

## HOUSE COMMITTEE ON EDUCATION

Minutes of Meeting  
2005 Regular Session  
May 24, 2005

### I. CALL TO ORDER

Representative Carl Crane, chairman of the House Committee on Education, called the meeting to order at 9:06 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 Henry "Tank" Powell  
Representative Mike Powell  
Representative Harold Ritchie  
Representative Don Trahan  
Representative Tommy Wright

#### MEMBERS ABSENT:

NONE

### III. STAFF MEMBERS PRESENT:

Paul Jones, Research Analyst  
Nancy Yelverton Jolly, Research Analyst  
Jackie Snowden, Secretary  
Brandy Snowden, Clerk  
Beverly Vincent, Darrell Augustine and Don Meir, Sergeant at Arms

#### IV. DISCUSSION

##### House Bill No. 619 by Representative Salter

House Bill No. 619 authorizes postsecondary education management boards to increase tuition and mandatory attendance fees consistent with certain policies of the Board of Regents.

Speaker Salter presented the bill to the committee. He told members that the legislation is an important measure that addresses student tuition in state postsecondary institutions. He cautioned members to be attentive to subsequent information that will be presented in that the legislation does not include much detail. Speaker Salter recalled that previous legislatures did not have to vote on tuition increases each time one was needed. He said he prefers to handle the manner in this fashion, allowing the management board to make the decision. He stated that House Bill No. 619 provides this opportunity. Speaker Salter introduced Dr. Joseph Savoie, commissioner of higher education, to further explain the bill and present the tuition policy.

Dr. Savoie, representing the Board of Regents, Baton Rouge, LA 70804, (225) 342-4253, introduced Ms. Michelle Gigg, chairman, Council of Student Body Presidents, to make comments. Dr. Savoie informed members that in the 2003 Regular Session, through Act No. 1105, the legislature directed the Board of Regents to come up with a statewide tuition and fee policy for legislative consideration. He recalled that many legislators had concerns about the arbitrary way tuition was being set and wanted some standard way established. Dr. Savoie informed committee members that Regents staff began looking around the country to see where movements were occurring so that an appropriate method for establishing a policy could be determined. Dr. Savoie narrated a PowerPoint presentation (see Exhibit A).

Ms. Gigg introduced other student body presidents and representatives who were at the meeting. They included: Dameon Breaux, Nicholls State University, vice chair, council of student body presidents; Connie Cooper, Louisiana State University-Alexandria (LSU-A), secretary, council of student body presidents; Lacy Spencer, LSU-Shreveport, student representative, LSU Board of Supervisors; Ted James, Southern University Law Center, student representative, Southern University System; Mallory Wall, McNeese State, student representative, University of Louisiana System; Carondelet McWilliams, Baton Rouge Community College, Louisiana Community and Technical College System. Ms. Gigg informed committee members that the students have had continuous input with the Board of Regents on the tuition policy and its implementation. She stated that the group supports the bill for these reasons: (1) tuition is targeted on a more competitive level than in the past; (2) you can see an average projected cost of tuition, allowing students to plan for the future; and (3) the power of implementation is given to the management boards within certain parameters. She said the group sees the provisions of House Bill No. 619 as being good for the state and for education.

Representative Mike Powell asked what was the maximum annual amount that tuition would increase at LSU over the next six years if the bill was approved. Dr. Savoie responded that the maximum amount would be \$438 per year, which amounts to \$2,628 over a six-year period. Dr. Savoie referred Representative Powell and other committee members to the document entitled "Louisiana Postsecondary Education Tuition and Fee Policy" for information about other policy proposals and costs.

Supporting the legislation was Mr. Ferdinand Troullier, representing the Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA 70809, (225) 923-1037, and Mr. Rodney C. Braxton, representing the Louisiana Community and Technical College System Foundation, (225) 381-9777.

Opposing the legislation were Mr. Richard Ieyoub, representing the children of Louisiana, One Lee Circle, New Orleans, LA, (504) 589-0471; Mr. James Caillier, representing the children of Louisiana, One Lee Circle, New Orleans, LA 70130, (504) 589-0470; Ms. Phyllis M. Taylor, representing the children of Louisiana, One Lee Circle, New Orleans, LA 70130, (504) 589-0410; Mr. Dan Kyle, representing the Republican Party of Louisiana, Baton Rouge, LA 70815, (225) 928-2995; Ms. Jan Ellis, an LSU student, 408 River Oaks Dr., Luling, LA 70070, (985) 785-9354; Ms. Margaret Johnson, student, 410 Willowdale Blvd., Luling, LA 70070, (985) 331-0222; and Mr. Scott Curry, LSU student, 722 Amelia St., Gretna, LA, (504) 495-9793.

