

HOUSE COMMITTEE ON EDUCATION

Minutes of Meeting
2005 Regular Session
May 11, 2005

I. CALL TO ORDER

Representative Carl Crane, chairman of the House Committee on Education, called the meeting to order at 9:11 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 Avon Honey, Vice Chairman
Representative Ernie Alexander
Representative Austin Badon
Representative Regina Barrow
Representative A.G. Crowe
Representative Hollis Downs
Representative Jim Fannin
Representative Hunter Greene
Representative Lelon Kenney
Representative Mike Powell
Representative Harold Ritchie
Representative Tommy Wright

MEMBERS ABSENT:

Representative Henry "Tank" Powell
Representative Don Trahan

III. STAFF MEMBERS PRESENT:

Paul Jones, Research Analyst
Nancy Yelverton Jolly, Research Analyst
Jackie Snowden, Secretary
Brandy Snowden, Clerk
Beverly Vincent, Sergeant at Arms

IV. DISCUSSION

House Bill No. 178 by Representative Hutter

House Bill No. 178 prohibits, except under certain circumstances, public and private school systems from hiring persons convicted of certain crimes or permitting such persons to provide any services on school property for contractors and others performing work or providing goods or services.

Representative Crane announced that Representative Hutter requested that action on the bill be deferred. Representative Crane moved that action on House Bill No. 178 be voluntarily deferred. There was no objection, and the motion passed by a vote of 8 yeas and 0 nays. Representatives Barrow, Crane, Crowe, Fannin, Honey, Kenney, Mike Powell, and Ritchie voted yea.

House Bill No. 776 by Representative Richmond

House Bill No. 776 expands authority to seek the appointment of a fiscal administrator for political subdivisions to include situations of insufficient revenue and, as to school systems, situations of state Board of Elementary and Secondary Education (BESE)-defined crisis.

Before he presented the bill, Representative Richmond requested that amendments be added to the bill to place it in the posture he wanted to discuss the legislation. Representative Crane stated that the legislation was similar to House Bill No. 766, authored by Representative Crane and passed out of the committee on May 4. Representative Crane asked Mr. Paul Jones, committee legislative analyst, to present the amendment. The amendment provides that relative to determinations or findings made under various circumstances as to whether or not a political subdivision has sufficient revenue to pay current expenditures, specifies that such expenditures shall not include civil judgments.

In explaining the amendments, Representative Richmond agreed that House Bill No. 776 was similar to earlier legislation authored by Representative Crane, except that House Bill No. 776 includes political subdivisions. He said the amendment removes references to civil judgments when determining whether political subdivisions or school boards can pay expenditures. Representative Crane offered the amendments and moved that they be adopted. There was no objection, and the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Badon, Barrow, Crane, Crowe, Fannin, Greene, Honey, Kenney, Mike Powell, and Ritchie voted yea.

Representative Richmond explained that the legislation allows the state legislative auditor, attorney general, and state treasurer to appoint a fiscal administrator if they agree that a political subdivision is insolvent or unable to make its debt payments or current liabilities. He said the legislation was important because it had been revealed in legislative audit advisory meetings that certain school systems were not making payments toward employee insurance or other obligations for which they were responsible. He noted that nothing will be done relative to the appointment of the fiscal administrator unless a system cannot meet a bonded indebtedness. Representative Richmond pointed out that political subdivisions were also subject to the provisions of House Bill No. 776.

Speaking in support of the bill was Mr. Steve Theriot, state legislative auditor (no address given). In response to questions from Representative Crowe and Representative Kenney, Mr. Theriot explained that there have been instances, especially in smaller communities across the state, where they did not have bonded indebtedness, but had costs from vendors, group benefits, or retirement systems that they were slow in paying or not able to make payments at all. He said the provisions of the legislation will assist these areas in establishing a sound financial operation.

Mr. Jim Hrdlicka, representing BESE, 1201, North Third St., Baton Rouge, LA 70804, (225) 342-3607, said he appeared on behalf of State Superintendent of Education Cecil Picard who could not attend. He noted that the bill was important to the superintendent. Mr. Hrdlicka noted that local governing authorities, in increasing numbers, are finding themselves in dire financial straits, and the legislation provides a mechanism for the state to step in and appoint a fiscal administrator when a political subdivision of the state, including school boards, does not have bonded indebtedness.

