

Legislative Update

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OPEB enters the legislative discussion

PEIA reform is on the way in the form of Senate proposals to reduce the state's OPEB liability. OPEB stands for Other Post Employment Benefits. In simple terms, it is all benefits paid or subsidized by the state on behalf of retirees other than pension benefits. The vast majority of those expenses are related to health care costs (PEIA).

Unfortunately, most of the Senate's seventeen proposals have little or no impact on the OPEB liability. A couple of them will greatly impact the amounts you pay for premiums and co-pays. And some proposals will greatly impact the ability of retirees to afford PEIA coverage.

Thrown in with the OPEB discussions are proposals for increasing the minimum retirement age in TRS for new hires and increasing the starting salary for teachers to \$38,000. Unfortunately, it also calls for that amount to remain their salary for the next 11 years.

While there are some proposals that make sense and the WVEA supports, WVEA lobbyists were told the 17 proposals are a package and all parts must be passed in order for any to pass.

The original Senate proposals are posted on the WVEA website, www.wvea.org, but as of yet, they have not been reduced to legislation or policy. As the session moves forward, the OPEB issue and the Senate proposals will surface.

WVEA will keep you updated on this issue. Visit the WVEA Website (www.wvea.org) nightly for *Lobbyline* updates.

Calendar Bill is first to pass this session

The school calendar bill, proposed by the governor and mentioned in his State of the State Address, was the first bill to pass both houses this legislative session. Currently, the bill awaits Governor Manchin's signature.

In a rare move, the Senate received the bill from the House and immediately dispensed the committee references to Senate Education and Finance. The Senate then suspended the Constitutional rule requiring bills be read on 3 separate days and read the bill a 1st, 2nd and 3rd time before voting on the passage of the bill the same day.

The bill allows counties more flexibility in creating a school calendar by removing the references to the strict starting and ending dates found in the code. The legislation allows county boards to begin school before August 26 or go beyond the June 8 ending date. The bill also requires counties to develop an icy conditions and emergency plan that will achieve 180 separate days of instruction.

HB 4040, as passed, does not change the current 200 day contract of employees. It does not change the number of CE, ISE, OS, holidays, etc., that are currently required in the calendar. The calendar bill will be effective July 1, 2010.

It now appears there may be more calendar related legislation moving through the legislature. Currently the calendar is developed around a non-related statute that talks about a 43 week employment term. Because of that section of statute, the timeframe from the opening of school to the end of school cannot extend beyond 43 calendar weeks.

The Senate appears ready to introduce legislation that changes the 43 week limitation. The current talk is to extend the timeframe to 44 or 45 weeks. No bill is available at this time. Call your Senators and tell them to allow the just passed calendar bill time to work before any other changes are made. We will update you as the bill is introduced.

WVEA proposals to enhance the calendar bill

WVEA supported giving more flexibility to counties in the development of their county calendar. However, the bill is only the beginning of what should be a larger discussion on student achievement. Educators understand the importance of providing students with maximum instructional time.

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WVEA proposals to support the calendar bill (continued)

However, many issues aside from weather prevent students from receiving instruction. Truancy is a growing problem in West Virginia. Many students miss an exorbitant number of school days. Current policies aimed at dealing with habitual truancy are not enforced.

Some West Virginia's counties employ successful alternative education programs for truancy and dropouts, but not enough is being done to reach all students in all counties.

WVEA supports legislation creating meaningful alternative programs for students with absenteeism concerns. Programs must extend throughout the educational spectrum and not just target secondary schools. In addition, our current truancy policies need teeth.

Unfortunately, funding is the major barrier in the implementation of statewide truancy diversion programs in this state. Funding provides necessary staff and useful programs for students as an alternative to traditional schooling.

A second proposal WVEA will introduce this session is the statutory formation of a county calendar committee. While some counties utilize a calendar committee process, many do not.

As counties are given increasing latitude regarding the calendar, it is imperative education employees have a voice when creating and approving a school calendar. The bill is still being drafted and WVEA will keep you informed as it begins moving through the legislative process.

In addition, WVEA continues to discuss the number of days lost to assessments as part of the school calendar debate. Our discussions are ongoing with legislative leaders, WVDE and OPEA staff.

TDC-TRS Transfer Issues

WVEA lobbyists met with Senate Pension Chair Dan Foster to discuss issues that remain from the summer buyback deadline for TDC transfer participants. WVEA is concerned about a number of people who experienced problems with the buyback and is working to find a way to resolve their issues. We hope legislation will be introduced in the next couple of weeks to correct the situation.

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WVEA's **Lobbyline** is posted online daily and WVEA's *Legislative Update* is published each Friday.

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