

# Louisiana Federation of Teachers

# Weekly Legislative Digest

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## **Tell the Senate to vote NO on a budget that increases funds for vouchers but not for public schools!**

In another blow to public education, the Senate Finance Committee approved a \$46 million budget amendment to pay for the poorly conceived voucher scheme pushed through the 2012 legislative session.

Adding insult to injury, the committee amendment actually includes a 5% increase so that voucher schools can raise the tuition charged to the state!

The bias against our public schools is appalling. Public education's Minimum Foundation Program has remained frozen for five straight years, resulting in a loss of almost a half billion dollars to public schools. The Department of Education has shut down offices of Science, Technology, Engineering and Mathematics (STEM), Literacy, College and Career Readiness, and Departmental Support and Innovation.

Higher education funding has been cut by more than half a billion dollars during the Jindal administration.

And yet, to pay for this new entitlement program, the Senate Finance Committee adopted an amendment to give even more tax dollars to private and religious schools. Even though vouchers have failed to increase student achievement.

**[Enough is enough! Please click here and tell your senator to vote against a budget that increases voucher funding while cheating school districts out of resources to which they are legally entitled.](#)**

## **Topsy-turvy: Reform changes up in the air**

The past few days have been a roller coaster ride for supporters of public education. Educators bitterly disappointed with a Senate Education Committee vote Thursday morning saw a ray of hope emerge by that afternoon, when the House of Representatives granted a reprieve to a bill that would delay punitive repercussions from the COMPASS evaluation program.

The disappointment came when the Senate panel voted to defer HB 160 by Rep. Gene Reynolds (D-Minden). The bill would specify that the results of the teacher evaluation plan cannot be used in disciplinary or termination proceedings for another year.

The bill was the result of a carefully crafted compromise that included the Department of Education, teacher organizations, school boards and legislators.

HB 160 passed the House Education Committee by 17-0, and was approved by the House of Representatives by 102-0, and should have breezed through the Senate Education Committee. But four senators - Conrad Appel (R-Metairie), Elbert Guillory (D-Opelousas), Jack Donohue (R-Mandeville) and Dan Claitor (R-Baton Rouge) – voted against sending the bill to the full Senate for a vote.

Those senators were heavily influenced by an expensive advertising campaign mounted by the Louisiana Association of Business and Industry and Stand for Children Louisiana.

That's not the end of the story, however.

A second bill, HB 129 by Rep. Vincent Pierre (D-Lafayette) was approved by the House Education Committee this week and sent to the full House for a vote. The bill says that both components of teacher evaluations - the objective and subjective halves - must be 100% complete before any disciplinary action can be taken against a teacher.

The House passed HB 129, and amended it to include the language formerly in HB 160.

Sen. Appel, who chairs the Senate Education Committee, said that he may call a meeting of the Senate Education Committee to take action on the amended bill, and that it could still have time to go before the Senate before June 6.

While hope may be slim, there is still a chance that these two important changes to the teacher evaluation program could be adopted.

Legal experts say that even if these bills are not passed, a Supreme Court decision upholding a ruling that Act 1 of 2012 is unconstitutional would mean that none of COMPASS could be legally linked to salaries, tenure or termination.

## **LFT preparing for rehearing of Act 1 decision**

The Louisiana Supreme Court on Friday handed down a ruling vacating a lower court decision that Act 1 of 2012 violated the single object provision of the Louisiana Constitution, and remanding the case to the 19<sup>th</sup> Judicial District Court for a rehearing.

The high court noted that when Judge Michael Caldwell made his ruling last March, he did not have the benefit of the Supreme Court's opinion in the Act 2 of 2012 lawsuit. That opinion, while upholding a lower court ruling that vouchers cannot be funded through public education's Minimum Foundation Program, said that Act 2 did not violate the single object provision.

"Because our (Act 2) opinion clarifies the law in this area," the court wrote, "we conclude it would be beneficial to remand the case to the district court for reconsideration of its ruling in light of our opinion, after appropriate briefing and argument by the parties."

After conferring with counsel, Louisiana Federation of Teachers President Steve Monaghan said that he believes Judge Caldwell made the correct ruling, and that the LFT will be prepared to argue the case again when it is scheduled.

"This ruling will allow Judge Caldwell to fully consider all of the information that is available and issue an accurate opinion," Monaghan said.

