

Legislative Update

March 5, 2010 -- Number 8

Teachers attacked from the Senate floor by Erik Wells

On Tuesday, Senator Erik Wells made disparaging remarks about WVEA's members, leadership and staff after his charter schools bill was sent back to committee. Wells, upset that his Charter School legislation (SB 686) failed to garner the support necessary to pass the Senate, ranted against WVEA during a floor speech. His offensive statements included language directly attacking the sincerity and heart of teachers and teachers' organizations.

A clearly agitated Wells asked, "Who's standing up for the students of this state, because it's not AFT and it's not the WVEA." Wells continued his tirade by falsely accusing WVEA of threatening to pull support for lawmakers who voted in favor of the bill and stated WVEA publically spoke about his daughter attending private school.

Well's statements are blatantly untrue. WVEA never called for a roll call of the vote on SB 686 nor did we threaten legislators who supported the bill. WVEA did, however, oppose the legislation and worked to defeat the bill in the Senate. "WVEA does not, cannot and never will support legislation that fails to protect the employment rights of employees," stated WVEA President Dale Lee. "It is easy to dismiss teachers and the hard work they do when you have never been in our shoes."

While it is true that Senator Wells' daughter attends private school, WVEA never mentioned that in our discussion of the bill. Senator Wells is the one who keeps bringing up the subject of his daughter's private school and interjecting his daughter into the debate. Isn't it ironic he has made himself the self-proclaimed guardian of public school students?

Wells is pandering to the voters. He is up for re-election this year and this is his way of keeping his name in the press. He believes the public is supportive of his outbursts against teachers and public education.

"A high quality school for every student in our state is one of the goals of this association," states Lee. "The key components to achieving that include strong personnel laws to prevent nepotism and favoritism. Under Wells' charter school plan, a principal or governing board may hire indiscriminately or "deselect" a current teacher from their school. It strips employees of their rights and takes a school back to the days of old. Nothing in his legislation assures the students will receive a top-notch education."

"The bill is anti-employee. Where is his bill to make the changes known to improve the education of students—one that lowers classes sizes dramatically, increases planning time, institutes collaboration, removes superfluous mandated testing and eliminates bureaucracy? He chose charter schools, administrator empowerment and the elimination of employee rights as cornerstones of his bill. That shows you his true character," concludes Lee.

Unfortunately, this charter school debate will not end with the demise of the bill this session. Wells, along with Governor Manchin, have promised a new charter school bill will be introduced during the special session of the legislature to occur later this year.

You need to contact your Senators and Governor Manchin and let them know you opposed the Wells charter school bill and will oppose any bill that strips education employees of their rights.

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Legislature refuses to deal with OPEB — at least for now

The “other post employment benefits” (OPEB) are the unfunded liability for retiree health insurance under PEIA. The Senate with great fanfare, led by Senator Brooks McCabe (D-Kanawha), stated early in the session they were going to tackle this financial liability of the state during this legislative session. It didn't happen.

County boards of education are being required to report on their financial statements a significant portion of the nearly \$7 billion in liability for present and future retiree benefits. This has caused some boards of education to cut staff and programs in order to reduce the amount they are required to report.

Frustrated with the lack of legislative action, 50 of the state's 55 county boards of education filed suit against PEIA to remove the OPEB liability from their books and place it where it belongs - with the state.

Unfortunately, they filed their lawsuit with two weeks left in the legislative session. The filing derailed WVEA's attempts to get the legislature to recognize OPEB as a state responsibility during this session of the legislature.

It is anticipated a special session will be called by the governor after the May 11th primary election to deal with the OPEB liability and other education policies, including charter schools.

We will have our work cut out for us during this special session as the governor and the Senate attempt to cut retiree benefits and adopt an unnecessary charter school statute.

