



LEGISLATIVE UPDATE

The first regular session of the 81st Legislature concluded at midnight on April 13, 2013, with several pieces of education legislation having passed. Certainly the most highly debated issue was Governor Earl Ray Tomblin's education reform bill, **Senate Bill 359**. While the legislation was far from perfect, the activism of our members provided AFT-WV and WVSSPA leaders the ability to propose language that ultimately corrected many of the critical areas of concern and resulted in several positive changes for education in West Virginia. Maintaining teacher qualification standards, providing faculty senates a voice in the teacher hiring process, establishing administrator attendance policies, ensuring collaboration and planning time, and paid certification for kindergarten aides are just a few of the issues addressed in the bill.

Though the media focused primarily on the education reform bill, there were many other pieces of education legislation introduced. Below is an overview of bills discussed during the 2013 session and final status:

Senate Bill 663 creates the WV Feed to Achieve Act. This bill is intended to provide every child in WV schools a nutritional breakfast and lunch. Each county is required to establish a nonprofit organization to solicit private contributions and combine with public funding to utilize every possible funding stream to provide nutritional meals for children. It also allows for the creation of partnerships between public, private, state and federal organizations to develop strategies to provide meals to every student. **Senate Majority Leader John Unger championed this bill**, and AFT-WV applauds his dedication to education and finding solutions to real problems like childhood hunger and poverty. The bill completed legislation and awaits Governor Tomblin's signature.

House Bill 3157, restoring the authority, flexibility, and capacity of schools and school systems to improve student learning. This bill contains the following provisions:

- WVDE shall review and evaluate all reports required to be written by teachers and principals to determine which reports are repetitive, unnecessary, counterproductive or outdated to reduce the administrative burden on teachers and principals.
- **Clarification to the school calendar stating that changes made during the 2013 regular session shall be effective for school years beginning on or after July 1, 2014.** AFT-WV and WVSSPA leaders have continued to work with legislators and the Governor's staff on clarifying calendar provisions of SB 359. The intent of the bill is to encourage county boards to take the necessary time to plan and gain community input before implementing any calendar changes. Changes are not mandatory for the 2014-15 calendar and beyond, and any proposed changes must be given at least two public hearings. Beginning on July 1, 2014, the only requirement is that each county must achieve 180 instructional days within 48 weeks. HB 3157 was completed and awaits the Governor's signature.

Senate Bill 80 requires that certain professional educators employed by county boards shall **be required to substitute teach** a minimum of 3 instructional days each school year. This includes assistant superintendents, supervisors, directors, and any "central office administrator" who has at one time held a teaching or administrative certificate. AFT-WV was highly supportive of this bill and feels it will encourage a more open dialogue between administrators and teachers. This bill will be effective July 1, 2013 and is awaiting the Governor's signature.

House Bill 2470 relates to **kindergarten aides and sign support specialists**. The bill allows for a sign support specialist to be assigned to a student who is deaf or hard of hearing in lieu of an interpreter only if an educational sign language interpreter I or II is unavailable. The bill also cleans up SB 359 language to kindergarten aides. The bill clarifies that with the newly required certification, paraprofessional kindergarten aides will be paid on "F" pay grade as paraprofessionals are in current statute. WVSSPA was instrumental in getting the classification change corrected from the SB 359 language.

House Bill 2940 requires all county superintendents and members of the county boards belonging to the same Regional Educational Service Agency (RESA) to meet beginning no later than August 2013 and every two years thereafter to identify administrative, coordinating and other county level services and function that may be shared between or among the county boards. The bill specifically points to resignations, retirements, staffing realignments and similar events at the county board level. HB 2940 begins to address the top-heavy administrative burdens held by many county boards, and through collaboration and cost-sharing intends to give local boards a meaningful way to reduce these unnecessary administrative costs. The bill has completed legislation and awaits the Governor's signature.

House Bill 3160 provides for a pilot initiative on governance of schools jointly established by adjoining counties. The bill allows for the creation of a joint board for the school comprised of the superintendents and presidents or designees of the respective boards that has school level powers for personnel, curriculum, finance and facilities to help make the school more responsive to the needs of students and parents in both counties. The bill has completed legislation and awaits the Governor's signature.

House Bill 2861 relates to at-risk students who are becoming discouraged learners. The bill allows county superintendents to approve the continued enrollment of these students in public schools while they are enrolled in an alternative program. The bill has completed legislation and awaits the Governor's signature.

House Bill 2729 allows **epinephrine auto-injectors** to be voluntarily maintained in schools for emergency treatment during anaphylactic reactions. The bill specifies that auto-injectors will be used only by school nurses or other trained and authorized non-medical school personnel. The bill has completed legislation and awaits the Governor's signature.

Senate Bill 514 was introduced in the Senate Education Committee intending to change the process for **accruing annual sick leave**. The bill would have made teachers accrue sick leave in increments of 1.5 days each month, based on a ten month pay period. AFT-WV adamantly opposed this bill, and **SB 514 was defeated in committee**.

House Bill 2563 was introduced to reduce the daily administrative time for school counselors and increase the time actually spent in counseling at-risk students. The bill changed the required amount of time school counselors spend working with students from 75% to 90%. The bill passed the House Education and Finance committees and passed the full House with a 93-4 vote. The bill was referred to Senate Education, where it was **not considered** for action.

Senate Bill 623 related to funding of probation officers to assist with student truancy issues. The bill passed both houses with several differing amendments but ultimately **failed to complete the legislative process**, with a conference committee of legislators unable to reach a compromise on the last night of session.

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