

AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

FEBRUARY 23, 2024

Two controversial bills pass their house of origin this week

This week saw the movement of two controversial bills, SB 727 and HB 4299, out of their respective house of origin. SB 727 makes changes in the hiring criteria that would weaken seniority rights for certain service personnel positions. HB 4299 authorizes concealed carry for school employees to act as a school protection officer. Please take time to take the action below on SB 727!

The pace of the session should quicken in the next week as important legislative milestones approach. Bills are due out of committees in house of origin on Sunday Feb. 25th to ensure three full days for readings. Next Wednesday is the 50th day of the session and last day to consider bills on third reading in their house of origin, commonly known as crossover day.



Action Needed Now

[SB 727](#) revises the process for county boards of education to hire instructional aides, ECCATS, and secretaries to include faculty senate recommendations. The bill basically diminishes seniority in the hiring process for these particular service personnel classifications. The bill passed the Senate and moves to House Education for consideration.

AFT-WV opposes this bill and asks all members to contact House Education Chairman Joe Ellington [phone (304) 340-3265 or email at joe.ellington@wvhouse.gov] or call and respectfully voice your opposition to SB 727. We need all teachers and service personnel to contact the chairman and oppose diminishing seniority in the hiring process for these service personnel positions. At a time when we are experiencing statewide shortages of aides and ECCATS, we should not be weakening the employment rights of those dedicated employees who serve our children.

Pay Raise Bills

[HB 4883](#), is the Governor's pay raise bill. The increase would \$2460 annually for teachers and \$140 per month for service personnel. The bill advanced from the House Finance Committee and moves to the House floor for consideration.

Other pay raise bills of interest include:

[HB 4202](#) is pay raise bill for school service personnel that calls for an increase of \$670 per month. The bill advanced from the House Education committee and still awaits consideration by the House Finance committee.

[HB 4767](#) is a pay bill for professional educators that calls for a \$5000 increase. The bill advanced from the House Education committee and still awaits consideration by the House Finance committee.

[HB 5619](#) increases the pay for retired state employees by 5% over three years beginning in 2025. The bill advanced from the House Pensions and Retirement Committee and moves to the House Finance committee for consideration.

[HB 4902](#) increases the pay for special education teachers in self-contained classrooms by 10%, as well as increase pay by 5% for teacher aides in those classrooms. The bill attempts to address the staggering number of special education teacher and aide vacancies statewide. The bill advanced from House Finance and moves to the House floor for consideration.

Student Behavior and Discipline

Student discipline is a top priority for AFT-WV, and we have been encouraged by the interest in the topic by several legislative lead-



ers. Senate Education Chairperson Amy Grady introduced a student discipline bill a few weeks ago. [Committee Substitute for SB 614](#) specifies requirements for appropriate elementary behavior intervention and safety. It contains positive steps to address chronically disruptive or dangerous students from the elementary setting, while providing mechanisms to ensure their educational needs are met. The bill was passed by the Senate and awaits consideration by the House Education Committee.

Bills Passed From One Chamber

[HB 4860](#) provides that a regular education teacher may not be responsible for accommodation logs for co-taught classrooms as that falls upon the accommodations of the special education teacher. The regular education teacher has to sign off that they have read the IEP and make the accommodations needed for that student. The bill was passed by the full House, then amended in the Senate and passed. The Senate amendment had an adverse affect on the bill's original intent. The bill will go back to the House to either concur with the amendments, offer their own amendment, or take no action and the bill will die.

[HB 4299](#) permits teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer. After lengthy committee debate, the bill advanced to the House floor, where it passed in an 89-11 vote. The bill now moves to the Senate, where it awaits consideration by the Judiciary and Finance committees.

[HB 5553](#) requires all West Virginia high school students to requiring students to pass a minimum of one credit of computer science and technology courses, establish requirements for the classes, establish rulemaking, and create teaching positions, and requirements for those teaching positions. The bill passed the House and moves to the Senate for consideration.

[Committee Substitute for HB 5262](#), known as the Teacher's Bill of Rights, encompasses several provisions into one bill. The bill includes the following provisions:

- clarifies the appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor. The bill aims to allow counselors to focus more on student-centered duties and less on administrative tasks.
- defines the special education student to instructor ratio, a waiver process, and compensation given to a teacher when the ratio is exceeded
- provides for supplemental duty calendar provisions
- Includes provisions for overtime pay in certain circumstances when completing extra duties beyond an 8 hour work day
- Provisions for student discipline in grades pre K-5.

Most of the provisions of the bill appear to be very positive for educators, and sections that AFT-WV had questions about have been revised. The amended bill passed the House and moves to the Senate for consideration.

[HB 4654](#) which would make schools, museums, and public libraries subject to prosecution for displaying or distributing obscene materials to minors. There are protocols already in place to ensure minors did not access items their parents do not approve of them viewing. This bill also begs the question: What is obscene, and who decides that? While we certainly want to ensure minors are not viewing materials that are inappropriate, AFT-WV believes it is the parent's right and responsibility to make those decisions. The bill passed the House and awaits consideration by the Senate Judiciary committee.

[HB 4951](#) facilitates the interstate practice of School Psychology in educational or school settings in an effort to improve the availability of School Psychological Services to the public. The bill passed the House and moves to the Senate for consideration.

[HB 4851](#) allows for public and private schools in West Virginia to employ former law enforcement as school security personnel. The bill is permissive, not a mandate, and would be in addition to a school resource officer. The bill passed the House and awaits consideration by the Senate Judiciary Committee.

[HB 4776](#) adds elementary schools to the school disciplinary measures passed last year. The bill passed the House and moves to the Senate for consideration.

[SB 143](#) creates the WV Guardian Program, which allows a county board of education to contract with an independent contractor who is an honorably discharged veteran, former state trooper, former deputy sheriff, or former federal law-enforcement officer as security on school grounds. The bill passed the Senate and awaits consideration by the House Education committee.

[HB 4830](#) modifies the frequency of training requirement for school personnel from annually to upon employment and every three years thereafter, for suicide prevention awareness, child sexual abuse prevention, the county policy on harassment, intimidation or bullying, and multicultural education; requires first aid training include blood borne pathogen information; and re-

quires those who care for, educate, or house disabled children to be trained on mandatory reporting obligations. The bill was passed by the House and moves to the Senate for consideration.

[SB 146](#) creates an adult education task force to consider funding for adult education learning centers. The bill passed the Senate and moves to the House for consideration.

[SB 159](#) prohibits persons convicted of certain crimes against minors from holding positions on boards of education passed. The bill passed the Senate and awaits consideration by the House Judiciary committee.

[SB 162](#) establishes the Summer Feeding for All Program, which allows schools to assist with the feeding of our students during the summer break. The bill passed the Senate and moves to the House Education committee for consideration.

[SB 172](#) revises requirements of local school improvement councils. This will define the make-up of the parents on the improvement council and require the minutes of the meetings. The bill passed the Senate and is on third reading on the House Special Calendar.

[SB 152](#) requires the displaying of the official US motto in public schools, pending certain criteria are met. The bill passed the Senate and awaits consideration by the House Education committee.

[Comm. Sub for SB 280](#) allows teachers in public schools to discuss certain theories. The bill was amended by the Senate Education committee to include "No public school board, school superintendent, or school principal shall prohibit a public school classroom teacher from discussing or answering questions from students about scientific theories of how the universe and/or life came to exist." It is important to note the bill is permissive, not a mandate. The bill passed the Senate and moves to the House for consideration.

[HB 4769](#) clarifies the appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor. The bill aims to allow counselors to focus more on student-centered duties and less on administrative tasks. The bill passed the House and awaits consideration by the Senate Education Committee.

[SB 189](#) provides for substantial deference to state school superintendent's interpretations of school laws. As it is currently written, the bill states that county boards of education, county superintendents, employees of the county boards of education, and the West Virginia Public Employees' Grievance Board shall give substantial deference to the State Superintendent's interpretation of school law or rules of the State Board of Education. AFT-WV opposes this bill and believes it is an attack on the grievance process for school employees and their ability to resolve employee-employer disputes in an impartial venue. The bill passed the Senate and moves to the House for consideration.

Notable Bills Advanced From Committee

[HB 5425](#) grants a waiver to fill certain professional educator positions of employments when no applicants have six or more years of experience. The purpose of the bill is to add experience needed for principals to apply and to grant waivers of experience required in employment of professional education personnel if nobody applies with the experience needed. The bill advanced from House Education and is on first reading on the House Special calendar.

[SB 253](#) establishes minimum student enrollment for the school aid formula. This bill would affect only three counties: Calhoun, Gilmer, and Wirt. These counties currently have a net enrollment of under 1200 students and this bill would ease the financial hardship posed by small student enrollment and assist the counties in providing adequate student services. (This bill died last session.) The bill advanced from the Senate Education committee and moves to the Senate Finance committee for consideration.

[SB 448](#) requires age-appropriate instruction on the Holocaust in public schools. The bill advanced from the Senate Education committee and is still laid over (referred to Rules Committee) on second reading on the Senate floor.

[SB 259](#) requires the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so that the total of both scholarships received by that individual is equal to the actual cost of tuition. The bill advanced from the Senate Education committee and awaits consideration by Senate Finance.

[SB 502](#) allows Teachers Retirement System members hired after July 1, 2015 to exchange unused leave for monetary compensation at the end of a school year. This proposal, sponsored by Senator Oliverio is an attempt to provide a somewhat revenue-neutral mechanism for education employees to gain value for unused leave time, up to 10 days. Senator Oliverio also expressed interest in putting forth a stand-alone bill that would incentivize leave time in other ways and AFT-WV is appreciative of his leadership on this issue. The bill passed Senate Education and the bill awaits consideration by the Senate Finance committee.

[HB 4372](#) increases the 35 year limit on annual experience increment pay raises for teachers to 40 years. A committee amendment removed the 40 year cap and the raises would continue until retirement. The bill advanced from the House Education committee and moves to the House Finance committee for consideration.

[HB 4777](#) allows staff members in public schools to eat lunch for free if there is food left over after every student has been fed. The bill advanced from House Education and is currently on first reading on the House floor, after repeated postponements.

[HB 4331](#) mandates timely payment of state employees' accrued personal leave to their estate if they pass away before their retirement date. The bill advanced from the House Education committee and moves to House Finance for consideration.

[HB 4806](#) requires bathroom use in schools based upon biological sex. The bill advanced from the House Education committee and moves to the Judiciary Committee for consideration.

[HB 4945](#) changes the method of the Hope Scholarship Program funding from being based on Hope Scholarship applications to estimated applications. AFT-WV opposes this bill, as it creates staffing uncertainties for the county boards of education. The bill advanced from House Education and awaits consideration by the House Finance Committee. [SB 598](#) is the Senate version of similar funding changes. AFT-WV opposes it as well.

[SB 568](#) changes the focus from truancy and unexcused absences to a multi-tiered system of support and all absences. The bill includes provisions to: limit the number of parental excuses that can be accepted each school year as documentation that an absence is excused; require a county attendance director and assistant to ensure the implementation of MTSS interventions; recognize that the existing definition of "neglected child" includes failure to supply necessary education; and refer to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect. The goal of the bill is to intervene and assist in keeping students in school. The bill advanced from the Senate Education Committee and moves to the Senate Judiciary for consideration.

[HB 4919](#) permits a student to reapply for the Promise Scholarship on an annual basis if that student falls out of eligibility during the academic year in college. The bill advanced from the House Education Committee and moves to the House floor for consideration.

[HB 4951](#) facilitates the interstate practice of School Psychology in educational or school settings in an effort to improve the availability of School Psychological Services to the public. The bill passed the House and moves to the Senate for consideration.

[HB 5087](#) allow Tier II teachers (those hired after July 2015) to be able to bank unused annual and sick leave, on the basis of one day's retirement service credit for each two days of accrued annual and sick leave, toward an increase in the employee's retirement benefits with those days constituting additional credited service in computation of the benefits under the Teachers Retirement System. The bill advanced from the House Pensions and Retirement Committee and moves to the House Finance committee for consideration.

[SB 292](#) creates the Hunger-Free Campus Act, requires the West Virginia Higher Education Policy Commission to establish a grant program to address food insecurity among students enrolled in public institutions of higher education. The bill advanced from the Senate Education Committee and is on first reading on the Senate floor.

[SB 515](#) contains several provisions, all related to gender identity and sexual orientation. If a student enrolled in a public school requests an accommodation that is intended to affirm the student's gender identity from a person employed by the public school, including a request that the student be addressed using a name or pronoun that is different than the name or pronoun assigned to the student in the public school's registration forms or records, the public school employee shall report the student's request to an administrator employed by the county board and assigned to the school, and the administrator shall report the student's request to the student's parent, custodian or guardian. The bill advanced from Senate Education committee and advanced to the Senate Judiciary Committee.

[HB 5607](#) allows a public charter school authority to apply to the School Building Authority for funding to purchase a building to be used for public charter school purposes. The bill advanced from the House Education Committee and awaits consideration by the House Finance Committee.

[Committee Substitute for HB 5162](#) establishes a program to promote creation and expansion of registered apprenticeship programs. Approval of the businesses involved will be at the county level. These are paid apprenticeships and classroom hours for the

programs have been decreased. The bill advanced from House Education and is on second reading on the House floor.

[HB 5180](#) removes requirements for assessments of home-schooled children. Delegate Ferrell asked if this would create a loop-hole for students to not have to report if there were truancy issues. Vaccine exceptions for homeschool students who later attend public school classes were removed. Delegate Pushkin offered an amendment that would have prohibited parents who have been convicted of domestic violence or child abuse/neglect could not homeschool their child. Delegate Ferrell said they he would support this to help safeguard children from abuse and neglect. The amendment failed. The bill advanced from the Senate Education Committee to the House floor and Delegate Pushkin attempted to amend the bill again with the same provisions to protect children of abuse. After much heated debate, the bill advanced to third reading on the House Special Calendar tomorrow with the amendment pending.

[SB 172](#) revises requirements of local school improvement councils. The bill passed the Senate and is on second reading on the House Special Calendar.

[SB 859](#) changes requirements for issuance of professional teaching certificate. If someone has completed a bachelors degree program in the education of teachers and they have over a 3.0 they would not have to take the Praxis. The purpose of this bill is to limit persons required to pass appropriate West Virginia Board of Education approved basic skills and subject matter tests in the area for which licensure is being sought as a condition for the issuance of a professional teaching certificate. There are teachers out there who cannot pass the test and this would alleviate that. The bill advanced from the Senate Education committee and moves to the Senate floor.

[SB 861](#) increases support and professional development for educators, particularly math and science teachers. The bill advanced Senate Education and moves to Senate Finance for consideration.

[Committee Substitute for HB 4829](#) removes the requirement for a high school diploma or general education development certificate for custodians and bus drivers who are 21 years of age or older. The bill advanced from the House Education Committee and is on first reading on the House Special Calendar.

Local AFT Officers: Legislative Update Zoom Meetings

AFT-WV will be continuing to conduct Legislative Updates via Zoom for our local officers. Local officers should be on the lookout early next week for another invite link to a Zoom meeting, likely to be held on Thursday.



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