

# Louisiana Federation of Teachers

# Weekly Legislative Digest

May 22, 2015

Steve Monaghan, President \* Les Landon, Editor

2015 Regular Legislative Session

---

Now available on the Web at <http://la.aft.org>

## House okays budget, but fight's not over

The House of Representatives passed off a hot potato to the Senate on Thursday, sending over a \$24.3 billion spending plan that sets up a fight for scarce revenues.

HB1 by Rep. Jim Fannin (R-Jonesboro) includes a hodge-podge of budget cuts and revenue raising measures, some of which are heavily opposed by the business community. The budget proposal claims to fully fund higher education, but leaves big questions unanswered about paying for health care.

Funding for public education's \$3.7 billion Minimum Foundation Program is apparently intact. The formula was approved last February by the Board of elementary and Secondary Education. It includes some \$50 million to pay for an increased student enrollment. The MFP also includes \$34 million for an inflation factor, about half of what would be there if the old 2.75% growth estimate had been utilized.

Even though funding is included in the proposed budget, the MFP resolution itself has not made it all the way through the legislative process. HCR 18 by Rep. Steve Carter (R-Baton Rouge) will be heard by the House Appropriations Committee on Tuesday.

As the session opened, lawmakers faced a \$1.6 billion gap between expected revenues and expenses. That has been narrowed by a series of proposed budget cuts to agencies and increases in taxes and rollbacks of tax exemptions. All must be approved by lawmakers and then survive the possibility of vetoes by Gov. Bobby Jindal.

The governor has said that he will veto a budget that is not revenue neutral or that raises taxes, but has apparently made an exception in the case of a proposed cigarette tax that is making its way through the process.

The budget deal is so tentative that Rep. John Bel Edwards (D-Amite) urged his colleagues to vote against it, saying the budget is only balanced "in theory." The final vote was 65-35, five votes short of what would be needed to override a gubernatorial veto.

The Senate Finance Committee will consider HB 1 on Monday.

## Common Core's grand bargain moves ahead

The House Education Committee approved the third pillar of a three-part compromise aimed at quelling dissatisfaction over the state implementation of Common Core State Standards and related high-stakes tests.

HB 542 by Rep. John Schroder (R-Covington) was unanimously approved. The bill says that no more than 49.9 percent of questions on next year's tests can come from the Partnership for the Assessment or Readiness for College and Careers (PARCC) blueprint. It also prohibits the state from contracting with PARCC to provide the state tests.

To the astonishment of teachers in the audience, State Superintendent of Education John White testified that state testing only consumes three days of instruction during the year. He was contradicted by LFT President Steve Monaghan, who displayed a long list of tests given in just one parish.

The bill is scheduled for hearing by the full House on May 27.

Other bills in the package include HB 373 by Rep. Brett Geymann (R-Lake Charles), would direct how the state education board plans to overhaul current curriculum standards. It will be heard by the full House on May 27.

SB 43 by Sen. Conrad Appel (R-Metairie) spells out how BESE's changes will be shepherded through the process dictated by the Administrative Procedures Act. It has been approved by the full Senate and sent to the House for committee referral.

## **Retirement compromise won't satisfy local school boards**

A bill that would have allowed higher education institutions to withdraw from the Teachers' retirement System of Louisiana was heavily amended in an effort to appease local school boards. The compromise version will probably not satisfy school boards that fear a huge bump in retirement costs if the bill becomes law, however.

As originally written, SB 18 by Sen. Robert Adley (R-Benton) would have allowed colleges and universities to pay off their portion of the Teachers' Retirement System of Louisiana's unfunded accrued liability, and then withdraw from the pension system.

Sen. Adley contended that higher education pays a disproportionate share to TRSL. He was supported by higher education officials who have wrestled with huge budget cuts over the past eight years.

But the Senate Retirement Committee was told by school boards that the move would cost local systems an additional \$83 million a year. School Boards Association Executive Director Scott Richard noted that state funding for K-12 education has been stagnant during most of Gov. Bobby Jindal's administration.

An amendment to the bill stipulated that its provisions could not go into effect unless the legislature appropriates an additional \$83 million to local school systems to make up the difference. The bill was then approved by the committee on a 4-2 vote and sent to the Senate floor for further action.

School boards are expected to continue their opposition to the bill, believing that the additional funding could be undone in future legislative sessions.

## **Senate approves weakened school suspension bill**

A bill that would have prohibited school boards from suspending or expelling very young offenders was approved by the Senate after being scaled back by its author.

Sen. Sharon Broome (D-Baton Rouge) initially intended her SB 54 to ban out-of-school suspensions for kindergarten through third graders. It met with fierce resistance from local school boards and educators, who said the bill would prevent them from handing out appropriate punishment to disruptive students.

