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vpm

2402-16-002461

CITATION

NUMBER C647953 Division D

LOUISIANA EDUCATION DEPARTMENT
(Plaintiff)

19th JUDICIAL DISTRICT COURT

vs.

PARISH OF EAST BATON ROUGE

MICHAEL R DESHOTELS ET AL
(Defendant)

STATE OF LOUISIANA

TO: MICHAEL R DESHOTELS
22505 FAIRWAY VIEW DR
ZACHARY, LA 70791

GREETINGS:

Attached to this citation is a certified copy of the petition*. The petition tells you what you are being sued for.

You must EITHER do what the petition asks OR, within fifteen (15) days after you have received these documents, you must file an answer or other legal pleading in the office of the Clerk of Court at 300 North Boulevard, Baton Rouge, Louisiana. If you do not do what the petition asks, or if you do not file an answer or legal pleading within fifteen (15) days, a judgment may be rendered against you without further notice.

This citation was issued by the Clerk of Court for East Baton Rouge Parish on **03-MAY-2016**.



[Signature]
Deputy Clerk of Court for
Doug Welborn, Clerk of Court

Requesting Attorney: G M MILLET JR

*The following documents are attached:
PETITION FOR DECLARATORY RELIEF

SERVICE INFORMATION:

Received on the ____ day of _____, 20__ and on the ____ day of _____, 20____, served on the above named party as follows:

PERSONAL SERVICE: On the party herein named at _____.

DOMICILIARY SERVICE: On the within named _____, by leaving the same at his domicile in this parish in the hands of _____, a person of suitable age and discretion residing in the said domicile at _____.

SECRETARY OF STATE: By tendering same to the within named, by handing same to _____.

DUE AND DILIGENT: After diligent search and inquiry, was unable to find the within named _____ or his domicile, or anyone legally authorized to represent him.

RETURNED: Parish of East Baton Rouge, this ____ day of _____, 20____.

SERVICE: \$ _____
MILEAGE \$ _____
TOTAL: \$ _____

Deputy Sheriff
Parish of East Baton Rouge

CITATION - 2402

RECEIVED
MAY 04 2016



EBR3592162

JOHN C. WHITE ON BEHALF OF
THE LOUISIANA DEPARTMENT OF
EDUCATION

DOCKET No. 647953 SEC D
19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

versus

MICHAEL R. DESHOTELS, and,
JAMES C. FINNEY

PETITION FOR DECLARATORY RELIEF

NOW INTO COURT, through undersigned counsel, comes John C. White,
Superintendent and Custodian of Records on behalf of the Louisiana Department of Education
(the Department), who seeks a judicial declaration, as to the propriety of the suppression
techniques regarding certain student data used by the Department under applicable federal and
state law, and other relief as shown for herein; and who respectfully represents:

1.

Made Defendant herein:

Michael R. Deshotels a person of the full age of majority domiciled and residing in the
Parish of East Baton Rouge at 22505 Fairway View Drive in Zachary, Louisiana 70791;

And,

James C. Finney, a person of the full age of majority domiciled and residing in the Parish
of East Baton Rouge at 8121 Oak View Drive in Baton Rouge, Louisiana 70814.

2.

On April 5, 2016, Defendant, Michael R. Deshotels, requested the following records from
the Louisiana Department of Education:

*Please provide me with a copy of the complete multi-stat reports of all Louisiana
public school enrollments by school system and by school including the various
ethnic breakdowns and free or reduced lunch (or economically at-risk)
designations for the February 2015 report, the October 2015 report, and the
February 2016 report (as soon it is finalized). Please provide all student counts in
these reports in an unsuppressed or accurate form as has been ordered in the
December 15, 2015 Judgement by Judge Hernandez of the 19th judicial district
on the same subject. The report should be submitted to me in the usual
spreadsheet form and may be sent to me at this email address. If any portion of
this request is not ready immediately, please send those parts of the request that
have been finalized.*

3.

