

Louisiana Federation of Teachers

Weekly Legislative Digest

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Data protection bill approved by committee

Efforts to protect student data from improper access moved ahead when the House Education Committee approved HB 1076 by Rep. John Schroder (R-Covington). The bill is a substitute for Rep. Schroder's HB 946, the subject of emotional testimony in a March 12 hearing that ended with the voluntary deferral of the bill and a pledge to find a compromise version.

Supporters of the bill 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. Third parties, they said, can easily access personal information about public school students.

Opponents said that passage of the bill could prohibit collecting information that the federal government requires. That could jeopardize hundreds of millions of dollars in federal funding for schools. There was also concern that the bill could stop the collection of data used to determine TOPS awards and other financial aid for college-bound students.

In an effort to satisfy both sides, the new version limits access to student data and requires the Department of Education to create a system of identification numbers for public school students instead of using social security numbers. The bill provides for penalties including fines and imprisonment for violations.

LFT supports the bill, which was recommended favorably without objection.

Three similar bills have been voluntarily deferred, but remain on the calendar in case the need arises.

Senate panel approves COLAs for retirees

About 100,000 retired public servants, including teachers and school employees, are closer to receiving a cost of living adjustment to their retirement benefits.

The Senate Retirement Committee approved a package of bills aimed at funding COLAs from the experience accounts of retirement systems for teachers, school employees, state employees and state police. The increases amount to a bit less than \$30 per month for each retiree.

The bills, SB 16, SB 18, SB 19 and SB 21, are all authored by the chair of the Senate Retirement Committee, Sen. Elbert Guillory (R-Opelousas). Because of the way Sen. Guillory linked the fates of the four bills, all of them must pass in order for any of the retirees to get a COLA.

The bills must pass by a two-thirds majority vote in both houses of the legislature and be signed by Gov. Jindal before the COLAs go into effect.

Substitute wage bill wins approval

The House Education Committee gave unanimous approval to an LFT-sponsored bill that allows school employees to be paid the full rate of a substitute teacher when they are asked to sub or to take on other duties outside their scope of their job description.

HB 242 by Rep. James Armes also requires local school systems to establish a uniform way for employees to report when they serve as substitutes.

LFT Legislative Director Mary-Patricia Wray testified on behalf of the bill, saying that it is only fair to pay employees for the extra work they are asked to do. The bill will be heard on the House floor.

Truth and transparency bill temporarily stalls

A bill aimed at making sure that appointed officials tell the truth in affidavits stalled this week when it was voluntarily deferred in the House Civil Law Committee.

HB 181 by Rep. Randal Gaines (D-LaPlace) and Sen. Bob Kostelka (R-Monroe) would 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 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. HB 181 would allow courts to decide if an affidavit is factual.

The bill was voluntarily deferred to work out some amendments.

School district secession bill proceeds

A bill aimed at making it easier for school districts to fracture passed the Senate Education Committee without objection. SB 354 by Sen. Bodi White is a proposed constitutional amendment inspired by thus far unsuccessful efforts to create a new school district in southeastern East Baton Rouge Parish.

Under current law, several conditions must be met before a section of a school district is allowed to secede. A new district must be defined by constitutional amendment, which requires a two-thirds vote of both houses of the legislature and approval by a majority of the voters in the state.

In addition, the constitution has usually been interpreted to mean that a new school district must be inside a defined political subdivision such as a city or parish. A petition drive is now underway to create a new city in southeastern East Baton Rouge Parish.

Sen. White's proposal would amend the constitution to say that any system created by the legislature would be eligible to receive public education funds.

LFT opposes the bill because creation of new school systems has a negative effect on funding for districts across the state.

The bill now moves to the Senate floor for action.

Panel rejects tenure reform bill

A proposal to loosen the restrictions placed on teacher tenure by Act 1 of 2012 stalled when no members of the Senate Education Committee would move to either approve or defer the bill.

Under Act 1, teachers must be rated "highly effective" for five out of six years in order to earn tenure, and those who have tenure automatically lose it if they are rated "ineffective" even once.

SB 94 by Sen. Rick Gallot (D-Ruston) would grant tenure to teachers who are rated highly effective for three consecutive years, and revoke it for teachers rated "ineffective" for two consecutive years.

In the 2024-25 school year, when new education accountability standards are completely phased in, the law would revert to the Act 1 of 2012 rule.

LFT President Steve Monaghan said the bill is a "modest proposal" that should help teachers who are already stressed by the confusion caused by the imposition of new standards.

“Constant change has disrupted faith in the system itself,” Monaghan said.

The only testimony against the bill came from a spokesperson for the Louisiana Association of Business and Industry. When Committee Chair Sen. Conrad Appel (R-Metairie) asked for a motion on the bill, there was no response from the panel.

Dues deduction for engineers approved, and why it’s important

The House Appropriations Committee approved without objection a bill allowing professional engineers employed by the state to pay their Louisiana Engineering Society dues by payroll deduction.

