

# WVEA

Standing Together for Public Schools

## WEST VIRGINIA EDUCATION ASSOCIATION

AN NEA AFFILIATE

# LEGISLATIVE UPDATE

Update #6 – February 21, 2020

## YOUR CALLS ARE NEEDED TO ALL LEGISLATORS

### Tax Reduction bill moving – school and county governments to be harmed

*The legislative leadership has yet another corporate tax cut plan (SJR 9 and SB 837) that will harm our public schools and could put vital local services like police, fire protection and first responders in jeopardy. WVEA is joined in opposing the bill by other organizations whose members will be harmed by the tax reduction including the WVSSPA, the County Commissioners Association and the WV Association of Counties. Contact your legislators and urge them to vote against the bill.*

Below are some of the details of the tax reduction plan.

- ✓ 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. (SJR 9).
- ✓ Those reductions would lower revenue to county governments and county school systems by nearly \$300 million.
- ✓ In an attempt to partially offset the lost revenue, tax increases will be proposed to bring in an estimated \$200 million of the \$300 million lost to schools and counties.
  - » The sales tax would be increased by one-half percent. This would increase the sales tax from six percent to 6.5 percent.
  - » The cigarette tax would increase by 80-cents per pack to a total of \$2.00. Taxes on other types of tobacco/vaping products would also be increased.
- ✓ The money collected from the increased taxes would be deposited in a “special revenue fund” created by a companion bill (SB 837). This fund would hold the money dedicated to replacing the money lost by county governments and the county school systems from the tax reductions.
- ✓ However, even with the tax increases a shortfall of over \$100 million would still exist for counties and schools.

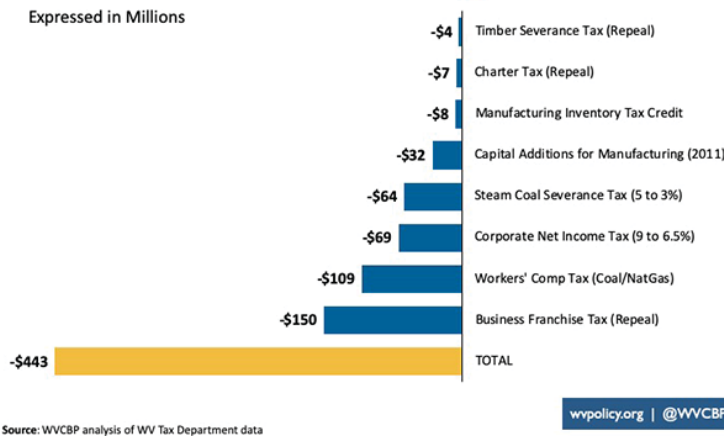
Here are some facts about the proposed tax plan:

- SJR 9 would enact a six-year phase out of the property tax on manufacturing equipment, machinery, and inventory, retail inventory, and business and personal vehicles, at a total cost of \$294 million. When fully enacted, this figure represents nearly 16% of all property tax revenue collected in the state.
- Experts all agree that the revenue raised from the new taxes, \$180 million, is less than the revenue lost from the proposed tax cuts. Once the tax cuts are fully phased in, the special revenue fund will be depleted, and there will be an \$88.5 million shortfall. This means that eventually the state will either need to raise taxes or cut services to make schools and local governments whole, or the schools and local governments will have to make cuts or raise taxes on their own.
- In WV low- and middle-income families already pay more of their income in state and local taxes than wealthier taxpayers. The taxes being cut – retail inventory, and manufacturing machinery, equipment, and inventory – are largely paid for by out-of-state consumers, corporations, and shareholders.
- When SJR 9 is fully enacted, 80% of West Virginians would see a net tax increase, as savings from the

property tax cut would be wiped out by the increases in sales and tobacco taxes. Only the wealthiest 5% would get a substantial net tax cut.

- From 2006 to 2019 the legislature has reduced business taxes by over \$440 million (see below) all with the promise of spurring economic development and creating jobs, however; virtually no net gain in job growth or revenue has occurred. The revenue lost from those corporate tax cuts has not been replaced and the state has had to cut services, institute hiring freezes and mid-year budget cuts, reduce funding to our schools, ignore infrastructure problems and make fewer investments in our communities.

**Major Business Tax Reductions Since 2006 in West Virginia**



This legislation will have a lasting impact on the funding of our schools. Make sure you contact your legislators and urge them to vote against the bill.

