

# WVEA

Standing Together for Public Schools

## WEST VIRGINIA EDUCATION ASSOCIATION

AN NEA AFFILIATE

# LEGISLATIVE UPDATE

Update #8 – March 11, 2020

## Education-related bills passing this session

After a mostly quiet Legislative session, several education-related bills passed both the House and the Senate. These bills must now await action by Governor Justice. Unless otherwise stated, the following bills are currently awaiting his signature.

- **SB 42 – Faith-Based Electives:** This bill permits county boards of education to include faith-based and nonfaith-based electives in classroom drug prevention programs. The State Board would have to develop a rule on how the classes would work.
- **SB 230 – Suicide Prevention:** This bill 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.
- **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 funding for bus driver positions in counties with lower population-density covering large geographic areas. The Board must report the proposal to the Legislature before September 1, 2020.
- **SB 291 – Mental Health Parity:** This bill requires PEIA to treat behavioral/mental health and substance abuse treatment equally to medical and surgical treatment.
- **SB 303 – Students’ Right to Know Act:** This bill requires 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, each branch of military’s starting salary and contact information, and more. That information would then be distributed to every public high school.
- **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 which 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 requires the WV Department of Education to allocate funding from the Safe Schools Fund based on the remaining need for video cameras in each district until all districts are in compliance.
- **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 governor has signed this bill and it is effective from passage (February 21, 2020).
- **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.

- **SB 691 – Alternative Programs:** This bill allows the State Board of Education to create their own alternative preparation programs. They do not have to work with any other partner/provider.
- **SB 723 – School Discipline:** This bill requires 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.
- **SB 725 – BOE Appropriations:** This bill requires money remaining unappropriated from the fiscal year ending June 30, 2020 be given to the State Board of Education, the Vocational Division and the Aid for Exceptional Children.
- **SB 750 – Extended Learning Opportunities:** It requires county boards of education to develop and adopt Extended Learning Opportunities policies that include 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.
- **SB 842 – Behavior Interventionalist Program:** This bill requires the State Superintendent to create the Behavior Interventionalist Program. The pilot program would run for five years in two counties. The state superintendent would use the following criteria when choosing the counties to participate: 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 counties in the pilot may create a new position titled Behavior Interventionalist. A committee consisting of principals, teachers, classroom aids and teacher organizations will convene to assist the county boards on the requirements for the position.
- **HB 3127 – Tim Tebow:** This is the House version of the Tim Tebow bill. The bill allows home-schooled students to participate in secondary extracurricular and interscholastic activities. 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 WVSSAC parental consents, physical exams and vaccinations.
- **HB 4069 – WV Student Religious Liberties Act:** It does 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 Senate amended the bill and removed the section which required school districts to create a limited public forum for student speakers at school events.
- **HB 4165 – WV Remembers Program:** This bill allows veterans to volunteer in schools to teach children about military service and patriotism. This program would be voluntary and not considered a course requirement.
- **HB 4378 – Teacher Discipline:** 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 their 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; having a relationship

with a student within 12 months of that student's graduation.

- **HB 4497 – Alex Miller Law:** This bill requires an automated defibrillator device 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. All appropriate school sports personnel must be trained on how to use the device. The WVSSAC will be required to include language concerning proximity in their rules for this bill. These devices must be present beginning with the 2021-22 school year. 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.
  - **HB 4519 – Internship Program:** This 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.
  - **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.
  - **HB 4691 – Areas of Critical Need:** 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 extends that date to June 30, 2025. Additionally, counselors were added to the list of critical need positions.
  - **HB 4737 – State Financial Aid:** This 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.
  - **HB – 4780 Bible Classes:** This bill allows 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.
- **HB 4790 – Vo-Tech for Middle School:** This bill moves some Vo-Tech options and a family/consumer science course option to the middle school. The county boards would be in charge of coming up with a plan of implementation.
  - **HB 4804 – Teacher Leader Program:** This bill allows 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 for each of the five years of the pilot to assist county boards with the design and implementation of a teacher leader program.
  - **HB 4925 – Private School National Recognition:** This bill requires 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. The bill was specifically written for Beckley Prep and Huntington Prep and does not allow non-member schools to compete in WV, but the recognition is needed to allow them to compete in certain national events. After a Senate amendment, the bill also includes the language of HB 3127 (Tim Tebow bill).

### **Bills We Worked to Defeat**

Sometimes victory is ensuring that damaging bills do not pass. The following are some of the bills that failed this session and resulted in a win for public education.

