

AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

JANUARY 20, 2023

2023 Session Begins with Senate off to a Quick Start

The 2023 Legislative Session kicked off last week with Governor Jim Justice delivering the State of the State address on Wednesday evening. AFT-West Virginia President Fred Albert weighed in on the Governor's proposals, explaining while he was appreciative of the proposed salary increase and PEIA budgetary contribution, he wasn't convinced either of those proposals truly solves the school staffing crisis our school systems are currently experiencing.

"At a time, when we have unprecedented educator shortages in our state and an equally massive budget surplus, it's disappointing that Governor Justice didn't mention the teacher shortage and propose more funding and initiatives to sufficiently attract and retain certified teachers and other critical school staff. The 5% increases given over the last few years have not even put a dent in the hemorrhaging of teachers and school service personnel from West Virginia."

"Additionally, the Governor's proposal to require all curricula be posted online seems like a solution to a problem that doesn't exist. Parents and guardians already have the right and ability to see any class materials used in their student's classrooms. Just last year, the Governor signed Committee Substitute for SB 704, which 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. At a time when the teacher shortage has led to teachers giving up their planning period constantly to cover classes without a teacher, this seems like a cumbersome and redundant process that only adds to a teacher's administrative burden. I think we can all agree that our teachers' time is best spent instructing and engaging students." (A bill for this proposal has not been advanced at press time.)

Pay Raise Bill

Governor Justice proposed a 5% across the board pay increase for all public employees, teachers and service personnel in his state of the state address, but a corresponding bill has not been introduced at press time.

Bills Passed From One Chamber

[SB 74](#) will require county boards of education, county superintendents, employees of county boards of education, and the West Virginia Public Employees' Grievance Board to give substantial deference to the State Superintendent's interpretations of school law or State Board of Education rules, essentially watering down the grievance process. AFT-WV opposes this bill. Thank you to Senator Mike Caputo for speaking against the bill. The bill has passed the full Senate. It now moves to the House for consideration.

[SB 127](#) increases PEIA's hospital reimbursement rate. The issue was thrown into the spotlight after Wheeling Hospital announced that it would stop accepting PEIA insurance in July. SB 127 quickly passed the Senate and now moves to the House for consideration.

[SB 130](#) creates the Anti-Racism Act of 2023. (You may recall a similar "critical race theory" bill was thought to have passed last year, but later was determined to have not made it through before the midnight deadline on the final day of the session.) The bill prohibits a school district, charter school, the West Virginia Board of Education, the West Virginia Department of Education, or any employee from requiring or compelling a student, teacher, administrator, or another employee to affirm, adopt or adhere to certain specified concepts. SB 130 passed the Senate on a roll call vote of 30-2. Thank you to Senators Caputo and Woefel, who voted no on this unnecessary bill. The bill now moves to the House and awaits consideration by the House Education Committee.

[SB 139](#) will require each county board of education to ensure that all meetings are open to the public through in-person attendance and that the audio and video of its meetings are broadcast live to the public through an internet link on its website. The bill requires each county board to ensure that the audio and video are recorded and that the recording is also available through a link



on its website. SB 139 passed the Senate on a roll vote of 33-0. The bill now awaits consideration by the House Education Committee.

Bills Advanced From Committee

[SB 41](#) establishes minimum student enrollment for the school aid formula. This bill would affect only three counties: Calhoun, Gilmer, and Wirt. These counties currently have a net enrollment of under 1200 students and this bill would ease the financial hardship posed by small student enrollment and assist the counties in providing adequate student services. SB 41 passed Senate Education and awaits consideration by the Senate Finance Committee.

[SB 56](#) relates to the employment of retired bus operators as substitutes in areas of critical need. Citing a shortage of drivers, the bill allows for a retired bus operator may be employed as a substitute bus operator in an area of critical need and shortage for substitute bus operators when no other qualified bus operator who is not retired is available and accepts the substitute assignment. SB 56 passed Senate Education and awaits consideration by the Senate Finance Committee.

[Committee Substitute for 187](#) creates new criminal offenses of sexual contact, intrusion, or abuse of students by school employee. The bill passed Senate Education, and now advances to the Senate Judiciary Committee.

[Committee Substitute for SB 124](#) authorizes child sexual abuse and sexual violence prevention program and in-service training in child sexual abuse prevention. The bill advanced from the Senate Education Committee and is on third reading on Friday before the full Senate.

[HB 2003](#) provides early childhood assistant teachers and systems of support to help students achieve grade-level literacy and numeracy by end of third grade. Provisions of this bill require an early childhood classroom assistant teacher in first, second and third grade classrooms that have more than 12 pupils. HB 2003 was reported out of House Education with amendments and referred to the House Finance Committee.

[HB 2602](#) reestablishes certain specialized school service personnel classifications. This bill will add special teaching assistants Aide V and Aide VI to the class titles of service personnel of the state minimum pay scale and class titles that are set forth in §18A-4-8a of this code. These classifications were inadvertently omitted from 2002 HB4829 that passed in 2022. The bill was passed out of the House Education Committee, and is on first reading before the full House.

[SB 274](#) establishes a transformative system of support for early literacy and numeracy in kindergarten through grade three, including pre-service and in-service teacher training, notice to parent or guardian, third grade retention policy with exceptions, and interventions continuing in fourth grade for students below proficient. The bill passed Senate Education and moves to the Senate Judiciary Committee for action.

[SB 121](#) creates the Student Journalist Press Freedom Restoration Act, to provide for legislative findings, to require that the West Virginia Department of Education and the West Virginia Higher Education Policy Commission allow for the free expression of student journalists on campuses of middle schools, high schools, and colleges and universities, to provide a framework and parameters for free expression, and to allow for injunctive relief in the event that this article is violated. SB 121 was reported out and sent to the full Senate for consideration.

[SB 262](#) allows students to transfer schools and retain athletic eligibility. This bill will require the West Virginia Secondary School Activities Commission shall modify its rule, prior to the 2023-2024 school year, to allow students to transfer schools and retain athletic eligibility one time during a student's four years of secondary school, inclusive of grades nine through 12. The West Virginia Secondary School Activities Commission may promulgate an emergency rule, if necessary, to modify its rule prior to the 2023-2024 school year. SB 262 advanced from Senate Education and moves to the full Senate for consideration.

[SB 264](#) prohibits persons who have been convicted of certain crimes against minors from holding positions on boards of education. SB 264 advanced from the Senate Education Committee and was sent to the full Senate for consideration.

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