Ms. Taylor expressed concern with the possibility that the new tuition program might be adopted without addressing the issue about how the Tuition Opportunity Program for Students (TOPS) will be treated under the bill. She noted that the Board of Regents had spent two years studying the tuition program, however she said she saw no mention of TOPS. She explained that she was appearing before the committee to champion a cause that her late husband (Mr. Patrick Taylor) spent many years fighting for – to provide an opportunity for young people to get an education. Ms. Taylor noted that there was a recitation of numerous facts and figures. She stated that her interest was in placing a face with the numbers. Ms. Taylor shared with committee members personal encounters and correspondences from a wide array of citizens who expressed gratitude for having been presented the opportunity, through the establishment of TOPS, to stay in Louisiana and attend one of its colleges or universities. Ms. Taylor asked committee members to remember these faces when they vote on House Bill No. 619.

Dr. Caillier expressed concern that the legislation would help out-of-state students more than Louisiana students and stated that the increased tuition could serve to extend the consent decree, set up to ensure that all students would have equal access to higher education in the most affordable manner, that is due to end in December. He stated that he was concerned, as well, that low income or need-based students will be priced out of the market.

Mr. Richard Ieyoub's comments dealt with the affected statute and some of the policy findings of the Board of Regents. He noted that policy passed April 28, 2005, by the Board of Regents makes it apparent that House Bill No. 619 is more than a simple and harmless request to raise tuition. He stated that the practical effect of the policy taken together with House Bill No. 619 is to give legislative authority to every postsecondary education management board in the state to raise tuition for every postsecondary higher education institution in the state every year for at least four consecutive years with a one-time, two-thirds vote of the legislature. Mr. Ieyoub questioned the legality of the measure relative to its adhering to constitutional provisions that address establishing new fees or increasing existing fees. He also questioned how fees can be raised for multiple years with one vote of the legislature. Mr. Ieyoub cited Article 7, Section 2.1 of the state Constitution, passed in 1995. He noted that prior to the passage of this portion of the Constitution, the primary authority to raise fees and tuition rested with the management boards and the results were disastrous. He stated that with no legislative oversight, fees and tuition increased on a regular basis. He pointed out that the Regents' policy leaves many questions unanswered. Mr. Ieyoub asked that the committee allow the legislature to keep the ultimate authority over raising tuition and fees.

Mr. Dan Kyle, deputy chairman of the Republican Party of Louisiana, stated that the proposed increase in tuition and fees will cause the TOPS program to go up by almost \$13 million per year.

Representative Downs referred committee members to the document prepared by the Board of Regents that outlined the tuition and fee policy (see Exhibit B). He commended the Board of Regents for submitting a thorough report. Representative Downs asked committee members to keep in mind the continuous cost increases that the state's colleges and universities must confront annually: health, pension, utilities, salaries, and overall growth. He stated that he did not see the request as an attempt to seize power but saw the Regents' policy as a predictable, well-thought-out plan for the next six years.

Representative Wright asked for clarification on whether or not current law provides that the full TOPS scholarship would include any increases in tuition. Representative Crane responded that as long as the legislature votes to appropriate funds for TOPS, the full funding of the scholarship will be available.

Representative Mike Powell commented that the constitutional aspect is important in that it is an expression of the will of the people. He noted that the Regents and the boards have performed well, however he did not think their good work required removing the legislature from being directly involved with determining the need for a tuition increase. He also expressed concern for TOPS.

Representative Honey noted the requests for tuition and fee increases coming one behind the other and their impact on the students who need an opportunity to receive a postsecondary education.

In closing, Dr. Savoie stated that more students are becoming better prepared and succeeding without the need for remediation. He stressed his support for TOPS and pointed out that nothing in the proposed policy threatens the program and emphasized that the governor had given her word that she would support any increases in tuition because of TOPS. Dr. Savoie responded to the various assertions of the opposition. He noted the Regents' establishment of programs to assist students: educational planning and assistance; aggressive efforts to improve teacher preparation to make quality teachers available; high school redesign; summer bridge programs to assist in getting students qualified; and admissions criteria that are patterned after TOPS criteria. Dr. Savoie stated that there should not be a discussion or question about the Board's support of TOPS. He noted, as well, that TOPS was not specifically addressed in the legislation because the legislation outlined a proposed tuition policy, not a financial aid policy. Dr. Savoie also referred committee members to the document, "Louisiana Postsecondary Education Tuition and Fee Policy", informing committee members that the document was prepared to answer many of the questions and concerns they had.

Speaker Salter stated that he was a legislator when the constitutional amendment was passed. He stated that he remembers that the majority of legislators were not under the impression that it applied to college tuition after the amendment passed. The Speaker stated that the legislature is not giving away any authority.

