

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2025-CA-0799

CITY OF BAKER SCHOOL BOARD

VERSUS

BOARD OF ELEMENTARY AND SECONDARY EDUCATION,
RECOVERY SCHOOL DISTRICT, AND GEO ACADEMIES EBR

Judgment Rendered: JUL 21 2026

Appealed from the 19th Judicial District Court

In and for the Parish of East Baton Rouge

State of Louisiana

Case No. C761784, Div. 33

Honorable Jewel E. "Duke" Welch, Jr., Judge Pro Tempore Presiding¹

Dannie P. Garrett, III
Baton Rouge, Louisiana

Counsel for Plaintiff/Appellant
City of Baker School Board

Liz Murrill
Attorney General
Amanda M. LaGroue
Jennifer Wise Moroux
Tyler J. Savoy
Assistant Attorneys General
Baton Rouge, Louisiana

Counsel for Defendant/Appellee
Louisiana Board of Elementary and
Secondary Education

Jimmy R. Faircloth, Jr.
Aaron Green
Mary Katherine Price
Alexandria, Louisiana

Counsel for Defendant/Appellee
Louisiana Department of Education

BEFORE: LANIER, WOLFE, HESTER, EDWARDS, AND BALFOUR, JJ.

¹ The Louisiana Supreme Court temporarily removed Judge Eboni Johnson Rose from the bench beginning August 6, 2024. Retired judge J. Michael McDonald was appointed as judge pro tempore to assume Judge Rose's civil docket. Judge McDonald presided over the hearing at issue in this appeal on May 5, 2025, and signed written reasons on May 9, 2025. Retired judge Jewel E. "Duke" Welch assumed the pro tempore position sometime thereafter and signed the judgment Plaintiff appeals in this matter on May 27, 2025.

Wolfe, J dissents in part with reasons.

LANIER, J.

The plaintiff/appellant, City of Baker School Board (“the School Board”), appeals the judgment of the Nineteenth Judicial District Court, which denied all of its claims against the defendant/appellee, the Louisiana Board of Elementary and Secondary Education (“BESE”), and denied its request for a permanent injunction and attorney fees. The Louisiana Department of Education (“LDOE”) has filed an answer to this appeal, seeking reversal of the district court’s denial of its peremptory exception raising the objection of no cause of action. For the following reasons, we reverse the district court in part and remand for further proceedings consistent with this opinion. Additionally, we grant LDOE’s answer to the appeal.

FACTS AND PROCEDURAL HISTORY

On April 11, 2025, the School Board filed a petition for nullity under the Louisiana Open Meetings Law,² requesting injunctive relief and an award of attorney fees against BESE, the Recovery School District (“RSD”), and GEO Academies EBR (“GEO”).³ Therein, the School Board alleged that BESE violated the Open Meetings Law on March 12, 2025, because the agenda for the meeting held by BESE on that date did not specifically reference BESE’s intent to take control of two schools in the City of Baker School System and transfer their operation and management to RSD.⁴ The School Board claimed that the aforementioned action by BESE is null and void pursuant to La. R.S. 42:24 and La. R.S. 42:26.⁵

² Louisiana Revised Statutes 42:11 *et seq.*

³ RSD is an intermediate educational unit domiciled in the Parish of East Baton Rouge, and GEO is a non-profit corporation domiciled and doing business in the Parish of East Baton Rouge. Neither entity is a party to this appeal.

⁴ The two schools at issue are Baker Heights Elementary School and Baker Middle School.

⁵ These statutes prescribe the actions and remedies available for violations of the Open Meetings Law.

The School Board petitioned the district court to permanently enjoin BESE from conducting further meetings that do not comply with the Open Meetings Law and to grant reasonable attorney fees. The School Board further alleged that RSD's authority to take over the two Baker schools stems entirely from BESE's action at the March 12, 2025 meeting, and a nullification of that action would remove that authority from RSD. The School Board requested that RSD be enjoined from exercising this authority over the schools based on the action at the March 12, 2025 meeting. In so doing, RSD would be prevented from moving forward with its agreement with GEO to assist in the takeover of the schools. The School Board stated in its petition that the matter should be tried by summary proceeding in accordance with La. R.S. 42:27(B).

