

### TESTIMONY GIVEN TO SENATE EDUCATION COMMITTEE MARCH 5, 2013

My name is Elizabeth Mow. I am Legislative Chair for West Virginia Professional Educators.

First I wish to say that there are many commendable provisions in SB 359; for example the emphasis on early childhood education, the training of kindergarten aides, the removal of the limit of number of teachers who may receive reimbursement for National Board certification as well as extending reimbursement to recertification; the college and career readiness initiative, to mention a few.

However, we do have concerns about some other provisions. On page 160, lines 13, 14, and 15 the proposal is to change the length of a teacher's planning period to the shortest class period taught. This recommendation seems counter-productive if the goal is to improve education for children. It seems to imply that planning periods are not important. The annual survey which we send to our members indicates that West Virginia Professional Educator members want to protect instructional time and have sufficient planning time, which is now woefully inadequate. Planning time is needed for curriculum and lesson planning, record keeping, grading, documentation for tiered/personalized learning or special education referrals, preparation of class materials, collaborative planning, analysis of testing data to improve instruction, implementation of new approaches and programs, using technology to record grades, posting online communications, IEP meetings, Student Assistance Team meetings, and meetings with or phone calls to parents. As you can see, time for planning is essential to provide excellence in the classroom. Not only does this bill attempt to shorten planning periods for some teachers, but it also removes all protections to preserve this much needed time. We ask that these provisions in SB 359 be dropped.

The section starting on page 84 in regard to the school calendar places calendar decisions back into the hands of county boards of education which is a step in the right direction allowing flexibility to reflect the different needs of different counties. However on page 86 starting on line 16, the proposed law proscribes most of what can occur during the 12 or 13 non-instructional days allowed after legal holidays are taken. This leaves very little room for local planning or initiative. It should be left up to each county to decide how best this time could be used to fit its own needs with the exception of making up for lost instructional time. The plan for these days would still have to be submitted to the State Board for approval. If you're aiming for local control, then give local control over issues that matter the most.

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Written by Webmaster

Thursday, 05 August 2010 18:34 - Last Updated Wednesday, 06 March 2013 03:43

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As for “Teach for America” starting on page 99, much depends on how such a program would be administered which is not spelled out in this proposal. We have not had the opportunity to survey our membership on this issue, but our Executive Board believes that “Teach for America” personnel should not replace available, qualified West Virginia teachers. However, if counties cannot find a qualified applicant for a given job, we see no reason not to hire a “Teach for America” applicant as a short-term solution.

About seniority--I regret that because of illness our grievance manager cannot be here. However, she has shared with me some of her major concerns in regard to the treatment of personnel in this bill.

On page 98, 18A-2-7-(e) starting on line 17, the county superintendent with board approval is given the power to make transfers or reassignments as required, to place teachers anywhere within the system at any time during the school year without any notice or any hearing. In other words, the teacher would have absolutely no say and no protection in this process. This simply is not fair to the teachers.

( 18A-4-7a) - Starting on pages 126-127, the employment promotion and transfer section, on top of page 127, line 2 states that seniority is added to the traditional seven factors to be considered in filling vacancies. It goes on to include in the decision of filling vacancies “other measures or indicators upon which the relative qualifications of the applicant may fairly be judged.” That is fine as long as these eight conditions are given equal value. But at the bottom of page 127 lines 21 and 22 and the top of page 128 line 1, the equal weight of these factors is removed. This means that 90% of the decision to hire a teacher could be based on “other indicators” providing a wide open door to cronyism and favoritism. We ask that you either remove “other” as one of the eight factors to consider in hiring or that you reinstate that all eight factors have equal weight in the hiring process.

On page 130 (Chapter 18A-4-7a) the employment, promotion and transfer section--we question the provision that when RIFs take place, the teacher with the least seniority within the school shall be terminated (line 7). That means that a seasoned teacher with perhaps 15 or 20 years of experience could lose his or her job when a beginning teacher in the same position in another school keeps hers. Would this really provide the best education for students?

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On page 135, line 16, in the same section, county boards would be allowed to post openings more than once to attract more qualified applicants. What is meant by “more qualified”--somebody’s aunt or cousin? Right now, our grievance manager is working with a member who is qualified for a job according to the seven criteria now in the law but who is having trouble getting the job because the principal wants a relative to have it who is not legally qualified. I am told that this type of behavior still frequently occurs. It needs to be guarded against. If our goal is to have the best teacher in the classroom, and a legally qualified applicant applies for the job, the job should not be posted again.

