

# 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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## Report: BESE did not approve the MFP sent to legislature

The version of the proposed Minimum Foundation Program formula sent to the State Legislature by the Department of Education is different from the one adopted by the Board of Elementary and Secondary Education, according to a report in a Monroe newspaper.

The revelation makes it more difficult to predict whether lawmakers, already at odds with BESE over the funding formula, will approve it later in the session.

Monroe *News-Star* reporter Barbara Leader wrote that BESE Executive Director Heather Cope informed members of the board that changes were made to the document they approved on March 13.

In the article, Superintendent of Education John White contends that he has the authority to make technical changes to the MFP after it is approved by the board.

Cope's message to members says, "The board will be asked to approve the technical edit...when the official minutes are brought to the board for approval at its April meeting."

Board member Lottie Beebe told the *News-Star* that she is very concerned about the department "sending something to the Legislature that has not been approved by BESE."

As reported in last week's *Legislative Digest*, the adoption of the MFP was marked by confusion. At one point, BESE President Chas Roemer recessed the meeting to meet with staff and write new language for the MFP to satisfy concerns of members and stakeholders. 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 changing educational standards and accountability.

## Data collection bills deferred after emotional testimony

Following emotional testimony in both the House and Senate Education Committees Wednesday, lawmakers decided to postpone for a week action on a number of bills aimed at protecting the data of public school students.

First up was HB 946 by Rep. John Schroder (R-Covington). Rep. Schroder argued that the State Department of Education has improperly released individually identifiable student information to various vendors, and that the data has been shared without the knowledge and consent of parents. It is too easy, he said, for third parties to illegally access personal information about public school students.

LFT President Steve Monaghan supported the bill, saying it is "most offensive" that student data is being sold and may be used for marketing purposes. The bill imposes penalties for improper use of data, Monaghan said, which was an important factor in winning LFT's support.

Monaghan cautioned against unintended consequences should the bill be passed, however. Strictly interpreted, the bill could impede counselors from asking students about career interests, for example.

Opponents said that passage of the bill could prohibit collecting information that the federal government requires, and that could jeopardize hundreds of millions of dollars in federal funding for schools.

There was concern that the bill could stop the collection of data used to determine TOPS awards and other financial aids for college-bound students.

The most vocal supporters of the bill were parents who feared that misuse of student data could lead to improper use of data, the permanent labeling of students and, in the most extreme instances, making student identification available to predators.

Gov. Bobby Jindal signaled that he supports the bill, while Superintendent of Education John White focused on problems that he saw with the proposal.

After several hours of debate, the committee recessed to see if amendments could be crafted that satisfy the concerns of opponents. But two hours later, committee members returned to say they were unable to reach an agreement. Rep. Schroder's bill and three others like it – 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) were all voluntarily deferred for one week.

On the Senate side, supporters of HB 946 lined up to bash SB 449 by Sen. Conrad Appel (R-Metairie). While it was labeled as a data protection bill, parents and others pointed out that it mirrored legislation from the American Legislative Exchange Council (ALEC), a pro-business lobby. Sen. Appel's bill, they said, would actually provide corporations with unfettered access to individually identifiable student data.

After hearing numerous withering attacks on his bill, Sen. Appel voluntarily deferred SB 449 until next week's education committee meeting.

## **Big business goes on the offensive Washington, D.C. lobbyists try to silence Louisiana public servants**

Once again, some Louisiana lawmakers have introduced bills that would prohibit public employees from paying their professional organization dues through payroll deduction.

Similar bills were introduced in the past two sessions; none of them advanced past the committee level.

The bills are part of a nationwide campaign by big business to silence the voices of union members. In states like Wisconsin, the attack on public sector unions led to ugly disruptions and strife that gained nationwide publicity.

In Louisiana, three bills have been introduced that would prohibit the payroll deduction of union dues for public employees. HB 172 by Rep. Kirk Talbot (R-River Ridge) and HB 451 by Rep. Alan Seabaugh (R-Shreveport) are expected to be heard by the House Committee on Labor and Industrial Relations, and SB 440 by Rep. Danny Martiny (R-Metairie) is slated for a Senate Finance Committee hearing.

A Washington, D.C. big business lobby, the National Right to Work Committee, has already sent members of the House a letter supporting efforts to silence public employees. The letter, which is rife with factual errors, claims that the payroll deduction of dues is "a foot in the door to force compulsory unionism on all of Louisiana's government employees."

