

Louisiana Federation of Teachers

Weekly Legislative Digest

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Steve Monaghan, President * Les Landon, Editor

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Senate panel approves \$3.5 billion MFP

Monaghan: Fear drives acceptance of this formula

Two weeks after the Senate Education Committee deferred public education's \$3.5 billion Minimum Foundation Program, the spending formula returned to the same panel with a very different result. In the interim, the Board of Elementary and Secondary Education met to strip a recurring 2.75% growth factor from the formula.

That, along with a couple of other amendments, was enough to satisfy the objection of Senate Education Committee Chairman Conrad Appel (R-Metairie), who had deferred his own SCR 55 over the issue.

LFT President Steve Monaghan acknowledged that the resolution now probably has enough support to win legislative approval. However, he said, the Federation has a number of concerns about the spending plan.

"Fear drives acceptance" of the MFP, Monaghan told the panel. Lawmakers and educators alike worry that if no formula is adopted this year, K-12 education could experience drastic cuts next year. A deficit of between \$400 million and \$1 billion is being predicted because budgetary tricks over the past few years have masked the state's true fiscal picture.

Monaghan said the failure to approve an annual 2.75% growth factor practically guarantees that the increase will not be reflected in future formulas.

The LFT president commended BESE for including a continuance of last year's one-time pay raise for teachers, but noted that it amounted to between \$190 and \$1,200 per teacher, paltry when considering that there have been no state teacher raises since 2008.

However, Monaghan said, it is shameful that the state has granted no pay raises for school support staff, many of whom earn between \$12,000 and \$17,000 per year.

Retired special education teacher Mike Myers said the proposed MFP shortchanges special education services by requiring districts to compete for \$8 million for severely impaired students.

The LFT was the only organization to speak on the proposed MFP formula.

Superintendent of Education John White told BESE that the new formula "undoes" amendments to the state budget that were reported in last week's LFT Legislative Digest, including the diversion of an increase in voucher spending for the purchase of computers for schools.

The plan also deletes funding for state schools, including the Louisiana School for Math Science and the Arts and the New Orleans Center for Creative Arts from the formula. They will be funded through a line item in the state budget.

Depending on the outcome of another bill, the MFP will allow local school districts to determine whether or not providers of controversial “course choice” options will be funded through the formula.

New Orleans charter board agrees to negotiate contract

The board of one of America’s highest performing high schools has agreed to negotiate a collective bargaining agreement with teachers. On Thursday night, Benjamin Franklin High School in New Orleans became the city’s second charter school to embrace the collective voice of their teaching staff by formally recognizing a union.

“This is an encouraging sign that great things can be accomplished when people of good will work together in the best interest of students, teachers and our schools,” said Louisiana Federation of Teachers President Steve Monaghan. “Both the faculty and the school board are to be congratulated. Overwhelming majorities of both have embraced a formal relationship with the best interest of their students in clear focus.”

Franklin’s governing board voted 9-1 to negotiate with the school’s chapter of the United Teachers of New Orleans, an LFT affiliate. The vote came several weeks after teachers presented a petition signed by more than 85 percent of the faculty asking for recognition and a collective bargaining agreement.

Larry Carter, President of United Teachers of New Orleans, praised the teachers at Franklin for their courage. “It can be very intimidating to speak publicly about issues at your school,” he said. “I admire the tenacity and strength the teachers at Franklin demonstrated last evening.”

A math teacher at the school, Mark Quirk, praised Franklin’s leadership for its decision. “The board’s name is Advocates for Academic Excellence in Education and they lived up to that name,” Quirk said. “We look forward to working with the board and administration to maintain Franklin as the best public high school in the state.”

Bill limiting teacher arrests proceeds

An LFT-sponsored bill prohibiting the arrest of teachers at school for minor offenses was approved by the Senate Judiciary A Committee.

HB 1108 by Rep. Terry Landry (D-New Iberia) was filed in response to an incident in a Baker school, in which a teacher was handcuffed and taken to jail after tugging on the shirt tail of a student who refused to follow a school policy.

East Baton Rouge Federation of Teachers President Carnell Washington said it was a travesty of justice to jail a teacher for simply telling a student to tuck in his shirt tail.

The bill says that teachers who are accused of minor offenses cannot be arrested on school grounds, but must be issued summonses instead. The bill does not apply to serious offenses or injuries to students.

The bill will move to the Senate floor for further action.

Bill to halt charter abuse dies in committee

The Senate Education Committee – becoming known as the place where good bills go to die – killed a bill aimed at restoring local control to the approval of some charter schools.

HB 703 by Rep. John Bel Edwards (D-Amite) would have prohibited the Board of Elementary and Secondary Education from approving charter schools that had been denied by school boards in districts with grades of A, B or C.