Finally, on page 166, lines 8 and 9, (18A-5-2) in regard to snow days the proposed law reads that “the time lost by the closing of schools may not be counted as days of employment.” Does this mean that a teacher’s pay would be cut whenever there is a snow day? Too many of our teachers live from paycheck to paycheck and simply could not afford such a cut--especially if more than one day of school closing occurs within a pay period. This needs to be clarified.

We appreciate your goal to provide more flexibility in the filling of teacher vacancies. The problem is if most safeguards are removed, the placing of personnel becomes a much more subjective decision, and it opens the door to decisions based who you know and whose relative you are--not necessarily the best teacher in the classroom. You also need to consider that these measures will result in a very demoralized work force. This might not be your intention, but this would be the result if equity and fairness is deleted from personnel policies. Demoralized and insecure employees will hardly improve what takes place in the classroom.

To end on a more positive note, I would like to commend the Senate on your establishment of the Select Committee on Children and Poverty. If you can find solutions to this serious problem, you will go a long way toward improving the education of the children of our state.

Thank you for your time.

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In this Legislative Update you will find first the Governor's bill on education, summarized from his abstract. Following that is the complete Legislative Update for March 1, 2013.

### GOVERNOR'S EDUCATION REFORM BILL (HB 2725/SB 359)

The bill is 179 pages long and the abstract of the bill is 12 pages. Following are some provisions of this lengthy bill.

- **Includes the State Board in** the enhancing of **collaboration** between teacher preparation institutions, the Center for Professional Development and RESAs in providing **professional development**

- A **new section** in the law which establishes the **College and Career Readiness Initiative** requiring the adoption of uniform and specific college and career readiness standards for English/language arts and math; among other provisions requires before 12 grade determination be made whether a student has met these standards; State Board is to develop end-of-course exams for this purpose; a transition course for those students who have not met standards is to be developed; high schools and districts are to be held accountable for increasing the percentage of student who meet college and career readiness standards.

- **Attendance** is added to the list of areas for which the State Board must adopt **standards**.

- Removes requirement that standards incorporate the state's 21<sup>st</sup> Century Skills Initiative.

- **Removes grade level limitations** of four, seven, and eleven for which the **writing assessment** can be administered.

- **Removes language limiting** use of other **optional testing** or assessment instruments.

- Requires the **State Board** to establish **annual measure** of student, school and school system **performance according to the state's revised accountability and accreditation system.**

- A **new article** regarding **professional development** among other provisions requires a

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Master Plan for the professional development of teachers teaching transitional courses and other teachers grades 8-12 on how to

### **teach college and career readiness**

standards; establishes a Strategic Staff Development Fund.

- **Removes the requirement** that the **State Superintendent** have a **master's degree in educational administration**

but still has to have a master's degree.

- **Expands the Special Community Development School Pilot Program** by requiring it to be implemented in a neighborhood of at least five public schools instead of just one and that these must include one elementary and middle school.

- By July 1, 2014, **kindergarten aides** must have one of three designated certifications

- Requires that **by 2016-17 full day early childhood education** programs be available to all children; not necessarily five days a week and also can be less than a full day.

- The **school calendar** section is completely rewritten.

1. Instructional time does not include faculty senate.

2. 200 days of employment do not need to be successive.

3. Requires additional minutes in the school day or additional days of instruction to recover time lost due to late arrivals and early dismissals.

4. Omits ISE days.

5. Instructional term shall commence and terminate on a date selected by the county board.

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6. The county board may determine how the 20 non-instructional days may be used except for seven legal holidays and election days.

7. Requires county boards to hold at least two public meetings that allow parents, teachers, teacher organizations, businesses and other interested parties to discuss the school calendar.

8. Omits language that a teacher's or service person's participation in a summer institute or higher education program may substitute this participation for up to five non-instructional days.

