



Louisiana Federation of Teachers

American Federation of Teachers, AFL-CIO

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Ms. Erin Bendily, Deputy Superintendent
Louisiana Department of Education
P.O. Box 94064
Baton Rouge, LA 70804-9064

July 26, 2012 - Re: La. R.S. 49:953; Opportunity for Comment; Bulletin 133

Dear Ms. Bendily:

Our communication today is made with the utmost respect for the rule of law, and a cogent, intimate understanding of the ability of policy to impact the lives of the citizens of Louisiana, particularly the most vulnerable citizens of our state: our children.

As a union of professionals and as individuals, we believe it is our civic duty to participate in every part of the governance process to maximum extent provided by law and under our state and national constitutions. We do so constructively and on behalf of Louisiana students and its professional educators, in order to ensure that all necessary changes are made to policies and rules promulgated by the Department of Education in conjunction with the Board of Elementary and Secondary Education.

The purpose of the Louisiana Administrative Procedures Act (La. R.S. 49:953) is to ensure ample opportunity for public involvement in the agency rule making process. It provides for a mechanism by which the public can demand that an agency hear and consider additional public comment.

Under rights granted to persons, associations, and/or others under La. R.S. 49:953A(2)(a), the Louisiana Federation of Teachers wishes to exercise our right to make oral presentation, arguments and comments in compliance regarding the Criteria for School Participation in the Student Scholarships for Educational Excellence Program, considered by BESE at their meeting of July 23, 2012. (See Bulletin 133, Notice of Intent, and promulgated in accordance with R.S.17:6 and R.S. 17:4025). The relevant section of the Administrative Procedure Act states:

*“Prior to the adoption, amendment, or repeal, the agency shall: . . . Afford all interested persons reasonable opportunity to submit data, views comments or arguments, orally or in writing. In case of substantive rules, **opportunity for oral presentation or argument must be granted if requested within twenty days after publication of the rule as provided in this Subsection, by twenty five persons . . . by an association having not less than twenty-five members . . .**”*

The Louisiana Federation of Teachers, the association requesting opportunity to present argument, proudly serves more than 20,000 members, their communities, and their students, and thereby constitutes a qualifying group for the purposes of La. R.S. 49:953A(2)(a). Furthermore, we submit our request well within the twenty-five days required to trigger automatic provision for presentation.

It is our appreciation that such hearing pursuant to the provisions of the Administrative Procedure Act shall be scheduled "no earlier than thirty-five days and no later than forty days after the publication of the Louisiana Register in which the notice of intended action appears." La. R.S. 49:953A(2)(a).

We intend to make oral and written presentation in order to provide a constructive critique of the policy as well as recommendations for *specific alterations* that we believe are in the best interests of Louisiana students, parents, and taxpayers.

We respectfully request that the hearing be held in a place equipped with ample seating able to accommodate at least 100 people; that the public be notified in a manner and fashion identical to meetings of the Board of Elementary and Secondary Education; that any materials to be presented by the agency itself, its agents or assigns, by BESE, its members, agents or assigns be made public in a manner and fashion identical to the process for publication of meeting materials for a meeting of the Board of Elementary and Secondary Education; that the meeting be held in a location technologically capable of power point presentation, that a screen and projector be provided and that we be allowed to make such presentation; that members of our organization and the public who attend the meeting will be able to make public comment; that the time allotted for public comment be appropriate and that those making relevant comments be allowed to comment for the time necessary to complete their suggestions or improvements to the bulletin; and that at least seven days notice be given as to the time and place of the meeting as well as the reasons you believe that its scheduling complies with the provision of the Administrative Procedure Act which require it to be held between thirty-five and forty days after the publication of the rule .

Please acknowledge receipt of this communication in writing within three business days. In your acknowledgement of receipt *please provide reasons for any decision not to comply with any request herein, as well as an explanation of why such refusal to comply is in the best interests of the students your agency and board serve*. It is with great sincerity that we utilize the rule promulgation period as we strongly believe is the intention of the Administrative Procedures Act.

We believe that – quite simply – that we owe no less to the students and future of our state than to help to engage all citizens in our sacred democratic process.

Sincerely,



Steve Monaghan, President
Louisiana Federation of Teachers

Cc: John White, Superintendent of Schools
Mr. James D. Garvey, Jr., BESE Member Dist. 1
Ms. Kira Orange Jones, BESE Member Dist. 2
Ms. Lottie Beebe, BESE Member Dist. 3
Mr. Walter Lee, BESE Member Dist. 4
Mr. Jay Guillot, BESE Member Dist. 5
Mr. Chas Roemer, BESE Member Dist. 6

Ms. Holly Boffy, BESE Member Dist. 7
Ms. Carolyn Hill, BESE Member Dist. 8
Ms. Penny Dastugue, BESE Member-at-large
Mr. John L. Bennett, BESE Member-at-large
Ms. Connie E. Bradford, BESE Member-at-large
Ms. Mary Patricia Wray, LFT Legislative / Political Director
LFT Executive Council Members