Representative Downs moved that House Bill No. 619 be reported favorably. Representative Tank Powell offered a substitute motion that action on House Bill No. 619 be involuntarily deferred. There was an objection, and the vote occurred on the substitute motion. The secretary called the roll. The motion that action on House Bill No. 619 be involuntarily deferred failed by a vote of 4 yeas and 10 nays. Representatives Ernie Alexander, Badon, Tank Powell, and Mike Powell voted yea and Representatives Barrow, Crane, Crowe, Downs, Fannin, Honey, Kenney, Ritchie, Trahan, and Wright voted nay. The vote then occurred on the original motion by Representative Downs to report House Bill No. 619 favorably. The motion passed by a vote of 14 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Honey, Kenney, Tank Powell, Mike Powell, Ritchie, Trahan, and Wright voted yea.

#### **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 Hutter explained that House Bill No. 178 covers all school employees who are employed in private or public schools from being hired if they have certain types of convictions.

Representative Crane announced that there were amendments at the desk and stated he would offer them to place the bill in the posture Representative Hutter wanted it. Mr. Paul Jones, committee legislative analyst, presented the amendments. The amendments provide the following: (1) relative to the prohibition against hiring certain school employees who have been convicted of or have pled nolo contendere to specified crimes, provides that such prohibition shall apply to a temporary, part-time, or permanent school employee of any kind instead of a school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children; (2) deletes proposed law provisions prohibiting the hiring of persons (who have been convicted of or pled nolo contendere to specified crimes) on a temporary, part-time, or project basis to perform maintenance, construction, or other work for or provide services to the school system or a school; (3) adds that for purposes of proposed law and present law, any person employed to provide cafeteria, transportation, or janitorial or maintenance services by a person or entity that contracts with a school or school system to provide such services shall be considered to be hired by a school system; (4) relative to present law provisions for dismissal by a city, parish, or other local public school board of certain persons who have been convicted of or have pled nolo contendere to certain crimes, provides for the dismissal of any teacher instead of any permanent teacher who has supervisory or disciplinary authority over school children (who has been convicted of or has pled nolo contendere to such crimes); (5) deletes proposed law provisions prohibiting public and private school systems from permitting persons who have been convicted of or pled nolo contendere to certain crimes to perform maintenance, construction, or other work or services on school property for or to a contractor, subcontractor, or others performing work or providing goods or services to the school system or a school; (6) changes present law reference to "a public or private elementary or secondary school system" to "any city, parish, or other local public school board or nonpublic school or school system".

Representative Crane moved that the amendments be adopted. There was no objection and the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Badon, Barrow, Crane, Crowe, Downs, Honey, Kenney, Tank Powell, and Trahan voted yea.

Representative Hutter explained that the bill covers anyone who is employed by the school system on contract, private, or outsourced basis. She named cafeteria or janitorial services as examples and stated that the prospective employee would have to have a criminal background record check similar to any other employee. Representative Hutter explained that currently

there is no provision in state law that covers this type of employee, only those in supervisory and disciplinary positions. The bill now provides that anyone who comes in contact with school children on a permanent or part-time basis, hired by the school (teachers, substitute teachers, bus drivers, janitors) will have the criminal records check performed.

Supporting the legislation was Ms. Jennifer Ansardi Giovingo, representing the Jefferson Parish School Board, P.O. Box 55815, Metairie, LA 70055, (504) 606-7700.

Opposing the legislation were Mr. Charles Scriber, representing the Louisiana Association of School Superintendents, 7912 Summa Ave., Baton Rouge, LA 70809, (318) 255-1430, and Mr. John Sartin, representing the Richland Parish School Board, P.O. Box 599, Rayville, LA 71269, (318) 728-5964.

Mr. Scriber testified that his organization supports the practice of performing criminal background checks on all employees of a school system, however, he stated that his concern was with persons who were contractors or subcontractors at the school doing construction work. He asked if the school system would be responsible for this group. Representative Crane pointed out that the construction workers were removed from the bill by the amendments. Ms. Nancy Jolly, committee legislative analyst, informed committee members that the adopted amendments deleted provisions that made reference to third party contracts or subcontractors who performed construction work or provided goods or services. She said included were any persons employed by any person or other entity that contracts with the school system or school for cafeteria, transportation, janitorial, or maintenance services. Mr. Sartin stated, as well, that he was pleased that the amendments remove from the bill those third party contractors, subcontractors, etc. He and Mr. Scriber stated that since the change has been made, they wished to withdraw their opposition to House Bill No. 178.