- Allows **faculty senates** to submit **recommendations for hiring of classroom teachers.**
- **Removes requirement** that **faculty senates** be provided a **two hour block** to meet on each ISE day.
- When **student enrollment** in a grade level or program, unforeseen before March 1 of the preceding year, **permits the assignment of fewer teachers** or service personnel in a school, the **superintendent**, with board approval, may **reassign** the surplus personnel to another school or grade level within the school if needed **without the usual notice or hearing** at any time during the school year. The employee reassigned shall be the least senior at the school or grade level or program. There shall be no diminution of pay or benefits as a result of reassignment.
- There are two new sections relating to "**Teach for America.**" Some of the provisions include a "critical need alternative teaching certificate" which is issued for two years and not to exceed three years. Some of the qualifications required are a candidate needs to be admitted to TFA, to possess a bachelor's degree with a minimum 2.5 grade average, to pass the traditional basic skills and subject matter tests, to complete TFA's summer training and ongoing two-year professional development required by TFA, and successfully complete a Beginning Teacher Internship Program.
- Removes the limit of 200 teachers who receive reimbursements for **NBPTS certification fees;** allows reimbursement for recertification.
- In **filling vacancies in professional positions** the six criteria already in code are kept

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and seniority is added as another criteria; requires county boards to also give consideration to recommendations made by the principal and faculty senate; removes the requirement that if the applicant with the most seniority is not selected, upon request of the applicant a written statement of reasons be given. Makes clear that county superintendents be hired under separate criteria.

- It modifies the language which allows county boards to **release the employee with the least seniority within a school when RIFs occur**

; current language refers to reducing the number of professional personnel in its employment

- All **employees subject to release** shall be considered **applicants for any vacancy** in an established, existing or newly created position that, on or before February 15, is known to exist for the ensuing school year, and for which they are qualified, and, upon recommendation of the superintendent, the board shall appoint the successful applicant from among them before posting such vacancies for application by other persons.

- Allows county boards to **post openings more than once** in order to attract more qualified applicants.

- Removes current language applicable to reductions in elementary teaching positions.

- **Allows**, upon recommendation of the principal and approval by the classroom teacher and county board, a **classroom teacher to be assigned** to a new or existing teaching position at the school **at any time without the position being posted.**

- **Changes the length of the planning period** from the length of the usual class period to the length of the shortest class period taught by that teacher; other language protecting planning periods is deleted.

- Language is deleted indicating that holidays falling within the employment term are considered to be a day of employment. However, **seven of the twenty non-instructional days during the employment term are holidays.**

- Provides that **time lost due to the closing of schools cannot be counted as days of employment** and cannot be counted as **meeting 180 days of instruction.**

- A new section modifies the **Underwood-Smith Teacher Scholarship Program**. Among many modifications are the establishment of a Loan Assistance Program and the inclusion of criteria identifying critical teacher shortages in subject areas, public schools or geographic areas of the state.

### West Virginia Professional Educators Legislative Report

#### February 26, 2013

On February 26<sup>th</sup> Jackie McDaniels, WVPE's Immediate Past President, presented our legislative goals to the Senate Education Committee. WVPE member, Richard Grim, Principal of Buffalo High School in Putnam County, described to the Committee the New Tech Network program at his school. Unfortunately, our presentations were cut short because the Committee was considering for the first time the Governor's education reform bill (**HB 2725/SB 359**) which had been introduced the day before. The bill is 179 pages long and the abstract of the bill is 12 pages. Following are some provisions of this lengthy bill.

- **Includes the State Board in** the enhancing of **collaboration** between teacher preparation institutions, the Center for Professional Development and RESAs in providing **professional development**.
- A **new section** in the law which establishes the **College and Career Readiness Initiative** requiring the adoption of uniform and specific college and career readiness standards for English/language arts and math; among other provisions requires before 12 grade determination be made whether a student has met these standards; State Board is to develop end-of-course exams for this purpose; a transition course for those students who have not met standards is to be developed; high schools and districts are to be held accountable for increasing the percentage of student who meet college and career readiness standards.
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- Removes requirement that standards incorporate the state's 21<sup>st</sup> Century Skills Initiative.
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- Requires the **State Board** to establish **annual measure** of student, school and school system **performance according to the state's revised accountability and accreditation system.**
  
- A **new article** regarding **professional development** among other provisions requires a Master Plan for the professional development of teachers teaching transitional courses and other teachers grades 8-12 on how to **teach college and career readiness** standards; establishes a Strategic Staff Development Fund.
  
- **Removes the requirement** that the **State Superintendent** have a **master's degree in educational administration** but still has to have a master's degree.
  
- **Expands the Special Community Development School Pilot Program** by requiring it to be implemented in a neighborhood of at least five public schools instead of just one and that these must include one elementary and middle school.
  
