

# Louisiana Federation of Teachers

# Weekly Legislative Digest

March 14, 2014

Steve Monaghan, President \* Les Landon, Editor

2014 Regular Legislative Session

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## Controversy swirls around new MFP formula

After the State Board of Elementary and Secondary Education was unable to agree on a public education funding formula at its regular March meeting, members convened in special session on March 13 to try again. In a contentious session, members were able to adopt a \$3.5 billion Minimum Foundation Program plan, but considerable opposition from stakeholders raised questions of the MFP's viability when it gets to the legislature.

Opponents such as LFT President Steve Monaghan were disappointed that the Department of Education deviated from the recommendations made by a special MFP Task Force which met for months. The proposal did not annualize a 2.75% increase to public education funding, which would have added another \$69 million to the MFP. The plan does, however, drain resources from local school boards to pay for state schools and for the scandal-plagued Course Choice program.

"You are taking money for state schools and course choice away from local school districts that are already stressed," Monaghan said. In essence, he said, the plan asks school boards to stretch basically the same amount of money to cover programs that may not have the approval of local voters.

In addition, he said, the Federation is disappointed that BESE does not want to direct half of the MFP funds to salary increases for teachers and school employees.

Lawmakers who testified complained that a standstill MFP will not help with growing expenses for retirement, insurance and classroom technology. Spokesmen for school superintendents and school boards also opposed the MFP, saying that changes made after the task force completed its mission were not shared with stakeholders.

Passage of the MFP was no sure thing. After BESE members voted once to defeat the plan, BESE President Chas Roemer recessed the board to meet with staff and write a compromise. A hastily written addition suggested that the legislature will be allowed to pump more money into the formula provided that funds are identified and that lawmakers refrain from watering down educational standards and accountability.

## Tell Jindal and White they are wrong about teachers!

For the second time, a state court has struck down Act 1 of 2012, the so-called "talent act," because it violates a prohibition on bundling too many objectives in a single law.

Act 1 is a reflection of the governor's very wrong opinions about teachers. We strongly believe that the law has harmed teachers. If each of its elements had been introduced as separate laws, we would have opposed all of them.

We wish the lawsuits were not necessary. But until the Jindal administration respects both the rule of law and the teachers who dedicate their lives to the children of Louisiana, we have no choice.

[To learn more and send Gov. Jindal and Supt. White a letter, please click here.](#) Tell Gov. Jindal and Supt. White that it's time to stop the lawsuits and work together in the best interest of all our children and the professionals who work in our schools.

## **Textbook selection bill passes committee**

A plan to change the way textbooks are selected in Louisiana was approved by the Senate Education committee.

SB 336 by Sen. Conrad Appel (R-Metairie) would give parents and local school system more of a say in choosing textbooks. Public comment would be allowed on every text considered by the state, and the ultimate authority to choose a book would be up to the local school board.

Some controversy erupted over the bill when parents opposed to Common Core standards complained about a section that requires Louisiana textbooks to align with state content standards. Sen. Appel told the parents that Common Core has nothing to do with this bill, and noted that many opportunities will arise to discuss Common Core as the session progresses. The bill goes to the full Senate for a vote.

An identical bill in the House of Representatives, HB 867 by Rep. Frank Hoffman (R-West Monroe), was voluntarily deferred by the House Education Committee.

## **Panel okays bill to give principals more power**

Over the objection of the Louisiana Principals' Association and LFT, the Senate Education Committee approved a bill that enhances the authority of certain principals.

SB 385 by Sen. Eric LaFleur (D-Ville Platte) would allow schools with a principal rated "highly effective" to be declared "empowered community schools." The principal would have much more control over hiring decisions, instructional planning, budget decisions and more.

LFT opposed the bill, along with the principals association and other groups. Saying that there "has not been a lot of empowerment for teachers over the last few years," LFT President Steve Monaghan questioned whether a principal should be given so much of the credit for a school's success.

It's wrong to "celebrate one leader without acknowledging all those who make a school work," he said.

The bill is identical to one that passed the Senate last year before being deferred by the House Education Committee.

## **Sick leave bill progresses; LFT objects**

A bill that could affect the benefits allowed to teachers who are assaulted on the job was approved by the Senate Education Committee over the objection of the LFT.

SB 172 by Sen. Page Cortez (R-Lafayette) has several sections that could reduce benefits for teachers on long term leave after being assaulted or otherwise injured on the job.

LFT President Steve Monaghan said the bill is unclear about whether its passage could "force or pressure a person to retire" early in order to retain benefits.

Sen. Cortez agreed to address the LFT's concerns before the bill is heard on the Senate floor.

## **Move to change Regents appointments proceeds**

A plan to restrict the governor's ability to appoint members of the Board of Regents and to further define the requirements for serving on the board was partially approved by the House Education Committee.

HB 588 and HB 696, both by Rep. Steve Carter (R-Baton Rouge) require passage of a constitutional amendment by voters. HB 588, the proposed amendment, was approved by the committee but HB 696, which spells out the new requirements to serve on Regents, was delayed until later in the session. Rep. Carter expressed optimism that the two bills will ultimately pass and be sent to voters for a decision.

