

HOUSE COMMITTEE ON EDUCATION

Minutes of Meeting
Regular Session, 2012
May 2, 2012

I. CALL TO ORDER

Representative Stephen F. Carter, Chairman of the House Committee on Education, called the meeting to order at 9:00 a.m., in Committee Room 1, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Stephen F. Carter, Chairman
Representative Patrick O. Jefferson, Vice Chairman
Representative Wesley T. Bishop
Representative Christopher Broadwater
Representative Henry L. Burns
Representative Thomas Carmody
Representative Simone Champagne
Representative John Bel Edwards
Representative Cameron Henry
Representative Paul B. Hollis
Representative Nancy Landry
Representative Edward J. Price
Representative Jerome Richard
Representative John M. Schroder
Representative Robert E. Shadoin
Representative Patricia Haynes Smith
Representative Jeff R. Thompson
Representative Alfred C. Williams

MEMBERS ABSENT:

III. STAFF MEMBERS PRESENT:

Paul Jones, Legislative Analyst
Nancy Y. Jolly, Legislative Analyst
Jackie Snowden, Secretary
Angelika Washington, Clerk
Beverly Vincent and Danny Leming, Sergeants at Arms

IV. DISCUSSION**House Bill No. 727 by Representative Geymann**

House Bill No. 727 provides for the powers, duties, and functions of the Board of Regents.

Representative Carter announced that Representative Geymann has requested that action on House Bill No. 727 be voluntarily deferred. Representative Carter moved that action on House Bill No. 727 be voluntarily deferred. There was no objection, and the motion passed by a vote of 13 yeas and 0 nays. Representatives Broadwater, Henry Burns, Carter, Champagne, Edwards, Hollis, Jefferson, Landry, Price, Richard, Shadoin, Patricia Smith, and Thompson voted yea.

House Bill No. 540 by Representative Arnold

House Bill No. 540 requires public school governing authorities to provide for availability of and training with respect to the administration of certain medications to students.

Representative Carter announced that Representative Arnold has requested that action on House Bill No. 540 be voluntarily deferred. Representative Carter moved that action on House Bill No. 540 be voluntarily deferred. There was no objection, and the motion passed by a vote of 13 yeas and 0 nays. Representatives Broadwater, Henry Burns, Carter, Champagne, Edwards, Hollis, Jefferson, Landry, Price, Richard, Shadoin, Patricia Smith, and Thompson voted yea.

House Bill No. 911 by Representative Foil

House Bill No. 911 provides relative to the School Choice Pilot Program for Certain Students with Exceptionalities.

Representative Foil presented the bill to the committee.

Representative Broadwater offered an amendment for adoption that deletes the proposed law increase of the value of the educational certificate to 75% of the per-pupil allocation of state funds and retains the present law value as 50% of such allocation.

Representative Broadwater moved that the amendment be adopted. There was no objection, and the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Broadwater, Henry Burns, Carter, Champagne, Edwards, Hollis, Jefferson, Price, Shadoin, and Thompson voted yea.

Speaking in support of the bill were Mr. Raphael Gang, representing the State

Department of Education, Claiborne Building, 1201 North 3rd St., Baton Rouge, LA, (225) 342-0668, and Ms. Linda L. Stone, representing the Greater Baton Rouge "Hope Academy", 15333 Jefferson Hwy., Baton Rouge, LA 70817, (225) 293-0141.

Supporting the bill but not wishing to speak were persons whose names are included in Attachment A.

Speaking in opposition to House Bill No. 911 were Mr. Steve Monaghan, representing the Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA 70809, (225) 923-1037, and Mr. Gary Reed, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191.

Opposing the bill but not wishing to speak was Mr. Stephen Kauffman, representing the Advocacy Center, 8225 Florida Blvd., Ste. A., Baton Rouge, LA 70806, (225) 925-8884.

Representative Foil closed on the bill.

Representative Thompson moved that House Bill No. 911 be reported with amendments. There was no objection, and House Bill No. 911 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Landry, Price, Richard, Shadoin, Patricia Smith, and Thompson voted yea.

House Concurrent Resolution No. 95 by Representative Hazel

House Concurrent Resolution No. 95 requests the Board of Supervisors of Community and Technical Colleges and the State Board of Elementary and Secondary Education jointly to study and report on granting a Louisiana high school diploma to successful completers of adult education programs that meet state-established standards.

