

# Louisiana Federation of Teachers

# Weekly Legislative Digest

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## **\$29 billion spending plan passes House**

### **Revenue measures stalled in committee**

Passage of a \$29 billion spending plan by the House of Representatives on Thursday is just one milestone on a long journey with an anticipated June 8 end date. The House approved HB1, the state's spending plan, but other committees are still grappling with ways to raise the money that will be spent.

Republican members of the House were adamant that this will be a stand-still budget, leaving myriad questions about how state will pay for the services that citizens have come to expect.

Gov. John Bel Edwards was blunt in his assessment of the House plan: "Their budget guts health care, children's services and veterans' services to levels that endanger the health and welfare of the people of Louisiana," he said.

Not surprisingly for the Republican-controlled House, the plan increases funding for vouchers by \$1.1 million, while cutting the Department of Education by \$8.3 million.

Funding for public education's Minimum Foundation Program stands at \$3.692 billion in the House budget, with a static base per-pupil amount of \$3,961. Word at the capitol is that the MFP formula will be rejected and sent back to BESE.

The House plan fully funds TOPS for next year, but cuts some \$235 million from Gov. Edwards' proposed health care spending. A loss of federal matching funds would mean a total of \$720 million in cuts for health care, according to the governor.

The plan would eliminate Louisiana's ability to deal with a Zika virus outbreak and end local school and community based health services ion the state, including those intended to fight substance abuse, the governor said.

It would eliminate 67 child welfare positions, 11 child support enforcement positions and 50 economic stability positions. It would require closure of two veterans Affairs cemeteries.

Lawmakers were expected to debate a tax bill, HB 648 by Rep. Kenny Havard (R-Jackson). It would flatten the state's 8 percent corporate tax rate, said to be the highest in the nation (but is rarely imposed because of the state's numerous rebates and deductions).

Rep. Havard said the bill is still being tweaked, and isn't expected to be heard until next week at the earliest.

## **LFT opposes bill to restrict assault leave**

A bill aimed at eliminating ongoing, full pay for educators who are injured by students was approved by the House Education Committee and sent to the full House for further action.

LFT opposed HB 556 by Rep. Kevin Pearson (R-Slidell), who said his bill is necessary to prevent abuse by teachers who theoretically can remain on full pay for many years after being injured in a student attack.

Very few such cases actually exist. What is real, LFT General Counsel Larry Samuel said, is that teachers who are deliberately injured by students deserve full pay as long as they are unable to work. Those who can return to work should not be required to use a sick day for return trips to their doctors.

Samuel noted that teachers who return from assault leave often find that the student who attacked them is still in their class.

Research shows that 18.3% of Louisiana teachers are threatened by students each year, and that about 3,800 are actually physically attacked by students. Some are totally disabled or require years of therapy and may never be able to fully recover.

Rep. Chris Broadwater (R-Ponchatoula) said that he believes the issue should be referred to the state's workers' compensation laws, rather than education statutes. Educators oppose that approach because workers' comp does not provide the employee's full salary.

Current law allows teachers who are injured or disabled to receive sick leave at full pay without reduction in accrued sick leave. The law has some differences in cases where bus operators or other school employees are injured in attacks by students.

In all cases, teachers and other employees must provide certification from a physician certifying the injury.

As written, Rep. Pearson's bill would delete the full pay provision for teachers and school employees who are injured or incapacitated by an assault, leaving only a provision allowing full pay if they are disabled.

The Education Committee approved HB 556 without objection after Rep. Pearson pledged to meet with education organizations and resolve issues with the bill.

## **Panel defers healthy snack bill**

A bill that would have made minor changes in a law requiring schools to provide healthier snacks in vending machines was rejected by the House Education Committee.

Rep. Steve Carter (R-Baton Rouge) said that his HB 208 was introduced at the request of the American Heart Association. It would have further restricted the times of day that snacks could be sold.

A large majority of the panel objected, saying that there are currently rules in place that regulate the time that certain kinds of snack foods may be sold. Further restrictions, they argued, should be up to local school systems and parents. The bill was involuntarily deferred on a 10-2 vote.

## **Free speech bill approved without objection**

A bill aimed at guaranteeing freedom of speech on college campuses was unanimously approved by the House Education Committee.

Rep. Lance Harris (R-Alexandria) proposed HB 269 after reports were aired that colleges in other states have disinvited conservative speakers for fear of violent opposition from students. While there have been no such incidents in Louisiana, Rep. Harris said that our state needs to confirm its commitment to freedom of speech and expression.

“Freedom of speech is the cornerstone of liberty,” he said.

The bill requires higher education boards to adopt policies on free expression, to issue annual reports on the status of free expression, to include free expression in freshman orientation, to allow certain restrictions on expressive conduct, and to allow remedies for the violation of free speech rights.

The bill passed without objection, and was sent to the full House.

## **More school info may be required**

A bill requiring the release of more statistical data about Louisiana schools may give the public a better snapshot of conditions in our classrooms.

HB 517 by Rep. Gary Carter (D-New Orleans) aims to fill in the gaps left by the simple A-F grading system currently in use, and comes closer to providing the school environment index long championed by the LFT.

The bill would require the State Superintendent of Education to make an annual report of each public school – including charters – including the following information:

- The type of school.
- The percentage of economically disadvantaged students, racial or ethnic minorities, students with exceptionalities who have Individualized Education Programs, and have Individual Accommodation Plans.
- The percentage of students who have completed various AP, International baccalaureate or dual enrollment courses, core curricula for TOPS scholarships, industry-based certifications, language immersion programs, and instruction in visual and performing arts.
- The percentage of out-of-school suspensions and expulsions.
- The results of state assessments in grades three through 12.
- The number and percentage of teachers determined to be highly effective.
- The number of teacher absences.

