

AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

March 4, 2022

2022 session hits crossover day milestone

March 2nd was the last day to consider a bill on third reading in its house of origin, commonly known as crossover day. This is always a critical point in the legislative session, as we get a clearer picture of what bills are essentially dead and which bills, both good and bad, are still alive. A few troublesome bills appeared to have died (HB 2364) but it's important to note that nothing is assumed to be completely dead until the session is over. There are instances when bills appear dead but similar versions are quickly passed out of the other chamber to continue in the legislative process.



Action Items for Members

The following bills are still alive and need member action:

Senate Education passed the [Committee Substitute for SB 498](#) out of committee on Tuesday and the bill was fast tracked on the Senate floor to make the crossover deadline. The bill, deceptively named the Anti-Racism Act, is a last ditch effort to pass a reboot of HB 4011, the Anti-Stereotyping Act, which did not advance from committee.

The bill, while slightly less egregious than the House version, still could potentially hamstring educators from teaching accurate, unbiased history. The bill would include public/private/charter K-12 education and higher education.

Email the House Education Committee now and ask them to vote no on SB 498.

[SB 268](#) creates an exemption from compulsory school attendance for a child who participates in a 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 Education Committee for action. **Call and email the House Education Committee 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 by House Finance. **Call and email the House Finance Committee to oppose.**

[Committee Substitute for SB 230](#) would change the grievance procedure to require notarization at the initiation of a grievance. It also authorizes the ALJ's to impose \$1000 penalty to the losing party if a grievance is 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. Senator Romano offered an amendment on the floor clarifying that on a finding of bad faith by the ALJ, attorney's fees and costs can be awarded not to exceed \$1k. The amendment was adopted. The bill passed the Senate on a 23-11 vote. It now heads to the House for consideration. **The bill passed the Senate and moves to the House for consideration.**



[Committee Substitute for SB 146](#) relates to the interpretation of school law and 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. **Email the House Judiciary Committee now and ask them to vote no on SB 146.**

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

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

Pay Raise Status

[SB 531](#) (Governor's pay raise bill) was passed out of House Finance on Tuesday evening. This bill increases the annual pay for certain state employees, public school teachers, and school service personnel. The bill was reported to the House Floor with the recommendation of passage. SB 531 is on first reading on the House Special Calendar on March 4.

The pay raise is also contained within the budget bills in both chambers, giving the raise multiple vehicles for passage.

Bills Passed from a Chamber Before Crossover:

[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 passed in the House, and an amended version was approved by the Senate. The House concurred with the Senate amendment and HJR 102 has completed legislative action.

[HB 4391](#) requires counties to employ nurses in proportion to student population, with each county to have at least one school nurse, allows licensed practical nurses supervised by a registered professional nurse to be counted as nurse. The bill has passed the House and now moves to the Senate for consideration.

[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 was amended in the House Education Committee to allow for the meeting to continue should the broadcast be interrupted due to technical difficulties. The bill passed House Education and moves to House Judiciary for consideration.

[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 advanced from the House Education Committee and awaits action by House Finance.

[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 and moves to the Senate for consideration.

[Committee Substitute for HB 4510](#) requires that third grade students be competent in reading and math before moving on to fourth grade. It requires the state board of education to establish a reading and math program for students in public, charter, and parochial schools. The bill passed the House and awaits consideration by Senate Education.

[Committee Substitute for SB 704](#) provides that the parent, grandparent, or guardian of students can request to view instructional materials, supplemental materials, and any materials adopted by the county board of education. It does allow for the teacher to require an appointment to be made and the appointment must be within 10 days of the request. The parent, grandparent, or guardian of the student may file a complaint with the county superintendent and then the state superintendent if the county superintendent has not resolved the complaint within 7 days. Senator Trump offered an amendment defining parent, grandparent, and guardian after much discussion over possible FERPA violations. The bill passed the Senate and heads to the House Education for consideration on March 4.

[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 a committee substitute advanced from House Judiciary. The bill has passed the House and is awaiting consideration by the Senate Education Committee.

[SB 644](#) creates a fund to assist charter school applicants for start-up costs and costs associated with renovating or remodeling existing buildings and structures, sourced by appropriations by the Legislature, grants, and donations from any public or private source. The bill passed Senate Education and moves to Senate Finance for consideration.

[SB 676](#) allows a teacher to apply to the county superintendent to exclude personal leave used for religious reasons from disqualifying them from the \$500 bonus available to teachers who use not more than four days of personal leave. This bill passed Senate Education and now moves to Senate Finance.

[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.

[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.



Bills of Concern That Died

[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 was taken up in House Judiciary but no action was taken by the committee. **HB 4011 died but a watered down was quickly passed from Senate. (See SB 498 on page 1.)**

[HB 2364](#) permits teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer. 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 but was never considered by the House Judiciary Committee.

[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.

[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.

Stay Informed during the Legislative Session

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- While you are on the website, sign up for email alerts from AFT-WV. Please use a personal, non-work email address.
- "Like" us at Facebook.com/AFTWV and follow us on Twitter [@AFTWV](https://Twitter.com/AFTWV)
- 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!