

# Louisiana Federation of Teachers

# Weekly Legislative Digest

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## Evaluation compromises easily approved

Parts of a long-awaited compromise on teacher evaluations were presented to the Senate Education Committee Thursday, they were easily approved without objection.

Approval of SB 342 by Sen. Gerald Boudreaux (D-Lafayette) and SB 262 by Sen. Blade Morrish (R-Jennings) marked a success for Gov. John Bel Edwards, who had urged opposing parties to hammer out an agreement on the use of Value Added Measures in evaluating teachers. For much of the past eight years, ex-Gov. Bobby Jindal gave his allies free rein to manipulate education policy without consulting teachers.

SB 342 reduces the emphasis on VAM in evaluating teachers from 50% of the evaluation to 35%. The remaining 15% will consider other measures of student growth, such as student learning targets.

The VAM formula only applies to the one-third of Louisiana teachers whose students take high-stakes tests. Educators have long complained that it does not accurately measure student success and that it has no value in helping teachers improve their skills.

The remaining half of teacher evaluations will remain based on observations by administrators.

The second bill to emerge from compromise meetings, SB 262, ensures that there will be another year's moratorium on linking evaluations to the consequential results of teacher evaluations, school letter grades and the promotion of fourth grade students.

Parties to the negotiations included LFT and LAE, Louisiana School Boards Association, Louisiana Association of School Superintendents, Louisiana Association of Business and Industry, council for a Better Louisiana and Stand for Children.

## Scheme to weaken teachers' red tape rights fails

A bill that would have made the already flawed red Tape Act of 2010 even worse was defeated by the House Education Committee.

That act allows the Board of Elementary and Secondary Education to waive most state laws and policies if requested by a school board, provided that teachers vote to support the waiver request.

HB 281 by Rep. Steve Carter (R-Baton Rouge) would have given the waiver right to school superintendents instead of boards, and done away with the teacher vote.

Spokesmen for the LFT pointed out that the Federation sued the state when the Red Tape reduction Act was passed, citing a constitutional principle that a legislature cannot pass a law and then give another body the ability to waive the law.

LFT won the lawsuit in district court, but was overturned by the State Supreme Court on appeal. The high court ruled that since no waivers had yet been requested, there was no harm on which to base a lawsuit.

The LFT also opposed the bill for taking away what spokesman Les Landon called the law's one bright spot, allowing teachers to vote on proposed waivers.

Rep. Carter said he brought the bill because no school board has ever asked for a waiver under the law, and he wanted to make it easier to apply to BESE. Rep. Carter was chair of the House Education Committee during the Jindal administration, and authored most of the ex-governor's attacks on public education.

The panel rejected Rep. Carter's bill on a 5-7 vote.

## **Teacher pay reduction advances over union objections**

A bill allowing school boards to reduce pay for some teachers was approved by the House Education Committee over the objection of LFT and LAE.

Rep. Nancy Landry (R-Lafayette) said that her bill is necessary because current law prohibits reducing the pay for teachers if their work hours are reduced. Her HB 392 says that in cases where jobs are eliminated or reorganized, teacher salaries may be cut.

The unions objected, saying that the bill opened the door too widely to salary reductions. After the bill was approved by the committee, Rep. Landry said she is open to language changes that will narrow the scope of proposed reductions.

LFT and LAE are monitoring the bill's progress to ensure that the proper amendments are made.

## **Senate passes bill abolishing charter authorizers**

A bill that would remove BESE's ability to approve local charter authorizers was passed by the Senate and forwarded to the House, where it will be heard by the House Education Committee.

HB 260 by Sen. Blade Morrish (R-Jennings) is part of Gov. John Bel Edwards' agenda aimed at curbing the proliferation of charter schools that have not been approved by BESE or local school boards.

Act 2 of 2012 BESE to create as many as 40 authorizers in the state's 11 Regional Labor Markets. With little oversight, the LCAs would each authorize no fewer than five new charter schools, which if successful could each then create two more charter schools without any further approval. There could eventually be more than 600 of the Type 1B charter schools operating without authority from BESE or local school boards.

## **Panel denies bill paying teachers for extra work**

The House Education Committee rejected HB 1045 by Rep. Dustin Miller (D-Opelousas), which would have required school boards to pay teachers who are assigned to work extra days or hours.

The bill would have changed Act 1 of 2012, which says that teachers' annual pay is compensation for any and all work required of them. LFT and LAE supported the bill, which was rejected on a 5-8 vote.

## **Suspension bill approved by committee**

The House Education Committee approved HB 833 by Rep. Walt Leger (D-New Orleans), which is intended to reduce the number of out-of-school suspensions given to students.

LFT and LAE opposed the bill out of concerns that pressure could be exerted on teachers to keep unruly students in their classrooms. The bill creates a commission to review expulsion and suspension records. An amendment to the bill says that the commission may recommend that the Board of Elementary and Secondary Education may “take corrective actions” if it believes that out-of-school suspension rates are excessive.

