

19TH JUDICIAL DISTRICT COURT
FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NO: 592-208-24

DIVISION "I"

SECTION 24

LOUISIANA FEDERATION OF TEACHERS, EAST BATON ROUGE
FEDERATION OF TEACHERS, JEFFERSON FEDERATION OF TEACHERS,
VERNON L. BOLDEN, VENICE GUNNER-HOLIDAY, TERI ANN JOHNSON,
AND RACHEL RASBERY

VERSUS

STATE OF LOUISIANA
AND THE BOARD OF ELEMENTARY AND SECONDARY EDUCATION

FILED: _____
DEPUTY CLERK

FIRST AMENDING AND SUPPLEMENTAL PETITION

The First Amending and Supplemental Petition of the Louisiana Federation of Teachers ("LFT"), East Baton Rouge Federation of Teachers/LFT, Jefferson Federation of Teachers/LFT, Vernon L. Bolden, Venice Gunner-Holiday, Teri Ann Johnson, and Rachel Rasbery, with respectfully represents:

Plaintiffs amend and supplement their Petition for Declaratory Judgment Declaring Act 749 of the 2010 Regular Legislative Session as Unconstitutional and for Issuance of Preliminary and Permanent Injunction filed on July 1, 2010 in the following respects:

1. By reiterating the allegations in Paragraphs 1 through 33 of the original Petition and adding Paragraphs 34 and 35 to read:

COUNT 4

UNCONSTITUTIONAL SUSPENSION OF LAWS

34.

Article 3, Section 20 of the Louisiana Constitution of 1974 states:

Only the legislature may suspend a law, and then only by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law. After the effective date of this constitution, every resolution suspending a law shall fix the period of suspension, which shall not extend beyond the sixtieth day after final adjournment of the next regular session.

By delegating to Defendant BESE the authority to grant waivers to certain select school districts, exempting the selected school districts from the obligation to comply with state statutes at some or all of its schools, the State has violated Article 3, Section 20 of the Louisiana Constitution of 1974 in the following non-exclusive respects and as alleged in previous paragraphs:

- A.) The State has delegated to a state board (Defendant BESE) the authority to suspend laws, in violation of Article 3, Section 20 of the Louisiana Constitution of 1974; and
- B.) The State has given to a state board (Defendant BESE) the discretion to determine which laws shall be suspended, and in which parishes, and even at selected schools, in violation of Article 3, Section 20 of the Louisiana Constitution of 1974.

2. By amending and supplementing the prayer to read:

WHEREFORE, petitioners Louisiana Federation of Teachers, East Baton Rouge Federation of Teachers, Jefferson Federation of Teachers, Vernon L. Bolden, Venice Gunner-Holiday, Teri Ann Johnson and Rachel Rasbery pray that:

- A.) This First Amending and Supplemental Petition be filed into the record and duly served on all parties; and
- B.) After due proceedings had, there be judgment in favor of petitioners, and against Defendants State of Louisiana and the Board of Elementary and Secondary Education declaring unconstitutional Act 749 of the 2010 Regular Session of the Louisiana Legislature, and
- C.) In due course this Honorable Court issue a Preliminary Injunction, enjoining, restraining, and prohibiting defendants from enforcing and applying the provisions of Act 749 of the Regular Session of the 2010 legislature; and
- D.) In due course, that a Permanent Injunction issue, in the form and substance of the Preliminary Injunction herein prayed for; and

E.) Defendants be compelled to reimburse petitioners' attorney fees and costs; and

F.) For all other general and equitable relief.

Respectfully submitted,

RITTENBERG, SAMUEL & PHILLIPS, LLC



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PLEASE SERVE:

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