

Louisiana Federation of Teachers

Weekly Legislative Digest

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2016 Second Special Legislative Session

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Slim pickings as budget session heads to a close

With less than a week left in the special session, hope that legislators will plug a \$600 million budget hole is dimming, even though Governor John Bel Edwards says he believes there is still enough time to raise the necessary revenues.

That could be wishful thinking, though. One of the state's top economists announced on Thursday that tax revenues have come in slower than expected in the last months of the current fiscal year. That means Louisiana could have a \$200 million deficit with just a couple of weeks left in the year.

Thus far in the special session, the House and Senate have agreed on measures that would raise about \$220 million for the fiscal year beginning on July 1. The remaining revenue bills face a daunting climb, given the House of Representatives' aversion to raising taxes.

A bill that will be up for a vote in the House of Representatives on Sunday, HB 38 by Rep. Malinda White (D-Bogalusa) would raise another \$113 million. It would be paid by higher-earning taxpayers who itemize their federal deductions.

Because of a complicated amendment by Ways and Means Committee Chairman Neil Abramson (D-New Orleans), the tax would only be on the books for two years.

Another bill awaiting House action is SB 10 by Sen. Rick Ward (R-Port Allen). It would close a loophole that allows large manufacturers to qualify for both an industrial tax exemption and an inventory tax credit. The bill, which would raise \$139 million, was passed by the Senate, and awaits consideration by the House Ways and Means Committee.

A third bill that could raise significant revenue is SB 6 by Sen. J.P. Morrell (D-New Orleans). It would raise \$50 million by eliminating tax rebates given to companies on their inventory taxes. It, too, has passed the Senate and awaits action in Ways and Means.

Because of the uncertainty surrounding the fate of these bills, rumors are circulating in Baton Rouge that lawmakers could be called back for yet another special session, perhaps in September.

Regular session wrap-up

The regular session provided us with both promise and a glimpse of problems yet to come.

On the positive side, the election of Gov. John Bel Edwards gave us an opportunity to begin correcting the abuses inflicted on Louisiana by ex-Gov. Bobby Jindal and his cronies. But many of Jindal's closest

allies were re-elected last fall, and his big business supporters are still pouring money into lobbying at the capitol.

Even so, we are pleased to report that this has been the best session for public education in the past eight years. We have chipped away at some of the worst abuses of the Jindal era, and are setting the stage for progressive change in future sessions.

Unprecedented cooperation among partners

For the first time, the LFT and LAE introduced a joint legislative agenda. We worked closely with their lobbying team throughout the session, gaining trust and respect for each other. We realize that our interests and the LAE's are identical.

Going forward, we intend to nurture and build our relationship in Baton Rouge in the best interest of our members, public education and the union movement. We do not know where this cooperation will lead, but we do know that it has been beneficial during the legislative session.

In addition to our partnership with LAE, we forged a stronger bond with allies including the Louisiana School Boards Association, Superintendents Association, Principals Association and others. Our pro-public education coalition remained strong even when we disagreed on particular issues.

Compromise on evaluation and testing

Gov. Edwards, along with Senate Education Committee Chairman Blade Morrish (R-Jennings) and Sen. Gerald Boudreaux, asked all of the parties to hammer out a compromise on the vexing issues of testing and evaluations.

With the governor's office mediating, groups including the LFT, LAE, school boards, superintendents, LABI, the Council for a Better Louisiana and Stand for Children met in several sessions.

For the first time in eight years, stakeholders were given a voice in shaping education policy.

As a result, the legislature approved SB 477 by Sen. Boudreaux, which reduces the impact of Value Added Measures on teacher evaluations from 50% of the quantitative evaluation to 35%.

Sen. Morrish's SB 262 extends the moratorium on linking evaluations to the consequential results of teacher evaluations, school letter grades and the promotion of fourth grade students.

Other bills dealing with evaluation and testing were deferred in favor of the compromise legislation. LFT and LAE will build on the foundation laid by these bills in future sessions.

Minimum Foundation Program

LFT and LAE unsuccessfully urged the Senate Education Committee to approve the proposed \$3.7 billion Minimum Foundation Program formula. The formula included a 1.3% increase in per-pupil spending. The panel agreed with Gov. Edwards that there simply is not enough money in the budget to pay for the proposed formula. All expressed hope that revenues could be identified during the special session to fully fund public education.

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Executive order establishes ESSA task force

Gov. John Bel Edwards signed Executive Order JBE 2016-17 on May 31. The order creates a task force to review the new federal Every Child Succeeds Act (formerly No Child Left behind), and make recommendations directly to the governor on specific actions needed to implement the law in Louisiana.

