

## House Committee on Education

Minutes of Meeting  
2001 Regular Session  
May 1, 2001

### I. CALL TO ORDER

Representative Carl Crane, chairman of the House Committee on Education, called the meeting to order at 9:08 a.m. in Committee Room 1, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

### II. ROLL CALL

#### MEMBERS PRESENT:

Representative Carl Crane, Chairman  
Representative Charles Hudson, Vice Chairman  
Representative Ernie Alexander  
Representative A. G. Crowe  
Representative Hunt Downer  
Representative Donald Kennard  
Representative Lelon Kenney  
Representative Ben Nevers  
Representative Henry "Tank" Powell  
Representative Renee Pratt  
Representative Charles Riddle  
Representative Joe Salter  
Representative Jane Smith  
Representative Victor Stelly  
Representative Patrick Swilling  
Representative Diane Winston

#### MEMBERS ABSENT:

Representative Israel Curtis

#### STAFF MEMBERS PRESENT:

Paul Jones, Research Analyst  
Nancy Yelverton Jolly, Research Analyst  
Jackie Snowden, Secretary  
Victoria Whitaker, Clerk  
Beverly Vincent and David Spears, Sergeants at Arms

### III. DISCUSSION

*Representative Stelly in the chair.*

#### **House Bill No. 818 by Representative Crane**

Representative Crane presented House Bill No. 818, which extends through the 2002-2003 school year the time period for a Taylor Opportunity Program for Students (TOPS) waiver from meeting high school core curriculum requirements due to course unavailability.

Representative Crane said the bill extends the time period for a TOPS waiver that would be awarded to a student who graduates from high school without satisfying the 16.5 unit core curriculum requirement and would occur only if a core course the student was missing was not available.

Representative Stelly clarified that the bill extended time for a waiver from the 1999-2000 school year that is in current law to 2002-2003, in case schools did not have the requisite courses available.

Jack Guinn, executive director, Louisiana Student Financial Assistance Commission, Baton Rouge, LA, (225) 922-1023, was available to provide information if requested on House Bill No. 818.

Representative Crowe offered a motion to report House Bill No. 818 favorably. Without objection, House Bill No. 818 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Alexander, Crowe, Kennard, Kenney, Nevers, T. Powell, Pratt, Riddle, Jane Smith, Stelly, and Crane voted yea.

#### **House Bill No. 1282 by Representative Crane**

Representative Crane presented House Bill No. 1282, which makes various changes to the charter school law relative to the chartering process, funding, age requirements, exemptions, and application and authorizes the state Board of Elementary and Secondary Education (BESE) to charge certain fees.

Representative Crane offered technical and substantive amendments to House Bill No. 1282. He said that representatives of BESE were present to testify. Ms. Nancy Jolly, committee legislative analyst, explained that, in addition to technical changes, the amendments provided relative to how pupil enrollment would be determined at charter schools and added another student count that will be performed in February to ensure accuracy. Representative Crane offered a motion to adopt the amendments.

Representative Alexander asked if the second count was performed in schools other than charters. Representative Crane explained that the amendments were agreed to by BESE and the Charter Schools Association of Louisiana. He said the second count was only required for charter schools.

Representative Alexander expressed concern that the second count was required for charter schools only and said a second count should be added for noncharter schools as a means to maintain accuracy in the number of students enrolled.

Representative Salter offered a motion to adopt the amendments. There was no objection, and the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Alexander, Crowe, Kennard, Kenney, Nevers, T. Powell, Pratt, Riddle, Salter, Jane Smith, Riddle, Stelly, and Crane voted yea.

Gary Wheat, BESE charter school administrator, no witness card submitted, explained that current law provides one count in October and the amendment would provide an additional student count in February.

Weegie Peabody, BESE executive director, no witness card submitted, explained that Mr. Wheat had only been on the job three months. She said the amendments were proposed after a meeting with charter school administrators and were developed after a presentation BESE made with the charter school evaluator to the House Committee on Appropriations. She said the amendments were developed to clean up existing charter school law after certain problems had been revealed. She said the amendments clarified part of charter school law to create innovative charter schools that are effective. Ms. Peabody noted that BESE and the Louisiana Charter Schools Association worked together to develop the amendments.

In response to a question from Representative Riddle, Ms. Peabody stated that the language of the bill as amended would not affect the ability of charter schools in the state to obtain federal funding.