Some other discipline options, such as in-school suspensions, have been reduced or eliminated for lack of funding.

Sen. Broome, who said her bill was intended to shut down the "school-to-prison pipeline," scaled back her bill to only ban out-of-school suspensions for school uniform violations. The amended bill passed the Senate on a 23-4 vote, and was sent to the House for committee referral.

The senator said she plans to work with various organizations to identify funds that will support intervention programs that will help improve discipline in schools without removing children.

## **Panel okays whole child initiative resolution**

A resolution pending in the House of Representatives would ask public agencies to adopt the Whole School, Whole Community, Whole Child Initiative developed by the US Centers for disease Control and Prevention.

The LFT has long urged leaders to consider multiple factors that have an influence on the progress of children in schools. The WSWCWC Initiative includes 10 components: health education, nutrition environment and services, employee wellness, social and emotional school climate, physical environment, health services, counseling, psychological and social services, community involvement, family engagement and physical activity.

SCR 34 is sponsored by Sen. David Heitmeier (D-New Orleans). It has already been approved by the Senate and the House Education Committee.

## **House to consider charter school funding bill**

A bill that would require most charter schools to accept the same proportion of special needs students as other public schools in the district was approved by the House Education Committee, and awaits action by the full House.

In filing SB 267, Sen. Dan Claitor (R-Baton Rouge) said that many charter schools receive the same MFP allotment as other public schools in the district, but do not serve as many special needs students as the others.

An amendment to the bill stipulates that it will not go into effect until the 2016-17 school year.

## **Bill returning RSD schools to Orleans Parish fails**

The House of Representatives rejected a bill that would have returned formerly failing schools from the Recovery School District to the Orleans Parish School Board.

Rep. Joe Bouie (D-New Orleans) said that his HB 166 was intended to respect the original intent of RSD, which was to get struggling schools back on their feet and return them to the local school board. Since Hurricane Katrina, he said, the RSD has become a permanent bureaucracy that is unaccountable to local citizens and has retained permanent control of schools.

Opponents said that the Orleans Parish School Board is not prepared to manage the schools. Although the bill was approved by the House Education Committee, it was trounced on the House floor on a 31-60 vote.

## **Oversight for tax exemptions?**

Efforts to oversee the effects of tax exemptions on the budget are under consideration.

SB 222 by Sen. Jack Donohue (R-Mandeville) would require the state's Revenue Estimating Conference to monitor the tax expenditures (credits, rebates and other incentives) in 28 cases currently allowed by law. The forecast would include both the expense to the state and the benefits of each tax expenditure.

SB 222 was approved by the House Appropriations Committee and sent to the floor for further action.

A proposed Constitutional amendment in SB 75 and SB 78 by Sen. Fred Mills (R-Parks) would require any proposed tax exemption to be examined by a special review commission to determine whether it would result in a loss or gain in revenue to the state. The bills are slated to be heard by the Senate Finance Committee on Monday.

## **Resolution asks status of charter school teachers**

The State Board of Ethics will be asked to determine whether charter school teachers are public or private employees if SCR 20 by Sen. Ed Murray (D-New Orleans) is approved.

Many of the state's charter schools are managed by for-profit corporations, even though their charters are held by non-profit organizations, and they are considered public schools.

The resolution won approval by the Senate and Governmental Affairs Committee, and awaits action on the Senate floor.

The committee also approved HB 189 by Rep. Harold Ritchie (D-Bogalusa), which would switch the order in which fiscal and regular legislative sessions are held.

Currently, fiscal sessions are held in odd-numbered years. That means one a new legislature is elected, members must wait through a session before they can deal with fiscal issues. It also means that fiscal sessions are held in election years like this one. Capitol observers say that inhibits members' ability to deal with important issues while facing re-election.

Also pending final Senate passage after a hearing in the committee is SB 119 by Sen. Jonathan Perry, which would limit the number of proposed Constitutional amendments on any single ballot.

## **Amended voucher construction bill passes Senate**

A bill intended to create a construction fund to build or expand private and religious schools was approved by the Senate after being amended almost beyond recognition.

SB 249 by Sen. Rick Ward (R-Port Allen) passed the Senate Education Committee last week. It would have provided low-interest loans to voucher schools, not to exceed \$100,000, for construction purposes. The proposed loan fund would be administered by the Board of Elementary and Secondary Education.

Amendments to the bill removed specific references to non-public schools and made the fund available to public schools, which would have first call on available money.

The bill appropriates no money for the fund, which could be filled by private donations eligible for tax rebates to the donors.

## **Bill clarifies bus loading and unloading**

A bill that clarifies the meaning of existing rules for loading and unloading school buses was approved by the Senate Education Committee.

