

# Louisiana Federation of Teachers

# Weekly Legislative Digest

April 18, 2014

Steve Monaghan, President \* Les Landon, Editor

2014 Regular Legislative Session

---

Now available on the Web at <http://la.aft.org>

[Check out all things legislative on the LFT's Legislative Resource Page!](#)

## Agreement reached on teacher due process

This statement was released by Louisiana Federation of Teachers President Steve Monaghan on Friday morning:

The governor's office has announced that a substitute bill, HB 987, has been introduced and contains language aimed at resolving certain concerns about the process outlined in Act 1 (2012) for disciplining and dismissing teachers.

Since January, the Louisiana Federation of Teachers and other stakeholders have worked with the governor's office to improve the process by addressing our shared concerns.

These discussions included an honest give-and-take and a frank sharing of all perspectives. Our conversations were limited to the sections of Act 1 dealing with the discipline and dismissal procedures (17:441,442, 443, and 444).

The LFT and others expressed our wide-ranging concerns with different aspects of the Act and shared our ideas regarding the sections on the table. The question before us is whether the proposal in HB 987 is a fairer and clearer process than under current law.

The Louisiana Federation of Teachers believes that the answer to that basic question is "Yes, it is better."

We look forward to working with all stakeholders to advance these changes and create a fair review process in those relatively rare instances where teachers may be subject to discipline or dismissal.

The Federation certainly reserves the right to consider amendments that we believe strengthen the process further. We look forward to supporting the work of the participating stakeholders.

## Step taken to curb charter school abuse

Louisiana took a baby step toward curbing abuse by charter school operators when the House Education Committee approved HB 703 by Rep. John Bel Edwards (D-Amite). The 8-7 vote marked the first time that a bill that does anything other than expand charter schools made it out of committee.

The bill would prevent the Board of Elementary and Secondary Education from overruling local school districts rated "A," "B" or "C" that deny charter school applications.

Witnesses from Lafayette told the panel that after their school board rejected charter applications BESE overruled the local officials, and the system lost \$7 million in MFP funds as a result.

"It is with a heavy heart," she said, "that I've come to believe the Department of Education does not want public education to succeed in my parish."

LFT President Steve Monaghan said that BESE's approval of charters that are not wanted by local school systems is "a politicized agenda aimed at painting public education as bad and charter school education as good. Neither is necessarily true."

In his closing statement, Rep. Edwards called BESE's actions "the arrogant hand of big government in Baton Rouge, approving charters after they've been denied by high-performing school districts."

The bill is included in the LFT Legislative Agenda.

## **Baton Rouge school system under legislative assault**

In a scenario reminiscent of the destruction of New Orleans' public schools following Hurricane Katrina, lawmakers have introduced a flurry of bills that some fear will lead to less community involvement and the wholesale charterization of the district.

HB 1177 by Rep. Steve Carter (R-Baton Rouge) mirrors another bill, SB 636 by Sen. Bodi White (R-Central), which was unanimously approved by the Senate Education Committee last week. The bill would create new community school councils and give principals greater authority over personnel decisions, as well as contracting for a range of services.

In hours of testimony, principals told the House Education Committee that they do not want the additional responsibility of contracting for food service, transportation, health care and other benefits, on top of their academic responsibilities.

Federation President Steve Monaghan said that the plan was concocted by the Chamber of Commerce and a University of Washington think tank without input from local educators.

"When will we learn that we won't reinvent public education if we don't involve teachers," he said. "There will be uncertainty and discord."

Many opponents believe that the school model promoted in the bill will eventually lead to all Baton Rouge schools being turned over to charter school operators.

As midnight approached, Rep. Carter voluntarily deferred his bill until next week.

A second bill, HB 1178 by Rep. Dalton Honore (D-Baton Rouge) would reduce the membership of the East Baton Rouge Parish School Board from 11 members to seven. Opponents say they fear it will unfairly dilute community involvement in public education.

## **School Board member dies suddenly after meeting**

In a sad coda to the House Education Committee meeting, East Baton Rouge Parish School Board Member Randy Lamana collapsed and died while walking to his car after the meeting.

The Louisiana Federation of Teachers extends condolences to Mr. Lamana's family and to his constituents.

## **Teacher arrest bill vote rescheduled**

An LFT-sponsored bill plan to prevent the arrest of teachers at school for minor offenses will be the subject of a vote on Thursday, April 24.

HB 1108 by Rep. Terry Landry (D-New Iberia) would require issuance of a misdemeanor summons "for any misdemeanor act allegedly committed during the course and scope of the school employee's employment."