Representative Tank Powell said that more counts should be taken and schools should be monitored more often to avoid embarrassing situations that have occurred at certain charters. He described a charter that reported more numbers than they actually had, enabling the school to receive funding it should not have received.

Ms. Peabody agreed and said that these types of problems should be identified and handled as they were found.

Mr. Wheat said 26 charters existed, including 11 Type 2 charters.

Representative Jane Smith also expressed concern about the counts and reporting for Type 2 charters and said she favored continued tracking, including test scores.

Representative Crane asked Ms. Jolly to explain an amendment from Representative Riddle. Ms. Jolly said Representative Riddle's amendment ensured that if there was funding for pre-K students, pre-K students enrolled in Type 2 charter schools would also be afforded that same funding. Representative Riddle offered the amendment and moved that it be adopted. There was no objection and the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Kenney, Nevers, T. Powell, Pratt, Riddle, Salter, Jane Smith, Riddle, Stelly, and Crane voted yea.

Representative Salter offered a motion to report that House Bill No. 1282 with amendments. There was no objection and House Bill No. 1282 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Kenney, Nevers, T. Powell, Pratt, Riddle, Salter, Jane Smith, Riddle, Stelly, and Crane voted yea.

*Chairman Crane in the chair.*

#### **House Bill No. 488 by Representative Crowe**

Representative Crowe presented House Bill No. 488 which permits, beginning with the 2000-2001 school year and thereafter, graduates from Louisiana nonpublic high schools not approved by the state Board of Elementary and Secondary Education (BESE) to be eligible for the Taylor Opportunity Program for Students (TOPS) awards.

Representative Crowe offered a motion to voluntarily defer action on House Bill No. 488. There was no objection and the motion passed by a vote of 14 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Hudson, Kennard, Kenney, Nevers, T. Powell, Pratt, Riddle, Salter, Jane Smith, Stelly, and Crane voted yea.

Jack Guinn, Louisiana Student Financial Assistance Commission, no address given, (225) 922-1023, and Bill Miller, BESE, P.O. Box 94064, Baton Rouge, LA 70804-9064, (225) 342-3602, were present in support of House Bill No. 488.

#### **House Bill No. 1800 by Representative Crowe**

Representative Crowe presented House Bill No. 1800 which, relative to the Taylor Opportunity Program for Students (TOPS), provides eligibility for TOPS-Tech and Opportunity awards for certain students who graduate from high schools or complete home study programs outside the U.S. and its territories.

Representative Crowe explained that the bill was an attempt to capture students who had not been covered by TOPS laws and gave a scenario in which a student pursued the required curriculum to qualify for TOPS, but when TOPS was applied for, the family was told that they were not properly qualified.

He said that the family was in a foreign country and the student applied for TOPS upon completion of the senior year, but was labeled ineligible since study had been completed abroad. The bill would provide TOPS eligibility for students who completed a homestudy program or graduated from high schools outside U.S. territories.

Jack Guinn, executive director, Louisiana Student Financial Assistance Commission, no address given, (225) 922-1023, was present in support of House Bill No. 1800.

Representative Pratt asked how these students were identified.

Darrell White, no witness card submitted, testified that certain methods were used to certify eligibility.

Bill Miller, BESE, no witness card submitted, opposed House Bill No. 1800 and said a homestudy student was required to submit items that give evidence of his eligibility.

Representative Downer offered a motion to report House Bill No. 1800 favorably. There was no objection and the motion passed by a vote of 12 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Kenney, Nevers, Tank Powell, Pratt, Riddle, Jane Smith, Stelly, and Crane voted yea.

### **House Bill No. 253 by Representative Crowe**

Representative Crowe presented House Bill No. 253, which extends deadline for nonpublic high schools to be approved by the state Board of Elementary and Secondary Education (BESE) and to have applied for eligibility for certain state funds in order for graduates to be eligible for a Taylor Opportunity Program for Students (TOPS) award.

Representative Crowe offered an amendment that would change the month for eligibility from May to July. Representative Crane offered a motion to adopt the amendment. There was no objection and the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Kenney, Nevers, T. Powell, Pratt, Riddle, Jane Smith, Stelly, and Crane voted yea.

Representative Crowe explained that the bill extended the deadline for nonpublic high schools to apply for certain funds for their graduates to be eligible for TOPS. He said the bill was brought to address a situation at a school that is Brumfield-Dodd approved, has degreed

teachers, but was not SREB approved. He said the school administration requested more time from BESE to secure the required qualifications. He noted that the provisions of the bill would no longer be necessary after the situation at this school was resolved.

