AMERICAN OVERSIGHT

July 11, 2024

**VIA EMAIL**

Louisiana Department of Education
1201 North Third Street
Baton Rouge, LA 70802
LDEPublicRecords@la.gov

**Re: Public Records Law Request**

Dear Records Custodian:

Pursuant to the Louisiana Public Records Law, La. Rev. Stat. Ann. 44:1 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that the Louisiana Department of Education produce the following records within three business days:

1. All email communications (including email messages, complete email chains, calendar invitations, or any attachments thereto) between (a) any Louisiana Department of Education official listed below—or anyone communicating on their behalf, such as an assistant or secretary—and (b) anyone communicating on behalf of an external entity or individual listed below, including, but not limited to, anyone communicating from the listed email address(es) or an email address ending in a listed domain.

   A. Louisiana Department of Education Officials:
      i. State Superintendent of Education Cade Brumley
      ii. Ken Bradford, Chief of Staff
      iii. Jenna Chiasson, Deputy Superintendent, Office of Teaching & Learning
      iv. Joan Hunt, Executive Counsel

   B. External Entities and Individuals:
      i. Alliance Defending Freedom (adflegal.org)
      ii. America First Legal (aflegal.org, athospr.com)
      iii. American Enterprise Institute (aei.org)
      iv. American Family Association (afa.net)
      v. Americans for Prosperity (americansforprosperity.org, americansforprosperityfoundation.org)
      vi. Center for Renewing America (americarenewing.com)
      vii. Christopher Rufo (ajt@christopherrufo.com, chrisrufo@protonmail.com, crufo@manhattan-institute.org)
      viii. Concerned Women for America (concernedwomen.org, cwfa.org)

ix. Family Policy Alliance (familypolicyalliance.com)
x. Family Research Council (frc.org, frcaction.org)
xi. Fight for Schools (fightforschools.com)
xii. Heritage Foundation (heritage.org, heritageaction.com)
xiii. Hillsdale College (hillsdale.edu)
xiv. Independent Women's Forum (iwf.org)
xv. Manhattan Institute (manhattan.institute or manhattan-institute.org)
xvi. Mark Meckler, Patty Meckler, and/or anyone communicating on behalf of Convention of States (conventionofstates.com, cosaction.com)
xvii. Moms for Liberty (momsforliberty.org), including any local chapters
xviii. No Left Turn in Education (noleftturn.us)
xix. Parents Defending Education (defendinged.org)
xx. PragerU (prageruniversity.com, prageru.com)
xxi. Vermilion Education (vermilioneducation.com)
xxii. 1776 Project PAC (1776projectpac.com)

For part one of this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if a listed official received a mass-distribution news clip email from Alliance Defending Freedom (adflegal.org), that initial email would not be responsive to this request. However, if that official forwarded that email to another individual with his own commentary, that subsequent message would be responsive to this request and should be produced.

2. All email communications (including emails, complete email chains, calendar invitations, and attachments thereto) containing either of the terms "Prager" or "PragerU" sent by any the Louisiana Department of Education officials listed above in part one of this request, or anyone communicating on their behalf, such as an assistant or secretary.

   In an effort to accommodate the Louisiana Department of Education and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited part two of this request to emails sent by any of the officials listed above or anyone communicating on their behalf and containing the above key term. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a listed official's response to an email and the initial received message are responsive to this request and should be produced.

3. All email communications (including email messages, complete email chains, calendar invitations, or any attachments thereto) between (a) the Louisiana

Department of Education officials listed above in part one of this request—or anyone communicating on their behalf, such as an assistant or secretary—and (b) any of the external state education departments listed below, including, but not limited to, anyone communicating from an email address ending in a listed domain.

