

HOUSE COMMITTEE ON EDUCATION

Minutes of Meeting
2005 First Extraordinary - Katrina
November 9, 2005

I. CALL TO ORDER

Representative Carl Crane, chairman of the House Committee on Education, called the meeting to order at 1:13 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 Mike Powell
Representative Henry "Tank" Powell
Representative Harold L. Ritchie
Representative Don Trahan
Representative Tommy Wright

MEMBERS ABSENT:

STAFF MEMBERS PRESENT:

Paul Jones, Research Analyst
Nancy Yelverton Jolly, Research Analyst
Jackie Snowden, Secretary
Celia Jackson, Clerk
Beverly Vincent and Darrell Augustine, Sergeants at Arms

III. DISCUSSION

Representative Crane announced that in addition to House Bill No. 121, another bill that deals with the same subject matter, House Bill No. 93 by Representative Scalise, was also on the agenda. Representative Crane explained that House Bill No. 93 will be heard, but only one of the two will be reported by the committee. He instructed that a vote will occur after each bill is presented to the committee. Representative Crane asked that other bills be heard until Governor Blanco arrived.

House Bill No. 19 by Representative Crane

House Bill No. 19 provides for the applicability of provisions relative to the requirements for student/lead teacher and student/adult staff member ratios for LA 4 classes.

Representative Crane presented the bill to the committee and explained that it addresses adjustments needed to be made in program operations given the devastation caused by the hurricanes. He presented Mr. Scott Norton, with the state Department of Education, to provide further details.

Mr. Norton stated that with the LA 4 program and other early childhood programs a student/lead teacher ratio of 20:1 has been established and a student/adult ratio of 10:1 has been established. He said the State Board of Elementary and Secondary Education (BESE) has made a decision about the situation pending the legislature's approval. Mr. Norton explained that the provisions of the bill seek to have these ratios slightly increased for this year only, suspending those rules currently in place.

There was no further discussion.

Representative Kenney moved that House Bill No. 19 be reported favorably. There was no objection, and House Bill No. 19 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

House Bill No. 20 by Representative Crane

House Bill No. 20 provides for the applicability of provisions relative to the required dates for school boards to adopt budgets and submit such budgets to the state superintendent of education.

Mr. Scott Norton, with the state Department of Education, presented the legislation to the committee. He explained that the bill addresses the date upon which school systems should send in their annual budgets. Mr. Norton said the current date has been established as September 15. The bill provides for the suspension of this date, allowing the department to establish a new date for districts to submit their budgets. Mr. Norton commented that several districts have made their submissions, but others need more time given the problems brought about by the hurricanes. He said the suspension would only apply to this year.

There was no further discussion.

Representative Trahan moved that House Bill No. 20 be reported favorably. There was no objection, and House Bill No. 20 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Alexander, Badon, Barrow, Crane, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

House Bill No. 21 by Representative Crane

House Bill No. 21 provides for applicability of provisions relative to the requirement for a minimum school session of not less than 180 days for certain purposes.

Mr. Scott Norton, with the state Department of Education, explained that for a school to be operational, it must be in session at least 180 days. He noted that this particular provision has to do with the definition of a school. Mr. Norton said that the State Board of Elementary and Secondary Education (BESE) is asking for a suspension of this definition for this year only.

Speaking in support of the legislation was Ms. Melanie Munch, representing the Jefferson Federation of Teachers. Ms. Munch stated that Jefferson Parish was greatly affected by Hurricanes Katrina and Rita. She said it was vital that House Bill No. 21 be adopted in order to implement a revision to Jefferson Parish's annual high school calendar and asked for the committee's favorable consideration.

Also supporting the legislation was Ms. Ramona Vincent, representing the Louisiana Federation of Teachers; Ms. Carla Rylands, representing the Louisiana Federation of Teachers in Alexandria; Mr. Lee Faucette, representing the Louisiana Association of School Executives; and Mr. Joe Potts, representing the Jefferson Federation of Teachers.

Representative Downs asked if BESE will come back next year to request the same changes if problems addressed by the various legislation are not worked out. Mr. Norton responded that he looked forward to having these problems resolved.

There was no further discussion.

Representative Downs moved that House Bill No. 21 be reported favorably. There was no objection, and House Bill No. 21 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Honey, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted yea.