Gary Reid, BESE, no address given, was present to provide information if requested on House Bill No. 253.

Jack Guinn, executive director, Louisiana Student Financial Assistance Commission, no address given, (225) 922-1023, was present to provide information if requested on House Bill No. 253.

Representative Downer offered a motion to report House Bill No. 253 with amendments. There was no objection and House Bill No. 253 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Kenney, Nevers, T. Powell, Pratt, Riddle, Jane Smith, Stelly, Swilling, and Crane voted yea.

#### **House Bill No. 324 by Representative Riddle**

Representative Riddle presented House Bill No. 324, which effective beginning with the 2005-2006 award year and thereafter, limits a Taylor Opportunity Program for Students (TOPS) award amount to no more than the amount for such an award during the 2004-2005 award year.

Representative Riddle explained that the bill addressed TOPS funding as tuition increased at various universities in 2006. He said that during 2005-2006, the award would be whatever the tuition is at a state university.

James Caillier, Patrick F. Taylor Foundation, no address given, was present in opposition to House Bill No. 324.

Jack Guinn, executive director, Louisiana Student Financial Assistance Commission, no address given, (225) 922-1023, was present to provide information if requested on House Bill No. 324.

Representative Riddle offered a motion to report House Bill No. 324 favorably. There was an objection and the secretary called the roll. The motion to report House Bill No. 324 favorably failed by a vote of 5 yeas and 6 nays. Representatives Alexander, Crowe, Kenney, Riddle, and Stelly voted yea and Representatives Downer, Kennard, Nevers, T. Powell, Jane Smith, and Crane voted nay.

Representative Downer offered a motion to involuntarily defer action on House Bill No. 324. There was no objection and House Bill No. 324 was involuntarily deferred by a vote of 9 yeas

and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Kenney, Nevers, T. Powell, Riddle, Jane Smith, Stelly, and Crane voted yea.

### **House Bill No. 2012 by Representative Daniel**

Representative Daniel presented House Bill No. 2012 which, relative to the Taylor Opportunity Program for Students (TOPS), provides for a uniform information reporting system and for certain notifications to parents of public elementary and secondary school students.

Representative Daniel explained that there had been much discussion on what to do about TOPS—raising standards, increasing the ACT requirement, increasing core curriculum requirements, changing requirements for technical and community college eligibility, admitting or denying different classes of students—all of which were important policy decisions. He said that officials have lacked the factual information needed to make sound decisions. House Bill No. 2012, he said, implemented a uniform reporting system to help policymakers understand what is happening to TOPS students and would provide accurate data to help with policy decisions. He added that the bill would clear up misinformation and proposed that the state Board of Regents develop a program of uniform reporting to give policymakers information upon which to base certain TOPS decisions.

He said the bill also had reporting requirements and would help decision makers understand how many students will be eligible for TOPS consideration, starting with sixth graders.

Representative Daniel was accompanied by former LSU-Baton Rouge campus chancellor, Dr. James Wharton, 934 Kenilworth, Baton Rouge, LA (225) 766-4245, who was present to answer questions. He stated that as a consultant traveling across the south, he studied the TOPS program and its many changes, and he had focused on the 12,000 TOPS students at LSU. He said that to continue the effectiveness of TOPS, constant reporting had to be done to gain certain information; to be able to see four or six years out how many students are expected to be in the program. He said there also was a need for clear data on the success or failure of TOPS students in particular colleges or universities and in certain areas.

The bill also provided a breakdown of honors, performance, opportunity, and curriculum code. Many high schools in Louisiana, particularly in rural areas, needed to determine their students' needs to qualify for TOPS. The bill charged the state Board of Regents to meet with persons to inform schools.

Jack Guinn, executive director, Louisiana Student Financial Assistance Commission, no address given, (225) 922-1023, was present to provide information if requested on House Bill No. 2012.

Representative Tank Powell offered a motion to report that House Bill No. 2012 favorably. There was no objection and House Bill No. 2012 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Nevers, T. Powell, Riddle, Stelly, and Crane voted yea.

#### **House Bill No. 370 by Representative Futrell**

Representative Futrell presented House Bill No. 370, which prohibits a Taylor Opportunity Program for Students (TOPS) award recipient from being restricted or otherwise delayed in first using the award due to the student having graduated from high school in less than four years.

Representative Futrell explained that the bill was a duplicate of a bill that was currently moving through the system and asked that House Bill No. 370 be voluntarily deferred.

