

19TH JUDICIAL DISTRICT COURT
FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NO:

DIVISION:

LOUISIANA FEDERATION OF TEACHERS, EAST BATON ROUGE
FEDERATION OF TEACHERS, JEFFERSON FEDERATION OF TEACHERS,
NELLIE JOYCE MEARIMAN AND KEVIN JOSEPH DEHART

VERSUS

STATE OF LOUISIANA

FILED: _____

DEPUTY CLERK

PETITION FOR DECLARATORY JUDGMENT
DECLARING ACT 1 OF THE 2012 REGULAR LEGISLATIVE SESSION
AS UNCONSTITUTIONAL
AND FOR PRELIMINARY AND PERMANENT INJUNCTION

The Petition of the Louisiana Federation of Teachers ("LFT"), East Baton Rouge Federation of Teachers/LFT, Jefferson Federation of Teachers/LFT, Nellie Joyce Meariman and Kevin Joseph DeHart, with respect represent:

1.

Petitioners are:

- A.) **LOUISIANA FEDERATION OF TEACHERS ("LFT")**, an unincorporated labor association (union) with its domicile and principal place of business in the Parish of East Baton Rouge, State of Louisiana, whose membership consists of teachers and other educators employed in the public school districts and charter schools throughout the State of Louisiana, and whose membership includes the parents of school-age children who are enrolled as students in the public school districts and charter schools throughout the State of Louisiana; and
- B.) **EAST BATON ROUGE FEDERATION OF TEACHERS**, an unincorporated labor association (union) with its domicile and principal place of business in the East Baton Rouge Parish, State of Louisiana, whose membership consists of teachers and other educators

employed by the East Baton Rouge Parish Public School System, and whose membership includes the parents of school-age children who are enrolled as students in the East Baton Rouge Parish Public School System; and

C.) **JEFFERSON FEDERATION OF TEACHERS**, an unincorporated labor association (union) with its domicile and principal place of business in Jefferson Parish, State of Louisiana, whose membership consists of teachers and other educators employed in the Jefferson Parish Public School System, and whose membership includes the parents of school-age children who are enrolled as students in the Jefferson Parish Public School System; and

D.) **NELLIE JOYCE MEARIMAN**, a person of the full age of majority domiciled in the Parish of Jefferson, State of Louisiana, at all times herein a teacher employed by the Jefferson Parish School Board and a member of the Jefferson Federation of Teachers/LFT; and

E.) **KEVIN JOSEPH DEHART**, a person of the full age of majority domiciled in the Parish of Jefferson, State of Louisiana, at all times herein a citizen taxpayer domiciled in the State of Louisiana and a teacher employed by the Jefferson Parish School Board and a member of the Jefferson Federation of Teachers/LFT.

2.

Made Defendant herein is the State of Louisiana.

3.

Petitioners seek and are entitled to Judgment declaring that Act 1 (attached hereto as Appendix 1) of the 2012 Regular Session of the Louisiana Legislature is unconstitutional and be declared null and void, and that a Preliminary and in due course, a Permanent Injunction issue enjoining defendants from applying, enforcing or implementing the provisions of the Act, for reasons as follows.

4.

During the 2012 Regular Session, the Louisiana Legislature enacted Act 1, which is unconstitutional in the following respects:

Count 1
Unconstitutional Passage of Bill
La. Constitution Article 3, Section 15
(Single Object)

5.

Article 3, Section 15 of the Louisiana Constitution of 1974 states:

Section 15. (A) **Introduction; Title; Single Object; Public Meetings.** The legislature shall enact no law except by a bill introduced during that session, and propose no constitutional amendment except by a joint resolution introduced during that session, which shall be processed as a bill. Every bill, except the general appropriation bill and bills for the enactment, rearrangement, codification, or revision of a system of laws, shall be confined to one object. Every bill shall contain a brief title indicative of its object. Action on any matter intended to have the effect of law shall be taken only in open, public meeting.

...

(C) **Germane Amendments.** No bill shall be amended in either house to make a change not germane to the bill as introduced.

6.

There are a multitude of objects in Act 1, which are unrelated to each other, as follows:

A.) Amendments to La. R.S. 17:54 Officers of boards, election; superintendents, qualifications, appointment and removal.

The objects of this amendment to La. R.S. 17:54 in Act 1 pertains to superintendent contracts with school boards. This amendment to La. R.S. 17:54 is entirely new law, and states a unique, single object because the object relates to superintendent employment contracts.

B.) Amendments to La. R.S. 17:81 general powers of public school boards.

The object of the amendments to La. R.S. 17:81 in Act 1 relates to the method and procedures for selecting teachers and fixing their salaries. The object of these amendments to La. R.S. 17:81 differ from the object of the amendments to La. R.S. 17:54 as identified above.

C.) **La. R.S. 17:81.4 reductions in force; dismissal of teachers and other school employees.**

The object of the amendments to La. R.S. 17:81.4 in Act 1 relates to policies to be used in dismissing teachers at any time a reduction in force is instituted by a school board. This object differs from the object of the amendments to La. R.S. 17:54 regarding superintendent contracts.