The School Board attached the March 12, 2025 BESE meeting agenda to its petition, which states the following:

1. Opening
 - 1.1. Call to Order
 - 1.2. Roll [Call]
 - 1.3. Invocation
 - 1.4. Pledge of Allegiance
2. Approval of the Agenda
 - 2.1. Approval of the Agenda
3. Recognition of Guests
 - 3.1. Consideration of the recognition of the Community Service Endorsement honorees
4. Approval of the Minutes
 - 4.1. January 10, 2025
 - 4.2. February 21, 2025, Special Called Meeting
5. Report by the State Superintendent of Education
 - 5.1. Report by the State Superintendent of Education
6. Report(s) from members of BESE (Statutory and Legislative Task Force/Council Appointees)
 - 6.1. Report(s) from members of BESE (Statutory and Legislative Task Force/Council Appointees)
7. Board Committee Reports
 - 7.1. Academic Goals and Instructional Improvement Committee
 - 7.2. Board Administration and Education Finance Committee
 - 7.3. Educator Effectiveness Committee
 - 7.4. Legislative and Governmental Affairs Committee
 - 7.5. School Innovation and Turnaround Committee

On April 17, 2025, BESE filed a peremptory exception raising the objection of no cause of action, in which it claimed that the School Board failed to allege specific facts to state a cause of action. BESE attached to the exception the agenda of its School Innovation and Turnaround (“SIT”) Committee meeting, held on March 11, 2025, which stated the following:

1. Opening

1.1 Call to Order

1.2 Roll Call

2. Standing Item – Charter School Performance, Support, and Oversight Issues

2.1 Consideration of a report on Types 2, 4, and 5 charter contracts and requests for amendments

3. Standing Item – Recovery School District Academic Performance Management Issues

3.1 Consideration of Type 5 Charter Applications in response to the Request for Charter Applications, as recommended by the State Superintendent of Education

3.2 Consideration of the transfer of schools from the City of Baker School District to the Recovery School District (RSD)

4. Referrals – New Business

4.1 Consideration of an update report regarding the LA GATOR scholarship program

Along with the agenda, BESE attached minutes of the March 11, 2025 meeting that specifically referenced the proposed RSD takeover of the two Baker schools.

On April 22, 2025, the School Board filed a first amended and supplemental petition for nullity under the Open Meetings Law, request for injunctive relief, and award for attorney fees, in which it substituted RSD with LDOE in its original petition. On April 23, 2025, LDOE filed its own peremptory exception raising the objection of no cause of action in reference to the School Board’s petition, adopting all of BESE’s arguments in its own exception of no cause of action.

At the May 5, 2025 hearing, the following evidence was introduced: (1) the testimony of BESE President Ronald J. Morris, Jr. (“Morris”); (2) the March 12, 2025 BESE Meeting Agenda; (3) the video of the March 12, 2025 meeting; (4) the March 11, 2025 SIT Committee agenda over BESE’s objection; and (5) the minutes from the March 11, 2025 SIT Committee.

Morris testified that he presided over the March 12, 2025 BESE meeting and believed the agenda was posted on the door of the building in which the meeting was held twenty-four hours prior to the meeting. At the March 12, 2025 BESE meeting, Morris stated that BESE followed its regular process to ratify the action approved by the SIT Committee from the previous day. He noted the SIT Committee's vote on whether to take over the two Baker schools was posted twenty-four hours before the SIT Committee's meeting, and it was his understanding that at the March 12, 2025 BESE meeting BESE could have voted to ratify or reject the SIT Committee's decision from March 11, 2025, to take control of the schools, and the SIT Committee's decision was not binding on BESE. He confirmed the minutes from the March 12, 2025 BESE meeting indicate that BESE voted to ratify the SIT Committee's decision to transfer the schools from the School Board to RSD. Morris acknowledged the words "Baker Heights Elementary" and "Baker Middle" did not exist on the March 12, 2025 agenda. Further, he testified the March 12, 2025 agenda had to be posted by nine o'clock a.m. on March 11, 2025, thus, it was impossible to know what was decided by the SIT Committee on March 11, 2025, when the agenda for BESE's March 12, 2025 meeting was posted.