Representative Crane announced that a technical amendment needed to be adopted and asked Mr. Paul Jones to explain the amendment. Mr. Jones explained that the amendment changes the references in the bill from R.S. 39:1308 to R.S. 39:1309. Representative Crane offered the amendment and moved that it be adopted. There was no objection and the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, and Ritchie voted yea.

Also supporting the legislation were Ms. Brigitte Nieland, representing the Louisiana Association of Business and Industry, 3113 Valley Creek Dr., Baton Rouge, LA 70808, (225) 928-5388; Mr. John Beck, representing the Louisiana School Boards Association, P.O. Box 14, Donaldsonville, LA 70346, (225) 473-7328; Mr. Jim Napper, representing the state treasurer's office, (225) 342-0029; Mr. Ferdinand Troullier, representing the Louisiana Federation of Teachers, 9623, Brookline Ave., Baton Rouge, LA 70809, (225) 923-1037; Mr. Lee Faucette, representing the Louisiana Association of School Executives, 12615 Stoneway Place, Baton

Rouge, LA 70818, (225) 261-5560; and Mr. Mike Lucia, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191.

Representative Honey moved that House Bill No. 776 be reported with amendments. There were no objections and House Bill No. 776 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, and Ritchie voted yea.

House Bill No. 103 by Representative Frith

House Bill No. 103 permits use of Tuition Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards at certain out-of-state nonpublic colleges and universities under specified conditions and provides for award amounts in such cases.

Representative Frith stated that he offered the bill to assist deaf students who are attending school. He explained that the bill provides that if a deaf child qualifies for TOPS, he/she can choose to attend a special school for the deaf. He noted in this instance the school was Galludet University located in Washington, D.C.

Accompanying Representative Frith were Mr. Bill Prickett, superintendent, Louisiana School for the Deaf, P.O. Box 3074, Baton Rouge, LA 70821, (225) 769-8160 and Mr. Clifton Alleman, parent of two deaf students and retired educator, 3704 Veterans Memorial Dr., Abbeville, LA 70510, (337) 893-8983. Mr. Prickett stated that the state Board of Elementary and Secondary Education (BESE) had considered the legislation and took no position. He commented that he was present to explain why a deaf student would want to attend Gallaudet University. He testified that the university was founded in 1864 under President Abraham Lincoln; has a current enrollment of 1,833 (1,200 undergraduates); and is funded through a direct appropriation from Congress. Mr. Prickett noted as well that Gallaudet was the only four-year liberal arts university specifically designed for deaf and hard-of-hearing students in the U.S. He said the environment at the school is more conducive to the learning style of hearing impaired students than is the regular college or university. Mr. Prickett described Gallaudet as the mecca for deaf students across the country.

Mr. Alleman noted that his children (all deaf girls) flourished in the environment provided at the Louisiana School for the Deaf. He noted that the cost to send a student to Gallaudet is \$10,000 per year. He noted that one of his daughters was salutatorian of her class, but because she was deaf and hearing impaired, she could not take the TOPS scholarship she earned with her to an out-of-state university. He pointed out the difficulties a hearing impaired or deaf student would encounter in attempting to interact at a regular college or university and said the student's only alternative is to go to a school of their peers.

Mr. Alleman stated that the bill would allow the deaf student who had earned a TOPS scholarship in Louisiana to have the scholarship transferred to an out-of-state university; in this case, Gallaudet University.

Representative Frith said the passage of the legislation would save the state the cost of assigning an interpreter and note-taker to accompany the student while attending a regular college or university. He also pointed out that one or two students would be affected per year.

Mr. Mark Antoon, representing the legislative fiscal office, said according to information provided by the agency that administers TOPS, to date, there have been two students from the Louisiana School for the Deaf who have qualified.

Supporting the legislation were Mr. Mike Lucia, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191, and Mr. John Beck, representing the Louisiana School Boards Association, P.O. Box 14, Donaldsonville, LA 70346, (225) 473-7328.

Available to provide information if requested was Mr. George Eldredge, general counsel, Louisiana Office of Student Financial Assistance, 1882 Wooddale Blvd., Baton Rouge, LA 70806, (225) 922-0597.

Representative Downs moved that House Bill No. 103 be reported favorably. There was no objection, and House Bill No. 103 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Badon, Barrow, Crane, Downs, Greene, Kenney, Mike Powell, Ritchie, and Wright voted yea.

House Bill No. 777 by Representative Cazayoux

House Bill No. 777 requires the inclusion of the topic of adoption awareness in outlines for courses related to family life.