*Vice Chairman Honey in the chair.*

Others who originally opposed the legislation but now wanted to withdraw their opposition since the amendments were adopted were Mr. Mike Lucia, representing the Louisiana Association of School Superintendents, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; Mr. Byron Stewart, Mr. Freddie Whitford, Mr. Cliff Friedman, and Mr. Ed Price, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA, (225) 769-3191; Mr. J. Rogers Pope, representing the Louisiana Association of School Executives, 7290 Enterprise Dr., Denham Springs, LA 70726, (225) 791-0365; Mr. Danny Loar, representing the Louisiana Citizens for Educational Freedom, P.O. Box 65196, Baton Rouge, LA 70896, (225) 346-5441; Mr. Randy Moore, representing the Louisiana Association of Principals, 2005 Hwy. 563, Simsboro, LA 71275, (318) 247-6733; Mr. James C. Hoyle, representing the Plaquemines Parish School Board, P.O. Box 70, Belle Chasse, LA, (504) 392-

4970; Mr. Randy Pope, representing Livingston Parish, P.O. Box 1130, Livingston, LA 70754, (225) 686-4221; Mr. Steve Bartlett, representing the Louisiana Association of School Superintendents, Winn Parish, (318) 628-6936; and Mr. Douglas L. Chance, representing Cameron Parish Schools, P.O. Box 1548, Cameron, LA 70631, (337) 775-5784, ext. 21.

Available to provide information if requested were Ms. Joan E. Hunt, representing the state Board of Elementary and Secondary Education, 1201 N. Third St., Baton Rouge, LA 70804, (225) 342-5840; Captain Jerry Patrick and Lieutenant James McGuane, representing the Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-6095.

Representative Barrow moved that House Bill No. 178 be reported with amendments. There was no objection, and House Bill No. 178 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Barrow, Crane, Crowe, Downs, Greene, Honey, Kenney, Tank Powell, Ritchie, and Trahan voted yea.

*Representative Crane in the chair.*

#### **House Bill No. 158 by Representative Marchand**

House Bill No. 158 relative to compulsory K-12 school attendance, authorizes Louisiana licensed nurse practitioners to substantiate certain illnesses permitting temporary absence and removes exemptions based on a child's residence.

Representative Marchand stated that the provisions of the bill give licensed nurse practitioners the authority to substantiate certain illnesses and permit temporary absences. She explained that when a child is absent from school, the bill will allow the nurse practitioner to sign for the child to return to school.

Acute care nurse practitioner and family nurse practitioner, Ms. Lisa C. Bayhi, ACNP, FNP, representing the Louisiana Association of Nurse Practitioners, 1200 S. Acadian Thruway, Suite 206, Baton Rouge, LA 70806, (225) 381-7200, stated that because the doctor is not always available, it is reasonable for her to be able to sign a note allowing a student to return to school. Accompanying Ms. Bayhi was Ms. Joni Nickens, representing the Louisiana Association of Nurse Practitioners, 1200 S. Acadian Thruway, Suite 206, Baton Rouge, LA 70806, (225) 381-7200. Ms. Bayhi is also a family nurse practitioner and said they were seeking the right to sign because nurse practitioners are authorized in the state of Louisiana to provide medical diagnoses and they write their own prescriptions. She pointed out as well that because some nurse practitioners in rural areas do not have access to doctors in a timely manner, they are asking to be allowed to write the temporary school expenses.



Representative Marchand reiterated, in response to a question from Representative Trahan, that the practice sought in the bill is merely an extension to licensed nurse practitioners what doctors have done for years.

Supporting House Bill No. 158 were Ms. Barbara Haynes, representing the Louisiana Association of Nurse Practitioners, 1200 S. Acadian Thruway, Suite 206, Baton Rouge, LA 70806, (225) 381-7200 or 344-4084; Ms. Sandra Adams, representing the Louisiana Maternal and Child Health Coalition, (225) 925-7239; Mr. Kyle Ardoin, representing the Louisiana State Nurses Association, (225) 408-5900; Mr. Ferdinand Troullier, representing the Louisiana Federation of Teachers; Mr. Byron Stewart, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70810, (225) 769-3191; Ms. Cindy Bishop, representing the Louisiana Assembly on School Based Health Centers, (225) 923-1599; and Ms. Jennifer Ansardi Giovingo, representing the Jefferson Parish School Board, P.O. Box 55815, Metairie, LA 70055, (504) 606-7700.

Available to provide information if requested was Ms. Donna Nola-Ganey, representing the state Board of Elementary and Secondary Education, 1201 N. Third St., Baton Rouge, LA 70804, (225) 342-3602.

Representative Downs moved that House Bill No. 158 be reported favorably. There was no objection, and House Bill No. 158 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Barrow, Crane, Crowe, Downs, Greene, Honey, Kenney, Ritchie, and Trahan voted yea.

