

HOUSE COMMITTEE ON EDUCATION

Minutes of Meeting
2005 Regular Session
May 31, 2005

I. CALL TO ORDER

Representative Carl Crane, chairman of the House Committee on Education, called the meeting to order at 1:04 p.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 Lelon Kenney
Representative Henry "Tank" Powell
Representative Mike Powell
Representative Don Trahan

MEMBERS ABSENT:

Representative Hunter Greene
Representative Harold Ritchie
Representative Tommy Wright

III. STAFF MEMBERS PRESENT:

Paul Jones, Research Analyst
Nancy Yelverton Jolly, Research Analyst
Jackie Snowden, Secretary
Brandy Snowden, Clerk
Beverly Vincent and Clarissa Mansfield, Sergeants at Arms

IV. DISCUSSION

Senate Bill No. 19 by Senator Theunissen

Senate Bill No. 19, relative to the high school core curriculum requirements for Tuition Opportunity Program for Students (TOPS) awards, limits to specified courses the required math or science elective for students who graduate from high school during or after the 2007-2008.

Senator Theunissen asked members to recall action taken last year when another credit was added to TOPS. He said that there arose confusion as to exactly what the extra credit would be. He said Senate Bill No. 19 clarifies the issue, providing that at least one elective should be chosen from among math subjects and lists each. Senator Theunissen said the same is provided for science courses and which can be selected. He said the bill also provides that trigonometry will no longer be included in the core curriculum for students graduating after the 2004-2005 school year.

Supporting the legislation were Mr. Cliff Friedman and Mr. Byron Stewart representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; Mr. Lee Faucette, representing the Louisiana Association of School Executives, (225) 261-5560; Mr. Mike Lucia, representing the Louisiana Association of School Superintendents, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; Ms. Nancy Beben, representing BESE, 1201 N. Third St., Baton Rouge, LA, (225) 342-1152; and Mr. George Eldredge, representing the Office of Student Financial Assistance, 1882 Wooddale, Baton Rouge, LA, (225) 922-0597.

Representative Tank Powell moved that Senate Bill No. 19 be reported favorably. There was no objection, and Senate Bill No. 19 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Badon, Crane, Downs, Fannin, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

Senate Bill No. 39 by Senator Theunissen

Senate Bill No. 39 provides for the membership and powers of the Louisiana Commission on Civic Education.

Senator Theunissen stated that Senate Bill No. 39 deals with a bill that was passed last year. He said that this year an additional member is being added to the commission along with language to the effect that "any additional member whose expertise in civic education and civic involvement may be designated by three-fourths of the commission members present and

voting". He explained further that the bill passed last year provided that no per diem would be allowed. He noted that Senate Bill No. 39 would provide that if a particular entity from which commission members currently serve does pay per diem, the commission member will be allowed reimbursement at the cost that is normally provided. He added that the commission may establish such committees as it deems necessary to carry out its functions.

Supporting the legislation was Mr. Lee Faucette, representing the Louisiana Association of School Executives, (225) 261-5560.

Representative Fannin moved that Senate Bill No. 39 be reported favorably. There was no objection and Senate Bill No. 39 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Badon, Crane, Downs, Fannin, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

Senate Bill No. 144 by Senator Nevers

Senate Bill No. 144 revises the Teach Louisiana First Program to limit the applicability of the program to reduce the shortage of certified teachers in low performing schools in core subjects.

Senator Nevers informed committee members that he had originally co-authored this legislation with the late Representative Hudson. He said the state Department of Education and the Office of Student Financial Assistance discovered problems with the enabling legislation and asked him to introduce Senate Bill No. 144. Senator Nevers said the object of the legislation is to correct the problem that prevented implementation of the program, as well as to make the program as effective as possible. He noted that the changes come to avoid the loss of \$800,000 in funding. He said the bill allows for core subject matter to be taught in low performing schools. He pointed out that the funding will allow for the hiring of 33 educators statewide. Senator Nevers pointed out that the recommendations originated with the state Board of Elementary and Secondary Education (BESE), and were agreed to by the Louisiana Association of Educators, the Louisiana Federation of Teachers, and the Association of Professional Educators.

