

**LOUISIANA STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION**

**MARCH 11, 2008**

**The Louisiana Purchase Room  
Baton Rouge, LA**

The Louisiana State Board of Elementary and Secondary Education met in special session on March 11, 2008, in the Louisiana Purchase Room, located in the Claiborne Building in Baton Rouge, Louisiana. The meeting was called to order at 1:05 p.m. by Board President Linda M. Johnson.

Board members present were: Mr. Dale Bayard, Mr. John Bennett, Ms. Glenny Lee Buquet, Ms. Penny Dastugue, Mr. Jim Garvey, Ms. Louella Givens, Mr. Keith Guice, Ms. Linda M. Johnson, Mr. Walter Lee, Ms. Tammie McDaniel, and Mr. Charles Roemer.

Agenda Item 3      On motion of Mr. Bayard, seconded by Mr. Lee, the Board approved the agenda as printed and disseminated, adding Emergency Agenda Item 13. (Schedule 1)

Agenda Item 4      On motion of Mr. Bayard, seconded by Ms. Dastugue, the Board approved the minutes of February 21, 2008.

Agenda Item 5      On motion of Mr. Bayard, with a unanimous second, the Board approved the following slate of officers for 2008:

Ms. Linda Johnson - President,  
Mr. Walter Lee - Vice-President, and  
Ms. Louella Givens - Secretary-Treasurer.

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Ms. Johnson stated that it is her desire that in October 2008 the Board will have made a decision regarding whom it would like to have as its officers for 2009. She would like "Consideration of Election of Board Officers for 2009" to be an item on the December 2008 Board agenda in order that the 2009 officers may be installed in January 2009.

Agenda Item 6      On motion of Mr. Lee, seconded by Mr. Guice, the Board approved the appointment of Dr. Cathy Stockton to the Textbook/Media/Library Advisory Council upon the recommendation of Ms. Tammie McDaniel. Dr. Stockton fills a vacancy on the Council. (Schedule 2)

Agenda Item 7      On motion of Mr. Bayard, seconded by Ms. Givens, the Board received the letter from Commissioner of Administration Angele Davis regarding the Governor's Executive Budget for FY 2008-2009.

Agenda Item 8      Mr. Lee offered a motion, seconded by Ms. Givens, that the Board approve Simulation 1 - Proposed MFP Formula for FY 2008-2009.

Public comments were received from Superintendent Donald Songy, Ascension Parish School System; Superintendent Gayle Sloan, St. Tammany Parish School System; Superintendent Michael Faulk, Superintendent of the Central Community School System; Mr. Stan Smith, Orleans Parish School System; Mr. Robert Fulton, Algiers Charter Schools; Ms. Rose Drill Peterson, School Leadership Center, East Bank Charter School Collaborative; Superintendent Michael Doucet, President of the Louisiana Association of School Superintendents; Superintendent Rodney Lafon, St. Charles Parish School System; Mr. Olivier Brochenin, French Consul General in Louisiana; Ms. Eliane Levaque, Permanent Representative of the French Speaking Community of Belgium, Bureau Wallonie-Bruxelles en Louisiana; Dr. David Cheramie, Council for the Development of French in Louisiana (CODOFIL); Dr. Noel Hammatt, Louisiana School Boards Association; Mr. Ponder Jones, concerned citizen; Mr. Wayne Free, Louisiana Association of Educators; Dr. Wade Smith, Principal of the LSU Lab School; Superintendent Doris Voitier, St. Bernard Parish School System; Mr. Steve Monaghan, Louisiana Federation of Teachers; and Mr. Ramsey Green, Recovery School District.

Ms. Givens encouraged the Superintendent to consider developing a blueprint that can be brought to the Legislature on behalf of hurricane-impacted districts.

The Board recessed at 3:10 p.m. and reconvened at 3:17 p.m.

Motion 8-1      On motion of Mr. Lee, seconded by Ms. Givens, the Board approved Simulation 1 - Proposed MFP Formula for FY 2008-2009.

A Roll Call Vote was taken.

Yeas: Mr. Bennett, Ms. Dastugue, Mr. Garvey, Mr. Lee, Ms. McDaniel, Mr. Roemer, and Ms. Johnson.

