

# AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

March 12, 2024

## 2024 Session concludes with a flurry of last deal making

The last day of the 2024 session was a busy one, with disagreements between the two chambers stalling action on a number of bills including student discipline, the pay raise, changes to ECCAT seniority rights, and prosecuting library and school personnel if minors obtain certain books and materials. Thankfully, the pay raise bill prevailed in the end, and many of the bills that were bad for education met their demise as the clock struck midnight.

As we wrap up another legislative session, AFT-WV would like to thank Senator Mike Caputo for his decades of service in the House and Senate. This is his final session, as Senator Caputo is not running for re-election and is retiring from public service. There are not enough words to express just how much he will be missed. Mike has been an unwavering and tireless fighter for working men and women and public education in West Virginia, and is a true friend. We will miss him tremendously but we wish him all the best as he moves into the next chapter of his life. Thank you, Senator and enjoy your retirement!

## Final push by employee unions saves pay raise bill in final hours

[HB 4883](#), was the Governor's pay raise bill. The increase will be \$2460 annually for teachers and \$140 per month for service personnel. This is the fifth consecutive 5% increase passed. Despite having passed the House earlier in the session, the bill was perilously close to not passing the Senate in the final days. The bill was amended in Senate Finance, lowering it to a 4% increase that would be contingent upon personal income tax collections. This amendment was adopted by the Finance Committee despite the objections raised by Senator Mike Oliverio. Thanks to an organized action by education and trooper's unions on Saturday, the Senate withdrew their amendment to lower the raise and passed the original pay raise bill just a few hours before the session ended at midnight.

## Student behavior and discipline bill dies

Senate Education Chairperson Amy Grady led the push this session for increased options to address disruptive and dangerous student behavior, one of the top concerns from education employees statewide. [Committee Substitute for SB 614](#) would have specified requirements for appropriate elementary behavior intervention and safety. The bill would have been a positive step to address chronically disruptive or dangerous students from the elementary setting, while providing mechanisms to ensure their educational needs are met. The bill was passed by the Senate and was amended and passed by the House, but ultimately the Senate did not concur with the House amendments before the midnight deadline on Saturday and the bill died.

## Bills that Completed Legislative Action

[SB 146](#) creates an adult education task force to consider funding for adult education learning centers.

[SB 159](#) prohibits persons convicted of certain crimes against minors from holding positions on boards of education passed.

[SB 172](#) revises requirements of local school improvement councils. This will define the make-up of the parents on the improvement council and require the minutes of the meetings.

[Comm. Sub for SB 280](#) allows teachers in public schools to respond to student inquiries or answer student questions about scientific theories of how the universe and/or life came to exist. It is important to note the bill is permissive, not a mandate.

[SB 453](#) requires pricing and payment transparency from pharmacy benefits managers contracting with PEIA, in an effort to decrease costs to PEIA and plan participants.



[SB 568](#) changes the focus from truancy and unexcused absences to a multi-tiered system of support and all absences. The bill includes provisions to: limit the number of parental excuses that can be accepted each school year as documentation that an absence is excused; require a county attendance director and assistant to ensure the implementation of MTSS interventions; recognize that the existing definition of “neglected child” includes failure to supply necessary education; and refer to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect. The goal of the bill is to intervene and assist in keeping students in school.

[Committee Substitute for HB 4829](#) removes the requirement for a high school diploma or general education development certificate for custodians and bus drivers who are 21 years of age or older.

[HB 4830](#) modifies the frequency of training requirement for school personnel from annually to upon employment and every three years thereafter, for suicide prevention awareness, child sexual abuse prevention, the county policy on harassment, intimidation or bullying, and multicultural education; requires first aid training include blood borne pathogen information; and requires those who care for, educate, or house disabled children to be trained on mandatory reporting obligations.

[HB 4860](#), sponsored by Delegate Elliott Pritt, provides that a regular education teacher may not be responsible for accommodation logs for co-taught classrooms as that falls upon the accommodations of the special education teacher.

[HB 4919](#) permits a student to reapply for the Promise Scholarship on an annual basis if that student falls out of eligibility during the academic year in college.

[HB 4945](#) changes the method of the Hope Scholarship Program funding from being based on Hope Scholarship applications to estimated applications. AFT-WV opposes this bill, as it creates staffing uncertainties for the county boards of education.

[HB 4951](#) facilitates the interstate practice of School Psychology in educational or school settings in an effort to improve the availability of School Psychological Services to the public.