Representative Crane commented that the original bill was introduced to deal with a critical shortage of teachers in low performing and failing schools across the state. He said the legislation was an effort to get the teachers in critical shortage areas into the schools.

Supporting the bill were Mr. Stan Beaubouef and Ms. Jeanne DeVille, representing BESE, 1201 N. Third St., Baton Rouge, LA 70804, (225) 342-3602; Mr. Cliff Friedman, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809;

Mr. George Eldredge, representing the Student Financial Assistance Commission, 1882 Wooddale, Baton Rouge, LA, (225) 922-0597; Mr. Lee Faucette, representing the Louisiana Association of School Executives, (225)261-5560; and Ms. Alison Ocmand and Mr. Steve Monaghan, representing the Louisiana Federation of Teachers, 9623 Brookline, Baton Rouge, LA, (225) 923-1037.

Representative Tank Powell moved that Senate Bill No. 144 be reported favorably. There was no objection, and Senate Bill No. 144 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

House Bill No. 797 by Representative Beard

House Bill No. 797 creates the Louisiana Film Institute.

Representative Crane announced that based on prior discussions with Representative Beard, the legislation will be recommitted to the House appropriations committee. He informed committee members that the original bill and accompanying amendments were drafted by the appropriations committee staff.

Representative Alexander moved that House Bill No. 797 be reported without action, with a recommendation to recommit it the House Committee on Appropriations. There was no objection, and the motion passed by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Badon, Crane, Downs, Fannin, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

House Concurrent Resolution No. 131 by Representative Beard

House Concurrent Resolution No. 131 recognizes the inalienable right of parents to provide for the education of their children.

Representative Beard explained that the resolution was an attempt to make known that the legislature recognizes the inalienable right of the parent to choose the appropriate educational setting for his/her children.

Representative Tank Powell moved that House Concurrent Resolution No. 131 be reported favorably. There was no objection, and House Concurrent Resolution No. 131 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Badon, Crane, Downs, Fannin, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

House Bill No. 591 by Representative Jane Smith

House Bill No. 591 creates a school district for the supervision of certain alternative schools by the state Department of Education.

Presenting the bill on behalf of Representative Smith was Ms. Donna Mayeux, representing the Baton Rouge Marine Institute, a voluntary community board that serves adjudicated youth who are in the custody of the Office of Youth Services. She said some of the youth are sentenced to the program by the family court in Baton Rouge or surrounding parishes. She recalled an appearance before the House education committee in 1992 to ask that these types of programs, with very strict qualifications, be allowed to apply to local school boards to be declared alternative schools if they met the local school board qualifications. Ms. Mayeux said the concept was approved provided they met the standards. She said that at that time, the standards were met.

Ms. Mayeux asked that the committee consider an additional piece of legislation that will clarify the intent of the legislature and the state constitution to ensure that the minimum foundation program (MFP) funds follow the youth in the institute. Additionally, she asked that the MFP funds that go to the school systems, actually follow the youth to the alternative school. Ms. Mayeux explained that this is not happening easily and when a school is started, this movement does not often happen for two or three years while negotiations take place with the particular school system. She cautioned that the problem will become more prevalent as more of these types of programs are established. She said the situation needs to be addressed now.

She pointed out that House Bill No. 591 provides for the following: (1) it reiterates that MFP money does follow youth; (2) that the school systems will count the youth enrolled on the day of the count; (3) that these youth are eligible for their portion of the MFP money; (4) that the school system will make sure that the MFP money goes to the school, provided it is declared an alternative school by the local school system; and (5) gives the state Department of Education the authority to provide rules and regulations to make sure this happens. She concluded that the bill clarifies that portion of the law that addresses these issues.