#### **House Bill No. 184 by Representative Frith**

House Bill No. 184 provides for the transfer of certain sixteenth section lands in Vermilion Parish.

Representative Frith explained that the provisions of the bill will provide assistance to 26 families who purchased property several years ago from the Acadiana/Vermilion Irrigation Co. The company, in turn, sold the property to some individuals who sold it to several families. He remarked that since that sale, the families had put some improvements on it, and established a homestead. Representative Frith stated that now the families have found that the property really belongs to the school board. The school board has reached an agreement with the homestead owners and has agreed to allow them to retain their property and worked out an agreement with the purchaser to return the property to them with a clear title. Representative Frith introduced Mr. Calvin E. Woodruff, general counsel, Vermillion Parish School Board, Concord St., Suite A, Abbeville, LA 70510, (337) 898-8530. He informed the committee that the property had been appraised at fair market value and the original purchasers who were the developers will

pay the money to the school board. He noted that individuals who own homesteads on the property will obtain clear title at no additional costs. He explained that the property in question is a very small, 24-acre tip of the particular sixteenth section of land, the remainder of which will be retained by the school board.

Supporting the legislation were Mr. Freddie Whitford, representing the Louisiana School Board Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; Ms. Linda T. Romero, 209 N. Cushing, Kaplan, LA 70548, (337) 643-2275; Mr. J. P. Broussard, 120 Dwain Dr., Kaplan, LA 70548, (337) 643-8482; and Mr. Reule P. Bourque, representing J.P. Broussard and Alton Romero, P.O. Box 127, Kaplan, LA 70548, (337) 643-8686.

Representative Trahan moved that House Bill No. 184 be reported favorably. There was no objection, and House Bill No. 184 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Barrow, Crane, Crowe, Downs, Greene, Honey, Kenney, Tank Powell, Ritchie, and Trahan voted yea.

#### **House Bill No. 429 by Representative Honey**

House Bill No. 429 provides prospectively relative to the employment and removal of a superintendent of schools by a city, parish, or other local public school board.

Representative Crane announced that there were amendments at the desk. Mr. Paul Jones, committee legislative analyst, presented the amendments. The amendments: (1) delete redundant proposed law provision permitting a school board and the superintendent to enter into subsequent contracts for employment, and (2) make technical corrections. Representative Crane offered the amendments on behalf of Representative Honey to place the bill in the posture he wanted it discussed. Representative Crane moved that the amendments be adopted. There was no objection and the amendments were adopted by vote of 8 yeas and 0 nays. Representatives Barrow, Crane, Greene, Honey, Kenney, Tank Powell, Ritchie, and Trahan voted yea.

Representative Honey explained that the bill provides the following: (1) that a superintendent be given a 120-day notice before removal; and (2) that the superintendent enter into a performance contract. Representative Honey then introduced the executive director of the superintendents' association and several local school superintendents to explain the legislation further.

Mr. Mike Lucia, representing the Louisiana Association of School Superintendents, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191, informed committee members that the superintendents met at the summer conference in Lafayette in June, 2004, studied the large

number of superintendents who were leaving their positions, and decided to pursue legislation that would address the employment and removal of the local official. He said the plan to pursue legislation came about because more job security was needed which would, in turn, serve to benefit the local system by providing more stability, serving to benefit children's education.

Mr. James Hoyle, superintendent of Plaquemines Parish schools, 186 Lakewood Estates Dr., (504) 392-4970, stated that since 2002, over 50% of local school superintendents have left the system. He noted that the superintendent has many tough decisions to make and most of the time is in agreement with the local school board. He pointed out, however, that the one time a disagreement arises might signal the end of that particular superintendent's tenure. Mr. Hoyle emphasized that the 120-day period would serve to calm differences and provide for public input.

Representative Crane observed and commented that what is being asked for is the same advanced notice to which all other school employees are entitled. Mr. Hoyle agreed and added that in most cases the superintendent has less rights than the bus driver, cafeteria worker, etc. He said in most cases, one decision (usually a personnel decision) could be used as cause for the dismissal of a superintendent. Mr. Hoyle said the situation is poor for the morale and stability of a system.

Mr. Lloyd Lindsey, superintendent of West Feliciana Parish schools, (225) 635-3891, informed committee members that his region is the most heavily populated student region in the state. He noted that he introduces himself to new superintendents quite frequently and attributes short tenures to tough accountability issues or personnel. He also stated that stability is important to maintaining a strong school district.

Mr. James H. Easton, superintendent of Lafayette Parish schools, 102 Rue Colombe, Lafayette, LA 70520, (337) 886-0633, told the committee that continuity and stability are key. He described the tasks school boards in the state face in their attempts to provide quality education environments to students. He stated that the overall blueprint for the success of a school system begins with the thoughtful choice of a superintendent.