Representative Cazayoux introduced Ms. Lillie Gallagher, 1661 E. Lakeshore, (225) 383-3270, director emeritus of St. Elizabeth Foundation, and Mr. A. Hays Town, 5043 Sweetbriar, Baton Rouge, LA, (225) 252-6642, president of St. Elizabeth Foundation to further explain the bill.

Mr. Town stated that the bill was being proposed to promote adoption in Louisiana. He noted that adoption was changing and many citizens think of it in old-fashioned terms. He said the bill provides for a short course about adoption to be taught each semester either in the high schools or junior high schools. Mr. Town said the course would be taught in a manner that would help students better understand it, thereby creating a more favorable reaction.

Ms. Gallagher stated that certain family life classes were already in place in most schools and these classes could possibly focus on adoption awareness. She said the goal is to help students as they become young adults building families to consider adoption. Ms. Gallagher reasoned that the more educated a person becomes about adoption, the less frightened that person is about the process. She identified special needs children and the foster care system as areas where children are available.

Supporting the legislation were Mr. Mike Lucia, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; Mr. John Beck, representing the Louisiana School Boards Association, P.O. Box 14, Donaldsonville, LA 70346, (225) 473-7328; Mr. Lee Faucette, representing the Louisiana Association of School Executives, 12615 Stoneway Place, Baton Rouge, LA 70818, (225) 261-5560; and Ms. Debi K. Faucette, representing the state Board of Elementary and Secondary Education, (225) 342-3336.

Representative Wright moved that House Bill No. 777 be reported favorably. There was no objection, and House Bill No. 777 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Greene, Kenney, Mike Powell, Ritchie, and Wright voted yea.

House Bill No. 120 by Representative Hill

House Bill No. 120 provides, relative to initial eligibility for a Tuition Opportunity Program for Students (TOPS) award beginning with the 2005-2006 award year, for minimum scores on specified standardized tests that are required of certain home study students.

Representative Hill explained that the bill provides for BESE-approved home study students to be eligible for TOPS by making two points higher than what is required by students who attend public schools. Representative Hill then introduced Representative Beard to discuss the bill further. Representative Beard explained that the bill would apply to all home study students who submit all data required by state law to become eligible for TOPS. He said the bill would require home-study students to score at least two points better than public school students on specific standardized tests rather than three points better than other students.

Representative Crowe commented that the bill had been heard in this committee last year and that the parents of home-study students are paying the same taxes as other citizens. He added that TOPS funding was generated from the state and these parents help pay the taxes that help fund the program. He noted that the state has required these students to meet higher standards, which is not fair. Representative Crowe stated that there should be no disparity in the test scores; thus, asking for a decrease of one point shows a good-faith effort to compromise.

Representative Crane pointed out that the student who is not home schooled has to meet three requirements in order to qualify for TOPS: grade point average, ACT score, and core curriculum. He said the only academic requirement a home-schooled student must meet is the ACT score. He said the required ACT score increased for the home-schooled student because the other two academic requirements were dropped, as the ACT was thought to be a measure of the core curriculum. Representative Crane explained that this was done because there was no way to guarantee that the home-schooled student had completed the core curriculum.

Representative Powell observed that the fiscal note indicated that for 2005-2006, 11 students would be served at a cost of \$34,455. He noted as well that even though the ACT requirement is being lowered by two points, a higher requirement for the home-schooled student was still being maintained in the bill. Representative Powell stated that Louisiana residents, taxpayers, and students who are attempting to further their education in Louisiana are affected. He said it was a reasonable approach.

Representative Wright inquired about the willingness of the authors to possibly amend the bill to meet the same core curriculum requirements and ACT score requirements of public school students. Representative Beard said he had no problem with the suggestion as all of the students and parents he is involved with test the students every year and submit all curriculum in compliance with state rules.

Representative Downs agreed with eliminating the differences and have all students adhere to the same requirements, with the core curriculum being the leading indicator.

Ms. Robin Jarvis, representing the state Department of Education, asked for a clarification of Representative Beard's testimony that they would be willing to submit the core curriculum course information. She informed committee members that the current home study law allows for the submission of either their course of study (the program they are using) or their test results, among other items. She said in order for the department to add this submission as an addendum to the application, the home study law relative to these submissions would have to be changed.

Representative Crane further explained that there was a trade off because the home schools were concerned and did not want interference in what they were doing from the state Department of Education.

Representative Wright announced that, with the approval of the authors of the bill, he wanted to make a motion to have the academic requirements for TOPS eligibility made the same for home study students as they are for public school students.

