

Louisiana Federation of Teachers

Weekly Legislative Digest

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2016 Regular Legislative Session

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Governor sets special session in motion

With the 2017 regular legislative session set to expire on Thursday, June 8, Governor John Bel Edwards called, as a “precautionary measure,” a special session that could begin 30 minutes after the regular session gavels down at 6:00 P.M.

“Should we come to an agreement on the operating and construction budgets,” the governor wrote, “this special session will not be necessary. However, the budget in its current form is a nonstarter, therefore, the additional time could be necessary. The work before us for the next week is critically important, and I’m asking members of the legislature to work with me to adopt a responsible budget that adequately funds the state’s priorities.”

Lawmakers inched closer to setting a budget on June 1, when the Senate Finance Committee approved its version of HB 1 by Rep. Cameron Henry (R-Metairie). The Senate plan would fully fund TOPS and restore House-made cuts to colleges, prisons and social services by spending all of the anticipated revenue for the coming fiscal year. The House plan proposed holding back some \$206 million in case of a revenue shortfall.

“Make no mistake,” the governor said, “this budget will still impose painful spending cuts, but it does so in way that won’t overly burden citizens of the state. If this budget makes its way through the process, the need for a special session this summer will be greatly diminished.”

The \$29 billion budget must be approved by the Senate and the House of Representatives before Thursday.

Unfinished business remains, however, because temporary taxes imposed last year are set to expire in 2018, and lawmakers will then have to deal with a \$1.3 billion deficit in the following year.

Ed Price elected to Senate

Congratulations to Senator Elect Ed Price! Until last Saturday, he was District 58 State Rep. Ed Price. But due to the May 27 election, he will be the senator from District 2. Sen. Elect Price won by collecting nearly 63 percent of the votes cast in the district, which stretches from just west of Baton Rouge almost to New Orleans along the Mississippi River. LFT supported Senator Price’s candidacy.

On his post-election appearance in the House Education Committee, where he is a member, Chairperson Nancy Landry offered her congratulations. Rep. Chris Broadwater (R-Ponchatoula) joked, “People will do anything to get off of this committee!”

LFT General Counsel weighs in on corporal punishment bill

Following approval by the Senate Education Committee of a bill prohibiting corporal punishment of special needs students, LFT General Counsel Larry Samuel offered a clarification of its definitions.

HB 79 by Rep. Franklin Foil (R-Baton Rouge) prohibits punishing a special needs student by hitting, paddling, striking, spanking, slapping, "or any other physical force that causes pain or physical discomfort."

Attorney Samuel wanted to clarify that corporal punishment does not include the use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm, or to obtain possession of a weapon or other dangerous object from a student.

House to hear School Tuition Organization bill

Following its approval by the House Ways and Means Committee, the full House will consider SB 95 by Sen. Blade Morrish (R-Jennings). The bill would curb a voucher scheme masked as a tuition program for private and religious schools that threatens to siphon hundreds of millions of dollars away from the state treasury.

So-called school tuition organizations (STOs) can accept contributions from individuals and corporations, who are then eligible for state and federal tax refunds and credits of up to 128% of the donation. The specially created non-profit organizations then pay the tuition for students at private and religious schools.

SB 95 would rein in this giveaway of public dollars by converting the rebate to a nonrefundable tax credit and limit the benefit to Louisiana taxpayers who are required to file a Louisiana tax return.

The credit may be used in addition to any federal tax credit or deduction earned for the same donation, but prohibits the taxpayer from receiving any other state tax credit, exemption, exclusion, donation or any other benefit for which the taxpayer has received a credit for the donation.

VAM measure downgraded to resolution

A bill that would have eliminated the Value Added Model for assessing teachers and schools was downgraded to a House Resolution and approved by the House Education Committee and the full House.

Rep. Frank Hoffman (R-West Monroe) was the author of the bill in 2010 that created the value added model. At the time, he characterized VAM as an experiment and said he would be the first to send it packing if it did not live up to expectations.

Subsequently, Rep. Hoffman came to agree with LFT and others that VAM may be an unfair and inaccurate measure of teacher and school success.

In the early weeks of the session, Rep. Hoffman voluntarily deferred his HB 532 in the face of strong opposition from so-called "education reformers," but said he would bring it back in the form of a study resolution.

The resolution, HR 158, calls on BESE to "examine the validity of the data collected by the Department of Education from the value-added assessment model used to evaluate public school teachers and to include its findings and recommendations in the annual report submitted to the House and Senate education committees by March 1, 2018, for review, consideration, and discussion by the committees."

