

## **House Committee on Education**

Minutes of Meeting  
2013 Regular Session  
April 30, 2013

### **I. CALL TO ORDER**

Representative Stephen F. Carter, Chairman of the House Committee on Education, called the meeting to order at 8:55 a.m. in 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 Wesley T. Bishop  
Representative Chris Broadwater  
Representative Henry L. Burns  
Representative Thomas G. Carmody, Jr.  
Representative Simone B. Champagne  
Representative John Bel Edwards  
Representative Cameron Henry  
Representative Paul Hollis  
Representative Barry Ivey  
Representative Patrick O. Jefferson, Vice Chairman  
Representative Nancy Landry  
Representative Edward J. Price  
Representative Jerome Richard  
Representative Robert E. Shadoin  
Representative Patricia Haynes Smith  
Representative Jeff R. Thompson  
Representative Alfred C. Williams

#### **MEMBERS ABSENT:**

None

#### **STAFF MEMBERS PRESENT:**

Elizabeth L. Borné, Legislative Analyst  
Nancy Y. Jolly, Legislative Analyst

Jacqueline Snowden, Secretary

**ADDITIONAL ATTENDEES PRESENT:**

Beverly Vincent, Sergeant at Arms  
Danny Leming, Sergeant at Arms

**III. DISCUSSION OF LEGISLATION**

**House Bill No. 660 by Representative Katrina Jackson**

Representative Katrina Jackson presented House Bill No. 660, which provides for policies, procedures, and programs relative to school prayer, the pledge of allegiance, and instruction regarding the pilgrim fathers and the U.S. flag in certain school districts.

Supporting House Bill No. 660 but not wishing to speak were Mr. Michael Nassif, representing the Louisiana School Boards Association 7912 Summa Ave., Baton Rouge, LA 70809, (225) 769-3191, and Mr. Shane Riddle, representing the Louisiana Association of Educators, 8322 One Calais Ave., Baton Rouge, LA 70809, (225) 343-9243.

Speaking in opposition to House Bill No. 660 was Ms. Lee Barrios, representing herself, Abita Oaks Loop, Abita Springs, LA, (985) 789-8304.

Representative Wesley Bishop offered a motion to report House Bill No. 660 by substitute. Without objection, the motion passed by a vote of 15 yeas and 0 nays. Representatives Carter, Wesley Bishop, Broadwater, Henry Burns, Carmody, Champagne, Hollis, Ivey, Jefferson, Nancy Landry, Price, Richard, Shadoin, Smith, and Thompson voted yea.

**House Bill No. 95 by Representative Dixon**

Representative Dixon presented House Bill No. 95, which provides relative to eligibility criteria for admission or readmission to a public school and prohibits the denial of admission or readmission based on certain student characteristics.

Testifying in support of House Bill No. 95 were Ms. Jane Burgin, representing the Southern Poverty Law Center, P. O. Box 1436, Abita Springs, LA 70420, and Ms. Eden Heilman, representing the Southern Poverty Law Center, 1055 St. Charles Ave., New Orleans, LA 70130, (504) 486-8982.

The names of other persons who signed witness cards indicating their support are attached.

Representative Price offered a set of amendments to the bill. The amendments provide as follows:

1. Adds proposed law provisions relative to the admission of students who are 20 or older or who are 22 through 26.
2. Adds proposed law provision that all students are subject to laws and policies, including those pertaining to discipline, suspension, and expulsion.

Representative Price offered a motion to adopt the amendments, to which Representative Champagne objected. The secretary called the roll and the motion passed by a vote of 12 yeas and 3 nays. Representatives Carter, Wesley Bishop, Broadwater, Henry Burns, Carmody, Hollis, Jefferson, Price, Richard, Shadoin, Smith, and Alfred Williams voted yea. Representatives Champagne, Ivey, and Nancy Landry voted nay.

