

AFT-WV LEGISLATIVE UPDATE

FIGHTING FOR PUBLIC EDUCATION



FROM STATEHOUSE TO SCHOOLHOUSE

FEBRUARY 9, 2024

Slower pace continues for education bill movement

Many of the bills that quickly passed their originating chamber in the opening week of the 2024 Legislative Session have stalled a bit awaiting consideration by the opposite chamber. The respective education committees have been focusing on their own bills the past two weeks, so it will be interesting to see what bills gain their momentum back as we have just passed the halfway point of the session.

Pay Raise Bills

Governor Justice proposed a 5% across the board pay increase for all public employees, teachers and service personnel in his state of the state address, and has included that in his budget bill submitted to the legislature for their consideration.

Other pay raise bills of interest include:

[HB 4202](#) is pay raise bill for school service personnel that calls for an increase of \$670 per month. The bill advanced from the House Education committee and still awaits consideration by the House Finance committee.

[HB 4767](#) is a pay bill for professional educators that calls for a \$5000 increase. The bill advanced from the House Education committee and still awaits consideration by the House Finance committee.

Student Behavior and Discipline

Student discipline is a top priority for AFT-WV, and we have been encouraged by the interest in the topic by several legislative leaders. Senate Education Chairperson Amy Grady introduced her student discipline bill late Thursday. [Committee Substitute for SB 614](#) specifies requirements for appropriate elementary behavior intervention and safety. It contains positive steps to address chronically disruptive or dangerous students from the elementary setting, while providing mechanisms to ensure their educational needs are met. The bill was amended and advanced by the Senate Education Committee and it is on second reading on the Senate floor.

Bills Passed From One Chamber

[HB 4860](#) provides that a regular education teacher may not be responsible for accommodation logs for co-taught classrooms as that falls upon the accommodations of the special education teacher. The regular education teacher has to sign off that they have read the IEP and make the accommodations needed for that student. The bill was passed by the full House with amendments and moves to the Senate for consideration.

[HB 4851](#) allows for public and private schools in West Virginia to employ former law enforcement as school security personnel. The bill is permissive, not a mandate, and would be in addition to a school resource officer. The bill passed the House and was communicated to the Senate.

[HB 4776](#) adds elementary schools to the school disciplinary measures passed last year. The bill passed the House floor on Tuesday and moves to the Senate for consideration.



[SB 143](#) creates the WV Guardian Program, which allows a county board of education to contract with an independent contractor who is an honorably discharged veteran, former state trooper, former deputy sheriff, or former federal law-enforcement officer as security on school grounds. The bill passed the Senate and awaits consideration by the House Education committee.

[HB 4830](#) modifies the frequency of training requirement for school personnel from annually to upon employment and every three years thereafter, for suicide prevention awareness, child sexual abuse prevention, the county policy on harassment, intimidation or bullying, and multicultural education; requires first aid training include blood borne pathogen information; and requires those who care for, educate, or house disabled children to be trained on mandatory reporting obligations. The bill was passed by the House and moves to the Senate for consideration.

[SB 146](#) creates an adult education task force to consider funding for adult education learning centers. The bill passed the Senate and moves to the House for consideration.

[SB 159](#) prohibits persons convicted of certain crimes against minors from holding positions on boards of education passed. The bill passed the Senate and awaits consideration by the House Judiciary committee.

[SB 162](#) establishes the Summer Feeding for All Program, which allows schools to assist with the feeding of our students during the summer break. The bill passed the Senate and moves to the House Education committee for consideration.

[SB 172](#) revises requirements of local school improvement councils. This will define the make-up of the parents on the improvement council and require the minutes of the meetings. The bill passed the Senate and moves to the House Education committee for consideration.

[SB 152](#) requires the displaying of the official US motto in public schools, pending certain criteria are met. The bill passed the Senate and awaits consideration by the House Education committee.

[Comm. Sub for SB 280](#) allows teachers in public schools to discuss certain theories. The bill was amended by the Senate Education committee to include "No public school board, school superintendent, or school principal shall prohibit a public school classroom teacher from discussing or answering questions from students about scientific theories of how the universe and/or life came to exist." It is important to note the bill is permissive, not a mandate. The bill passed the Senate and moves to the House for consideration.

[HB 4769](#) clarifies the appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor. The bill aims to allow counselors to focus more on student-centered duties and less on administrative tasks. The bill passed the House and awaits consideration by the Senate Education Committee.

[SB 189](#) provides for substantial deference to state school superintendent's interpretations of school laws. As it is currently written, the bill states that county boards of education, county superintendents, employees of the county boards of education, and the West Virginia Public Employees' Grievance Board shall give substantial deference to the State Superintendent's interpretation of school law or rules of the State Board of Education. AFT-WV opposes this bill and believes it is an attack on the grievance process for school employees and their ability to resolve employee-employer disputes in an impartial venue. The bill passed the Senate and moves to the House for consideration.

Notable Bills Advanced From Committee

[SB 253](#) establishes minimum student enrollment for the school aid formula. This bill would affect only three counties: Calhoun, Gilmer, and Wirt. These counties currently have a net enrollment of under 1200 students and this bill would ease the financial hardship posed by small student enrollment and assist the counties in providing adequate student services. (This bill died last session.) The bill advanced from the Senate Education committee and moves to the Senate Finance committee for consideration.

