

# 2009 Legislative Wrap-up

## CHARTER SCHOOLS

- **HB 187 (ACT 278)** by Rep. Patricia Smith removes the statutory requirement for faculty and staff who are certified by BESE and parents of children enrolled in the school to approve the conversion of a preexisting public school to a Type 3 or Type 4 charter school. It authorizes the school board, for Type 3 charters, and BESE, for Type 4 charters, to require such approval.
- **HB 519 (ACT 292)** by Rep. Leger removes the limit on the number of charter schools that could be created in the state. It also authorizes a chartering authority to charge charter schools a fee to cover administrative costs not to exceed 2% of the total per pupil funding amount for all years of operation.
- **SB 146 (ACT 123)** by Rep. Duplessis requires chartering groups, in return for the use of a vacant school facility and its contents, to pay a share of the local school board's bonded indebtedness. The bill mandates that approval by the faculty and staff who are certified by the state board of a preexisting school proposed to be converted to a charter school requires a favorable vote of the majority of the members of such faculty and staff; that a charter school may modify its enrollment procedures in order to give preference to students previously enrolled in the school and their siblings and to give preference to siblings submitting their applications to enroll in the school for the first time; that charter schools be prohibited from being supported by or affiliated with any religion or religious organization or institution, but charter schools may receive support or student services from any such organization or institution; and that a charter application review process complies with the latest standards for quality and evaluated by a third party.

### Session Summary:

- Convened on April 27, 2009
- Adjourned on June 25, 2009
- 882 House bills filed
- 348 Senate bills filed
- 542 bills became laws or ACTS
- 20 bills vetoed by Gov. Jindal (included line item vetoes in HB1)

## CRIME/PUNISHMENT

- **HB 274 (ACT 283)** by Rep. Template increases the penalties for battery and for assault of a school teacher.
- **HB 476 (ACT 210)** by Rep. Connick creates the crime of contributing to the endangerment of a minor and amends current law prohibiting sexual conduct between educator and student when the student is 17 years of age or older, but less than 21 years, where there is an age difference of greater than four years and states that this provision applies only to secondary schools.
- **SB 94 (ACT 192)** by Sen. Donahue creates the crime of molestation of a juvenile involving an educator.

## MINIMUM FOUNDATION PROGRAM (MFP)

The Minimum Foundation Program (MFP) is the complex formula used to calculate the amount of money which will be allocated to school districts. Governor Bobby Jindal had asked top state educators to do without any increase in funding amid state budget problems. BESE sent a budget request to the Louisiana Legislature that would freeze the MFP at current levels. The Legislature approved this request. HB 1 includes the MFP with no growth in funding.

## NATIONAL BOARD CERTIFICATION

HB 1 which provides for the ordinary operating expenses of state government for Fiscal Year 2009-2010 includes money that will be allocated for reimbursements to school systems for providing salary supplements to the following: teachers having certificates issued by the National Board for Professional Teaching Standards; school counselors having certain certificates issued by the National Board for Certified Counselors; school psychologists having certain credentials issued by the National School Psychology Certification Board; school social workers having certain certificates issued by the National Association of Social Workers; and school speech-language pathologists and audiologists having certain certificates issued by the American Speech-Language Hearing Association.

HB 1 provided, further, that the Department of Education shall ensure that the sub-allocations for reimbursements to school systems for providing salary supplements to each listed professional group in Fiscal Year 2009-2010 shall be approximately proportional to the amounts reimbursed to school systems for each listed professional group's salary supplements in Fiscal Year 2008-2009.

## **RETIREMENT**

While this legislative session included a large amount of bills pertaining to retirement, only a few passed favorably through the process.

- **HB 112 (ACT 412)** by Rep. Montoucet allows certain nonresident aliens who teach in Louisiana based on J visas to become members of the Teachers' Retirement System of Louisiana.
- **HB 586 (ACT 144)** by Rep. Doerge provides for a monthly benefit increase to retirees of LASERS and TRSL who meet certain criteria.
- **SB 296 (ACT 497)** by Sen. Butch Gautreaux restructures the method by which the state's future payments will be made to TRSL and LASERS. It provides for a new payment schedule for the unfunded accrued liability of LASERS and TRSL. It also creates a new funding method for the employee experience account and amends requirements for cost-of-living increases.

## **SCHOOL BOARD OVERHAUL**

State Superintendent Paul Pastorek and Louisiana Rep. Steve Carter pushed for local school board reform, but were unsuccessful. Proposals to limit terms-HB 664, amend nepotism provisions-HB 371, abolish pay-HB 808, and require a two-thirds approval to fire a superintendent-HB 851 all failed to pass.

## **OTHER ISSUES**

- **HB 179 (ACT 276)** by Stiaes requires the state superintendent of education, by not later than Dec. 30, 2009, to submit recommendations to BESE for expanding the opportunities, in limited circumstances, for students who fail to achieve the required proficiency levels to be promoted to grades five and nine.
- **HB 183 (ACT 31)** by Rep. Hoffmann authorizes BESE to establish an appeals process for applicants who have been denied teacher certification and establish a Teacher Certification Appeals Council. The council shall consist of 9 members. A teacher nominated by A+PEL will serve as a council members.
- **HB 319 (ACT 284)** by Rep. Willmott requires public school governing authorities to provide high school students with instruction on Louisiana's safe haven relinquishments law.
- **HB 400 (ACT 286)** by Rep. Williams requires public schools to provide moderate to vigorous physical activity of at least 30 minutes each school day to students in kindergarten through grade eight.
- **HB 570 (ACT 214)** by Rep. Hoffmann requires each local public school board to adopt and implement policies, procedures, and practices for school employees relative to an electronic communication by an employee at a school to a student at that school.
- **HB 612 (ACT 298)** by Rep. Fannin and **SB 259 (ACT 246)** by Sen. Kostelka creates the high school career option program. It requires BESE to develop and adopt requirements for career major programs offered by school boards and to issue a career diploma to students who successfully complete such requirements. The law provides that a career diploma shall be considered a regular standard diploma.
- **HB 731 (ACT 305)** by Rep. Downs provides penalties for violations by parents and legal guardians/custodians of habitually absent or tardy students.
- **HB 741 (ACT 223)** By Rep. Austin Badon requires applicants for public school employment to disclose information of certain instances of sexual misconduct, abuse, and neglect relative thereto.
- **SB 223 (ACT 240)** by Sen. Claitor authorizes local public school boards to adopt a policy requiring the parent or legal guardian of a student removed from a classroom for discipline issues to attend after school or Saturday intervention sessions with the student. It allows teachers to remove a student from the classroom for disciplinary reasons. It allows students who are expelled or suspended to receive partial or full credit for school work missed.