That is, of course, a lie. Louisiana is a right-to-work state. Membership in unions is completely voluntary, and there is nothing on the horizon to suggest that it will change.

In a floor letter to representatives, LFT President Steve Monaghan wrote that payroll deduction is a service that is "available to credit unions, insurance companies and numbers of other vendors as well as associations and union. It is and has been a part of the payroll systems already in use by municipal, parish and state government offices.

"In fact, payroll deduction is a service that has been available to employees for decades. Despite **NRWC's** dire insinuations and warnings, never in all that time has "compulsory unionism" been an issue raised by anyone."

[The complete text of the LFT floor note is here.](#)

## **[Don't wait for the Supreme Court – tell Gov. Jindal he's wrong NOW!](#)**

After lower courts ruled three times that Act 1 of 2012 is unconstitutional, some lawmakers are preparing in case the Supreme Court agrees and tosses out the controversial law.

Act 1 amended and reenacted nine statutes and enacted two entirely new statutes. It tied teacher salaries, tenure, promotions and termination to a new evaluation system. It changed the way school boards contract with superintendents, altered the general powers of school boards, delegated new authority to principals and superintendents and mandated different reduction-in-force policies.

The Supreme Court could make a final decision on the law sometime this year. Gov. Jindal's attorneys have a March 31 deadline to file their arguments with the high court. LFT, which filed the suit challenging the law, will then have 15 days to respond.

Rep. Nancy Landry (R-Lafayette) has already filed four bills that would re-enact the worst of the law's objects. Please send Gov. Jindal and Superintendent of Education John White a message – tell them that Act 1 is wrong for public education, and ask them to work with the LFT on reforms that will really improve our schools.

[To learn more and send Gov. Jindal and Supt. White a letter, please click here.](#)

## **Panel: Retirement contribution rates to remain level**

School boards and other employers breathed a sigh of relief when the Public Retirement Systems' Actuarial Committee decided against raising the employers' share of contributions to the Teachers' and State Employees' retirement systems.

Leaders had been braced for an increase of as much as four percent, based on estimates from the state Legislative Auditor's Office – a hike that would have cost local school boards as much as \$100 million.

Instead, PRSAC accepted an analysis from the retirement systems' own experts, who were more optimistic about the expected earnings from system investments.

PRSAC is required to determine what contributions to the retirement systems must be in order to comply with the law.

## **Committee rejects most efforts to curtail retirement COLAs**

A package of bills that would have hindered efforts to grant cost of living adjustments to retired teachers and other state employees was mostly derailed on Thursday in the House Retirement Committee.

The debate centered on experience accounts, the special funds that exist to provide COLAs. The accounts are fed by excess earnings from retirement system investments.

Supporters of the bills said that it is more important to pay down the systems' unfunded accrued liability than it is to provide COLAs for retirees. Opponents pointed out that an agreement was made in 2009, when the experience accounts were last tapped for the UAL, not to raid them again.

LFT Legislative Director Mary-Patricia Wray pointed out that the UAL exists not because of benefits paid to retirees, but because the state has historically failed to contribute enough money to the funds.

Members of the panel voted down HB 40 by Retirement Committee Chairman Rep. Kevin Pearson (R-Slidell), which would have affected the State Employees' Retirement System. Rep. Pearson then voluntarily deferred his HB 41 (State Police Retirement System) and HB 43 (Teachers' Retirement System).

Another bill, HB 42 by Rep. Pearson, was approved to sweep the School Employees Retirement System's experience account to assist school systems with the rising cost of pensions.

The committee also rejected a bill aimed at directing more of future retirement system earnings to the UAL instead of the experience accounts. HB 86 by Rep. Barry Ivey (R-Baton Rouge) would have affected the state employees, teachers, school employees and state police experience accounts.

## **Retirement panel takes a slap at union employees**

A bill approved by the House Retirement Committee on Thursday is aimed at discouraging members of the Teachers' Retirement System of Louisiana from working for the Louisiana Federation of Teachers and other unions and advocacy groups.

Under current law, teachers who work for LFT, LAE and others retain their membership in the retirement system. That is a longstanding courtesy for retirement system employees who go to work for an education-related organization like LFT.

HB 25 by Rep. Kirk Talbot (R-River Ridge) says that future employees of LFT, LAE, A+PEL and the Louisiana Resource Center for Educators cannot become members of TRSL, and cannot remain members if they are already in the system.