Representative Price offered a motion to report House Bill No. 95 with amendments, to which Representative Champagne objected. The secretary called the roll and the motion passed by a vote of 12 yeas and 3 nays. Representatives Carter, Wesley Bishop, Broadwater, Henry Burns, Carmody, Hollis, Jefferson, Price, Richard, Shadoin, Smith, and Alfred Williams voted yea. Representatives Champagne, Ivey, and Nancy Landry voted nay.

### **House Bill No. 613 by Representative Tim Burns**

Representative Tim Burns presented House Bill No. 613, which requires the State Board of Elementary and Secondary Education (BESE) to develop and adopt rules and regulations providing for parental choice relative to state standardized testing for students with disabilities.

Ms. Erin Bendily, representing the state Department of Education and the State Board of Elementary and Secondary Education (BESE), Claiborne Bldg., Baton Rouge, LA, presented highlights of the bill.

Representative Carter offered a set of amendments to the bill.

The amendments provide as follows:

1. Makes proposed law applicable to students with disabilities in public schools instead of all students in public schools.
2. Adds proposed law requirement that rules and regulations require local education agencies to inform parents and legal guardians of their right to choose to not have their child participate in state standardized testing.

3. Specifies that rules and regulations required by proposed law be in accordance with the federal Elementary and Secondary Education Act and the Individuals with Disabilities Education Act.
4. Removes requirement that rules and regulations required by proposed law be in accordance with present law relative to the school and district accountability system and the La. Competency-Based Education Program and all other applicable state laws and federal rules and regulations.

Representative Carter offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 13 yeas and 0 nays. Representatives Carter, Broadwater, Henry Burns, Champagne, Edwards, Hollis, Ivey, Jefferson, Nancy Landry, Price, Richard, Shadoin, and Alfred Williams voted yea.

Also supporting the bill but not wishing to speak were Ms. Charmaine Caccioppi, representing the United Way, 2515 Canal St., New Orleans, LA 70116, (504) 827-6823 and Mr. John Warner Smith, representing Education's Next Horizon, 412 N. 4th St., Baton Rouge, LA, 70802, (225) 383-3844.

Speaking in opposition to the legislation was Ms. Lee Barrios, representing herself, Abita Oaks Loop, Abita Springs, LA, (985) 789-8304.

Representative Nancy Landry offered a motion to report House Bill No. 613 with amendments. Without objection, the motion passed by a vote of 12 yeas and 0 nays. Representatives Carter, Wesley Bishop, Broadwater, Henry Burns, Champagne, Edwards, Hollis, Jefferson, Nancy Landry, Richard, Shadoin, and Alfred Williams voted yea.

### **House Bill No. 343 by Representative Edwards**

Representative Edwards presented House Bill No. 343, which prohibits certain public high school students from being administered tests pursuant to Louisiana Educational Assessment Program or the La. school and district accountability system with certain exceptions.

Representative Carter offered a set of amendments that provide as follows:

1. Relative to the prohibition on penalizing schools and school systems due to students' not participating in testing, provides that such prohibition shall apply only if the absence of students' test results due to such lack of participation does not violate any federal law or requirement.

Representative Carter offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Carter, Wesley Bishop, Broadwater, Champagne, Edwards, Hollis, Nancy Landry, Shadoin, Thompson, and Alfred Williams voted yea.

Representative Edwards offered a set of amendments that provides as follows:

1. Removes limitation that proposed law applies to a student who is pursuing a regular high school diploma, and instead proposed law is applicable to a student pursuing any high school diploma.

Representative Edwards offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 14 yeas and 0 nays. Representatives Carter, Broadwater, Henry Burns, Carmody, Champagne, Edwards, Hollis, Ivey, Jefferson, Nancy Landry, Price, Shadoin, Thompson, and Alfred Williams voted yea.

