



Jeff Landry
Attorney General

State of Louisiana

DEPARTMENT OF JUSTICE
CIVIL DIVISION
P.O. BOX 94005
BATON ROUGE
70804-9005

December 20, 2019

Ms. April Dunn
Chairperson
Louisiana Developmental Disabilities
Council
P.O. Box 3455
Baton Rouge, LA 70821-3455

Dear Ms. Dunn:

Our office has reviewed your request for an opinion on the issue of whether the distribution of local agency funds to Type 2 and Type 5 charter schools is being done in accordance with law. Because your question would require our office to engage in intensive fact-finding, we are unable to render an opinion and this request will be canceled.

A copy of the Attorney General's Written Opinion Policy is attached for your review.

We sincerely regret that we may not be of assistance to you at this time.

With best regards,

JEFF LANDRY
ATTORNEY GENERAL

BY:



Patricia H. Wilton
Assistant Attorney General

JL:PHW



WRITTEN LEGAL OPINIONS

LOUISIANA DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

The following guidelines are provided to inform and assist public officials and public entities in understanding and in making a request for a formal Attorney General Opinion.

The Attorney General will render written opinions to:

- The Governor and other **elected and appointed state officers**, as required by law, on legal questions relating to state law.
- **State departments, state boards, state commissions** or state officers upon legal questions pertaining to state law as it relates to their respective public entity.
- **District Attorneys** on matters of state law as it relates to the duties of their offices. In addition, the Attorney General will consult with and advise the district attorneys on matters relating to the duties of their offices.
- The Attorney General will render written opinions to the governing authority of a local **political subdivision**, its officers or attorneys, but only after the legal issue or question is presented to the legal advisor of the board, commission, governing authority, or political subdivision, and only after the specific issue or question has been placed upon the agenda of the public meeting of the board, commission, governing authority, or political subdivision so as to provide public notice of the specific question or issue.
- Opinions may be rendered to the **officers of a local governmental subdivision** such as a mayor, a president of a parish home rule form of government, sheriffs, clerks of court, assessors, coroners, or registrars of voters on matters relating to their official duties.

The Attorney General will not render opinions:

- As to the exercise of **executive judgment or discretion**.
- On **questions of fact** or on matters where the relevant facts are in dispute.
- On **questions scheduled for determination by the courts**, or where the prospect of litigation appears imminent.

- To members of the Legislature on **proposed or pending legislation** unless requested by the President of the Senate or Speaker of the House of Representatives.
- On matters that **do not relate to the performance of the requesting official's duties** and only affect them in their personal capacity, unless a bona fide public need exists.
- To **private individuals** or entities except on questions relating to **dual office holding**.
- On **complex or important issues of law**, and where the Attorney General deems that the requestor should either seek a declaratory judgment or seek other courses of action that may be more appropriate than the issuance of an official opinion.

Opinion Request Procedure:

- Requests for opinions must be in the form of a letter and addressed to the Attorney General, Post Office Box 94005, Baton Rouge, Louisiana 70804. Facsimile transmissions should be sent to 225-326-6098.
- All requests must contain a clear, concise question of law and a complete statement of the facts describing the situation out of which the legal issue arises. All opinions are limited to the facts presented. The Attorney General will not seek out the facts or infer the questions from the enclosed correspondence. All requests should name a person whom the staff of the Attorney General may contact to discuss the request.
- Requests from officers under the jurisdiction of the governor must be forwarded through that office in accordance with the governor's policy.

Miscellaneous Provisions:

- When an opinion is requested by or for a local public body such as a police jury, municipality, local board or commission, the Attorney General's Office may request the local district attorney, city attorney or attorney for such local body, who have familiarity with the facts surrounding the legal issue and its various implications, to submit written legal memoranda relating to the legal questions posed. Such procedure will help provide our office a complete recitation of all relevant facts and will assist the Attorney General in the expeditious rendering of thoroughly researched opinions and will serve the public body involved by having its attorney present its viewpoints on the questions posed.
- It is important that the Attorney General be apprised of all background information relating to an opinion request. Any information relating to the practical effect of any particular resolution of a question posed should be included with a request for an official opinion.
- Officials requesting opinions and interested private parties or other governmental

agencies may submit memoranda of law, policy, and other statements and material for the consideration by the Attorney General. Such material should be submitted to the attention of the General Counsel or the attorney to whom the opinion request is assigned.

- All official opinions of the Attorney General must be approved by the Attorney General.
- Only selected opinions are published in the volume of Attorney General Opinions. All opinions shall be on file in the Attorney General's Office as a permanent record.
- In order for the Attorney General to act in the best interest of the public and the State, all rules are subject to exception or waiver where special circumstances so warrant.