The committee voted 6—3 to approve the bill. LFT Legislative Director Mary-Patricia Wray said the bill is punitive. “It’s aimed at making people not want to come to work for these organizations,” she said.

## Will higher education funding jeopardize the arts?

A new funding formula for higher education could jeopardize the traditional role of colleges in creating educated, well-rounded citizens, according to Louisiana Federation of Teachers President Steve Monaghan.

The LFT president voiced that concern in testimony opposing SB 377 by Sen. Conrad Appel (R-Metairie) in a meeting of the Senate Education Committee. The bill seeks to base the funding that colleges receive on a series of performance measures tied to workforce development, one of the key buzzwords of this year’s legislative session.

Monaghan opposed the bill based on a section that would base funding in part on schools’ concentration on course offerings aimed at high-demand careers.

“We oppose the bill, but not the intent,” Monaghan said. “We don’t want to see the unintended consequences of universities being so aligned with workforce development that they neglect the other things that universities do.”

The bill was approved by the committee without objection.

## Senate okays single college application bill

A bill that would create a single application process for all Louisiana colleges and universities was approved by the full Senate. SB 62 by Sen. Conrad Appel (R-Metairie) would require Louisiana’s higher education institutions to agree on a single application that can be electronically transmitted to several schools. The bill will be heard next by the House Education Committee.

## College board transparency moves forward

The Southern University and University of Louisiana systems are the only state college boards to broadcast video of their meetings and archive the broadcasts for future viewing. That will change if SB 81 by Sen. Sherri Buffington (R-Keithville) continues its progress.

The bill, which was approved by the Senate Education Committee, would require the LSU and Community and Technical College systems to upgrade their technology and broadcast their meetings. The bill moved forward over system objections that it would be too expensive.

## The week ahead

### Monday, March 24

**House Appropriations Committee:** HB 137 by Rep. Kenneth Havard (R-Jackson) would allow the Louisiana Engineering Society to collect its dues from public employees through payroll deduction. LFT will monitor this bill. It would grant payroll deduction to an employee association at the same time that some lawmakers consider bills to take away the payroll deduction option for LFT.

**Senate Retirement:** SB 19 by Sen. Elbert Guillory (R-Opelousas) provides for a cost of living adjustment for members of the Louisiana Employees’ Retirement System. LFT supports this bill. Many members of LSERS live in poverty, despite having worked as support employees for more than 15 years

SB 21 by Sen. Guillory provides for a COLA for members of the Teachers Retirement System of Louisiana. LFT supports this bill. It will be the first COLA for current retirees in five years.

### Tuesday, March 25

**House Civil Law:** HB 181 by Rep. Randall Gaines (D-LaPlace) and Senator Bob Kostelka (R-Monroe) is part of LFT’s legislative agenda. The bill will bring transparency to the process by which injunctions against the state are granted in particular types of litigation. It will prevent appointed officials from falsely certifying that the grant of an injunction

would create a deficit, so that plaintiffs who sue the state can have better access to justice. The bill is also likely to produce substantial savings to the state in the future.

### **Wednesday, March 26**

**House Education:** HB 242 by Rep. James Armes (D-Leesville) is part of LFT's package. It will ensure that when school employees are asked to serve in a role as substitute teacher or to complete duties outside the scope of their job description, that they are compensated at the rate of a substitute teacher. The bill will also require local districts to establish a uniform way for an employee to report when they have been asked to serve in the role of substitute.

HB 946 by Rep. John Schroder (R-Covington) governing student data protection will be heard again. Details of an agreement between the department of education and the author are still pending. They attempted to work out language to ensure that the department of education could continue to comply with federal law, and receive federal funds. LFT supports this bill and encourages amendments to prevent loss of federal funding.

Three other bills on student data sharing are also scheduled: HB 555 by Rep. Cameron Henry (R-River Ridge), HB 560 by Rep. Barry Ivey (R-Baton Rouge) and HB384 by Rep. Greg Cromer (R-Slidell).

**House and Government Affairs:** HB 424 by Rep. Ledricka Thierry (D-Opelousas) would authorize the legislative auditor to conduct audits of voucher schools. LFT supports this bill. The legislative auditor already conducts these audits, but this bill will explicitly authorize it.

HB 592 by Rep. Marcus Hunter (D-Monroe) is a Constitutional Amendment that would allow municipalities to adopt their own minimum wage. LFT supports this bill.

**CORRECTION:** An article in last week's *Legislative Digest* incorrectly characterized the LFT position on a bill. The correct version of the article is here:

## **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.