

# WVEA

Standing Together for Public Schools

## WEST VIRGINIA EDUCATION ASSOCIATION

AN NEA AFFILIATE

# LEGISLATIVE UPDATE

Update #4 – February 7, 2020

## Bills seeing movement this week

This week marked the halfway point for the Legislative Session. This was a busy week and you can expect things to begin moving a little more quickly from here on out.

- **SB 16 – Right to Unite Act:** This bill would prevent anyone from being able to obtain membership lists or donor information from a 501c3. It was discussed in the House Judiciary Committee on Thursday and will now go to the House Floor.
- **SB 38 – Hebrew Class:** This bill requires all schools provide an elective course on Hebrew Scriptures, Old Testament of the Bible or New Testament of the Bible. It passed out of the Senate Education Committee on Thursday and will now go to the Judiciary Committee.
- **SB 131 – Tim Tebow:** This bill would allow homeschooled students, students who attend private school or students who attend a non-WVSSAC school to participate in athletics or other extracurricular activities at a WVSSAC member school. It passed out of the Senate Education Committee on Tuesday. The bill was laid over one day and will continue to be on second reading next week.
- **SB 230 – Suicide Prevention:** The purpose of this bill is to require the State Board of Education to provide for the routine education of all professional educators, including principals and administrators, and those service personnel having direct contact with students on warning signs and resources to assist in suicide prevention under guidelines established by the state board. It passed the Senate Education Committee on Thursday and will now go to the Senate Floor.
- **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 21. The bill passed the Senate by a vote of 33-1 on Thursday and will now go to the House.
- **SB 616 – Grievances:** This bill contains a number of provisions that are of concern to WVEA. They include:
  - ◆ Currently an employee has the right to have a representative present at meetings held for the purpose of discussing or considering disciplinary action. The bill strikes that language from statute. WVEA believes employees should be allowed representation at meetings that may result in disciplinary action.
  - ◆ New language allows the prevailing party in an appeal to the Circuit or Supreme Court to recover court costs and reasonable attorney's fees from the opposing party for the appeal to the court. Previously this was limited to the grievant recovering charges.
  - ◆ The proposed language states that "When the grievant has been discharged, suspended without pay, or demoted or reclassified resulting in a loss of compensation or benefits, he or she may proceed directly to level two." Currently the grievant can go directly to level three and waive levels one and two in those situations. This delays the decision for the grievant and extends the process unnecessarily.

The bill passed out of Government Org and will now go to the Senate Judiciary Committee.

- **SB 623 – Teaching Certificates for Noncitizens:** This bill allows noncitizens of the U.S. to be eligible for a certificate to teach or an alternative program teacher certificate. The bill passed the Senate by a vote of 32-2 on Friday and will now go to the House.

- **HB 2719 – Bus Operator in Residence Programs:** This is an attempt to get more licensed bus operators. These programs would not guarantee someone a job and drivers would still need to apply for an open position in the county where they completed the program. Candidates for the Bus Operator in Residence Program would be paid 60 percent of the base salary of a regularly employed bus operator with zero years of experience with the school district. Anyone who completes the program must work as a substitute bus driver in that county for 6 months or pay back the money they earned during the program. If the person is hired as a full-time bus driver, they must work in the county they completed their program in for at least six months or pay back the money they earned during the program. The bill passed out of the House Education Committee on Thursday and will now go to the House Finance Committee.
- **HB 4069 – The West Virginia Student Religious Liberties Act:** This bill would do a number of things including: protect students and parents from being discriminated against on the basis of religion, allow students to express their religious beliefs in assignments, allow students to engage in religious activities before, during and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression. The bill would also require school districts to establish a limited public forum for student speakers at all school events at which a student is to publicly speak. It passed the House Education Committee on Tuesday and was on first reading on the floor on Friday. It is expected to continue toward passage next week.
- **HB 4189 – Paid Family Leave:** This bill gives an employee a total of 12 weeks of paid family leave following the exhaustion of all his or her annual and personal leave, during any 12-month period. In the bill, the definition of employee includes any person hired for permanent employment, who has worked for at least 12 consecutive months and is employed by a county board of education in the state. If both parents work for the same agency, they are required to share the paid leave. The bill passed the House Judiciary Committee on Thursday and will now go to the House Finance Committee.
- **HB 4378 – Teacher Discipline:** The bill passed the House by a vote of 98-0 with two people absent on Wednesday and will now go to the Senate. This bill authorizes the State Superintendent to limit teaching certificates, issue letters of admonishment or enter into consent agreements requiring specific training in order for a teacher to maintain a certificate. It also allows for the revocation of a license in the case of the following: 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.
- **HB 4398 – Civics Courses:** The purpose of this bill is to incorporate into currently required courses of instruction the original texts of the Declaration of Independence, the Constitution of the United States and its amendments, the Bill of Rights, Federalist Papers and the Constitution of West Virginia, and their original context. The State Board of Education would be required to devise the model curricula and achievement assessments to reflect the changes. The bill passed out of the House Education Committee on Thursday and will now go to the floor.
- **HB 4543 – Insulin Cap:** House Judiciary discussed this bill on Friday. The bill puts a cap on costs for insulin for those with insurance, including PEIA. It states: Cost sharing for a 30-day supply of a prescription insulin drug shall not exceed \$25 for a 30 day supply of a prescription insulin drug, regardless of the quantity or type of prescription insulin drug used to fill the covered person's prescription needs. Several amendments were made to the bill to clean-up language in the bill. Another amendment required approval of one product in each of the following categories: rapid acting, short acting, intermediate acting, long acting, premixed and concentrated regular human insulin. An appeals process was also added to the bill. Finally an amendment was passed that says if insurance companies can get the price of insulin products to a cost that is at or below the price that it was on July 1, 2006 then they cannot charge a rebate. In the end, the bill passed out of the

committee and will be sent to the House Floor.

