

# Louisiana Federation of Teachers

# Weekly Legislative Digest

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2016 Regular Legislative Session

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## Gov. Edwards: Special session looks more likely

Speaking to the state during his monthly radio address, Gov. John Bel Edwards told listeners that a special legislative session grows more likely every day, as lawmakers cannot seem to agree on either revenue increases or budget cuts to ward off a looming deficit.

“Quite frankly, I’m disappointed in how behind the legislature is, particularly in the House of Representatives,” he said.

The constitution requires lawmakers to adopt a balanced state budget. If they are unable to agree by the June 8 deadline for the regular session, a special session – it would be the fourth since the current legislature was installed just over a year ago – will be necessary.

Currently, state revenues are expected to be some \$440 million short of expected expenses.

The entire state budget for the coming fiscal year is pegged at about \$29 billion, but the vast bulk of that is in federal funds aimed at specific programs. The state’s general fund, collected from taxes and fees and the source of money for public education, health care and other public services, is nearly \$9.4 billion.

Much of the federal funding is contingent on state spending. If the state cuts certain budgets, the federal matching money is also reduced.

## \$3.7 billion MFP gets nod from House Ed

After bouncing from the State Board of Elementary and Secondary Education to the legislature and back again, public education’s \$3.7 billion Minimum Foundation Program has received a stamp of approval from the House Education Committee.

The funding formula, which sets the base per-pupil spending amount, must still win approval from the House Appropriations Committee, House of Representatives, the Senate Education Committee, the Senate Finance Committee, and the Senate. Lawmakers may accept or reject the spending plan, but may not change it.

This year’s MFP is problematic for educators. BESE decided to create a standstill formula without a \$35 million increase recommended by the MFP Task Force, but does include some extra money for districts with extenuating circumstances and \$18 million to fund special needs children. While the MFP is at a virtual standstill, lawmakers propose to fully fund vouchers for private and religious schools at \$40 million.

Since 2009 there have been few increases in state funding for education. The last increase in the MFP came in 2014-15, with a 2.75% bump. LFT has consistently argued for more education spending.

Observers seem resigned to the fact that, given Louisiana's perilous fiscal posture and the poor decisions of past administrations, there is little hope for an increase in K-12 education funding.

## **Bill would limit school testing time**

Without objection, the House Education Committee approved a bill that would limit the time spent on state-mandated testing to no more than two percent of the year's instructional minutes.

LFT supported HB 616 by Rep. Polly Thomas (R-Metairie). The only objection to the bill was over a concern that the limitation could affect testing of students who require special accommodations, such as needing extra time or having questions read aloud.

An amendment made it clear that the time limit will not apply to students with Section 504 accommodations under the Rehabilitation Act of 1973.

The bill also requires school boards to regularly review benchmarks and interim assessments to ensure that they are aligned with state content standards. The bill moves to the House floor for further action.

## **Other testing bills deferred**

Two bills aimed at reining in the number and uses of state-mandated tests were voluntarily deferred in the House Education Committee.

Despite receiving hundreds of messages in support of HB 203 by Rep. Larry Bagley (R-Stonewall) and HB 572 by Rep. Bernard LeBas (D-Ville Platte), the bills were voluntarily deferred by the authors. Both bills were supported by LFT.

HB 203 would have taken readily available testing data and made it more useful to teachers, parents and schools. Data would have to be available by August 31 each year, and be presented in ways that are easy to read, clear and understandable. Following a meeting with stakeholders, the bill will be heard by the House Education Committee on May 23.

HB 572 would have restricted the number of state-mandated tests in core subjects, seeking the right balance between testing and learning. Opponents said that the State Department of Education is currently looking at ways to reduce testing, and said that the bill might hamper that effort. Rep. LeBas agreed to turn his bill into a study resolution.

Another bill that was deferred and turned to a study resolution would have given traditional public schools the same ability that charter schools have to opt out of state laws.

Rep. Kenneth Havard (R-Jackson) said the study based on his HB 546 would take a look at all of Louisiana's education laws, and determine if schools would perform better if they were exempt from the laws.

"What's good for charter schools should be good for traditional public schools as well," he said.

In other action, the House Education Committee approved HB 568 by Rep. Nancy Landry (R-Lafayette), which authorizes the state Department of Education to release limited student information to an out-of-state person or private entity for research purposes at accredited postsecondary institutions.

## **Payroll deduction bill deferred**

A bill that was originally written as prohibiting the collection of school employee union dues via payroll deduction was voluntarily deferred after the author explained that her intent was to ensure that all organizations have equal access to the practice.

Current law allows for payroll deduction of dues if an organization has 50 members or 10 percent of the employee unit. Rep. Beryl Amedee (R-Houma) said the law is not always followed, and introduced her HB 543 to correct any problems. She cited technical errors in the bill's drafting as a reason for voluntarily deferring it.

## **Opt-out protection bill deferred**

A bill that would have protected students from punishment if their parents opt them out of standardized testing was deferred, but not before House Education Committee members heard tearful testimony from a family whose child was denied election to the student council because they opposed the tests.