Nays: Mr. Bayard, Ms. Buquet, Ms. Givens, and Mr. Guice.

The motion passed.

(Schedule 3)

Motion 8-2 On motion of Ms. Buquet, seconded by Ms. Givens, the Board approved a revision to Simulation 1 - Proposed MFP Formula for FY 2008-2009 to increase funding to Foreign Associate Teachers as follows:

- o Increase the salary amount provided by the MFP from \$20,000 to \$28,000 for a total cost of \$2,152,000 (269 teachers times \$8,000).
- o Add language to the Resolution to provide stipends as follows:
  - First Year Foreign Associates receive \$6,000 to defray "installation" costs.
  - Second Year and Third Year Teachers receive \$4,000 as a retention incentive.
  - There are an estimated 211 teachers that would qualify for the stipends because they are in Louisiana for their first 3-year commitment.
  - The total cost of the stipends is estimated to be \$1,054,000 (105 First Year teachers x \$6,000 + 106 2<sup>nd</sup> & 3<sup>rd</sup> Year teachers x \$4,000).
- o Revise the language in the MFP Resolution to say that "these teachers shall be paid by the employing local school system the amount of the average teacher salary by years of experience and degree beginning in year three" (instead of year one).

Mr. Roemer was recorded as being opposed to the motion. (Schedule 3)

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Ms. Johnson offered a motion, seconded by Ms. Givens, that the Board approve a revision to Simulation 1 - Proposed MFP Formula for FY 2008-2009 to increase funding to the LSU and SU Lab Schools as recommended by the Department.

A Roll Call Vote was taken.

Yeas: Mr. Bennett, Ms. Buquet, Mr. Garvey, Ms. Givens, and Ms. Johnson.

Nays: Ms. Dastugue, Mr. Guice, Mr. Lee, Ms. McDaniel, and Mr. Roemer.

The motion failed.

Motion 8-3 On motion of Ms. Johnson, seconded by Ms. Buquet, the Board approved a revision to Simulation 1 - Proposed MFP Formula for FY 2008-2009 to increase the cap on Level 2 funding from 33% to 35%. (Schedule 3)

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Ms. Buquet offered a motion, seconded by Ms. McDaniel, that the Board defer until August 2008 consideration of the inclusion of Type 2 Charter School funding in the 2009-2010 MFP formula.

Mr. Garvey offered a substitute motion, seconded by Ms. Johnson, that the Board include Type 2 Charter School funding in the MFP formula.

Discussion followed.

A Roll Call Vote was taken on the substitute motion to include Type 2 Charter School funding in the MFP formula.

Yeas: Mr. Garvey, Mr. Roemer, and Ms. Johnson.

Nays: Mr. Bayard, Mr. Bennett, Ms. Buquet, Ms. Dastugue, Ms. Givens, Mr. Guice, Mr. Lee, and Ms. McDaniel.

The substitute motion failed.

The Board then voted on the original motion.

Motion 8-4 On motion of Ms. Buquet, seconded by Ms. McDaniel, the Board deferred until August 2008 consideration of the inclusion of Type 2 Charter School funding in the 2009-2010 MFP formula. (Schedule 3)

Motion 8-5 On motion of Mr. Lee, seconded by Ms. Buquet, the Board approved a revision to Simulation 1 - Proposed MFP Formula for FY 2008-2009 regarding assistance for returning students in hurricane-impacted districts as follows:

- At this time, the Board recommends that no minimum student counts be provided to any of the districts in 2008-2009.
- However, the Orleans/RSD, Plaquemines, and St. Bernard school districts, will be funded beginning on July 1 on an estimated student count for August 2008.

(Motion continues on page 5)

- This will give these districts the cash upfront necessary to hire staff in anticipation of the influx of students.
  - Note that Plaquemines parish has a decrease in funding, so the estimated increase in students lessens their decrease.
  - This decrease is caused by fewer students than last year and an increase in local revenues.
- Once the October 1, 2008, student count is obtained for these school districts, their funding will be revised to reflect these new student counts.
- The adjustments will be upward or downward, as appropriate.
- Proper planning by the district will need to take place when budgeting for 2008-2009 in case these students do not materialize and there is a drop in MFP revenues mid-year. (Schedule 3)

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Ms. Givens offered a motion, seconded by Ms. Buquet, that the Board approve a revision to Simulation 1 - Proposed MFP Formula for FY 2008-2009 regarding the addition of Level 3 assistance for retiree health benefits in hurricane-impacted districts.

