

Louisiana Federation of Teachers

Weekly Legislative Digest

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Steve Monaghan, President * Les Landon, Editor

2014 Regular Legislative Session

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The Louisiana Legislature's 2014 Regular Legislative Session ended *sine die* at 6:00 P.M. Monday, June 2.

Lawmakers approve due process compromise

A bill that improves the state law governing the discipline and dismissal of teachers has passed both houses of the legislature and awaits Governor Bobby Jindal's signature.

HB 1277 by Rep. Jeff Thompson (R-Shreveport) represents a step toward bringing education reforms in line with teacher expectations, said Louisiana Federation of Teachers President Steve Monaghan.

"While this bill does not resolve all of our concerns with Act 1 of 2012," Monaghan said, "it restores an element of due process and makes the system fairer. It is far better than what was passed in 2012 as part of Act 1."

The bill is limited to those sections of Act 1 that deal with the discipline and dismissal of teachers. It replaces several sections of law that were unworkable and gutted the due process rights of teachers who were found "ineffective" under the act.

No longer will the superintendent have the sole final word on dismissal of teachers. Teachers recommended for termination may present their case to a hearing officer chosen at random from a list of individuals approved by the school board.

Unlike Act 1's provisions, in which a three-person advisory panel's decision was not binding, the hearing officer is empowered to reverse a superintendent's decision.

The bill includes other provisions aimed at making sections of Act 1 into a clearer, fairer process:

- The original Act 1 said that teachers recommended for termination are immediately removed from the payroll. This bill allows them to remain on salary for up to 50 days during the hearing process.
- Instead of losing their tenure immediately upon being rated "ineffective," teachers will retain their tenure through the grievance process.
- The bill deletes a provision of Act 1 that says an evaluation rating a teacher as "ineffective" requires no further documentation to substantiate the charges.

Thursday's unanimous vote of approval by the Senate is a vindication of the idea that people of good will can bring very different perspectives to the table and come up with a plan that is better for all, Monaghan said.

"We appreciate the efforts of the governor's office and all the other stakeholders in bringing this bill to fruition," Monaghan said. "If the whole idea of education reform had been approached in the same manner, we could have avoided years of legal challenges, confusion in the teacher corps, and disruption in our schools."

Legislature adopts \$3.6 billion MFP

After a short derailment by the Senate Education Committee, a rewritten Minimum Foundation Program formula zipped through the legislative process, winning approval by the House Education Committee and House of Representatives in just a couple of days.

Senate Education Committee Chairman Sen. Conrad Appel (R-Metairie) had objected to including a recurring 2.75% inflation factor in the formula. BESE's rewritten formula deleted the inflation factor, prompting LFT President Steve Monaghan to warn that the move could lead to lower funding in the future.

"We have short memories," Monaghan said. "Once upon a time the inflation factor was three percent. Who remembers that now? If we eliminate the 2.75% factor, we may never see it again, and people will forget that it ever existed."

This is the first year since 2011 that lawmakers have successfully adopted a public education spending formula. The 2012 formula was set aside after the LFT and others challenged the way it was adopted, and last year's legislature rejected the formula proposed by BESE.

The MFP is included in the state's \$24.6 billion operating budget. The baseline spending for each student will be \$3,961. The plan includes enough money to make last year's one-time raise for classroom teachers a permanent addition to their salaries.

House rejects plan to restructure Baton Rouge schools

One of the most hotly contested issues in this year's legislative session ended with a resounding House vote against a radical, state-mandated restructure of the East Baton Rouge Parish School District.

SB 636 by Sen. Bodi White (R-Central) was just one of a handful of bills aimed directly at the school board operating in the capitol city, despite Baton Rouge's success in raising itself from a D to a C rating under the state grading system.

The bill would have grouped the district schools into community zones and given principals control over nearly every aspect of the school. Principals would have been asked to negotiate contracts for health care and benefits, student transportation, maintenance, food service, custodial work and other functions usually handled by the central office. Critics said the bill was a back-door effort to charter nearly every school in the parish.

The bill handily passed the Senate, but ran into opposition in the House Education Committee, where its mirror image, HB 1177 by Rep. Steve Carter (R-Baton Rouge), had stalled. Principals, parents, school boards and unions all spoke against the bill, which was supported by the Chamber of Commerce, LABI and the Jindal administration.

Although the bill was approved by the House Education Committee, it was met on the House floor by an army of opponents. When the vote was tallied, 60 Representatives had voted against it, and only 31 voted for the bill.

Lawmakers had already rejected other assaults on Baton Rouge, including efforts to split a new district away from the parish system and to reduce the number of board members from 11 to nine.

Extended sick leave bill passes

The House and Senate both passed a bill that corrects a flaw in the state's extended sick leave law, and sent it to Gov. Jindal for his signature.

HB 717 by Rep. Dorothy Sue Hill (D-Dry Creek) removes a stipulation in the extended sick leave law that requires teachers to take the leave in 10-day increments. Supporters said that the 10-day rule forces teachers to take more leave than may be required for follow-up treatments for serious medical issues.

Truth and transparency bill on governor's desk

A bill aimed at making sure that appointed officials tell the truth in affidavits passed both houses of the legislature and awaits Gov. Jindal's signature.