D.) **La. R.S. 17:229 appointment of visiting teachers.**

The object of the amendments to La. R.S. 17:229 in Act 1 relate to the appointments of visiting teachers and supervisors of child welfare and attendance. The object differs from the two previous objects.

E.) **La. R.S. 17:414.1 public elementary and secondary school principals; duties.**

The object of the amendments to La. R.S. 17:229 relate to the duties of principals, which differ from the previous amendments, which differ from the objects of the three previous amendments.

F.) **La. R.S. 17:418 salaries; teachers and other school employees.**

The object of the amendments to La. R.S. 17:418 in Act 1 is to create an entirely new section of law, stating that school boards shall establish salary schedules that must be based upon specified criteria. The object of this provision has no relation to the provisions pertaining to superintendent contracts or the other provisions.

G.) **La. R.S. 17:441 through 17:444**

The object to La. R.S. 17:441 through 17:444 in Act 1 is to introduce drastic changes to the Teacher Tenure Law, both procedural and substantive in nature. The object is to create entirely new law that relates to the removal of tenured teachers and the dismissal of teachers who have not attained tenure status. This is all entirely new law, and the object differs from the previous sections.

7.

Among the objectives and mission of petitioner Louisiana Federation of Teachers is to preserve, protect and advance quality public education for all children and to protect and advance the professional well-being of those individuals dedicated to educating Louisiana's children; to work towards its core values of fairness, opportunity, access and accountability, to give mutual aid and support to Louisiana teachers in securing state and national legislation favorable to schools and classroom teachers to secure and to maintain high professional standards.

8.

Among the objectives of petitioner East Baton Rouge Federation of Teachers, in addition to those of the LFT, is to obtain for the membership the rights to which they are entitled, and to raise the standards of the educational profession by securing the conditions essential to the best professional service.

9.

Among the objectives of Petitioner Jefferson Federation of Teachers, in addition to those of the LFT, is to protect the rights to which its members are entitled, to promote the general welfare of children by providing progressively better educational opportunities for all, and to promote professional excellence among educators.

10.

Members of the Louisiana Federation of Teachers, East Baton Rouge Federation of Teachers, and Jefferson Federation of Teachers have associational standing¹ to bring this action for the following reasons:

- A.) Their members will suffer harm and injury as a result of the enforcement of Act 1, consisting of loss of constitutional, statutory and contractual rights as more particularly described herein; and

¹ *Caddo Federation of Teachers and School Personnel v Caddo Parish School Board*, 2010 WL 2509842 No. 45,357, 41 So.3d 1259 (La. App. 2 Cir. 6/23/10).

B.) The interests that they seek to protect are pertinent to and consistent with its purpose; and

C.) Individual participation of its members is not required for proper adjudication of this litigation. The relief sought is a declaration that Act 1 of the 2012 Legislature is unconstitutional, and is not specific to any individual party;

11.

Petitioner Nellie Joyce Meariman and Kevin Joseph DeHart have standing to bring this lawsuit because, as teachers employed by a local public school district, they both have an interest in quality education for the children under their supervision and tutelage, which is at risk because of the reduction and loss of funds that will be allocated to the school district as described above. Additionally, their continued employment is contingent in part on the performance of their students, which is at risk because of the reduction and loss of funds that will be allocated to the school district as described above.

12.

Petitioners seek and are entitled to Judgment declaring that Act 1 of the 2012 legislative session is unconstitutional on its face, and therefore null and void.

13.

Petitioners also seek and are entitled to injunctive relief in the form of a Preliminary and ultimately a Permanent Injunction, enjoining the enforcement and application of Act 1 of the 2012 Regular Session of the Louisiana legislature.

14.

Petitioners seek and are entitled to attorneys' fees and costs for bringing this action.

WHEREFORE, petitioners Louisiana Federation of Teachers, East Baton Rouge Federation of Teachers, Jefferson Federation of Teachers, Nellie Joyce Meariman and Kevin DeHart pray that:

A.) After due proceedings had, there be judgment in favor of petitioners, and

against Defendant State of Louisiana declaring unconstitutional Act 1 of the

2012 Regular Session of the Louisiana Legislature, and declaring it null and void; and

- B.) This Court compel Defendant State of Louisiana to show cause at a date and time to be established by this Honorable Court why a Preliminary Injunction should not issue, enjoining, restraining, and prohibiting defendant from enforcing and applying the provisions of Act 1 of the Regular Session of the 2012 legislature; and
- C.) In due course, that a Permanent Injunction issue, in the form and substance of the Preliminary Injunction herein prayed for; and
- D.) Defendants be compelled to reimburse petitioners' attorney fees and costs; and
- E.) For all other general and equitable relief.

Respectfully submitted,

RITTENBERG, SAMUEL & PHILLIPS,
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