

Louisiana Federation of Teachers

Weekly Legislative Digest

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Larry Carter, President * Les Landon, Editor

2016 Regular Legislative Session

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Will it take a constitutional convention?

With the 2017 Regular Legislative Session past its halfway mark, and with lawmakers at absolute loggerheads over the state budget, capitol watchers are wondering what could come next. Unless a balanced budget is adopted by June 8, there could well be another special session – the fourth since the 2015 election.

Another option facing leges is a proposed constitutional convention.

The state's \$21 billion spending plan in HB1 by Rep. Cameron Henry (R-Metairie) is now awaiting action by the Senate Finance Committee, which will dissect it next week. Others are still grappling with ways to find the money to pay the state's bills. Insiders are quoting legislators as predicting that none of the revenue raising measures have much chance of passing.

Looming over all is the \$1.3 billion fiscal cliff facing the state in 2018 when temporary sales taxes are set to expire.

If only more temporary patches emerge, and all else fails, the legislature could wind up passing HB 456 by Rep. Neil Abramson. The House Ways and Means Committee chairman's bill calls for a constitutional convention limited to "state and local finance, raising revenue, allocation and expenditure of funds, education funding, and higher education."

That could put public education's Minimum Foundation Program, which is now constitutionally protected, at risk.

MFP bounces from panel to BESE and back

A proposed \$3.7 billion funding formula for public education was returned to the Board of Elementary and Secondary Education, which tweaked it and then sent it back to the House Education Committee for action.

At its first hearing, members of the House Education Committee voted to send HCR 7 by Rep. Nancy Landry (R-Lafayette) to BESE for revisions because of two situations that have arisen this year.

Rep. Landry, who authored the resolution as chair of the House Education Committee, said that last August's floods in several school systems made it necessary to revise the spending formula. In addition, she said, anticipated troop moves at Ft. Polk in Vernon Parish could have an effect on student attendance there.

BESE convened a special meeting to reconsider the MFP. Superintendent of Education John White explained that the legislature may not revise the formula; that is strictly in the purview of the state education board. Lawmakers can accept or reject, but not change, the formula.

At White's urging, BESE adopted tweaks that add about \$7 million to the proposed plan. The resolution will return to the House Education Committee. Capitol insiders say the MFP has little chance of adoption by the cash-strapped legislature. If it is rejected, the MFP will revert to last year's spending plan.

One TOPS bill passes, one fails in committee

The House Education Committee approved one TOPS-related bill and rejected another as lawmakers struggle to control the ever-expanding college tuition entitlement.

HB 117 by Rep. Franklin Foil (R-Baton Rouge) would increase academic requirements to receive the scholarships, starting with high school graduates in 2021. It would raise the grade point average for the basic grant from 2.5 to 2.75, for an annual savings of between \$12 million and \$17 million. About 1,800 fewer students would qualify for the award.

The bill was approved on a 9-3 vote.

The committee rejected another TOPS bill, HB 390 by Rep. Gary Carter (D-New Orleans). It would have preserved the full TOPS award for some students when cuts are made, but reduced it for others.

Low-income students and those with high ACT scores would receive full funding, but others would be cut in lean times. If applied to the current crop of TOPS recipients, about 20,000 students would receive lower awards, while 32,000 would get the full amount.

The bill was rejected on a 6-7 vote.

Panel kills effort to rein in vouchers

A plan endorsed by Gov. John Bel Edwards that would have reined in the proliferation of vouchers was killed by the Senate Education Committee.

Voucher critics have long opposed a rule in the state voucher law that allows low-income kindergarten students to attend private or religious schools at taxpayer expense regardless of the quality of their neighborhood school.

SB 13 by Sen. Blade Morrish (R-Jennings) would have limited voucher access to low-income kindergartners to children who otherwise would attend a public school graded C, D, or F.

Older students may not get vouchers unless the public school they attend has a letter grade of C, D, or F. When it was created under Gov. Bobby Jindal, the voucher scheme was touted as a way to help children "escape from failing public schools."

The current kindergarten rule is a reflection of a state policy that seems to favor private and religious education over public schools, using public education funds.

The governor's office and public school advocates favored the bill. It was opposed by big business and organizations that support privatizing education. Sen. Morris acknowledged that his bill had little chance of passage; it failed when five of the panel's seven members voted against it.

Plan to bolster retirement system fails

A bill aimed at bringing down the unfunded accrued liability of the Teachers Retirement System of Louisiana was rejected by the Senate Education Committee.

LFT supported SB 87 by Sen. Blade Morrish (R-Jennings). It would have required the Board of elementary and secondary Education to allocate a portion of MFP funds to retire the oldest debts in the system's UAL.

In the earliest days of TRSL, Sen. Morrish said, the legislature failed to contribute enough money to make the system whole. That is the main reason why the system has a heavy debt load.

Sen. Morrish said the expenditure would not affect the per-pupil allotment sent to school boards, but would supplement it. Even so, the bill was opposed by charter school supporters who feared that it could result in a loss of funds. All charter schools would have been affected by the charge, but only about 35% of them participate in the Teachers Retirement System.

LFT Legislative Director Cynthia Posey urged passage of the bill, adding that the BESE's MFP task force should have a hand in determining the details of the plan.

The committee rejected by bill on a 1-3 vote.

Paddling bill spanked by House

After winning approval by the House Education Committee, the full House rejected HB 497 by Rep. Barbara Norton (D-Shreveport), which would have banned corporal punishment in public schools.

Rep. Norton argued that paddling students only teaches them that violence is a solution to problems, and said that 31 states have banned corporal punishment.

Opponents, including Rep. J. Rodgers Pope (R-Denham Springs), said that the issue is a matter of choice that should be left up to local school districts.