In response to a question from Representative Tank Powell, Ms. Mayeux said the bill was brought because of difficulties experienced with some individual parishes that were taking an inordinate amount of time to resolve.

Representative Crane announced that the bill was a substitute for the original bill. Representative Mike Powell moved that the amendment (substitute) be adopted. There was no objection, and the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives

Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

She informed committee members that the students enrolled range in age from 12 to 17. She added that the institute attempts to raise the younger student up to four grade levels and prepare the older students to pass the GED during the time period they are enrolled.

Supporting the bill was Mr. James Hrdlicka, representing BESE, 1201 N. Third St., Baton Rouge, LA 70804, (225) 342-3575.

Representative Mike Powell moved that House Bill No. 591 be reported by substitute. There was no objection, and House Bill No. 591 was reported by substitute by a vote of 12 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

Senate Bill No. 62 by Senator Duplessis

Senate Bill No. 62 names the school of social work at Southern University-New Orleans (SUNO) the "Dean Millie M. Charles School of Social Work".

Senator Duplessis stated that Dean Charles has been an icon in the area of social work for the Southern University System. She introduced Ms. Carmen D. Weisner, executive director, National Association of Social Workers-Louisiana chapter, 700 North Tenth St., Suite 200, Baton Rouge, LA 70802, (800) 899-1984, (225) 346-1234, and (225) 346-5035 (fax), to make further comments about Ms. Charles.

Ms. Weisner commented that Dean Charles is designated by the national association as a pioneer. She informed committee members that the social work pioneer program was created to honor members of the profession who have contributed to the evolution enrichment of the profession. She said the program identifies and recognizes individuals with unique dedication, commitment, and determination that have improved the social human condition and who serve as role models for future professionals in social work. Ms. Weisner stated that Dean Charles has impacted the field of health and mental health through her leadership in the founding and guiding of the Southern University-New Orleans School of Social Work into a fully accredited program providing opportunity for professional development for countless students.

Others supporting the legislation were Ms. Gloria Bartley Moultrie, representing SUNO, 6400 Press Dr., New Orleans, LA 70126, (504) 286-5342; Ms. Cheron Brylski, representing the Women's Health Access Project, 3600 Coliseum, New Orleans, LA, (504) 897-6110;

Mr. Russell Henderson, representing the Agenda for Children, 2612 Chartres, New Orleans, LA 70117, (504) 616-4563; Ms. Judy Watts, representing the Agenda for Children, New Orleans, LA 70175, (504) 586-8509; and Ms. Charmaine Caccioppi, representing the United Way for Greater New Orleans Area, 2575 Canal St., New Orleans, LA 70119, (504) 827-6823.

Representative Honey offered a motion to report Senate Bill No. 62 favorably, to which there was no objection. The motion passed by a vote of 10 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, and Trahan voted yea.

Senate Bill No. 236 by Senator Ullo

Senate Bill No. 236 provides for certification of out-of-state principals coming into Louisiana with certain credentials.

Presenting the bill on behalf of Senator Ullo was Mr. Stan Beaubouef, representing the state Board of Elementary and Secondary Education (BESE), 1201 N. Third St., Baton Rouge, LA 70804. He explained that the bill allows for an exemption from the Louisiana testing requirements for individuals with out-of-state certifications as principals who have at least four years of experience as a principal. He explained further that the exemption is provided if the individual serves one year as a principal in a Louisiana school district, is recommended for reemployment by the superintendent of the school district, and is recommended for certification as principal by the superintendent of the employing school district. Mr. Beaubouef added that the bill also allows for the issuance of a provisional certificate to allow the individual to meet the requirements of the law.

Mr. Beaubouef said Senate Bill No. 236 is similar to provisions allowed for teachers who have out-of-state certification. He reasoned that many school districts in Louisiana were facing shortages of candidates for principals and the bill would provide for an increase in the number of those who could be certified to address the shortages.