Speaking in support of House Bill No. 343 were Ms. Lee Barrios, representing herself, Abita Oaks Loop, Abita Springs, LA, (985) 789-8304; Mr. Michael Myers, representing Red River United, 409 Galway Dr., Shreveport, LA 71115, (318) 798-3640; and Mr. Wayne Free, representing the Louisiana Association Educators, 9322 One Calais Ave., Baton Rouge, LA 70807, (225) 281-6608.

Providing information only were Ms. Erin Bendily, representing the state Department of Education and the State Board of Elementary and Secondary Education (BESE), Claiborne Bldg., Baton Rouge, LA, Ms. Joan E. Hunt, executive counsel, representing BESE, 1201 N. 3rd St., Baton Rouge, LA, (225) 342-3572, and Mr. Shawn Fleming, representing the Louisiana Developmental Disabilities Council, P. O. Box 3455, Baton Rouge, LA 70802, (225) 342-6804.

Speaking in opposition to the legislation was Ms. Stephanie Desselle, representing the Council for a Better Louisiana, 251 Florida Blvd., #400, Baton Rouge, LA 70801, (225) 344-2225.

The names of other persons who signed witness cards are attached.

Representative Edwards offered a motion to report House Bill No. 343 with amendments, to which Representative Carter objected. The secretary called the roll and the motion passed by a vote of 14 yeas and 1 nay. Representatives Broadwater, Henry Burns, Carmody, Champagne, Edwards, Hollis, Ivey, Jefferson, Nancy Landry, Price, Shadoin, Smith, Thompson, and Alfred Williams voted yea. Representative Carter voted nay.

**House Bill No. 467 by Representative Edwards**

Representative Edwards presented House Bill No. 467, which subjects charter schools to the same State Board of Elementary and Secondary Education (BESE) rules and regulations as traditional public schools with respect to employment eligibility requirements for teachers and other school employees.

Representative Edwards offered a motion to voluntarily defer action on House Bill No. 467. Without objection, the motion passed by a vote of 15 yeas and 0 nays. Representatives Carter, Broadwater, Henry Burns, Carmody, Champagne, Edwards, Hollis, Ivey, Jefferson, Nancy Landry, Price, Shadoin, Smith, Thompson, and Alfred Williams voted yea.

**House Concurrent Resolution No. 30 by Representative Carter**

Representative Alfred Williams presented House Concurrent Resolution No. 30, which requests that the State Board of Elementary and Secondary Education (BESE) study the feasibility and advisability of pursuing a residential charter school model in Louisiana.

Ms. Sarah Broome, representing Thrive, 1120 Government St., Baton Rouge, LA 70802, (225) 394-1503, provided information.

The names of other persons who signed witness cards are attached.

Representative Alfred Williams offered a motion to report House Concurrent Resolution No. 30 favorably. Without objection, the motion passed by a vote of 11 yeas and 0 nays. Representatives Carter, Broadwater, Henry Burns, Champagne, Edwards, Hollis, Ivey, Nancy Landry, Price, Thompson, and Alfred Williams voted yea.

**House Bill No. 401 by Representative Carter**

Representative Carter presented House Bill No. 401, which authorizes the public postsecondary education management boards to increase tuition and fee amounts under certain circumstances.

Representative Carter offered a set of amendments to the bill that provided as follows:

1. Specifies that it is an institution's freshman retention rates that determine the institution's authority to impose a tuition and fee increase.

Representative Carter offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 14 yeas and 0 nays. Representatives Carter, Broadwater, Henry Burns, Carmody,

Champagne, Edwards, Henry, Hollis, Ivey, Jefferson, Nancy Landry, Price, Thompson, and Alfred Williams voted yea.

Providing information only on the legislation was Mr. James Caillier, representing Taylor Energy, One Lee Circle, New Orleans, LA 70501, (504) 589-0471.

Representative Carter offered a motion to report House Bill No. 401 with amendments. Without objection, the motion passed by a vote of 15 yeas and 0 nays. Representatives Carter, Wesley Bishop, Broadwater, Henry Burns, Carmody, Champagne, Edwards, Henry, Ivey, Jefferson, Nancy Landry, Price, Shadoin, Smith, and Alfred Williams voted yea.

