

# 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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## Testimony claims fraud in school performance scores

The debate in the Senate Education Committee Wednesday was supposed to be about amending the constitution in order to elect the state superintendent of education. That became a side issue as witnesses described allegations of fraud in the State Department of Education and laid bare Superintendent of Education John White's sparse credentials to hold the office.

When the dust settled, the committee rejected SB 41 by Sen. Bob Kostelka (R-Monroe), but only time will tell how much damage was inflicted on Superintendent White and his department by supporters of the bill.

The first blood was drawn by Sen. Kostelka, who said the superintendent of education is in charge of the biggest single state budget item, totaling \$5.35 billion per year. He said the state "should have a superintendent who is accountable to the people and not a rubber stamp for the Board of Elementary and Secondary Education."

Under White's regime, Kostelka said, the public has been denied access to information about the department. Numerous lawsuits have been filed under the freedom of information act in order to view what should be public records.

Noting that most of the education overhauls pushed by White and the Jindal administration last year have been ruled unconstitutional by district courts, Sen. Kostelka said a new direction is needed, and "a clean break is the best way."

Sen. Kostelka ticked off a laundry list of abuses by the department, including a plan to divulge personal student data to a company that would share it with for-profit organizations, the "utter failure" of the Recovery School District to turn around failing schools, and reports of overpayments and lack of supervision involving millions of dollars spent by the RSD.

The senator said that White's credentials to head the department are sketchy at best: "We have a 30-something superintendent with a degree in English who spent six weekends at the Broad Academy," a business-oriented organization that issued White the only certification that qualifies him for the job.

Devastating testimony was presented by Herb Bassett of Grayson, a highly qualified math teacher and band director. Bassett said that he has sent evidence to lawmakers revealing "deceit, distortion manipulation of scores and data suppression."

Bassett documents what he called "the gross inflation of the high school performance scores. The Department covered up the inflation by intentionally mislabeling an important column of data in the initial public release of the scores."

"The Transition Baselines," he said, "showed that the GEE (Graduation Exit Exam)—which was being phased out—and the new EOC (End of Course) tests were mis-calibrated by 7.5 points. That's half a letter grade. Had it been correctly labeled, the inflation would have been obvious."

Bassett said that BESE was given a different set of scores than was shown to the public. Because the scores given to BESE were the correct ones, he said, “This shows intent to deceive.”

Bassett was interrupted by Sen. Jack Donohue (R-Mandeville), who said that these allegations are very serious, and that he would expect someone from the department or BESE to answer the charges.

Later, BESE President Chas Roemer (R-Baton Rouge) appeared in opposition to the bill. When asked about the allegations of fraud, he said that he had no knowledge about them, but that he would “look into it.”

Committee Chairman Conrad Appel (R-Metairie) asked Roemer to investigate the charges and report back to the committee.

The actual vote rejecting the bill was anticlimactic, with members of the panel voting 2-5 to send it to the full Senate LFT President Steve Monaghan spoke in favor of the bill.

## Organizations rally for “the common good”



*From left, LFT Legislative Director Mary-Patricia Wray, United Teachers of New Orleans President Larry Carter and LFT President Steve Monaghan join in the Rally for the Common Good on Tuesday.*

Hundreds of union members, schoolteachers, doctors, clergy and others rallied Tuesday on the State Capitol steps to protest a laundry list Gov. Bobby Jindal’s policies that they believe harm the people of Louisiana and jeopardize our future.

The rally comprised more than 40 organizations in a grass roots coalition that believes in what our forefathers knew as the common good! The message? A decent society is one that: educates its

young, protects its weak, heals its sick, and provides a dignified retirement for those who spend their lives in service to the people.

These issues, rally organizers said, have been under assault by the Jindal administration policies.

## Bills would regulate testing of special needs students

Of all the unfairness in the governor’s education agenda, perhaps none is more cruel than the rule that students who are not pursuing a high school diploma must take high-stakes tests, including the ACT, and that their scores will count against their teachers and their school. Two bills were approved by the House Education Committee to deal with this problem.