[HB 5105](#) originally stripped vaccination requirements for students in virtual school only, but was amended to allow private schools to make their own requirements and also added a religious exemption for public school students. The Senate amended the bill to remove the religious exemption and require that students participating in WVSSAC activities must comply with public school vaccination requirements, and the House concurred with the Senate.

[Committee Substitute for HB 5162](#) establishes a program to promote creation and expansion of registered apprenticeship programs. Approval of the businesses involved will be at the county level. These are paid apprenticeships and classroom hours for the programs have been decreased.

[Committee Substitute for HB 5262](#), known as the Teacher’s Bill of Rights, encompasses several provisions into one bill. The bill includes the following provisions:

- clarifies the appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor. The bill aims to allow counselors to focus more on student-centered duties and less on administrative tasks.
- defines the special education student to instructor ratio, a waiver process, and compensation given to a teacher when the ratio is exceeded
- provides for supplemental duty calendar provisions
- Includes provisions for overtime pay in certain circumstances when completing extra duties beyond an 8 hour work day
- Provisions for student discipline in grades pre K-5.

Most of the provisions of the bill appear to be very positive for educators, and the sections that AFT-WV had questions about were revised.

[HB 5650](#) a suspended employee may not be barred from attending public events on school property while serving the suspension, nor may a suspended employee who has a dependent child, grandchild, foster child, or other family member being barred from entering the school to exercise normal functions of a parent or guardian while suspended, provided, that the conduct underlying the suspension does not present a danger of disruption, disorder, or threat to public safety or to the learning process.

## Bad Bills That Died

[SB 189](#) provides for substantial deference to state school superintendent's interpretations of school laws. As it is currently written, the bill states that county boards of education, county superintendents, employees of the county boards of education, and the West Virginia Public Employees' Grievance Board shall give substantial deference to the State Superintendent's interpretation of school law or rules of the State Board of Education. This bill was an attack on the grievance process for school employ-

ees and their ability to resolve employee-employer disputes in an impartial venue. The bill passed the Senate but thankfully was defeated in House Education. AFT-WV would like to thank Delegate Dana Ferrell for his leadership in opposing the bill in House Education.

[SB 727](#) revises the process for county boards of education to hire ECCATS to include faculty senate recommendations. The bill basically would have weakened seniority in the hiring process for these particular service personnel classifications. At a time when we are experiencing statewide shortages of aides and ECCATS, we should not be weakening the employment rights of those dedicated employees who serve our children. The bill passed the Senate but died the final night of the session in the House.

[SB 515](#) contained several provisions, all related to gender identity and sexual orientation. If a student enrolled in a public school requested an accommodation intended to affirm the student's gender identity from a person employed by the public school, including a request that the student be addressed using a name or pronoun that is different than the name or pronoun assigned to the student in the public school's registration forms or records, the public school employee would have been required to report the student's request to an administrator employed by the county board and assigned to the school, and the administrator would have been required to report the student's request to the student's parent, custodian or guardian.

[HB 4299](#) would have permitted teachers and service personnel in K-12 schools be authorized to carry concealed firearms as a designated school protection officer. After lengthy committee debate, the bill advanced to the House floor, where it passed in an 89-11 vote. The bill was never acted on by the Senate and died.

[HB 4654](#) which would have made schools, museums, and public libraries subject to prosecution for displaying or distributing obscene materials to minors. There are protocols already in place to ensure minors did not access items their parents do not approve of them viewing. This bill also begged the question: What is obscene, and who decides that? While we certainly want to ensure minors are not viewing materials that are inappropriate, AFT-WV maintains it is the parent's right and responsibility to make those decisions. The bill passed the House and was amended into a bill banning AI-generated child pornography, which died the final night of the session.

## Other Bills of Note That Died

[SB 143](#) would have created the WV Guardian Program, which allows a county board of education to contract with an independent contractor who is an honorably discharged veteran, former state trooper, former deputy sheriff, or former federal law-enforcement officer as security on school grounds. The bill passed the Senate but was never taken up by the House.

[SB 152](#) required the displaying of the official US motto in public schools, pending certain criteria are met. The bill died on the last night of the session as the chambers volleyed amended versions back and forth.

[SB 162](#) established the Summer Feeding for All Program, which would have allowed schools to assist with the feeding of our students during the summer break. The bill passed the Senate, advanced from the House Education committee and but was never considered by House Finance.

[SB 292](#) created the Hunger-Free Campus Act, requiring the West Virginia Higher Education Policy Commission to establish a grant program to address food insecurity among students enrolled in public institutions of higher education. The bill passed the Senate but died on the House floor.