Representative Crane offered a motion to voluntarily defer action on House Bill No. 370. There was no objection and House Bill No. 370 was voluntarily deferred by a vote of 9 yeas. Representatives Alexander, Crowe, Downer, Kennard, Nevers, T. Powell, Riddle, Stelly, and Crane voted yea.

#### **House Bill No. 650 by Representative Futrell**

Representative Futrell presented House Bill No. 650, which requires an ACT score of at least 20 (or equivalent SAT score) for a Taylor Opportunity Program for Students (TOPS) Opportunity Award and limits initial use of the award by certain students to pursuing associate level academic degrees at eligible institutions.

Representative Futrell explained that the bill was an effort to address information provided to the Select Committee on Financial Affairs (SCOFA) about the number of students who failed to requalify for TOPS after they enter a university. He said 42% or 9,500 students, did not finish and they scored below 23 on the ACT. He said 17% of students scored above 23 on the ACT. He noted that the bill provided that those students who score 21 or 22 would be channeled toward entering a community college and, if they succeed there, they would be allowed to enroll in a four-year university. He noted that studies have shown that these students' ACT scores gradually increased over a four-year period.

Representative Futrell noted that because the required credit hours had be increased from 16.5 credits to 18.5 credits, he wanted to voluntarily defer this bill to track performances based on the credit hour increase.

Jack Guinn, executive director, Louisiana Student Financial Assistance Commission, no address given, Baton Rouge, LA, (225) 922-1023, was present to provide information if

requested on House Bill No. 650.

James Caillier, Patrick F. Taylor Foundation, no address given, New Orleans, LA, was present in opposition to House Bill No. 650.

Representative Crane offered a motion to voluntarily defer action on House Bill No. 650. There was no objection and action on House Bill No. 650 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Nevers, T. Powell, Riddle, Stelly, and Crane voted yea.

### **House Bill No. 872 by Representative Futrell**

Representative Futrell presented House Bill No. 872, which permits, under specified conditions and limitations, subsequent use of certain Taylor Opportunity Program for Students (TOPS) awards at eligible Louisiana institutions by otherwise qualified students who enroll as first-time freshmen in out-of-state colleges or universities.

Rep. Crane offered technical amendments to delete references to "a first-time freshman" and changed "1999" to "1998-1999 school year". There were no objections and the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Alexander, Crowe, Kennard, Kenney, Nevers, T. Powell, Riddle, Stelly, Swilling, and Crane voted yea.

Representative Futrell stated that the bill's concept had been endorsed by the Louisiana Student Financial Assistance Commission. He explained that a student who would have initially been admitted to a Louisiana university but decided to attend an out-of-state school would be allowed to receive TOPS if the student decided to return to a Louisiana school, minus the year they spent at the out-of-state university.

Jack Guinn, executive director, Louisiana Student Financial Assistance Commission, no witness card submitted, was present in support and asked for clarification as to whether the adopted amendment would address a sophomore or freshman who returned.

Representative Downer suggested that the original amendment addressed "a student who enrolls as a first-time freshman in an out-of-state college or university." Representative Downer offered an amendment to include this language. Representative Downer offered a motion to adopt the amendment. There was no objection and the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Kenney, Nevers, T. Powell, Riddle, Salter, Stelly, Swilling, and Crane voted yea.

Representative Tank Powell offered a motion to report House Bill No. 872 with amendments.

There was no objection and House Bill No. 872 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Kennard, Kenney, Nevers, T. Powell, Riddle, Salter, Stelly, Swilling, and Crane voted yea.

### **House Bill No. 1945 by Representative Martiny**

Representative Martiny presented House Bill No. 1945, which permits certain high school students completing honors courses and having a minimum cumulative grade point average of 3.00 to qualify for Taylor Opportunity Program for Students (TOPS) Performance Awards under specified circumstances.

Representative Martiny stated that the bill was filed at the request of a constituent, Karen Hebert. He asked Ms. Hebert to explain the bill.

Karen Hebert, 5420 Canary Ansan Dr., Kenner, LA 70065, (504) 454-6020, said there were students who graduated with honors courses, but whose grade point averages were lowered upon applying for TOPS because the quality points achieved for their honors courses were not counted. She explained that the student grade point averages were lower than originally anticipated because the points attached to the honors courses were not calculated when converted for TOPS. Ms. Hebert noted that this recalculation prohibited the student from receiving the TOPS performance or opportunity award. Ms. Hebert asked the committee to consider the bill whose main provision included lowering the grade point average to 3.0 unweighted. She said although all of the quality points would not be granted, she saw the bill as a step in the right direction. She said students needed to be recognized for the extra effort required to take and pass honors courses.