House Bill No. 121 by Representative Crane

House Bill No. 121 provides for the transfer to and the operation and management of certain schools by the Recovery School District, expands the authority of the recovery district, and provides for the duration of the transfer.

Representative Crane announced to committee members that Governor Kathleen Blanco was present to testify in support of the legislation.

Representative Crane commented that the bill provides for the transfer, operation, and management of certain schools into the recovery district. He then recognized the governor and Senator Ann Duplessis who has similar legislation scheduled for hearing tomorrow in the Senate education committee.

Governor Blanco commented that the issue was of vital importance to the children, families, and the state of Louisiana. She said the need to provide quality education in New Orleans is important to the state as a whole. The governor mentioned the scores released last week that were achieved by Louisiana students. She noted that the scores were good news for the children, teachers, principals, and superintendents who have worked hard to reach a higher level of achievement. Governor Blanco stated that it was encouraging to know that a majority of Louisiana schools continued to improve, proving that the state's nationally recognized accountability measures are working well and paying off for students, their families, and the affected communities.

She noted, on the other hand, a concern about the number of schools that were not achieving at a high level and a concern that many of the failing schools are located in the city of New Orleans. The governor pointed out that according to this year's school accountability results (scores accumulated from tests taken prior to the 2005 hurricanes), 68 of the 170 schools identified as academically unacceptable in Louisiana were located in Orleans Parish. She said the scores provide further proof that even before the hurricanes, New Orleans schools were not serving the children of the area as they deserved.

The governor said the concern for the situation reaches across the state and described the situation as an opportunity to create an environment for a new birth of excellence for the families in New Orleans. She pointed out that with the relocation of so many

families, students and parents are being exposed to schools that are far different from the ones they left, leaving parents with new expectations for what schools should be and what their children should be receiving from the schools. The governor reasoned that these parents and students will return to the New Orleans area only when their newly acquired higher expectations can be met. Governor Blanco commented that this new opportunity should begin in a thoughtful, organized, and measured way that serves every child. She said if the city will be renewed and brought back, the schools need to be brought back in better condition than they were before the hurricanes hit the area. Governor Blanco stressed that the state cannot afford to rebuild schools that do not provide the quality education its students need. She said this opportunity to make real and significant change for the children cannot be squandered.

Governor Blanco stated that for the above-mentioned reasons, her administration is proposing that the state take control and recreate the schools in Orleans Parish and any other school districts in the future that fall below the state average. She emphasized that the decision was not made lightly. She said she realized the profound implications of the decision and came to the conclusion that the action was needed after repeated discussions with members of the Orleans delegation. The governor stated that the delegation understands that a strong public school system is essential for a successful recovery effort. She said the decision was made only after careful consideration and listening to residents of the city and education experts who all want a better school system. The governor said she also has spoken with parents, educators, and evacuees who yearn to return home.

The governor testified that her vision for the recovery is to bring families home. She explained that creating a new public school system is vital to bringing teachers, families, and students back home to New Orleans. Governor Blanco pointed out that remaking the New Orleans public school system will be done in a thoughtful manner, taking into consideration the needs of the community. She added that the movement will involve a collaborative effort that best meets the needs of the children and their families first. She related to the committee that quality public education is the measure of strong and healthy communities. The governor reminded committee members that the nation is looking at the state's public education numbers and readily recognizes when the state exceeds expectations. She observed that when expectations are exceeded, the state is placed in a strong position relative to economic development prospects who are looking to locate in Louisiana.

She explained that under the legislation, when a district is identified as academically in crisis, the state will take responsibility for every school in the district that is below the state average. She commented that the schools will be placed in the Recovery School District. The governor indicated that the recovery district concept is not new as it has already been placed in the law, created by a previous legislature. Governor Blanco added that once placed in the recovery district, a few more schools will be involved, the ones that score below the state average. She continued, explaining that

the state Department of Education would run the schools or find a provider with a proven record of success to run the schools. The governor pointed out that among the options available in New Orleans are Type 5 charter schools; however, these will not be the exclusive vehicle used to design the new schools. She emphasized that by infusing proven and innovative educational practices, federal charter school funding (for the schools that will be charter schools), and national foundation support (of which the state is receiving many contacts that want to support the rebuilding of a quality educational effort), the state will rebuild quality schools in New Orleans.