In a judgment signed May 27, 2025, the district court dismissed all claims against BESE, finding no violation of the Open Meetings Law. The district court also denied the School Board's request for a permanent injunction and denied BESE's and LDOE's peremptory exceptions raising the objections of no cause of action. In its written reasons, the district court stated that the SIT Committee meeting agenda dated March 11, 2025, properly referenced the proposed school takeover in item 3.2 of its agenda, and the minutes of that meeting detail the discussion of that item. However, the district court noted that the School Board's petition focuses on the March 12, 2025 meeting held by BESE and agreed that the

notice of that meeting “does leave some room for improvement,” but it did not violate the Open Meetings Law. The district court pointed out that item 7.5 of the March 12, 2025 BESE agenda referenced the SIT Committee, which held its meeting on the previous day and adequately gave notice of the proposed school takeover in its agenda and minutes. In its conclusion, the district court reasoned that while the March 12, 2025 BESE agenda lacked the detail included in the March 11, 2025 SIT Committee agenda, the notice was not inadequate.

The School Board appealed the aforementioned judgment. LDOE filed an answer to the appeal with this court, seeking to reverse the district court’s denial of its peremptory exception raising the objection of no cause of action.⁶

ASSIGNMENTS OF ERROR

The School Board asserts the following assignments of error:

1. The district court erred in considering the agenda and minutes of the March 11, 2025 SIT Committee meeting in determining whether the agenda of the March 12, 2025 BESE meeting met the requirements of La. R.S. 42:19(A)(1)(b)(ii)(bb).
2. The district court erred in finding that the agenda of the March 12, 2025 BESE meeting met the requirement of 42:19(A)(1)(b)(ii)(bb), specifically that each item on the agenda be listed separately and describe with reasonable specificity as to the takeover of the two Baker schools and the transfer thereof to the RSD.
3. The district court erred in not declaring null and void the action of BESE, which purported to take over the two Baker schools and transfer them to the RSD.
4. The district court erred in not granting the injunction sought and in not awarding the School Board reasonable attorney fees and costs under La. R.S. 42:26.

DISCUSSION

No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law. La. Const. art. XII, § 3. In connection with La. Const. art. XII, § 3, the Louisiana

⁶ BESE has not sought review of the denial of its peremptory exception of no cause of action.

Legislature enacted the Open Meetings Law. The Open Meetings Law provides:

It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of [the Open Meetings Law] shall be construed liberally.

La. R.S. 42:12(A).

The primary purpose of the Open Meetings Law and the constitutional provision ensuring the right of citizens to participate in the deliberations of public bodies is to protect citizens from secret decisions made without any opportunity for public input. *Lewnau v. Board of Supervisors of Southern State University*, 2019-0943 (La. App. 1 Cir. 1/9/20), 295 So.3d 419, 424, *writ denied*, 2020-00240 (La. 5/1/20), 295 So.3d 937. The public has a right to know what is being considered and is entitled to direct participation in deliberations as styled by La. Const. art. XII, § 3. *Id.* at 425.

In any enforcement proceeding, the plaintiff may seek and the court may grant any or all of the following forms of relief: a writ of mandamus; injunctive relief; declaratory judgment; judgment rendering the action void as provided in La. R.S. 42:24; and/or judgment awarding civil penalties as provided in La. R.S. 42:28. La. R.S. 42:26(A).

All public bodies, except the legislature and its committees and subcommittees, shall give written public notice of their regular meetings, if established by law, resolution, or ordinance, at the beginning of each calendar year. Such notice shall include the dates, times, and places of such meetings. La. R.S. 42:19(A). All public bodies shall keep written minutes of all of their open meetings. La. R.S. 42:20(A). The minutes shall be public records and shall be available within a reasonable time after the meeting, except where such disclosures would be inconsistent with La. R.S. 42:16, 17, and 18, or rules adopted under the provisions of La. R.S. 42:21. La. R.S. 42:20(B)(1); *Rushing v. Southeastern*

Louisiana University, 2022-0032 (La. App. 1 Cir. 9/16/22), 2022 WL 4286824, *4 (unpublished), *writ denied*, 2022-01723 (La. 2/14/23), 355 So.3d 618.