Supporting the legislation were Mr. Cliff Friedman and Mr. Byron Stewart representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; Mr. Lee Faucette, representing the Louisiana Association of School Executives, (225) 261-5560; Mr. Mike Lucia, representing the Louisiana Association of School Superintendents, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; and Mr. Randy Moore, representing the Louisiana Association of Principals, 2005 Hwy. 563, Simsboro, LA 71275, (318) 247-6733.

Representative Downs moved that Senate Bill No. 236 be reported favorably. There was no objection, and Senate Bill No. 236 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, and Trahan voted yea.

Senate Bill No. 119 by Senator Lydia Jackson

Senate Bill No. 119 establishes the components of the Louisiana State University Health Sciences Center at Shreveport.

Senator Jackson stated that the legislation represents the next evolutionary phase of the Health Sciences Center in Shreveport. She explained that the provisions of the bill codify the functional separation that already exists between the LSU Health Sciences Center and the New Orleans Health Sciences Center in Shreveport. Senator Jackson noted that the legislation results from a year of study by the Board of Regents and has been approved by the LSU Board of Supervisors and the Board of Regents. She introduced LSU system president Dr. Williams Jenkins, (225)578-9002, to make additional comments. Dr. Jenkins stated that another issue that makes it important to approve the bill revolves around the new SACS accreditation that requires every institution to be separate, have its own CEO, and report to the board. He said this is occurring today, unofficially, but needed to be placed in the statutes.

Representative Crane announced that there were technical amendments at the desk. Mr. Paul Jones, committee legislative analyst presented the amendments. Representative Crane offered the amendments and moved that they be adopted. There was no objection, and the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, and Trahan voted yea.

Mr. Gerard Killebrew, representing the Board of Regents, (225) 342-4253, was available to provide information, if requested.

Representative Mike Powell moved that Senate Bill No. 119 be reported with amendments. There was no objection, and Senate Bill No. 119 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, and Trahan voted yea.

Senate Bill No. 239 by Senator Ullo

Senate Bill No. 239 authorizes charter schools to participate in the LA4 program.

Presenting the bill on behalf of Senator Ullo was Dr. Scott Norton of the state Board of Elementary and Secondary Education (BESE), P.O. Box 94064, Baton Rouge, LA 70804, (225) 342-3406. Accompanying Dr. Norton was Ms. Mary Louise Jones, who oversees the LA4 programs.

Dr. Norton stated that the bill deals with two laws: the LA4 law and the charter school legislation. He explained that currently certain types of charter schools cannot apply for LA4, noting that the LA4 legislation stipulates that only city, parish, or other local school systems may apply.

He explained that Senate Bill No. 239 would allow those charter schools not part of a school district to apply to participate in the LA4 program. He said the bill amends the charter school law accordingly. He noted that the bill also provides that if a charter school applies for LA4, it would be subject to the rules of LA4. Dr. Norton noted further that a charter school of any type can apply.

Representative Crane announced that a technical amendment was pending. Ms. Nancy Jolly, committee legislative analyst, presented the amendment. She noted that R.S. 17:24.10 would be changed to R.S. 17:24.10(A) in two areas of the bill. Representative Crane offered the amendments and moved that they be adopted. There was no objection, and the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, and Trahan voted yea.

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, and Mr. Byron Stewart, representing the Louisiana School Boards Association, 7412 Summa Ave., Baton Rouge, LA 70810, (225) 769-3191.

Opposing the legislation were Ms. Alison Ocmund and Mr. Steve Monaghan, representing the Louisiana Federation of Teachers, 9623 Brookline, Baton Rouge, LA, (225) 923-1037.

Representative Downs moved that Senate Bill No. 239 be reported with amendments. There was no objection, and Senate Bill No. 239 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, and Trahan voted yea.

