

AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

March 14, 2022

FINAL EDITION: 2022 session concludes with a wild finish at midnight

Several controversial bills were addressed by the Senate in the final minutes of the 2022 session, resulting in SB 498 (the deceptively named Anti-Racism Act) declared not passed before the clock hit midnight and another (SB 268) determined to have passed after an internal review.

Bills of note that passed during the 2022 Legislative Session:

[SB 268](#) – This bill creates an exemption from compulsory school attendance for a child who participates in a learning pod or micro school. An amendment attempting to require basic safety measures including crisis plans, adhering to fire code and requiring insurance coverage failed on the Senate side. It was successfully amended in committee on the Senate side to limit the number of students in these schools to 100, but that cap was stripped away on the House side. This bill opens the door to unlimited, unregulated micro schools with zero oversight to ensure students are provided a thorough education in a safe environment. SB 268 was passed shortly before the midnight deadline on Saturday, and a review concluded it did indeed pass prior to the midnight deadline.

[SB 531](#) (Governor's pay raise bill) increases the annual pay for certain state employees, public school teachers, and school service personnel by an average of 5%. Teachers will receive a \$2240 annual raise and service personnel will receive \$122 more per month. (The pay raise was also contained within the budget bills in both chambers, which was also passed.)

[SB 261](#) updates previous legislation which requires video cameras in certain special education classrooms. The bill calls for more frequent viewing (by school administration) of the video footage in special education classrooms in order to detect abuse sooner or prevent it.

[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.

[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. This bill will require a referendum vote by the general public, because it removes the constitutional authority from the state Board of Education.

[SB 246](#) requires newly constructed public schools and public schools with major improvements to have water bottle filling stations.

[HB 3073](#) establishes the West Virginia Emergency School Food Act.

[SB 529](#) is a bill to encourage additional computer science education in WV schools.

[HB 4489](#) requires counties to post open positions on the statewide education job bank.



[HB 4380](#) makes changes to regulations involving transportation of athletic teams.

[HB 4420](#) modifies the definitions of school bus operators in code.

[HB 4074](#) requires schools provide eating disorder and self-harm training for teachers and students.

Bills of Note Rejected on a Floor Vote:

[Committee Substitute for SB 230](#) would have changed the grievance procedure to make the process more cumbersome for employees and would have permitted an administrative law judge to order the losing party to pay a penalty up to \$1000 if they determined the grievance to be frivolous. The bill passed the Senate on a 23-11 vote but was rejected by the House on a 39-61 vote. This was a huge (and rare) floor vote win for public employees.

Bills of Note That Died:

Senate Education passed the [Committee Substitute for SB 498](#) out of committee last Tuesday and the bill was fast tracked on the Senate floor to make the crossover deadline. The bill, deceptively named the Anti-Racism Act, was 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, could have still potentially hamstrung educators from teaching accurate, unbiased history. After being amended and passed out of the House, the Senate chaotically attempted to pass this bill at the stroke of midnight on the final night of the session, only to find out later that the bill did not pass before the deadline.

[Committee Substitute for SB 509](#) would have made changes to personal leave accrual for county Board of Education employees.

[Committee Substitute for SB 146](#) related to the interpretation of school law and would have changed the role of the administrative law judge decisions in a grievance to include the consideration of a state superintendent's interpretation.

[HB 4391](#) would have required counties to employ nurses in proportion to student population, with each county to have at least one school nurse, and would have allowed licensed practical nurses supervised by a registered professional nurse to be counted as nurse for those purposes.

[SB 493](#) would have required county BOE to make meetings available to public in-person and through internet and provide opportunities for delegations to speak.

[HB 4467](#) would have provided 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.

[Committee Substitute for HB 4510](#) would have required that third grade students be competent in reading and math before moving on to fourth grade.

[HB 4071](#) would have made masks and quarantines optional in public schools, despite any policies enacted by local school boards. The bill would have removed the local control of education or public health officials from the decision making process.

[SB 644](#) would have created 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.

[SB 676](#) would have allowed 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.

[House Joint Resolution 106](#) would have required Board of Education elections to become party affiliated. Currently, board of education elections are nonpartisan.

[Committee Substitute for SB 227](#) would have required county boards of education and county superintendents to comply with instructions of State Board of Education.

[HB 2092](#) would have required each high school student to complete a full credit course of study in personal finance.

[HB 4011](#), deceptively named the Anti-Stereotyping bill, sought to create a solution where no problem exists by hamstringing the discussion of diversity and equity in history curriculum.

[HB 2364](#) would have permitted teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer.

[HB 4310](#) would have changed the spousal coverage for health insurance through PEIA, and would have required employees to pay the full share of PEIA for their spouse's coverage, if their spouse had health insurance coverage available through their employer and chooses PEIA coverage instead.

[SB 587](#) would have created a tip line to report teaching of critical race theory.

[HB 4016](#) would have created 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, was significantly worse and even more dangerous. Jv 8c

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