Representative Crane stated that this change would require the preparation of an extensive set of amendments by staff.

Appearing before the committee to speak on behalf of home schooling parents was Ms. Jerrie LeDoux, 4125 Hwy. 112, DeRidder, LA, (337) 463-2848. Ms. LeDoux said she has educated her children in the home for nine years. She informed committee members that she is already providing her students with the curriculum requirements without being mandated by the state. She said there are a number of parents who want their children to be educated in Louisiana and who want to take advantage of the monies they have helped to generate. She pointed out that the levels home study students have to reach on the ACT are quite demanding.

Also supporting the legislation were Mr. Jason Stern, representing the Louisiana Family Forum Action Group, 655 St. Ferdinand St., Baton Rouge, LA 70802; (225) 349-8533; and Ms. Nancy Pyle, representing Christian Home Educators Fellowship of Baton Rouge, 9575 N. Parkview Dr., Baton Rouge, LA 70815, (225) 924-0166.

Opposing the legislation was Ms. Brigitte Nieland, representing the Louisiana Association of Business and Industry, 3113 Valley Creek Dr., Baton Rouge, LA 70808, (225) 928-5388.

Representative Hill asked for favorable passage of House Bill No. 120.

Representative Kenney moved that House Bill No. 120 be reported favorably with a recommendation that it be recommitted to the House Committee on Appropriations. Representative Wright offered a substitute motion that action on House Bill No. 120 be involuntarily deferred. Representative Wright withdrew his motion and Representative Crowe then offered a substitute motion to report House Bill No. 120 favorably, to which there was objection. The vote occurred on the substitute motion. The secretary called the roll. The motion to report House Bill No. 120 favorably failed by a vote of 5 yeas and 6 nays. Representatives Ernie Alexander, Badon, Crowe, Greene, and Mike Powell voted yea, and Representatives Crane, Downs, Fannin, Honey, Kenney, and Wright voted nay. The vote then occurred on the original motion to report House Bill No. 120 favorably with a recommendation to recommit it to the House Committee on Appropriations. There was no objection, and the motion passed by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, and Wright voted yea.

House Concurrent Resolution No. 77 by Representative Mike Powell

House Concurrent Resolution No. 77 requests the state Board of Elementary and Secondary Education (BESE) to adopt a minimum foundation program (MFP) formula for the 2006-2007 school year requiring that at least 70% of local school system general fund monies be spent at

the school building level for instructional services and at least 65% of the general fund monies be spent at the classroom level for the instruction of students by teachers and instructional staff members.

Representative Mike Powell observed that an analysis was done by the Louisiana Association of Business and Industry indicating that from 1975-1976 to 2002-2003, state funding for K-12 education increased by 402%. Representative Powell noted that during that same period of time there was a 19% decrease in student enrollment, a 26% decrease in school employees, and no correlation of teacher pay increasing at the same rate as education funding.

Representative Mike Powell commented further that a mechanism in the MFP stipulates that 70% of funding will go towards instruction, which one would think would reasonably follow through to the classroom. However, he pointed out that other areas are being funded by portions of the 70% in some school systems.

He noted that among the various education issues and the reporting and accountability requirements that the committee has heard testimony on and made decisions about, there has been no serious dialogue about where the funds are actually being spent. Representative Powell cited a national trend of spending a lesser percentage of the education dollar at the school site and in the classrooms.

Representative Mike Powell explained that House Concurrent Resolution No. 77 is brought forth to open debate and dialogue in order to determine if the available resources can be maximized and place the available funds closer to the student where they can be more effectively spent.

Representative Crowe asked in what areas was the 70% funding distributed. Ms. Beth Scioneaux, representing BESE, 1201 North Third St., Baton Rouge, LA 70804, (225) 342-3607, said the 70% funding includes funds for classroom instruction and pupil support; child welfare; guidance; health; and instructional staff services.

Representative Kenney commented that the provisions of the resolution will help start the process of looking at where funds are targeted.

Representative Mike Powell stated that it is important that guidelines be established to make sure BESE follows the funds to ensure that a significant amount is made available to the teacher in the interest of helping the student.

In response to a question from Representative Mike Powell as to whether or not requirements for reporting this information are in law, Mr. Paul Jones, committee legislative analyst, responded that there has been a provision in law for some time.