Representative Hazel presented the resolution to the committee.

Speaking in support of House Concurrent Resolution No. 95 were Mr. James T. Stewart, representing Calvary High School, Pineville, LA, (318) 473-0054, and Mr. Dan Davis, representing Calvary High School, 3905 Trinity Church Dr., Pineville, LA, (318) 445-3810.

Supporting the bill but not wishing to speak were persons whose names are included in Attachment B.

Representative Carmody moved that House Concurrent Resolution No. 95 be reported favorably. There was no objection, and House Concurrent Resolution No. 95 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Wesley Bishop, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Landry, Price,

Shadoin, and Thompson voted yea.

House Bill No. 1138 by Representative Hazel

House Bill No. 1138 provides relative to limitations on reducing the hourly wage or annual salary paid by a local school board to certain school employees.

Representative Hazel presented the bill to the committee.

Speaking in support of House Bill No. 1138 were Mr. James L. Foster, representing the Buckeye Community, 1850 Philadelphia Rd., Deville, LA (318) 466-5830, and Mr. Tony Paul, representing the Buckeye Community, 526 Bethel Rd., Deville, LA, 71328, (318) 201-9500.

Supporting the bill but not wishing to speak were persons whose names are included in Attachment C.

Available to speak in opposition to House Bill No. 1138 was Ms. Kathy Jarrell, representing Louisiana School Bus Operators, P. O. Box 161, Evans, LA, (337) 286-5398.

Representative Thompson moved that House Bill No. 1138 be reported favorably. Representative Price objected, and the secretary called the roll. The motion to report House Bill No. 1138 favorably failed by a vote of 5 yeas and 8 nays. Representatives Henry Burns, Carter, Landry, Shadoin, and Thompson voted yea, and Representatives Wesley Bishop, Broadwater, Champagne, Edwards, Hollis, Jefferson, Price, and Alfred Williams voted nay.

Representative Edwards moved that action on House Bill No. 1138 be involuntarily deferred. There was no objection, and the motion passed by a vote of 13 yeas and 0 nays. Representatives Wesley Bishop, Broadwater, Henry Burns, Carter, Champagne, Edwards, Hollis, Jefferson, Landry, Price, Shadoin, Thompson, and Alfred Williams voted yea.

House Bill No. 913 by Representative Nancy Landry

House Bill No. 913 requires local school boards to notify parents of school bus drivers' criminal convictions.

Representative Nancy Landry presented the bill to the committee and announced that she had technical amendments and one substantive amendment for adoption. The technical amendment changed the word "crimes" to "criminal offense" in the bill. The substantive amendment adds language stipulating that "the provisions of this Section shall apply to any person who is sentenced pursuant to the provisions of the Code of

Criminal Procedure Articles 892.1, 893, or 894." (The pre-trial diversion program.)

Representative Nancy Landry 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 Wesley Bishop, Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Landry, Price, Shadoin, Thompson, and Alfred Williams voted yea.

Representative Nancy Landry agreed to voluntarily defer House Bill No. 913 to work on language that would address concerns of committee members.

Representative Nancy Landry moved that action on House Bill No. 913 be voluntarily deferred. There was no objection, and the motion passed by a vote of 14 yeas and 0 nays. Representatives Wesley Bishop, Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Landry, Price, Shadoin, Thompson, and Alfred Williams voted yea.

House Bill No. 1133 by Representative Carmody

House Bill No. 1133 provides with respect to assets of any foundation, alumni association, or nonprofit organization affiliated with a state institution of higher education.

Representative Carmody presented the bill to the committee.

Speaking in support of the bill were Mr. Michael Woods, representing himself, 460 Bob White Lane, Shreveport, LA 71107, (318) 798-2500; Dr. Phillip Rozeman, representing the Louisiana State University at Shreveport's Foundation Board, Shreveport, LA, (318) 420-7401; and Mr. Brian Bond, representing AEP SWEPCO, 428 Travis St., Shreveport, LA, (318) 673-3595.

Also supporting House Bill No. 1133, but not wishing to speak and available to provide information if requested were persons whose names are included in Attachment D.

A letter from Joe Averitte of Shreveport was read announcing his support of the LSU-S Foundation.

Representative Carmody announced that he had amendments pending, brought on behalf of system boards, to amend the bill to clarify that it will not have a detrimental affect upon transfers by affiliates within the same system. Representative Carmody 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 Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Price, Richard, Shadoin, and Thompson voted yea.

