

Legislative Update

Tuesday, April 14, 2009 -- Update #9

Bills appear headed to special session

Session ends as education bills die in conference

Since the beginning of the legislative session, it became clear that stopping bad legislation and preventing ‘take-backs’ were the strategies to be employed most this session.

The governor’s education agenda (consisting of the school calendar, teacher hiring practices, Innovation Zones and 3rd & 8th grade critical skills) died on the last night of the session when Senate and House conference committees failed to come to agreement.

To be fair, not all of those proposals were bad concepts. WVEA had worked with members of the House Education Committee and were supportive of their versions of Innovation Zones and 3rd & 8th Grade Critical Skills legislation. WVEA also worked with the Department of Education on the Innovation Zones legislation prior to the start of the session.

Unfortunately, the Senate would not agree to any compromises. In most instances, the Senate version of a bill was unworkable and punitive in nature. What emerged throughout the session was a House of Delegates that was willing to work with a bill and make improvements to it while the Senate refused to consider any compromises.

The House Education Committee also received some harsh words from the governor who indicated it consisted of too many teachers, administrators and service professionals. The message was clear – educators don’t know what’s best for education; businessmen and politicians do!


WVEA salutes both the House Education Committee and *you*, the education employees of our state. You were the unsung heroes of this session. The calls and emails from education employees clearly made a difference. Your communications helped in building support for our positions and giving your delegates guidance. Our ‘thanks’ also goes to the House Education Committee. They stood firm in light of public attacks from the governor and the Senate and did what was best for public education.

Unfortunately, the four issues that died on the final night of the session will most likely be revisited in a special session. We look forward to working with the governor and the legislature to find an acceptable solution.

Here is a look at the four issues likely to be revisited:

School Calendar – The House was working on a concept that involved converting the ISE days to full days of instruction and using accrued time to make up for lost instructional time due to inclement weather. The Senate was considering opening up the start and stop dates, nonpaid inclement weather days and requiring all days missed to be made up. WVEA supports the House version of the calendar.

Jobs Cabinet (Teacher Hiring Practices) – This idea came from the Governor’s Jobs Cabinet, chaired by First Lady Gayle Manchin, and WVEA has opposed it from the start. It included a single set of hiring criteria for current and new employees; does not allow for voluntary transfers after July 15th; allows vacancies to be filled in a school without the job being posted; and allows superintendents to repost the job if the correct applicant does not apply. WVEA believes this

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will take hiring back to the days of nepotism, favoritism and cronyism. The Senate embraced the concept. The House refused to consider the bill.

Innovation Zones – This concept allows schools to ask for waivers of certain items in order to attempt new and innovative ideas within their schools. WVEA agreed with the concept and worked with the WVDE on the procedures. The House version of the bill made certain employee rights were exempt from waiver. The Senate removed the exemption. WVEA supports the House version of the bill.

3rd & 8th Grade Critical Skills – WVEA supports the idea of enrichment programs for students that are struggling to grasp the material being taught. The differences in the House and Senate version of the bill are minor. They simply ran out of time to get the bill passed this session.

Budget unfinished - July premium increases unresolved

The legislature has recessed until May 26th without adopting a budget. This means WVEA's effort to rescind the proposed PEIA premium increase remains unresolved. The additional funds to offset the premium increase did not require legislation but simply a budgetary appropriation by the legislature. The issue cannot be resolved until the budget for the next fiscal year is adopted.

It will take an additional \$8 million to ensure all active employees will not see a premium increase next year. And it will take \$15 ½ million to prevent PEIA premium increases next year for both active employees and retirees.

WVEA has discussed the possibility of using the “growth in local share” as a means of funding most of the elimination in premium increases. These monies are about half of what is needed to eliminate the premium increases for next year, and prevent school employees from taking a salary reduction.

WVEA has, and will continue to, make eliminating the proposed premium increases one of our top priorities. Continued contact with your legislators on this issue will be helpful.

Education related legislation that passed

SB 498 - Early Childhood Education. This bill requires county boards to report on early childhood programs and phase in certified teachers for pre-K programs in the next few years. It also compels DHHR to create a ranking system for child care centers. It preserves the state's eligibility to receive federal funding.

