

Senate Bill No. 451, Comprehensive education reform

Education

Committee Counsel: Hank Hager

AMEND THE HOUSE OF DELEGATES AMENDMENT

MR. PRESIDENT, I MOVE THE SENATE AMEND THE HOUSE AMENDMENT TO SENATE BILL NO. 451.

Reason for Action:

The House amendment made substantial changes including:

- Making all teachers and service personnel eligible for the \$250 tax credit.
- Making charter schools a pilot program.
- Only allowing county boards to authorize charter schools.
- Removing the WV Public Charter School Commission.
- Including provisions pertaining to funding for a law enforcement personnel position in every school.
- Removing language capping local share at the 15-16 level.
- Requiring that 50% of the increases in local share be allocated to the county boards.
- Removing language that requires that after certain school building authority bonds mature, the state board deposit \$24 million into the school construction fund.
- Striking out ESA provisions entirely.
- Keeping requirement for random selection system when two or more employees have identical seniority.
- Allowing school personnel to accrue one-half of their personal leave at the beginning of the employment term.

- Increasing the \$500 bonus for using no more than 4 personal days to \$1,000 and makes all school employees eligible for the bonus instead of only classroom teachers.
- Keeping the current Underwood-Smith program in place for music teachers; and establishing a specific dollar Underwood-Smith award amount instead of a formula for the award amount.

The amendment to the House amendment would strike the entire House amendment and insert in its place the Senate's Engrossed bill with the following changes:

- Relating to the authority given to county boards to make a determination on increasing levy rates annually, removes requirement that the determination be annual.
- Adds classroom aides and certain other service personnel as being eligible for the \$250 tax credit.
- Removes nonseverability clause.
- Uses House language requiring 80% of a school counselor's work time be spent in a direct counseling relationship with students.
- Removes provisions making central office administrators, supervisors, and directors hired after July 1, 2020 at will employees of the superintendent.
- Removes language explicitly requiring pay to be withheld for a work stoppage or strike.
- Makes prohibition against extracurricular activities on canceled instructional days applicable on any canceled instructional day, and not just when due to work stoppage.
- Limits the number of charter schools to 7 with a maximum of 2 per year.
- Requires at least 1 of the 7 schools primarily serve an at-risk population.

- Strikes out all virtual school language.
- Includes language declaring that a public charter school is considered a part of the school district in which it's located.
- Adds to the definition of public charter school requirement that it meet all requirements for being eligible for federal funds as a charter school.
- Allows State Board to promulgate a rule which allows the Schools for the Deaf and Blind to apply to the State Board for authorization to convert to a charter school.
- Removes authority for private universities to authorize.
- Removes all language providing for appeals of a denial of a charter application, the nonrenewal of a charter contract, and the revocation of a charter contract.
- In addition to allowing the Public Charter School Commission to authorize a school in districts not meeting academic standards, allows the Commission to authorize a public charter school upon request by any county board that does not want to assume the role of authorizer.
- Adds section requiring safety and security measures of each school facility be upgraded when necessary to ensure, to the best of the county board's ability, the safety of students; and creates a "Safe Schools Fund".
- Creates an allowance for education savings accounts sufficient to pay into 1,000 accounts.
- Makes only children with special needs or victims of bullying eligible for ESAs.
- Limits the number of ESA accounts to 1,000 total.
- Limits qualifying expenses in which ESA account funds can be used to only tuition and fees at a private school; certain tutoring services; and fees for certain assessments and exams and preparatory courses for the assessments and exams.

- Adds provisions from the House amendment that adds a finding of abuse by DHHR as one of the justifications for suspension or dismissal of a school employee and one of the justifications for revoking a teacher's certificate, but:
 - Adds language relating to requiring database of suspended or dismissed employees; and
 - Adds language requiring that a teacher convicted under a finding of abuse by DHHR under Chapter 49 have his or her license automatically revoked.
- Modifies language allowing counties to base RIF decisions on more than seniority except:
 - Lists the qualifications and lists seniority first.
 - Adds House's language requiring a reduction in force of personnel whose last performance evaluation was less than satisfactory before considering other criteria.
- Removes provisions relating to paycheck protection.
- Increases leave without cause days (or annual leave) for school employees from 3 to 4.
- Preserves eligibility for music teachers under former Underwood-Smith provisions.