The governor clarified these issues: the bill will not abolish the Orleans Parish School Board; it is not about blame; it is not designed to divide; and it is not about who is in control. She observed that the bill is about seizing an opportunity for the children and families of New Orleans who must have full access to quality public education. She stated that the bill is an intervention for a school district in financial, academic, and physical crisis (because of the extensive damage inflicted on many of the school buildings by the storm). The governor said it must be recognized that a school district facing these types and number of challenges has neither the resources nor the capacity to turn its schools around. She suggested that the Orleans Parish school system needs the state's full attention if it is to be rebuilt. She stated that she is proposing the Recovery School District legislation for these reasons.

Governor Blanco stated that giving the schools a fresh start is an important first step in turning around the Orleans Parish school system. She reiterated that good schools will bring people back to their homes and the area they care about most. Governor Blanco said the effort will also send a clear message across the country that Louisiana is prepared to take bold new steps in pursuit of educational excellence. She said quality schools for the children will lead the effort to rebuild. She repeated that this once in a lifetime opportunity must not be lost, as the children of New Orleans, their parents, and the city deserve it. She stressed that the state must demand this action.

The governor recognized the leadership and cooperation shown by the State Board of Elementary and Secondary Education (BESE) and the state Department of Education. She reminded committee members about the outstanding national recognition received by Louisiana for many elements of the state's school reform efforts in teacher accountability and pushing student achievement. She observed that the results are proving that the plan is a solid one. She noted, however, that Orleans Parish has presented numerous challenges that everyone wants to overcome, stating that many of the challenges were imbedded in poverty. The governor reasoned that poverty cannot be cured unless children are properly educated, giving them the educational tools needed to provide for their success. She said the children have the capacity to learn, but the system needs to be reestablished in a more powerful way.

Governor Blanco concluded that now is the time to think out of the box and turn a failing system into a model for the nation. She said the children need the best guidance

the state can give. She asked the committee to support House Bill No. 121.

Representative Crane stated that he agreed with the governor's assessment of the situation and commented that rebuilding the Orleans Parish school system is just as important to New Orleans' recovery as is the revitalization of businesses in the area.

Also making a statement was Senator Ann Duplessis. She said she was bringing remarks not only as a lawmaker but as a lifelong resident of New Orleans. Senator Duplessis stated that as a resident and business leader, she conveyed the sentiments of thousands of business and civic leaders in asking committee members to consider the legislation as an opportunity to build the city's school system. She said it was a new day for the city as it will never be the same. Senator Duplessis said there is an anticipation of a much brighter tomorrow even in the face of losing familiar sights, sounds, and landmarks. She said the city has an opportunity to design a new standard of excellence and a chance to use innovation and urban planning to lay out neighborhoods that will focus on long-range issues and interests of the citizens of the area: accessible transportation, affordable housing, economic opportunities and, most importantly, a chance to build a high quality, state-of-the-art educational system that has the potential to be the center of the new society in the area. Senator Duplessis pointed out that in order to attract families and businesses back to the city, it is imperative that the school system be addressed; that the failures of the past must be reviewed and learned from. She stated that the system can be a great one even in the face of well-publicized and documented struggles. Senator Duplessis offered that many attempts have been made to reform the existing system. She said the opportunity now exists to create new standards of excellence for the system: new buildings, administrations, programs, investments from foundations, and strong fiscal oversight; a new way of doing things. Senator Duplessis stressed that now is the time to put public service to work and make the commitment to put the children first to ensure that they have quality resources, computers, certified teachers, secure buildings, and recreational and cultural activities. She noted that the time for excuses had passed, and success can be achieved by doing something different. Senator Duplessis said action must be taken now and urged committee members to support House Bill No. 121. Senator Duplessis mentioned and acknowledged discussions about there being more inclusion in the bill with other areas. She said she looked forward to reviewing the bill that is still a work in progress and offer friendly amendments that will enhance the objectives of the bill and educating the students affected by the academically unacceptable schools.

Representative Crane again emphasized the commitment of the committee to improve the quality of education in Orleans Parish and the state. He said tremendous strides had been made statewide in improving student performance. Representative Crane added that the provisions of the bill will contribute greatly in that direction.

