

WVEA

Standing Together for Public Schools

WEST VIRGINIA EDUCATION ASSOCIATION

AN NEA AFFILIATE

LEGISLATIVE UPDATE

Update #5 – February 14, 2020

The pace of the Legislative Session is starting to pick up and a number of key pieces of legislation are beginning to move. Stay informed and regularly contact your legislators on the issues.

PEIA bill defeated in committee

The House Banking and Insurance Committee met on Monday with **HB 4043** on their agenda. The purpose of this bill was to prevent state, county or municipal agencies from covering any portion of PEIA premiums for a non-employee spouse.

According to the Com. Sub. version of the bill taken up by the committee, a spouse could remain on PEIA as long as the employee paid the full amount of the premium. An amendment was passed that allowed the spouse's premium to continue to be paid if they are not offered insurance through their employer.

WVEA President Dale Lee and our lobbyists worked to make sure delegates knew how harmful this bill would be and encouraged delegates to vote against it. After hours of debate the bill was ultimately rejected by a vote of 11-11 with members absent.

Republican Delegate Barnhart from Pleasants County joined the committee's Democrats (Barrett, Bates, N. Brown, Estep-Burton, Hartman, Lovejoy, Robinson, Rowe, Sponaule and Williams) in killing the bill.

Please thank the 11 delegates that voted 'no' on HB 4043 and supported public employees.

Senators looking to draw support for Inventory Tax reduction

The Senate originally introduced two resolutions – **SJR 8 and SJR 9**. Both resolutions are proposed amendments to the State Constitution. In order to pass, they will require a 2/3 vote in both the House and Senate; the governor's signature; and the approval of the voters in a statewide election.

SJR 8 currently 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. Simply reducing the manufacturing tax and creating a \$100 million loss of revenue to county governments and schools is proving a difficult sell to legislators and the public.

The Senate has started moving SJR 9 that deals with lowering personal property taxes. Personal property taxes account for over \$380 million for county schools through the counties' regular and excess levies. Clearly, this amendment will also greatly impact local county governments, police departments, ambulance services, library services, etc., by taking away revenue.

Speculation is that SJR 8 will be amended into SJR 9 and it will then lower both manufacturing inventory and personal property taxes. Of course, this is an effort to garner support for the inventory tax by also lowering taxes for citizens in an attempt to try and force legislators to vote for it during an election year.

The current rumor circulating around the Capitol has a Resolution moving forward that will do the following:

- Create a six-year phase out of the property tax on machinery, equipment and inventory and the personal property tax on cars, trucks, trailers, etc.
- Those reductions would lower revenue to county governments and county school systems by over \$300 million.

- To offset the shortfall, tax increases will be proposed. The current discussion on tax increases includes:
 - ◆ Increasing the sales tax by one-half percent. This would increase it from six percent to 6.5 percent.
 - ◆ Increasing the cigarette tax by 80-cents per pack to a total of \$2.00. Taxes on other types of tobacco/vaping products would also be increased.
- It is estimated that those tax increases would bring in \$200 million (of the \$300+ million needed).
- The money collected from the increased taxes would be deposited in a “special revenue fund” dedicated to replacing the money lost by county governments and the county school systems from the tax reductions.
- An estimated shortfall of over \$100 million would still exist and the plan calls for it to be made up by controlling spending, combined with additional revenue from economic growth.

SJR 9 passed the Senate Judiciary Committee last week and is currently in Senate Finance. It will most likely be taken up next week in the Finance Committee.

WVEA is opposed to both amendments because of the impact it will have on our already financially strapped school systems.

Contact all Senators and urge them to vote against SJR 8, SJR 9 or an amended resolution that includes aspects of both.

Senate passes Tebow bill, next stop House Education

Another year, another Tim Tebow bill. On Tuesday, the Senate passed **SB 131** on a 24-9 vote (with 1 member absent). This version of the Tim Tebow bill allows 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.

Several amendments were offered to the bill by Senator Baldwin when it was on second reading. Those included: to determine the county’s basic foundation program, the county’s net enrollment shall be increased by the equivalent of 0.25 full-time equivalent students for each non-public school student that is permitted to participate in public school extracurricular activities; to require the county board of education to approve a Tebow student’s participation in extracurriculars at a school; and to require a Tebow student to provide at least two documentations of academic standards (the bill states only one). All three amendments were rejected.

The bill will now be sent to the House Education Committee for consideration. Please contact members of the House Education Committee and urge them to vote against the Tim Tebow bill.

Members of the House Education Committee include: Delegates Ellington, Higginbotham, Hornbuckle, Doyle, Atkinson, Bartlett, Bibby, Butler, Campbell, Cooper, Dean, Espinosa, Estep-Burton, Evans, Hanna, Jennings, Kelly J., Lavender-Bowe, Rodighiero, Rohrbach, Thompson C., Thompson R., Toney, Waxman, and Zukoff. A group email for the committee can be found on the WVEA website (<https://www.wvea.org/content/house-senate-legislative-contacts>).

Anti-employee grievance bill still alive in the Senate

Although it did not move this week, **SB 616 – Grievance Bill** is still alive in the Senate. The bill passed out of Government Org and has been in the Senate Judiciary Committee since February 6th.