Representative Carmody asked that another set of amendments be considered to provide that, in addition to authorization by the Board of Regents of the movement of funds, the governing board of the affiliated school may authorize the taking only after a vote of the school's management board notifying the donor about where the vote will occur. Representative Carmody 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 Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Price, Richard, Shadoin, and Thompson voted yea.

Representative Carmody explained that he would voluntarily defer the current instrument at this time and bring a substitute bill later that would further clarify issues. Representative Carmody moved that action on House Bill No. 1133 be voluntarily deferred. There was no objection, and the motion passed by a vote of 12 yeas and 0 nays. Representatives Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Price, Richard, Shadoin, and Thompson voted yea.

House Bill No. 312 by Representative Richard

House Bill No. 312 permits, rather than requires, school systems to retain supervision of suspended or expelled students using alternative education programs.

Representative Richard presented amendments to the bill in the form of a substitute bill. He was accompanied by Representative Leger who made comments.

Representative Richard moved that the substitute bill be adopted. There was no objection, and the substitute bill for House Bill No. 312 was adopted by a vote of 16 yeas and 0 nays. Representatives Wesley Bishop, Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Henry, Hollis, Jefferson, Price, Richard, Shadoin, Patricia Smith, Thompson, and Alfred Williams voted yea.

Speaking in support of House Bill No. 312 were Sheriff Mike Waguespack, chairman, representing AMI Kids of Donaldsonville, 4404 Highway 308, Napoleonville, LA, (985) 637-6392, and Ms. Erin Bendily, representing the State Board of Elementary and Secondary Education and the state Department of Education, Claiborne Building, 1201 North 3rd St., Baton Rouge, LA.

Providing information was the Rev. James E. Smith, truancy officer, representing Richland Parish Schools, (318) 532-0149.

Speaking in opposition to House Bill No. 312 was Ms. Karran Harper Royal, representing herself, 1360 Soldiers St., New Orleans, LA 70122, (504) 288-1412. Ms. Royal later stated that her opposition was to the bill as originally introduced. She modified her opposition when informed that the current version of the instrument was

the substitute bill.

Supporting the bill but not wishing to speak were persons whose names are included in Attachment E.

Representative Wesley Bishop moved that House Bill No. 312 be reported by substitute. There was no objection, and the motion to report House Bill No. 312 by substitute passed by a vote of 16 yeas and 0 nays. Representatives Wesley Bishop, Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Henry, Hollis, Jefferson, Price, Richard, Shadoin, Patricia Smith, Thompson, and Alfred Williams voted yea.

House Bill No. 1173 by Representative Carter

House Bill No. 1173 provides relative to the state special schools.

Representative Carter presented the bill to the committee.

Speaking in support of the bill were Ms. Elizabeth Moore, state director, Special School District, state Department of Education, 2888 Brightside Lane, Baton Rouge, LA 70809, (225) 763-5515, and Ms. Erin Bendily, representing the State Board of Elementary and Secondary Education and the state Department of Education, Claiborne Building, 1201 North 3rd St., Baton Rouge, LA.

Representative Carter announced that he had amendments pending to provide as follows:

- (1) Adds provisions regarding tenure for teachers being acquired in a specific school or program and regarding special schools and Special School Programs being considered separate schools for purposes of sabbatical leave.
- (2) Changes provision relative to the governing authority of the Special School District to provide that the state superintendent of education is the governing authority rather than the superintendent of the Special School District.

Representative Carter offered the amendments and moved that they be adopted. There was no objection, and the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Richard, Shadoin, Patricia Smith, Thompson, and Alfred Williams voted yea.

Supporting the bill but not wishing to speak were persons whose names are included in Attachment F.

Representative Shadoin pointed out the omission of a word on page 2, line 27. Ms.

Bendily stated that the omitted words are "school district". A technical amendment was prepared and later offered by Representative Broadwater for adoption. There was no objection, and the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Richard, Shadoin, Patricia Smith, Thompson, and Alfred Williams voted yeas.

Opposing House Bill No. 1173 but not wishing to speak was Mr. Stephen Kauffman, representing the Advocacy Center, 8225 Florida Blvd., Ste. A, Baton Rouge, LA 70806, (225) 925-8884.

Representative Carmody moved that House Bill No. 1173 be reported with amendments. There was no objection, and House Bill No. 1173 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Richard, Patricia Smith, Thompson, and Alfred Williams voted yeas.

