



# LEGISLATIVE UPDATE

AFT-West Virginia, AFL-CIO



*Fighting for Public Education... From Statehouse to Schoolhouse*

**The 2021 Legislative Session has concluded after a barrage of attacks on public education and workers. After quickly pushing through bills on charter schools, education savings accounts and a prohibition on payroll deduction of union dues for public employees, most of the legislative attention moved to the income tax debate. In the end, the income tax disagreement between the two chambers became a positive distraction, as it was a factor in the death of a few more pieces of troublesome education legislation that could have passed.**

## Recap of 2021's Education Bills:

### **Positive Legislation that Died**

[HB 2362](#) would have required the State Board of Education to implement trauma-informed practices in grades K-12 and provide the necessary training and support to implement the program. The bill passed the House Education Committee but unfortunately was never considered by the House Finance Committee.

### **Bad Legislation that Died**

[House Joint Resolution 1](#) (HJR 1) proposed giving the WV legislature ultimate and total authority in education policy making, effectively stripping the WV Board of Education of its constitutional authority to govern schools. While the WV BOE has not exactly been inclusive with stakeholders, including the union, over the course of the past year, AFT-WV wouldn't want the current supermajority being unchecked in making education decisions. This is particularly true after the last 60 days of attacks on public education and employees. In the end, HJR 1 ultimately died in the final day of the session.

[SB 566](#) would have undermined the public employees grievance procedure by allowing a state superintendent's interpretation of law or policy to supersede the judgement of administrative law judges. This bill passed the Senate but was voted down by the House Judiciary Committee.

[SB 601](#) would have made significant changes to the public employees grievance procedure, all potentially detrimental to the employee, including mandatory notarization of grievance forms, actions taken by the employer in accordance to declared states of preparedness or states of emergency would have no longer been grievable, and would allowed the prevailing party at level three to request actual attorney's fees and costs, possibly making the employee liable for paying the BOE's legal costs. SB 601 has passed the Senate but did not make it to a vote in the House.

[HB 2364](#) would have permitted teachers in K-12 schools to be authorized to carry concealed firearms as a designated school protection officer. The bill was never considered by the House Judiciary Committee, where it died.

[Committee Sub for SB 15](#) would have changed the qualifications for receiving the salary increase for holding a master's degree, making it contingent upon a classroom teacher's assignment teaching in that MA field for at least one half of the total classes assigned.

## **Bills Passed/Completed Legislative Process**

### **Service Personnel Bills**

[HB 2267](#) creates the Bus Operator in Residence program for schools districts. While this program would allow on the job training for aspiring bus operators, funding will be the responsibility of the county boards, which may hamper the initiative's implementation.

[HB 2145](#) creates four new classroom aide pay grade classifications with corresponding salary increases for each grade level.

### Special Education Pay Bonus

[SB 680](#) will allow the State Superintendent of Schools to define classroom teachers certified in special education. This bill could potentially disqualify many teachers holding a special education certificate from receiving the salary bonus for being certified in the content area. AFT-WV believes this is a bad bill that will ultimately have the effect of creating an even bigger content area shortage.

### Alternative Certification

[Eng. Committee Sub for SB 14](#) weakens the standards for alternative certification for teachers. The bill has passed both chambers and completed legislative action. It will be effective 90 days from passage.

### Paycheck Deception

[Committee Sub for HB 2009](#), a bill to prohibit the payroll deduction of union dues for public employees was signed by the Governor and is effective 90 days from passage. This bill was an orchestrated attack on your right to a professional voice, creating a more cumbersome process to join a union and pay your dues.

AFT-WV has implemented an electronic dues payment system and encourages all members to visit <http://wv.aft.org/join-union/e-dues-information-how-join-aft-wv> to learn more and sign up using our encrypted, secure online form. It is critical to sign up for edues as soon as possible to maintain the continuity of your membership status for your grievance representation, insurance policies and other benefits.

### Hope Scholarships

[HB 2013](#) creates Hope Scholarships, which are basically education savings accounts or ESAs. This bill was signed by the Governor.

Specifics of the bill include:

- 100% of state aid formula on base granted per student annually
- Can be used for private schools and/ or related educational expenses by definition
- Shall be operational by July 2022
- Approximately \$4600/yr based on previous year state aid formula per pupil average
- Contains minimal anti-discrimination provisions for students
- Does not provide financial accountability provisions to ensure funding is used to meet student needs

### Charter School Expansion

[HB 2012](#) has completed the legislative process and has been signed by the Governor. The bill will:

- Change limitations on amount of Charter Schools from 3 to 10
- Remove revocation provisions
- Create new authorizer as "West Virginia Professional Charter School Board"
- Create Virtual Charter Schools

### Work Stoppages and Strikes

[Committee Sub for SB 11](#) codifies the illegality of public employee work stoppages and strikes. The bill has completed legislative action, and has become law without the Governor's signature. It is effective ninety days from passage.

### Other Education Bills:

[Comm Sub for SB 375](#) relates to county boards of education policies for open enrollment, creating criteria for enrollment denial and adding a procedure for appeal, if denied.

[HB 2791](#) relates to enrollment at the county vocational schools. The bill will allow universal acceptance of non-public students to participate in vocational programs throughout all 55 counties.

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