



LEGISLATIVE UPDATE

AFT-West Virginia, AFL-CIO



Standing 55 Strong...From Statehouse to Schoolhouse

February 15, 2019

SB 451: The Process Continues

This week's recap:

- On Wednesday, SB 451 was on second reading in the House of Delegates. Second reading is amendment stage. The House discussed and considered dozens of amendments until late that night. Numerous attempts to expand charter schools and add ESAs back into the bill failed by large margins.
- On Thursday, the bill was on third reading and passed 71-29.
- On Friday, it was reported that SB 451 will not be reported to the Senate Floor until Monday. At that time, the Senate will determine their next course of action from these options:
 - Concur with the House changes; House version goes to the Governor's desk
 - Concur with further amendments; then it would go back to the full House for a vote
 - Refuse the House changes, bill dies
 - Refuse the House changes; go to conference committee
- It is unlikely the Senate President will accept the House version of the bill. Here's the process if the bill goes to conference committee:
 - The Senate President and House Speaker each appoint either 3 or 5 members to be on the conference committee.
 - This committee tries to come up with a compromise version of the bill. If a compromise is reached on the committee, this version goes back for a vote before the full Senate and the House.
 - Given the overwhelming majority that the House's version passed in that chamber, as well as the failures of multiple amendments during second reading to add ESAs and expand charter schools, it would be unlikely for the majority of the House to move much on these issues. Additionally, we believe the Senate will object to the increased fiscal note on the House version.
 - If the compromise version fails in either chamber, the bill is dead. If the compromise version passes both chambers, the Governor can still veto the bill.



It is important to note that stand alone pay raise bills (SB 445 and HB 2730) still exist in both chambers.

The House's version of the bill:

SB 451 passed the House today overwhelmingly in a 71-29 vote. The version that the House amended and passed is drastically different from the version passed by the Senate said, below is a quick outline of the major components or changes in the House bill:

- 5 % pay increase for teachers and service personnel
- \$1000 attendance bonus for teachers and service personnel if not absent more than 4 days
- \$250 tax credit for school supplies for teachers and service personnel
- \$24 million for more school support personnel (social workers, psychologists, etc)
- Employees will be paid during work stoppage and extracurricular activities can take place

- Teacher input on student promotion
- No paycheck protection provision
- No Education Savings Accounts
- Non-severability clause removed
- \$5 million for Innovation Zones
- Law enforcement officer for each school
- Provision to make county administrators at-will employees was deleted
- Seniority rights are preserved in the RIF process.
- The charter schools provision is drastically different from the Senate's version. While the Senate bill contained unlimited charter schools ran by outside non-profits with no accountability or oversight by the local BOE, the House version is limited to 2 public charter pilot schools (statewide.) These pilot programs would be under the control of the county Board of Education in which the school is located. These pilots must be existing public schools; starting a new school in a vacant or new building cannot occur. Before a pilot can be approved, the initiative would have to be approved by a majority of the staff and parents of that school in separate votes. Essentially, the school staff decides if their school will be a pilot. This requirement renders the charter language practically meaningless. It puts the power in the employee's hands.

Moving Forward: Process, Timing, Strategy

This bill is by no means perfect or everything we wanted, but the political reality is **we do not have a majority in either chamber to kill the bill. Elections have consequences**, and we must deal with those now.

If circumstances merit a strike, we must be prepared, as circumstances will be significantly different this year. Several county superintendents have already indicated they would keep schools open during a potential work stoppage. This presents a completely different scenario than last year with serious legal and financial consequences for our members. If schools are open during a work stoppage, employees would not be paid, service personnel who do not report to work would have a break in seniority and it is likely injunctions would be filed. As your union, we have an obligation to consider these factors as we move forward.

The three organizations have continually strategized and planned for every possible scenario and outcome. Each scenario has its own distinct timing regarding potential actions. Please be assured that every decision made is in the hopes of maximizing the good and mitigating the bad in this bill for our members. While it may be easy to push for immediate action or question what is happening, please know that every decision and action that occurs --and that includes waiting for the right moment to act-- is made with our member's best interests in mind. Patience is difficult in a stressful situation like this, but we must not allow our opposition to bait us or divide us.

Please trust in your leaders, as there is a reason for everything they are doing, even if they cannot share the strategy publicly at this time. Every available option, including a strike, is still on the table. Please use all of AFT-WV's electronic communication tools to stay informed. Circumstances can change rapidly and it's important for AFT-WV to be able to contact members instantly.



Teletown Hall for Members: Monday, Feb 18th



Please answer your phone on Monday, February 18th at 7:00 PM to participate in a live teletown hall with AFT-WV President Fred Albert. Fred will be discussing the latest developments with SB 451 and our next steps, as well as taking calls from members. Don't miss this opportunity!