Suzanne Delahoussaye, 1812 Green Ave., Metairie, LA 70001, (504) 456-9734, said because TOPS is an incentive program, students should be awarded for making the extra effort to perform.

Mary Bode, 960 Hesper Ave., Metairie, LA 70005, (504) 834-0762, was present in support of House Bill No. 1945 but did not wish to speak.

Jack Guinn, executive director, Louisiana Student Financial Assistance Commission, Baton Rouge, LA, (225) 922-1023, was present to provide information on House Bill No. 1945 if requested.

Representative Riddle proposed an amendment that would require a student to have five honors classes instead of one. He said the change would encourage a student to take more than one honors class. Representative Riddle offered a motion to adopt the amendment. There was no objection and the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Alexander, Crowe, Downer, Hudson, Kenney, Nevers, T. Powell, Riddle, Salter, Stelly,

Swilling, and Crane voted yea.

Representative Salter offered a motion to report House Bill No. 1945 with amendments. There was no objection and House Bill No. 1945 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Alexander, Crowe, Hudson, Kenney, Nevers, T. Powell, Riddle, Salter, Stelly, Swilling, and Crane voted yea.

### **House Bill No. 364 by Representative Damico**

Representative Damico presented House Bill No. 364, which authorizes local school boards to adopt zero tolerance policies for disciplining students, to include certain requirements in such policies, and to charge fees relative to such requirements.

Representative Damico introduced the following Jefferson Parish School Board and BESE members to explain House Bill No. 364 and to offer support for the bill:

Ray St. Pierre, Jefferson Parish School Board, 2816 Villa Dr., Marrero, LA 70072, (504) 341-9115.

Chris Roberts, Jefferson Parish School Board, 501 Manhattan Blvd., Harvey, LA 70058, (504) 349-7803.

Donna Nola-Ganey, BESE, P. O. Box 94064, Baton Rouge, LA 70804, (225) 342-3900.

Representative Damico stated that the bill would allow school boards to adopt a zero tolerance policy against fighting in schools. He said the policy is in operation in several states and he believed it would work in Louisiana public schools to help prevent student dropouts and enhance the education system.

Representative Damico asked that the amendments be added to the bill so that it will be in the posture he wanted it discussed. Representative Crane offered amendments and Ms. Nancy Jolly, committee legislative analyst, explained them.

Representative Riddle had a question about language in the first amendment which read, "Any city, parish or other local school board may adopt or implement a zero tolerance policy for fighting for the schools."

Representative Tank Powell offered a motion to adopt the amendment. There was no objection and the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Alexander, Crowe, Hudson, Kenney, Nevers, T. Powell, Pratt, Riddle, Salter, and Crane voted yea.

Representative Crane asked Ms. Jolly to explain the amendments, which she said would take effect not later than August 1, 2001, and would prohibit any harassment, intimidation, or bullying, or any intentional gesture that could be perceived as bullying in Louisiana public schools.

Cecil Picard, Louisiana Department of Education superintendent, P.O. Box 94064, Baton Rouge, LA 70804-9064, discussed Representative Crane's concern relative to how bullying would be determined.

Superintendent Picard stated that an American Medical Association study indicated that one-third of U.S. school children in 6<sup>th</sup> through 10<sup>th</sup> grades had been bullied or have bullied others. He said the amendment was requested in hopes that local school boards would adopt policies prohibiting harassment, intimidation, or bullying. He stated that local administrators would deal with the degree and severity of bullying, but he wanted the amendment so that these directives would be codified in state statutes on school discipline. Superintendent Picard said the bill addressed a growing bullying and behavioral problem in schools.

Representative Tank Powell expressed concern about the need for the bill, stating that his parish already had zero tolerance policies in place.

Superintendent Picard stated that the problem had recently been brought to the attention of the State Department of Education and the American Medical Association.

Representative Riddle said school systems had zero tolerance policies in place.

Superintendent Picard said the discipline addition should help students. He said bullying was a very serious matter and with respect to zero tolerance, local administrations have the ability in present law to define its meaning relative to their school systems. Mr. Picard explained that the amendment would give authority to make decisions at the local level and would give the state the capacity to develop consistency.