Representative Crane asked Ms. Carole Wallin, Dr. Robin Jarvis, and Mr. Jim

Hrdlicka, representing BESE, 1201 N. Third St., Baton Rouge, LA 70804, (224)342-3601, to present the details of the legislation. Representative Crane presented the following overview of the bill. Representative Crane explained that the bill is, in affect, restructuring the public education system in Orleans Parish by transferring schools that are performing below the state average into the recovery district. He pointed out that as the details of the legislation are discussed, it will be revealed that there are certain authorities, responsibilities, and powers that will accrue to the recovery district as a result of the legislation. Representative Crane explained as well that the legislation addresses the area of charter schools. He said if the bill passes, it will prohibit the school board from awarding any new charters. The bill also provides that any pending charters shall be notified by the local board that they no longer have the authority to approve the charters and that they would direct these persons to the recovery district.

Ms. Wallin, deputy superintendent of education, presented information on current Recovery School District law as follows:

- (1) Current Recovery School District law defines a failing school as one that has been labeled academically unacceptable.
- (2) Current Recovery School District law also provides for the transfer of schools labeled academically unacceptable for four consecutive years or failed schools for which the school board has failed to present or implement an acceptable reconstitution to the Recovery School District with BESE approval.
- (3) The Recovery School District is an intermediate unit that operates with the same general authority as a local school system but has no authority to levy taxes.

Ms. Wallin said House Bill No. 121 does not change any of these provisions and stated that the current law, relative to systems in academic crisis, transfers substantial authority from the local school board to the local superintendent when a system is declared to be academically in crisis. She reiterated that House Bill No. 121 does not change any of these provisions.

Representative Crane added that the Recovery School District law was a part of legislation that was constitutionally adopted by the people in 2003.

Regarding House Bill No. 121, Ms. Wallin explained that the following provisions will be added to current law with the passage of the bill:

- (1) Requires the transfer to the Recovery School District schools that are below average that are part of a system in academic crisis that has at least one school that is eligible to enter the Recovery School District under current law. An alternative school that reports the majority of its students' bad test scores back to

one of these schools will also be considered to be a failing school and enter into the Recovery School District.

- (2) Requires that the Recovery School District provide the same kinds of educational services required of all other public school systems to all students who reside in the jurisdiction of the transferring school system who attend (a) a transferred school or (b) would have been eligible to attend a transferred school due to location of residence or other available options.
- (3) Requires that the Recovery School District organize and operate transferred schools in a manner it deems most likely to improve student academic achievement.
- (4) Requires that the Recovery School District manage transferred schools in a fashion that will provide the best educational opportunities to all students who are enrolled.

Representative Crane asked if the Recovery School District will be required to provide all educational services. Ms. Wallin responded that it would and that the Recovery School District will be required to provide special education and alternative education to all students who are enrolled.

Continuing with (4) above, Ms. Wallin stated that the Recovery School District will manage all schools transferred to it in a fashion that will provide the best educational opportunities to all students who attend or who are eligible to attend such schools, without regard to attendance zones related to each school prior to its transfer. The bill also gives the Recovery School District the authority to determine what schools to operate, close, relocate, rebuild, and what range of grades the schools will serve.

- (5) Requires a plan, six months after the transfer of schools, that must be annually updated requiring that the following issues be addressed:
 - The educational needs of the students in the schools;
 - The number and location of schools;
 - The changes in the population size;
 - The method for maintaining a clear communication among interested parties;
 - The governing authority;
 - The school board from which the students were transferred; and
 - The parents.
- (6) Requires the Recovery School District to make an annual report to the House and Senate education committees on the status, management, and operation of the schools that are operated under the district. The transferred schools will remain in the district for five years. At least nine months prior to the extension of the five-year transfer period, the Recovery School District will make a report to

BESE on the status of each transferred school, the nature of its faculty, administration, student body size, demographics, organizational and management structure, and an assessment of the changes in student and school performance. The report shall include recommendations as to whether or not the schools should continue in the Recovery School District with or without operational changes, be closed, or be returned to the jurisdiction of the local school board. Within six months, BESE must take action on such recommendations.

Ms. Wallin stated that House Bill No. 121 provided for these additional changes to the current Recovery School District law:

- (1) The administration of the Recovery School District will be under BESE; BESE will serve as its state board.
- (2) The legislation gives the Recovery School District the authority to manage and retain federal funding and grant funding in the same manner afforded to local school districts, including the right to manage and maintain fund balances.
- (3) The legislation requires that the Recovery School District's expenditure of funds is subject to the requirements of the approved minimum foundation program (MFP) formula that applies to the local school systems and is subject to the same kinds of audits in the same manner as that of the local school boards.
- (4) The legislation also authorizes the Recovery School District to enter into contracts with private providers for services such as transportation, food, etc.