House Bill No. 651 by Representative Karen Carter

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

Representative Carter presented the bill to the committee, explaining the bill the way it would read with amendments that were pending. The bill provides that chief administrators of public kindergartens and elementary and secondary schools shall be responsible for implementing procedures for providing for the release of certain information relative to health insurance eligibility status of certain students. It provides that each such administrator shall make available on the free and reduced-priced meals application a section stating that children receiving free or reduced-priced meals can receive free health coverage from the Louisiana Children's Health Insurance Program (LaCHIP) and that the school system is allowed to share information from such application with LaCHIP. Provides that such section shall provide a place for a parent or guardian to sign and date with the option of checking beside a statement that the person signing does not want school officials to share information from such application with LaCHIP.

Representative Crane announced that Ms. Nancy Jolly, committee legislative analyst, would present the pending amendments. The amendments delete proposed law requirement that persons attending licensed day care centers, kindergartens, and elementary and secondary schools provide documentation to the school relative to health insurance status not later than 30 days after the beginning of each school year; and delete proposed law requirement that chief administrators of all licensed day care centers, kindergartens, and elementary and secondary schools be responsible for checking students' records to see that proposed law provisions are enforced. Representative Crane offered the amendments and asked that they be adopted. There was no objection, and the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Tank Powell, Mike Powell, and Trahan voted yea.

Representative Mike Powell offered another set of amendments that would require chief administrators of all public kindergartens and elementary and secondary schools to implement procedures to provide for the release of certain information relative to health insurance eligibility status of certain students. Provides that each such administrator shall make available on the free and reduced-priced meals application a section stating that children receiving free and reduced-priced meals who do not have health insurance can receive free health coverage from the Louisiana Children's Health Insurance Program (LaCHIP) and that the school system is allowed to share information from such application with LaCHIP. Provides that such section

shall provide a place for the signature of the parent or guardian, the date, and the option to check next to a statement that the person signing does not want information on such application to be shared with LaCHIP. Representative Mike Powell stated that he offered the amendments to help clarify elements of the bill that caused concern for committee members. Representative Mike Powell moved that the amendments be adopted. There was no objection, and the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

Representative Mike Powell sought to provide more clarity by offering another set of amendments that deletes proposed law provision that school and school system administrators having control of records of health insurance status provided pursuant to the provisions of proposed law shall make such records available to public health insurance programs providing insurance coverage for children, including Medicaid and LaCHIP. The amendments also change the effective date of the legislation from July 1, 2005, to July 1, 2006. Representative Mike Powell moved that the amendments be adopted. There was no objection and the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

Supporting the legislation were Ms. Cheron Brylski, representing the Women's Health Access Project, 3600 Coliseum, New Orleans, LA, (504) 897-6110; Mr. Russell Henderson, representing the Agenda for Children, 2612 Chartres, New Orleans, LA 70117, (504) 616-4563; Ms. Judy Watts, representing the Agenda for Children, New Orleans, LA 70175, (504) 586-8509; and Ms. Charmaine Caccioppi, representing the United Way for Greater New Orleans Area, 2575 Canal St., New Orleans, LA 70119, (504) 827-6823.

Opposing the legislation was Ms. Beryl Amedee, 200 Rhett Place, Gray, LA 70359, (985) 876-2141 and Ms. Almenia Warren, representing the state Board of Elementary and Secondary Education, 1201 N. Third St., Baton Rouge, LA 70804, (225) 342-3344.

Representative Mike Powell moved that House Bill No. 651 be reported with amendments. There was no objection, and House Bill No. 651 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

House Bill No. 723 by Representative Karen Carter

House Bill No. 723 provides relative to the powers, duties, and responsibilities of local school boards and superintendents when a city, parish, or other local public school system is academically in crisis.

Representative Carter requested that House Bill No. 723 be voluntarily deferred.

Representative Crane moved that action on House Bill No. 723 be voluntarily deferred. There was no objection, and the motion that action on House Bill No. 723 be voluntarily deferred passed by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, and Trahan 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 Jackson presented the bill to the committee.

