



State of Louisiana

Division of Administration
Office of the Commissioner

FOR IMMEDIATE RELEASE

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Commissioner Nichols Responds to Letter from John White

BATON ROUGE - Today, Commissioner of Administration Kristy Nichols offered a response to John White's letter regarding yesterday's injunction:

Dear Superintendent White,

As you are aware, the Division of Administration (DOA) has an obligation to ensure public funds spent under consulting services contracts are properly disbursed within the scope of approved contracts. The Office of Contractual Review's (OCR) temporary suspension of approval of the two current Data Recognition Corporation (DRC) contracts was executed as a mechanism for DOA to monitor the expenditure of public funds under these contracts while OCR investigated their scope of services. While our audit of the existing DRC contracts is still ongoing, the contracts remain active and payments for services under the approved scope continue to be made.

While Judge Hernandez's preliminary ruling lifts OCR's temporary suspension of the DRC contracts, it does not affect the Division's statutory responsibility to ensure proper use of public funds. As a result of initial findings in DOA's audit of the DRC contracts, we have repeatedly expressed concerns to you regarding your intended use of these contracts. Those concerns still stand and if the Department of Education or the Board of Elementary and Secondary Education (BESE) intend to implement new assessments through these contracts for ELA and Math for the current school year, they do so at their own risk. As such, payments may be subject to recoupment, and the vendor may be exposed to other restrictions on contracting with the State.

We remain open to further discussions with the Department of Education and BESE to resolve these concerns.

Sincerely,

Kristy Nichols

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