

Louisiana Federation of Teachers

Weekly Legislative Digest

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2013 Regular Legislative Session

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Confusion reigns in MFP debate

Just hours after the Senate Education Committee voted to send the Minimum Foundation Program formula back to the Board of Elementary and Secondary Education on Wednesday, BESE President Chas Roemer submitted a different version of the document for the board to consider.

Roemer said there is no need for BESE to reconsider the formula in Senate Concurrent Resolution 23 because the version of the MFP that had been considered by the committee was not the one that was adopted by BESE last March.

In a letter to Education Committee Chairman Conrad Appel (R-Metairie), Roemer wrote, "It should be noted, the language submitted to the legislature on March 15, 2013, inadvertently included language from an earlier working draft of the MFP formula, which was never considered by the board."

Sen. Appel said that Roemer's explanation satisfied his legal experts, and that the committee will push ahead with its deliberations on the MFP.

When Sen. Appel moved to return the MFP to BESE, however, it was also recommended that the education board reconsider the special education section of the formula. Sen. Dan Claitor (R-Baton Rouge) asked BESE to make sure that proponents of special education programs are consulted as the board rewrites the formula. That will not happen.

Capitol watchers are wondering what impact the incompetence of the BESE staff in sending over the wrong version of the MFP will have on the ultimate fate of the formula. It is already on shaky ground because of concerns in the special education community. Members of the AFT Action Center bombarded the Senate Education Committee with messages of opposition to the resolution.

Jindal fudges truth in voucher speech

Making his first public speech in Baton Rouge since opening the legislative session in April, Gov. Bobby Jindal claimed without a trace of evidence that, thanks to his voucher scheme, "children have a chance to have a better quality of life than their parents have."

Jindal was speaking to a few hundred voucher supporters who were bused to the capitol by the Black Alliance for Education Opportunities, a well-funded national faux-grass roots organization established to push for vouchers.

The rally was held to coincide with a meeting at which the Senate Education Committee was debating the Minimum Foundation Program. The State Supreme Court ruled last week that MFP funding cannot be used for vouchers or "course choice" offerings, and the crowd was at the capitol to demand alternate sources of money for Jindal's radical education experiments.

LFT President Steve Monaghan questioned the governor's faith in vouchers.

"We test our children in public schools, we hold them accountable to pass high-stakes tests. They're not doing that in the voucher schools. That fails under the fairness test," he said.

It would be really nice," Monaghan said, "if the governor had a rally on behalf of the 700,000 children that are in public schools. They need that champion out there fighting for them, too."

Voucher ruling means state owes school boards money

The state will have to refund some \$30 million to local school districts because of a State Supreme Court ruling that private and religious school vouchers were unconstitutionally funded.

Earlier this month, the high court ruled in agreement with the LFT and others that Gov. Bobby Jindal's voucher scheme could not be funded by public education's Minimum Foundation Program. The court also ruled that last year's MFP was improperly adopted, and therefore void.

Superintendent of Education John White said at a press conference that the state funding plan must revert to the last constitutionally acceptable formula, which was adopted in 2011-12.

"When you reset the clock, the state owes the districts money," White said.

The superintendent said that \$12 million must be repaid to districts because they took a reduction in funding because of the voucher scheme. Locals are also due \$14.5 million to recoup losses from an improper requirement that they pay for eight charter schools that had previously been supported by the state. The rest of the money owed to districts comes from a refund of money paid to statewide schools in New Orleans and Natchitoches, and for visually and hearing impaired students.

State gets \$129 million windfall

Louisiana got a small break from dire financial predictions when the State Revenue Estimating Conference announced a \$129 million bump in anticipated revenue for the fiscal year that ends on June 30. The REC also said that next year's projected revenue will increase by \$155 million over previous estimates.

The extra money was attributed to an increase in income tax collection as a result of Louisiana's strong labor market. Sales tax collections, however, are expected to be below previous estimates because people are still leery of spending money in the wake of the recent recession.

Oversight bill deferred, may come back

A bill that would require legislative oversight of changes to rules for computing school performance scores was voluntarily deferred by its author, and may yet be heard this session.

HB 346 by Rep. Jerome "Dee" Richard (I-Thibodaux) was facing defeat in the House Education Committee, so Rep. Richard asked that it be returned to the calendar. It can be recalled by the author; LFT supports the bill.

School secession bills win committee approval

Bills that would create a breakaway school district in East Baton Rouge Parish were approved by the House Education Committee and sent to other committees for a vote.

LFT opposes SB 199 and SB 73, both by Sen. Bodi White (R-Central). If both bills pass, voters across Louisiana will decide a constitutional amendment to approve creation of a new school system in the southeastern part of the parish. Opponents fear that the bill will further Balkanize a school district that has already seen three municipalities create their own school districts.

SB 73, the constitutional amendment, will be heard by the House Civil Law and Procedure Committee. If it gets to the House floor, it must pass by a two-thirds vote.

SB 199, the amendment's enabling act, needs only a majority vote to pass. It will be heard by the House Appropriations Committee.

[Please click here to sign a petition opposing the breakaway.](#)

One other bill dealing with breakaway school districts was returned indefinitely to the House calendar. HB 206 by Rep. Gene Reynolds (D-Minden) would do away with the requirement that a district secession be approved statewide, and would only require a vote in the affected area.

LFT opposed the bill because when a district secedes, it affects the MFP calculations for school districts across the state, and therefore is a statewide issue.