House Bill No. 901 by Representative Patricia Smith

House Bill No. 901 permits parents of public school students to opt out of certain LEAP tests.

Representative Patricia Smith presented the bill to the committee.

Speaking in support of House Bill No. 901 were Ms. Karran Harper Royal, representing herself, 1360 Soldiers St., New Orleans, LA 70122, (504) 288-1412; Ms. Katherine Clarke, representing the Louisiana Association of Educators, 10446 Jefferson Hwy., Baton Rouge, LA, (510) 316-0278; Mr. Steve Monaghan, representing the Louisiana Federation of Teachers, 9623 Brookline Ave., Baton Rouge, LA 70809, (225) 923-1037; and Ms. Dawn D. Collins, representing herself as a parent of children in public schools, 3351 Fort Myers, Baton Rouge, LA 70814, (225) 312-3238.

Also supporting the bill but not wishing to speak was Mr. Gary Reed, representing the Louisiana School Boards Association, 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191.

Speaking in opposition to House Bill No. 901 were Ms. Stephanie Desselle, representing the Council for a Better Louisiana, P. O. Box 4308, Baton Rouge, LA 70821, (225) 344-2225; Ms. Erin Bendily, representing the State Board of Elementary and Secondary Education and the state Department of Education, Claiborne Building, 1201 North 3rd St., Baton Rouge, LA; Mr. Russell Armstrong, education policy advisor to Governor Bobby Jindal, P. O. Box 94004, Baton Rouge, LA 70804-9004, (225) 342-6160, and Ms. Chris Cobe, member, Tangipahoa School Board, 41090 Cuthell Dr., Hammond, LA 70403, (985) 215-1409.

Also opposing the bill but not wishing to speak were persons whose names are included in Attachment G.

Representative Patricia Smith closed on the bill and moved that House Bill No. 901 be reported favorably. Representative Broadwater objected, and the secretary called the roll. The motion that House Bill No. 901 be reported favorably failed by a vote of 3 yeas and 12 nays. Representatives Wesley Bishop, Patricia Smith, and Alfred Williams voted yea, and Representatives Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Richard, Schroder, Shadoin, and Thompson voted nay.

Representative Carmody moved that action on House Bill No. 901 be involuntarily deferred. Representative Patricia Smith objected, and the secretary called the roll. The motion that action on House Bill No. 901 be involuntarily deferred passed by a vote of 12 yeas and 3 nays. Representatives Broadwater, Henry Burns, Carmody, Carter, Champagne, Edwards, Hollis, Jefferson, Richard, Schroder, Shadoin, and Thompson voted yea, and Representatives Wesley Bishop, Patricia Smith, and Alfred Williams voted nay.

House Bill No. 705 by Representative Hoffmann

House Bill No. 705 provides relative to the reporting of certain electronic communication between an employee at a public elementary or secondary school and a student enrolled at that school.

Representative Henry Burns presented the bill on behalf of Representative Hoffmann.

Speaking in support of House Bill No. 705 was Mr. Joe Salter, representing the State Board of Elementary and Secondary Education and the state Department of Education, (225) 342-3745.

Also supporting the bill but not wishing to speak were persons whose names are included in Attachment H.

Representative Henry Burns moved that House Bill No. 705 be reported favorably. There was no objection, and House Bill No. 705 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Wesley Bishop, Broadwater, Henry Burns, Carmody, Carter, Champagne, Hollis, Jefferson, Richard, Schroder, Shadoin, Patricia Smith, Thompson, and Alfred Williams voted yea.

House Concurrent Resolution No. 79 by Representative Badon

House Concurrent Resolution No. 79 requests that the Board of Supervisors of Community and Technical Colleges report on the status of the reconstruction and

reopening of the Sidney N. Collier Technical Division site of Delgado Community College.

Representative Wesley Bishop presented the bill on behalf of Representative Badon.

Representative Jefferson moved that House Concurrent Resolution No. 79 be reported favorably. There was no objection, and House Concurrent Resolution No. 79 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Wesley Bishop, Broadwater, Henry Burns, Carmody, Carter, Champagne, Hollis, Jefferson, Richard, Schroder, Shadoin, Patricia Smith, Thompson, and Alfred Williams 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 12:16 p.m.

Respectfully submitted,

Stephen F. Carter, Chairman
House Committee on Education