

HOUSE COMMITTEE ON EDUCATION

Minutes of Meeting
2005 Regular Session
June 7, 2005

I. CALL TO ORDER

Representative Carl Crane, chairman of the House Committee on Education, called the meeting to order at 9:10 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 Hunter Greene
Representative Lelon Kenney
Representative Henry "Tank" Powell
Representative Mike Powell
Representative Don Trahan
Representative Tommy Wright

MEMBERS ABSENT:

Representative Harold Ritchie

III. STAFF MEMBERS PRESENT:

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

IV. DISCUSSION

House Bill No. 613 by Representative Burns

House Bill No. 613 establishes the Vouchers for Students in Failing Schools Pilot Program in certain parishes.

Representative Burns presented the bill to the committee. He informed committee members that Orleans is the parish referred to in the legislation. He said it was time to take an out-of-the-box look at the school situation in Orleans Parish and offer a different solution. Representative Burns pointed out that the parish had been through several superintendents and several methods to attempt to fix the system. He pointed out, as well, that the state does not have the resources to rescue the system as it is in a dire situation. The problems faced by the school district in Orleans threaten to bring down the entire public school system in that area. He introduced Father William Maestri, superintendent of Catholic Schools for the Archdiocese of New Orleans, 7687 Walmsley Ave., New Orleans, LA 70116, (504) 861-6235. Father Maestri explained the bill further.

He commented that he was honored to have the opportunity to speak about what has become one of the most serious challenges the state faces, the challenge of education. He stated that the destructive paths that have been taken have to be replaced with foundations of hope for the many children who have been left without adequate schools. Father Maestri noted the poverty and lack of quality education. He stated that the proposed legislation does not promote educating children in private or religious or parochial schools at the expense of and to the degradation of public schools. He pointed out that there exists over 50 nonperforming or failing schools in Orleans Parish. He reasoned that the schools offer no hope to the children and families affected. He said it is important that families and children be given options that will enable them to live better lives. Father Maestri pointed out that the archdiocese is eager to work with public education and elected officials to provide the options necessary to assist some of the failing schools. He noted the relation he has had with the LA4 program and the governor's office. He reiterated that the time had come to try new methods and allow parents and children who are trapped in poverty and neglect to have different types of educational experiences than those to which they have grown accustomed. Father Maestri asked committee members to consider the provisions of House Bill No. 613 and how it would serve to reach the children and families who are being left behind.

Representative Burns pointed out that the bill provides relief only for the failing schools in Orleans Parish and he assured committee members that the bill will stay in its present form.

Representative Crane clarified that the definition of failing schools in the bill is based on the definition established by the school accountability definition, the school performance score.

Committee members had questions about the number of students who are currently attending the failing schools; the number of available slots at nonpublic schools (at the present time 1,000 to 1,200 slots are unfilled at the elementary level within archdiocesan schools); the fact that students will be chosen through a lottery process to attend the schools given the large number expected to apply; the value of the voucher (to be determined by the tuition charged by the school; not to exceed funds received from the minimum foundation program (MFP)); the average cost of tuition (the average tuition in archdiocese of New Orleans is \$2,400); and whether or not the legislative delegation from Orleans Parish has been working with the author to structure the program (has not spoken with the local legislative delegation only the members of the delegation who are on the committee).

Responding to another question from Representative Mike Powell about whether or not the author would be adverse to allowing children who enroll through a voucher for the 1,200 slots to be subject to the same process as children who pay to get in the school, Representative Burns stated that the point of the legislation is to give students who are in failing public schools and cannot afford the private tuition, a chance to receive the education that the private school offers.

Another question was about discipline in the schools, noting that discipline in Catholic schools has traditionally been much more rigid than in public schools, and if distinctions will be made as to the religion of those eligible for the lottery.