Rep. Vincent Pierre (D-Lafayette) introduced HB 536 after hearing the story of a Calcasieu Parish student who was denied the right to run for student council after opting out of state testing.

Some committee members questioned whether state law should be revised based on one incident, but Rep. Pierre said there are other cases around the state.

Representatives of school boards and school superintendents opposed the bill, but said that administrators in Calcasieu Parish were wrong to penalize the student for opting out of the test.

Rep. Pierre voluntarily deferred his bill, and asked for a study of the issue.

## **College beer bill deferred**

The House Education Committee thanked Rep. Cedric Glover (D-Shreveport) for voluntarily deferring his HB 610, which would have prohibited colleges and universities from licensing their names and logos to promote alcoholic beverages.

"I am sure that most of you would prefer not to even have this discussion, much less take a vote on it," he said.

Rep. Glover said that state should fund higher education sufficiently that schools would not have to collect licensing fees for products like Bayou Bengals Lager (LSU) and Ragin' Cajuns Genuine Louisiana Ale (University of Louisiana Lafayette).

## **College board merger shelved, other higher education bills heard**

A bill that would have replaced the Board of Regents and other college management boards with a single entity was shelved by the House Education committee.

HB 34 by Rep. Steve Pugh (R-Ponchatoula) was criticized for diminishing the voice of Louisiana's historically black colleges and universities.

With only one member each from Southern University and Grambling State University, said Rep. Pat Smith (D-baton Rouge), "they will be outnumbered and their mission ignored."

The bill failed on a 3-6 vote.

The committee approved SB 102 by Sen. Ronnie Johns (R-Lake Charles), which would create the Louisiana Educational Workforce Training Fund, to provide degree and certificate production through

workforce training programs offered by two-year community and technical colleges. It will next be heard by the House Appropriations Committee.

Colleges and universities will no longer be allowed to ask about potential students' criminal records if HB 688 – formerly HB 122 – by Rep. Vincent Pierre (D-Lafayette) makes it all the way through the process.

After hearing tearful testimony from students who have turned their lives around following criminal convictions, the committee approved the bill on a 13-1 vote. Certain serious offenses must still be reported. Following acceptance in school, institutions may inquire about convictions in order to help the student or to protect other students from potential harm.

Rep. Gene Reynolds (D-Minden) voluntarily deferred his HB 194, which would have increased the minimum grade point average for a TOPS grant to 3.0.

## **Minimum Wage bill proceeds**

A plan to gradually increase the state minimum wage to \$8.50 per hour was approved by the Senate Labor and Industrial Relations Committee.

SB 153 by Sen. Troy Carter (D-New Orleans) would hike the minimum wage from \$7.25 to \$8.50 over a two-year period.

The bill will next be heard by the Senate Finance Committee.

## **The week ahead...**

**Every day:** The Senate Finance Committee will hear testimony on HB1 by Rep. Cameron Henry (D-Metairie). The bill is the state spending bill, and spokesmen from each department will discuss their budgets.

**Monday, May 22:** The House Ways and Means Committee will consider SB 95 by Sen. Blade Morrish (R-Jennings), which reins in the school tuition organization tax deduction. The scheme, which nets wealthy donors and corporations a net profit for donations to private and religious schools, could wind up costing the state millions if it isn't controlled. LFT supports the bill.

The House Civil Law Committee will consider HB 236 by Rep. Rob Shadoin (R-Ruston), which repeals certain statutory dedications of state funds.

**Tuesday, May 23:** The Senate Finance Committee will consider SB 209 by Sen. Mike Walsworth (R-West Monroe), which calls for local school boards to pay some higher education tuition costs for dual enrolled students. LFT opposes the bill because of the cost to local systems.

House Education Committee: Members will consider HB 203 by Rep. Larry Bagley (R-Stonewall), which was voluntarily deferred in a previous meeting. LFT supports the bill

LFT will oppose HB 567 by Rep. Nancy Landry (R-Lafayette), which would increase the number of students who could transfer to other public schools without regard to residence, school district boundaries, or attendance zones.

**Thursday, May 25:** The Senate Education Committee will consider several bills that are supported by LFT:

HB 79 by Rep. Franklin Foil (R-Baton Rouge) prohibits corporal punishment of students with certain exceptionalities.

HB 130 by Rep. Phillip DeVillier (R-Eunice), which provides for a factor in teacher evaluations taking into account economically disadvantaged students, and enrollment of at-risk students in charter schools.

HB 242 by Rep. Julie Emerson (R-Carencro), which requires BESE and local school boards to send charter applicants the final evaluations and recommendations of third-party charter evaluators.

HB 531 by Rep. Frank Hoffman (R-West Monroe), which prohibits the use of tobacco products on any school property.

HB 557 by Rep. Alan Seabaugh (R-Shreveport), which requires criminal background checks of employees in early learning centers, family child care providers and in-home providers.