- By July 1, 2014, **kindergarten aides** must have one of three designated certifications
  
- Requires that **by 2016-17 full day early childhood education** programs be available to all children; not necessarily five days a week and also can be less than a full day.
  
- The **school calendar** section is completely rewritten.

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8. Omits language that a teacher's or service person's participation in a summer institute or higher education program may substitute this participation for up to five non-instructional days.

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- Removes the limit of 200 teachers who receive reimbursements for **NBPTS certification fees**; allows reimbursement for recertification.

- In **filling vacancies in professional positions** the six criteria already in code are kept and seniority is added as another criteria; requires county boards to also give consideration to recommendations made by the principal and faculty senate; removes the requirement that if the applicant with the most seniority is not selected, upon request of the applicant a written statement of reasons be given. Makes clear that county superintendents be hired under separate criteria.

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- A new section modifies the **Underwood-Smith Teacher Scholarship Program**. Among many modifications are the establishment of a Loan Assistance Program and the inclusion of criteria identifying critical teacher shortages in subject areas, public schools or geographic areas of the state.

SB 359 will be up for passage in the Senate Education Committee on March 7<sup>th</sup>.

Some of the items mentioned in the Governor's State of the State address but not spelled out in HB 2725/SB 359 are the following.

- The study of problems facing smaller school districts which are encountering a decline in student population to see in what ways these county administrations can cooperate to become more efficient
  - The requirement that each child can read at grade level by the end of the third grade
  - Ensure that every new elementary teacher is specially trained in teaching reading as well as ensure that all current elementary teachers are similarly prepared.
  - Begin workforce education in Middle School
  - Assure that every vocational school has at least one program that meets the requirements of Preparation for Tomorrow program on the Southern Regional Education Board
  - Integrate technology into classrooms
  - Consider the adoption of a balanced (year-round) calendar

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The Senate has established a **Select Committee on Children and Poverty**. Hopefully, the Committee will provide some solutions to this problem which, in turn, would have a very positive effect on the education of these children.

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The following bills have been introduced affecting children and education

### Collective Bargaining

A basic premise of West Virginia Professional Educators is that children have the right to a quality education free from strikes or any other work stoppage tactics. We believe that all educators should be free from all forms of compulsory membership and should not be forced to join or pay "fair share" dues to a national labor union in order to teach. For these reasons, we track very carefully all bills introduced creating collective bargaining for teachers and/or other public employees.

**SB 164** - creates the West Virginia State Labor Relations Board; requires the state to recognize, negotiate, and bargain with employee organizations representing state employees.

**SB 179 (similar to HB 2380)** - provides meeting and conference rights for members of municipal police and fire departments seeking to self-organize an employee group to be an exclusive representative agent for the employees.

**HB 2001** is similar to SB 179 and HB 2380 except that it provides meeting and conference rights to members of fire departments only.

**HB2596** - establishes a **right to work law** which prohibits any requirement that a person become or remain a member of a labor organization as a condition of employment.

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### Proposed Bills Affecting Children, Parents, Teachers, and/or Administration

**HB 2456 - increases the school dropout age from sixteen to seventeen**; requires county school systems to provide a program by which a student who has fallen behind in credits necessary to graduate may earn those credits in order to graduate on time.

**SB 111** - establishes a pilot project for **dyslexia screening** and intervention and a pilot project to educate teachers in recognizing and adapting to children with dyslexia.

**HB 2390** - provides that a **teacher** who holds a valid license to **carry a concealed deadly weapon** may carry this weapon **on school property** for the protection of students and school employees.

**SB 206/HB 2461 - repeal** the section of state **code that allows soft drinks to be sold in the school** system under specified circumstances.

**HB 2306** - clarifies that the Legislature is the sole authority regarding **compulsory immunizations** and exemptions from same.

**HB 2320** - allows local authorities **to lower the speed limit** on streets and highways **where school buses travel** with the approval of the Commissioner of Highways.

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### Proposed Bills Affecting Students/Children

**HB 2223** - provides that **five unexcused** occasions on which a student is **tardy for school** may **equal one unexcused absence.**

**HB 2291** - **denies course credit for** a designated number of **unexcused absences** in a semester or a year: in block scheduling - nine day or more in a semester; junior, middle and high schools which do not have block scheduling 18 days or more a year.

**HB 2197** - provides that a **child** who is physically healthy and presumed safe **is a neglected child if** he or she is **habitually absent from school** without good cause.

