

WVEA

Standing Together for Public Schools

WEST VIRGINIA EDUCATION ASSOCIATION

AN NEA AFFILIATE

LEGISLATIVE UPDATE

Update #3 – January 31, 2020

Week three comes to a close

There are 35 days left in the 2020 Legislative Session and things continue to move relatively slow. However, a few education-related bills were still on the move this week.

- **SB 241 Stand Alone Transportation Costs:** The bill passed the Senate on Wednesday by a vote of 33-0. It will now go to the House. This is the bill that requires the State Board to propose a plan which makes student transportation costs a stand-alone item. The bill allows the board to look at Step 2 funding to provide funding for rural counties to hire more bus drivers. It is expected that this bill will help at least 8 counties hire more bus drivers.
- **SB 291 PEIA Parity:** This bill was back up for discussion in the Senate Health and Human Resources Committee on Thursday. It would require PEIA to treat behavioral/mental health and substance abuse treatment equally to medical and surgical treatment. The bill was discussed in this committee a couple of weeks ago and had been laid over. The bill passed out of the committee and was sent to the Senate Finance Committee.
- **SB 303 Students' Right to Know Act:** This passed the Senate by a vote 32-0 on Monday. It would require the State Board to compile information about the most in-demand jobs in the state, the average cost of all major colleges and vocational schools in the state, the average monthly student loan rate for those who have attended colleges and vocational schools and more. That information would then be distributed to every public high school. The bill will now be sent to the House.
- **SB 482 Guns on School Property:** The purpose of this bill is to eliminate the permit requirement for storing a concealed handgun in a vehicle on school property for people over age 21. It was in the Senate Judiciary Committee on Friday. The bill passed out of the committee and will now go to the Senate Floor.
- **SB 614 Cameras in Classrooms Funding:** This bill was taken up in the Senate Education Committee on Tuesday. It passed out of committee and was sent to Senate Finance. This is a follow-up to a bill passed last year. During the 2019 session, legislators passed a bill that created the Safe School Fund and required that all special education classrooms have cameras. Although that bill was signed into law last year, there was not enough funding for every school in the state to install the cameras. SB 614 would require the WV Department of Education to allocate funding for the Safe Schools Fund based on the remaining need for video cameras in each district until all districts are in compliance. Once all districts have cameras in every special education classroom, then the distribution of funds will go back to normal (dividing total amount of appropriation by total number of public schools).
- **SB 623 Noncitizen Teaching Certificate:** This bill would allow noncitizens of the U.S. to be eligible for a certificate to teach or an alternative program teacher certificate. The person must hold a valid Employment Authorization Document (EAD), or work permit, issued by the United States Citizenship and Immigration Services (USCIS). The bill was taken up in the Senate Education Committee on Thursday and an amendment was made to the bill to say that a person must have permanent residence and/or Employment Authorization Documents to be eligible. The amended bill passed out of the committee.
- **HB 2433 School Calendar:** The bill was on third reading on Wednesday and was rejected by a vote of 47-50 with three people absent. On Thursday Delegate Miller made a motion to reconsider the bill. The motion failed

by a vote of 46-52 with two people absent. The bill is now dead. After an amendment was passed on Tuesday, the bill would have changed the school calendar to begin no earlier than September 1 and end before June 7.

- **HB 4089 Cursive Writing:** This is the bill that would require cursive writing be taught in grades 3-5. The bill passed the House on Tuesday by a vote of 87-8 with five people absent. The bill now goes to the Senate.
- **HB 4546 TB testing for Superintendents:** The purpose of this bill is to remove the requirement for biennial tuberculosis screenings for county superintendents. Testing may still be required when there is suspicion that the superintendent has been exposed to TB or they demonstrate symptoms. (A similar bill that eliminated the test for teachers was passed several years ago.) The bill was in the House Education Committee on Thursday and passed out of committee. It now goes to the House Health and Human Resources Committee.
- **SCR 10 Study on Bullying:** This resolution requests the Joint Committee on Government and Finance study the effectiveness of current West Virginia State laws relating to anti-bullying measures in public schools. The Joint Committee on Government and Finance would be required to report their findings and recommendations to the Legislature next year. The resolution was adopted by the Senate on Thursday.

Things to watch next week

SJR 8 – ‘Manufacturing Growth Amendment.’ This is the vehicle to reduce the tax on manufacturing inventory and equipment. The amendment calls for the tax on all new equipment purchased after July 2021 to go untaxed. Current taxable inventory would be gradually reduced and eliminated completely after 4 years.