- **HB 4691 – Hiring in Critical Need Areas:** The bill was on second reading in the House on Friday and will be on third reading/passage stage on Monday. This bill originated in the House Education Committee on Monday. The purpose of this bill is to clarify and provide greater visibility to provisions that enable school systems to recruit and employ newly graduating teachers and other professional personnel who will begin employment in the next school year in areas of critical need. Also, the provision already in code that allows retired teachers to be hired in areas of critical need was set to expire on June 30, 2020. This bill would extend that date to June 30, 2025.
- **Originating Bill on School Nurses:** The House Education Committee originated a bill on Wednesday that has not yet been assigned a number. The purpose of the bill is to provide one nurse or LPN in every school in the state. This would be required beginning with the 2021-2022 school year as long as funding is appropriated. The bill passed out of the committee and will now go to the House Finance Committee.
- **Originating Bill on Vo-Tech:** The House Education Committee originated this bill on Thursday evening. This bill will move some Vo-Tech options to middle school. The county boards would be in charge of coming up with a plan. The bill passed out of the committee and will be assigned a number next week.

## Contact your legislators

Some bills, both good and bad, are starting to show movement. Contact your legislators and let them know your thoughts on certain bills. They need to hear from you!

Let's start this section with some bills of concern that are moving. Descriptions for many of them can be found earlier in this update.

- **SB 131 – The Tim Tebow bill** will most likely be on passage stage in the Senate next week. Not only contact your Senators but begin contacting members of the House Education Committee and urge them to vote against the Tim Tebow bill. If the bill passes the Senate, the House Education Committee will be the first stop in its journey through the House.
- **SB 616 – The Grievance Bill** is waiting to be taken up in Senate Judiciary. The bill has a number of bad provisions and you should urge your legislators to vote against the bill.
- **HB 2425 – This is the ESP Workday bill** and defines the workday for service personnel as eight hours with a 30-minute duty free lunch. The bill also strikes the language prohibiting anyone employed in an aide position from being transferred or laid off in order to create a vacancy for the employment of a licensed practical nurse. The bill was not discussed this week but has been discussed at two different sessions of the House Education Committee. Right now, the bill has been laid over and unless there is some change in committee members attitudes or modifications in the bill; it will probably not be taken up. Remind House Education Committee members that this is a bad bill and should not be taken up.
- **SB 275 – This bill creates an Intermediate Court of Appeals.** This would be an added step in the judicial process between the Circuit Court and the Supreme Court. Requiring employment issues to be heard before an Intermediate Court simply prolongs the time and escalates the costs of an already long and expensive process. Employees should not have to wait years to get a final determination on their grievance. This bill will be on 3rd reading/passage stage in the Senate on Monday. If it passes the Senate, the bill's first stop in the House will most likely be the House Judiciary Committee. Voice your concerns to your Senators and members of House Judiciary.
- **SJR 9 – This resolution deals with personal property taxes.** This proposed constitutional 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 tax rates. This appeared on the agenda for the Senate Judiciary Committee last week and was passed, along what appeared to be party lines, after a three-hour

debate. The bill headed to the Senate Finance Committee but did not appear on their agenda this week. WVEA is opposed to this amendment. 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. Tell the members of Senate Finance to reject the resolution if it comes before them.

Now for some good news. There are some bills starting to move that you should encourage your legislators to support. They include:

- **HB 4691 – Hiring in Critical Need Areas:** The bill should pass the House and head to the Senate. It is designed to help alleviate some of the teacher shortages in our schools. The bill will first head to the Senate Education Committee for consideration.
- **HB 4189 – Parental Leave:** This bill passed out of House Judiciary and now heads to House Finance. Urge those senators in House Finance to support the bill.
- **Originating Bill – Nurses:** This bill provides one nurse or LPN in every school in the state beginning with the 2021-2022 school year provided funding is appropriated. The bill will now go to the House Finance Committee. Urge committee members to pass the bill and to provide funding so the bill can be implemented.

## Halfway point in the session

This week marks the halfway point in the session. So far nearly 2,000 bills have been introduced and many will be introduced next week. Tuesday marks the last day for bills to be introduced in the House and February 17<sup>th</sup> is the last day for bills to be introduced in the Senate.

Keep in mind that these dates do not apply to originating or supplementary appropriation bills and do not apply to Senate or House resolutions or concurrent resolutions.

Those deadlines mean a larger than normal number of bills will be introduced. Unfortunately, some of the introduced bills may be very punitive for school employees. Don't panic over a bill simply being introduced.

As we have said before, thousands of bills are introduced and very few actually make it to a committee agenda. Each legislator has a right to introduce bills but that certainly does not mean that bill will appear on an agenda.

Our lobbyists monitor the bills, committee agendas and committee meetings each day throughout the session. If an education-related bill begins to move, we will report it and make you aware.

Keep updated through our nightly *Lobbyline*. It is posted each night on the WVEA website and on our Dedicated Teacher Facebook page. We also post this weekly *Legislative Update* on those same sites.