**HB 2300** - regulates the **use of the internet by children**; calls for internet providers to provide parents with internet blocking software.

**HB 2190** - requires the WV Secondary School Activities Commission to propose legislative rules concerning **concussions.**

**SB 336/HB 2518** - establish protocols and protections to **help limit injuries to youth athletes** and students and to improve treatment of them; **emphasizes** protocols for **removal and return to play following concussions** in interscholastic sports regulated by the WV Secondary School Activities Commission.

**HB 2265** - **requires** public, private, parochial and church **schools** to **include sports injury protocols in their crisis response plans.**

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**HB 2470** - provides a **sign support specialist** or an educational sign language interpreter in the education of **exceptional children**; it also includes provisions for the compensation, classification, and duties of service personnel.

**HB 2475** - requires Department of Health and Human Resources to provide matching funds up to \$2,000 to any funds donated by parents of a minor into a **trust account** created after the **m**  
**inor has been diagnose with an autism**  
spectrum disorder; money from this trust would help pay expenses for the care of the minor and also be exempt from state income tax.

**HB 2349** - **increases** the number of **child protective service workers** at the Department of Health and Human Resources

**HB 2177** - creates a twelve-month pilot project to establish a **responsible parent program** which, among other topics, may include parenting skills, job seeking training, and healthy marriage/relationship skills.

**SB 124** - **increases the hourly rate for attorneys** who are appointed in **child abuse** and neglect matters.

**SB 73** - establishes **criminal penalties** for **failure to report a missing child** by the child's custodian.

**HB 2453** - **expands the Amber Alert Plan** to include a child reported missing regardless of circumstances

**HB 2298** - provides **guidance for prosecuting attorneys** in cases involving abused and **neglected children**

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**HB 2296** - establishes a **bill of rights for children in foster care**.

**HB 2460** - creates a new offense for **child neglect** by a parent, guardian, or custodian which creates a substantial risk of bodily injury; penalties provided.

**HB 2409** - permits a family court **judge to order a child** who is in **imminent danger** to be **taken into emergency custody** of the Department of Health and Human Resources.

**HB 2314** - authorizes a **family court judge** to order a **child to be taken into custody** in emergency situations which occur in the presence of the judge.

**HB 2192** - **increases** the amount of **parental liability for willful, malicious or criminal acts to children** from \$5,000 to \$15,000 and eliminates the limitation on damages to out-of-pocket loss.

**HB 2324** - **increases the minimum prison sentence** from 2 to 5 years without the possibility of parole for a parent, guardian, or custodian who **abuses a child** that results in serious bodily injury.

**HB 2201** - provides **additional conditions** for which the Department of Health and Human Resources (DHHR) is **mandated to terminate** **parental rights**; extends definition of **neglect** to **include cohabiting with registered sex offenders**; clarifies to whom felony criminal penalties apply.

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**HB 2167** - adds a **misdemeanor for child neglect** creating a substantial risk of bodily harm.

**HB 2146** - states that **drug and alcohol use during pregnancy** by a mother that results in diagnosed harm to a newborn is actionable in civil child abuse proceedings.

**SB 205/HB 2520** - **proscribe juveniles from manufacturing, possessing, and distributing nude or partially nude images of minors**; a violation is an act of juvenile delinquency; punishment provided.

**HB 2550** - adds **criminal offense of receiving materials depicting minors in sexually explicit conduct** and enhances felony criminal penalty.

**HB 2357** - **requires the Attorney General to develop an educational diversion program for minors accused of sexting** ; creates the opportunity for minors to avoid prosecution upon completion of this program.

**HB 2338** - requires a convicted **sex offender who volunteers for an organization having contact with minors** to **inform that organization** of his or her conviction; if the organization accepts a sex offender to be a volunteer, it must notify parents or guardians.

**HB 2446** - creates the **crime of soliciting a minor**; provides penalties; requires offender to register on sex offender registry.

**HB 2181** - requires **juvenile sex offenders** who are sixteen years or older **to register** as a sex offender; maintains confidentiality of juvenile's registration except for specified entities.

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### **HB 2320 - prohibits sexual offenders from residing within one thousand feet of a school or childcare facility**

; requires a person convicted of sexual crimes against a minor as a **condition of probation, parole, or supervised release be subject to gps monitoring for life**

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**HB 2245** - requires the use of **helmets by skateboarders**; penalties provided.