The ruling emphasizes the importance of legislative action to quell the confusion that Act 1 has caused for professional educators, Monaghan said.

"Right now there is a bill pending that would slow down implementation of Act 1 until teachers have a clear idea of what they are supposed to do," Monaghan said. "The rules must be clear and training must be complete before the consequences of this act are imposed."

Monaghan said that House Bill 160, which was unanimously approved by the House of Representatives, was blocked by four members of the Senate Education Committee. The bill would suspend consequences of Act 1 for a year. It has been amended onto another bill and still has a chance to be heard before the legislature adjourns on June 6.

## **White admits to errors in high school performance scores**

Saying that his department did not intentionally inflate some high school performance scores, and that there was never any intention to cover up the error, Superintendent of Education John White on Thursday admitted to incorrect data in the scoring.

White said that high school performance scores “escalated out of whack with reality” because different standards were used in comparisons released to the public last year.

White was responding to allegations by highly qualified math teacher Herb Bassett, who had accused the department of inflating high school performance scores by intentionally mislabeling an important column of data in the initial public release of the scores. The result, he said, was a mis-calibration of scores by 7.5 points

White told the Senate Education Committee that he has conferred with Bassett, and agrees that the formulas used in calculations created an “escalated set of scores.” The discrepancy occurred, White said, because the formulas adopted by BESE in 2010 – prior to his hiring as superintendent – did not match up with the system currently in place.

White said that he intends to work with Bassett on correcting the error, and that new formulas should lead to accurate analysis of school performance.

## **Reverse parent trigger bill awaits final Senate vote**

A bill that would allow parents of failing Recovery District Schools to petition for return to the local school district is awaiting final action in the Senate.

Under current law, schools that are rated as failures for several years can be taken over by the state Recovery School District. However, a number of schools that were seized by the state have continued to show no improvement, and many parents want a way to return control of the school by the local school system.

HB 115 by Rep. Ted James (D-Baton Rouge) would allow parents of a majority of the school’s students to sign petitions returning their school to local control if that school has been graded “D” or “F” for three consecutive years under management of the RSD. The bill is part of LFT’s legislative agenda.

## **Bill exempts disabled students from ACT**

One of a brace of bills aimed at exempting students with disabilities from taking the ACT test was given final passage by the House of Representatives on Tuesday.

SB 127 by Sen. Gary Smith (D-Norco) allows students with disabilities to opt out of the high-stakes tests, and the school’s performance score will not be affected. The bill awaits Gov. Jindal’s signature.

## **No action taken on School Performance Score bill**

The Senate Education Committee took no action on HB 466 by Rep. Kenneth Havard (R-Jackson), which would prevent the Department of Education and BESE from making changes to the School Performance Score formula without approval of the legislature.

## **Senate approves separate ACT bill**

A second bill exempting special needs students from taking the ACT and end-of-course tests was approved by the full Senate on Tuesday.

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.

## **Foreign language immersion bill progresses**

Local school boards would be required to create a language immersion program if requested by 25 parents, according to a bill that was approved by the House Education committee on Wednesday.

SB 205 by Sen. Eric LaFleur (D-Ville Platte) has two caveats: there would have to be teachers available who speak the language, and there could be no other immersion program for the same language in the school district.

The committee approved the bill over the objection of several school district representatives, who said the bill would create a financial burden for already cash-strapped systems.

## **Principal empowerment bill shelved**

A bill that would have given some principals extraordinary authority over their schools was deferred by the House Education Committee

SB 206 by Sen. Eric LaFleur (S-Ville Platte) would have given additional power to principals who were rated “highly effective” for three years in a row. The schools would have been designated “empowered community schools.” Principals would have had expanded authority over instructional, personnel and financial decisions at the school.

## **Stipend bills proceed**

Two bills affecting nationally certified educators are approaching final passage.

HB 540 by Rep Sam Jones (D-Franklin) was given final passage by the Senate on Monday. The bill removes the sunset provision on stipends for holders of National Board for Professional Teaching Standards certification, making them optional after the law’s current sunset date of July 31, 2013. The bill, which is part of LFT’s legislative package, now awaits the governor’s signature.

HB 618 by Rep. Chris Leopold (R-Belle Chasse) was approved by the House of Representatives and sent to the Senate Finance Committee. He bill would provide a stipend for nationally certified school diagnosticians.