Nationally board certified LFT and LAE members will have seats on the task force. Their recommendations will not have to be approved by BESE or Superintendent of Education John White.

Curbing the unfettered proliferation of charter schools

HB 260 by Sen. Morrish removed so-called Charter Authorizers from Act 2 of 2012. That act created as many as 40 local charter authorizers in the state's 11 Regional Labor Markets. With little oversight, the LCAs could each authorize no fewer than five new charter schools, which if successful could each then create two more charter schools without further approval. There could eventually have been more than 600 of the Type 1B charter schools operating without authority from BESE or local school boards.

Prior to this legislative session, no LCAs had been authorized by BESE. However, two applications for LCAs have been waiting for action on BESE's agenda. Now that threat is gone.

Retirement issues

State retirees will receive their first cost of living adjustment in two years. SB 2 by Sen. Barrow Peacock (R-Shreveport) was the first COLA bill to pass, giving increases between 1.5% and 2%, depending on the retirement system. Rep. Sam Jones' (D-Franklin) HB 32 also passed, proposing similar COLAs.

Two other bills were adopted that aim to bring down the debt of the retirement systems. SB 5 by Sen. Peacock prohibits retirement systems from including administrative costs in a multi-year paydown plan. His SB 18 reduces the time limit for systems to pay their debt from 30 years to 20.

A number of retirement bills by Rep. Barry Ivey (R-Central) constituted an attack on public retirement systems, including the creation of hybrid plans that would have mainly benefitted hedge fund managers. All of them were defeated.

SB 452 by Sen. Bodi White (R-Central) was defeated. It would have allowed individual school districts to withdraw from the Teachers' Retirement System of Louisiana.

In a disappointment for educators, a bill that would have allowed retirees to return as long-term substitutes and earn up to 50% of their pension without penalty was rejected. It is a popular idea that will return in future sessions.

Higher education bills

Bills that would have consolidated or merged higher education boards, including HB 152 by Rep. Rick Edmonds (R-Baton Rouge) and HB 169 by Rep. Thomas Carmody (R-Shreveport) were shelved.

HB 881 by Rep. Jay Morris (R-Monroe) was deferred – it would have required universities to report on how much they spend on research as opposed to instruction.

TOPS was the subject of many debates, but only one bill affecting the popular program, SB 174 by Sen. Jack Donahue (R-Mandeville), was passed. It caps TOPS spending per student at the 2016-17 level, but allows the legislature to raise the cap in the future.

As this is written, TOPS will not be fully funded unless the legislature approves additional revenues in the special session.

HB 948 by Rep. Steve Carter (R-Baton Rouge) requires higher education boards to adopt management plans for use of existing facilities. It was passed by the legislature.

Bills advancing Jindal agenda go down

For the past eight years, Rep. Steve Carter (R-Baton Rouge) was ex-Gov. Jindal's floor leader on education issues. As chair of the House Education Committee, he ramrodded the most egregious Jindal era attacks on teachers and public education.

This year Rep. Carter was stymied in his efforts to move the Jindal agenda even farther. His rejected bills included:

- HB 281 would have made the so-called Red Tape Reduction Act of 2010 even worse by allowing school superintendents, instead of school boards, to request waivers of state education laws. It would have removed the requirement that teachers agree to the waivers. It died in the House Education Committee.
- HB 1075 would have provided that no school district could be rated "A" or "B" if any individual school in the district is rated "D" or "F." It died in the House Education Committee. A resolution with the same aim, HR 208, died on the House floor without a hearing.
- HB 365 and HB 374 would have required onerous qualifications for members of higher education management boards. Both were rejected.

One of Rep. Carter's bills, HB 887, was approved by the legislature and sent to Gov. Edwards for his signature. LFT and LAE are urging the governor do veto the bill. It would remove an existing charter school from local control and give it free rein as an independent school district, governed by an unelected board dominated by political appointees.

[Please click here and ask Gov. Edwards to veto HB 887.](#)

Payroll deduct bill a non-starter

One of the most contentious issues of the past three years evaporated in this session. HB 185 by Rep. Jay Morris (R-Monroe) would have prevented public sector unions from collecting dues through payroll deduction.

Faced with a certain veto by Gov. Edwards, supporters of the bill made no effort to have it heard.

Teacher pay reduction bill amended

A bill that could have allowed school boards to reduce teacher pay, HB 3392/HB 1156 by Rep. Nancy Landry (R-Lafayette) was amended after Rep. Landry conferred with stakeholders. As passed, the bill stipulates that teachers who are moved to positions that require fewer working hours at lower salaries cannot have their pay reduced during that school year, but may be cut the following year.

Outcome of other bills

Over 1,600 bills were introduced in the 2016 Regular Legislative Session. Here is a breakdown of successes by LFT and LAE on some of those instruments.