Mr. Virgil Allen, retired superintendent, 13162 Hwy. 22 West, Ponchatoula, LA 70454, (985) 509-6594, expressed concern about the unstable situation that exists among leaders of school districts across the state. He noted that the frequent transition of school superintendents is not a good situation. He also pointed out that the bill does not prevent local school boards from removing superintendents who are incompetent.

Mr. J. Rogers Pope, executive director, Louisiana Association of School Executives, 7290 Enterprise Dr., Denham Springs, LA 70726, (225) 791-0365, commented that this type of

legislation is past due. He said his organization is a 2,600 member statewide group made up of superintendents, principals, and school administrators. He noted that this membership possesses what current superintendents seek through House Bill No. 429, a 120-day notice before a performance-based contract can be terminated or not renewed. He said the measure is fair.

Mr. Danny Bell, superintendent of Lincoln Parish schools, 410 S. Farmerville St., Ruston, LA 71240, (318) 255-1430, stated that the bill offers a reasonable request and asked for favorable consideration from committee members.

Also supporting the legislation were Mr. Lee Faucette, representing the Louisiana Association of School Executives, (225) 261-5360; Ms. Alison Ocmand and Mr. Ferdinand Troullier, representing the Louisiana Federation of Teachers, 9623 Brookline, Baton Rouge, LA 70809, (225) 923-1037; Mr. William Britt, representing the Louisiana Association of School Superintendents (Bienville Parish), P.O. Box 418, Arcadia, LA, (318) 263-9416; Mr. Randy Pope, Livingston Parish, P.O. Box 1130, Livingston, LA 70754, (225) 686-4221; Mr. Ed Cancienne, representing the St. James Parish system (no address given); Mr. Justin McKnight, Rt. 3, Box 149-A, Coushatta, LA 71019, (318) 932-3174; Mr. Ray S. Easley, representing the Red River Parish School Board, 1922 Alonzo St., Coushatta, LA 71019, (318) 932-4081, ext. 23; Mr. Charles Scriber, representing the Louisiana Association of School Superintendents, 410 S. Farmerville, Ruston, LA 71270, (318) 255-1430; Mr. Steve Bartlett, representing the Louisiana Association of School Superintendents, Winn Parish, (318) 628-6936; Mr. John R. Sartin, superintendent, Richland Parish School Board, P.O. Box 599, Rayville, LA 71269, (318) 728-5964; and Mr. Lester Klotz, superintendent, City of Baker Schools, 6942 Morgan Rd., Greenwell Springs, LA 70730; (225) 282-7877.

Opposing the legislation were Mr. Freddie Whitford, Mr. Byron Stewart, and Mr. Ed Price, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA, (225)769-3191; Ms. Jennifer Ansardi Giovingo, representing the Jefferson Parish School Board, P.O. Box 55815, Metairie, LA 70055, (504) 606-7700; Mr. Johnnie Thomas, representing the Louisiana School Boards Association (Bienville Parish), P.O. Box 59, Gibsland, LA 71028, (318) 843-6515; and Mr. Darrick LeBeouf, representing the Orleans Parish School Board, 543 Magazine St., New Orleans, LA, (504) 586-1200.

Mr. Whitford commented that his decision to oppose is driven by the position taken by his organization, adding that the school boards and superintendents' association enjoy a good working relationship. He acknowledged the high turnover in the position and stated that there is much work to be done. Mr. Whitford read a prepared statement from the president of the school boards association.

Mr. Price reiterated the good relationship experienced by both organizations. He stated that the bill adds a level of bureaucracy to board operations and he did not want to create divisiveness in the system.

Mr. Kenneth L. Knotts, DH, Bienville Parish School Board, 10376 Hwy. 155, Castor, LA 71016, (318) 576-3675, stated that the current system works and the relationship between a school board and its superintendent is not the same as between a superintendent and a principal. He informed committee members that the working relationships in Bienville Parish and other parishes are excellent.

In closing, Representative Honey stated that the bill is brought in an attempt to provide superintendents the same contract stipulations that other school employees are afforded before the employee is terminated. He emphasized that the termination of a superintendent would come only after having been provided a 120-day notice and that a superintendent would have to adhere to objectives detailed in a performance contract. He reasoned that the provisions of the bill offer stability and continuity. Representative Honey pointed out that the responsibilities of school boards are not being infringed upon.

Representative Honey agreed to answer questions from committee members on closing.

Some members voiced concern with the bill as an invasion of the work of the local school board. Others stated that they had interests on both sides of the issue.