The bill provides that the age at which a child may enter kindergarten shall be five years old and requires every parent, tutor, and other person having control of a child to send such child to school from that child's fifth birthday. It also provides that the age at which a child may enter the first grade of any public school may be six years old on or before September 30 of the calendar year in which the school year begins.

Representative Crane announced that Representative Jackson had amendments pending to place the bill in the posture he wanted it discussed. Ms. Nancy Jolly, committee legislative analyst, presented the amendments and stated that all except Amendment No. 6 were technical and conforming. Representative Crane offered the amendments and moved that they be adopted. There was no objection, and the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, and Trahan voted yea.

Representative Jackson explained that prior to the amendment being added the legislation dealt with three separate sections of the bill that had created concerns and confusion relative to the intent of the legislation. He explained to committee members that the amendment narrowed the issue that dealt with school attendance requirements, changing from seven to five years old the age at which a child should be required to enter school; and left language in regarding dates that children go to school, with those who reach five years before October 1 expected to attend

school. Representative Jackson stated as well that the bill now addresses a concern from the state Board of Elementary and Secondary Education (BESE) that the date was not included. Additionally, he said the provisions of the bill now address concerns expressed by parents of home schooled children.

Representative Crane noted that the original age set for children to begin school attendance was seven and pointed out that the legislation changes the age to five but does not necessarily address where the student will go, to kindergarten or first grade, just that a student should be in school at the age of five.

Representative Tank Powell commented that he had received over 100 emails on the issue from parents who commented that they had the right to determine when their children would start school and that five years old was too young.

Representative Jackson explained that five years old was chosen because of trends that were prevalent in the area of early childhood development. He pointed out that other countries such as Japan, Singapore, and England have instituted early childhood development programs for a number of years and the students who started school at an early age are performing well on standardized and aptitude tests. Representative Jackson said another reason for his bringing the bill is to address the statistic that 50% of public school four year olds live in poverty. He explained that the bill is set up to address this group. He added that the legislation does not take away parental rights, but deals with that part of the population that has the most need; those who have not had the opportunity to participate in any early childhood or other development programs by the age of seven.

In response to another question from Representative Tank Powell, Representative Jackson stated that no other students would be forced to participate. He noted that parents now home school students at five years; that most children already attend kindergarten by the age of five years, and that BESE has found that an average of only 150 students who appear for the first grade have not gone through some kind of kindergarten program.

Representative Kenney referred to the bill authored by former state Senator Bill Jones that provided for the attendance of at-risk students in pre-school classes at a cost of approximately \$15 million. He inquired about the fiscal impact of Representative Jackson's bill.

Ms. Mary Kathryn Drago, representing the Legislative Fiscal Office noted that the fiscal note drafted before amendments were adopted suggested a cost of approximately \$14 million for House Bill No. 476.

Representative Kenney expressed concern with this cost given the establishment of the LA4 program under Senator Jones' legislation.

Representative Jackson questioned the fiscal note report given the addition of the amendments and stated that the cost would not be \$14 million.

Representative Mike Powell stated that he was concerned that the provisions of the bill were taking away the flexibility a parent now has to determine when a child should start school. He reported that he has received numerous e-mails on the issue and was concerned with the policy embedded in the legislation. He asked Representative Jackson what was the compelling reason for introducing the legislation.

Representative Jackson stated that 60% of four year olds in Louisiana currently live in poverty. He described this group as one that does not have opportunities to engage in education offerings at an early age and be prepared to learn. He stated that some in this group have no opportunity to go to school and the intent of legislation is to address the needs of that segment of the population.

Representative Mike Powell offered that there are many statewide programs that are providing early childhood opportunities for children and said he saw no reason to move beyond the age limit already established. He added that government should not step in and change the fundamental right of parents to make decisions for their children at this age. Representative Mike Powell stated that he did not question Representative Jackson's intent to reach these children but does not see House Bill No. 476 as the means to accomplish this goal.