Louisiana Revised Statutes 42:19(A)(1)(b)(ii)(bb) states that each item on an agenda shall be listed separately and described with reasonable specificity. It is not necessary that each item for consideration be specified in great detail as long as the purposes of the Open Meetings Law are served and the public has sufficient notice of the agenda. *Organization of United Taxpayers and Civic Associations of Southeast Baton Rouge, Inc. v. Louisiana Housing Finance Agency*, 96-2406 (La. App. 1 Cir. 11/7/97), 703 So.2d 107, 111, *writ denied*, 97-3007 (La. 2/9/98), 709 So.2d 745.

In an action to enforce the Open Meetings Law, the district court has original jurisdiction, and appellate courts review the findings for errors of law or manifest errors of fact. *See* La. R.S. 42:25(C) and 42:27(A); *Rushing*, 2022 WL 4286824 at *4. A review of mixed questions of fact and law requires great deference to fact and credibility determinations. *See Roland v. La. Dept. of Pub. Safety and Corrections*, 2024-00865 (La. 2/9/25), 408 So.3d 926, 930.

As to the School Board's assignment of error regarding the district court's consideration of the March 11, 2025 SIT Committee meeting agenda and minutes, we note that at issue in this matter is whether the March 12, 2025 BESE agenda of the *full board* lacked the required statutory detail, not whether the agenda and minutes of *another committee* sitting on a different day complied with the law. Therefore, even if the March 11, 2025 SIT Committee meeting agenda and minutes were improperly admitted into evidence, they are extraneous to the issue before us.

In the instant case, the School Board's petition calls into question the BESE agenda dated March 12, 2025, specifically item 7.5, which reads "School Innovation and Turnaround Committee." The agenda item does not state what actions the committee was to take or consider at the meeting. Without any

reference to other agendas or outside information, an observer would not be able to discern what actions the SIT Committee or BESE as a whole would have taken in the March 12, 2025 meeting with respect to taking control of the two Baker schools. From our reading of the Open Meetings Law and the record in its entirety, it is the opinion of this court that an action by BESE to transfer control of the Baker schools to RSD must be described on its own agenda with sufficient detail to provide the public with notice that BESE intends to take such an action. The School Board filed its petition on April 11, 2025, within sixty days of BESE's action, as required by La. R.S. 42:24, and BESE's action is therefore voidable. Further, since any relief to be granted under La. R.S. 42:26 is within the discretion of the district court, the relief the School Board is entitled to is to be determined by the district court on remand.

ANSWER TO APPEAL

LDOE has petitioned this court to reverse the district court's denial of its peremptory exception raising the objection of no cause of action. When an unrestricted appeal is taken from a final judgment, an appellee may seek review of all adverse interlocutory rulings by filing an answer to the appeal. *See* La. C.C.P. art. 2133(A); *Vienne v. State Through Division of Administration*, 2023-0983 (La. App. 1 Cir. 5/31/24), 2024 WL 2790378, *8 (unpublished). Under La. C.C.P. art. 2133, the answer to the appeal must state what the "relief demanded" is, and the answer operates as an appeal only from those matters "of which he complains in his answer." *Id.* (quoting *Stevens v. St. Tammany Parish Government*, 2017-0959 (La. App. 1 Cir. 7/18/18), 264 So.3d 456, 466, *writ denied*, 2018-2062 (La. 2/18/19), 265 So.3d 773). The substantive and procedural effect of an answer to an appeal is the same as an appeal. *Vienne*, 2024 WL 2790378 at *8.

LDOE argues that the district court erred in denying its exception, and we find merit in that argument. The School Board's original petition alleged that

BESE violated the Open Meetings Law by publishing an agenda for its March 12, 2025 meeting that did not specifically detail the intent to transfer control of the Baker schools to RSD. In the School Board's first amended and supplemental petition, RSD was substituted with LDOE, and the original petition remained the same in all other aspects. The original petition does not allege that LDOE violated the Open Meetings Law in any fashion. The original petition essentially states that since BESE violated the Open Meetings Law, LDOE would not be granted the authority to take control of the Baker schools.