## **Return to work bill moves ahead**

The House of Representatives passed HB 907 by Rep. Bernard LeBas (D-Ville Platte), which increases the amount that a retired teacher can earn as a long-term substitute.

Under current law, retired teachers must wait a year before taking a substitute position, and can only earn 25% of their retirement pay without penalty. If Rep. LeBas’ bill passes, teachers must still wait a year, but can then work as a long-term substitute and earn up to 50% of their retirement benefit without penalty.

## **Panel defers bills aimed at retirement systems**

Two bills filed by a representative known for his opposition toward state retirement systems were deferred by the House Retirement Committee.

HB 52 by Rep. Barry Ivey (R-Central) would have added two members to the Public employee Retirement System Actuarial Committee, which is charged with predicting what the return of investments will be for the systems.

Neither of the appointees would be actuaries, leading critics to complain that Rep. Ivey’s bill would politicize the process.

Rep. Ivey’s HB 1092 would have required all of the state retirement systems to use the same actuarial assumptions when planning their annual valuations.

After lengthy debate, the bill was deferred by the committee. Three other bills by Rep. Ivey were slated for debate this week, but were not heard.

## **Observation feedback bill is voluntarily deferred**

A bill that would require evaluators to provide feedback whenever a teacher is observed was voluntarily deferred by its author after questions were raised.

HB 653 by Rep. Larry Bagley (R-Stonewall) originally stated that teachers must be given feedback whenever an administrator visits the classroom. Questions were raised about the difference between a visit and an observation.

An amendment was proposed to change language in the bill from “classroom visit” to “unannounced observation.”

Rep. Bagley deferred his bill, saying that it would be brought back when questions about the bill’s effects could be answered.

## **Bill returning schools to Orleans Parish nearly done**

A bill that would return control of all 52 New Orleans schools controlled by the state Recovery school District has passed both houses, and awaits minor technical changes before it goes to Gov. John Bel Edwards for his signature.

SB 432 by Sen. Karen Carter Peterson (D-New Orleans) requires the Orleans Parish superintendent of schools to work with a 13-member panel to create a plan returning schools to local control by July of 2017. If problems arise, the transfer of some schools could be delayed until no later than 2019 by either the local school board or the state education board.

## **Fourth New Orleans charter school goes union**

Teachers and staff at International High school of New Orleans this week became the fourth faculty at a New Orleans charter school to form a union and request an election to determine collective bargaining rights.

Over three-fourths of the educators at the school have affiliated with the United Teachers of New Orleans, an LFT and AFT affiliate. After unsuccessfully petitioning for recognition by the school's board, the educators asked the National Labor Relations Board to schedule a bargaining election for May 27. If a majority vote for collective bargaining, the board must immediately begin negotiations.

Meanwhile, administrators at Lusher Charter School in New Orleans are awaiting a ruling on whether or not the NLRB has jurisdiction to call an election. Lusher educators were the third faculty in New Orleans charter schools to unionize.

Administrators at Lusher claimed that NLRB has no jurisdiction because the school is a "political subdivision" that is not subject to the labor board's rulings.

Public school boards are not under NLRB jurisdiction, but private employers are. The difference is important. Private employers are required by law to allow bargaining elections if a majority of employees request them. Contracts are permissive in public bodies. Employees may bargain contracts if the school board allows them to.

In the past, Lusher administrators claimed that the school is a private employer and not a local governing body. A court ruled with Lusher in an unrelated case that the school is a private employer and not a political subdivision.

The NLRB set a May 17 election for Lusher's staff. The school's board vowed to remain neutral, but administrators at the school sent an anti-union letter to all faculty and staff, and have challenged NLRB's jurisdiction.

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

Monday, May 9: The House Appropriations Committee will begin discussions of the budget, trying to reconcile a looming \$600 million deficit.

Tuesday, May 10 and Wednesday, May 11: The House Education Committee will tackle another long list of bills including:

HB 371 by Rep. Joseph Bouie (D-New Orleans) would prohibit building a school on a former waste site. LFT and LAE support the bill.

HB 165 by Rep. Kevin Pearson (R-Slidell) would restrict some sick leave rights. LFT and LAE oppose the bill.

HB 1075 by Rep. Steve Carter (R-Baton Rouge) would prohibit a school district from being graded "A" or "B" if any school in the district has a letter grade of "D" or "F". LFT and LAE oppose the bill.

SB 335 by Sen. Dan Claitor (R-Baton Rouge) would prohibit charter schools from requiring disclosure of certain student information on application forms. LFT and LAE support the bill.

Thursday, May 12: The legislature will begin discussion of the state budget in HB1. Gov. John Bel Edwards has called for a special session in early June to deal with an expected \$600 million revenue shortfall. Some Republicans in the legislature have pushed back, wanting to wait until fall to see how state revenues are coming in. Because revenues cannot be raised in the current session, new taxes or reductions in existing tax incentives will have to be dealt with in a special session.