Representative Crane announced that an amendment was pending. He asked Ms. Nancy Jolly, committee legislative analyst, to present the amendment. Representative Crane explained that the amendments would ensure that the nonpublic schools participating in the program are administering the Louisiana Educational Assessment Program (LEAP) test and that each nonpublic school participating ends up with an individual school performance score. Representative Crane offered the amendments and moved that they be adopted. There was no objection, and the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Tank Powell, and Trahan voted yea.

Responding to a question from Representative Honey about what happens to the students who are not chosen in the lottery, Representative Burns stated that the bill is looked upon as a pilot program and an attempt to give the private sector a chance to solve a problem that the public sector has been unable to do in Orleans Parish. Representative Burns said the students who are chosen will be given a chance that they presently do not have. Representative Honey also expressed concern that the bill was not discussed with the entire Orleans Parish delegation.

Father Maestri commented that while there are some children that might be left behind, there are possibly 1,200 that will be brought forward, recognizing that the needs of some have to be addressed. He added that he would be willing to keep a list and continue to track these students who are not chosen in the lottery and search for other schools that might be open.

Father Maestri also stated that similar programs had been tried in Cleveland and the District of Columbia. He informed committee members that Florida, Milwaukee, and Colorado were other areas where the program is being considered. He reiterated that the programs were not being proposed to work against public education, but to broaden the opportunity for parents to make informed decisions. He noted, as well, that the tuition being proposed is only that related to the cost of the school with the rest being given back to the state. Father Maestri described the program as one that seeks to educate children, not a money-making venture for the Catholic church.

Responding to a concern from Representative Badon, Representative Burns stated that if the bill is reported by the committee, he will not take further action until he discusses it with the full Orleans Parish delegation. Representative Badon stated that all leaders should come together to ensure that the best quality education is provided for the students of Louisiana.

Representative Downs expressed concern about the availability of space and if other nonpublics in the area were going to participate and their capacity to do so. He stressed that more information in this area was needed. He also had questions about numbers relative to attendance, discipline, violence, etc., from the other cities that have instituted the voucher programs.

Representative Trahan asked Representative Burns to consider accepting an amendment that would make the provisions of the bill grade specific.

Supporting the legislation was Mr. Kirby Ducote, representing the Archdiocese of New Orleans, 12503 Windermere Oaks Ct., Baton Rouge, LA 70810, (225) 761-9125; Ms. Brigitte Nieland, representing the Louisiana Association of Business and Industry, 3113 Valley Creek Dr., Baton Rouge, LA 70808, (225) 928-5388; and Mr. Danny Loar, representing Louisiana Citizens for Educational Freedom, P.O. Box 65196, Baton Rouge, LA 70896, (225) 346-5441.

Opposing the legislation but not requesting to speak were State Superintendent of Education Cecil J. Picard, representing the Board of Elementary and Secondary Education (BESE), 1201 N. Third St., Baton Rouge, LA 70804, (225) 342-3602; Ms. Veronica Howard, representing the governor's office, (225) 342-7015; Ms. Jennifer Ansardi, representing the Jefferson Parish School, P.O. Box 55815, Metairie, LA 70055, (504) 606-7700; and Mr. Chad Ikerd, representing the AFL-CIO, Baton Rouge, LA, (225) 806-2930.

Also opposing the legislation were Mr. Mike Lucia, representing the Louisiana Association of School Superintendents, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191; Mr. Lee Faucette, representing the Louisiana Association of School Executives, Baton Rouge, LA, (225) 261-5560; Mr. Wayne Free, representing the Louisiana Association of Educators, Baton Rouge, LA, (225) 281-6608; Mr. Steve Monaghan, representing the Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA 70809, (225) 923-1037; Ms. Assata Olugbala, 5043 Press Dr., New Orleans, LA 70126, (504) 282-4496; Byron Stewart, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA, (225) 769-3191; Ms. Karran Harper Royal, 1360 Soldiers, New Orleans, LA, (504) 288-1412; Mr. J. Michael Malec, representing the ACLU of Louisiana, P.O. Box 56157, New Orleans, LA 70156, (504) 522-0628; Mr. Anthony L. Mitchell, representing concerned clergy, (504) 669-2508; Mr. Freddie G. Monroe, representing Advocates for Louisiana Public Health, (504) 246-2898; and Mr. Darrick LeBeouf, representing Orleans Parish Schools, 643 Magazine, New Orleans, LA, (504) 586-1200.