Rep. Nancy Landry (R-Lafayette) reiterated a concern that current policies allow male administrators to paddle female students.

Thirty-eight of Louisiana's 69 school districts have policies allowing corporal punishment. The bill was rejected on a 34-61 vote.

Second panel okays using early graduation funds for TOPS, child care

The House Appropriations Committee approved a bill allowing unspent MFP funds left over when students graduate from high school early to be converted for use on TOPS scholarships and early child care.

HB 541 by Rep. Steve Carter (R-Baton Rouge) does not cost local school districts any of their MFP allotments because the money would come directly from the state's general fund, the author said. The bill has already won approval by the House Education Committee

The plan would make about \$8 million a year available. Forty-nine percent would go to TOPS, 49% to the Child Care Assistance Program and two percent to the Department of Education.

The bill is slated to be heard on the House floor on May 17.

Charter moratorium bill fails

A bill that would have imposed a moratorium on charter schools until it is demonstrated that they've created replicable successes was rejected by the House Education Committee.

Rep. Joseph Bouie, Jr. (D-New Orleans) said that the state's charter school law defines the schools as laboratories that can experiment with educational practices. Until charter schools can show that they are submitting that information to the state education board, Rep. Bouie said, no more charters should be authorized.

The bill was rejected on a 3-9 vote.

Social Security resolution moves to House

The House of Representatives is the next stop for SCR 22 by Sen. Beth Mizell (R-Franklinton). It asks the U.S. Congress to consider eliminating the Windfall Elimination Provision and Government Pension Offset provisions that reduce Social Security benefits for Louisiana public employees.

Sen. Mizell's resolution has passed the full Senate and the House Retirement Committee. LFT supports the resolution.

The Week Ahead:

Bills to be heard on the Senate floor:

SB 26 by Sen. J.P. Morell (D-New Orleans) is a Constitutional amendment to prohibit contracts under the industrial property tax exemption program from exempting millages related to school funding. (5/15/17)

SB 11 by Sen. Barrow Peacock (R-Shreveport) Provides for the incorporation of the Louisiana School Employees' Retirement System into the Teachers' Retirement System of Louisiana.(5/15/17)

Bills to be heard on the House Floor:

SCR 22 by Sen. Beth Mizell (R-Franklinton) memorializes congress to consider eliminating the Windfall Elimination Provision (WEP) and the Government Pension Offset (GPO) Social Security benefit reductions.

HB 556 by Rep. Kevin Pearson (R-Slidell) poses a potential threat to paid leave for educators who are injured in assaults by students. (5/15/17)

HB 445 by Rep. Alan Seabaugh (R-Shreveport) authorizes and provides for cooperative endeavor agreements between local governmental subdivisions and other entities that may require payments in lieu of ad valorem taxes. (Subject to call)

HB 517 by Rep. Gary Carter (D-New Orleans) requires the state superintendent of education to report specified information annually pertaining to each public school, including charter schools. (Subject to call)

HB 660 by Rep. Gary carter (D-New Orleans) requires identification lettering on all school buses used to transport students to public schools in Orleans Parish. (Subject to call)

Monday, May 15

House Appropriations Committee:

HB 236 by Rep. Rob Shadoin (R-Ruston) is a proposed constitutional amendment that could affect funding for the MFP.

HB 456 by Rep. Neil Abramson (D-New Orleans) provides for a limited constitution convention.

HB 584 by Rep. Walt Leger (D-New Orleans) creates a special fund for early childhood education.

House Ways and Means Committee:

HB 345 by Rep. Paula Davis (R-Baton Rouge) is a proposed constitutional amendment authorizing a parish local option concerning the amount of assessed value at which the homestead exemption shall apply.

HB 601 by Rep. Julie Stokes (R-Kenner) Establishes the Louisiana Uniform Local Sales Tax Board and the Louisiana Sales and Use Tax Commission for Remote Sellers.

HB 655 by Rep. Gene Reynolds (D-Minden) Provides with respect to the levy of state sales and use taxes on certain sales of services.

Senate Finance Committee:

SB 255 by Sen. Sharon Hewitt (R-Franklinton) Creates the Louisiana Science, Technology, Engineering, and Mathematics Advisory Council.

SB 209 by Sen. Mike Walsworth (R-West Monroe) provides for the Louisiana Early College Opportunity Act.

SB 82 by Sen. Conrad Appel (R-Metairie) requires high school governing authorities to pay the cost of certain postsecondary remedial and developmental coursework required of public high school graduates.

Senate Retirement Committee:

HB 4 by Rep. Blake Miguez (R-Erath) Provides relative to the reemployment of retired school nurses in positions covered by the Teachers' Retirement System of La.

HB 31 by Rep. Frank Hoffman (R-West Monroe) Provides relative to the reemployment of retired school psychologists in positions covered by the Teachers' Retirement System of Louisiana

Wednesday, May 17**House Education Committee:**

HCR 7 by Rep. Nancy Landry (R-Lafayette) sets the MFP formula.

HB 543 by Rep. Beryl Amedee (R-Houma) seeks to lower the threshold for payroll deduction of organization dues.

Thursday, May 18**House Education Committee:**

HB 203 by Rep. Larry Bagley (R-Stonewall) requires the state Department of Education to provide student assessment results for certain assessments for dispersal to teachers.

HB 572 by Rep. Bernard LeBas (D-Ville Platte) provides requirements for administering standards based assessments to public school students.

HB 575 by Rep. Nancy Landry (R-Lafayette) provides with respect to the hiring of special counsel by school boards.

HB 616 by Rep. Polly Thomas (R-Metairie) provides relative to time requirements and responsibilities of public school governing authorities with regard to student assessments.