She explained that for schools transferred from the system academically in crisis, the Recovery School District, in this legislation, would be authorized to require ownership of all land, buildings, transfers, and other property that is part of the school being transferred. It prohibits the transfer of ownership of land or usable buildings constructed on the land other than to return it to the local school system.

She pointed out also that the bill authorizes the Recovery School District to lease land or property at its disposal, but it may not sell that land. That land, if it were to be sold, would have to go back to the local school system, and it would decide whether or not the land should be sold.

Ms. Wallin explained that currently a portion of the state MFP is directly allocated to the school board to be transferred back to the Recovery School District for the students in the recovery district schools. This language would require that the MFP portion and the local portion go directly to the Recovery School District rather than go to the school system and be allocated back. Ms. Wallin concluded that this information covered the specifics of the bill.

Representative Crane then recognized Dr. Robin Jarvis to add more information.

Before Dr. Jarvis' testimony and questions from committee members, Representative Crane announced that amendments were pending. He asked Ms. Nancy Jolly, committee legislative analyst, to present the amendments.

Ms. Jolly announced that the first set of amendments was offered by Representative Honey. The amendments would provide as follows:

- (1) Relative to the requirement that the Recovery School District, directed by its administering agency, provide all educational services required of local public school systems as provided in proposed law, deletes the language "directed by its administering agency".
- (2) Requires the recovery district, instead of the administering agency, to develop and present to BESE for approval a plan as provided in proposed law.
- (3) Requires the recovery district, instead of the state superintendent of education, to make an annual report to the House and Senate education committees as provided in proposed law.
- (4) Requires the recovery district, instead of the state superintendent of education, to make a report to BESE as provided in proposed law.

Representative Honey asked Ms. Wallin to explain the amendments. She testified that the amendments highlight the role of the Recovery School District similar to the manner in which the Special School District now operates within the state Department of Education. She noted that this district reports to a board, with the board serving as its elected board. In response to concerns by Representative Crane and some committee members, Ms. Wallin reassured committee members that the amendments will in no way diminish the current powers and authority of the state superintendent of education.

Representative Honey moved that the amendments be adopted. There was no objection, and the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Ritchie, Trahan, and Wright voted yea.

Representative Crane asked Ms. Jolly to present the second set of amendments.

Ms. Jolly announced that the second set of amendments was also offered by Representative Honey and would provide as follows:

"The Recovery School District shall recognize and continue to recognize any existing

collective bargaining agreement and both parties' obligation to bargain in good faith for successful agreements that recognize the needs of students, provide for the incorporation of innovative and research-based ideas, and value the participation of the professional staff in all decisionmaking."

Representative Crane asked Senator Duplessis if she was in favor of the amendments. Senator Duplessis responded that she was. She explained that one of the objectives of the legislation, among many, is to make sure that new ways of operating are created. Senator Duplessis reasoned that rising above what has been done before and thinking outside of the box are important. She stated that another objective is to try to bring back teachers who have left the district and are currently scattered across the state and nation. She stated that these teachers should be provided similar options as those available before the hurricanes came. Senator Duplessis suggested that items that worked under the old system should be merged with the new ideas. She said that she is in favor of offering what worked under the old system and protecting the teachers.

Speaking in support of the amendment and the legislation was Mr. Steve Monaghan. He pointed out that the existence of collective bargaining was never identified as one of the problems that plagued the system in Orleans Parish. He noted that some problems identified included cronyism, malfeasance, and dereliction of duty.

Also speaking in support of the collective bargaining amendment was Dr. Brenda Mitchell, representing the United Teachers of New Orleans. She presented several items included in their contract with the previous school system. Ms. Mitchell stated that currently the teachers have no jobs or benefits. She asked that discussions be allowed to begin to resolve the collective bargaining issues.

Mr. Alphonse Jackson, also in support, stated that if the education provided to students in the state is going to improve, the state must respect the teachers who are in place. He added that the only way teaching and learning will improve is if the state attracts the brightest and retains the best teachers who are here. He said teachers should have the right to address the recovery district board if there are problems. He noted, as well, that the bill applies statewide.