Both HB 343 by Rep. John Bel Edwards (D-Amite) and HB 613 by Rep. Tim Burns (R-Mandeville) would require parental decisions regarding their children’s participation in high-stakes tests.

The difference is that Rep. Edwards’ bill would require parents of special needs children to opt out of the tests, while Rep. Burns’ bill would require parents to opt in to the testing.

## Charter school teacher bill deferred

A bill that would require charter schools to follow the same teacher qualification guidelines as traditional public schools was voluntarily deferred by its author this week.

HB 476 by Rep. John Bel Edwards would require charter schools to have the same percentage of certified teachers as other public schools. Because the deferral was voluntary, the bill could still be brought before the House Education Committee for a vote this session.

## **Breakaway district bill approved by committee**

With just one member voting against it, a bill that would allow schools in Southeastern East Baton Rouge Parish to secede was approved by the Senate Finance Committee and sent to the floor for further action.

LFT strongly opposes SB 199 by Sen. Bodi White (R-Central). Creation of the new school district would rip the Baton Rouge school system apart, taking one of the parish's most prosperous areas out of a struggling school system.

Because creating a new school district requires a constitutional amendment, a separate bill will need to garner a two-thirds majority in each house of the legislature and be approved by voters statewide.

A citizens' organization has established an online petition opposing the breakaway school district. [Please click here to sign the petition.](#)

LFT Legislative Director Mary-Patricia Wray warned committee members that creation of the breakaway district would result in an inequitable distribution of Minimum Foundation Program funds, a violation of the state constitution. It would cause a recalculation of the MFP that would cost every school district in the state some of its MFP funds.

## **Judge rejects budget lawsuit, cites Jindal administration affidavit**

In an action reminiscent of last summer's denial of an injunction against the voucher program, a district judge ruled Wednesday that he cannot question the truth of a statement made by the Jindal administration.

This week's case involved a lawsuit filed by lawmakers nicknamed Budget Hawks, who oppose Gov. Bobby Jindal's use of one-time funds to pay for recurring budget items.

Reps. Kirk Talbot (R-River Ridge) and Cameron Henry (R-Metairie) filed suit to stop the governor from spending what Rep. Talbot called "money that's not there" in the proposed \$25 billion state budget.

District Judge Tim Kelley ruled against the lawmakers, saying that the lawsuit is premature because the fiscal year ends on June 30, and the next fiscal year does not begin until July 1.

The judge also said that he cannot enjoin the state from enacting the budget because the administration signed an affidavit saying that such an action would create a deficit in the budget.

Last summer, Judge Kelley could not enjoin the voucher program because the administration provided an affidavit saying that a budget deficit would result from an injunction. According to state administrative law, a statement like that cannot be challenged.

This session, a bill filed by Rep. Randal Gaines (D-LaPlace) would require government agencies to prove that such statements are true, and allow the statements to be challenged in court. HB 523 has been approved by the House Committee on Civil Law and Procedure, and will be heard on the House floor on May 8.

Capitol insiders say that Rep. Talbot is urging his colleagues to pass HB 523.

## **Despite court ruling, state issues 8,000 vouchers for 2013-14**

In spite of a court decision ruling Gov. Jindal's voucher scheme unconstitutional, the administration is proceeding with plans to add some 3,000 students to the controversial program next year.

On Wednesday, the governor called press conference to announce that the state had received nearly 12,000 applications for vouchers, including the nearly 5,000 students already enrolled in private and religious schools at state expense.

At his press conference, the governor told reporters that academic achievement at voucher schools is growing more than the state average, and that voucher students are "doing better than they were at the schools they left.

It was a statement made without evidence, since the state accountability report on voucher schools has not been issued yet.

Last November, a state judge ruled that it is unconstitutional to fund the governor's voucher scheme through public education's Minimum Foundation Program. The Supreme Court has heard arguments in the state's appeal of the ruling, but has not yet issued a decision.

## **AFT president: Slow down on Common Core!**

AFT president Randi Weingarten on April 30 called for a moratorium on assessment-driven sanctions tied to Common Core State Standards until solid implementation plans are embedded in schools and proven effective through a year or more of field testing.