## **Campus gun auctions approved by committee**

HB 244 by Rep. Chris Broadwater (R-Hammond) would allow non-profit organizations to hold higher education campuses fund raising events on that include the auction of firearms. The bill was unanimously approved by the House Education Committee.

## Single college application bill proceeds

A bill that would create a single application process for all Louisiana colleges and universities was approved by the Senate Education Committee. No one spoke in opposition to SB 62 by Sen. Conrad Appel (R-Metairie), and it was unanimously approved. It moves to the Senate floor for debate.

## Return to work bills heard

One bill that would allow educators to return to work as substitutes without a requirement that they earn no more than 25% of their retirement income was defeated by the House retirement Committee, while another was voluntarily deferred for clarification.

HB 29 by Rep. Kenny Cox (D-Natchitoches) would allow all members of the retirement system to return to work without the cap on their income. It was rejected by the committee when Reps. Nick Lorusso (R-New Orleans), Kirk Talbot (R-River Ridge), Barry Ivey (R-Baton Rouge), Paul Hollis (R-Covington), and Kevin Pearson (R-Slidell) voted no. Supporting the bill were Reps. Gene Reynolds (D-Minden), Sam Jones (D-Franklin), Jack Montoucet (D-Crowley) and Ed Price (D-Gonzales.)

A second bill, HB 82 by Rep. Sam Jones, was voluntarily deferred in order to get a new fiscal note and work out other details. The bill is intended to make sure that more certificated classroom teachers can return to work as substitutes in the future.

## Rep. Landry plans bills to re-enact Act 1

An Acadiana lawmaker has introduced a package of bills aimed at recreating the effects of Act 1 of 2012 in case the Louisiana Supreme Court agrees with a lower court and rules the act unconstitutional. A Baton Rouge court has ruled the act unconstitutional either entirely or in part three times; a final decision is awaited from the Supreme Court.

In case the act is indeed ruled unconstitutional, Rep. Nancy Landry (R-Lafayette) has asked the colleagues to pass a package of bills that recreate the most egregiously offensive sections of the 2012 law.

HB 651 restricts the authority of local school boards and grants it to superintendents instead.

HB 652 bases teacher salaries mainly on evaluations, requires new salary schedules, and prevents teachers rated “ineffective” from receiving raises.

HB 653 requires teachers to be rated “highly effective” for five of six years to earn tenure, to immediately lose tenure if rated ineffective once, to make non-tenured teachers at-will employees, and guts due process protections.

A related bill, HB 1022, removes school boards from virtually all personnel decisions, grants that authority to superintendents, and makes it very difficult for a school board to terminate a superintendent.

LFT will oppose all of these bills when they are heard in committee.

## In the week ahead

### Monday, March 17

**Senate retirement Committee:** SB 5 by Sen. Elbert Guillory (R-Opelousas) helps higher education retirement system members to transfer to a regular retirement plan. LFT has no position on this bill

SB 25 by Sen. Guillory restricts the recovery of overpayments to members of the Louisiana School Employees Retirement System to 36 months when the member was notified of overpayment. LFT supports this bill.

### Wednesday, March 19

**House Education Committee:** HB 384 by Rep. Greg Cromer (R-Slidell), HB 555 by Rep. Cameron Henry (R-Metairie), and HB 560 by Rep. Barry Ivey (R-Baton Rouge) are all intended to ensure that privacy and safety are part of any assessment procedure or data storage policy. LFT is closely monitoring these bills.

HB 1600 by Rep. Neil Abramson (D-New Orleans) alters policies regarding the pickup and drop-off of students while a bus is in a lane of traffic. LFT is carefully monitoring this bill to ensure that proper safety and efficiency standards are in place for students and staff during transportation to and from school.

**House and Governmental Affairs Committee: HB203** by Rep. Jared Brossett (D-New Orleans) expands early voting on Sundays to make it available from noon to 5p.m. LFT supports this bill as it creates more access to the ballot for all.

HB374 by Brett Geymann (R-Lake Charles) is a constitutional amendment to remove appointed persons from BESE and make all positions elected. It creates three at large elected positions on BESE. LFT supports this bill; it would make BESE a more representative body.

#### **Thursday, March 20**

**House Retirement Committee:** HB 25 by Rep. Kirk Talbot (R-River Ridge), HB38 by Rep. Kevin Pearson (R-Slidell) and HB45 by Rep. Alan Seabaugh (R-Shreveport) all make future employees of certain organizations, including the LFT, ineligible for membership in the Teachers' Retirement System of Louisiana. LFT has opposed these bills for three years running.

HB 42 and 43 by Rep. Pearson would sweep the extra funds left in the experience account after payment of a COLA for LSERS and TRSL. LFT opposes this bill because it will lead to fewer COLAs in the future and violates the spirit of revisions made to COLA law since 2000.

HB 86 by Rep. Ivey raises the threshold of investment returns that must be met in order to place money into the experience account – the account from which COLAs are paid. This bill will make COLAs less frequent, and will make investment earnings go towards the unfunded accrued liability. LFT opposes this bill for those reasons.