- **SJR 9/ SB 837 – Personal Property Tax Reductions:** SJR 9 was the proposed constitutional amendment that would have given the Legislature the ability to eliminate the manufacturing equipment and inventory taxes and automobile personal property tax over six years at a cost of \$300 million. SB 837 was a companion bill and established the replacement fund to partially replace the money lost in SJR 9. This would have included a .5% sales tax increase, raising the tax on cigarettes from \$1.20 per 20 cigarettes to \$2.00, raising the tax on other tobacco products from 12% of the wholesale price to 50%, and raising the tax on vaping products from 7.5 cents per milliliter to 50% of the wholesale price. However, this bill would have only raised \$200 million; far short of the amount needed to replace the lost revenue to schools and county governments. The proposed amendment required a 2/3 vote in each chamber to pass. The resolution was rejected by the Senate.
- **SB 275 – Intermediate Courts:** This would have been a new step in the judicial process between the Circuit Court and the Supreme Court. It simply was another layer in the judicial process that would have required state funding and most people viewed it as unnecessary. The bill itself stated that it would improve the business climate of our state. The bill required 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 have prolonged the time it takes to get decisions and escalated the costs of an already long and expensive process. SB 275 passed the Senate and was defeated in the House.
- **SB 616 – Grievance Process:** This bill was an attempt to change the current grievance process. It was amended multiple times during the course of its life in the legislature. However, it was generally viewed as unfavorable to employees. The bill passed the Senate and was not taken up in the House.
- **HB 2425 – ESP Work Day:** This bill defined the work day for service personnel as eight hours with a 30 minute duty free lunch. The bill also struck the language prohibiting anyone employed in an aide position from being transferred or subject to a reduction in force in order to create a vacancy for the employment of a licensed practical nurse. This bill died in House Education.
- **HB 4892 – Reducing Personal Income Tax:** This bill created the Personal Income tax Reduction Fund. Certain lottery revenue sources would have been deposited into the account throughout the year. When the balance of the fund reached a certain threshold at the end of a fiscal year, state personal income tax rates would have reduced by a quarter percent beginning Jan. 1 of the following calendar year. This bill would ultimately bring in less money for the state and create a hole in the state's budget. It passed the House and was moved to the Senate's inactive calendar.

### **Education-related bills that made significant movement but died**

There were a number of other bills that were moving and discussed on *Lobbyline* during the session, however, these bills never made it to passage.

- **SB 192 – WVSSAC Audit:** Rejected on the Senate Floor
- **SB 297 – Home Economics Course:** Died in the House Education Committee
- **SB 661 – Minutes of Instruction:** Died in the House Finance Committee
- **HB 2433 – School Calendar:** Rejected on the House Floor
- **HB 2464 – Feminine Hygiene Products:** Died in the House Finance Committee
- **HB 2775 – Personal Finance Course:** Removed from the Senate calendar
- **HB 4089 – Cursive Writing Requirement:** Died in the Senate Education Committee
- **HB 4189 – Paid Maternal/Paternal Leave:** Died in the House Finance Committee

### WVEA Introduced Bills

Based on the Legislative Agenda adopted by WVEA members at WVEA's Delegate Assembly, WVEA wrote legislation, found sponsors and introduced a number of bills this session. Unfortunately, those bills were not placed on committee agendas. Keep in mind that the party with the majority of members in each chamber selects the committee chairs and has the majority of committee assignments. Changing the face of the legislature will impact the bills chosen to be placed on committee agendas.

WVEA sponsored bills included:

- **SB 713 – PEIA Premiums:** This would have required the cost share of benefits be no less than 80% for employers and no more than 20% for employees. The bill died in the Senate Banking and Insurance Committee.
- **HB 2104 – Retirement Benefit Increase:** This bill would have given retired state personnel and retired teachers a 5% per year increase in retirement benefits over the next three consecutive years. The bill died on the House Pensions and Retirement Committee.
- **HB 2580 – Retiree Income Tax:** The purpose of this bill is to reduce state income taxes for state retirees by increasing the exemption on retirement income in calculating the federal gross income for state personal income tax purposes. The increase would go from the current \$2,000 to \$20,000. This bill died in the House Pension and Retirement Committee.
- **HB 4914 – Pay Raise:** This bill would have given all public school teachers in this state a \$2,700.00 raise each year for the next three school years. The bill died in the House Education Committee.
- **HB 4917 – Student to Nurse Ratios:** This bill would have changed the student to school nurse staffing ratios, expanded its coverage to all grades, and eliminated the counties ability to obtain contract services for nursing. It would have also mandated that every school must have at least one nurse. The bill died in the House Education Committee.
- **HB 4923 – Student to Counselor Ratio:** This bill would have established ratios for students to student counselors and required one counselor for every 250 students. It would have also required that every public school in the state have at least one professional counselor. This bill died in the House Education Committee.