SB 143 by Sen. Bob Kostelka (R-Monroe) and Rep. Randal Gaines (D-LaPlace) prevents appointed officials from falsely certifying that the grant of an injunction would create a deficit.

The issue was raised in 2012 when the LFT filed suit to overturn Act 2 of 2012, which created Gov. Jindal's voucher scheme. LFT asked the court to enjoin the state from funding vouchers through the Minimum

Foundation Program while a final decision was awaited from the Supreme Court. But because administration officials claimed that enjoining the voucher scheme would create a budget deficit, the judge was powerless to enjoin the program.

Under current law, the truthfulness of an affidavit like the one produced in 2012 cannot be questioned. SB 143 will allow courts to decide if an affidavit is factual.

Rule-making bill sent to governor

An LFT-sponsored bill making government more transparent to the public passed the legislature and awaits Gov. Jindal's signature.

HB 322 by Rep. Sam Jones (D-Franklin) requires rule-making bodies such as the Board of Elementary and Secondary Education to make their procedures much more open to the public.

Each agency will have to publish a rule making docket that notifies the public which rules are being created and where they are in the process

Rules that are promulgated by state agencies have the force of law, but citizens are often at a loss when they try to get information as the rules move toward adoption. HB 322 will make it easier for citizens to follow the progress of proposed rules and have an impact on their adoption.

Leges reject BESE member's try at evading ethics law

A provision aimed at allowing District 5 BESE Member Jay Guillot to do business with the state was rejected by the House of Representatives.

In 2008, newly elected Gov. Bobby Jindal called a special session to enact what he called "the gold standard" of ethics laws. It included BESE members along with other elected and appointed government officials who are prohibited from doing business with the state.

A provision in a Senate bill that would have exempted BESE members from the law was intended to allow Guillot's engineering firm to win public contracts. The author of the amendment, Rep. Rob Shadoin (R-Ruston) said the law hurts a BESE member from his district who is an engineer – only Guillot fits that description.

But the House agreed with Rep. Mike Danahay (D-Sulfur), who reminded them about Jindal's "gold standard" pledge, and rejected the amendment on a 63-28 vote.

In 2011, the State Ethics Board voted to allow the newly elected Guillot to serve on BESE although he reportedly held some \$17 million in state contracts at the time.

Common Core bill passes; will Jindal sign it?

A Common Core bill that seemingly pleased no one was the only measure dealing with the national standards to actually win passage in both the Senate and House of Representatives. The only question left is whether or not Gov. Bobby Jindal will sign the bill.

HB 953 by Rep. Walt Leger (D-New Orleans) adds a year to a suspension of Common Core consequences that was previously adopted by the Board of Elementary and Secondary Education. The allowances for public schools and students will extend through the 2015-15 school year.

Rep. Leger's bill includes a curved distribution of school letter grades to ensure that the total number of each letter grade does not change during the suspension, but allows for changes in individual schools. The Senate Education Committee stripped an amendment that would have prohibited any school from receiving a lower letter grade than in the previous year.

To opponents, the bill was seen as a veiled effort to preserve Common Core State Standards while acknowledging problems with implementation. To supporters, the bill was an effort to slow down what they saw as the best way to reform educational standards.

Now all eyes are on the governor's office. Gov. Jindal began the debate in 2010 as a strong supporter of CCSS, but has of late been critical of what he now calls a federal intrusion into a local issue. He has threatened to unilaterally halt the implementation of Common Core in Louisiana.

Rosy picture of LEAP and iLEAP belied by political reality

After delaying release for a week, the Department of Education gave the public a look at results of LEAP and iLEAP tests that are aligned with Common Core State Standards. While Superintendent of Education John White painted a generally rosy picture of the test results, underlying political strife gives teachers and parents no sense of certainty about the future ([click here to see the Department of Education report](#)).

White said that even though this year's tests were more rigorous than before, the results were about the same as last year's.

"The results are steady," White said, "but show that students are doing as well as we expected them to do. Now we begin the process of slowly raising the bar."

Critics noted that White compared the results of two very different tests to demonstrate growth and "curved" test results. It is not possible to understand all the implications of the report without a much more detailed and expert analysis of the data.

White's bias toward private and religious voucher schools was evident in the report, however. In a PowerPoint presentation, he stressed that the improvement of test scores at voucher schools outpaced that of public schools.

What he did not reveal is that voucher school scores remain far below those of public schools. Only 45% of voucher students passed the LEAP and iLEAP tests, compared to the 69% state passing average.

White said that our students are "on course" to meet projections for 2025. But that depends on staying a course that is anything but certain. Louisiana is in a state of political turmoil and we do not know where we will be next year, much less in 2025. Gov. Jindal says he opposes Common Core State Standards and the testing known as PARCC, but White's whole game plan depends on keeping those in place.

The governor has said that he may unilaterally pull Louisiana out of the Common Core consortium. That is the root of the uncertainty hanging like a cloud over the test results released by the Department of Education.

Assault pay bill on governor's desk

A bill closing what some consider a loophole in the teacher assault pay law was approved by the legislature and sent to Gov. Jindal for his signature.

SB 172 by Sen. Page Cortez (R-Lafayette) prevents a teacher from simultaneously receiving assault pay and retirement benefits.