The bill had been approved by the House Education Committee, and was passed by the full House.

Pleading for his bill before the Senate committee, Rep. Edwards said HB 703 is “not an anti-charter bill. It just changes who makes the decision (to issue a charter) under certain circumstances.”

Rep. Edwards pointed to Lafayette Parish, a B graded district in which the school board had rejected a charter school application. The decision was overridden by BESE, which is widely seen as having a blatant pro-charter bias.

When BESE can overrule a high-performing school district, Rep. Edwards said, it removes any incentive for charter applicants to cooperate with the local school board.

“This is a modest bill just asking for some trust in local school boards,” said Rep. Edwards.

The committee voted unanimously to defer the bill.

Committee approves change to sick leave rule

A common-sense change to the state’s extended sick leave law was approved by the House Education Committee and sent to the floor for a vote.

Under current law, teachers have a right to extended sick leave under certain conditions. They may accumulate up to 90 extended sick leave days in a six-year period, and may use them at a reduced salary in 10-day blocks after all their regular sick leave is exhausted.

HB 717 by Rep. Dorothy Sue Hill (D-Dry Creek) would remove the 10-day stipulation. As LFT Legislative Director Mary-Patricia Wray explained to the committee, requiring a teacher to take 10 days of sick leave if only one or two are required makes little sense.

The committee approved the bill without opposition.

Senate panel rejects reverse parent trigger bill

A bill intended to improve a reverse parent trigger law adopted last year was rejected by the Senate Education Committee.

HB 73 by Rep. Ted James (D-Baton Rouge) would have allowed any parent of a school operated by the Recovery School District to petition for the school to be returned to control of the local school district. Under current law, parents may not sign such a petition unless their children have attended the RSD school for at least two years.

Rep. James said the existing law is flawed because the two-year limitation means that parents of children in middle schools, which typically have just three grades, would have little opportunity to act.

The bill is considered a reverse parent trigger because other laws exist which allow for parents to petition the RSD to seize control of a district school. Rep. James said his bill is prospective because after next year, there will be no schools directly operated by the RSD, but there could be some in the future.

The committee deferred the bill without objection.

House panel okays restructure of Baton Rouge schools

Despite the strenuous objection of principals, teachers, parents and school boards, the House Education Committee approved a bill that will radically transform the governance of the East Baton Rouge Parish school system.

SB 636 by Sen. Bodi White (R-Central) would create new community school councils and give principals greater authority over personnel decisions, as well as contracting for a range of services. In addition to academic responsibilities, each principal would become the CEO of a school, and would have to arrange for transportation, food service, janitorial and maintenance services, and employee benefits such as health insurance.

Opponents said that the new duties are more efficiently handled by central office administrators. Many believe that the proposed governance system would lead virtually all schools in Baton Rouge to become charters. Some legal experts say the bill may violate a constitutional prohibition on passing bills aimed at changing governance in just one body.

The bill is a mirror image of one by Education Committee Chairman Steve Carter (R-Baton Rouge), which stalled in the committee two weeks ago.

In a related issue, Sen. White shelved his effort to reduce the size of the Baton Rouge school board. White's SB 672 would have sliced the board from its current 11 members to nine. The senator said the board is looking at voluntarily redistricting and reducing the number of members, making his bill unnecessary.

Rule making bill moves forward

The public will find it much easier to follow the progress of proposed rules if HB 322 by Rep. Sam Jones (D-Franklin) becomes law.

The bill would require agencies like the Department of Education and Board of Elementary and Secondary Education to clearly post their rulemaking dockets. In the past, it has often been difficult to track a rule change during its promulgation period. That is the time in which the public has the right to comment on the rule before it becomes finally adopted.

HB 322 has been adopted by the House of Representatives, and was approved by the Senate and Governmental Affairs Committee. The bill, which is part of the LFT legislative agenda, will move to the Senate floor for a vote.

Equal pay bill proceeds

SB 322 by Sen. Edwin Murray (D-New Orleans) is an equal pay protection bill that creates a mechanism to enforce equal pay for women. The bill, which is supported by LFT, was approved by the House Labor Committee, and sent to the House floor for a vote.

Truth and transparency bill killed

One bill aimed at making sure appointed officials tell the truth in affidavits was killed in committee this week, but another version of the bill is still awaiting action.

HB 181 by Rep. Randal Gaines (D-LaPlace) was involuntarily deferred by the Senate Judiciary A Committee. It would have prevented appointed officials from falsely certifying that granting an injunction would create a state budget deficit. Under current law, the truthfulness of such an affidavit cannot be questioned in court. HB 181 would have allowed courts to decide if an affidavit is factual.

A similar bill, SB 143 by Sen. Bob Kostelka (R-Monroe), is awaiting action in the House of Representatives.