Ms. Wallin asked Mr. Jim Hrdlicka, legal counsel for the state Department of Education, to address what is currently in the Recovery School District law relative to this issue. Mr. Hrdlicka stated that the department does not see the necessity of adopting the amendment. He explained that the current law allows the Recovery School District to operate in whatever manner it deems necessary to improve student performance.

Representative Honey stated that the amendment respects the contributions made by the teachers previously employed in the system.

Representative Honey moved that the amendment be adopted. There was an objection, and the secretary called the roll. The motion to adopt the amendment failed by a vote of 5 yeas and 10 nays. Representatives Badon, Barrow, Crowe, Honey, and Ritchie voted yea, and Representatives Alexander, Crane, Downs, Fannin, Greene, Kenney, Mike Powell, Tank Powell, Trahan, and Wright voted nay.

Representative Crane asked Ms. Jolly to present the next set of amendments offered by Representative Honey. The amendments provide as follows:

- (1) Adds provision prohibiting any BESE member from also being a member of the governing or management board of any Type 5 charter school; and
- (2) Adds provision prohibiting any member of a city, parish, or other local public school board from also being a member of the governing or management board of any Type 5 charter school that is within the jurisdictional area of such local school board.

Representative Honey explained that the amendment provides that no conflict of interest or ethical problems will arise with service on the board of any Type 5 charter school. He moved that the amendment be adopted. There was no objection, and the motion to adopt the amendment passed by a vote of 15 yeas and 0 nays. Representatives Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Ritchie, Trahan, and Wright voted yea.

Representative Crane asked Ms. Jolly to present the next set of amendments offered by Representative Mike Powell. The amendment provides as follows:

- (1) Relative to proposed law provision designating certain schools that have a school performance score below the state average in a school system that has been declared to be academically in crisis, specifies that such school system shall have been declared as academically in crisis by not later than August 31, 2005.

Representative Mike Powell explained that the amendment limits the provisions of the bill to Orleans Parish only. He reminded committee members about various issues that Orleans Parish has dealt with and the failed attempts to resolve them. Representative Powell said the focus should be on Orleans and every effort should be made to help solve the problems there. He said the amendments seek to keep recovery efforts focused on Orleans Parish. He noted that certain school districts found in academic crisis in the future may need to be approached in a different manner. He said the focus needs to stay in New Orleans. The amendment provides that the school system that was academically in crisis at the time of the hurricane was Orleans Parish. He commented that the legislature was called into special session to deal with the problems that have arisen in the aftermath of the hurricane, and the amendment seeks to keep the focus on resolving those problems. Representative Powell pointed out that

other school systems might need this type of approach (the Recovery School District) in the future, but operated in a different manner than what will be needed in Orleans.

Representative Crane pointed out that the purpose of the Recovery School District legislation is not solely aimed at Orleans Parish, but all systems in academic crisis should receive attention since they are not making efforts to improve student performance. He asked Mr. Jim Hrdlicka to comment on whether or not the legislation should be limited to Orleans Parish. Mr. Hrdlicka responded that the amendment raises the issue of equal protection. He noted, as well, that the Department of Education seeks to have the statewide applicability of the legislation preserved.

Representative Powell moved that the amendment be adopted. There was an objection, and the secretary called the roll. The motion to adopt the Powell amendment passed by a vote of 9 yeas and 6 nays. Representatives Alexander, Barrow, Downs, Fannin, Greene, Honey, Mike Powell, Ritchie, and Trahan voted yea, and Representatives Badon, Crane, Crowe, Kenney, Tank Powell, and Wright voted nay.

Representative Crane then asked persons who supported the legislation to begin their testimony.

Supporting the legislation were:

Ms. Linda Johnson, representing the Louisiana Recovery Authority; Mr. Tom Tate, representing the Louisiana Association of Educators (*on the Honey amendment on collective bargaining*); Mr. Rodney Braxton, representing the city of New Orleans, (225)342-8301; Ms. Stephanie Desselle, representing the Council for a Better Louisiana (CABL), P. O. Box 4308, Baton Rouge, LA, (225)304-2224; Ms. Brigitte Nieland, representing the Louisiana Association of Business and Industry (LABI), 3113 Valley Creek Dr., Baton Rouge, LA 70808, (225)928-5388; and Ms. Phyllis Landrieu, representing herself, 2400 St. Charles Ave., New Orleans, LA 70130, (504)523-1193.

