

AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

MARCH 3, 2023

Cost-shifting PEIA bill advances from House Finance Committee

[SB 268](#) makes numerous proposed changes to PEIA. It is a very lengthy bill, and includes increasing premiums in order to meet the 80/20 mandate and a provision that limits PEIA coverage for spouses who have other insurance coverage available through their employer. [Click here to see a breakdown of the cost-shifting to employees that is proposed.](#) The bill passed the Senate and was on the House Finance Committee agenda for Thursday.

Unlike what happened in Senate Finance last week, the House Finance Committee did have a discussion and explanation of the bill and issues surrounding PEIA. Some of the issues discussed included the overall financial forecast of PEIA in the next few years, the mandated 80/20 rate (currently at 83/17, increasing to 80/20 results in a premium increase to all PEIA participants), paying out of state medical providers at the 70/30 rate, and the change in employee spouse health coverage. The proposed change would require spouses who have employer-provided health coverage available to pay the full actuarial value of their premium in order to remain on PEIA. The estimated monthly cost for a spouse to remain covered under PEIA is \$147.

After the discussion, the bill was put before the committee and an amendment by Delegate Storch to retain the current provision to cover care in contiguous counties at the 80/20 rate was approved. Delegate Rowe offered an amendment to remove the spousal coverage provision of the bill, and it failed. He then offered a second amendment to attempt to permit spousal coverage if available coverage through the employee's spouse is more expensive than PEIA. This amendment also failed. Delegate Linville offered two amendments. The first would allow non-medicare eligible retirees to remain on the plan, and it passed. The second amendment proposed premium tiers for spousal premiums and it failed. The bill quickly moved before the full House of Delegates, and was read a first time last night. It will be on second reading today, and on third reading tomorrow with the right to amend.

AFT-WV, along with a number of other unions representing public employees, held a press conference at the Capitol to discuss their concerns with the bill, explain the hardships the changes will cause on public workers, and ask the House to work with stakeholders to come up with solutions to the PEIA crisis that will not harm over 230,000 West Virginians. [Click here to watch the video of the Facebook Live coverage of the press conference.](#)

Your calls and emails are still needed now to the full House of Delegates as the bill will be on passage stage tomorrow! [Click here for the House emails and phone numbers.](#) Let them know that their proposed PEIA cost shifting on the backs of employees will hurt 230,000 West Virginians and further exacerbate the shortage of education and public employees.

Pay Raise Bill– Passed Senate, Advanced by House Finance on Thursday

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 and passed the full Senate. On Thursday, the bill advanced from House Finance with minor technical cleanup, and now moved to the floor for consideration. It was read a first time Thursday evening and is on second reading today. It appears they are running the PEIA bill and pay bill at the same pace through the legislative process.

Two other pay raise bills, [HB 2828](#) and [SB 204](#) died in their house of origin.





Bills of Concern

[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 still awaits consideration by House Judiciary.

[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 has been signed by the Governor.

[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.

[HB 3218](#) requires suicide prevention resources be printed on student identification cards. The bill passed both the House and the Senate.

[Com. Sub. for HB 3113](#) requires high school students to complete course of study in personal finance. The bill passed the House and was amended and passed by the Senate. It was sent back to the House to concur with the House amendments.

Bills Passed From One Chamber

[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 passed the House and is on third reading in the Senate.

[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 passed the House and awaits consideration by the Senate.

[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 passed the House and was on second reading in the Senate before being removed from the calendar and referred to Rules.

[HB 2820](#) 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 passed the House, and was on second reading in the Senate, but was moved off the calendar to Rules.

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

[HB 2827](#) makes public charter schools eligible for Safe Schools Funds. The bill passed the House and moves to the Senate for consideration.

[SB 619](#) - Allowing teachers in public schools to teach intelligent design. The bill passed the Senate and moves to the House for consideration.

[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 constant and cumbersome uploading and posting of instructional materials. The bill passed the Senate and moves to the House for consideration.

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 was on second reading before being referred to Rules.

[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.

[HB 3084](#) permits public charter schools to access School Safety funds for safety and security upgrades. The bill passed the House and now 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 Judiciary 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 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.

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

[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 advanced from the House Judiciary Committee. It now moves to the House floor for first reading.

[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 awaits consideration by the House.

[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 is on second reading in the Senate.

Bills that Died in their House of Origin

[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. HB 2549 advanced from the House Education Committee and was never considered by the House Judiciary Committee in order to pass the House.

[SB 589](#) relates to nonpublic kindergarten, elementary, and secondary school education requirements. The bill advanced from the Committee on School Choice, and ultimately died on second reading after a second committee reference was added.

[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 was never considered by the Senate Finance Committee.

[HB 3068](#) provides \$5000- \$10,000 in student debt incentives for STEM teachers. The bill advanced from House Education and moved to House Finance, where it was never considered.

[SB 519](#) provides that discriminatory and retaliatory actions against whistle-blowers are prohibited. SB 519 advanced from Senate Education and was never considered by the 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, where it died.

[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 was never considered by House Finance.

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