

AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

FEBRUARY 24, 2023

Ugly PEIA bill rushed through Senate Finance Committee

[SB 268](#) makes several proposed changes to PEIA and is concerning to AFT-WV. It is a very lengthy bill, with troubling sections of the bill including a provision that limits PEIA coverage for spouses who have other insurance coverage available through their employer. On Tuesday, the bill was taken up by the Senate Finance Committee, which spent only five minutes on the bill, and had no questions or discussion on the bill. The bill advanced from the committee and will be on third reading in the Senate today. AFT-WV and other AFL-CIO unions oppose this bill and are working together in hopes of stopping it. Union leaders have also expressed their shock and disappointment in this week's media coverage of the lack of discussion the Senate Finance Committee gave the bill.

Sunday will mark crossover day and the deadline for bills to be passed from their house of origin. However, it is important to remember that both chambers possess a supermajority which can suspend the rules and continue to push their priorities through until the final night of the session.

Pay Raise Bill– Finally Moving!

Governor Justice's raise bill, [SB 423](#), initially proposed an average 5% across the board pay increase for all public employees, teachers and service personnel in his state of the state address. A committee substitute for the bill was advanced from the Senate Finance Committee that amended the proposed increase to \$2300 across the board. The bill is currently on second reading in the Senate.

Two other pay raise bills, [HB 2828](#) and [SB 204](#) do not appear to be the pay raise bills that will move forward during the session.

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 still awaits consideration by the House Judiciary Committee. AFT-WV believes that our teachers and support staff should not be burdened with this responsibility and the safety and protection of our students and staff is best left in the hands of our trained law enforcement officers.

[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 and was advanced by the House Education Committee. It now moves to House Judiciary for consideration.

[SB 461](#) makes several changes to the grievance procedure, including extending timelines for steps and requiring a notarized grievance form upon filing. The most concerning of the changes is a provision where the losing party may be required to pay the legal costs of the winning party. The employer (county BOEs) would have the unfair advantage of always paying their share on the taxpayer dime, whereas employees (or their representative organization) would shoulder that cost privately. The bill passed the Senate and awaits consideration by House Judiciary.

Bills Passed From Both Chambers

[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 the House, and awaits the Governor's signature.

[HB 2596](#) modifies when a nonresident student's transfer may be denied. The bill passed the House and Senate Education and awaits the Governor's signature.

Com. Sub. for [HB 3055](#) creates a vocational math class for students interested in careers in the trades. The bill passed the House and was amended and passed by the Senate. The House concurred with the Senate amendments and the bill has completed legislative action.

[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. The bill has passed the House and the Senate, and was signed by the Governor.

Bills Passed From One Chamber

Com. Sub. for [HB 3293](#) relates to identifying and educating exceptional children exhibiting indicators or diagnosed with dyslexia or dyscalculia. The bill passed the House and awaits consideration by the Senate Education Committee.

Eng. Com. Sub. for Com. Sub. for [SB 195](#) - Glucagon for Schools Act creates a program to permit prescriptions for undesignated glucagon in the name of a school district or school and allows a school to maintain a supply of undesignated glucagon to be administered by trained school personnel. The bill has passed the Senate and moves to the House for consideration.

[Com. Sub. for HB 2820](#) permits HOPE Scholarship recipients to play WVSSAC sanctioned sports. The bill passed the House and moves to the Senate for consideration.

[HB 3218](#) requires suicide prevention resources be printed on student identification cards. The bill passed the House and was passed by Senate Education. It now moves to the Senate floor.

[Com. Sub. for HB 3113](#) requires high school students to complete course of study in personal finance. The bill passed the House and is on first reading in the Senate.

[Com. Sub. for HB 3098](#) eliminates the WV General Summative Assessment and replaces it with a formative assessment given three times a year. The bill passed the House and awaits consideration by the Senate.

[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 the Senate and awaits consideration by the House Education Committee.

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

[HB 2832](#) clarifies the duties for school counselors while also providing the definition of a school counselor. The bill passed the House and awaits consideration by the Senate Education Committee.

[SB 216](#) requires all schools to instruct students on the Holocaust and other genocides. Senator Roberts amended the bill to exclude private and parochial schools. The amendment was expanded to include the removal of existing law requiring private and parochial schools to teach civics topics including, but not limited to, American history, political and economic systems, and philosophies of American governance. Instruction on financial literacy was also added to the bill. The bill passed the Senate and now awaits consideration. By the House Education Committee.

[SB 489](#) requires BOE provide free feminine hygiene products in grades six through 12. The bill passed the Senate and moves to the House for consideration.

[SB 282](#) creates the West Virginia Guardian program to provide public safety and/or security on public school grounds and buildings. The bill passed the Senate and awaits consideration by the House Education Committee.

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 passed the House and moves to the Senate for consideration.

Committee Sub for [HB 2850](#) clarifies general education teachers' academic support for students identified as having an excep-

tionality 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 passed the House and moves to the Senate for consideration.

Committee Sub for [SB 51](#) requires an impact statement in certain instances of a school closing or consolidation. The bill passed the Senate and awaits consideration by the House Education Committee.

[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 and awaits consideration by the House Education 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 passed the full Senate and now awaits action by the House Education Committee.

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

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 passed the House and moves to the Senate for consideration.

[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 the House and moves to the Senate for consideration.

[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 the House and awaits consideration by the Senate Education Committee.

Bills Advanced From Committee

[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 as it advances to make sure it does not require cumbersome uploading and posting of instructional materials.

[SB 688](#) allows county boards of education to hire retired teachers to assist with tutoring. The bill advanced from Senate Education and moves to the full Senate for consideration.

[HB 2827](#) makes public charter schools eligible for Safe Schools Funds. The bill advanced from House Education and House Finance, and is on third reading on the House Special Calendar.

[SB 619](#) - Allowing teachers in public schools to teach intelligent design. The bill advanced from the Senate Education Committee and is on first reading on the Senate floor.

[SB 601](#) allows students of certain schools to participate in extracurricular activities of public schools. The bill advanced from the School Choice Committee and passed the full Senate. The bill now moves to the House School Choice for consideration.

[SB 589](#) relates to nonpublic kindergarten, elementary, and secondary school education requirements. The bill advanced from the Committee on School Choice and awaits consideration by the Senate Finance Committee.

[HB 3548](#) requires state board rule providing uniform procedure, prohibition, form and benefit regarding a teacher's voluntary exchange of duty-free lunch recess to perform duties at the school. The bill is on third reading in the House.

[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.

[HB 3546](#) provides for contracted employment of substitute teachers for 180 instructional days for schools with over 200 students. The bill advanced from House Education and now moves to House Finance.

[HB 3547](#) increases the number of personal leave days (from 4 to 5) that county board of education employees may use without cause. The bill advanced from House Education and is on third reading on the House floor.

[HB 3549](#) prohibits regular classroom teachers and special education classroom teachers who are required to participate an individualized education program committee from also being required to prepare or reduce to writing the individualized education program plan unless no other professional educator with the knowledge is available. The bill advanced from the House Education Committee and is on third reading on the House floor.

[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.

[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 519](#) provides that discriminatory and retaliatory actions against whistle-blowers are prohibited. SB 519 advanced from Senate Education and now awaits consideration by the Judiciary Committee.

[HB 3068](#) provides \$5000- \$10,000 in student debt incentives for STEM teachers. The bill advanced from House Education and moves to House Finance for consideration.

[HB 3084](#) permits public charter schools to access School Safety funds for safety and security upgrades. The bill advanced from House Education and now awaits consideration by House Finance.

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