**HB 2365** - **bans** the sale of **flavored tobacco products**.

**SB 28** - **prohibits minors under the age of sixteen from obtaining a tattoo**; a minor sixteen years or older must have written permission from parent or guardian executed in the presence of the tattoo artist.

## Proposed Legislation Affecting Curriculum

**SB 91** - creates a **pilot program** for middle schools to incorporate the **Khan Academy method of teaching mathematics** in the classroom.

**HB 2303** - requires all high schools to **teach fetal development**.

**HB 2594** - requires one and **one half years of instruction** in the study of the Declaration of Independence and other **American documents** **founding**  
;  
**prohibits**

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### **study of social problems**

, economics, foreign affairs, United Nations, world government, socialism or communism

### **until basic courses in American**

state and local geography and history are

**completed.**

## **Proposed Legislation Affecting Teachers**

### **HB 2340 - provides pay rates for teachers and service personnel for work assignments outside regular school days or regular employment duties**

beyond contracted employment periods; applies to those employed by county boards of education and by institutions of higher education.

### **HB 2309 - prohibits schools and boards of education from assigning a teacher additional responsibilities during planning periods**

without that teacher's consent.

### **HB 2482 - prohibits school employees from counseling, referring, transporting or assisting any student to obtain an abortion**

### **HB 2186 - protects the academic speech of professional educators.**

**HB 2128 - provides that all employees have the right to review and copy the contents of their personnel file.**

**HB 2531 - rewrites the article governing the practice of speech-language pathology and**

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### **audiology**

; requires, after July 1, 2014, speech-language pathologist and audiologist who work in public schools to be licensed and their assistants to register.

**HB 2642** - authorizes the Board of Examiners for Speech-Language Pathology and Audiology to promulgate a legislative rule relating to the **licensure of speech-pathology and audiology**.

**HB 2326** - allows **persons** employed in public schools as **athletic coaches or other extracurricular activities**, but who are **not regular professional employees**, to **continue to be employed** in the same position under certain conditions.

**HB 2548** - increases the criminal **penalties for assaults** and batteries **against athletic officials**.

**HB 2329** - allows a **surviving spouse** of an employee of a school board who dies while employed to **receive credit for the deceased spouse's personal leave** if the surviving spouse is also an employee of the same school board; the surviving spouse **may elect to receive a lump sum** for the unused sick leave.

**HB 2496** - provides a **\$12,000 death benefit** to the surviving spouse, designated beneficiary, children or parents **of teachers and other school personnel killed by an act of violence** during the performance of their duties.

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### Proposed Legislation Affecting Retirees

**HB 2334 - repeals the 140 day limitation** that a **retired teacher may teach** in public schools.

**HB 2266** - provides a **yearly bonus** payable in July of every year starting in 2013 for **retired public school teachers** and state retirees.

**HB 2359** - provides a **one-time supplement** equal to 5% of his or her annuity benefit up to \$30,000 for annuitants and survivor beneficiaries of the Public Employee and Teacher Retirement Systems after being retired for five consecutive years.

**HB 2099 - increases benefits** of retired state personnel and retired teachers **by 5% a year** for the next three consecutive years.

**HB 2425** - provides an **increase of calculated value** to all annuitants of the Public Employees Retirement and Teachers Retirement System.

**HB 2203** - provides a **one-time supplement** to retired public employees and teachers seventy years of age or older equal to 3% of their retirement benefits.

**HB 2101 - reduces state income tax liability for** certain retired public employees including **teachers** and increases the amount of retirement income received from certain state and federal retirement systems that is excluded from the calculation of income subject to state personal income taxes.

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**HB 2202 - exempts all income received by** retired state employees and **retired teachers** from their respective state retirement systems **from state personal income tax.**

**HB 2274 - raises the maximum personal income tax exemption** from \$8,000 to \$20,000 for persons over the age of 65 years and for persons who are totally disabled

**HB 2484 - exempts the first \$20,000** of state pensions and social security benefits **from the WV personal income tax**

**HB 2268 - increases the maximum personal income tax exemption** from \$8,000 to \$16,000 for persons over the age of 65 and for persons who are totally disabled.

**HB 2341 - provides a cost-of-living (COLA) increase** based on the annual increase in the consumer price index for persons under the Public Employees Retirement Act and the Teachers Retirement System who are at least 65 years old and who have received payments for at least 5 years.