Why is HB 137 by Rep. Kenneth Havard (R-Jackson) being reported in the LFT’s Weekly Legislative Digest? Because this week yet another bill, HB 1059 by Rep. Kirk Talbot (R-River Ridge) was introduced that would prohibit the LFT and other public sector unions from collecting dues via payroll deduction.

That brings to four the total number of bills aimed at making it difficult for unions to collect the dues that finance their operations. If HB 137 is adopted, it would be further proof that some lawmakers want to single out unions for unfair treatment, while allowing payroll deductions for various other purposes.

Jindal budget raises funding for technical and community colleges

Community and technical colleges will see a \$6.1 million increase in funding under the higher education budget proposed by the Jindal administration, the Senate Finance Committee was told this week.

According to Commissioner of Administration Kristi Nichols, the money will be directed toward schools with a rapid growth rate. Nichols specifically mentioned Baton Rouge Community College, Delgado Community College and Bossier Parish Community College as recipients of the funds. It should help the schools’ ability to compete for a share of some \$40 million that the governor had previously earmarked for schools that offer courses aligned with the state’s workforce needs.

That \$40 million is not new funding; it supplants an appropriation for operations and maintenance that is in the current year’s budget.

All told, the governor has proposed a higher education funding increase amounting to \$142 million for next year, finally reversing a five-year trend of annual budget cuts.

But that figure can be deceiving. About \$88 million of the increase will come from tuition increases. According to a report from the Louisiana Budget Project, that means the actual increase of state funds to higher education’s \$2.6 billion budget is just \$14 million.

[Click here to see the Louisiana Budget Project’s analysis of the higher education budget.](#)

Unconstitutional creationism bill to remain on the books

A bill to repeal a law requiring the teaching of creationism in Louisiana science classes was overwhelmingly rejected by the Senate. That law, the Creation Science and Evolution Science Education Act, was declared unconstitutional by the U.S. Supreme Court in 1987.

The repeal bill, SB 70 by Sen. Dan Claitor (R-Baton Rouge) had been forwarded to the Senate without any recommendation and after little debate by the Senate Education Committee.

Why would lawmakers retain a law that has been declared unconstitutional by the highest court in the land? Supporters of creationism as science are hopeful that the Supreme Court may one day change its ruling, and want to have a law already enacted to promote creationism in Louisiana schools.

Bills that expand tax credits are deferred

Two bills that would expand tax credits and help abandon public education were voluntarily deferred by their author in the House Education Committee.

HB 779 and HB 780 by Rep. Kirk Talbot (R-River Ridge) would have expanded tax rebates for contributions to nonpublic schools and given rebates for donations to cover the tuition of students whose parents believe they are “unsafe” in public school.

LFT opposed these bills because they encourage the abandonment of public schools and do nothing to help make public schools better funded and more successful.

Senate passes textbook adoption bill

A bill that sets new rules for textbook adoption was passed by the Senate and sent to the House for further action.

SB 336 by Sen. Conrad Appel (R-Metairie) establishes an online review process for new textbooks, but leaves most of the decisions about who will review the materials up to the Board of Elementary and Secondary Education.

LFT opposes the bill because it differs from the recommendations made by a textbook task force in which the Federation participated.

The bill does not establish a cycle for the purchase of textbooks, doesn't provide for a textbook depository to ensure that school systems get the benefit of volume purchases, and gives BESE wide latitude over selecting the stakeholders who will be involved in the review.

In a related issue, the House Education Committee approved HB 690 by Rep. Chris Broadwater (R-Hammond), which would allow school districts to set up cooperatives to buy instructional materials at a group rate. LFT supports this bill.

Sick leave bill progresses; LFT questions unintended consequences

After winning approval by the Senate Education Committee, bill that could affect the benefits allowed to teachers who are assaulted on the job was adopted by the full Senate and sent to the House side for further action.

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 opposed the bill in committee. The Federation is waiting to see if it is amended to prevent unintended consequences that could mean teachers who are injured on the job do not have the choice to use all of their sick leave before using workers' compensation benefits, which are lower than full salary.

House blocks bill barring union employees from retirement system

A second bill that would prevent future employees of the Louisiana Federation of Teachers and three other organizations from participating in the Teachers' Retirement System of Louisiana was blocked in the House of Representatives.

HB 45 by Rep. Alan Seabaugh (R-Shreveport) is similar to another bill, HB 25 by Rep. Kirk Talbot, which was approved by the House Retirement Committee earlier in the session and sent to the House for a vote.

Because Rep. Seabaugh requested a hearing for his bill less than 24 hours prior to a retirement committee meeting, it required a two-thirds vote in the House to suspend the rules. A largely party-line vote, in which most Democrats voted “no,” denied Rep. Seabaugh the opportunity to hear his bill in committee.