Representative Downs stated that he sees the LA4 program as an attempt to reach the same children intentioned by Representative Jackson in his bill. He noted that the successes of the program have been seen and tracked. He asked Representative Jackson if had problems with the LA4 program that was already in place.

Representative Jackson responded that the LA4 program was not applied universally across the state and that parishes have the option not to participate.

Representative Honey said he understood the intentions of the bill and the need given the high rates of poverty in the state. He noted that the bill seeks to close the achievement gap and provide opportunities for those students who never get the chance to go forth.

Representative Trahan stated that he understood Representative Jackson's intentions, as well, but was concerned that the child who enters school at five will not be emotionally prepared to

handle each successive grade setting. He noted personally that he could not and was concerned about placing children in emotionally unhealthy situations.

Representative Jackson agreed that Representative Trahan's concerns are legitimate, but noted that in the coming years the standards for education will shift and will have more children learning at earlier ages.

Opposing the legislation were Dr. Scott Norton and Ms. Mary Louise Jones, representing BESE, P.O. Box 94064, Baton Rouge, LA 70804, (225) 3342-3406; Ms. Cliff Friedman, 7912 Summa Ave., Baton Rouge, LA 70809; Mr. Mike Lucia, representing the Louisiana Association of School Superintendents, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; Mr. Randy Moore, representing the Louisiana Association of Principals, 2005 Hwy. 563, Simsboro, LA 71275, (318) 247-6733; Mr. Lee Faucette, representing the Louisiana Association of School Executives, (225) 261-5560; Mr. Beryl Amedee, 200 Rhett Place, Gray, LA 70359, (985) 876-2141; Judge Darrell White (retired), 655 St. Ferdinand St., Baton Rouge, LA 70802, (225) 344-8533; and Ms. Kathleen Benfield, representing the American Family Association, P.O. Box 10305, New Orleans, LA 70181.

Dr. Norton said that BESE was in support of providing access and the LA4 program, stating that many impoverished students will be given access with the new money in LA4. He said BESE's biggest concern was with the mandatory requirements of the bill and parental choice. He noted as well that BESE wanted to retain the universal date for entry into school.

Ms. Amedee, a concerned parent, told committee members that the bill will affect home schoolers directly and the methods and requirements used currently by home schoolers when submitting information to the state Department of Education. She pointed out that the overriding concerns with the legislation are with the provisions of the bill that affect parental choice and the concern that children who enter school too early might be damaged for future academic success. Ms. Amedee also noted potential higher costs to the state for a student's education and the violation of a parent's fundamental right to direct a child's education. She acknowledged the 60% poverty statistic, but stated that compelling five-year-olds to go to school will not solve this problem.

In closing, Representative Jackson reiterated that the legislation is designed to help those children who do not have the benefit of having parents at home who will require educational development. He said he does not understand how obtaining an education can harm anyone. Representative Jackson noted that the bill does not take away parents' rights to decide the educational direction of their children, but it will provide some sort of development and assistance in helping young children prepare for first grade.

There was no further discussion.

Representative Badon moved that House Bill No. 476 be reported with amendments. Representative Mike Powell offered a substitute motion that action on House Bill No. 476 be involuntarily deferred. There was an objection, and the secretary called the roll on the substitute motion. The motion that action on House Bill No. 476 be involuntarily deferred passed by a vote of 8 yeas and 3 nays. Representatives Ernie Alexander, Crane, Crowe, Downs, Kenney, Mike Powell, Tank Powell, and Trahan voted yea, and Representatives Badon, Barrow, and Honey voted nay.

V. OTHER BUSINESS

There was no other business for discussion.

VI. ANNOUNCEMENTS

There were no announcements.

VII. ADJOURNMENT

The meeting was adjourned at 3:32 p.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.