HB 695 by Rep. Neil Abramson is intended to fix an issue in existing law. If it passes, bus drivers would not be required to drop off or load students on a divided road on which oncoming drivers are not legally required to stop.

## **Farm-to-school bill proceeds**

The House Education Committee approved a bill aimed at making it easier for school cafeterias to purchase locally-grown food for their nutrition programs.

SB 184 by Sen. Francis Thompson (R-Delhi) encourages schools to use the simplified acquisition procedures already established in the US Department of Agriculture Farm to School Initiatives.

## **Author pulls bill limiting protected funds**

A bill that would have removed Constitutional protection from certain funds was voluntarily deferred by its author.

SB 196 by Sen. Jean-Paul Morrell (D-New Orleans) could have stripped the protection now enjoyed by the Minimum Foundation Program and other funds.

Over the years, a number of funds have been protected from cuts, either by Constitutional amendment or by statute. The result is that when cuts must be made, higher education and health care must take the brunt of the damage. Only about 13 percent of those are protected by Constitutional amendment; the rest have been given sanctuary by legislative action, and could be repealed by a vote of the legislature.

## **Bill would dedicate BP funds to higher education**

A bill approved by the House and the Senate Finance Committee would dedicate a portion of revenues from Deepwater Horizon Economic Damages Collection Fund to the Board of Regents, to be equitably allocated to public postsecondary education institutions in the state.

HB 386 by Rep. Walt Leger (D-New Orleans) would move 10 percent of the proceeds to Regents. Currently, the money is divided among the Budget Stabilization Fund, the Medicaid Trust Fund for the elderly and the Health Trust Fund.

## **House kills New Orleans sex ed bill**

A bill that would have required age-appropriate sex education for all New Orleans public school students was killed by the House of Representatives.

HB 359 by Rep. Wesley Bishop (D-New Orleans) would have applied to students in grades seven through 12 in New Orleans only. Current law allows, but does not require, sex education in those grades.

Rep. Bishop said that the education is necessary to combat teen pregnancy and sexually transmitted diseases in the city. Faced with heavy opposition from the Louisiana Family Forum and the Louisiana Conference of Catholic Bishops, the bill died on a 33-59 vote.

## **Report: State lacks oversight of charter schools**

A new report finds that the drastic growth of overinvestment in charter schools and underinvestment in oversight has left Louisiana's students, parents, teachers and taxpayers at risk of academic failures and financial fraud. The report,

“System Failure: Louisiana’s Broken Charter School Law” cites billions of taxpayer dollars plunged into charter schools since Hurricane Katrina hit, including over \$831 million in the 2014-15 school year alone.

Since 2005, charter school enrollment in the state has grown 1,188 percent. The Louisiana Department of Education’s Recovery School District, originally created to facilitate state takeover of struggling schools, is the first charter-only school district in the country.

The report identifies five fundamental flaws with the financial and academic oversight of Louisiana’s charter schools: - [To read the rest of this article, please click here.](#)

## **LFT Action Center moving to new platform**

The LFT Action Center, your home page for legislative information and action, is moving to a new platform on Monday, May 25. We’re looking for a smooth transition to the new system. This week marks the last time the Legislative Digest will be delivered to e-mail subscribers via the existing system, and our click-and-send message campaigns will also be migrated to the new platform.

## **The week ahead...**

### **Monday, May 25:**

The Senate Finance Committee meets at 1:00 P.M.

The Senate Revenue and Fiscal Affairs Committee meets at 2:00 P.M.

The Senate convenes at 4:00 P.M.

### **Tuesday, May 26:**

The House Appropriations Committee meets at 9:00 A.M. to discuss the Minimum Foundation Program.

The House Ways and Means Committee meets at 9:00 A.M. HB 70 by Rep. Walt Leger (D-New Orleans) would increase the earned Income Credit; SB 93 by Sen. Robert Adley (R-Benton) would remove the child tax credit.

### **Wednesday, May 27:**

The House Education Committee will meet at 9:00 A.M. to consider SB 28 by Sen. Troy Brown (D-Napoleonville), requiring schools to notify students that the State Library offers homework assistance, and SCR 92 by Sen. Dale Erdey (R-Livingston) dealing with school bus driver training rules.

The House and Governmental Affairs Committee will meet at 1:00 P.M. and consider SB 31 by Sen. Jean-Paul Morell (D-New Orleans), authorizing a survey of public school students in Orleans Parish regarding risk behaviors.

### **Thursday, May 28:**

The House Labor and Industrial Relations Committee will meet on adjournment to consider HB 677 by Rep. Marcus Hunter (D-Monroe), raising the state minimum wage, and SB 219 by Sen. Ed Murray, regarding for equal pay for women.