A Roll Call Vote was taken.

Yeas: Ms. Buquet and Ms. Givens.

Nays: Mr. Bayard, Mr. Bennett, Ms. Dastugue, Mr. Garvey, Mr. Guice, Mr. Lee, Ms. McDaniel, Mr. Roemer, and Ms. Johnson.

The motion failed.

Motion 8-6 On motion of Mr. Lee, seconded by Mr. Bennett, the Board approved a revision to Simulation 1 - Proposed MFP Formula for FY 2008-2009, amending language regarding Certificated Staff Pay Raise as follows:

“Fifty percent of a district's increased funds provided in Levels 1 and 2 over the prior year . . . shall be used only to supplement and enhance full-time certificated staff salaries as an across the board pay raise . . .”

(Schedule 3)

- Motion 8-7    On motion of Mr. Lee, seconded by Ms. McDaniel, the Board deferred until August 2008 consideration of utilizing the previous year's October 1 student count to determine July 1 funding, as opposed to utilizing the February 2 student count.
  
- Motion 8-8    On motion of Ms. Buquet, seconded by Ms. Johnson, the Board authorized the Department to make technical adjustments, as needed, in order to submit the MFP resolution to the legislature by the close of business on Friday, March 14, 2008.
  
- Agenda Item 9    On motion of Mr. Guice, seconded by Ms. Givens, the Board agreed to consider the Department's recommendations on its legislative package individually.

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Mr. Patrick Dobard and Mr. Joe Salter explained to the Board the deadlines for filing legislation and the process that the Department would undertake if the Board approved, in concept, the areas of legislation presented by the Department. Mr. Dobard and Mr. Salter explained that the deadline for pre-filing legislation is March 21, 2008, while the deadline for each legislator to file five (5) additional bills is April 22, 2008. Mr. Salter indicated that, with the Board's approval, the Department would proceed with seeking authorship for bills, having bills drafted, and having bills introduced, which would be brought back to the Board in April 2008 for a determination as to whether it wanted staff to request that the legislation move forward through the legislative process or whether it wanted all activity with respect to the legislation to cease.

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- Motion 9-1    On motion of Ms. Givens, seconded by Mr. Guice, the Board approved the Department's request to seek authorship for and to file a Bill to amend the Corporal Punishment Policy set forth in Louisiana law, as presented by the Department, and referred the draft legislation to the Parish Superintendents' Advisory Council for review and comment. The proposed legislation will be presented to the Legislative/Policy Oversight Committee in April 2008 for a determination as to whether it will recommend that the Board instruct staff to proceed with the proposed legislation. (Schedule 4)

Motion 9-2 On motion of Ms. Givens, seconded by Mr. Guice, the Board approved the Department's request to seek authorship for and to file a Bill regarding certain provisions of Louisiana law in reference to alternative schools, as presented by the Department, and referred the amended policy language to the Parish Superintendents' Advisory Council for review and comment. The proposed legislation will be presented to the Legislative/Policy Oversight Committee in April 2008 for a determination as to whether it will recommend that the Board instruct staff to proceed with the proposed legislation.

(Schedule 4)

Motion 9-3 On motion of Mr. Roemer, seconded by Mr. Garvey, the Board approved the Department's request to propose legislation regarding insurance benefits for preexisting employees moved into an RSD school or a Type 5 charter school, including language to "recapture" the opportunity for employees moved in the preceding two years, as presented by the Department.

Ms. Givens was recorded as being opposed to the motion. (Schedule 4)

Motion 9-4 On motion of Ms. Dastugue, seconded by Mr. Bayard, the Board approved, in concept, the Department's request to propose legislation that would make changes to R.S. 17:1941 et seq., the Exceptional Children's Act, that would result in state law mirroring federal law, such that state law is not more onerous than federal law. The proposed legislation will be presented to the Legislative/Policy Oversight Committee in April 2008 for a determination as to whether it will recommend that the Board instruct staff to proceed with the proposed legislation.