External State Education Departments:

i. Arizona Department of Education (azed.gov)
ii. Arkansas Department of Education (ade.arkansas.gov)
iii. Florida Department of Education (fldoe.org)
iv. Montana Office of Public Instruction (opi.mt.gov)
v. New Hampshire Department of Education (doe.nh.gov)
vi. South Carolina Department of Education (ed.sc.gov)
vii. Tennessee Department of Education (tn.gov)
viii. Texas Education Agency (tea.texas.gov)
ix. Oklahoma State Department of Education (sde.ok.gov)
x. Virginia Department of Education (doe.virginia.gov)

**For all parts of this request, please provide all responsive records from July 1, 2023, through the date the search is conducted.**

**Fee Waiver Request**

In accordance with La. Rev. Stat. Ann. 44:32(C)(2), American Oversight requests a waiver of fees associated with processing this request for records. A waiver of fees for this request is appropriate, because American Oversight's use of the requested records "will be limited to a public purpose."

This request is made solely for a public purpose. The public has a significant interest in the newly announced partnership between PragerU and the Louisiana Department of Education.[1] Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the government, including whether and to what extent state officials were communicating about the launch of the PragerU partnership and related matters. American Oversight is committed to transparency and makes the responses agencies provide to public records requests publicly available, and the public's understanding of the government's activities would be enhanced through American Oversight's analysis and publication of these records.

Furthermore, this request is fundamentally made for non-commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government

[1] *See, e.g.*, David Hamilton, *Louisiana Schools Make Deal with Conservative Learning Program PragerU*, WBRZ2 (June 3, 2024, 10:57 PM), https://www.wbrz.com/news/louisiana-schools-make-deal-with-conservative-learning-program-prageru/.

officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and X (formerly Twitter).[2]

American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.[3] Examples reflecting this commitment to the public disclosure of documents and the creation of editorial content include the posting of records and analysis related to the organization's investigations into misconduct and corruption in state governments;[4] posting records and analysis of federal and state governments' responses to the Coronavirus pandemic;[5] posting records received as part of American Oversight's "Audit the Wall" project to gather and analyze information related to the Trump administration's proposed construction of a barrier along the U.S.-Mexico border, and analyses of what those records reveal;[6] and the posting of records related to an ethics waiver received by a senior Department of Justice attorney and an analysis of

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[2] American Oversight currently has approximately 16,000 followers on Facebook and 111,500 followers on X (formerly Twitter). American Oversight, Facebook, https://www.facebook.com/weareoversight/ (last visited July 8, 2024); American Oversight (@weareoversight), X (formerly Twitter), https://twitter.com/weareoversight (last visited July 8, 2024).

[3] *See generally News*, American Oversight, https://www.americanoversight.org/blog.

[4] *See generally State Investigations*, American Oversight, https://www.americanoversight.org/states; *see, e.g.*, *State Government Contacts with Voting-Restriction Activists*, American Oversight, https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists; *Georgia's Voting Machines and Election Security*, American Oversight, https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security.

[5] *See, e.g.*, *The Trump Administration's Response to Coronavirus*, American Oversight, https://www.americanoversight.org/investigation/the-trump-administrations-response-to-coronavirus; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths; *Wisconsin Documents Offer Window into Early Uncertainty over COVID-19*, American Oversight, https://www.americanoversight.org/wisconsin-documents-offer-window-into-early-uncertainty-over-covid-19; *In the Documents: Florida Health Department Efforts to Suppress Release of Coronavirus Records*, American Oversight, https://www.americanoversight.org/in-the-documents-florida-health-department-efforts-to-suppress-release-of-coronavirus-records.

[6] *See generally Audit the Wall*, American Oversight, https://www.americanoversight.org/investigation/audit-the-wall; *see, e.g.*, *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, American Oversight, https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall.

what those records demonstrated regarding the Department's process for issuing such waivers.[7]

Accordingly, American Oversight qualifies for a fee waiver.

**Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter.com direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages. Public business communications conducted on private email accounts and devices are public records subject to the Public Records Law.[8]

- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located

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[7] *DOJ Records Relating to Solicitor General Noel Francisco's Recusal*, American Oversight, https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance; *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, American Oversight, https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents.

[8] La. Atty. Gen. Op. No. 01-155.

on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

**Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Khahilia Shaw at records@americanoversight.org or (202) 539-6507. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

*/s/ Khahilia Shaw*
Khahilia Shaw
on behalf of
American Oversight