**Bills That Showed Movement This Week**

- **SB 38 – Sacred Texts:** This bill is a companion bill to HB 4780. The original bill would allow the county boards of education to offer students in grades 9 and up the following classes:
  - » An elective social studies course on the Hebrew Scriptures, Old Testament of the Bible;
  - » An elective social studies course on the New Testament of the Bible; or
  - » An elective social studies course on the Hebrew Scriptures and the New Testament of the Bible.
 However, Senator Baldwin made an amendment in Senate Judiciary that changed the bill entirely. Instead of the language stated above, the bill now says that county boards may offer students in grades 9 and up a social studies elective in sacred texts or comparative religions. This amended version of the bill was on first reading on the Senate Floor on Friday.
- **SB 291 – PEIA Parity:** This bill would require PEIA to treat behavioral/mental health and substance abuse treatment equally to medical and surgical treatment. It passed by a vote of 34-0 on Thursday and will now be sent to the House.
- **SB 614 – Cameras in Classrooms Funding:** 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). The bill was on first reading on the Senate Floor on Friday.
- **SB 616 – Grievance Process:** This bill contains a number of provisions that are of concern to WVEA.

They include:

- » Language allowing 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.
- » Proposed language stating 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.

It passed out of the committee and will now be sent to the Senate Floor.

- **SB 623 – Non-Citizen Certification:** 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 by a vote of 98-0 on Friday and will now be sent to the governor.
- **SB 652 – SBA Rules:** This bill would allow the School Building Authority to look at a contractor's experience, past performance, violations and other things before granting a contract. It would also allow them to suspend a contract if they feel a contractor is not meeting their requirements. It passed the Senate by a vote of 34-0 on Wednesday and will now be sent to the House.
- **SB 661 – Instructional Time:** This bill would replace the minimum minutes of instructional time required per day with a requirement for an average of five hours per day throughout the instructional term. It would also require that public notice for hearings about a county's school calendar be posted in the newspaper and on the county board's website. The bill passed out of the committee and will now be sent to the floor.
- **SB 702 – Nutrition and Exercise:** 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 as to 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. It passed the Senate by a vote of 32-0 on Monday and will now go to the House.
- **SB 723 – School Discipline:** This bill would require the Department of Education to analyze data collected statewide on school disciplinary actions. Based on this data, they are then required to develop a program to address the number of disciplinary actions taken against students. The Department must also report their findings to the Legislative Oversight Commission on Education Accountability every two years beginning in 2022. The bill was on second reading in the Senate on Friday and will be on third reading next week.
- **SB 725 – BOE Supplemental Appropriations:** Money remaining unappropriated from fiscal year ending June 30, 2020 will be given to the State Board of Education, the Vocational Division and the Aid for Exceptional Children. The bill passed the Senate by a vote of 34-0 and will now be sent to the House.
- **SB 750 – Extended Learning Opportunities:** This bill would require the county boards of education to develop and adopt an Extended Learning Opportunities policy that includes alternative educational opportunities for elective course credit that recognizes learning opportunities outside of the traditional classroom. Non-profits, businesses, parents and teachers may apply and submit proposals for these opportunities. The bill passed out of the Senate Education Committee and will now be sent to the Senate Floor.
- **SB 775 – Water Bottles:** This bill would require at least two water bottle filling stations be included in newly built and renovated schools. The bill passed out of the Senate Education Committee and will now be sent to the floor.
- **HB 2775 – Finance Course:** The bill requires each student to complete a full credit of personal finance separate from any other courses. This would increase the graduation requirements from 22 credits to 23. The bill passed the House by a vote of 89-8 on Monday and will now be sent to the Senate.

- **HB 2794 – Summer Feeding Initiative:** This bill would establish the Summer Feeding for All initiative. Each county school board would be required to conduct an assessment of the availability of food to students to determine what food insecurities exist among students. County boards will also be required to compile and distribute a list of existing food providers in the community that will provide nutritious food to children with food insecurities on non-school days. The bill passed out of the House Education committee and will now go to the House Finance Committee.
- **HB 2897 – School Zone Speeding:** It would make it optional for school zone flashing beacons to be active when students are present at a school for student activities occurring outside of a school's regular hours. The bill passed out of the House Education Committee and will now be sent to the House Floor.
- **HB 3127 – Tim Tebow:** This is the House version of the Tim Tebow bill. The bill would allow home-schooled students to participate in secondary extracurricular and interscholastic activities. There are some requirements written in the bill including: demonstrating satisfactory evidence of academic progress for one year; be enrolled in at least one virtual course; comply with the disciplinary rules of the SSAC and the county board; and agrees to obey all SSAC rules regarding parental consents, physical exams and vaccinations. The bill was on second reading on Friday and will be on third reading next week.
- **HB 4165 – “West Virginia Remembers”:** It 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. It passed by a vote of 94-3 and will now be sent to the Senate.
- **HB 4367 – Speech Pay Increase:** This bill would add speech and language pathologists to the step increase for special education teachers passed last year in HB 206. It passed out of the House Education Committee and will now be sent to the House Finance Committee.
- **HB 4408 – Online Employment:** The purpose of this bill is to require the State Board of Education to develop and implement an online database for the employment of school principals, administrators and central office staff. It passed by a vote of 98-0 and will now be sent to the Senate.
- **HB 4497 – Alex Miller Law:** The purpose of this bill is to require an automated defibrillator device and a trained device operator be present at all secondary school athletic events and practices. The bill also requires action plans to be posted and defibrillators to be present on school or event grounds. The devices must be as close to the events and practices as practical. Once enacted, it will be called the Alex Miller Law in memory of the Roane High School football player who died during a game last year. The bill passed out of the House Finance Committee and will now be sent to the House Floor.
- **HB 4535 – Student Aid Titles:** This bill would add four student aide titles to the class titles for school service personnel. Those new titles are:
  - » **AIDE V:** Special Education Assistant Teacher- Temporary Authorization
  - » **AIDE V:** Special Education Assistant Teacher
  - » **AIDE VI:** Behavioral Support Assistant Teacher- Temporary Authorization
  - » **AIDE VI:** Behavioral Support Assistant Teacher