Supporting the resolution were Ms. Rebecca Nesbitt, representing the Shreveport Leadership Program, 844 E. Linden St., Shreveport, LA 71104; Ms. Brigitte Nieland, representing the Louisiana Association of Business and Industry, 3113 Valley Creek Dr., Baton Rouge, LA 70808, (225) 928-5388; Mr. Ferdinand Troullier, representing the Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA 70809; and Mr. Paul Johnson, 7600 GM Blvd., Shreveport, LA 71129, (318) 683-9469.

Representative Ernie Alexander moved that House Concurrent Resolution No. 77 be reported favorably. There was no objection, and House Concurrent Resolution No. 77 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, and Wright voted yea.

House Concurrent Resolution No. 41 by Representative Montgomery

House Concurrent Resolution No. 41 requests the state Board of Elementary and Secondary Education (BESE) to provide alternative teacher certification procedures for certain persons who have met all certification requirements except student teaching.

Representative Montgomery explained that he introduced the bill because there were several persons in his area who had taken the exam to be allowed to student teach and then found out later that their grade was incorrect. The students cannot perform student teaching duties until they have passed the test. He informed committee members that a class-action suit was pending against the testing company. He said that several hundred took the test and some paid to have the test graded again, while others retook the test. Representative Montgomery noted that the test results were again incorrect. He said his concern was that the students not be lost to the teaching profession in Louisiana.

Representative Montgomery introduced Mr. Stan Beaubouef, director of teacher certification, representing BESE, 1201 N. Third St., Baton Rouge, LA, (225) 342-3562. Mr. Beaubouef testified that the Board of Regents, in conjunction with the state Department of Education and BESE, instituted some procedures to assist the persons who had taken the test. They were allowed, for one year, to be placed on a practitioner license, be employed by a school district in their area, and paid as a regular certified and highly qualified teacher. He said the one year was used by the teacher to complete an internship, to be paid by the Board of Regents, in lieu of their student teaching. At the completion of the internship, full certification would be granted.

Ms. Shelia Talamo, assistance superintendent for the office of quality education, state Department of Education, 1201 North Third St., Baton Rouge, LA 70804, (225) 342-3562, corroborated Mr. Beaubouef's testimony relative to the Board of Regents' and BESE's collaborative efforts to address the problem.

Representative Montgomery stated that he will not move the legislation forward, but brought it forth to shed light on the issue. He noted that since BESE and the Board of Regents are working to help the teachers involved, he would let them go forth. He asked that action on the resolution be voluntarily deferred.

Representative Crane moved that action on House Concurrent Resolution No. 41 be voluntarily deferred. There was no objection, and the motion passed by a vote of 12 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, and Wright voted yea.

House Concurrent Resolution No. 54 by Representative Ernie Alexander

House Concurrent Resolution No. 54 requests the state Board of Elementary and Secondary Education (BESE) to study the future income-earning capacity of those who pass the General Education Development (GED) examination in comparison to that of those who obtain a standard high school diploma.

Representative Ernie Alexander explained that the legislation was a study resolution asking BESE to study the GED and report back to the committee on the future economic gains of individuals with the GED in comparison to the high school diploma. He informed committee members that national statistics show that persons with the GED produce at a much lower income level than those with the high school diploma.

Supporting the resolution was Ms. Brigitte Nieland, representing the Louisiana Association of Business and Industry, 3113 Valley Creek Dr., Baton Rouge, LA 70808, (225) 928-5388.

Available to provide information, if requested, was Ms. Debi Faucette, representing BESE, 1201 N. Third St., Baton Rouge, LA 70804.

Representative Crowe moved that House Concurrent Resolution No. 54 be reported favorably. There were no objections, and House Concurrent Resolution No. 54 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Fannin, Greene, Honey, Kenney, Mike Powell, and Wright voted yea.

V. OTHER BUSINESS

To receive and discuss reports from the State Board of Elementary and Secondary Education relative to the Louisiana Quality Education Support Fund "8(g)" proposed programs and budgets (FY 2005-2006) and to receive and discuss responses from the board to certain 2004 legislative resolutions.

Representative Crane referred members to copies of the reports at their desks and informed them if they had specific questions on the reports there were representatives available to answer.

There were no specific questions from committee members.

VI. ANNOUNCEMENTS

There were no announcements.

VII. ADJOURNMENT

The meeting was adjourned at 11:27 a.m.

Respectfully submitted,

Austin J. Badon, Jr., Chairman

The committee has acknowledged on _____, that these minutes were prepared in accordance with the rules of the House of Representatives.