Bills that passed with the support of LFT and LAE:

- Return RSD schools to local control: LFT and LAE supported two bills aimed at returning recovery School District bills to local control. SB 432 by Sen. Karen Carter Peterson (D-New Orleans) was passed into law; HB 466 was deferred in the House Education Committee.

- Child abuse hotline: HB 97 by Rep. Patricia Smith requires posting a toll-free child protection hotline number on all school Web sites.
- Defibrillators: HB 147 by Rep. Vincent Pierre (D-Lafayette) requires high schools in some parishes to keep automated external defibrillators on the premises.
- SB 270 by Sen. Gerald Boudreaux (D-Lafayette) strengthens the confidentiality of student records.
- SB 335 by Sen. Dan Claitor (R-Baton Rouge) prohibits charter schools from requiring parents to disclose medical or special education needs of students on application forms.
- SB 355 by Sen. Page Cortez (R-Lafayette) requires school officials to comply with school board policy when entering into contracts.

Bills that failed and were opposed by LFT and LAE:

- HB 165 by Rep. Kevin Pearson (R-Slidell) would have limited compensation for teachers who are disabled after being attacked by students. It was rejected by the Senate Labor and Industrial relations Committee.
- HB 1101/HB 1167 by Rep. Stuart Bishop (R-Lafayette) would have allowed parents to send their children to any school in a school district. The unnecessary and chaotic bill failed on the House floor.
- HB 833/HB 1159 by Rep. Walt Leger would have limited student suspensions. We opposed it because it could lead to teachers being pressured to keep unruly students in their classrooms. It died on the House calendar.
- HB 655 by Rep. Nancy Landry (R-Lafayette) would have expanded vouchers for prekindergarten students. It was never heard by the House Education Committee.
- HB 428 by Rep. Chris Broadwater (R-Hammond) would have prohibited school boards from requiring student uniforms. It died in the House Education Committee.

New Orleans charter contract up for vote

The faculty, staff and management board of Morris Jeff Community School in New Orleans are slated to vote on a collective bargaining agreement next week.

The school's board will vote to ratify the proposal Monday, with faculty and teacher assistants casting their ballots Tuesday.

Educators at Morris Jeff have sought a contract with the board for about a year. If both parties agree next week, the school will become the second charter in the city to bargain with employees. Benjamin Franklin High School's board and faculty agreed on a contract last March. Unions at both schools are affiliated with the United Teachers of New Orleans and LFT.

At both schools, the management boards agreed to negotiate contracts after being petitioned by employees. Two other charter boards, at International High School and Lusher Charter, denied the petitions. Employees at those schools asked the National Labor Relations Board to require collective bargaining votes.

After a concentrated anti-union campaign by management and outside groups, teachers at Lusher rejected bargaining, but other paraprofessionals voted in favor of a contract.

Faculty and staff at International High voted in favor of bargaining.

The boards of both Lusher and International High are appealing to the NLRB, claiming that they should not be subject to the same labor laws as private employers. In the past, however, courts have ruled that charters are private nonprofit employers and not public bodies.

Supt. White schedules ESSA meetings around the state

State Superintendent of Education John White has scheduled a series of public hearings around the state to discuss the federal Every Student Succeeds Act (formerly known as No Child Left Behind and the Elementary and Secondary Education Act).

“While ESSA neither overrides Louisiana policies nor requires radical change,” White said in a prepared release, “the new law does offer all of us an opportunity to review results, identify our greatest challenges, and to make practical changes in education policy that will assist students in overcoming those challenges.”

Here are the meeting dates and times:

Tuesday, July 26: 9:00 A.M., Lafayette Middle School, 1301 W. University Ave., Lafayette, LA; 1:00 P.M., Lake Charles Boston Academy of Learning, 1509 Enterprise Blvd. Lake Charles, LA

Wednesday, July 27: 9:00, Aiken Virtual Program Building, 2121 Mason St., Alexandria, LA; 1:00 P.M., Wanda Gunn Professional Development Auditorium, 1961 Midway, Shreveport, LA

Thursday, July 28: 9:00A.M., City of Monroe School Board, 2600 Tower Dr., Monroe, LA

Friday, July 2: 9:00 A.M., McKinley Middle Magnet School, 1550 Eddie Robinson Sr. Dr., Baton Rouge, LA

Monday, August 1: 10:00 A.M., Terrebonne Parish School Board, 201 Stadium Dr., Houma, LA

Tuesday, August 2: 10:00 A.M., Fontainebleau High School, 100 Bulldog Dr., Mandeville, LA; 1:00 P.M., Woodson/KIPP Central City Academy, 2514 Third St., New Orleans, LA