WVEA is opposed to such an amendment and we have a fact sheet/talking points on our website explaining how such an amendment could impact our schools. The amendment, as it is introduced, would replace \$100 million of lost revenue to county governments and schools.

However, that money will simply come at the expense of other programs and is not enough to replace all the money lost from the current inventory; not to mention the new money that will never be received from the equipment purchased after July 2021. This tax reduction could be amended into SJR 9 as it moves through the Senate.

SJR 9 – ‘Amendment Authorizing Legislature to Eliminate or Lower Ad Valorem Tax on Motor Vehicles and Any Other Tangible Personal Property.’ Currently the rates for motor vehicles and other personal property are spelled out in the state constitution. This amendment would give the legislature the authority to eliminate or lower those rates without voter approval to change the constitution each time they want to alter the rates. This appeared on the agenda for the Senate Judiciary Committee on Thursday afternoon and was passed, along what appeared to be party lines, after a three-hour debate. The bill now heads to the Senate Finance Committee.

WVEA is opposed to this amendment. While the bill only gives legislative authority to reduce the taxes, it does not address making up the lost revenue for counties and schools. Property taxes account for over \$380 million for county schools through the counties’ regular and excess levies. The amendment does not address the replacement of the monies or where the state will get the money to keep county school systems whole.

This amendment could also greatly impact local county governments, police departments, ambulance services, library services, etc. by taking away revenue.

HB 4378 – Discipline of Teachers – This bill passed the House Education Committee on Thursday afternoon. It states that any teacher found to have committed any act of sexual abuse of a student or minor or to have engaged in inappropriate sexual conduct with a student or minor; committed an act of cruelty to children or an act of child endangerment or solicited, encouraged, engaged in or consummated an inappropriate relationship with any student, minor, or individual who was a student in the preceding 24 months; or engaged in grooming a student or minor shall have his or her license revoked for a period of time not less than five years. The bill also gives the state superintendent the authority to limit certificates, issue letters of admonishment, or enter into consent agreements requiring specific training in order for a teacher to maintain a certificate. A committee

substitute was taken up by the committee and it adds the definition of 'grooming' to the bill.

SB 616 – Grievance Process – At this point, SB 616 has not appeared on a committee agenda. The bill limits the number of times a fellow employee may represent someone during grievances. It also allows the prevailing party to recover court costs and reasonable attorney's fees from the opposing party for an appeal to the circuit court or supreme court.

SB 661 – School Calendar – The Senate's version of the calendar bill deletes the specific references to daily minutes (315/330/345) and replaces it with the language 'Instruction is offered to students for at least an average of five hours per day throughout the instructional term.' It also states that the instructional term may not commence before September 1. The bill was introduced on Thursday and was referred to the Senate Education Committee. Since Senator Rucker is the lead sponsor it is anticipated the bill will appear on a committee agenda soon.

Many bills are still being introduced, including WVEA's bills, and we will keep you updated as they show movement.

Keep Informed during the Legislative Session

WVEA has multiple platforms designed to make sure you are up to date with Legislative happenings.

WVEA website

The WVEA website (www.wvea.org) has been restructured to accommodate the activities that occur during the session. You can find contact information for each Legislator – phone, email and office. We have also posted talking points for the topics that are most likely to impact our schools and on bills that are moving through committees.

We use the website to post daily and weekly updates on legislation that impacts education employees. Our daily report (*Lobbyline*) is posted each evening and gives a recap of the day's events. We generally have it posted by 6 p.m. each weekday. On Friday, we produce a recap of the week's activities and a look ahead. The *Legislative Update* is posted each Friday afternoon and emailed to our members.

Social media

WVEA also uses Facebook and Twitter to keep you informed. WVEA's official Facebook page is Dedicated Teachers (www.facebook.com/dedicatedteachers). Our Twitter account is (www.twitter.com/WVEAnews). Make sure you follow each of those pages throughout the legislative session. And to be sure that you see everything that we post, be sure to check "See First" under the *Follow* tab on our page.

In addition to social media, WVEA will also post occasional videos to keep you updated and informed. You will be able to find those videos on the WVEA website, on Dedicated Teachers and on our YouTube channel (www.youtube.com/WVEAUpdate).

E-mails and text alerts

Legislation often moves quickly and requires action; so during the session we frequently send emails and text alerts if immediate action is required. We try not to overload you with texts and emails but there are times when we need to send out calls for action.

In order to make sure we have your accurate personal email and current cell phone listed in our membership database we need your help.