

# AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE


JANUARY 27, 2023

## High Volume of Bills Moving During Second Week of Session

### Pay Raise Bill

Governor Justice's raise bill was introduced this week. [SB 423](#) proposes an average 5% across the board pay increase for all public employees, teachers and service personnel in his state of the state address. The bill awaits consideration by the Senate Finance Committee.

### Bills of Concern

 [HB 2549](#) permits teachers, service personnel and administrators in K-12 schools to volunteer to be authorized to carry concealed firearms as a designated school protection officer. While we recognize we have members who may be in favor of this proposal, AFT-WV believes trained law enforcement officers are the most appropriate individuals to serve in this capacity in our schools. HB 2549 advanced from the House Education Committee and awaits consideration by the House Judiciary Committee.

"While HB 2549 allows our school teachers or support staff to volunteer to carry a concealed weapon, to be the School Protection Officer, we feel that our teachers and support staff should not be burdened with that responsibility, but instead be able to do the jobs they have been trained to do—instruct students and help them achieve academic success. We should leave the safety and protection of our students and staff in the hands of our law enforcement officers," said AFT-WV President Fred Albert.

The testimony of the state's highest-ranking school safety official, speaking before the House Education Committee, mirrored AFT-WV's position.

"I have concerns — I have major concerns," Homeland Security School Safety and Security Administrator Ron Arthur said during Wednesday's meeting. "I've survived several gun fights and I know what it's like to carry a deadly weapon every day, and to have that burden. I would not want to ask that of a teacher, out of nothing but love and respect for every teacher I know." (*WV Gazette*, 1-26-22).

[SB 10](#), dubbed Campus Carry, permits the concealed carry of a deadly weapon by licensed individuals at higher education institutions, with some limitations. The bill has passed the Senate and awaits consideration by the House Judiciary Committee.

### Bills Passed From One Chamber

[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 passed the full Senate and now awaits action by the House Education 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 by the full House and moves to the Senate for consideration.

[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 passed by the



full Senate and moves to the House for consideration.

[SB 264](#) prohibits persons who have been convicted of certain crimes against minors from holding positions on boards of education. SB 264 was passed by the full Senate and moves to the House 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. SB 262 was passed by the full Senate and moves to the House for consideration.

[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 Judiciary Committee 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.

[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.

[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.

[HB 2596](#) modifies when a nonresident student's transfer may be denied. The bill is on first reading on the House Special Calendar.

[HB 2597](#) requires that employee evaluations must provide data and an explanation in support of any statement or rating in which the employee is assessed to be less than satisfactory. The bill passed House Education and is on third reading on the House Special Calendar.

[HB 2832](#) clarifies the duties for school counselors while also providing the definition of a school counselor.

[HB 2005](#) establishes the dual enrollment pilot program to be administered by the Higher Education Policy Commission and the Council for Community and Technical College Education in conjunction with the State Department of Education.

[HB 2346](#) allows retired bus operators to work as substitutes without affecting their monthly retirement benefit, due to the current bus driver shortage. The bill passed House Education and moves to House Finance for consideration.

[HB 2827](#) makes public charter schools eligible for Safe Schools Funds. The bill advanced from House Education and now moves to House Finance.

[SB 282](#) creates the West Virginia Guardian program to provide public safety and/or security on public school grounds and buildings. The bill advanced from Senate Education and is on second reading in the Senate.

Committee Sub for [SB 51](#) requires an impact statement in certain instances of a school closing or consolidation. The bill is on second reading in the Senate.

[SB 251](#) requires the display of a durable poster or framed copy of the official motto of the United States in public elementary and secondary schools and in institutions of higher education, if donated or purchased from private donations. The bill passed the Senate Education Committee and is on second reading in the Senate.

Committee Sub for [HB 2850](#) clarifies general education teachers' academic support for students identified as having an exceptionality whose least restrictive environment remains the general education classroom. The bill would add an assistant teacher for regular education classrooms when a student with specific exceptionalities is present. The bill advanced from House Education and moves to the full House for consideration.

Committee Sub for [HB 2890](#) modifies student discipline sections of current law. It inserts language that appears to strengthen the teacher's ability to remove disruptive student's from the classroom. It also permits counties to develop (with teacher input) a tiered system of disciplinary consequences. The bill advanced from House Education and moves to the full House for consideration.

[SB 428](#) revising the requirements of local school improvement councils. The bill is on first reading in the Senate.

## **Bills to Watch (No Action at Press Time)**

[SB 422](#) requires public schools to publish curriculum online. This is the Governor's proposal mentioned during his State of the State address, however the content of the bill is significantly different than what the Governor said during the speech. The bill states curriculum and a syllabus (including any books used) must be posted online only at beginning of each new school year. This typically is already occurring on Schoology or other platforms used by educators. AFT-WV will be monitoring this bill closely.

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