

LEGISLATIVE REPORT #3
AAUP/FSVA/VCU FACULTY SENATE
FEBRUARY 22, 2022

Dear colleagues,

Last week was “Crossover Day” at the General Assembly, when each chamber can only continue work on bills passed by the other chamber, except for the budget bills. Anything left unapproved at Crossover is defeated for the session. I thought most of our concerns had been resolved at Crossover, but we had missed one “divisive concepts” bill that passed in the House.

BIENNIAL BUDGET (HB 30 and SB 30)

The budget committees issued their reports on Sunday, February 20. Both the House and the Senate include salary increases for state employees but differ in the amount of the increase. The House Subcommittee on Compensation and Retirement of the Appropriations Committee included a 4% salary increase plus a 1% bonus in each year of the biennium, while the Senate budget includes 5% salary increase in each year of the biennium.

The House Subcommittee also reports \$500 million will be deposited with the Virginia Retirement System (VRS) to improve its funded status, currently at 77%. The retiree health care program is funded at under 20%, so the House budget would contribute \$80.4 million to bring the funded status up to 30%.

The House offers \$240.3 million in new funding to higher education with the “expectation” that institutions will limit tuition increases to no more than 3%. \$61.8 million would go to new support for undergraduate financial aid, \$16 million to increase affordability for students with internships in the private sector, and \$25.8 million to increase Tuition Assistance Grants (supporting Virginia students attending private colleges) from \$4,000 to \$4,500 in 2023 and \$5,000 in 2024.

Education Gag Order bill we missed

HB 787 Delegate LaRock (R). The bill’s title in the Legislative Information Services long list of bills is “moral and character education, etc.” It was the “etc.” that I failed to inspect.

The bill would make it an unlawful and discriminatory practice for public schools to teach students to believe or promote that “(i) one race or sex is inherently superior to another race or sex; (ii) an individual, by virtue of the individual’s race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (iii) an individual should be discriminated against or receive adverse treatment solely or partly because of the individual’s race or sex; (iv) an individual’s moral character is necessarily determined by the individual’s race or sex; or (v) an individual, by virtue of the individual’s race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.” The original also included a ban on teaching that “meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race,” but that was removed in a substitute. The substitute also included new language that would allow the teaching of these concepts as having occurred in the past or present, *but only if such content is presented in a manner that is (i) factually accurate and (ii) either unbiased or biased in favor of discouraging students from believing any such concept.* The italicized portion was then removed in the final, making the bill ineffective except as political performance (but still worrying). The bill passed the House 50-49 and is now before the Senate Subcommittee of Public Education, scheduled for a hearing on February 24.

BILLS WE OPPOSE

HB 1226 Delegate Davis (R). This bill reads, “Each tenured professor employed at a public institution of higher education shall personally teach students enrolled at the institution for at least 12 hours per week during any fall, winter, or spring semester, quarter, or other academic term and in a live, in-person format.” The delegate presented to the House subcommittee a substitute that would have SCHEV conduct a study of “Ten-year trend in the ratio of students to full-time equivalent faculty per academic program,” completion rates per academic program, and “plans to address both outlying low and outlying high student demand for academic programs.” This version of the bill passed the House 100-0.

Education Gag Order bills

HB 781, HB 977, and HB 1126, previously reported in these newsletters, were never heard in committee and were left in Education. It is unusual for a committee controlled by one party to not hear bills brought by party members.

SB 570 Senators Kiggans and Ruff (R). This bill was defeated in subcommittee on a 9-4 vote to “pass by indefinitely.”

Anti-mask and vaccine mandate bills

HB 22 Delegate Walker (R). “Fundamental right to be free of medical mandates,” applicable to all public and private employees and providers of public accommodations. The Committee on Health, Welfare and Institutions, Subcommittee #3 heard the bill but took no action, and the bill was left in committee.

HB 27 Delegate Anderson (R). Bill prohibits mandatory COVID-19 vaccination and prohibits discrimination based on vaccination status in education or public employment, “and numerous other contexts.” The Committee on Health, Welfare and Institutions, Subcommittee #3 heard the bill but took no action, and the bill was left in committee.

SB 458 Senator Chase (R). Prohibits any employer, school, or institution of higher education from adopting, implementing, or enforcing a COVID-19 related mask mandate. This bill was defeated in committee on a 8-4 vote to “pass by indefinitely.”

Restrictions on collective bargaining bills

HB 335 Delegate Freitas (R). This bill would undermine “exclusive representation” in public sector collective bargaining by allowing employees the right to “individual bargaining.” This bill was stricken from the docket in committee.

HB 336 Delegate Freitas (R). This bill would require certification of the bargaining unit, although it is unclear how often certification (or recertification) would be required. The bill passed in the House on a vote of 53-47, but was defeated in the Senate Committee on Commerce and Labor on a 12-3 vote to “pass by indefinitely.”

HB 337 Delegate Freitas (R). This bill would prohibit union officers from being compensated by public funds for doing union work, and would require unions to compensate the employer for

materials used (e.g. office equipment or space) for union work. It would create an action for cause to be taken against public employees who violate these provisions. The bill passed in the House on a vote of 52-48, but was defeated in the Senate Committee on Commerce and Labor on a 12-3 vote to “pass by indefinitely.”

HB 341 Delegate Freitas (R). This bill would allow individuals represented by a collective bargaining unit the opportunity annually to withdraw from paying union dues. The bill passed in the House on a vote of 52-48, but was defeated in the Senate Committee on Commerce and Labor on a 12-3 vote to “pass by indefinitely.”

BILLS OF CONCERN

HB 317 Delegate Freitas (R). This bill would extend per-student enrollment-based funding for non-credit workforce training programs. The subcommittee on Higher Education voted 10-0 to “lay on the table” (a way to defeat a bill without voting directly against it).

HB 340 Delegate Davis (R). This bill directs the Board of Education to establish pathways to the advanced studies high school diploma that require advanced coursework in career and technical education in lieu of world language courses or any other required course that the Board deems appropriate. Language was added to also would establish pathways to the advanced studies high school diploma that require world language courses in lieu of coursework in career and technical education. The bill was approved in the House 54-45, and is now before the Senate Subcommittee on Public Education, with a hearing scheduled for February 24.

SB 717 Senator Reeves (R). This bill prohibits employees at public higher education institutions from participating in Chinese-sponsored talent recruitment programs or receiving Chinese-funded grants. The bill requires each employee at such institutions to disclose to SCHEV all financial payments received from foreign governments. This bill was defeated in subcommittee on a 9-4 vote to “pass by indefinitely.”