Mr. Lucia stated that his organization has had a standing position on any legislation that would divert funds from public schools to nonpublic schools. He reasoned that BESE and the state Department of Education have certain methods in place to work with failing schools. He listed the Distinguished Educators, transfer provisions, and school takeover as some remedies already in place. Mr. Lucia also made known his concern about the students who would be left behind by the pilot program.

Mr. Free cited studies that reveal that private schools and/or charter schools are no more effective at dealing with the range of at-risk students. He noted that the only time there has been cited a positive result from including public school students within the private/parochial system is where the programs are allowed to "cherry pick", to choose students who are not discipline problems. He said the best way to improve the public schools in Louisiana is to provide a program to send all students with discipline problems to the private/parochial schools. Mr. Free noted that House Bill No. 613 does not propose this option, but proposes that only those who are not discipline problems be allowed to attend the private/parochial schools.

Mr. Faucette noted his concern that the students chosen will likely be 1,200 of the better students in the system. He also pointed out that the Orleans Parish school system would probably lose at least \$7,000 per child for every such child who moves to another school. Mr. Faucette said there was a possibility that the bill would begin the dismantling of the school system. He said the bill represented bad public policy by eroding the financial support of public schools in Orleans Parish. Mr. Faucette said the system should be supported by implementing the reforms that were passed for failing schools and for schools in financial and academic crisis. He cautioned members to make sure that the final version of the bill, if it passes through the

process, continues to stipulate that the diocesan schools will take the same tests as those administered in the public schools and that they will be rated and profiled like public schools.

Mr. Monaghan presented a brief historical background on the voucher issue (see Exhibit A). He stated that the program would not be cost effective and that improvements are being made.

Mr. Stewart stated that steps are being taken in the New Orleans area to correct some of the problems with the failing schools. He noted the work of the University of New Orleans in moving to assume control of a school in the area and listed other universities in the area that can lend support. He also pointed out the work of the mayor of that city in targeting certain failing schools to offer alternative learning centers. Mr. Stewart said there were other ways to help the failing and underperforming schools in Orleans Parish.

Ms. Olugbala spoke about current LEAP policy as it relates to failing schools and questioned whether or not the parochial schools would provide the remediation, tutoring, summer school, and summer retests required of systems where the LEAP is administered.

Ms. Royal informed committee members about her son who possessed severe behavior problems and noted that he would not be eligible to move from a failing public school to the Catholic school system under the provisions of House Bill No. 613. She noted that because a child has behavior problems does not indicate that they are incapable of being educated. She revealed that her son is now in college on a four-year scholarship. Ms. Royal commented that no accountability accompanies the bill and many students who are not as fortunate will be left behind. She said the Catholic school system offers no data to show that they can be successful with the types of children that they seek to enroll.

Mr. Malec commented on the fact that the Orleans Parish delegation, on the local and state level, was not consulted about the bill. He noted that in the past, the ACLU has opposed most voucher programs on constitutional grounds. He said the questions that need to be answered besides the constitutional one is whether the provisions of the bill set good public policy, and whether it is good public policy to flow public monies to the teaching of one particular religion. Mr. Malec stated that the organization's primary problem with voucher programs is that they are seen as the abandonment of the public school system in favor of a private system.

Rev. Mitchell said his concern was the voucher program's potential to leave behind the children with the greatest needs and to divert funds from a school system that is in trouble.