Representative Mike Powell expressed concern that with the amendments adopted earlier, the word "unworthy" was removed in reference to a superintendent's performance in portions of the bill. Representative Honey said she would have no problem with putting the word back into the bill. Representative Crane asked Mr. Paul Jones, committee legislative analyst to present the amendment. The amendment, relative to proposed law provisions specifying the reasons for which a superintendent may be removed during the term of his contract, adds that the superintendent is found unworthy.

Representative Mike Powell moved that the amendment be adopted. There was no objection, and the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Badon, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Tank Powell, Mike Powell, Ritchie, and Trahan voted yea.

Representative Mike Powell moved that House Bill No. 429 be reported with amendments. There was no objection, and House Bill No. 429 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives, Badon, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Tank Powell, Mike Powell, Ritchie, and Trahan voted yea.

**House Bill No. 514 by Representative Badon**

House Bill No. 514 provides for state Board of Elementary and Secondary Education (BESE) rules requiring local school board policies relative to student use after regular school hours of certain textbooks; provides for accountability for such textbooks and for rules and policies.

Representative Badon explained that the bill requires that BESE makes provisions to ensure that every student has a textbook to take home. He stated that students cannot be expected to perform to expectations on tests if they do not have the proper tools for study. He stated that if a school system would provide books for the students, the bill would not apply to them. Also, Representative Badon pointed out if a school system would provide such materials as copies, CDs, or study guides, the bill would not apply. He added that the bill will allow BESE to enact requirements that would hold the students and parents or guardians responsible for the care and upkeep of the textbooks.

Representative Crowe suggested that Representative Badon include provisions that would not unreasonably penalize a child for the improper upkeep of the books or materials. He commented that prohibiting a student from graduating would be one penalty that should not apply.

Representative Mike Powell stated that BESE should not have to determine sanctions and penalties. He stressed that someone has to be accountable for the loss of books and inquired about who would pay for the upkeep of books taken home.

At the request of Mr. Paul Jones, committee legislative analyst, committee members referred to current law on page one of the legislation that charges BESE with exercising control or supervision over the distribution and use of free textbooks and other materials of instruction.

Supporting the legislation was Mr. Randy Moore, representing the Louisiana Association of Principals, 2005 Hwy. 563, Simsboro, LA 71275, (318) 247-6733.

Opposing the legislation were Dr. Robin Jarvis, representing the state Department of Education, (225) 342-3355; Ms. Jennifer Ansardi Giovingo, representing the Jefferson Parish School Board, P.O. Box 55815, Metairie, LA 70055, (504) 606-7700; Mr. Freddie Whitford, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA, (225) 769-3191; and Mr. Lee Faucette, representing the Louisiana Association of School Executives, (225) 261-5560.

Ms. Jarvis stated that BESE had taken an official position to oppose the legislation due to the concerns about the additional costs to local school districts. She said BESE policy currently

provides for four different ways that textbooks should be provided to students and it is the option of the local school system to determine which option should be chosen. She pointed out as well that it is difficult to get parents to pay the replacement cost for materials or textbooks that have not been returned to school. She informed committee members that a textbook in a core content area costs \$50 per student, per textbook. Ms. Jarvis stated that BESE is willing to look at the policy, but does not see the need for it to be included in legislation, as it would only contribute to unfunded mandates that school systems face today.

In closing, Representative Badon stated that the legislation is a means to ensure that students who want to perform well on school work and tests have every opportunity to achieve.

Representative Tank Powell moved that House Bill No. 514 be reported favorably. Representative Fannin offered a substitute motion that action on House Bill No. 514 be voluntarily deferred. There was an objection, and the vote occurred on the substitute motion. The secretary called the roll. The motion that action on House Bill No. 514 be involuntarily deferred failed by a vote of 6 yeas and 6 nays. Representatives Crane, Downs, Fannin, Greene, Honey, and Mike Powell voted yea, and Representatives Badon, Barrow, Crowe, Tank Powell, Ritchie, and Trahan voted nay.

The vote then occurred on the original motion to report House Bill No. 514 favorably. There was an objection, and the secretary called the roll. The motion that House Bill No. 514 be reported favorably passed by a vote of 9 yeas and 3 nays. Representatives Badon, Barrow, Crowe, Downs, Greene, Honey, Tank Powell, Ritchie, and Trahan voted yea and Representatives Crane, Fannin, and Mike Powell voted nay.

#### **House Bill No. 314 by Representative Walsworth**

House Bill No. 314 authorizes the Ouachita Parish School Board to name the ROTC building at West Monroe High School in honor of James Donald Halsell, Jr.

Representative Walsworth told committee members that the bill provides for the naming of the ROTC building in honor of Louisiana's only astronaut who has flown in four shuttle missions.