Ms. Landrieu commented that she was speaking on behalf of the children. She presented statistics that highlighted improvements made by the Orleans Parish school system. Ms. Landrieu stated that of 117 schools, 91 experienced academic growth, 68 were academically unacceptable; 30 had recognized growth; 18 had exemplary growth; 40 had at least one star; three had four stars, and one had five stars. She said there has been progress, and many teachers and students have worked hard. Ms. Landrieu said hard work is not enough, but what is required is a fundamental change in the system. She said the Orleans system is in need of an extraordinary infusion of resources and a complete overhaul of the physical district, which should include an infusion of training and an upgrading of the teaching staff. She said House Bill No. 121 is a good first step.

Ms. Desselle said CABL tries to take the broader view. She asked that the rights and

future of the children be considered; that a newly recreated educational choice system be created for those who chose to return to the area. Ms. Desselle stated that long-term rebuilding must be viewed toward creating a significant economy in the state. She said this will only be achieved by rebuilding the educational system in Orleans. Ms. Desselle stated that the system has been tracked for 20 years, and she noted that it cannot fix itself.

Ms. Nieland said a quality public education system is critical to rebuilding Louisiana's devastated economy. She noted that the rebuilding will be about jobs, housing, and schools. She said schools must be operating to encourage displaced residents and businesses to return home. Ms. Nieland pointed out as well that the schools will encourage new, private investment. She said the bill offers a chance to address one of these areas. She suggested that passing House Bill No. 121 will send a powerful message that Louisiana cares about its citizens, its citizens' education, and creating new opportunities for the future.

Opposing the legislation were: Mr. Steve Monaghan, representing the Louisiana Federation of Teachers, 9623 Brookline, Baton Rouge, LA, (225)923-1037; Mr. Alphonse Jackson, representing the Louisiana Association of Educators, P. O. Box 2826, Baton Rouge, LA 70821, (225)405-6540; Dr. Brenda Mitchell, representing the United Teachers of New Orleans, 4650 Paris Ave., New Orleans, LA, 793-8866; Mr. John Beck, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA, (225)769-3191; Mr. Freddie Whitford, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225)769-3191; State Representative Karen Carter, New Orleans; State Representative Cheryl Gray, representing herself, 3433 Joseph St., New Orleans, LA 70125, (504)628-4300; Mr. Byron Stewart, representing the Louisiana School Boards Association, 7219 Summa Ave., Baton Rouge, LA 70809, (225)769-3191; Ms. Carla Rollins, representing the Louisiana Federation of Teachers, Alexandria, LA, (318)442-2727; Ms. Leona Venson, representing the Louisiana Federation of Teachers, Alexandria, LA, (318)442-2727; Mr. Carnell Washington, representing the East Baton Rouge Parish Federation of Teachers, 11823 Market Place Ave., Baton Rouge, LA 70816, (318)292-2680; Ms. Meladie Munch, representing the Jefferson Federation of Teachers, 2540 Severn Ave., Ste. 301, Metairie, LA 70002, (504)454-5047; Mr. Joe Potts, representing the Jefferson Federation of Teachers, 2540 Severn Ave., Ste. 301, Metairie, LA 70002, (504)454-5047; Ms. Elsie Burkhalter, representing the St. Tammany Federation of Teachers and School Employees, 724 Starkey, Slidell, LA 70458, (985)641-6477; Ms. Sanoie Lollie, representing the Louisiana Federation of Teachers, 2809 Evangeline St., Monroe, LA 71201, (318)322-2442; Mr. Louis Reine, representing the Louisiana AFL-CIO, 429 Government St., Baton Rouge, LA 70802, (225)383-5741; and Ms. Julie Cherry, representing the Louisiana AFL-CIO, 429 Government St., Baton Rouge, LA 70802, (225)383-5741.

Mr. Monaghan commented that the information he had received while listening to

previous testimony had added to his understanding. He announced that his organization has offered the opportunity to begin the rebuilding of New Orleans.

Representative Gray expressed concern with the timing of the legislation. She cited the lack of unity in approaching the problems that face the Orleans public schools. Representative Gray noted as well that her opposition to the legislation did not mean that she was against education reform. She referenced the amount of time she spends mentoring and coaching students in the Orleans area and stressed her belief in public school education. Representative Gray reasoned that if the schools in the area are to be changed, the process should include everyone. She noted the lack of discussion on the issue with local school officials, teachers, and parents who are displaced. She emphasized that the opportunity, information, and resources should be made available to everyone if new goals are expected to be achieved.