### **House Bill No. 194 by Representative Leger**

Representative Leger presented House Bill No. 194, which provides relative to the authority of public postsecondary education management boards to increase tuition and mandatory fee amounts.

Representative Leger was accompanied by Dr. Jim Purcell, commissioner of higher education, representing the Louisiana Board of Regents. Committee questions were answered by Ms. Uma Subramanian, general counsel, Louisiana Board of Regents.

Providing information only were Dr. Peter J. Fos, representing the University of New Orleans, 2000 Lakeshore Dr., New Orleans, LA 70122, (504) 280-5536; Mr. Nick Bruno, representing the University of Louisiana at Monroe, Bayou Dr., Monroe, LA, (318) 342-1010; and Mr. John Crain, representing Southeastern Louisiana University, Hammond, LA, (985) 549-2280.

Speaking in opposition to the legislation was Mr. Robert Baumann, representing Endeavor, LLC, 616 Spanish Town Rd., Baton Rouge, LA 70807, (225) 328-0330.

The names of other persons who signed witness cards are attached.

Representative Carter offered a set of amendments to the bill that provide as follows:

1. Adds provision that specifies that, beginning with the 2015-2016 academic year, the authority granted by proposed law applies only to institutions that fully achieve the performance metrics in conformity with the outcomes-based funding formula developed by the Board of Regents according to SB No. 117 of the 2013 Regular Session.

Representative Carter offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 16 yeas and 0 nays. Representatives Carter, Wesley Bishop, Broadwater, Henry Burns, Carmody, Champagne, Edwards, Henry, Hollis, Jefferson, Nancy Landry, Price, Shadoin, Smith, Thompson, and Alfred Williams voted yea.

Representative Edwards offered a set of amendments to the bill that provides as follows:

1. Adds requirement that each management board reserve and use at least 10% of the amount derived from the increases in tuition and mandatory fees to provide assistance to students with demonstrated financial need.
2. Adds provision that additional revenue from the tuition or mandatory fee increase does not displace, replace, or supplant any funding for postsecondary education as required by the state constitution or any other laws of the state.

Representative Edwards offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 15 yeas and 0 nays. Representatives Carter, Broadwater, Henry Burns, Carmody, Champagne, Edwards, Henry, Hollis, Ivey, Jefferson, Nancy Landry, Price, Shadoin, Thompson, and Alfred Williams voted yea.

Representative Carter offered a set of amendments to the bill that provides as follows:

1. Adds provision that provides that, if SB No. 117 of the 2013 Regular Session is not enacted into law or is vetoed by the governor, or if the Board of Regents fails to develop the outcomes-based funding as provided in such Act, proposed law shall be null, void, and of no effect.

Representative Carter offered a motion to adopt the amendments. Without objection, the motion passed by a vote of 16 yeas and 0 nays. Representatives Carter, Wesley Bishop, Broadwater, Henry Burns, Carmody, Champagne, Edwards, Henry, Hollis, Ivey, Jefferson, Nancy Landry, Price, Richard, Shadoin, and Alfred Williams voted yea.

Representative Carmody offered a motion to report House Bill No. 194 with amendments, to which Representative Henry objected. The secretary called the roll and the motion passed by a vote of 13 yeas and 4 nays. Representatives Wesley Bishop, Broadwater, Henry Burns, Carmody, Champagne, Hollis, Ivey, Jefferson, Nancy Landry, Price, Shadoin, Thompson, and Alfred Williams voted yea. Representatives Carter, Edwards, Henry, and Richard voted nay.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ANNOUNCEMENTS**

There were no announcements.



**VI. ADJOURNMENT**

The meeting was adjourned at 1:02 p.m.

Respectfully submitted,

Stephen F. Carter, Chairman  
House Committee on Education