Representative Alexander said the amendment called attention to the bullying problem in schools.

Representative Jane Smith said the legislature should not create mandates for local school systems and expressed her opinion that awareness of the problem could have been illuminated in a different manner.

Superintendent Picard responded that the amendment would allow for uniformity throughout the state and consistency in student handbooks and codes of conduct from the beginning of a student's matriculation in school.

Representative Salter called for the question on the amendment.

Representative Alexander offered a motion to adopt the amendment. There were no objections and the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Alexander, Hudson, Kenney, Nevers, T. Powell, Pratt, Riddle, Salter, Jane Smith, Stelly, Swilling, and Crane voted yea.

Mr. St. Pierre explained that zero tolerance for fighting was the equivalent of a violence prevention measure in Jefferson Parish. He said the policy was not strong enough and not enough consequences existed for the policy to be successful. He stated that the bill was an attempt to establish consequences to help reduce the instances of fighting. He noted that the bill included a provision for a fee to be imposed and consequences established to help reduce these instances.

Mr. Roberts stated that the Jefferson Parish School Board adopted a resolution to allow the school board, in the event of a fight, to give the principal the right to place the student in a violence prevention program. He explained that a \$75 fee would help pay for operation of a Saturday class and said the school system could not currently impose such a fee. He asked for authority to adopt the ability to deny student participation in the school program if the student did not participate in the Saturday program.

Superintendent Picard noted that the program would be permissive.

Mr. Roberts said the fee would pay persons who were present during the program on Saturday.

Representative Stelly said his school system used the local sheriff to pursue students who had been fighting.

Representative Tank Powell asked that his parish be removed from the bill. He expressed his belief that the bill was local and each parish should be responsible for its own policy.

Representative Hudson asked if school board members would be amenable to an amendment to limit the fee that could be charged.

Representative Pratt proposed an amendment to provide that the fee charged for participation in such a class by any school board not exceed \$100. Representative Pratt offered a motion to adopt the amendment. There was no objection and the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Alexander, Hudson, Kenney, T. Powell, Pratt, Riddle, Salter, Jane Smith, Stelly, Swilling, and Crane voted yea.

Mr. Roberts, answered a question from Representative Swilling and said that all aspects of the program had to be completed before a student could reenroll. He had been informed that at least one thousand students per year had been impacted in the Jefferson Parish school system.

Mr. Paul Jones said that Representative Stelly and Representative Tank Powell requested amendments to delete certain parishes from the statute's applicability. He noted that the Picard amendment contained the language that made provisions mandatory. Representative Stelly asked that his parishes be removed from the bill. He noted that his school system was operating well under its current zero tolerance policies. Representative Stelly withdrew consideration of the amendment.

Representative Tank Powell offered an amendment to remove his parishes from the provisions of House Bill No. 364. There was no objection and the amendment to delete Livingston Parish and Tangipahoa Parish from the provisions of House Bill No. 364 was adopted by a vote of 10 yeas and 0 nays. Representatives Alexander, Kenney, Nevers, T. Powell, Riddle, Salter, Jane Smith, Stelly, Swilling, and Crane voted yea.

Mr. Roberts and Mr. St. Pierre explained that the problem had been that the parents were not paying the fee since the school board did not have authority to charge it. The bill would prevent students from returning to school until the fee was paid and give the school system the authority to collect the fee.

Mike Deshotels, Louisiana Association of Educators, P.O. Box 479, Baton Rouge, LA 70821, (225) 343-9243, spoke in support of House Bill No. 364.

Byron Stewart, Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191, spoke in support of House Bill No. 364.

Freddie Whitford, Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191, was available to provide information on House Bill No. 364 if requested.

Representative Kenney offered a motion to report House Bill No. 364 with amendments. There was no objection and House Bill No. 364 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Alexander, Hudson, Kenney, Nevers, T. Powell, Riddle, Salter, Jane Smith, Stelly, Swilling, Winston, and Crane voted yea.

#### **House Concurrent Resolution No. 74 by Representative Broome**

Representative Broome presented House Concurrent Resolution No. 74, which provides relative to racism and education about racism.

Representative Crane suggested that a time limit be placed on the presentation of testimony with each side be limited to 10 minutes. Representative Broome agreed.