**HB 2525 - provides a COLA** based on the annual increase in the consumer price index for persons in the Teachers Retirement System who are at least 60 years old and who have received retirement payments for at least five years.

**HB 2445 - provides permanent total disability recipients** annual cost-of-living (COLA) allowance based upon the consumer price index.

**HB 2302 - provides a personal income tax modification** for retirees who are in **long-term care facilities** who also receive retirement or investment income.

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**HB 2344 - permits a beneficiary under the State Teachers Retirement System** who has been approved for a retirement **with a joint life annuity to convert** to the maximum life annuity if the spouse dies within the first five years of the beneficiary's retirement.

### Proposed Legislation Affecting Administration

**HB 2221 - decreases the student-to-teacher ratio** in kindergarten through sixth grade as follows: kindergarten, 1 <sup>st</sup> and 2<sup>nd</sup> grade not more than 17 pupils for each teacher; grades 4 through 6 not more than 25 pupils per teacher; exemptions apply.

**SB 44 - requires** the employment of an **assistant principal** at schools with enrollments of 350 or more students.

**HB 2563 - reduces** the daily administrative time required of **school counselors** and increases the time actually spent in **counseling at-risk students and other pupils**

**SB 114 - reduces the student-school nurse ratio** from 1,500-1 in grades k-7 to 750-1 and expands the ratio to all levels of school by the 2013-14 school year.

**HB 2121 - requires** that **elementary students have access to a certified library media specialist, art specialist,**

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### **music**

specialist, and

### **physical education specialist**

at least

**twice a week**

.

**SB 80** - includes **substitute teaching on at least three instructional days each school year** as a job

### **duty of certain professional educators employed**

by county boards of education

**in the central office**

.

**HB 2607** - **requires** the Public Employees Grievance Board to provide **training** seminars for chief administrator and

**persons who conduct Level One hearings**

.

**HB 2289** - requires county boards of education to provide **transportation to and from school for each child** that needs

transportation; requires counties to establish, maintain and adhere to schedules for this transportation; beginning the

**2014-15**

**school year requires**

**new bus routes to**

adhere to

**specific time periods**

between initial pick up and final drop off of 45 minutes for middle school students and 60 minutes for high school students.

**SB 66** - **removes** the **requirement that schools input data into** the West Virginia Education Information System ( **WVEIS**).

**HB 2560** - prohibits the possession of **deadly weapons on premises of educational facilities;** exceptions provided.

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**SB 171 - increases compensation members of county boards of education may receive for attending certain meetings.**

**HB 2555 - requires that county board of education members be elected on a non-partisan basis only in general elections**

. Members elected in primary elections shall continue on the board until new members take office.

**HB 2398 - requires any member of a county board of education having a direct personal or pecuniary interest**

in a

**matter before the board**

to request to be

**excused from voting**

; prohibits individual board members from acting on behalf of the board in an individual capacity unless authorized by statute; penalties provided.

**SB 344 - requires meetings among certain officials of county boards of education belonging to the same RESA to**

**identify**

administrative, coordinating and other county level

**services that might be shared**

among the county boards; permits input from organizations having an interest in education; requires reports.

**HB 2134 - permits playground facilities to be part of a school construction project considered by the**

School Building Authority (

**SBA**

).

**HB 2233 - eliminates the following SBA requirements:** local participation in funding school

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construction projects; multi-county and regional planning activities when SBA evaluates proposed construction projects; the history of a county school board's efforts in school bond issues being a consideration when evaluating proposed projects.

**HB 2416 - authorizes the SBA to award moneys to county or local library boards** for public library construction projects, based on demonstration of substantial county or local effort in fund-raising.

**HB 2592 - establishes a Library Facilities Improvement Fund** to support library facilities construction and maintenance and improvement projects.

**HB 2576 - repeals** requirements that **prevailing wages be paid** in connection with the construction of **public improvements.**

**SB 37 - requires the State Board of Education** to develop and **implement digital learning programs** throughout the state;  
**requires**  
the  
**monitoring**  
, through Legislative Oversight, the implementation  
**of the State Board of Education's Global 21 Middle School initiative.**

**HB 2388 - permits the State Superintendent of Schools** to designate certain geographical areas as a **School Choice Zone** enabling students residing in a designated area to attend school in a neighboring county if they wish.