(Schedule 4)

Agenda Item 9-A On motion of Ms. Dastugue, seconded by Mr. Garvey, the Board deferred until April 2008 "Consideration of information pertaining to the school return provisions in La. R.S. 17:10.5. and La. R.S. 17:10.7. and proposed language for legislation that provides that the rules for returning schools under La. R.S. 17:10.5. be changed to the same rules for returning schools under La. R.S. 17:10.7."

(Schedule 5)

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Mr. Bayard requested that the Department draft proposed language for legislation to indicate that Head Start Programs nationwide need to be in the hands of the school districts and/or the state education departments.

Agenda Item 9-B On motion of Ms. Dastugue, seconded by Ms. McDaniel, the Board received the report regarding possible legislation concerning oversight of the Head Start Programs in Louisiana.

(Schedule 6)

Agenda **Received and/or Referred**  
Item 10

Mr. Bayard requested that the Department postpone any action relative to the School and District Accountability Commission, including the consideration of any matters by the Commission, until the Board discusses the recreation of the Commission at its April 2008 meeting.

Agenda Item 10-A On motion of Ms. Dastugue, seconded by Ms. Buquet, the Board received and referred to the Accountability and Assessment Committee: Consideration of the re-creation of the School and District Accountability Commission.

Agenda Item 10-B On motion of Ms. Dastugue, seconded by Ms. Buquet, the Board received and referred to the Board Administration/Relations Committee: Consideration of revisions to the Process for the Evaluation of the State Superintendent.

Agenda Item 11 On motion of Ms. Buquet, seconded by Ms. Dastugue, the Board approved the following emergency contract as recommended by the Department, for the Department and Board agencies:

- 1. Contractor Name: National Association of Charter School Authorizers (NACSA)
- Previous Contract: Yes
- Begin Date: 4/1/08
- End Date: 6/30/08
- Total Amount: \$89,345.00
- Source of Funds: Federal - Charter School Grant

Description of Services: This contract is necessary in order to fulfill Act 35 of the 2005 First Special Session of the Louisiana Legislature, which requires that the LDE/RSD conduct a process for the review of charter school applications that meets the standards of NACSA. NACSA has been approved as a sole-source provider. The services herein described will ensure assistance from NACSA on the charter school application and approval cycle through June 2008.

(Schedule 7)

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The Board took Agenda Item 13, "Consideration of Executive Session on litigation concerning Yvonne Marie Boyd, et al. vs. Pointe Coupee Parish School Board et. al, United States District Court, Middle District of Louisiana, Civil Action # 65-3164," out of order.

Superintendent Pastorek reported in the open meeting that the Department has filed an intervention in Yvonne Marie Boyd, et al. vs. Pointe Coupee Parish School Board et. al, United States District Court, Middle District of Louisiana, Civil Action # 65-3164, the Pointe Coupee desegregation case, to gain approval from the court for placement of Pointe Coupee Central High School into the Recovery School District. The Department has hired Jay Augustine with the law firm of Montgomery, Barnett in Baton Rouge to handle this matter. The Board is being represented by the state Attorney General's Office.

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On motion of Ms. Buquet, seconded by Ms. Givens, the Board went into Executive Session at 5:35 p.m. to discuss prospective litigation in the matter of Southern Poverty Law Center v. State Department of Education.

A Roll Call Vote was taken.

Yeas: Mr. Bayard, Mr. Bennett, Ms. Buquet, Ms. Dastugue, Mr. Garvey, Ms. Givens, Mr. Guice, Ms. McDaniel, Mr. Roemer, and Ms. Johnson.

Nays: None.

Abstains: None.

The Roll Call Vote on the motion to go into Executive Session passed. It was noted that no votes would be taken while the Board was in Executive Session; all votes would be made in public.

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On motion of Ms. Buquet, seconded by Mr. Bayard, the Board reconvened into Regular Session at 5:47 p.m. A quorum was present.

Agenda  
Item 12

On motion of Ms. Givens, seconded by Mr. Bayard, the Board authorized Counsel to proceed with a settlement of the matter of Southern Poverty Law Center v. State Department of Education and BESE, IDEA Due Process Hearing, and authorized the Board President to execute a Settlement Agreement in said matter.

With no further business to come before the Board, the meeting was adjourned at 5:50 p.m.