Special needs testing bill proceeds

A bill that would allow parents of special needs children to opt out of taking the high-stakes ACT test was approved by the House Education Committee and sent to the floor for a vote. SB 127 by Sen. Gary Smith (D-Norco) has already passed the Senate.

Bill would reduce state contracts

A bill that would reduce all state contracts for consulting services, as well as personal and professional services, by 10 percent was approved by the House Appropriations Committee and sent to the floor for a vote. LFT supports HB 783 by Rep. Jerome “Dee” Richard (I-Thibodaux).

Breast feeding accommodation bill moves forward

A bill allowing nursing mothers to pump breast milk in private and under sanitary conditions has cleared most legislative hurdles and is expected to become law.

HB 635 by Rep Patrick Williams (D-Shreveport) requires schools to provide “an appropriate, private room, other than a restroom, that may be used by an employee to express breast milk.”

The bill also says that schools must give teachers a reasonable amount of time to express breast milk for up to a year after the birth of the child

The bill was requested by Red River United, an affiliate of the LFT, and is part of the Federation’s legislative agenda. The bill has passed both the House and Senate, and is awaiting only concurrence on technical amendments before it goes to Gov. Jindal for his signature.

Equal pay bill fails by one vote

A bill that would have required employers to pay women the same amount as men for performing the same job failed by one vote in the Senate.

Sen. Ed Murray (D-New Orleans) said he filed SB 153 because Louisiana ranks next to the bottom when comparing women’s pay to that of men. In Louisiana, he said, women make just 69 percent of what men earn for the same job.

One senator, Conrad Appel (R-Metairie) said he was voting against the bill at his wife’s request. Because she earns more than the men with whom she works, Sen. Appel said, his wife fears that the law could force businesses to pay everyone the same amount.

Action on retirement bills

Several retirement bills were acted upon in the legislature this week.

HCR 2 by Rep. Joe Harrison (R-Gray) was approved by the Senate Retirement Committee. The resolution would suspend Gov. Bobby Jindal’s plan to impose a 401(k)-type retirement plan on new state employees for one year. The controversial plan is now before the State Supreme Court in order to determine its constitutionality. In addition, the plan is under investigation by the Internal Revenue Service which could require participants and their employers to participate in Social Security as well as the state plan. Passage by the full Senate will be the resolution’s final step; the governor cannot veto suspension resolutions.

SCR 1 by Sen. Page Cortez (R-Lafayette) was approved by the House Retirement Committee. It accomplishes the same goal as HCR 2 by suspending the cash balance plan for a year.

HB 68 by Rep. Kevin Pearson (R-Slidell) has been renamed HB 729, and was approved by the House Retirement Committee. LFT opposes the bill, which is essentially a rewrite of Gov. Jindal's cash balance plan. It would be suspended if it passes and HCR 2 is also adopted.

HB 42 by Rep. Major Thibaut (D-New Roads) was unanimously approved in the House of Representatives. This bill will provide more time for districts that privatize services in their districts to pay back monies owed to the retirement system related to the unfunded accrued liability, as required by current law. It will move to the Senate Retirement Committee; LFT opposes this bill.

HB 46 by Rep. Ed Price (D-Gonzales) was approved by the Senate Retirement Committee and sent to the Senate floor. This bill would provide a cost of living adjustment for members of the School Employees Retirement System, paid for out of the system's experience account.

HB 767 by Rep. Alan Seabaugh (R-Shreveport) was passed by the House and sent to the Senate Retirement Committee. The bill would prohibit future employees of the LFT, LAE, Louisiana School Boards Association and High School Athletic Association from being members of the Teachers Retirement System of Louisiana.

HB61 by Austin Badon was voluntarily deferred in the House Retirement Committee. The bill would split the benefit for employees who see a certain percentage increase in one year. LFT opposed this bill.

SB16 by Sen. Gerald Long (R-Winnfield) was unanimously approved by the Senate. The bill would allow higher education institutions to contribute to the cash balance plan at a higher rate, enabling them to better recruit faculty. LFT supports this bill, which moves to the House Retirement Committee.

Baton Rouge Federation honors activists

The East Baton Rouge Federation of Teachers honored community activists for their efforts on behalf of public education at EBRFT's end-of-the-year building representative meeting.

Among those receiving certificates from President Carnell Washington were Dawn Collins, chairperson of the East Baton Rouge Parish Democratic Party; Dr. Belinda Davis, organizer of One Community One School District; Michael McLanahan, president of the East Baton Rouge Parish chapter of the NAACP; and LFT President Steve Monaghan.

The week ahead...

Tuesday, May 21

HB 625 by Rep. Randal Gaines (D-LaPlace) will be heard in the House Education Committee. The bill provides for termination proceedings under current evaluation system. LFT supports this bill.

HB648 by Rep. Steven Pylant (R-Jackson) will be heard in the House Education Committee. The bill would require everyone to take one virtual/online course towards graduation. LFT opposes the bill.

HB 129 by Rep. Vincent Pierre (D-Lafayette) will be heard in the House Education Committee. The bill would prohibit the termination of a teacher or school employee based on their evaluation prior to the completion of all 100% of the evaluation.

Wednesday, May 22

SB 16 by Sen. Gerald Long (R-Winnfield) will be heard by the House Retirement Committee. The bill would allow higher education institutions to make higher employer contributions to the cash balance plan. LFT supports this bill.

HB 646 by Rep. Pat Smith (ED-Baton Rouge) is scheduled for debate on the floor of the House. The bill deals with discipline. Several amendments to the bill will be offered in an effort to resolve issues related to the bill's its possible, although unlikely, impact to the ability of teacher's and principal's to discipline students.