Building-level preparation for Common Core Standards for math and English language arts, adopted by 45 states and the District of Columbia, has been spotty at best, the AFT president warned in a high-profile address in New York City on education reform.

Sound implementation remains the first order of business, she said, not a violent, destructive shift to test-driven accountability based on the standards. Done right, Common Core standards will "lead to a revolution in teaching and learning" that puts critical thinking, problem solving and teamwork ahead of rote memorization and endless test-taking, Weingarten said. Done wrong, "they will end up in the overflowing dustbin of abandoned reforms, with people throwing up their hands," believing that public schools are too broken to save.

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

[To send a message to Secretary of Education Arne Duncan, please click here.](#)

## **Bill to repeal science education act fails**

A bill aimed at repealing the controversial Louisiana Science Education Act was killed by the Senate Education Committee for the third year in a row.

The stated purpose of the act is to allow science teachers to introduce alternate teaching materials in their classrooms. But given its genesis with the Louisiana Family Forum and strong support from advocates of biblical creationism and so-called "intelligent design," opponents see it as a back-door to teaching religious beliefs in science classes.

SB 26 by Sen. Karen Carter Peterson (D-New Orleans) would have repealed the Science Education Act. Supporters say repeal would help Louisiana shed a backward image that has thwarted economic growth and persuaded scientific organizations to cancel conventions in the state.

## **High school readmission bill advances**

HB 95 by Rep. Herbert Dixon (D-Alexandria), an effort to improve high school graduation rates, was approved by the House Education Committee.

The bill is aimed at making it easier for students who have dropped out of school to return, complete their graduation requirements and earn a diploma. The bill prohibits the denial of readmission to school based on certain student characteristics.

## **Committee passes discipline bill**

A bill that modifies existing discipline laws was approved by the House Education Committee and sent to the House floor for a vote.

HB 646 by Rep. Patricia Smith (D-Baton Rouge) makes changes in state law regarding suspensions, expulsions, codes of conduct and bullying. The bill would reduce the professional development requirement for bullying from four hours to two hours.

A related piece of legislation, House Concurrent Resolution 91 by Rep. Smith, was approved by the committee. It creates the Task Force on Prevention of Bullying in Schools to study the processes and procedures by which incidents of bullying are reported and investigated.

## **Parental involvement bill progresses**

HB 214 by Rep. Patrick Jefferson (D-Homer) was approved by the House Education Committee. The bill would provide rewards for schools that document high levels of parental involvement.

## **Bill would make voucher accountability less transparent**

HB 242 by Rep. Steve Carter (R-Baton Rouge) was approved by the House Education Committee. The bill authorizes the State Superintendent of Education to make changes to the voucher school accountability system without legislative oversight.

Opponents say that accountability for private and religious schools that accept vouchers is already too lenient, and fear that this bill would make those schools even less accountable to taxpayers.

## **Action on retirement bills**

Several retirement bills were discussed during the week:

A bill to provide cost of living adjustments for retirees in the Louisiana School Employees Retirement System, HB 46 by Rep. Ed Price (D-Gonzales), passed the House 91 to 0. This zero cost bill, paid out of the system's experience account, will provide members their first COLA in many years. It now moves to the Senate Retirement Committee.

A bill that changes the final average compensation for firefighters from 36 to 60 months, SB7 by Sen. Barrow Peacock (R-Shreveport) passed the Senate Retirement Committee.

A cash balance retirement plan that would affect new higher education employees and state employees failed in the House Retirement Committee, but may be resurrected later. HB 68 by Rep. Kevin Pearson (R-Slidell) would actually provide a lower retirement benefit than a similar bill passed last year. A motion by Rep. Sam Jones (D-Franklin) to involuntarily defer the bill died in a 6-6 tie; a motion to approve the bill also failed because of a 6-6 tie.

## **Empowered Community Schools Act moves from committee**

The Senate Education Committee approved SB 206 by Sen. Eric LaFleur (D-Ville Platte), which allows any public elementary or secondary school principal who meets the BESE standard of effectiveness to declare his school an empowered community school for the following school year, beginning with the 2014-2015 school year, and receive school-level decision-making authority to meet the unique needs of the school and its students.