Representative Crane announced that an amendment was pending. He asked Ms. Jolly to present the amendment. Representative Mike Powell explained that the amendment adds

language to specify the grade levels that will be affected by the bill. Those affected will be students entering kindergarten or grades one through five. He stated that many of the problems students have arise from behavior and habits created in elementary school. He reasoned that the focus should be on the elementary student in the interest of conducting a true pilot program and compiling accurate assessments. Representative Mike Powell moved that the amendments be adopted. There was no objection, and the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

Representative Kenney stated that something needed to be done to help the students enrolled in the Orleans Parish school system. He cited years of neglect, continuing failures, and low performances on standardized tests as reasons to attempt to turn the situation around by starting with the passage of House Bill No. 613.

In closing, Representative Burns noted that several members recognize and commented that the system in Orleans Parish is in trouble and dismantled already. He asked that the pilot be given a chance.

Representative Tank Powell moved that House Bill No. 613 be reported with amendments. There was an objection, and the secretary called the roll. House Bill No. 613 was reported with amendments by a vote of 13 yeas and 1 nay. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea and Representative Honey voted nay.

Senate Bill No. 84 by Senator Mike Smith

Senate Bill No. 84 phases in the requirement that not less than six members appointed to the Board of Supervisors of Community and Technical Colleges have significant experience in vocational education.

Speaker Salter presented the bill on behalf of Senator Smith. He said the purpose of the bill is to have individuals placed on the board that oversees the state's technical and community colleges who have experience in vocational education. He noted that there was still widespread concern in rural areas about the direction the system is taking. He said those concerns are addressed in the bill by including persons on the board who have significant vocational education experience. Speaker Salter said this membership would be gradually phased in, beginning in 2005 and ending in 2009.

Representative Crane announced that amendments were pending. He asked Ms. Nancy Jolly, committee legislative analyst, to present the amendments. Ms. Jolly stated that the amendments were technical. Representative Crane offered the amendments and moved that they be adopted. There was no objection and the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

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

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 Mike Powell moved that Senate Bill No. 84 be reported with amendments. There was no objection, and Senate Bill No. 84 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

Senate Bill No. 355 by Senator Ullo

Senate Bill No. 355 creates the Tuition Opportunity Program for Students (TOPS)-Tech Early Start Award for high school juniors and seniors.

Dr. Joseph Savoie, commissioner of higher education, presented the bill to the committee. He introduced Ms. Kim Hunter Reed, the governor's policy advisor, to assist him in presenting the bill.

Before Dr. Savoie explained the legislation, Representative Crane announced that amendments were pending. The amendments were distributed to committee members and Mr. Paul Jones, committee legislative analyst, presented them. Representative Crane offered the amendments and moved that they be adopted to place the bill in the posture he wanted to discuss it. There was no objection, and the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Kenney, Mike Powell, Trahan, and Wright voted yea.

Ms. Reed explained that Senate Bill No. 355 is designed to provide a new tool in the area of dual enrollment as the state focuses on attempting to move high school redesign efforts forward. She said the bill offers an early start and jump start for students. The provisions of the bill would allow juniors and seniors in high school to be dual enrolled in a technical program to

allow them to move forward with academic pursuits. She described the bill as providing a jump start because it is focused on industry-based certifications in top job demand areas. Ms. Reed pointed out that this aspect of the legislation provides for an immediate growth tool to meet state workforce needs. She pointed out as well that the bill will help insure that more students will make the most of educational options. She noted, as well, that BESE, the state Department of Education, the Louisiana Office of Student Financial Assistance, and the state Board of Regents have been working on the program to develop policies needed to insure successful implementation. She pointed out that the program is a pilot.

Dr. Savoie added that the governor is focused on improving high school graduation rates, targeting opportunities for students to become better prepared for college and the workforce. He noted that a variety of strategies have been adopted to accomplish these goals, one of which is high school redesign. Dr. Savoie informed committee members that Senate Bill No. 355 offered another piece to the initiative.

