



March 15, 2010
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WVSSPA

Legislative Update



Disappointing Legislative Session Ends

After a disappointing legislative session ended at midnight on March 13th, we await the soon-to-be scheduled special legislative session to address many education issues left unresolved or untouched during the regular session. For example, we expect to see a bill establishing charter schools, a bill dealing with retirement and health care benefits for current employees, as well as the Governor's education agenda.

We are not surprised by the prospect of a special session, given the absence of any education bills introduced at the request of the Governor (except the school calendar bill.) He also made comments during his State of the State address that a special session would be called if we failed to receive Race to the Top funds (which would amount to only 1% of our education budget and is one-time money.) In addition, his recent comments to the State Board of Education and to the press leave no doubt he plans an aggressive education agenda. So, although the regular session ended Saturday, our work continues and many challenges and opportunities await us once the special session begins.

Thanks to the tremendous support during the session from the House of Delegates and, in particular, the House leadership, several bills and proposals opposed by WVSSPA did not gain traction. We particularly want to thank Speaker Rick Thompson, Speaker Pro Tempore Ron Fragale, Majority Leader Brent Boggs, Majority Whip Mike Caputo, House Education Chair Mary Poling and Vice-Chair, Brady Paxton.

The legislative session was not without **a few victories** for school service personnel. For starters, the pressure you generated on behalf of our **Reform PEIA Now** campaign moved the Senate off their original position to the point where their draft proposal for the special session reinstates the PEIA retiree subsidy (after a vesting period.) The proposal also shifts the OPEB liability from the counties to the state thereby saving thousands of education jobs. Let us emphasize that these proposals are the starting point for negotiations and that any bill that is introduced during the special session will need additional changes before WVSSPA can support it. To be clear, your work on the **Reform PEIA Now** campaign resulted in the Senate deciding not to run their OPEB bill this session. Many thanks for your postcards, phone calls and emails.

We also were successful in defeating Senator Eric Wells' charter school bill, SB 686. Although WVSSPA is not blindly opposed to the concept of Charter Schools, SB 686 was nothing more than a thinly veiled attempt by Senator Wells to eliminate employment rights for education employees. But, as noted, we expect to see another Charter School bill resurrected during the special legislative session. In fact, Governor Manchin was quoted in the Charleston Gazette as saying he would like to turn some counties over to private "Charter School Companies."

In another victory, **pension reform legislation, SB 553, was passed.** The bill will reopen the "buy-back" window and allow certain education employees the opportunity to pay the amount to purchase the 25% additional service time in the TRS under certain conditions. Those employees who completed a verification of cost request and failed to meet the deadline, or those who did not fill out the verification of cost request and failed to make the deadline (and received a letter from CPRB that the deadline was missed), will qualify for another opportunity to make up the 25% additional service. **Employees choosing to make the purchase may request the CPRB on or before April 15, 2010**, to recalculate the contribution for 2010. To receive full credit,

the member shall pay into TRS the recalculated purchase amount by June 30, 2010, or no later than sixty days after the postmarked date on a contribution recalculation from the board, whichever is later. The recalculated contribution shall be the buy-back amount as of June 30, 2009, plus interest at the rate of 7.5%. Both Senator Dan Foster and Delegate Sharon Spencer, the Chairs of the Senate and House Pensions and Retirement Committees respectively, deserve our thanks.

Other legislation that passed includes:

HB 4040 - School Calendar Bill: The school calendar bill removes the starting and ending dates for the school term from law, but does not change the number of total instructional days, ISE days, CE days and holidays, and employees will continue to be paid for snow days. All but one of the non-instructional days must be held prior to the last day of the instructional term. Employees will not be required to work outside their 200-day contract. The bill simply seeks to provide counties with the flexibility to start school earlier than August 26th and complete the first semester prior to the holiday recess, within the required 43 week period, if they so choose. However, we need to be on our toes, because the Governor has already indicated he is going to try to remove the 43 week provision from law.

HB 4512 - School Service Personnel Bill: This bill was drafted by WVSSPA. It clarifies the Definition of "Coordinator of Services"; requires that "School Bus Supervisor" have a valid CDL or has had a CDL in the past; requires that Supervisor of Transportation have five years of experience working in transportation for a county board; creates a definition for "Itinerant Service Personnel"; limits itinerant status only to aides and autism mentors assigned to exceptional students; provides that itinerant employees may only be moved twice in any school year, and then only after ten days written notice; requires that all service personnel job postings contain the starting and ending time of the shift; requires that all aide classification job postings include the program or primary assignment of the position; clarifies testing requirements for bus operators.

HB 4652 - School Calendar Committee The bill codifies school calendar committees and requires 3 calendar options to be presented to the full staff of the county. The committee will be comprised of school service personnel, teachers and administrators and one parent. The chair of the committee will be selected by the Superintendent as will the number of committee members.

HB 4211 - The bill provides supplemental funding in order to provide alternative programs for limited English proficient students.

HB 4223 - This bill relates to increasing the safety of school children that use school buses; increasing the criminal penalties for failure to stop a vehicle before reaching a school bus with flashing warning signal lights; and providing additional circumstances which increase the periods of ineligibility for parole upon sentences for certain felony convictions for the distribution of controlled substances in the proximity of students awaiting, boarding or exiting a school bus.

HB 4436 - The bill allows curriculum teams of those schools that make AYP eligible to obtain a waiver from the WVDE from assessments and instructional strategies, as well as county BOE policies, that are not mandated by the state. Schools will not be penalized for not using those instruments. The WVDE will be required to list all optional testing instruments.

HB 4593 - The bill increases the per student appropriation for Alternative Education from \$12 to \$18 over the next 3-years, mandates up to 5 drug courts across the state, allows those students taking the GED to remain in a career and technical program and requires Boards of Education to develop plans to improve student retention and increase high school graduation rates. Effective with the freshman class of 2011-2012, the compulsory age of attendance will be changed from 16 to 17.

HB 4669 - The bill exempts those schools awarded innovation zone grants the waiver they need from state code or policy to proceed.

SB 229 - The bill clarifies that the cap on the sale of bonds is based on the state's total obligation at the time the bonds are sold and not since the inception of the SBA.

SB 391 - The amended bill allows employees of county boards to run for the BOE but, if elected, will have to resign their position in order to serve.

SB 449 - This bill specifies that preexisting medical conditions are covered by PEIA insurance.

SB 631 - The bill updates the process for the adoption of textbooks and other instructional material and technologies, and provides more flexibility to county boards in adopting updated print and electronic instructional resources. The bill replaces the terms "textbooks," "instructional materials" and "learning technologies" with "instructional resources."

This update brought to you by the WV School Service Personnel Association - the organization that fights for your rights!