The bill passed out of the House Education Committee on Friday and will now be sent to the House Floor.

- **HB 4546 – TB Testing:** 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.) It passed by a vote of 97-1 and will now be sent to the Senate.
- **HB 4568 – Suicide Prevention:** This bill would require the State Board of Education to routinely train educators, principals and service personnel that have direct contact with students on warning signs and resources to assist in suicide prevention. Also a public middle or high school administrator must disseminate and provide opportunities to discuss suicide prevention awareness information to all middle and high school students. The bill passed out of the House Education Committee and will now go to the House Finance Committee.



- **HB 4737 – State Financial Aid:** The bill says that if a student is unable to complete the FAFSA due to extenuating family circumstances, as determined by the vice chancellor for administration in consultation with the student's high school, it will not affect the student's eligibility for state financial aid. It passed the House by a vote of 96-0 and will now be sent to the Senate.
- **HB 4780 – Hebrew Scriptures:** This bill would allow the county boards of education to offer students in grades 9 and up the following classes:
  - » An elective social studies course on the Hebrew Scriptures, Old Testament of the Bible;
  - » An elective social studies course on the New Testament of the Bible; or
  - » An elective social studies course on the Hebrew Scriptures and the New Testament of the Bible.

The bill requires the State Board of Education to include course standards in the program of studies for West Virginia schools, including the teacher qualifications and required professional development. A different version of this bill is moving through the Senate (SB 38). The bill was on first reading on the House Floor on Friday. A public hearing has been scheduled for this bill on Monday February 24 at 9 AM.

- **HB 4843 – Dyslexia/Dyscalculia:** This bill specifies the State Board of Education and county boards' responsibilities relating to students with dyslexia or dyscalculia. This includes developing and providing informational materials, screening every kindergarten student enrolled, training employees and more. An amendment was made to enact these changes in grades 1-5 and create a start date of school year 2022-23. The amended bill passed out of the House Education Committee and will now be sent to the House Finance Committee.
- **HB 4925 – Private Schools Recognized by WVSSAC:** The purpose of this bill is to require the West Virginia Secondary Schools Athletic Commission to recognize private, parochial or church schools or schools of a religious order or other nonpublic schools that meet the requirements of the WVSSAC for nonparticipating school or team members. This bill does allow non-member schools to compete in WV, but is needed to allow them to compete in certain national events. The bill passed out of the House Education Committee on Friday and will now be sent to the House Floor.
- **HB 4967 – Homeschool Net Enrollment:** This bill deals with calculating the net enrollment for homeschool students who participate in public school extracurricular events (per the Tim Tebow bill). The bill says each student that enrolls in one virtual class will be counted at .30% in the funding formula which equals about \$700 per student. It passed out of the House Education Committee and will now go to the House Finance Committee.
- **SCR 10 – Anti-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 bill passed out of the House Education Committee and will now be sent to the House Rules Committee.
- **Senate Ed. – Originating Bill #1:** This bill would allow county boards of education to use alternative assessments such as the ACT. This bill was laid over to a future date during Thursday's Senate Education Committee.
- **Senate Ed. – Originating Bill #2:** This bill would require the State Superintendent to create the Behavior Interventionalist Program. The program would run for five years in two counties. The state superintendent would use the following criteria when choosing the two counties: counties with a high number of students with an IEP, high number of students with behavior issues and the resources available to hire and train someone for this position. The chosen counties then may create a new position titled Behavior Interventionalist. A committee consisting of principals, teachers, classroom aids and teacher organizations will convene to decide on the requirements for the position. The county board would designate this position as either professional or service personnel. The bill passed out of the Senate Education Committee and will now be sent to the Floor.