Dr. Savoie then narrated a powerpoint presentation that highlighted the details of the legislation (see Exhibit B).

Representative Alexander in the chair.

Supporting the legislation were Ms. Brigitte Nieland, representing the Louisiana Association of Business and Industry and Mr. Lee Faucette, representing the Louisiana Association of School Executives.

Opposing the legislation was Ms. Assata Olugbala, Press Drive, New Orleans.

In response to a question from Representative Kenney regarding the similarities between the Early Start program and TOPS-Tech, Dr. Savoie stated that a student who would complete the Early Start program would likely be eligible for TOPS-Tech and can continue on in that program after high school if the student so desired. Otherwise, Dr. Savoie stated that the two issues had been separated. Dr. Savoie also told committee members that the cost of the program would be approximately \$1 million. He reminded committee members that the program will start as a pilot, allowing for a determination of the extent of the demand among students.

Representative Mike Powell expressed concern about the impact of the program on the Caddo Career Center, a similar program located in Shreveport that offers high school students an opportunity to obtain skills and training in areas ranging from auto mechanic to culinary arts. Dr. Savoie stated that an attempt was being made to standardize these type of offerings statewide and the Early Start program will not negatively affect programs already in place. He

noted, however, that the state will only pay for those programs that offer training for high-demand occupations and whose curriculum is based on industry-based certifications. Dr. Savoie said he would speak with Representative Mike Powell about the situation before Senate Bill No. 355 reaches the House floor.

Mr. Mark Antoon, representing the Legislative Fiscal Office, reported that the original cost of the legislation was estimated to be \$916,000. He noted, however, that the cost could be considerably less given the actual number of participants.

Representative Wright moved that Senate Bill No. 355 be reported with amendments. There was no objection, and Senate Bill No. 355 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Crane, Downs, Fannin, Greene, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

House Bill No. 488 by Representative Guillory

House Bill No. 488 provides that certain persons meeting specified requirements for registration with the Louisiana High School Athletic Association as sports contest officials for high school athletic events shall not be required annually to take and pass certain tests.

Representative Guillory introduced Mr. Bryan Beverly, high school sports contest official, Lake Charles, Louisiana. Mr. Beverly explained that he has been a football official for three years. He pointed out that as an official he is required to take a test each year to officiate at sports contest. Mr. Beverly noted that this requirement is not in effect for other professional occupations. He said the requirement should be changed and a test required only once, to be supplemented by attending clinics and other types of continuing education classes offered by the Louisiana High School Athletic Association (LHSAA). Mr. Beverly stated this change in the law would serve as an incentive for more persons to become sports contest officials.

Representative Trahan stated that as a member of the LHSAA executive committee, a former coach, and sports contest official, he recognized that there was a lack of good officials and sympathized with the situation. He expressed concern and stated that because the LHSAA is an independent and self-regulatory body, the issue should first go before this body or the association that governs the actions of the particular group of sports contest officials affected. He suggested that a study resolution be drafted to review the issue in more detail. Representative Trahan stated that the legislature should not mandate the actions of self-regulatory bodies. He stated that he will volunteer to help Mr. Beverly bring the case to the association.

Representative Guillory stated that in light of Representative Trahan's offer of assistance, he will instead have a House resolution prepared on the issue.

Representative Ernie Alexander moved that action on House Bill No. 488 be voluntarily deferred. There was no objection, and the motion passed by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

Senate Bill No. 256 by Senator Mount

Senate Bill No. 256 provides a scholarship for a child whose parent was killed as a result of service in certain theaters of military operation.

Representative Guillory informed committee members that he had been asked by Senator Mount to present the bill.

Supporting the bill was Mr. Lee Faucette, representing the Louisiana Association of School Executives, 12615 Stoneway Place, Baton Rouge, LA 70818, (225) 261-5560.