HB 2335 - Yellow Ribbon GI Program. Allows for out-of-state resident veterans to attend in-state colleges and universities at in-state rates, with the state of WV covering half the difference and a federal program covering the other half.

HB 2734 - TDC/TRS Minimum Guarantee. This bill assures a minimum guarantee on the return of investment balances at the time of transfer for people electing to move from the TDC plan into the TRS plan. It includes the contributions made to TRS after the transfer.

HB 2870 - TDC/TRS Transfer Extension. This legislation includes WVEA's proposal to allow a 90 day window of time for people choosing to move from the TDC plan into the TRS plan and who have yet to receive a final calculation of the cost to purchase full service credit. Participants who plan to purchase the 25% additional service credit have until June 30th or 90 days after the postmarked date on the final calculation notice from the CPRB, whichever is later, to make their decision.

HB 2530 - School Aid Formula. This legislation updates and clarifies changes made last session dealing with the school support formula. It clarifies that nurses and guidance counselors are still considered in the general employee classification of “teacher” and are professional educators.

HB 3146 – Service Professional Seniority Rights. This bill provides seniority rights to previously employed service personnel when they are competing for a position against substitutes and those never working in the classification. The bill also provides seniority within a school for aides and custodians when filling positions.

Education related legislation that passed (con't)

HB 3208 – County Board Training. This bill requires the state board to appoint a committee to review the training standards of county board members, requires the reporting of county board member's continuing education requirements on the county report card, increases the term in which county boards may temporarily fill vacancies for superintendent positions, and provides ethical commission recommendations as new guidelines for other political activities in which board members may engage.

HB 3340 – Data Collection. This provides for the creation of a state compact data system for higher education, community and technical colleges and the state board of education. By developing the system the state becomes eligible for stimulus funding recently made available. The system maintains confidentiality of student information and will be used by educators and policymakers to review and plan.

SB 373 - PROMISE Scholarship. The bill does not impact current recipients and current high school seniors. However, students beginning college in the fall of 2010 will receive an amount equal to the cost of tuition or \$4750 per semester, whichever is less. The Promise Scholarship Board is dissolved and the duties assigned to it will be assigned to an advisory council under the state's higher education policy commission.

This bill also provides for additions to the Board of Governors at WVU. It adds a faculty member representing extension services or Health Science at WVU to the BOG. That individual will be selected by the Faculty Senate.

SB 258 – OPEB Liability. This bill states the OPEB liability is shared between the county and state in the same fashion as the school aid formula. A county is only responsible for those OPEB costs associated with those employees over the formula.

Perry Bryant may be removed from Finance Board

Perry Bryant is one of the most knowledgeable persons on PEIA and health care reform issues in the state. For 20+ years Perry represented WVEA on health care issues including being WVEA's point person on PEIA. For the last five years, Perry has represented the interest of education employees on the PEIA Finance Board. Three years ago, Perry retired from WVEA and formed a public interest organization, West Virginians for Affordable Health Care, to represent the interest of consumers (see www.wvahc.org).

With these outstanding credentials and proven track record of successfully serving on the Finance Board, Governor Manchin reappointed Perry to another 4-year term on the PEIA Finance Board. In December, AFT approached the governor's office and requested Perry be removed from the Finance Board and replaced by AFT staff member Josh Sword. While Josh is a nice guy, no one believes he has the experience, knowledge or the qualifications of Perry Bryant.

This is a classic example of AFT putting their organization's goals ahead of the interests of educators, including their own members.

Despite AFT's protests, Perry's confirmation by the Senate appeared to be safe. Then the governor's office asked Perry to withdraw from confirmation consideration, stating he would be reappointed to another position on the PEIA Finance Board under a bill to expand the membership of the Finance Board (HB 2767). This bill was going to be passed by the Senate later that day. In order to accommodate the Governor's office, Perry did withdraw from the confirmation process.

However, in an effort to block Perry from being appointed to this newly created position, Senators Bob Plymale (D-Wayne) and Ed Bowman (D-Hancock) recalled HB 2767 to the Senate and referred the bill to the Senate Government Organization Committee. This tactic effectively killed HB 2767.

Unless something can be worked out between now and when the legislature reconvenes on May 26th, it appears that Perry will no longer serve on the Finance Board. This is a huge loss to active employees and retirees, who are likely to pay higher premiums in the future.