The employee would be required to answer a summons and appear in court on the charges. The bill does not apply to serious offenses or injuries to students.

The bill was originally scheduled to be heard on the House floor on April 17. [Please click here to send an LFT Action Center campaign message in support of the bill.](#)

## **Panel deliberates school financing**

The House Appropriations Committee began its discussion of Schedule 19 of the state budget, which includes the \$3.5 billion Minimum Foundation Program, the state Recovery School District, Department of Education and higher education.

LFT President Steve Monaghan decried the anticipated \$55 million shortfall in the MPF, saying that funding issues have created chaos in public education. A report last January said that teacher retirements have spiked by 25 percent.

“The budget drives policies,” Monaghan said, “and those policies are chasing away good teachers. We are asking that the money go to where it will do the most good.”

The chief financial officer for St. Charles Parish schools said that 60 percent of special funding for severely disabled children goes to charter schools and the recovery School District, leaving only 40 percent for traditional public schools.

## **Two charter bills blocked**

Two bills aimed at protecting school districts from some charter school practices were turned back by the House Education Committee.

HB89 by Rep. Gregory Miller (R-Norco) would have required the Minimum Foundation Program to include a line item identifying the amount of money in the formula intended to pay for teacher retirement costs, including the unfunded accrued liability of the retirement system.

About half of the state’s charter schools do not participate in the Teachers’ Retirement System, even though they get the full MFP allocation for students. The bill would have made it easy to see how much money is lost to TRSL because those charters do not participate. The bill failed on a 5-10 vote.

A second bill, HB 184 by Rep. Kenny Havard (R-Jackson) would have prevented charter schools from leasing property formerly owned by the school board to other parties.

Supporters said that some predatory charter operators could use complicated schemes to take advantage of Louisiana’s charter law.

Rep. Havard, who supported the act that expanded charter schools in the state, said he “thought the schools would be non-profit...I would not have supported it if I knew we would be sending millions of dollars to out-of-state corporations.”

The bill failed on a 5-11 vote.

## **Voucher accountability bill fails**

Despite testimony that most of the private and religious schools that accept vouchers commingle their funds and cannot be accurately audited, the House Education Committee rejected a bill requiring fiscal accountability.

State Legislative Auditor Daryl Purpera said his office has a “fiduciary responsibility to ensure the proper accounting of taxpayer dollars the same as any school in the public system.” But because some 90 percent of voucher schools don’t keep separate ledgers for their public and private funds, he said, it is not possible to accurately account for the money.

HB 836 by Rep. Joe Harrison (R-Gray) would have required nonpublic schools that accept vouchers to create an accountability system for public funds.

LFT President Steve Monaghan said that accountability should have been built into the law creating vouchers in 2012. Accurate tracking of the way taxpayer dollars are spent “is not an issue (with lawmakers) or this bill would pass,” he said.

The bill was rejected on 5-12 vote.

## **Panel rejects bills aimed at vouchers**

Bills that would have clarified which students are eligible for vouchers did not emerge from the House Education committee this week.

HB 702 by Rep. John Bel Edwards would have removed eligibility for vouchers from students who are enrolled in schools graded “C” by the state. Current law allows children who meet income requirements to use vouchers if they attend schools that the state grades “A,” “B” or “C.”

If the intent of the law is to allow students to leave failing schools, Rep. Edwards said, schools graded “C” should not be included because that is not a failing grade.

LFT President Steve Monaghan took the argument a bit farther, saying that the whole grading system used for schools is inappropriate.

If a grade of “C” means a school is failing, Monaghan said, then it would be logical to make “A” and “B” the only passing grades for students.

The bill was rejected by a 6-10 vote of the committee.

Rep. Edwards voluntarily deferred his HB 702, which would have prevented kindergarten students who have access to an “A” or “B” school from enrolling in the voucher program.

## **LFT’s good government bills pass House**

Two LFT-sponsored bills aimed at making government more transparent and honest were unanimously approved by the House of Representatives.

HB 181 by Rep. Randal Gaines (D-LaPlace) would prevent heads of the various state departments from preventing the grant of injunctions by falsely certifying that such injunctions would create a deficit. The bill will allow for oversight of the Joint Budget Committee before such certifications are submitted to a judge.

HB 322 by Rep. Sam Jones (D-Franklin) would require rulemaking agencies to post information about rule promulgations on their website.