**SB 155 - requires the State Board of Education be responsible for the funding of all special programs for exceptional children** and requires the State Superintendent to be responsible for the payment of these programs.

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**HB 2415 - changes the foundation allowance** [formula] for current expense and substitute employees of the public school support plan.

**HB 2360 - removes provisions** for using **assumed assessed values** for the purpose of computation and for increasing counties'

**local share**

; establishes the duty of the Tax Commissioner to

**ensure**

that a thorough and efficient

**education**

of the state's children is

**not diminished by the under assessment of property taxes.**

**HB 2526 - allows home schooled students** to participate in extracurricular activities at the secondary level.

**SB 36 - creates a college and career readiness initiative** in which the State Board of Education, the Higher Education Policy Commission, and the Council for Community and Technical College Education collaborate to formally

**adopt**

uniform college and career readiness

**standards for English/language arts and math**

; among many provisions it requires a 12

th

grade transitional course for both English/language arts and math for students not college ready; and requires professional development on teaching the college and career readiness standards.

**HB 2315 - requires automated external defibrillators** in public schools.

**SB 340 - allows schools to voluntarily maintain and use epinephrine auto-injectors** to be administered by school nurse or other trained non-medical school personnel for emergency care.

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**HB 2400** - provides **sex offender registration** information to elementary schools, secondary schools, and higher education institutions that lack a campus police department where the registrant is employed or attends school.

**HB 2107** - exempts county **school boards** of education from **paying tolls** for transit over the **West Virginia Turnpike** or any parkways authority project.

**HB 2355** - allows the **mascot of Parkersburg South High School** to **carry a musket** on school grounds when the mascot is acting in his or her official capacity.

### Some of the Proposed Legislation Affecting Higher Education

**SB 69** - provides **faculty and staff** at state institutions of **higher education** are eligible for a **se at in the Legislature**.

**SB 57** - provides **resident tuition rates** to **nonresident children** of West Virginia institution graduates.

**HB 2174** - provides a **tax credit** for those who graduate with a bachelor's or graduate **degree in science, technology, engineering, mathematics, nursing, or teaching** from any accredited in-state or out-of-state higher education institution or an accredited in-state community and technical college and who **continue to reside in the state**.

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**HB 2403** - creates a separate **category of the Underwood-Smith teacher scholarship** program for

**students**

pursuing certification

**in high demand teaching fields**

and for assistance with federal Stafford student loan repayment for graduates who teach in high demand teaching fields in the state

**SB 339/HB 2581** - require that \$3,409,525 be deposited into the Education Improvement Fund for **PROMISE** scholars at public institutions.

**HB 2491/SB 173** - establish a **uniform policy for students** enrolled in institutions of higher education who are **ordered to**

state or federal

**active service**

, inactive-duty

**training**

or annual training in any component of the Armed Forces or National Guard.

**HB 2090** - grants the Higher Education Policy Commission to redeem or **secure repayment of PROMISE Scholarship**

funds from students who

**withdraw or drop classes.**

**SB 97** - provides for a **credit against West Virginia personal income tax liability** in the amount of

**payments made on student loans.**

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**SB 174** - provides for the appointment of **Veterans' advocates** at state institutions of higher education for veterans, current members or reserves of the U.S. armed forces or National Guard who are students.

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**HB 2191** - establishes the **West Virginia Board of Veteran Education and Support**.

**SB 92** - includes **Salem International University** as an eligible institution **and modifies provisions**

regarding higher education institutions that are eligible to continue to receive **PROMISE scholarship funds**

**HB 2517** - permits volunteer **firefighters to automatically qualify for PROMISE** scholarships; waves all other scholarship requirements.

## Miscellaneous Proposed Legislation

**SB 218** - provides a **check-off option** on state personal income tax returns to donate some or all of any tax refund to the **Jackson's Mill 4-H Camp**.

**HB 2319** - allows state employees to take **paid leave to attend parent-teacher conferences** for their children.

**HB 2474** - provides a two-tiered personal income **tax credit to parents who provide home or private**

primary or secondary **education**

for their children at the rate of \$1,000 for home schooling and \$2,000 for private schooling.

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**SB 352 - makes it mandatory for mental health professionals to tell a potential victim and law enforcement officials if a client presents a clear and substantial risk of harm to another person.**

**For further information call 1-877-565-3447**

or log on at [www.legis.state.wv.us](http://www.legis.state.wv.us) or contact

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