Representative Carter said she agreed with the sentiments addressed previously. She emphasized her support for education reform for a system that has failed the children of the state, particularly those in the Orleans Parish school system. Representative Carter reminded members that she championed the concept and helped to push legislation through the process that would have the recovery district take over failing schools. She suggested that, perhaps, the opportunity should be taken to shift the role and governance of the recovery district schools to the state. She stressed that she was not in opposition to the state being held accountable. Representative Carter also announced her full support of charter schools as long as they're operated right. She said her opposition was to what she called a "haphazard process that has been controlled by a tyrant dictator" without input from a community that is displaced. She reiterated that it was unfair to push House Bill No. 121 without having any public discourse on the legislation.

Continuing her testimony, Representative Carter then pointed out those portions of House Bill No. 121 about which she had concerns: (1) The bill only calls for the control of the failing schools, leaving those schools that have performed well under the control of the school district that has been labeled as not competent; and (2) The manner in which the legislation addresses the charter school issue, its operation and parameters; especially the board that has been established to oversee these schools. Representative Carter stated that trust and confidence have to be instilled in the way students are educated. She pointed out that incorporating stakeholders' opinions and creating strategies are important in establishing the trust and confidence.

Representative Carter assured members that there were other solutions to the problems that exist with the schools and that she was attempting to be part of a team to unify efforts to seek solutions that are right and achieved according to respected principles and standards.

Representative Mike Powell expressed concern that the bill, as opposed to similar

legislation authored by Representative Scalise, could result in Orleans Parish schools becoming divided in a way that could unintentionally result in the segregation of Orleans Parish into two systems.

Representative Gray agreed that the bill could create this situation.

Representative Carter added that if more dialogue and communication were engaged, the parties might be able to come up with a solution that works.

Mr. Whitford testified that it was the original intent of his organization to oppose the bill but will change their position based upon the amendment offered earlier in the meeting by Representative Mike Powell and adopted by the committee. He also asked that his organization be invited to become a part of the process in the future and allowed to have some input when issues of this nature are discussed.

Dr. Mitchell spoke in opposition to the bill and expressed concern about unflattering comments made about the Orleans Parish school system. She noted that the public schools in Orleans Parish should be taken seriously as children are involved. Dr. Mitchell said efforts should be made to collaboratively develop a plan that will move the system forward. She commented that meetings should be set up with legislators from the New Orleans area, school board members, and members of the various teacher unions to allow a compromise to be worked out.

Also testifying in opposition to House Bill No. 121 was Mr. Alphonse Jackson. He said the provisions of the legislation do not work to help children achieve the competencies they need to matriculate in today's world nor does it equip students with the tools that they need to be productive and successful in a highly technological and verbal society. He stated that a more effective document needed to be worked on, as the current legislation stigmatizes students and does not meet the needs of children who have been displaced and are in despair about themselves and their community. Mr. Jackson stated that the legislation does not address ways to improve teaching and learning in New Orleans or the state.

In closing on the bill, Ms. Wallin ask committee members to approve the bill with amendments.

There was no further discussion on the legislation.

Representative Crane moved that House Bill No. 121 be reported with amendments. Representative Barrow offered a substitute motion that action on House Bill No. 121 be involuntarily deferred. The secretary called the roll on the substitute motion. The motion that action on House Bill No. 121 be involuntarily deferred failed by a vote of 6 yeas and 9 nays. Representatives Badon, Barrow, Crowe, Honey, Mike Powell, and Trahan voted yea, and Representatives Crane, Alexander, Downs, Fannin, Greene,

Kenney, Tank Powell, Ritchie, and Wright voted nay.

The vote then occurred on the original motion by Representative Crane to report House Bill No. 121 with amendments. House Bill No. 121 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Alexander, Badon, Barrow, Crane, Crowe, Downs, Fannin, Greene, Honey, Kenney, Mike Powell, Tank Powell, Ritchie, Trahan, and Wright voted yea.

IV. OTHER BUSINESS

There was no other business for discussion.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 4:59 p.m.

Respectfully submitted,

Carl Crane, Chairman
House Committee on Education