## **Bill that would arm teachers is resisted**

Faced with opposition from all sides, the author of a bill that would allow teachers to carry firearms at school withdrew it from committee consideration.

HB 707 by Rep. Ray Garofalo (R-Chalmette) would create an exception to the law prohibiting weapons on school campuses for educators who have concealed handgun permits and meet other criteria. Rep. Garofalo said he hoped his bill would “send a message to the criminals and crazies.”

LFT President Steve Monaghan joined opponents, including state representatives who are former law officers, in asking that the bill not be allowed to proceed.

## **Bills that would negate election results deferred**

Three bills that would void local tax elections if fewer than 20 percent of voters cast ballots were voluntarily deferred in the Senate Committee on Revenue and Fiscal Affairs.

SB 200, SB 201 and SB 517, were all authored by Sen. Bret Allain (R-Franklin).

## **Return to work bills deferred**

Two return-to-work bills were voluntarily deferred by their author in the Senate Retirement Committee.

SB29 by Sen. Mike Walsworth (R-West Monroe) would have allowed diagnosticians and reading specialists to return to work without consequence to their retirement benefit.

Current law limits the salary of returning retirees to 25% of their retirement benefit. If they make more than that, they must forego their retirement check during the time they are employed by a school district.

SB 555 by Sen. Blade Morrish (R-Jennings) would have allowed any retiree 65 or older to return to work without consequence to their retirement benefit. LFT supports both of these bills.

## **House okays expansion of voucher rebate**

A bill that would expand a program that allows tax rebates for contribution to voucher funds was approved by the House of Representatives.

HB 780 by Rep. Kirk Talbot (R-River Ridge) had stalled after it was amended to require annual audits of schools that participate in the voucher program. The full House stripped that amendment and passed the bill in its original form. It will next be heard by the Senate Education Committee. LFT opposes the bill.

## **BESE gives Teach for America a \$1 million grant**

As the legislature entered one of its busiest weeks, the State Board of Elementary and Secondary Education convened for its regular April meeting. With a short agenda, the board compressed its committee and plenary sessions into one day.

The Administration and Finance Committee approved a new \$1million grant for Teach for America (TFA) to “recruit teachers.”

Dr. Lottie Beebe, Carolyn Hill, and Jane Smith voted against the measure. Walter Lee abstained, and Kira Orange Jones, who is employed by Teach for America in New Orleans, recused herself on that agenda item.

Connie Bradford, Chas Roemer, Jim Garvey, Dr. Judith Moranti, Holly Boffy and Jay Guillot supported the TFA grant. Following the 6-3 committee vote, the full board also approved the measure.

Jane Smith also added an agenda item that would alter the rules of BESE. She would require staff to provide members with physical copies of technical amendments to motions prior to a vote. Department staff was directed to come back with a plan to comply at the June meeting.

Following an executive session, the board announced that Superintendent of Education John White had a satisfactory annual evaluation.

## **The week ahead**

### **Monday, April 21**

#### **Senate Finance Committee:**

The Senate Finance Committee will discuss the Department of Education’s allocation in the proposed Executive budget.

### **Tuesday, April 22**

#### **House Appropriations Committee:**

HB 222 by Rep. Walt Leger (D-New Orleans) is a Constitutional Amendment that would prevent the supplanting of state funds for tuition and fee increases at higher education institutions. LFT supports this bill.

### **Wednesday, April 23**

#### **House Health and Welfare Committee:**

House Health and Welfare may hear a series of instruments that would expand Medicaid in Louisiana to cover nearly 400,000 uninsured citizens, bringing \$15billion in federal funds to Louisiana over the next ten years. LFT support these instruments.

#### **Senate Education Committee:**

The MFP resolution is expected to be on the docket.

House Education Committee:

HB 1177 is expected to be back on the agenda

Thursday April 24

**House Labor Committee:**

HB 658 by Rep. Barbara Norton (D-Shreveport) and HB 956 by Rep. Julie Stokes (R-Kenner) and Senator Sherry Buffington (R-Shreveport) deal with equal pay for women. LFT supports both instruments

**House Retirement Committee:**

HB 1225 by Rep. Joel Robideaux (R-Lafayette) would make it more difficult to fund the account that pays for COLAs, and decrease the amount of each COLA that can be paid out. LFT opposes this bill and is expecting some amendments to be released on Monday the 21<sup>st</sup>.

SB21 and SB19 by Sen. Elbert Guillory (R-Opelousas) would grant COLAs to current retirees of the Teacher's and School Employee's retirement systems. LFT supports these bills.