Representatives of the Department of Education said the plan is endorsed by the DOE and BESE.

The bill was approved by the House Education Committee without objection and sent to the House for further action.

## **Bill would divert early graduation funds to TOPS, child care**

Unspent MFP funds left when students graduate from high school early would be converted for use on TOPS scholarships and early child care, according to a bill that was unanimously approved by the House Education Committee.

Rep. Steve Carter (R-Baton Rouge) said that his HB 541 would not cost local school districts any of their MFP allotments because the money would come directly from the state’s general fund.

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.

## **Bill approving extra points for language immersion proceeds**

Schools with approved foreign language immersion programs would receive an additional five performance points toward their School Performance Score, according to a bill approved by the Senate Education Committee.

Sen. Eric LaFleur (D-Ville Platte) couched his bill as an academic improvement tool, saying that “immersion schools have proven time and again that language improves educational achievement.”

Louisiana now has 33 schools with immersion programs that teach children all of their courses in a foreign language. Fourteen of the schools have passed a rigorous three-year approval program.

A couple of senators voiced concerns with the plan. Sen. Bodi White (R-Central) pointed out that immersion schools already receive additional funding if they employ Council on the Development of French (CODOFIL) teachers, and asked why the schools should receive extra points as well as additional funds.

Another objection came from Sen. Mike Walsworth (R-West Monroe), who said that the state education board, not the legislature, should decide how performance score points are awarded.

In spite of those concerns, the bill was approved without objection and sent to the full Senate. The bill has the support of the LFT.

The panel also approved without objection another bill related to language immersion schools.

SB 215 by Sen. Greg Tarver (R-Shreveport) would allow the children of foreign teachers in Louisiana charter immersion schools to be directly enrolled in the schools.

## **School board eligibility bill becomes study resolution**

A bill that would have imposed new eligibility requirements on school board members was turned into a study resolution at the request of its author.

HB 538 would have required school board candidates to have a high school diploma, and would have disqualified candidates who have been convicted or pled *nolo contendere* to certain crimes.

At the request of author Rep. Steve Carter (R-Baton Rouge), the bill will be turned into a study resolution.

## **Senate panel kills Common Core bill**

The two-year effort to replace Common Core standards with Louisiana-based education standards was apparently not enough to satisfy hard core opponents, leading Sen. John Milkovich (D-Shreveport) to introduce a bill this year calling for individual standards in each school system.

In lengthy testimony, Sen. Milkovich said his SB 73 was necessary because Common Core remains the basis for the Louisiana standards adopted by BESE in 2015 and approved by Gov. John Bel Edwards last year.

The senator’s rambling statement charged that Common Core was part of a United Nations plot to “create a united academic, philosophic and religious system...a one-world government or new-age religion.”

Under HB 73, each school district could propose standards that would be subject to a vote by local citizens.

Citing the expense of finding curriculum materials, the potential loss of federal funds and the lack of a fiscal note for the bill, members of the committee voted 4-2 to shelve the bill.

## **The Week Ahead:**

**Tuesday, May 9:** The House Appropriations Committee will consider HB 236 by Rep. Rob Shadoin (R-Ruston), a proposed constitutional amendment that would eliminate the constitutional dedication of revenue and certain treasury funds. LFT opposes the bill because it could result in reductions to revenue sources for public education's Minimum Foundation Program and other K-12 funds.

**Thursday, May 11:** The House Retirement Committee will consider SCR 22 by Sen. Beth Mizell (R-Franklinton), asking 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. LFT supports the resolution.

The Senate Education Committee will consider several bills being followed by LFT:

LFT supports SB 13 by Sen. Blade Morrish (R-Jennings), which would limit kindergarten students applying for vouchers to those whose prospective public school is rated "D" or "F". Current law allows those children to receive vouchers if the prospective school has a "C" grade.

LFT supports SB 87 by Sen. Morrish, which would require the State Board of Elementary and Secondary Education to include a portion of the Teachers' Retirement System of Louisiana's unfunded accrued liability in the Minimum Foundation Program appropriation.

LFT supports SB 170 by Sen. Regina Barrow Ashford, which would ensure that those affected by natural disasters in the 2016-17 school year will not be negatively impacted by school and district accountability systems.

LFT supports SB 190 by Sen. Francis Thompson (D-Delhi), which requires the development of transition courses to improve identified student weaknesses in English and math to enable students to achieve college readiness.

## **AFT President slams new health care bill**

On Thursday, the U.S. House of Representatives narrowly approved the American Health Care Act, which replaces the Affordable Care Act, often known as Obamacare. The bill passed on mostly partisan lines. Every Democratic member opposed the bill, and were joined by an insufficient number of Republicans to defeat the measure.

In response, American Federation of Teachers President Randi Weingarten issued the following statement:

"Today is a dark day in the Republican-led House of Representatives. They have perpetrated a cruel hoax on America's families and their quality of life.

"Seven years ago, Congress acted to create a healthier America. Today, President Trump and House Republicans turned back the clock to a time when many families were one illness away from bankruptcy or destitution and unable to access affordable healthcare.

"Without reading the bill or knowing the cost to the American taxpayers, Trumpcare strips healthcare coverage from millions of families to create new tax breaks for the wealthy.

“Let’s be clear: This bill robs millions of Americans of essential benefits like maternity and pediatric care, makes deep cuts to Medicaid that disproportionately punish low-income Americans and special needs students, and maintains the excise tax on working families’ group plans. And for the half of all Americans who obtain insurance through their employers, this bill puts them at risk of losing the current legal protections that cap out-of-pocket costs.”