The bill has yet to appear on their agenda and contains a number of provisions that are of concern to WVEA. They include: striking language that allows a representative present at meetings held for the purpose of discussing or considering disciplinary action; adding new language that the prevailing party in an appeal to the Circuit or Supreme Court can recover court costs and reasonable attorney’s fees from the opposing party for the appeal to the court; and requiring a grievant who has been discharged, suspended without pay, or demoted or reclassified resulting in a loss of compensation or benefits to proceed directly to level two. Currently the grievant can go

directly to level three and waive levels one and two in those situations.

Let all Senators know of the problems with the grievance bill and encourage them to vote against it.

Intermediate Court of Appeals now in the House

This week the Senate passed **SB 275** creating an **Intermediate Court of Appeals**. This would be a new step in the judicial process between the Circuit Court and the Supreme Court. The bill requires the Intermediate Courts to be three-judge panels with one court located in the northern part of the state and one in the south.

It is simply another layer in the judicial process that would require state funding and most people view it as unnecessary. The bill itself states that it will improve the business climate of our state.

The bill requires our employment-related issues to be heard before the Intermediate Court so that we would bypass the current system that requires appeals to be heard in the Kanawha County Circuit Court. This could prolong the time it takes to get decisions and escalate the costs of an already long and expensive process.

The bill is now in the House where the first stop will be the House Judiciary Committee and then House Finance. Voice your opposition to this bill with members of the House Judiciary and Finance committees.

Other bills seeing action this week

- **SB 16 – Protect Our Right to Unite Act:** The bill passed the House by a vote of 75-22 on Thursday. It will now be sent to the governor. This bill would prevent anyone from being able to obtain membership lists or donor information from a 501c3.
- **SB 230 – Suicide Prevention:** The bill passed the Senate by a vote of 33-0 with one person absent on Wednesday. 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. The bill will now go to the House.
- **SB 291 – PEIA Parity:** The bill was in the Senate Finance Committee on Thursday. It would require PEIA to treat behavioral/mental health and substance abuse treatment equally to medical and surgical treatment. The bill passed out of committee and will now go to the Senate Floor.
- **SB 652 – SBA Rules:** This bill would allow the School Building Authority to look at a contractor's experience, past performance, violations and other items before granting a contract. It would also allow the SBA to suspend a contract if they feel a contractor is not meeting their requirements. The bill passed out of the Senate Education Committee and will now go to the Senate Floor.
- **SB 702 – Health and Nutrition:** This bill allows a school district to develop or adopt a program that focuses on nutrition and exercise education. The program should focus on increasing awareness of how nutrition and exercise can prevent childhood obesity and its secondary diseases such as asthma, diabetes and others. The bill also creates the Nutrition and Exercise Education Fund in the State Treasury as a special revenue account. The fund will consist of money appropriated by the Legislature and any grants, gifts or contributions. The money will be awarded to school districts on a competitive basis. The bill will be on third reading/passage stage next week.
- **HB 2775 – Finance Course:** The bill requires each student to complete a full credit of personal finance separate from any other course. This would increase the graduation requirements from 22 credits to 23. The bill was on first reading on Friday and is expected to continue toward passage next week.
- **HB 4069 – Student Religious Liberties Act:** The West Virginia Student Religious Liberties Act 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 passed the House by a vote of 76-22 on Tuesday and now goes the Senate.

- **HB 4112 – Mental Health:** This bill requires county boards to provide adequate mental health evaluations to students and take any other action necessary to protect students from harm to themselves or others. It also requires that beginning with the 2022-2023 school year each county board employ one school psychologist for every 1,000 kindergarten through 7th grade students. A county board may contract with school psychologists or psychiatrists in order to meet this ratio if needed. The bill passed out of the House Education Committee on Tuesday and will now go to the House Finance Committee.
- **HB 4165 – WV Remembers Program:** The bill would allow veterans to volunteer to come into schools to teach children about military service and patriotism. This program would be voluntary and not considered a course requirement. The bill passed out of the House Education Committee and will now go to the House Floor.
- **HB 4398 – Historic Texts:** The bill passed the House by a vote of 92-3 on Thursday and will now go to the Senate. The purpose of this bill is to incorporate into currently required coursework the original texts of the Mayflower Compact, Declaration of Independence, the Constitution of the United States and its amendments, the Bill of Rights, Federalist Papers and the Constitution of West Virginia.
- **HB 4519 – Internship Program:** The bill creates a summer youth intern pilot program with the Department of Commerce. The Department will work with employers, non-profits and institutions especially in areas of high-demand career fields to place high school students in internships. The bill passed out of the House Education Committee on Tuesday and will now go to the House Floor.
- **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 will be on third reading/passage stage on Monday.
- **HB 4649 – Trauma-Informed Practices:** This bill requires the state board to implement trauma-informed practices in all schools by July 1, 2020. The state board is required to provide training to all teachers, school leaders, paraprofessionals and specialized instructional support personnel on trauma-informed practices. The bill passed out of the House Education Committee and will now go to the House Floor.
- **HB 4691 – Areas of Critical Need:** The bill passed the House by a vote of 97-0 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. The bill will now head to the Senate.
- **HB 4804 – Teacher Leaders:** This bill would allow county boards to develop teacher leader programs to help with teacher induction and professional growth. The county board may adopt a salary supplement to provide additional compensation to teachers who are teacher leaders. The bill would require the Department of Education to allocate \$100,000 over five years to assist county boards with the design and implementation of a teacher leader program. The bill passed out of the House Education Committee and will now go to the House Finance Committee.