

# West Virginia School Service Personnel Association

## 2022 Legislative Update 2/18/2022



**We are almost to crunch time when bills will begin moving very quickly. Committees meetings will become much longer and we will begin to see multiple floor sessions. Below are upcoming deadlines that are crucial in bill passage. In the following pages are a list of active bills making their way to the Governor's desk.**

**Forty-first Day - February 21, 2022:** Last day to introduce bills in the Senate. Senate Rule 14 does not apply to originating or supplementary appropriation bills, and does not apply to Senate or House resolutions or concurrent resolutions.

**Forty-seventh Day - February 27, 2022:** Bills due out of committees in house of origin to ensure three full days for readings.

**Fiftieth Day - March 2, 2022:** Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills.  
(Joint Rule 5, paragraph b)

**Sixtieth Day - March 12, 2022:** Adjournment at Midnight.  
(WV Const. Art. VI, §22)

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## Legislation in Motion:

- ⇒ **SB 230**-The purpose of this bill is to require a notarized grievance form and outline the grievance motion to dismiss procedure. This would also provide for the payment of attorney's fees up to \$1000 if the ALJ found the grievance was frivolous or malicious. This would prohibit a grievance if the event is related to a declared state of emergency. In addition the Department of Personnel cannot be named in a grievance, this would affect our Highways members. **The bill has passed Senate Judiciary and will be reported to the full Senate. (Senator Rucker)**
- ⇒ **HB 4394**-To reaffirm and enhance the workers compensation exclusive remedy rule or doctrine. If this legislation were to pass it would remove the means for West Virginia workers and their families to seek financial relief beyond worker's compensation in the event they are injured or killed do the negligence or indifference of their employer. **This bill has passed House Banking and Insurance and sent to House Judiciary. (Delegate Hott)**
- ⇒ **SB 589**-The purpose of this bill is to allow a retired bus operator, under certain specified conditions, to accept employment as a critical need substitute bus operator for an unlimited number of days each fiscal year without affecting the monthly retirement benefit to which the retirant is otherwise entitled. **This has passed Senate Education and has been sent to Senate Finance. (Senator Weld)**
- ⇒ **HB 4556**-The purpose of this bill is to increase monitoring of special education classrooms; to add that an audio recording device be present in the restroom of a self-contained classroom; to require video and audio recordings be maintained for 26 weeks; to require county to monitor school video and audio recordings for at least 60 minutes each month; and to require incidents or issues discovered in recordings be reported to school principal or administrator. **This bill has passed House Education and will be sent to House Finance. (Delegate Mazocchi)**
- ⇒ **SB 531**-Increasing annual salaries of certain state employees. This legislation provides for a 5% pay increase for all state employees with a Pay Scale in WV state code. This includes service personnel, they will receive \$122.00 a month. Similar to recent pay increases the 5% is based on a low average of service personnel salaries. This bill does not mention the one time bonus the Governor spoke about during the state of the state address. **This bill has passed the Senate and will be reported to the House. (Governor Justice)**
- ⇒ **SB 146**-The purpose of this bill is to require entities and parties to uphold and apply the Superintendent of Schools' interpretation of school law and State Board of Education rules. This legislation will require the Grievance Board to give "significant deference" to the interpretation given by the State Superintendent when deciding a grievance. This will force many cases to the circuit court or Intermediate Court of Appeals to overturn the interpretation given by the State Superintendent. **This bill has passed the Senate and will be reported to the House. (Senator Weld)**
- ⇒ **SB 509**-The purpose of this bill is to provide that county board of education employee personal leave be accrued as earned throughout the employment term at the end of each pay period instead of being accrued at the beginning of the employment term. This bill was amended to allow a County Superintendent to front a first year employee leave in the event of a catastrophic event. **This bill has passed the Senate and will be reported to the House. (Senator Rucker)**
- ⇒ **HB 4562**-The purpose of this bill is to clarify the process of the suspension and dismissal of school personnel by board and the appeals process. This Legislation simply codifies the suspension and administrative leave process that is currently used in the school system. **This has passed House and will be sent to the Senate. ( Delegate Kessinger)**
- ⇒ **HJR 102**-Any policy or rule made by the State Board of Education would be subject to legislative review, approval, amendment or rejection. If passed this would be placed on the ballot in the next General Election.. **Was on 3rd reading in the House but was moved off the Special Calendar. (Delegate Espinosa)**



## Bills with No Movement This Week:

- ⇒ **HB 4071**-The purpose of this bill is to prohibit schools, educational institutions, and elected or appointed local officials from making mandates concerning masks, COVID-19 testing and quarantining under certain circumstances for school students or school employees. **This is still pending in House Judiciary. (Delegate Maynor)**
- ⇒ **SB 261**-The purpose of this bill is to clarify procedures for cameras in special education classrooms. This bill would require an administrator to review at least 15 minutes of video every 90 days, video footage must be kept for a calendar year, video footage does not have to be deleted, and video footage must be made available within 7 days when requested by DHHR or law enforcement. **This has passed the Senate and is pending in House Education. (Senator Nelson)**
- ⇒ **HB 4467**-The purpose of this bill is to provide additional classroom social/emotional and academic support for first and second grade pupils by requiring an early childhood classroom assistant teacher in first and second grade classrooms that have more than 12 pupils. The school aid formula allowance for service personnel is amended to increase the number of state funded positions per 1,000 students in net enrollment to provide state funding for the added positions. A new section of code is added which requires early childhood classroom assistant teachers to exercise authority and control over students such as required of a teacher, but only in instances enumerated by the principal and excluding suspensions, expulsions and performing instructional duties as a teacher. **This bill has passed house education and is pending in House Finance. (Speaker Hanshaw)**
- ⇒ **SB 227**-The purpose of this bill is to require county boards of education and county superintendents to comply with instructions of the State Board of Education with the threat of withholding funds. **This bill made it to 3rd reading but was sent back to Senate Education before the vote. (Senator Rucker)**
- ⇒ **SB 267**-The purpose of this bill is to clarify the authority of the county board of education to transport students in county owned and insured vehicles, and to provide that a parent, guardian or another adult may transport more than 16 students in privately owned vehicles. If passed this legislation could take extra runs from bus operators. **This bill made it to 3rd reading in the Senate before being sent to Senate rules committee. (Senator Weld)**
- ⇒ **HB 4380**-Similar to SB 267 this bill increases the number of ten-passenger vehicles which may be used for any school-sponsored activity and clarifying that busses shall be used to transport nineteen or more passengers. If passed this legislation could take extra duty runs from bus operators by allowing professional school employees to drive two vehicles with up to 9 students in each vehicle. **This has passed the House and has been sent to Senate Education. (Delegate Barrett)**
- ⇒ **HB 4105**- A service employee who is certified as a Director or Supervisor of Pupil Transportation by the NAPT is eligible for any professional employee position involving supervision of a county transportation department. The county board shall consider any applicant for the position who is a service employee and certified as a Director or Supervisor of Pupil Transportation by the NAPT. In addition all new persons employed as a director, assistant director or coordinator of transportation shall have at least five years of experience working in the transportation department of a county board or meet or obtain qualifications as a school bus operator within one year of employment. **This Bill was removed from the House Special Calendar essentially stalling the legislation. (Delegate Toney)**

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