Representative Crowe moved that House Bill No. 314 be reported favorably. There was no objection and House Bill No. 314 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Tank Powell, Mike Powell, Ritchie, and Trahan voted yea.

**House Concurrent Resolution No. 75 by Representative Shepherd**

House Concurrent Resolution No. 75 directs the state Department of Education to provide certain tests to parents upon request.

Representative Shepherd stated that in the spirit of giving our students all that they need to achieve, the Louisiana Educational Assessment Program (LEAP) and Graduate Exit Exam (GEE) tests are in place. He pointed out that if a child fails one of the tests, they are unaware of the portion they failed. The resolution would direct the Department of Education to provide parents, on a requested basis, the portion of the test the child failed. The information would assist the child in studying that portion that was failed.

Representative Shepherd reasoned that past copies of tests taken for most professional degrees are distributed to be used as study guides and the LEAP test is changed every year. Thus, he said, past tests could be used as tools by students to help in areas they are weak.

Mr. Scott Norton, director, curriculum and assessment, representing the Board of Elementary and Secondary Education (BESE), 1201 N. Third St., Baton Rouge, LA 70804, (225) 342-3607, commented that the intent of the resolution is honorable, as parents want to see the test and how their children have performed. He added, however, it presents a problem because the state tests are different than the classroom tests. He pointed out that the department does distribute practice tests at the beginning of the year, with another set being distributed right before the tests are officially taken. He informed, as well, that an online test, called PASS, is also available. Regarding specific test questions, Mr. Norton said that most of them are changed every year, but some are recycled. He noted that the department is charged with making sure the tests are of equal difficulty every year. Dr. Norton cautioned that if the test were made public every year, the ability to "equate" is lost and test security becomes an issue. He pointed out, as well, that approval of the resolution would bring about a substantial increase in costs.

Representative Crowe announced that an amendment was at the desk. The amendment, to be offered by Representative Crowe, changes language in the resolution from "direct" to "urge and request". Representative Crowe moved that the amendment be adopted. There was no objection, and the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Tank Powell, Ritchie, and Trahan voted yea.

Representative Shepherd pointed out that the resolution was not a request to release the test, but that if there is a request for the portion that a child failed, it should be granted.



Opposing the bill was Mr. Freddie Whitford, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191.

Representative Badon moved that House Concurrent Resolution No. 75 be reported with amendments. There was an objection, and the secretary called the roll. The motion that House Concurrent Resolution No. 75 be reported with amendments failed by a vote of 4 yeas and 7 nays. Representatives Badon, Barrow, Crowe, and Ritchie voted yea and Representatives Ernie Alexander, Crane, Downs, Fannin, Greene, Tank Powell, and Trahan voted nay.

Representative Alexander moved that action on House Concurrent Resolution No. 75 be involuntarily deferred. There was no objection, and the motion that action on House Concurrent Resolution be involuntarily deferred passed by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Tank Powell, Ritchie, and Trahan voted yea.

#### **House Bill No. 377 by Representative Downs**

House Bill No. 377 authorizes the Union Parish School Board, subject to voter approval, to levy and collect an additional sales tax.

Representative Downs said the bill was local and brought for the Union Parish School board to give them the opportunity to consider whether or not they will call a local sales tax to support the local school board.

Representative Fannin moved that House Bill No. 377 be reported favorably. There was no objection, and House Bill No. 377 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Tank Powell, Ritchie, and Trahan voted yea.

#### **House Bill No. 651 by Representative Karen Carter**

House Bill No. 651 requires persons attending certain schools to provide documentation relative to health insurance status annually and provides for release of such information to public health insurance programs that cover children.

Representative Crane announced that Representative Carter requested that action on the bill be voluntarily deferred. There was no objection and the motion passed by a vote of 14 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Kenney, Tank Powell, Mike Powell, Ritchie, Trahan, and Wright voted yea.

**House Bill No. 476 by Representative Michael Jackson**

House Bill No. 476 provides relative to the age at which children enter public school.

Representative Crane announced that action on the bill would be voluntarily deferred. Representative Crane moved that action on House Bill No. 476 be voluntarily deferred. There was no objection, and the motion passed by a vote of 14 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Kenney, Tank Powell, Mike Powell, Ritchie, Trahan, and Wright voted yea.

**V. OTHER BUSINESS**

**To receive and discuss reports from the Board of Regents 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 committee members to the reports they had received from the Board of Regents. He informed the committee that if they had questions about any information contained in the reports, representatives from the Board of Regents were present to answer them. Committee members had no questions.

**VI. ANNOUNCEMENTS**

There were no announcements.

**VII. ADJOURNMENT**

The meeting was adjourned at 1:00 p.m.

Respectfully submitted,

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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.