Representative Tank Powell moved that Senate Bill No. 256 be reported favorably. There was no objection, and Senate Bill No. 256 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

House Bill No. 705 by Representative Gray

House Bill No. 705 establishes the Afterschool Enrichment Program and Fund to provide for afterschool programs for public school students and dedicates a portion of unclaimed lottery prize money for support thereof.

Representative Alexander moved that action on House Bill No. 705 be voluntarily deferred. There was no objection, and the motion passed by a vote of 11 yeas and 0 nays. Representatives Alexander, Barrow, Crane, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

House Concurrent Resolution No. 112 by Representative Mike Powell

House Concurrent Resolution No. 112 urges and requests Louisiana Medical Schools to consider requiring medical students participation in clinical rotations in rural areas of the state

in order to give medical students exposure to rural care medical practices as part of a strategy to attract and increase more new physicians to these historically underserved areas of the state in the future.

Representative Mike Powell stated that the resolution seeks to have medical students afforded more exposure with the hope that more of them will look to establish practices in the rural areas. He pointed out that the state has a critical need of more primary care physicians in rural areas that are under served. Representative Mike Powell noted that Texas requires this type of clinical rotation and has had great success. He stated that the more medical students who are exposed to the rural areas, the more they will realize that they can have a beneficial practice in the area.

Supporting the bill was Mr. Joe Rose, representing the Louisiana Academy of Family Physicians.

Representative Kenney moved that House Concurrent Resolution No. 112 be reported favorably. There was no objection, and House Concurrent Resolution No. 112 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Crane, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

Representative Honey in the chair.

House Bill No. 458 by Representative Downs

House Bill No. 458 requires, with certain exceptions, a public school principal to recommend expulsion of a student age 11 or older in pre-kindergarten through grade five for carrying or possessing a knife of a specified size.

Representative Downs explained that the provisions of the bill inserts an age into a category that currently refers to grades rather than age. He noted that situations have arisen finding older students still in grade five or below. Representative Downs stated that the provisions of the bill stipulate that once a student is 11 and is found carrying a knife, mandatory expulsion will be imposed, even though the student might still be in the third, fourth, or fifth grade. He explained that current law provides for optional expulsion for students between kindergarten and fifth grade.

Opposing the legislation were Ms. Assata Olugbala, Press Drive, New Orleans and Mr. Stephen Kaufmann, representing the Advocacy Center.

Representative Barrow stated that she had concerns about using the terms mandatory expulsion.

Representative Mike Powell commented that if safe schools are desired for all concerned, weapons must be removed from the school and a hard line must be drawn. He stressed that student safety is very important.

Representative Downs moved that House Bill No. 458 be reported favorably. There was an objection and the secretary called the roll. House Bill No. 458 was reported favorably by a vote of 6 yeas and 3 nays. Representatives Ernie Alexander, Downs, Fannin, Greene, Mike Powell, and Tank Powell voted yea and Representatives Barrow, Kenney, and Wright voted nay.

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 Alexander moved that action on House Bill No. 723 be voluntarily deferred. There was no objection, and the motion passed by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, and Wright voted yea.

House Bill No. 540 by Representative Jefferson

House Bill No. 540 relative to public elementary and secondary school policies prohibiting the harassment, intimidation, and bullying of a student by another student, further defines such terms and requires all local public school boards to include such policies in student codes of conduct.

Representative Jefferson stated that in 1999 and 2001, the legislature enacted laws prohibiting the harassment, intimidation, and bullying of students at schools in order to create a safe school environment. She explained that House Bill No. 540 further defines the terms harassment, intimidation, and bullying to further protect students. She then introduced representatives of the Louisiana School Boards Association and Louisiana Federation of Teachers to further explain the bill.

Mr. Byron Stewart, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191, stated that the organization supported House Bill No. 540. He pointed out that the provisions of the legislation were an attempt to eliminate problems that were regularly occurring in school systems and to further eliminate the possibility of others; all in an attempt to create a safe school environment.

