

AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

February 18, 2022

Bad bills emerge as session moves into final few weeks

There are 22 days left in the 2022 Legislative Session and bad bills have really started to rear their ugly heads. Bills to allow teachers to carry guns in school and create micro schools were just a few of the bad bills that saw action this week. Feb 15th was the last day in House to introduce new bills, and 21st is the last day to introduce bills in the senate. Those deadlines will mean the committee action during the next several weeks will become fast and furious.



Action Items for Members:

HB 2364 permits teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer. This is a horrible bill, and it appears no thought has gone the hundreds of dangerous and tragic scenarios that could happen from it. AFT-WV believes that schools are best protected by a trained law enforcement professional and that these individuals should be the only people carrying firearms in schools. The bill advanced from House Education and awaits consideration by the House Judiciary Committee. **Call and email the House to oppose.**

SB 268 creates an exemption from compulsory school attendance for child who participates in learning pod or micro school. It was amended in committee to fall in line with homeschool regulations. The bill passed in the Senate, but several amendments were made on third reading. An amendment to limit micro schools to 100 students passed, although AFT-WV believes 100 is still too large and opens the door to future expansion. Sen. Romano's amendment to require cameras to protect special education students passed. Senator Baldwin's amendment to require basic safety measures including crisis plans, adhering to fire code and requiring insurance coverage failed. The bill moves to the House for action. **Call and email the House to oppose.**

Committee Substitute for SB 509 makes changes to personal leave accrual for county Board of Education employees. The bill advanced from the Senate Education Committee with two amendments. The first amendment grants flexibility for the County Superintendent to advance up to one year of accrued days to a first-year employee if they need days (for reasons specified in existing code) . The bill was also amended to change the effective date from May to July 1. The bill does not change the ability to carry over and accrue unused days each year. AFT-WV opposes this bill, as we believe it is punitive to employees (particularly new hires) and could further hamper the recruitment of new educators to the profession. The bill has passed the Senate, and House Education Committee. It is pending action in House Finance. **Call and email the House to oppose.**

Committee Substitute for SB 230 would change the grievance procedure to require notarization at the initiation of a grievance. And authorized the ALJ's to impose \$1000 penalty to the losing party if a grievance was found to be frivolous. An earlier version of the committee substitute would have required teachers, service personnel and public employees to be represented by an attorney during any step of the grievance procedure, but thankfully that was removed before the judiciary committee considered the bill. The bill advanced from the committee and is on first reading in the Senate. **Call and email the Senate to oppose.**

Committee Substitute for SB 146 relates to the interpretation of school law changes the role of the administrative law judge decisions in a grievance to include the consideration of a state superintendent's interpretation. While it was



amended in the committee to somewhat improve the bill, AFT-WV still opposes it. The bill passed the Senate and awaits action by House Judiciary. **Call and email the House to oppose.**

HB 4011, deceptively named the Anti-Stereotyping bill, seeks to create a solution where no problem exists by hamstringing the discussion of diversity and equity in history curriculum. The bill is awaiting action by House Judiciary. **Call and email the House to oppose.**

Please contact members of the Legislature to oppose the bills listed above in red.

[For legislative contact information, click here.](#)

Bills Passed Both Chambers:

[Committee Sub for HB 4074](#) requires schools provide eating disorder and self-harm training for school staff and students. The bill has passed both chambers and awaits the Governor's signature.

Bills Passed from a Chamber:

[SB 493](#) requires county BOE to make meetings available to public in-person and through internet and provide opportunities for delegations to speak. This bill passed the Senate and awaits action from the House Education Committee.

[SB 261](#) updates previous legislation which requires video cameras in certain special education classrooms. The bill calls for more frequent viewing of the video footage in special education classrooms in order to detect abuse sooner or prevent it. The bill was amended and passed Senate Education, but then was recalled for technical clean up. A committee substitute was passed and subsequently passed on the Senate floor. SB 261 awaits consideration by the House Education Committee.

Bills Advanced From Committee:

[HB 4580](#) authorizes retired bus operators, cooks or aides to work in areas of critical need. This bill has passed House Education and moves to the Finance Committee for consideration.

[SB 589](#) defines the area of critical need and shortage for substitute bus operators. The bill passed from the Senate Education Committee, and awaits consideration by Senate Finance.

[House Joint Resolution 102](#) subjects the policy-making and rule-making authority of the State Board of Education to legislative review, approval, amendment, or rejection. If passed, this bill would require a referendum vote by the general public, because it removes the constitutional authority from the state Board of Education. The resolution was moved to the House Calendar. The Rules Committee would have to move it to the Special Calendar to act on the resolution.

[House Joint Resolution 106](#) would require Board of Education elections to become party affiliated. Currently, board of education elections are nonpartisan. If passed, the resolution would require approval of voters on a ballot initiative. The resolution advanced from the House Education Committee and moves to House Judiciary for consideration. AFT-WV opposes this bill.

[HB 4535](#) repeals the section of code relating to school attendance and satisfactory academic progress as a condition of obtaining and maintaining a driver's license passed. The bill passed the House and is pending action by Senate Education.

[HB 4105](#) make service employees with National Association for Pupil Transportation Certification as a Director or Supervisor of Pupil Transportation eligible as candidates for professional employee positions involving supervision of a county transportation department. The bill is on third reading in the House.

[Committee Substitute for SB 227](#) requires county boards of education and county superintendents to comply with instructions of State Board of Education. This bill was laid over on third reading and referred back to the Education Committee.

[HB 4467](#) will provide additional classroom social/emotional and academic support for first and second grade pupils by requiring an early childhood classroom assistant teacher in first and second grade classrooms that have more than 12

pupils. The bill passed the House Education Committee and moves to House Finance for consideration.

[HB 4071](#) makes masks and quarantines optional in public schools, despite any policies enacted by local school boards. The bill removes the local control of education or public health officials from the decision making process. The bill passed the House Education Committee and moves to House Judiciary for consideration.

[Committee Sub for HB 4058](#) requires all school bathrooms have individual stalls for privacy by June 30, 2023. This cost would be borne by the local school board and carries a \$28 million price tag. The bill now moves to House Finance for consideration.

[HB 4391](#) requires counties to employ nurses in proportion to student population, with each county to have at least one school nurse, allows allow licensed practical nurses supervised by a registered professional nurse to be counted as nurse. After extensive discussion, this bill passed the House Education Committee and moves to the House Finance Committee for consideration.



Bills of Concern

These problematic bills have been introduced but not considered by a committee or placed on an agenda at press time:

[HB 4310](#) changes the spousal coverage for health insurance through PEIA. We believe the intent of this bill is to require employees to pay the full share of PEIA for their spouse's coverage, if their spouse has health insurance coverage available through their employer and chooses PEIA coverage instead. AFT-WV is reaching out to PEIA officials for clarification on this bill.

[SB 587](#) creates a tip line to report teaching of critical race theory

[HB 4016](#) creates the Anti-Racism, Anti-Sexism, and Prevention of Political-Economic Bias in School Curriculum and Pedagogy Act of 2022. This bill, while similar to the nature of HB 4011, is significantly worse and even more dangerous.

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- Make sure your cell phone number is updated with us! During the 2019 strike, AFT-WV deployed a new technology that enables us to instantly have a text conversation with all members with a valid mobile number on file. If you haven't recently updated your contact information, please email or call the office with your new number.
- Many AFT local presidents and staff representatives use the Remind app to communicate with their local members. Ask your local president or staff rep if your county uses Remind and get signed up!