HCR remains alive; could cost WV millions in revenue

House Joint Resolution (HJR) 101 passed the House on February 17. It has the potential to remove hundreds of millions of tax dollars from the state budget. This resolution allows voters to approve or defeat a constitutional amendment to allow county commissions the right to eliminate “tangible personal property directly used in commercial and industrial businesses, but not in public utility businesses, from ad valorem property tax.” The tax reduction is limited to newly entered property on the tax rolls. With property taxes being a major source of revenues for schools, this legislation could create budgetary issues and continue to erode education funding.

Currently the legislation is in Senate Judiciary. Contact Senator Jeff Kessler at 304.357.7880 or jeff.kessler@wvsenate.gov to let him know the legislation is bad for the state and bad for education. School systems are underfunded already, property tax cuts will only deepen the problem.

Pension bill provides relief to TRS TDC transfer victims

SB 553 is slated for vote early next week. The bill was initiated and moved quickly as a direct result of WVEA's hard work. Time is of the essence and WVEA has already encouraged the governor to sign the legislation immediately upon receipt. The bill reopens the service credit “buy-back” window and allows certain former TDC participants the opportunity to purchase the 25% additional service time.

The opportunity is limited to those TDC participants who:

- (1) transferred and provided to the CPRB a signed verification of cost for service form by June 30, 2009; but were unable to complete the purchase of the one and one-half percent contribution, *or*
- (2) any member who did not request a “verification of cost” letter but attempted to purchase the one and one-half percent contribution and was denied in writing by the CPRB on or before December 31, 2009 will qualify for another opportunity to purchase the 25% additional service credit.

However, deadlines are quickly approaching. Employees desiring to purchase the full credit must request a new calculation from the CPRB on or before April 15, 2010. The recalculated contribution totals from CPRB will include

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Pension bill provides relief to TRS TDC transfer victims (continued)

interest at a rate of 7.5%. To complete the purchase a member pays TRS the new purchase amount by June 30, 2010 or no later than sixty days after the postmarked date on a contribution recalculation from CPRB, whichever is *later*.

Under the legislation there is no requirement for CPRB to notify members; therefore, WVEA will be working hard to spread the word. Be sure to tell colleagues, friends and family who may be impacted by this legislation.

Truancy diversion bill passes House

The House passed **HB 4593** on Wednesday, February 24. The bill provides supplemental funding to each county for alternative education programs, increasing funding to \$18 per student. The bill increases the mandatory age of attendance from 16 to 17 and reduces the number of allowed absences from 10 to 5. A long list of findings supports the need for drop out prevention and truancy diversion programs. WVEA continues to lobby for additional appropriations of monies to fund pilot projects in elementary and middle schools throughout the state. WVEA is working to amend the bill in the Senate.

Other WVEA bills still in consideration

WVEA continues to work with Senators on a version of **HB 4436** that is acceptable to the Senate, Department of Education and WVEA. This legislation could provide schools with the **ability to select which testing and assessment** instruments are used in the school, except for WESTEST2, the Alternative Performance Task Assessment, the Online Writing Assessment and NAEP which are all mandated by the state. This legislation also allows greater input in the adoption of instructional strategies and programs promoting student learning.

WVEA's **calendar committee** legislation passed as **HB 4652**. The Senate Calendar, SB 677, mirrors the House legislation. WVEA worked closely with Senate staff to develop language on both versions of the legislation. Both bills create an elected committee of 7 to 10 members, representative of the employee population with one designee of the superintendent. The calendar options are presented to all employees for a vote. The Senate version requires 3 versions of the calendar bill be prepared, while the House requires at least two. The Senate Education Committee is expected to consider the House version of the bill with minimal changes to adopt a plan for counties sharing vocational schools. WVEA is proud to have initiated the concept behind this legislation.

The Senate passed **SB 480**. This bill creates changes in **higher education personnel practices**. The bill creates systems for evaluations of classified staff in addition to creating market salary systems that can enable certain institutions to provide salaries above and beyond the minimum salary schedule. The bill mandates salary comparisons in addition to protecting the current pay status of employees and other rights and benefits. The language also creates a training system for human resource staff and those conducting evaluations. The bill is in House Education awaiting consideration.

 (See Bill Tracker on back)

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

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