

Louisiana Federation of Teachers

Weekly Legislative Digest

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Steve Monaghan, President * Les Landon, Editor

2013 Regular Legislative Session

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Tell the Senate Education Committee to delay full implementation of COMPASS!

It's just wrong to judge teacher performance based on an inaccurate and unfair evaluation scheme.

[Please click here to learn more and tell members of the Senate Education Committee to approve HB 160!](#)

Senate education committee rejects MFP



LFT President Steve Monaghan urges the Senate Education Committee to reject the MFP.

“Procedurally and substantively, this is defective.” With those words, on Tuesday Sen. Dan Claitor (R-Baton Rouge) urged his colleagues on the Senate Education Committee to defer SCR 23, the \$3.46 billion Minimum Foundation Program formula.

Without opposition, Sen. Claitor’s motion was adopted. That means Louisiana’s public school budget will in all probability be based on the 2011-12 MFP, the most recently adopted version that passed legal muster.

“This is a major victory,” said LFT President Steve Monaghan, who pointed out that nearly 16,000 e-mails were sent to senators from members of the LFT Action Center opposed to the MFP.

Under normal circumstances, if the legislature rejects an MFP, the formula is returned to the Board of Elementary and Secondary Education for reconsideration. If BESE does not act, the previous year’s formula remains in effect.

But this is not a year for normal circumstances. The current MFP was ruled unconstitutional because it was introduced too late last year, and did not receive enough votes in the House of Representatives. With BESE apparently having no intention of meeting prior to the legislative session’s end on June 6, that means the 2011-12 formula will be operative.

A year ago, Monaghan told the panel, the LFT issued a position statement warning of the results if the current MFP was adopted. Prior to today’s vote, he read the final paragraph of that prescient document aloud: “If this formula is approved, it will certainly be the subject of a long, expensive judicial process. It will be much better

for the state and for our children if this formula is returned to BESE. If the state board is unable to agree on a revised formula, then at least the MFP will revert to a much less controversial and constitutional computation.”

[To read more of this story, please click here.](#)

Audit slams DOE for failure to monitor charter schools

The Legislative Auditor has released a damning report documenting the Department of Education’s failure to adequately monitor charter schools.

The report by auditor Daniel Purpera says that the department “did not perform all required academic monitoring activities,” and that the DOE “could not provide evidence that it comprehensively monitored the legal/contractual performance of these charter schools...”

The report says that eight charter schools that were put on probation in 2010 were not monitored to ensure that they met standards to remain open in 2012.

In addition, the state auditor says that DOE could not demonstrate that it tracked the legal obligations of charter schools, and that it could not show that student data provided by charter schools was accurate.

In a response to the audit, Superintendent of Education John White said that double-checking the performance scores of charter schools would be an ineffective use of his resources, but pledged to “revisit and improve data validation processes year after year.”

[To read the full auditor’s report, please click here.](#)

Scam and scandal in the Course Choice fraud

A motivational speaker without education credentials is paid \$145,000 per year to coordinate a "Course Choice" program that will drain millions of dollars from public schools in Louisiana.

He only works four days a week at the State Department of Education because he commutes to Louisiana from his home in Los Angeles.

And the program he runs is already mired in scandal.

This is the state of public education in the age of Gov. Bobby Jindal and Superintendent of Education John White.

[To read the rest of this article, please click here.](#)

Senate committee kills administration honesty bill

After being easily approved by the House of Representatives, a bill allowing courts to question the truthfulness of certain statements by administration officials was killed by the Senate Judiciary A committee.

The defeat is a significant blow to government transparency and accountability. If HB 523 by Rep. Randal Gaines (D-LaPlace) been in effect last summer, it could have halted Gov. Jindal’s voucher scheme in its tracks and saved the state the \$30 million that must now be found to repay school systems for losses uncured because of Act 2 of 2012.

Last summer, a judge said that he could not temporarily suspend the payment of vouchers with MFP funds because Superintendent of Education John white and Commissioner of Administration Paul Rainwater signed affidavits saying that the injunction would cause a state budget deficit.

The statements were false, but the law did not allow the truth of those affidavits to be questioned in court. HB 523 would have required government agencies to prove that such statements are true, and allowed the statements to be challenged in court.

Senate panel okays halt to testing of special needs students

A bill that would exempt special needs students from taking the ACT and end-of-course tests was given unanimous approval by the Senate Education Committee on Wednesday.

HB 343 by Rep. John Bel Edwards (D-Amite) applies to students who are not working toward a high school diploma and have a diagnosed exceptionality. Students whose IEP requires testing would still take the test, as would those whose parents specifically request the testing.

LFT President Steve Monaghan said the bill would “correct a basic shortcoming” in the existing accountability law, which requires special needs students to take the tests and imposes penalties on teachers and schools when those students inevitably do poorly on the tests.

“We should not force kids to take tests with no purpose at all,” Monaghan said.

The bill now moves to the Senate floor.

College outcomes funding bill to be reheard

The House of Representatives narrowly defeated a plan to study ways to reward and punish higher education institutions based on their academic performance, but the bill will be reconsidered next week.

SB 117 by Sen. Conrad Appel (R-Metairie) would establish task force charged with finding ways to link student performance in colleges and universities to the institutions’ state funding.

The bill would have needed 53 votes to pass the House, but it barely missed that goal, coming up with a 52-42 tally.

Reduction in personal and professional services contracts progresses

HB 73 by Rep. Jerome “Dee” Richard (I-Thibodaux) was passed by the House of Representatives. The bill would reduce all state personal and professional services contracts by 10 percent.