[SB 448](#) requires age-appropriate instruction on the Holocaust in public schools. The bill advanced from the Senate Education committee and is still laid over (referred to Rules Committee) on second reading on the Senate floor.

[SB 259](#) requires the Higher Education Policy Commission to create and administer a PROMISE Plus Program for the purpose of supplementing the PROMISE Scholarship award of an individual who meets more rigorous standards so that the total of both scholarships received by that individual is equal to the actual cost of tuition. The bill advanced from the Senate Education committee and awaits consideration by Senate Finance.

[SB 502](#) allows Teachers Retirement System members hired after July 1, 2015 to exchange unused leave for monetary compensation at the end of a school year. This proposal, sponsored by Senator Oliverio is an attempt to provide a somewhat revenue-neutral mechanism for education employees to gain value for unused leave time, up to 10 days. Senator Oliverio also expressed interest in putting forth a stand-alone bill that would incentivize leave time in other ways and AFT-WV is appreciative of his leadership on this issue. The bill passed Senate Education and the bill awaits consideration by the Senate Finance committee.

[HB 4372](#) increases the 35 year limit on annual experience increment pay raises for teachers to 40 years. A committee amendment removed the 40 year cap and the raises would continue until retirement. The bill advanced from the House Education committee and moves to the House Finance committee for consideration.

[HB 4777](#) allows staff members in public schools to eat lunch for free if there is food left over after every student has been fed. The bill advanced from House Education and is currently on first reading on the House floor, after some postponements and movement of the bill between the House Calendar and the House Special Calendar.

[HB 4299](#) permits teachers in K-12 schools be authorized to carry concealed firearms as a designated school protection officer. The bill advanced from the House Education committee and moves to the House Judiciary committee for consideration.

[HB 4331](#) mandates timely payment of state employees' accrued personal leave to their estate if they pass away before their retirement date. The bill advanced from the House Education committee and moves to House Finance for consideration.

[HB 4806](#) requires bathroom use in schools based upon biological sex. The bill advanced from the House Education committee and moves to the Judiciary Committee for consideration.

[HB 4945](#) changes the method of the Hope Scholarship Program funding from being based on Hope Scholarship applications to estimated applications. AFT-WV opposes this bill, as it creates staffing uncertainties for the county boards of education. The bill advanced from House Education and awaits consideration by the House Finance Committee. [SB 598](#) is the Senate version of similar funding changes. AFT-WV opposes it as well.

[Committee Substitute for HB 5262](#), known as the Teacher's Bill of Rights, encompasses several provisions into one bill. The bill includes the following provisions:

- clarifies the appropriate and inappropriate duties for school counselors while also providing the definition of a school counselor. The bill aims to allow counselors to focus more on student-centered duties and less on administrative tasks.
- defines the special education student to instructor ratio, a waiver process, and compensation given to a teacher when the ratio is exceeded
- provides for supplemental duty calendar provisions
- Includes provisions for overtime pay in certain circumstances when completing extra duties beyond an 8 hour work day
- Provisions for student discipline in grades pre K-5.

Most of the provisions of the bill appear to be positive for educators, and sections that AFT-WV had questions about have been revised. The amended bill advanced from the House Education Committee and is on first reading on the House Special Calendar.

[SB 568](#) changes the focus from truancy and unexcused absences to a multi-tiered system of support and all absences. The bill includes provisions to: limit the number of parental excuses that can be accepted each school year as docu-

mentation that an absence is excused; require a county attendance director and assistant to ensure the implementation of MTSS interventions; recognize that the existing definition of “neglected child” includes failure to supply necessary education; and refer to existing school personnel reporting requirement applicable in certain cases pertaining to child neglect. The goal of the bill is to intervene and assist in keeping students in school. The bill advanced from the Senate Education Committee and moves to the Senate floor for consideration.

[HB 4919](#) permits a student to reapply for the Promise Scholarship on an annual basis if that student falls out of eligibility during the academic year in college. The bill advanced from the House Education Committee and moves to the House floor for consideration.

[HB 4951](#) facilitates the interstate practice of School Psychology in educational or school settings in an effort to improve the availability of School Psychological Services to the public. The bill advanced from the House Education Committee and moves to the House floor for consideration.

Local AFT Officers: Legislative Update Zoom Meetings

AFT-WV will be continuing to conduct Legislative Updates via Zoom for our local officers. Local officers should be on the lookout early next week for another invite link to a Zoom meeting, likely to be held on Thursday.

Stay Informed during the Legislative Session

 **Take advantage of the many ways to stay informed from AFT-WV!**

- Visit the AFT-WV website at www.aftwv.org
- While you are on the website, sign up for email alerts from AFT-WV. Please use a personal, non-work email address.
- “Like” us at [Facebook.com/AFTWV](https://www.facebook.com/AFTWV) and follow us on Twitter [@AFTWV](https://twitter.com/AFTWV)
- Many AFT local presidents and staff representatives use the Remind app to communicate with their local members. Ask your local president or staff rep if your county uses Remind and get signed up!
- If you are a local AFT officer, watch for invites for Legislative Update Zoom meetings and participate.