[SB 253](#) established minimum student enrollment for the school aid formula. This bill would have affected only three counties: Calhoun, Gilmer, and Wirt. These counties currently have a net enrollment of under 1200 students and this bill would have eased the financial hardship posed by small student enrollment and assist the counties in providing adequate student services. (This bill died last session too.)

[SB 259](#) would have required the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so that the total of both scholarships received by that individual is equal to the actual cost of tuition.

[SB 448](#) would have required age-appropriate instruction on the Holocaust in public schools.

[SB 502](#) would have allowed Teachers Retirement System members hired after July 1, 2015 to exchange unused leave for monetary compensation at the end of a school year. This proposal, sponsored by Senator Oliverio was an attempt to provide a somewhat revenue-neutral mechanism for education employees to gain value for unused leave time, up to 10 days. AFT-WV is appreciative of Senator Oliverio for his leadership on this issue. The bill passed Senate Education but was never considered by the Senate Finance Committee.

[SB 859](#) would have changed requirements for issuance of professional teaching certificate. If someone had completed a bachelors degree program in the education of teachers and they had over a 3.0 they would not have to take the Praxis. The purpose of this bill was to limit persons required to pass appropriate West Virginia Board of Education approved basic skills and subject matter tests in the area for which licensure is being sought as a condition for the issuance of a professional teaching certificate. The bill passed the Senate but died after second reading in the House.

[HB 4202](#) was pay raise bill for school service personnel that calls for an increase of \$670 per month.

[HB 4331](#) mandates timely payment of state employees' accrued personal leave to their estate if they pass away before their retirement date.

[HB 4372](#) increases the 35 year limit on annual experience increment pay raises for teachers to 40 years. A committee amendment removed the 40 year cap and the raises would continue until retirement. The bill advanced from the House Education committee but never was considered by House Finance.

[HB 4767](#) was a pay bill for professional educators that calls for a \$5000 increase.

[HB 4777](#) allows staff members in public schools to eat lunch for free if there is food left over after every student has been fed. The bill advanced from House Education but died on the House floor, after repeated postponements.

[HB 4806](#) would have required bathroom use in schools based upon biological sex. The bill advanced from the House Education committee but was never considered by House Judiciary.

[HB 4851](#) would have allowed for public and private schools in West Virginia to employ former law enforcement as school security personnel. The bill was permissive, not a mandate, and would be in addition to a school resource officer. The bill passed the House but was amended on the Senate side. In the final days of the session, the two chambers could not reach consensus on the bill and it died.

[HB 4902](#) would have increased the pay for special education teachers in self-contained classrooms by 10%, as well as increase pay by 5% for teacher aides in those classrooms. The bill sought to address the staggering number of special education teacher and aide vacancies statewide.

[HB 5087](#) would have allowed Tier II teachers (those hired after July 2015) to be able to bank unused annual and sick leave, on the basis of one day's retirement service credit for each two days of accrued annual and sick leave, toward an increase in the employee's retirement benefits with those days constituting additional credited service in computation of the benefits under the Teachers Retirement System

[HB 5180](#) would have removed requirements for assessments of home-schooled children. Delegate Pushkin offered an amendment that would have prohibited parents who have been convicted of domestic violence or child abuse/neglect could not homeschool their child. Delegate Ferrell said they he would support this to help safeguard children from abuse and neglect. The amendment failed. The bill advanced from the Senate Education Committee to the House floor where it was amended with provisions to protect children of abuse. After much heated debate, the bill passed the House, but was never taken up by the Senate.

[HB 5425](#) would have granted a waiver to fill certain professional educator positions of employments when no applicants have six or more years of experience. The purpose of the bill was to add experience needed for principals to apply and to grant waivers of experience required in employment of professional education personnel if nobody applies with the experience needed. The bill passed the House but was never considered by the Senate.

[HB 5553](#) would have required all West Virginia high school students to requiring students to pass a minimum of one credit of computer science and technology courses, establish requirements for the classes, establish rulemaking, and create teaching positions, and requirements for those teaching positions. The bill passed the House, was amended by the Senate. The House refused to concur with the Senate amendments, nor would the Senate recede from their amendments, so the bill died.

[HB 5607](#) would have allowed a public charter school authority to apply to the School Building Authority for funding to purchase a building to be used for public charter school purposes.

[HB 5619](#) would have increased the pay for retired state employees by 5% over three years beginning in 2025.