In other action, the House passed SB 170 by Sen. Regina Barrow (D-Baton Rouge), which requires BESE to consider the effects of last summer's floods when calculating the school and district performance scores for districts that were declared disaster areas.

Assault leave bill wins final passage

Following extensive negotiations by LFT and other organizations, a bill that makes minor changes to the right of teachers and school employees to assault leave was unanimously passed by the Senate.

HB 556 by Rep. Kevin Pearson (R-Slidell) simply gives school boards the right to have educators who are on paid leave after being assaulted by students the right to require an independent examination by a physician.

Educators still have the right to leave with full pay after submitting certification from a physician. School boards may ask for further certification by a physician from a list established by the local medical society. The opinion of a third physician (if one is used) shall be determinative. Additional exams will be conducted at no cost to educators.

House kills amendment to devastate protected funds

A proposed constitutional amendment to abolish several funds that support K-12 and higher education was rejected by the House of Representatives. HB 236 by Rep. Rob Shadoin (R-Ruston) would have sent the money to the state general fund instead.

LFT vigorously opposed the bill, which needed 70 votes to pass. The House voted 60-33 for the bill.

The bill would have revoked the dedication for:

- Lottery funds dedicated to K-12 public education's Minimum Foundation Program.
- 8(g) offshore oil settlement funds dedicated to public education.
- Tobacco settlement funds dedicated to health care and education:
 - The TOPS Fund
 - The Millenium Trust Fund
 - The Health Excellence Fund
 - The Education Excellence Fund
- Various other funds for coastal restoration, revenue stabilization, etc.

MFP approved by House

The House of Representatives passed HCR 7 by Rep. Nancy Landry, which approves public education's \$3.7 billion spending formula.

The MFP represents standstill funding, with no increase in the per-pupil amount. The expense may grow if the number of students in public schools increases. The new formula does include a small increase for districts that face extenuating circumstances, and \$18 million for special needs students.

During House debate on the MFP, Rep. Kevin Pearson (R-Slidell), brought up the Teachers Retirement System of Louisiana's unfunded accrued liability. Rep. Pearson said that retirement costs are factored into the MFP, but that charter schools which do not participate in TRSL receive the same amount of MFP money as traditional public schools.

TOPS task force will review program's purpose, history and future

The troubled TOPS scholarship program will be reviewed by a joint house and senate panel to review how it came to become so massive, and recommend ways to ensure the popular program's future viability.

SCR 110 by Sen. Blade Morrish (R-Jennings) creates a 10-member panel that will file its report by next February 15.

This year, students were dismayed when TOPS rewards were drastically cut in the second semester because lawmakers could not agree on fully funding it last year.

In related action, a bill that would have raised academic for TOPS recipients was shelved by the Senate Education Committee.

Rep. Franklin Foil (R-Baton Rouge) pulled his SB 117 from consideration, saying he intends to participate in the commission created by Sen. Morrish's SCR 110. Rep. Foil's bill would have raised the grade point average in core subjects from 2.5 to 2.75.

Bill limiting tests passes House and Senate

Both chambers of the legislature have passed a bill that clarifies the limits on state mandated testing for students with exceptionalities and ensures that all tests are properly aligned to state standards.

LFT lobbied on behalf of HB 616 by Rep. Polly Thomas (R-Metairie). The bill clarifies that the state law limiting testing to two percent of instructional minutes does not affect accommodations for children with exceptionalities.

In addition, the bill requires school authorities to "review all benchmarks and interim assessments on a regular basis to ensure that: they are aligned with state content standards, the assessment results are used to improve instruction and are made available to a parent upon request, and testing time is minimized."

Excluded from the bill are college entrance and college credit exams, Advanced Placement exams, International Baccalaureate exams, and industry-based credential exams.

Testing bill becomes a resolution

The House Education Committee approved a resolution creating a Commission on Assessment Review and Use in Public Schools to study the number of mandated tests given to students.

HR 166 by Rep. Bernard LeBas (D-Ville Platte) replaced his HB 572, which would have restricted the number of state-mandated tests in core subjects. Rep. LeBas agreed to convert the bill into a resolution after opponents argued that the State Department of Education is currently looking at ways to reduce mandated testing.

Bill approves extra points for language immersion schools

Schools with approved foreign language immersion programs will receive an additional five performance points toward their School Performance Score, according to a bill passed by both the House and Senate.

Sen. Eric LaFleur (D-Ville Platte) said that HB 233 is 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.