annual Conference of the Education Law Association (October 2009)

- Assisted in creating and organizing the “Symposium on Reconstructing Education in New Orleans Post-Katrina.” The symposium was sponsored by the Loyola University New Orleans Journal of Public Interest Law (October 2009).

- “Avenues for integration after *Parents Involved*” presented to the Public Education Work Group of the Advisory Committee on Social Witness Policy (ACSWP) at the 219th General Assembly of the Presbyterian Church (October 2009)

- “Breaking the Institutional Link Between Race and Disability” presented at the 9th Annual Second City Conference on Disability Studies in Education, Syracuse University (May 2009)

- “The Big Easy as the Big Experiment: Education in New Orleans Post-Katrina” presented at the 7th Annual Commonwealth Education Law Conference (April 2009)

- “Educational Governance and Special Needs Children in New Orleans” presented at the Symposium on Legal Issues related to Special Needs Children in New Orleans, Loyola University New Orleans College of Law (March 2009).

- Created and organized the “Symposium on Legal Issues related to Special Needs Children in New Orleans.” The symposium was sponsored by the Loyola University New Orleans College of Law, the New Orleans Institute for Quality and Equity and Public Education and the Loyola Gillis Long Poverty Law Center (March 2009).

2008: •“Is Integration Worth the Fight?” presented at the 54th Annual Conference of the Education Law Association (November 2008)

- “The ‘New Diversity’ and Modern Demographics: Questioning Socioeconomic Integration as a Substitute for Racial Integration” presented at the Seattle University School of Law conference entitled “Brown Undone? The Future of Integrated Primary and Secondary Education Post-PICS” (February 2008)

2007: •“Diversity in the Wake of *Concerned Parents*” presented at the 53rd Annual Conference of the Education Law Association (November 2007)

- “The Post-Katrina Charter School Experiment in New Orleans” presented at the 2007 National Charter Schools Conference (April 2007)

•“Accounting for Diversity” presented at the 5th Annual Commonwealth Education Law Conference (April 2007)

2006: •“The Path Towards Accountability and Away from Equality” presented at the 52nd Annual Conference of the Education Law Association (October 2006)
•“The Past, Present and Future of Education: Separate and Unequal” presented at the 13th Annual Education Law Conference (July 2006)

2005: •“The Future of American Education” presented at The Oxford Round Table (July 2005)

•“Eligibility Under the Individuals with Disabilities in Education Act” presented at the 12th Annual Education Law Conference (July 2005)

2004: “IDEA’s Over- and Under- Inclusion Crisis” presented at the 50th Annual Conference of the Education Law Association (November 2004)

PROFESSIONAL ACTIVITIES AND PUBLIC SERVICE

Committees and Boards

•Member of the Louisiana Advisory Committee to the United States Commission on Civil Rights (2010-present)

•Member of the City-Wide Special Education Working Group created by the Recovery School District (2013)

•Mental Health Advocacy Services, Board of Directors (2002-present)

•Bricolage Academy Charter School, Chairman, Board of Directors (2012-13), Secretary, Board of Directors (2013-present)

•Education Law Association, Publications Committee, Joseph Award Committee (2002-present)

•Louisiana State Bar Association, Bar Admission Education Program Committee on the Profession (2007-present)

•Member of the School Mental Health Task Force of the Cowen Institute For Public Education Initiatives (2010-2012)

•Louisiana Chapter of Appleseed Foundation project regarding education funding in Louisiana in conjunction with the Louisiana Bar Foundation, Co-chair (2009-2010)

•American Education Research Association, Publications Committee (2005-2010)

•Education Law Section of American Association of Law Schools, Executive Committee (2004-present), Secretary (2006), Vice-Chair (2007), Chair (2008).

•Law and Religion Section of American Association of Law Schools, Executive Committee (2004-2007), Nominating Committee (2006)

•Civil Rights Section of American Association of Law Schools, Co-program chair (2006).

Consulting

- The Lawyers' Committee for Civil Rights Under Law regarding special education litigation and parent training in New Orleans (2007-2012)
- The Southern Poverty Law Center regarding special education in New Orleans (2007-present)
- The Cowen Institute for Public Education Initiatives regarding education law issues (2007-2012)
- Alliance of Public Charter School Attorneys regarding diversity initiatives and special education matters (2010-2012)
- The National Alliance of Public Charter Schools regarding legal issues surrounding charter schools (2010-2012)
- The Louisiana Special Education Cooperative regarding special education training and governance reorganization in the Recovery School District (2007-2012)
- The Loyola Institute for Quality and Equity in Education regarding legal issues in education in New Orleans (2007-present)
- New Schools for New Orleans regarding legal obligations of charter schools (2007-2009)
- The Louisiana Charter Schools Association regarding legal obligations of charter schools (2007-present)
- The Society of the Sisters of Notre Dame regarding charter school laws and startup (2009)

Awards and Honors

- Professor of the Year Award (2008-09 and 2009-10)
- 2010 Good Apple Award from the Appleseed Network
- 2009 Gillis Long Poverty Law Center Public Service Award

References (others available upon request)

Kathy Lorio, Leon Sarpy Professor of Law, Loyola University of New Orleans College of Law, New Orleans, LA (504) 861-5672

Robert Verchick, Gauthier-St. Martin Eminent Scholar and Chair in Environmental Law, Loyola University of New Orleans College of Law, New Orleans, LA (504) 861-5472

John Lovett, DeVan Daggett Distinguished Professor of Law, Loyola University of New Orleans College of Law, New Orleans, LA (504) 861-5478

Mark Weber, St. Vincent de Paul Professor of Law, DePaul University College of Law, Chicago, Ill (312) 362-8808