## **LaTELLS initiative approved by committee**

SCR 28 by Sen. Ben Nevers (D-Bogalusa) requests the Department of Education to plan and conduct the Louisiana Teacher Empowerment, Learning and Leading Survey (La TELLs) Initiative. The amended resolution was reported favorably with no opposition.

## **Tell-on-teacher bill deferred in committee**

HB 541 by Rep. Scott Simon (R-Abita Springs) would inform parents if a teacher is rated ineffective, and give them the option of moving children to other teachers or schools. LFT opposes the bill, which was voluntarily deferred in the House Education Committee.

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

### **Monday, May 6:**

Three bills in the LFT legislative agenda will be heard on the House floor. HB 160 by Rep. Gene Reynolds (D-Minden), suspends negative consequences of the state teacher evaluation program for one year; HB 466 by Rep. Kenny Havard (R-Jackson) restricts BESE's authority over school grading policy; and HB 115 by Rep. Ted James (D-Baton Rouge) creates a reverse parent trigger to return schools from the recovery School District to the local school system. [Click here to learn more and send House members a message of support for these bills.](#)



SB16 by Rep. Frank Hoffman (R-West Monroe) creates an optional defined benefit plan for new employees of higher education institutions. LFT supports the bill. It will be heard on the Senate floor.

HB206 by Rep. Gene Reynolds (D-Minden) is a proposed constitutional amendment that eliminates the requirement of a statewide vote before a school district can be split. LFT opposes the bill, which will be heard in the Civil Law Committee.

### **Tuesday, May 7:**

Bills creating a constitutional amendment allowing parts of Southeast Baton Rouge to secede from the parish school district will be heard. LFT opposes SB 199 and SB 73, both by Sen. Bodi White (R-Central). [Please click here to sign a petition opposing the breakaway.](#)

The House Education Committee will re-hear HB541 by Rep. Scott Simon (R-Abita Springs), which would inform parents if a teacher is rated ineffective, and give them the option of moving children to other teachers or schools.

The House Education Committee will hear HB 248 by Rep. Kirk Talbot (R-River Ridge), which requires the Department of Education to make sure voucher students meet the poverty guidelines.

The House Education Committee will consider HB 643 by Rep. Gregory Miller (R-Norco) and HB 666 by Rep. Kevin Pearson), which address issues related to adequate MFP funding for retirement costs.

### **Wednesday, May 8:**

The House Labor and Industrial relations Committee is expected to hear HB 552 by Rep. Alan Seabaugh (R-Shreveport) which would deny public sector unions the right to collect member dues through payroll deduction.

This bill is an outright attempt by big business interests to silence the voices of teachers and other public employees who have opposed the Jindal administration agenda. [Please click here to send a message to committee members opposing this bill.](#)

On the House floor: HB 343 by John Bel Edwards (D-Amite) would prohibit special education students from being administered certain standardized tests.

On the House floor: HB 95 by Rep. Herbert Dixon (D-Alexandria) addresses re-admittance of students to public schools after the age of 18. LFT is working with Rep. Dixon to improve this bill and ensure that no inappropriate placements of older students are made.

HB 523 by Rep. Randal Rep. Gaines is part of the LFT legislative agenda, and will provide for accountability and transparency of department heads who seek to defend lawsuits filed against the state by allowing judges to question affidavits submitted by department heads.

In the House Education Committee: The panel will consider HB 598 by Rep. Regina Barrow(D-Baton Rouge),which requires a 100 point scale for School Performance Scores, and prohibits subsequent changes without legislative oversight.

The committee will hear HB 647 by Rep. Barrow, which requires any breakaway school district to have the same demographic qualities as the district from which it split.

The committee will hear SB 117 by Sen. Conrad Appel, which requires performance based funding for higher education institutions. LFT opposes the bill.

### **Thursday, May 9:**

The House Retirement Committee will hear HB53 by Rep. Alan Seabaugh (R-Shreveport) which prohibits employees of the LFT and other organizations from being members of the Teachers Retirement System of Louisiana.

HB68 by Rep. Kevin Pearson, a cash balance retirement plan, will be back up on the agenda.