Representative Broome emphasized that the instrument was only a resolution. She noted that resolutions expressed the opinion of the body and did not carry the force of law. She said House Concurrent Resolution No. 74 focused on racism and education about racism. Representative Broome expressed her opinion that there was no stronger taboo in our society today than talking about race matters. She said that addressing racism has always been a priority. She said the resolution was designed to shine a light on the racist tenets that have consistently flowed from Charles Darwin's theory of evolution taught in Louisiana's public school system. She said she was not asking to have evolution removed from the schools, but was asking the legislature, the State Department of Education, the Board of Regents, and the university systems to be aware that Darwin promoted the justification of racism in his definitive works on "The Origin of Species by Means of Natural Selection", "The Preservation of Favored Races", "The Struggle for Life", and "The Descent of Man". She distributed materials to committee members, labeled as Exhibit A in the meeting records.

Representative Broome expressed her belief that these doctrines worsen racist practices in our society and that the belief in superior versus inferior races should not be nurtured, nor should it be reinforced in our classrooms. Representative Broome said she understood that racism was in effect before Darwin; yet he was the originator of a scientific justification for racism as well as giving wing to modern racism. In Darwin's book, "The Descent of Man", he wrote: "At some future period, not very distant, as measured by centuries, the civilized races of man will almost certainly exterminate and replace throughout the world, the savage races. At the same time, anthropomorphist apes will, no doubt, be exterminated. The break will then be rendered wider, for it will intervene between man in a more civilized state as we may hope than the Caucasian and some apes as low as a baboon, instead of at present between the Negro, or Australian and the gorilla."

Representative Broome noted that House Concurrent Resolution No. 74 expressed the fact that she did not condone Darwinistic, racist ideology, and she wanted to promote commonalities that exist between she and her colleagues. Also, she said that the resolution would give students the opportunity to exercise critical thinking in the classroom.

Representative Crane gave proponents of the resolution 10 minutes to present their testimony.

Tonja Myles, 620 W. Port Hudson-Plains Rd., Zachary, LA 70791, (225) 658-0484, spoke in support of House Concurrent Resolution No. 74.

Judge Darrell White (retired), 815 Louray Dr., Baton Rouge, LA 70808, (225) 766-8715, spoke in support of House Concurrent Resolution No. 74.