Higher Ed retirement bill advances

Higher education faculty members of the Teachers' Retirement System's optional retirement plan will get an increase in the employer's share of contributions if HB 6 by Rep. Kevin Pearson (R-Slidell) continues its progress.

Over a four-year phase-in, the bill will increase the employer's share from 5.5% to 6.2%, which is still lower than the 6.8% contributed by many other schools across the country.

The bill was approved without objection after being amended, and will proceed to the House floor.

Share My Lesson reaches milestone, offers free lesson plans

Share My Lesson has reached a milestone of 300,000 user-generated online lesson plans and other classroom resources. It is now the largest digital collection of free materials for educators, paraprofessionals, parents and community

organizations. The joint venture between the American Federation of Teachers and TES Connect, which launched in June 2012, has a community of more than 480,000 registered users.

Just recently, Share My Lesson posted "[Care Packages](#)," making it easier than ever for users to find the most applicable resources for their classroom. The virtual Care Package is specified by grade or subject and features relevant Common Core-aligned resources for each category.

Share My Lesson allows educators to collaborate with each other through the sharing of teaching and learning best practices. Resources are easily accessible and quality checked through a peer-review process.

House panel defers bills

The House and Governmental Affairs Committee voluntarily deferred two bills that had been endorsed by LFT.

HB 424 by Rep. Ledricka Thierry (D-Opelousas) would authorize the legislative auditor to conduct audits of schools that accept vouchers. The auditor already conducts such audits, but this bill would have explicitly authorized the practice.

HB 92 by Rep. Marcus Hunter (D-Monroe) is a proposed constitutional amendment that would allow municipalities to adopt their own minimum wage practices.

The week ahead

Monday, March 31

House Ways and Means Committee:

HB 780 by Kirk Talbot (R-Iberia) expands the now uncapped tax rebates for donations to private schools, by allowing for eligibility of any student whose parents deem them to be unsafe in a public school. LFT opposes this bill.

Senate Finance Committee:

SB 19 and SB 21 by Sen. Elbert Guillory (R-Opelousas), which grant COLAs to retired members of the Louisiana School Employees Retirement System and the Teachers Retirement System, will be considered. These bills have already passed out of Senate Retirement and are fully funded with investment earnings from the Experience Accounts of both systems. LFT supports these bills.

Senate Retirement Committee:

SB 29 by Mike Walsworth (R-West Monroe) would allow diagnosticians and reading specialist to return to work without forfeiting their pension during reemployment. LFT supports this bill, and acknowledges the significant actuarial cost that would be created by its passage.

SB 555 by Blade Morrish (R-Jennings) allows all retirees 65 and older to return to work without suspending their benefits. LFT supports this bill, but its actuarial cost makes it unlikely to be adopted.

Wednesday, April 2

House Education Committee:

A whole package of bills aimed at the Common Core Curriculum will be considered by the committee. HB381 by Brett Geymann (R-Lake Charles) would create a commission, of which LFT would be a member, to design new state-based content standards. Of all the "common core opt out" bills, this one is closest for a plan to replace those standards with new ones. For that reason, LFT supports this bill.

Also being heard this week in House Education are HB 558 by Rep. Cameron Henry (R-Metairie), HB 996 by John Schroder (R-Covington) and HB 163 by Henry Burns (R-Mandeville). All of those prohibit the implementation of PARCC tests, and require use of LEAP tests instead. HB 988 by Rep. Schroder allows local school districts to develop and implement their own curriculum content. HB 1054 by Rep. Jerome "Dee" Richard (No party- Thibodaux) would require all public and voucher school teachers to take Common Core Aligned assessments themselves before administering them to students.

House Health and Welfare Committee:

HCR 1 by Rep. John Bel Edwards (D-Amite), HB 174 by Jared Brossett (D-New Orleans), HB 759 by Rep. Barbara Norton (D-Shreveport), and HB 261 by Rep. Herbert Dixon (D-Alexandria) would all expand Medicaid to provide health coverage for those who aren't eligible for a subsidy under the Affordable Care Act, but are also too poor to afford health insurance on their own. That would bring an additional \$15 billion worth of health care dollars to Louisiana. LFT has supported Medicaid expansion in our state for some time. Expanding Medicaid will bring jobs to Louisiana, and stop the flow of our federal tax dollars to other states to cover their uninsured citizens.

House and Governmental Affairs:

HB 374 by Rep. Brett Geymann (R-Lake Charles) would make all BESE positions elected. LFT supports this bill.

Thursday, April 3

House and Governmental Affairs Committee:

HB 322 by Rep. Sam Jones (D-Franklin) would require all rulemaking bodies in Louisiana, including BESE, to publish a rulemaking docket to give notice to the public of deadlines for public comment on rules in development. Rules promulgated by state agencies have the force and effect of law, and citizen involvement is often hampered by the difficulties associated with accessing information about rules and regulations as they move towards final adoption. This bill will help ease the challenges to concerned citizens who want to have an impact on agency rulemaking. The bill is part of LFT's legislative package.