LFT supports the bill, which will be referred to a Senate committee for its next step.

Committee okays extending stipend for national certification

The Senate Finance Committee approved a bill that will continue a program that pays a stipend to teachers, counselors and school psychologists who earn national certification.

HB 540 by Rep. Sam Jones (D-Franklin) voids a sunset clause in existing law that would stop educators from receiving the \$5,000 stipend after July 1 of this year.

The bill, which is part of the LFT legislative agenda, moves to a final passage vote in the Senate..

Breast feeding bill sent to governor

A bill allowing nursing mothers to pump breast milk in private and under sanitary conditions has been finally adopted and sent to Gov. Jindal for his signature..

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.

School breakaway bills proceed’

Two bills aimed at allowing parts of East Baton Rouge Parish to secede from the school district were approved by committees.

SB 73 by Sen. Bodi White (R-Central), which authorizes creation of the district in the southeastern part of the parish, was approved by the House Civil Law Committee. Its companion, SB 199 by Sen. White, is the proposed constitutional amendment allowing creation of the new district. It was approved by the House Appropriations Committee.

Both bills move to the House floor. SB 73 can pass by a simple majority, but SB 199, the proposed constitutional amendment, must garner a two-thirds majority to pass.

Tenure bill deferred

A bill that would have provided additional due process to educators on the verge of termination was deferred when the House Education Committee turned down HB 635 by Rep. Randal Gaines (D-LaPlace).

Virtual course requirement bill deferred

A bill that would have required every high school student to take at least one virtual, on-line course was voluntarily deferred by the House Education Committee.

HB 648 by Rep. Steven Pylant (R-Jackson) was opposed by LFT. In light of the “course choice” scandal now rocking the Department of Education, it is hoped that the bill will not resurface.

MFP rules resolutions clear committee

Two resolutions, HR 2 and HCR 14, both by Rep. John Bel Edwards, were approved by the House and Governmental Affairs Committee. They attempt to clarify the rules process by which the Minimum Foundation Program is adopted.

Rep. Edwards was one of the House members who complained last year that the MFP was being improperly shepherded through the legislative process. He was vindicated when the State Supreme Court reversed a lower court ruling and decided that the MFP was introduced improperly and did not receive enough votes to pass in 2012.

Action on retirement bills

SB16 by Sen. Gerald Long (R-Winnfield) was approved by the House Retirement Committee. 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 floor of the House for further action.

A bill that changes the final average compensation for firefighters from 36 to 60 months was rejected by the House Retirement Committee. The bill began as SB7 by Sen. Barrow Peacock (R-Shreveport), but it was defeated on the Senate floor. It was then resurrected as SB 259 by Sen. Peacock. It is probably dead for this session.

HB 46 by Rep. Ed Price, which would provide a cost-of-living adjustment for members of the School Employees’ Retirement System, was approved by the Senate Retirement Committee and awaits final action by the Senate.

A cash balance retirement plan that would affect new higher education employees and state employees was returned to the House calendar, and probably will not be heard again this year. HB 729 by Rep. Kevin Pearson (R-Slidell) would actually provide a lower retirement benefit than a similar bill passed last year. The bill was originally heard as HB 68, but was resurrected as HB 729 after deadlocking in committee.

SB 16 by Sen. Gerald Long (R-Winnfield) was approved 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.

Common Core withdrawal going nowhere

A resolution that would have required the State Department of Education to stop participating in the Common Core Curriculum was given a soft death by the Senate Education Committee

SCR 68 by Sen. A.G. Crowe (R-Slidell) asked DESE and DOE to “immediately terminate all plans, programs, activities, and expenditures relative to implementation” of common core standards. The bill was referred without action by the committee, which in all probability dooms its chances on the Senate floor.

The week ahead...

Monday, May 27:

HB540 by Sam Jones (D-Franklin) is up for final passage in the senate. This bill gives school districts the ability to continue paying stipends to National Board Certified Teachers after the July sunset date in currently in the law.

Tuesday, May 28:

SB127 by Senator Gary Smith (D-Norco) will be debated on House floor on Tuesday. This bill will require parents of students with exceptionalities to opt them in to the ACT, and prevents counting test scores for students with exceptionalities as zeroes in School Performance Scores.

SB117 by Sen. Conrad Appel will have a second try at success on the House floor. It would establish task force charged with finding ways to link student performance in colleges and universities to the institutions' state funding.

HB646 by Rep. Patricia Smith regarding student discipline will be back up for a second try at passage.

HB677 by Rep. Jim Fannin (D-Jonesboro), a supplemental appropriations bill which failed to pass last week, will be back up on the floor. It may include amendments to include the final payments to voucher schools and/or monies owed to local public schools as a result of our lawsuit.

SB73, Sen. Bodi White's (R-Central) breakaway Constitutional Amendments is up in the House Civil Law Committee.

Wednesday, May 29:

HB129 by REP. Vincent Pierre (Pierre D-Lafayette) which would require 100% of a teacher's evaluation to be completed prior to any termination or tenure action being taken against them is before the House Education Committee.

Thursday, May 30:

HB 160 by Rep. Gene Reynolds (D-Minden), which would delay COMPASS evaluations, and HB 466 by Rep. Kenneth Havard (R-Jackson), which would require legislative approval before the Department of Education and BESE could make changes in school Performance Score computations, will be heard by the Senate Education Committee.