

# WVEA

Standing Together for Public Schools

## WEST VIRGINIA EDUCATION ASSOCIATION

AN NEA AFFILIATE

# LEGISLATIVE UPDATE

Update #7 – February 28, 2020

## Defeat of SJR 9 dominates the week

There was a big win for public education in the Senate on Tuesday when Senate Joint Resolution 9 was defeated on third reading. The bill had been discussed/debated for weeks and was a key part of the Senate leadership's legislative agenda.

WVEA applauds Senate Democrats Baldwin, Beach, Facemire, Hardesty, Ihlenfeld, Jeffries, Lindsay, Palumbo, Plymale, Prezioso, Romano, Stollings, Unger and Woelfel as well as Republican Senators Hamilton and Pitsenbarger for standing together to defeat SJR 9 by a vote of 18-16. The resolution was proposing a constitutional amendment so a vote by 2/3 of the Senate was required for passage.

SJR 9 was the constitutional amendment that would have given the Legislature the ability to create a six-year phase out of the property tax on machinery, equipment and inventory and the personal property tax on automobiles. Those reductions would have lowered revenue to county governments and county school systems by nearly \$300 million.

A companion bill, SB 837, was the Senate majority's attempt to replace those funds by raising the sales tax and tobacco taxes. However, those tax increases would only create \$200 million in revenue, leaving a huge shortfall for county and local governments.

During the debate in the Senate, Senate Democrats attempted to amend the bill to only include the personal property tax reduction on automobiles and eliminate the reduction of the manufacturing inventory tax from the bill.

The Senate leadership rejected that idea and the amendment was defeated on a 15-17 vote with 2 absent. Their refusal to compromise on the amendment showed the true intent of this legislation – to continue to reduce business taxes on out-of-state corporations and to continue to pass that tax reduction on to working West Virginians in the form of tax increases.

The Senate leadership's plan would not fully make up for the loss of revenue to our county governments and schools. It would have meant the continued loss of money for our already struggling local governments and county school systems. That translates to less deputies on the road, less programs in our schools and less services provided by local governments.

WVEA along with a coalition of like-minded partners have been opposed to this legislation from the start. As more and more details of the plan were revealed the extent of harm to county governments and our public schools became clear.

Thank you to everyone who called, emailed or contacted their senators and urged them to vote against the bill. Your efforts were instrumental in holding the bipartisan coalition together in defeating the bill.

We want to again thank all the Democratic Senators along with Senators Hamilton and Pitsenbarger for standing together and standing strong against SJR 9.

Please reach out to them and tell them 'thank you' for supporting our students and our public schools and rejecting SJR 9.

Crossover day was on Wednesday and that means several bills were rushed through for passage in both the House and the Senate this week.

- **SB 38 – Sacred Scripts:** This bill says that county boards may offer students in grades 9 and up a social studies elective in sacred texts or comparative religions. It passed the Senate by a vote of 34-0 and will now be sent to the House.
- **SB 241 – Bus Driver Positions:** This bill requires the State Board of Education to propose revisions to the calculation of the allowance for service personnel in step 2 of the funding formula. This would provide additional funded bus driver positions for counties with lower population-density covering large geographic areas. The Board must report the proposal to the Legislature before September 1, 2020. It passed the House by a vote of 92-0. This was a committee substitute and must now go back to the Senate to ask them to concur on the changes.
- **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 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. It passed the Senate by a vote of 33-0 and will now be sent to the House.
- **SB 616 – Grievance Process:** This is the grievance process bill and contains a number of provisions that are of concern to WVEA. They include:
  - » 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.
  - » An employee may not serve as a representative in more than four grievances per calendar year.It passed by a vote of 27-7 and will now be sent to the House. Senators Stollings, Facemire, Prezioso, Baldwin, Hardesty, Lindsay and Romano were the no votes.
- **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 House by a vote of 94-5 and will now go to the Governor.
- **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. This bill still contains provisions for 'bank time' to be used during professional development, delays and snow days. It passed by a vote of 34-0 and will now be sent to the House.
- **SB 723 – Disciplinary Actions:** 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. It passed by a vote of 33-0 and will now be sent to the House.
- **SB 725 – BOE Appropriations:** This bill requires 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. It was on third reading in the House on Wednesday, but taken off the House calendar and placed on the inactive calendar.

- **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. It passed the Senate by a vote of 34-0 and will now be sent to the House.
- **SB 775 – Water Bottle Stations:** This bill would require at least two water bottle filling stations be included in newly built and renovated schools. The bill failed in the Senate by a vote of 9-24.
- **SB 842 – Behavior Interventionalist:** 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 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. It passed by a vote of 34-0 and was sent to the House.
- **HB 2897 – School Zones:** 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 by a vote of 97-0 and will now be sent to the Senate.
- **HB 3127 – Tim Tebow:** The bill would allow home-schooled students to participate in secondary extracurricular and interscholastic activities. There are some requirements of the Tebow student 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 rules of the SSAC parental consents, physical exams and vaccinations. It passed by a vote of 61-38 and will now be sent to the Senate.
- **HB 4497 – Automated Defibrillators:** This bill would 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. It passed by 100-0 and now heads to the Senate.
- **HB 4535 – Student Aide 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 TeacherIt passed by a vote of 94-0 and will now be sent to the Senate.
- **HB 4804 – Teacher Leader Programs:** 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. It passed by a vote of 96-0 and will now go to the Senate.
- **HB 4925 – WVSSAC Membership:** This bill would 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 not allow non-member schools to compete in WV, but the recognition is needed to allow them to compete in certain national events. It passed the House by a vote of 97-0 on Wednesday.

There were also bills in committee this week.

- **SB 230 – Jamie’s Law:** A similar bill was passed several years ago; however, after the elimination of the Center for Professional Development the training was no longer required. SB 230 requires a school administrator to provide information and opportunities to discuss suicide prevention awareness to all middle and high school students. It also requires the State Board provide routine education to all professional educators and service personnel in direct contact with students on the warning signs and resources to assist in suicide prevention. It was in the House Education Committee on Friday. One amendment was made to reinstate calling the bill “Jamie’s Law”. The amended bill passed out of the committee and will now go to the House Floor.
- **SB 303 – Student’s Right to Know Act:** This bill 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. It passed the House Education Committee on Friday and will now go to the House Floor.
- **HB 4398 – Historic Texts:** 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. The bill passed the Senate Education Committee on Thursday and will now go to the Senate Floor.

As we are writing this *Legislative Update*, the Senate Education Committee is expected to meet this afternoon. They are taking up bills 4519, 4790 and 4925. These are all bills that we have discussed previously as they moved through the House. You can find out what happened in this meeting in Friday’s *Lobbyline*.

Keep informed – go to WVEA’s *Lobbyline* and Dedicated Teachers Facebook page for updated information.