Mr. Steve Monaghan, representing the Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA 70809, (225) 923-1037, also spoke in support of House Bill No. 540. Mr. Monaghan noted situations where students feel a need to revenge certain activities or incidences of bullying and, in turn, create larger incidences. Mr. Monaghan shared with committee members statistics reported by the National Institutes of Health relative to incidences of reported bullying. He said all that is possible should be done to eliminate such behaviors that cause other children to be afraid of attending school.

Also supporting the legislation were Mr. J. Michael Malec, representing the American Civil Liberties Union (ACLU) of Louisiana, New Orleans, LA.; Ms. Elaine Ward, representing PFLAG; Ms. Jeannie Kaigle, Ms. Courtney Short, Mr. Gerald W. Thibodeaux, and Mr. Stephen Kaufmann, representing the Advocacy Center; Ms. Chevin Brilsky, representing the Louisiana Women's Health Administration; Ms. Judy Watts and Mr. Russell Henderson, representing Agenda for Children.

Mr. Tim Hornbeck, representing the Forum for Equality, was present to offer information, if requested.

Opposing the legislation were Ms. Assata Olugbala, Ms. Kathleen Benfield, representing the American Family Association, New Orleans, LA.; Mr. Abraham Hamilton, Ms. Cynthia Frederick, Ms. Leslie Ellison, Mr. Grant Storms, Mr. Robert Breaux, Ms. Michelle Nelson, Mr. Lennie Ditoro, and Mr. Jason Stern, representing the Louisiana Family Forum.

Ms. Benfield stated that she had concerns with certain technical issues. She noted that bullying is already prohibited in Louisiana schools, as enumerated in R.S. 17:416.13. Ms. Benfield noted that the statute mandates that every school system has to produce a code of conduct dealing with the issue of bullying. She pointed out that no testimony was presented that indicated these policies were not working and that bullying is a prevalent problem in Louisiana schools. Ms. Benfield stated that the provisions of the legislation call other issues into question.

Ms. Ellison told committee members that the bill presents another mandate for public school systems. She noted that there was no fiscal note attached to the bill. She also stated that sexual orientation and gender identity are not legally defined in statute. She commented that the bill is model legislation and is patterned after similar legislation used in California. Ms. Ellison referred committee members to information about the legislation in California and other reading material she said was relevant to the issue.

Ms. Lennie Ditoro, representing the Education Resource Council, commented that adding the sexual orientation as a special nondiscriminatory class, even though it is not defined, could

create an atmosphere in schools that would silence any legitimate and truthful discussion of the serious health consequences and costs associated with certain lifestyles.

Representative Alexander announced that amendments were pending. He asked committee staff to present the amendments. Mr. Jones read the amendments, offered by Representative Tank Powell on behalf of Representative Crowe, that offered varying body descriptions a student might be identified as having (e.g., acne, body height, body weight, dental health, eye color, ear size or shape, hair length or color, etc.) Representative Tank Powell moved that the amendments be adopted, reiterating that he did so at the request of Representative Crowe who was in another committee meeting. There was no objection, and the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Ernie Alexander, Badon, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, and Wright voted yea.

Representative Jefferson explained, referencing comments by her pastor, that no matter what seemingly makes a child different, individuals do not have the right to call them names and to treat them differently. She introduced Ms. Janie Kaigle, a 2005 honor graduate of Pearl River High School, who testified about her experiences with being harassed, bullied, and intimidated by other students in a classroom setting on a daily basis. She stated that some of the words used in the presence of teachers were 'dike', 'fag', and other slurs. Ms. Kaigle stressed that nothing was done even after she informed school administrators. She said legislation is needed that specifically states that these types of actions will not be tolerated as a part of law. Ms. Kaigle stated that harassment is an action that no child should have to deal with. She added that sexual orientation should not be a part of the discussion, but obtaining an education free from enduring harassment is the issue.