On March 28, 2016, the Defendant, James C. Finney, requested the following records from the Louisiana Department of Education:

For each public school operating in Louisiana any time after July 1, 2006, the following information for each October 1 and February 1 reporting date:

- *District code*
- *District name*
- *Site code*
- *Site name*
- *School site's physical address*
- *Type of governance (local district, state, charter type, etc.)*
- *Exact total enrollment*
- *Exact total enrollment for each gender*
- *Exact total enrollment for each race/ethnicity category*
- *Exact total enrollment for each distinct economic status, including free, reduced-price, and full-price lunch*
- *Exact total Minimum Foundation Program (MFP)-funded enrollment for each grade level (Infant Special Education, PreK Special Education, PreK regular, K, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)*
- *Exact total non-MFP enrollment for each grade level*
- *For schools authorized to enroll students residing in multiple school districts, the exact number of MFP students residing in each school district.*

Note that there is overlap with earlier record requests; this request covers 22 official reporting dates over an 11-year period. Filling this current request would also satisfy one or more of the earlier ones. This current request is an invitation to adjust the material presented on the Department's web site in response to recent lawsuits in which the Department was ordered to provide exact numbers. However, public records law as I understand it doesn't require the Department to post anything specific on its web site. So I would accept an email response, preferably in Excel-compatible spreadsheet format.

4.

The Plaintiff avers that both of these requests seek multiple unsuppressed copies of the Multiple Statistics (Multi-Stats) Report produced by the Department, which, as noted in both requests, has been the subject of a previous lawsuit.

5.

That since 2012 the Louisiana Department of Education was suppressing any count in the Multi-Stats report with a value of less than ten (10) and any percentage of 0 or 100 based on guidance offered in a letter dated January 11, 2012 from the Privacy Technical Assistance Center (a division of the United States Department of Education). Additionally, the Department was instructed to remove all previously published versions of the Multi-Stats report from its website at that time.

6.

That on April 10, 2015, Michael R. Deshotels filed suit¹ against the Louisiana Department of Education regarding those suppression techniques and on December 15, 2015, Judgment was rendered in that suit ordering the Department to provide the October 2014 Multi-Stats report without suppression to Michael Deshotels.

7.

The Plaintiff maintains that during the pendency of that matter and afterwards, the Department has sought further guidance, in compliance with the Family Educational Rights and Privacy Act (FERPA -34 CFR 99 et seq), from the United States Department of Education regarding the suppression of student level data as reported in the Multi-Stats report.

8.

In response, the United States Department of Education has provided guidance that under FERPA and other federal laws, state educational agencies must suppress data that includes students' socio-economic status, disability status, and English learner status.

9.

The Multi-Stats report contains two (2) of the sub-groups shown above; specifically, the categories in the report titled Economically Disadvantaged and English Proficiency.

10.

In compliance with recent guidance, on April 28 and 29, 2016 the Defendants were both provided copies of the February 2015, October 2015, and February 2016 Multi-Stats reports with only the data in the Economically Disadvantaged and English Proficiency subgroups suppressed.

¹ Deshotels v. White, et al Nineteenth Judicial District Court; Docket Number 638,503 – Section 27

The Plaintiff maintains that in consideration of the federal guidance and under FERPA and Louisiana Revised Statutes 17:3914, suppression of the data in the Economically Disadvantaged and English Proficiency subgroups is required.

WHEREFORE, your Plaintiff prays that the Defendants be cited and served with a copy of this petition, and that, after due proceedings had, there be judgment in favor of the Plaintiff, the Louisiana Department of Education, and against the Defendants, Michael R. Deshotels and James C. Finney, declaring that the Department's suppression of the data in the Economically Disadvantaged and English Proficiency subgroups is compliant with state and federal law and not a violation of Louisiana Public Records Law (La. R.S. 44:1 *et seq*), for attorney's fees and cost of these proceedings, and for all relief that is just and equitable.

Respectfully Submitted:

G.M. Millet, Jr (#32596)
1201 North Third Street
Baton Rouge, Louisiana 70802
Tel: (225) 342-3572 Fax: (225) 342-1197

Please Serve:

Michael R. Deshotels
22505 Fairway View Drive
Zachary, Louisiana 70791

And,

James C. Finney
8121 Oak View Drive
Baton Rouge, Louisiana 70814.

CIVIL

- 01-DAMAGES
- 02-CONTRACT
- 03-PRISONER SUIT
- 04-EXECUTORY PROCESS
- 05-SUIT ON NOTES
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- 12-PUBLIC SERV. COMM.
- 13-OTHER PARTITIONS
- 14-OTHER
- 15-D.E.Q.
- 16-
- 17-
- 18-
- 19-
- 20-

FILED
EAST BATON ROUGE PARISH, LA

2016 APR 29 AM 11:30

DEPUTY CLERK OF COURT

CERTIFIED TRUE AND
CORRECT COPY

MAY 03 2016

East Baton Rouge Parish
Deputy Clerk of Court