

Legislative Update

February 5, 2010 -- Number 4

Governor signs calendar legislation

On Thursday, February 4, Governor Manchin signed HB 4040, the School Calendar bill, into law. This legislation provides county boards of education with flexibility in designing their calendar. The bill will take effect on July 1, 2010; therefore, requiring the new law to be used in the development of the 2010-11 school calendars.

While county boards and some legislators feel the changes in the calendar are not enough, WVEA believes we need to give the new calendar time to be implemented before passing additional legislation.

WVEA is working on our companion pieces to the calendar bill – statutory creation of a county calendar committee and working to address the absenteeism/truancy problem. WVEA has been in discussion with key leaders in the House and Senate. Bills on both of these issues should begin to surface in committee in the next week or so.

WVEA has insisted from the start of the calendar discussion that the calendar cannot be discussed without the conversation including student absenteeism, excessive days spent in testing and employee input on the new flexibility granted county boards in calendar development. WVEA is working to make sure all of those issues are addressed.

WVEA testifies at public hearing on reduction in business property tax collections

On Wednesday, February 3, WVEA President Dale Lee testified against House Joint Resolution 101 that if passed, could result in approximately \$150 million dollars of lost revenues. WVEA understands the importance of county tax revenue for education funding. WVEA President Lee expressed concern for the possible loss of revenue and the impact it would have on education. WVEA was the only education organization to testify at the public hearing.

The proposed resolution would allow the legislature to exempt counties from imposing some property taxes on commercial and industrial businesses. The resolution, if passed; would require a constitutional amendment, meaning a statewide ratification by the voters of West Virginia before any changes would occur.

WVEA opposed the resolution because much of the revenue raised by the tax goes to local county boards of education. With funding gaps looming for public education in the near future, it is not a wise time to dole out tax cuts. With an estimated \$168 million shortfall anticipated in the public education budget in 2013, removing additional revenue sources is not an option.

The underlying intention of the legislation is to attract business. However, studies have proven many factors impact business' decisions to relocate. Taxation does not even make the top five. Things such as quality education systems, transportation, and low-cost utilities rank at the top of the list. The overall cost of doing business in our state falls below the national average as well. Cutting taxes does little to attract business and will further hinder the advancement of our top-notch education system.

Contact your delegate(s) to tell him or her this is not the year for more corporate tax cuts and to please vote against HJR101. Education relies heavily on those tax dollars. Schools cannot be expected to continue to squeak by on less and less while expectations continue to rise.

Charter Schools bill nearly ready for introduction in the Senate

Senator Erik Wells appears ready to introduce his charter school bill this session. He shared a draft of the bill with WVEA and we have discussed our concerns regarding the bill with him. We are unsure if any changes will be made to the draft before it is introduced in Senate Education.

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Charter Schools bill nearly ready (continued from front)

The bill, as it was written, was not a bill WVEA could support. As soon as the bill is introduced we will share the details with you.

WVEA worked for the passage of the Innovation Zone legislation last year and believes the Innovation Zones recently awarded have the potential to serve the same purpose as the proposed charter school legislation. Innovation Zones allow for school based input to implement changes that will improve student achievement. Their concepts have the ability to be replicated throughout the state.

County boards and OPEB

For months, discussions have been occurring with a workgroup regarding the OPEB liability. The group included WVEA leaders, representatives from county boards of education, legislative leaders, the governor, and others.

Those talks began because county boards of education across the state began voting to participate in a lawsuit to remove the state imposed OPEB liability from their books. The state required the counties to list the OPEB liability on their books creating huge deficits that the counties had no ability to fund. Ultimately, county boards felt they needed to begin putting away money to fund the OPEB debt. This placed a huge stress on already tight budgets and forced many counties to begin considering massive layoffs in order to capture the revenue to pay down the debt.

As the county board began discussing the lawsuit against the state, WVEA contacted the WVSBA, the Superintendents Association and their legal counsel. Because of the problems created for education employees by the OPEB requirements, WVEA leaders voted to support their lawsuit and file an amicus brief in the case.

The governor called the work group together in an effort to halt the lawsuit from the county boards and asked them to delay their lawsuit until after the legislative session. Both the House and Senate have subcommittees looking into the OPEB liability. The Senate subcommittee has actually come up with 17 proposals aimed at addressing the problem. (WVEA has analyzed each of their proposals and has them posted on the WVEA Website, www.wvea.org.)

As the OPEB discussions move forward this session, the one item on which most people are in agreement is that the OPEB liability must be removed from the county boards of education and transferred back to the state where it belongs.

WVEA continues to work with both the House and the Senate in an effort to get the OPEB liability off the backs of the county boards of education. You need to let your senators and delegates know it is important they provide relief from the OPEB liability for the county boards of education. Inactivity this session on the issue will lead to huge problems for county boards and will negatively impact education throughout the state.

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