Representative Jefferson cautioned committee members, and included herself, about becoming desensitized to the plight of other people. She stated that the bill has nothing to do with promoting or teaching about homosexuality, but its focus is on children and their right not to be treated a certain way for being different. As a part of her closing, Mr. Monaghan stated his concern that the committee did not treat the issue more seriously, citing the inclusion of the adopted amendment as "mocking" the true intent of the legislation.

Representative Mike Powell commented that he takes all instruments that come before the committee and the public policy of the state, seriously. He urged that the conduct of bullying should not be upheld and recognized that state law exists to address the issue. He noted that the difference is that the law does not distinguish between people. Representative Mike Powell pointed out that the implication of taking a few characteristics and holding them up as 'bad' implies that others are not. He stressed that misbehavior should not be labeled or quantified but only looked upon as misbehavior and handled accordingly.

Representative Mike Powell moved that action on House Bill No. 540 be involuntarily deferred. There was an objection, and the secretary called the roll. The motion that action on House Bill No. 540 be involuntarily deferred passed by a vote of 7 yeas and 4 nays. Representatives Ernie Alexander, Downs, Fannin, Greene, Kenney, Mike Powell, and Tank Powell voted yea, and Representatives Badon, Honey, Trahan, and Wright voted nay.

House Concurrent Resolution No. 39 by Representative Crowe

House Concurrent Resolution No. 39 expresses support for the practice of prayer at the beginning of school board meetings, recognizes that such prayer is a protected act, and disapproves of a court decision ruling that such prayer is unconstitutional.

Representative Tank Powell presented the resolution on behalf of Representative Crowe.

Opposing the legislation was Mr. J. Michael Malec, representing the American Civil Liberties Union (ACLU) of Louisiana. He stated that the matter referenced in the resolution has been under litigation. He noted that federal courts have sided against the Tangipahoa school district. He commented that the legislature should not take actions that are against federal court rulings.

Representative Tank Powell noted that the resolution expresses the state's disagreement with the federal court interpretation.

Other members noted the practice of offering prayers in other state (the legislature) and federal (the Supreme Court) settings.

Supporting the legislation was Ms. Beryl Amedee, who urged members to 'rock the boat'.

Representative Greene moved that House Concurrent Resolution No. 39 be reported favorably. There was no objection, and House Concurrent Resolution No. 39 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Ernie Alexander, Badon, Barrow, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

Senate Bill No. 65 by Senator Kostelka

Senate Bill No. 65 authorizes the Ouachita Parish School Board to name an athletic facility at the former Calhoun High School in honor of Jerry Lee Lovett, Sr.

Representative Fannin presented the bill on behalf of Senator Kostelka.

Representative Fannin moved that Senate Bill No. 65 be reported favorably. There was no objection, and Senate Bill No. 65 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

Senate Concurrent Resolution No. 36 by Senator Adley

Senate Concurrent Resolution No. 36 requests the state Board of Elementary and Secondary Education (BESE) to develop and adopt a minimum foundation program fund (MFP) that provides for the reallocation of state funds attributable to a secondary school student who is enrolled in a technical college from the local school system where the student attends to the technical college.

Representative Fannin presented the resolution on behalf of Senator Adley. He noted that earlier today, the committee passed Senate Bill No. 355 that addresses the same issue.

Representative Honey announced that an amendment was pending. Mr. Paul Jones, committee legislative analyst, explained to committee members that the amendments were technical in nature.

Representative Fannin 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 Alexander, Barrow, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

Representative Fannin offered a motion to report Senate Concurrent Resolution No. 36 with amendments. There was no objection, and the motion passed by a vote of 11 yeas and 0 nays. Representatives Ernie Alexander, Barrow, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

V. OTHER BUSINESS

There was no other business for discussion.

VI. ANNOUNCEMENTS

There were no announcements.

VII. ADJOURNMENT

The meeting was adjourned at 1:17 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.