Witness cards submitted by individuals who did not speak are as follows: James E. Hancock, M.D., 540 Colbert St., Mandeville, LA 70448-5420, (985) 626-3644; J. Michael Malec, ACLU of Louisiana, no address given, New Orleans, LA, (504) 522-0628; Dirk Vertigan, 823 Burgin Ave., Baton Rouge, LA 70808, (225) 763-9205; Don Weinell, 1605 South Park Avenue, Gonzales, LA 70737, (225) 644-8604; Patricia Harris, 4911 Arts, New Orleans, LA 70122, (504) 282-6242; Dee Alberty, 212 University Highlands Ct., Baton Rouge, LA 70808, (225) 769-6925; David Schultz, Department of Biological Sciences, Nicholls State University, Thibodaux, (985) 448-4720; Dr. Joseph Graves, Department of Life Sciences, Arizona State University, no address given, Tempe, AZ 85609-7100, (602) 543-6034; Jason Stern, 11555 Southfork Dr., #2070, Baton Rouge, LA 70816, (225) 572-2182; Craig Williams, 44033 Lake Hills Dr., Prairieville, LA 70769, (225) 622-2003; Lennie Ditoro, representing Concerned Women for America, P.O. Box 886, Mandeville, LA, (225) 727-1412; Sonia Henkel, 16402 Monticello, Prairieville, LA, (225) 673-4773; Surilla M. Mitchell, 1483 N. Johnson Street, New Orleans, LA 70116, (504) 943-9123; Deborah Walker, 1800 Deslonde St., New Orleans, LA 70117, (504) 840-5507; Dinah J. Carr, 4536 Laurel St., New Orleans, LA 70115, (504) 486-7206; Gloria Clayborne, 2815 Milan St., New Orleans, LA 70115, (504) 269-9126; Elba Arzu, 7432 Dogwood Dr., New Orleans, LA 70126, (504) 246-5622; Brenda M. Teepell, 305 Woodstone Dr., Baton Rouge, LA 70808, (225) 767-1519; Patricia A. Phillips, 7708 Becrest Place, New Orleans, LA 70126, (504) 246-3324; Leslie Ellison, 1016 Horace, New Orleans, LA 70114, (504) 367-8872; Kathleen Benfield, representing American Family Association, P.O. Box 10305, New Orleans, LA 70181, (504) 737-9030; Abraham Hamilton, Jr., 7649 Shorewood Blvd., New Orleans, LA 70129, (504) 242-2488; Antoinette Jones, 4675 Bundy Road, New Orleans, LA 70127, (504) 243-1898; Taquilla F. Hamilton, 7649 Shorewood Blvd., New Orleans, LA 70128-2120, (504) 242-2488; Raymond Claybont, 2815 Milan St., New Orleans, LA 70115, (504) 269-9126; Mary Virgil, 3660 W. Louisiana State Dr., Kenner, LA 70065, (504) 469-3516; Ronald J. Joseph, Sr., 14625 Emory Rd., New Orleans, LA 70128, (504) 242-2821; Caleb Verbois, 3726 Pine Park, Baton Rouge, LA 70808, (225) 928-4109; Jimmy Kaiser, Louisiana Family Forum, 5954 Mourning Dove, Baton Rouge, LA 70817, (225) 755-6339; Sheri Franklin, 15 Horseshoe Lane, Sulphur, LA 70663, (337) 625-5540; Denise Sanford, 3240 Castle Dr., Sulphur, LA 70665, (337) 528-3218; Jennifer Warren, representing Christian Coalition; 3813 N. Flannery Rd., Baton Rouge, LA, (225) 275-4961; Dorothy Wallis, representing Christian Coalition, 3813 N. Flannery Rd., Baton Rouge, LA (225) 275-4961; Deborah Wheatley, representing Christian Coalition, 3813 N. Flannery Rd., Baton Rouge, LA (225) 275-4961; Gordon Atwell, 36436 Caraway Rd., Denham Springs, LA, (225) 664-5066; Deregai Fay Burbank, M.D., 6911 Foch Rd., New Orleans, LA, (504) 246-3187; Valorie Jolibois, 924 Marilyn Dr., Baton Rouge, LA 70815, (225) 925-9121; Denise Sanford, 3240 Castle Dr., Sulphur, LA 70665, (337) 528-3218; Barbara Taylor Tamplain, P.O. Box 573, Litcher, LA 70071, (225) 869-0026; Vickie Johnson, 17135 Lavell, Pride, LA 70770, (225) 262-1074; Derrick Sanders, Louisiana Family Forum, 7453 Proxie Dr., Baton Rouge, LA 70817, (225) 752-3823; Emily Beauchamp, 706 Aline St., LaPlace, LA 70068, (985) 652-3899; Dean Brignac, Louisiana Family Forum, 7463 Proxie Dr., Baton Rouge, LA 70817, (225) 755-2421; Lyndal Garidel, Louisiana Family Forum, 16735 Merrimac Ave., Baton

Rouge, LA; Deborah Sanders, Louisiana Family Forum, 7453 Proxie Dr., Baton Rouge, LA (225) 752-3823; Ronald Duhe, 510 Grove, Metairie, LA 70003, (504) 467-5627; Jane E. Smith, Louisiana Family Forum, 866 E. River Oaks, Baton Rouge, LA 70815; (225) 924-7721; Traci Brignac, Louisiana Family Forum, 7463 Proxie Dr., Baton Rouge, LA 70817, (225) 755-2421; John P. Hannaman, 8966 Trinity Ave., Baton Rouge, LA 70806, (225) 927-6137; Jeanie P. Hannaman, 8966 Trinity Ave., Baton Rouge, LA 70806, (225) 927-6137; Laco Head, Louisiana Family Forum, 2033 Gen. Beauregard Ave., Baton Rouge, LA 70810; (225) 757-9859; Julie Metz, Louisiana Family Forum, 13723 Huntley Ave., Baton Rouge, LA 70818; (225) 261-9832; Clelie Carpenter, Louisiana Family Forum, 815 River Rd., Sunshine, LA 70780, (225) 642-3344; and Robyn Verbois, 3726 Pine Park, Baton Rouge, LA, (225) 928-4109.

Representative Hudson offered a motion to report House Concurrent Resolution No. 74 favorably, to which Representative Crane objected. The secretary called the roll, and the motion passed by a vote of 9 yeas and 5 nays. Representatives Alexander, Crowe, Hudson, Kenney, Nevers, Riddle Salter, Jane Smith, and Swilling voted yea, and Representatives Downer, T, Powell, Stelly, Winston, and Crane voted nay.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ANNOUNCEMENTS**

There were no announcements.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 1:23 p.m.

Respectfully submitted,

Chairman Carl Crane  
House Committee on Education

Date adopted: