



AFT-West Virginia 2016 Legislative Update

Please
Post

Friday, February 19, 2016

Senate amends and advances tobacco tax to fund PEIA

On Wednesday, the Senate Finance Committee advanced SB 420, a bill designed to raise the state's tobacco tax and fund the PEIA deficit.

After much deliberation, Gov. Earl Ray Tomblin's original proposal for a 45 cent raise was amended to a full \$1 increase, in an effort to fund the \$120 million PEIA shortfall. The current cigarette tax is 55 cents per pack. Tomblin's 45 cent proposal would have made the tax an even \$1.

Sen. Roman Prezioso proposed the amendment to raise the tax to \$1.55, which would raise \$43 million more annually than the governor's proposal. The tax would also include a lesser tariff on products such as e-cigarettes and smokeless tobacco products such as dip or pouches. SB 420 now awaits consideration by the full Senate.

Over 230,000 West Virginians will be hurt by the \$120 million in proposed PEIA benefit cuts unless a funding stream is passed by the legislature. Please continue to contact your representatives and ask them to fix and fund PEIA by supporting SB 420.

Common Core

A Committee Substitute for HB 4014 was discussed by the House Education Committee on February 10th and 11th. The bill would prohibit the use of common core standards, the smarter balanced assessment and the recently revamped WV standards. Delegate John Kelly (R-Wood) invited Wood County Director of Curriculum Christy Willis to speak against the repeal. Staff from WVDE, SBOE, State Superintendent and counsel for House Education answered questions over the course of two days. The only person to speak in support of repealing the standards was an out-of-state lobbyist working for the Koch-funded American Principles Project. If passed, the cost to public education in our state is unclear and would cause yet another change in direction for WV teachers and students. At press time, HB4014 is on the agenda again for today's House Education meeting.

School Calendar bill changes 180 days to minutes

AFT-WV supports school calendars that provide thorough instructional time and allow local communities to develop calendars to fit their unique needs. [SB 313](#) changes mandatory school instructional time from 180 days to minutes and permits limited use of available accrued instructional time. The bill was amended on a voice vote during 2nd reading and is on 3rd reading in the Senate.

Both chambers override Governor Tomblin's vetoes

[HB 4005](#) repealed prevailing wage laws for publicly financed construction projects, which will enable cheap, often undocumented workers from out of state corporations to under bid projects and ultimately result in lower wages and less jobs for thousands of West Virginians in the construction trades. [SB 1](#) makes WV a Right to Work state. Right to Work legislation is designed to weaken unions. It creates government intrusion in employer-employee negotiations and forces unions to bargain for and represent non-dues paying employees in the bargaining unit.

The House and Senate overrode Governor Tomblin's veto of the Prevailing Wage repeal and Right to Work legislation. Both pieces of legislation will become effective 90 days from passage. The passage of both bills will result in lower wages and diminished workplace rights and safety for West Virginia workers.

Charter Schools bill still awaiting action in House

The House Education Committee still has not taken up the charter schools bill. HB 4011 is more troublesome than last year's charter schools bill because it removes local community and employee buy-in, while allowing service personnel jobs to be contracted out to private companies or out-of-state corporations. The national trend of mismanagement and fraud in Charter Schools is not what we need in West Virginia. **AFT-WV opposes HB 4011.**



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Notable Bills Advanced from Education Committees

<u>SB 146</u>	Establishing instruction standards for early childhood education; 1 st reading in Senate; laid over
<u>SB 105</u>	Creating Tim Tebow Act allowing nonpublic school student participate in SSAC member school athletics; passed Senate, sent to House
<u>SB 369</u>	Reducing legislative education reporting requirements; 1 st reading in Senate
<u>SB 373</u>	Moves hiring and governing authority for RESA directors from the state BOE to the RESA
<u>SB 459</u>	Requiring payment of tuition by a county board to the Mountaineer Challenge Academy
<u>HB 2474</u>	Relating to the compensation of personnel employed at the West Virginia Schools for the Deaf and the Blind; passed House, on 2 nd reading in Senate
<u>HB 4175</u>	Relating generally to home schooling; passed House, 1 st reading in Senate
<u>HB 4261</u>	Prohibits the sale or transfer of student data to vendors; 2 nd reading in House
<u>HB 4291</u>	Increasing penalties for teachers who commit sexual offenses against children; passed House
<u>HB 4301</u>	Relating to a framework for initiating comprehensive transformation of school leadership
<u>HB 4322</u>	Expanding the Earn and Learn component of the Workforce Development Initiative
<u>HB 4316</u>	Relating to reimbursement of certification fee for National Board for Professional Teaching Standards certification
<u>HB 4295</u>	Governor's bill to expand the Innovation Zone program
<u>HB 4445</u>	Relating to the adoption of instructional educational resources

Education Bills of Note (With Status) as of 2-11-16:

[Committee Sub. for SB 13](#) Increasing penalties for overtaking and passing stopped school buses; Passed Senate, pending House Judiciary; **AFT-WV SUPPORTS**

[SB 90](#) Allows collective bargaining between state and its employees; pending Senate Labor; **AFT-WV SUPPORTS**

[SB 100](#) Reduces the student-school nurse ratio from 1,500-1 in grades K-7 to 750-1 and expands it to all levels of school in the 2016-17 school year to provide for ever-increasing medical needs of students, while ensuring that school nurses will do the work, not contract services; pending Senate Education; **AFT-WV SUPPORTS**

[Committee Sub for SB 146](#) Changes early childhood educational requirements from instructional days to minutes; passed Senate, 2nd reading in House

[SB 549](#) Requires school counselors spend 100 percent of time on comprehensive school counseling programs; **AFT-WV SUPPORTS**

[HB 2981](#) Extends the time for teachers in the defined contribution retirement plan to purchase service credit in the State Teachers Retirement System; pending House Education; **AFT-WV SUPPORTS**

[HB 4295](#) Creates Innovation in Education designated schools, which demonstrate innovation in STEM, community school partnership, entrepreneurship or career pathways and includes designated funding; pending House Education; **AFT-WV SUPPORTS**

[HB 4036](#) Restores language to the code that gives a preference to currently employed certified professional educators when hiring athletic coaches or coaches of other extracurricular activities in public schools; pending House Education; **AFT-WV SUPPORTS**

[HB 4269](#) Alters the funding cycle for replacement of school buses; pending House Education

[HB 4566](#) Changes timelines for RIF and transfer of personnel; changes preferred recall posting and notification process for school service personnel; changes transfer timelines for service personnel who work one-on-one with students; pending House Education



2016 Legislative Bad Apples

[HB 4465](#) Recalculates salary equity among school systems; while the intent of the bill is to distribute equity funding fairly, there are unintended consequences that would result in a pay cut for some school service personnel; pending House Finance; **AFT-WV OPPOSES**

[B 4011](#) / [SB 407](#) Creates charter schools in WV with independent governing board and paid staff, minimal community oversight and no employee buy-in; pending House Education; **AFT-WV OPPOSES**

[HB 4005](#) Repeals prevailing wage laws for publicly financed construction projects, which will enable cheap, often undocumented workers from out of state corporations to under bid projects and ultimately result in lower wages and less jobs for thousands of West Virginians in the construction trades; vetoed by Governor, veto overridden by House and Senate; **AFT-WV OPPOSES**

[SB 1](#) Right to Work legislation, prohibits closed shop union membership; forces unions to bargain for and represent non-dues paying employees in the bargaining unit; vetoed by Governor, veto overridden by House and Senate; **AFT-WV OPPOSES**



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