The exception raising the objection of no cause of action is used to test the legal sufficiency of the petition by determining whether the law affords a remedy on the facts alleged in the petition. *Touchet v. McGehee*, 2024-1283 (La. App. 1 Cir. 7/15/25), 418 So.3d 438, 453. The reviewing court is confined to the four corners of the petition. La. C.C.P. art. 931; *Touchet*, 418 So.3d at 453. The exception is triable on the face of the pleadings, and for purposes of resolving the issues raised by the exception, the well-pleaded facts in the petition must be accepted as true. The issue at the trial of the exception is whether, on the face of the petition, the moving party is legally entitled to the relief sought. *Touchet*, 418 So.3d at 453.

From examining the School Board's original petition, it is clear that there are no allegations that LDOE had any part in drafting or publishing the March 12, 2025 agenda, and therefore the petition fails to state a cause of action against LDOE. LDOE's answer to the appeal is therefore granted, and the district court's denial of LDOE's exception raising the objection of no cause of action is reversed.

DECREE

The portion of the May 27, 2025 judgment of the Nineteenth Judicial District Court denying all claims of the City of Baker School Board is reversed. This matter is remanded for further proceedings consistent with this opinion. The

answer to the appeal, filed by the Louisiana Department of Education, is granted, and the portion of the judgment that denied its peremptory exception raising the objection of no cause of action is reversed. Costs of this appeal are assessed equally between the appellant, the City of Baker School Board, and the appellee, the Louisiana Board of Elementary and Secondary Education, in the amount of \$1,039.50.

REVERSED IN PART AND REMANDED; ANSWER TO APPEAL GRANTED.

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2025 CA 0799

CITY OF BAKER SCHOOL BOARD

VERSUS

BOARD OF ELEMENTARY AND SECONDARY EDUCATION,
RECOVERY SCHOOL DISTRICT, AND GEO ACADEMIES EBR

WOLFE, J., DISSENTS IN PART AND ASSIGNS ADDITIONAL REASONS.

I agree with the majority's reasons and decision to grant LDOE's answer to appeal, thereby reversing the district court's denial of LDOE's exception of no cause of action. However, I respectfully disagree with the part of the majority opinion that reverses the district court's denial of all of the School Board's claims against BESE. I would affirm the district court's finding that the agenda for BESE's March 12, 2025 meeting did not violate the Open Meetings Law.

In an action to enforce the Open Meetings Law, the district court has original jurisdiction and this court reviews the findings for errors of law or manifest errors of fact. See La. R.S. 42:25(C) and La. R.S. 42:27(A); **Rushing v. Southeastern Louisiana University**, 2022-0032 (La. App. 1 Cir. 9/16/22), 2022 WL 4286824, *4 (unpublished opinion), writ denied, 2022-01723 (La. 2/14/23), 355 So.3d 618. A review of mixed questions of fact and law requires great deference to fact and credibility determinations pursuant to the manifest error standard of review. See **Roland v. La. Dept. of Pub. Safety and Corrections**, 2024-00865 (La. 2/9/25), 408 So.3d 926, 930. The issue to be resolved by a reviewing court under the manifest error standard of review is not whether the fact finder was right or wrong, but

whether the fact finder's conclusion was a reasonable one. **Stobart v. State through Dept. of Transp. and Development**, 617 So.2d 880, 882 (La. 1993).

The district court found the wording of BESE's March 12, 2025 meeting agenda did not violate the Open Meetings Law although it did "leave some room for improvement." Even though an appellate court may feel its own evaluations and inferences are more reasonable than the fact finder's, reasonable evaluations of credibility and reasonable inferences of fact should not be disturbed upon review where conflict exists in the testimony. **Stobart**, 617 So.2d at 882. The reviewing court must keep in mind that if the factual findings are reasonable in light of the record reviewed in its entirety, the court of appeal may not reverse, even if convinced that had it been sitting as the finder of fact, it would have weighed the evidence differently. **Id.** at 882-883.

Considering the record reviewed in its entirety, including the reference to the proper committee report in BESE's March 12, 2025 agenda, along with the agenda and minutes for the March 11, 2025 committee meeting, I conclude that the district court was reasonable in finding that BESE had not violated the Open Meetings Law. For this reason, I would affirm the district court's decision in part and therefore, I respectfully dissent in part.