

July 30, 2021

Danalyn E. Hypolite, Ed.D.
Deputy Assistant Superintendent-
Office of Equity, Inclusion and Opportunities
Louisiana Department of Education
Via email (Danalyn.Hypolite@la.gov)

Re: *Notice of Breach – Non-Compliance with Public Records Request*

Dear Ms. Hypolite:

Thank you for providing us with an opportunity to respond to the allegations that our organization failed to respond timely to Public Records Requests (“PRR”) pursuant to La. R.S. 44.1 et seq. in 2021. To become compliant and in good standing with the Louisiana Department of Education (“LDOE”), our process below will detail the steps key members of our organization take to process every PRR that is received by our custodian of records in a thorough, prudent, and efficient manner. This process will be on the agenda for approval by our Board of Directors at their next meeting on August 16, 2021. The approved process will then be posted on our website along with the contact information for our Custodian of Records. We will provide you with prompt notice once a process has been approved by our Board, including whether any changes were made to the process as approved by the Board, and notice when the process is posted on our website.

First, please note that the types of PRR, the volume of PRR, and the location of documents that are needed to satisfy a PRR directly impacts our organization’s capacity and ability to satisfy all PRR. Thus, when evaluating our process for legal compliance, we hope that you take those factors into consideration. Finally, our response will be divided into four (4) distinct areas to demonstrate our adherence to the Louisiana Public Records Law: processes for public records requests, receipt and acknowledgement process, timelines, and personnel responsible for public records request.

Processes for PRR

At a high level, our processes for PRR typically includes, but may not be limited to, the following:

1. receipt and acknowledgement of the PRR by the record custodian or their designee
2. documenting the PRR in a spreadsheet (*See attached for our most recent update*)
3. routing the PRR to the appropriate personnel

4. determining whether the PRR is readily available or needs to be retrieved from multiple locations
5. establishing a timeline of anticipated production between the custodian and personnel
6. communicating that timeline and anticipated date of production to the requestor
7. beginning the PRR retrieval process
8. review by legal counsel for confidential/privileged information
9. producing the documents to the requestor to satisfy the PRR
10. documenting the PRR has been satisfied in a spreadsheet

Receipt and acknowledgment process

Once a PRR is received by our custodian or their designee via email, an email is sent to the requestor within three (3) days acknowledging receipt of the PRR. Based upon an initial reading of the PRR, if the PRR appears to not be readily available for production, that is indicated in the response to the requestor. An anticipated date of production may or may not be given at that time depending on the documents requested.

Timelines

As mentioned above, timelines are based upon the types of documents, the size of the documents, the location of the documents, and the capacity and availability of personnel responsible for retrieving and producing the documents.

For example, if term sheets are requested for the current school year those documents typically are easily retrievable and can be produced to the requester within a three-day period. However, if email communications between twelve (12) board members and three (3) staff members over a six (6) week period are requested, those documents are not easily retrievable and have to be closely coordinated with the IT department for production. So, depending upon the volume of multiple requests and the scope of the requests, production timeline can range from three (3) days to three (3) weeks to three (3) months.

Personnel responsible for PRR

Typically, personnel involved in producing PRR are staff from the Executive Leadership Team (CEO, COO, CFO, HR), the Finance Team (Payroll, Benefits, Accounts Payable/Receivable), the IT Department (Emails), Legal Counsel (Contracts, sub-Contracts with vendors), or Board members (Board meeting minutes, resolutions, Zoom recordings). As stated above in the Processes section (#3), determining the person responsible for retrieving and

ultimately producing the PRR is a critical step in our process and depends solely on the type of documents requested and their location.

For example, if term sheets are requested that production can be done fairly quickly by members of the finance team. However, if emails between board members and staff members over a four-week period are requested, that production relies solely on the IT department.

Next Steps

Our Board of Directors will codify this process through a resolution at their next August 16, 2021 Board meeting. This process will be presented for public discussion at the board meeting and feedback from board members, parents, and other community members. Once approved, it will be posted to our website along with the contact information for the Custodian of Records.

Additionally, to reduce the time of production for PRR, the Board may consider allowing the public to view PRR on a laptop located at our campus during normal business hours. This production will still be subject to review by legal counsel for confidential information pursuant to La R.S. 44:11 but will likely reduce the production time to allow requestors to view their PRR sooner.

We hope that this letter demonstrates our adherence to the Louisiana Public Records Law, as well as our commitment to provide transparency and access to public records as required by law to our parents and community members.

Respectfully submitted,

Matthew Moreland

Board of Directors, President
Lycée Francais de la Nouvelle-Orleans