Bill could double the cost of vouchers

A bill that could drain twice as much money from state coffers as the current voucher scheme was approved by the Senate Revenue and Fiscal Affairs Committee.

HB 780 by Rep. Kirk Talbot (R-Metairie) would allow students who attend private and religious school on vouchers to be eligible instead for participation in a voucher rebate program. The bill could drain more students and their associated funding from public schools.

LFT also opposes this bill because it has no mechanism to audit participating schools.

The bill failed to pass out of the committee on a first vote. But as time passed and some members had to leave, the bill was brought back up and was approved.

Voucher savings bill approved

A voucher-related bill that could save the state some money was approved by the Senate Finance Committee

SB 656 by Sen. Sherri Buffington (R-Keithville) would allow donors to make contributions directly to voucher schools, offsetting the cost of state vouchers. Any money saved as a result would be removed from the Department of Education budget and sent to the state's over collections fund.

Sex ed bill deferred by House panel

For the fifth year in a row, a bill mandating sex education in public schools was rejected by the House Education Committee.

Rep. Patricia Smith (D-Baton Rouge) said she will continue to bring the issue to the legislature to help staunch Louisiana's high rate of sexually transmitted diseases and teen pregnancies.

Her HB 369 would have required age-appropriate instruction on human sexuality in grades four through 12, urging students to "make responsible decisions about sexuality and relationships."

It would have prohibited advocacy of abortion and required teaching abstinence as the most effective way to avoid pregnancy and STDs.

The bill failed on a 3-10 vote.

Senate panel okays unexcused absence bill

A bill that would prohibit including the test scores or other measures of student growth of habitually absent students in teacher evaluations was approved by the Senate Education Committee.

If HB 533 by Rep. Alan Seabaugh (R-Shreveport) becomes law, the scores of students who have 10 or more unexcused absences in a semester could not be counted as part of a teacher's evaluation.

The bill originally included just test scores. But with the Value Added Model on the shelf for two years, the bill was amended to include any measure of student growth. The bill will be heard next on the Senate floor.

Public school choice bill proceeds

A bill that would allow students in schools with low state-issued grades to transfer to higher rated schools was approved by the House Education committee.

SB 61 by Sen. Ben Nevers (D-Bogalusa) would allow children in schools with grades of D or F to transfer to higher rated schools either inside or outside their district. The receiving schools must be rated A, B or C, and must have space available. An amendment made the bill permissive, if districts agree to allow the transfers.

LFT opposed the bill. President Steve Monaghan said the union does not accept the validity of the grading system, which is subject to manipulation by the State Department of Education. Instead of moving student around, Monaghan said, the state should address issues that lead to low academic performance.

Senate approves "empowered schools"

A bill that would allow one principal in each school system to assume more control of their schools was approved by the Senate and sent to the House for further action.

SB 385 by Sen. Eric LaFleur (D-Ville Platte) allows one principal in each district to declare a school "empowered" so long as the principal is rated highly effective. The principal would then have more control over the budget, scheduling, course offerings and other issues.

Panel okays privatization oversight bill

The privatization of state services will come under closer scrutiny if HB 128 by Rep. Kenny Havard (R-Jackson) completes its legislative journey.

Rep. Havard's Privatization Review Act would prohibit any state agency from entering into privatization agreements unless the agreements met certain standards, and would subject the contracts to legislative oversight.

The bill was approved without objection by the House and Governmental Affairs Committee.

The Week Ahead

Monday, May 19

Senate Finance Committee: The \$3.5 billion Minimum Foundation Program will be on the agenda.

Senate Floor: HB1225 by Rep. Joel Robideaux (R-Lafayette) will be debated for final passage. The bill would pump some future retirement system earnings into the unfunded accrued liability, making it unlikely that COLAs will be granted going forward. LFT opposes this bill, but it is linked to SB19 and SB21 which are supported by LFT. Those provide 1.5% COLAs this year. They have been finally passed and await either signature or veto. But all these bills must be passed (and not vetoed) in order for any of them to go into effect.

HB1108 by Rep. Terry Landry (D-New Iberia) provides for issuance of a summons, not an arrest warrant, in alleged cases of misdemeanor activity of a teacher related to their job duties. This is part of LFT's legislative agenda.

Wednesday, April 21

House Education Committee: HCR114 by Rep. Patricia Williams will urge and request BESE to create policies that ensure students get enough time to consume lunch. This resolution is in response to shortened lunch periods to make more time for test prep. In high poverty districts, time to eat a nutritious meal is important. This is part of LFT's legislative agenda.

HB129 by Rep. Kenny Havard (R-Jackson) would prevent charter schools from contracting for operation of the charter school with a for-profit company. LFT supports this bill.

HB947 by Rep. Havard would lower the required percentage of a teacher's evaluation that is based on Value Added data. LFT supports this bill.