

1 **H. B. 4404**

2  
3 (By Delegates P. Smith, Fragale, Iaquinta, Moye,  
4 Barrett and Staggers)

5 [Introduced February 4, 2014; referred to the  
6 Committee on Education then Finance.]

7 **FISCAL**  
8 **NOTE**

9  
10 A BILL to amend and reenact §18-5-18a of the Code of West Virginia,  
11 1931, as amended, relating to permitting a salary increase for  
12 kindergarten aides and early childhood classroom assistant  
13 teachers who have more than twenty pupils per session.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §18-5-18a of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 5. COUNTY BOARD OF EDUCATION.**

18 **§18-5-18a. Maximum teacher-pupil ratio.**

19 County boards of education shall provide, by the school year  
20 1983-84, and thereafter, sufficient personnel, equipment and  
21 facilities as will ensure that each first and second grade  
22 classroom, or classrooms having two or more grades that include  
23 either the first or second grades shall not have more than twenty-  
24 five pupils for each teacher of the grade or grades and shall not

1 have more than twenty pupils for each kindergarten teacher per  
2 session, unless the state superintendent has excepted a specific  
3 classroom upon application therefor by a county board.

4 County boards shall provide by the school year 1984-85, and  
5 continue thereafter, sufficient personnel, equipment and facilities  
6 as will ensure that each third, fourth, fifth and sixth grade  
7 classroom, or classrooms having two or more grades that include one  
8 or more of the third, fourth, fifth and sixth grades, shall not  
9 have more than twenty-five pupils for each teacher of the grade or  
10 grades.

11 Beginning with the school year 1986-87, and thereafter, no  
12 county shall maintain a greater number of classrooms having two or  
13 more grades that include one or more of the grade levels referred  
14 to in this section than were in existence in said county as of  
15 January 1, 1983: *Provided*, That for the prior school years, and  
16 only if there is insufficient classroom space available in the  
17 school or county, a county may maintain one hundred ten percent of  
18 such number of classrooms.

19 During the school year 1984-85, and thereafter, the state  
20 superintendent is authorized, consistent with sound educational  
21 policy, (a) to permit on a statewide basis, in grades four through  
22 six, more than twenty-five pupils per teacher in a classroom for  
23 the purposes of instruction in physical education, and (b) to  
24 permit more than twenty pupils per teacher in a specific

1 kindergarten classroom and twenty-five pupils per teacher in a  
2 specific classroom in grades one through six during a school year  
3 in the event of extraordinary circumstances as determined by the  
4 state superintendent after application by a county board of  
5 education.

6 The state board shall establish guidelines for the exceptions  
7 authorized in this section, but in no event shall the  
8 superintendent except classrooms having more than three pupils  
9 above the pupil-teacher ratio as set forth in this section.

10 The requirement for approval of an exception to exceed the  
11 twenty pupils per kindergarten teacher per session limit or the  
12 twenty-five pupils per teacher limit in grades one through six is  
13 waived in schools where the schoolwide pupil-teacher ratio is  
14 twenty-five or less in grades one through six: *Provided*, That a  
15 teacher shall not have more than three pupils above the  
16 teacher/pupil ratio as set forth in this section. Any kindergarten  
17 teacher, kindergarten aide and early childhood classroom assistant  
18 teacher who has more than twenty pupils per session and any  
19 classroom teacher of grades one through six who has more than  
20 twenty-five pupils shall be paid additional compensation based on  
21 the affected classroom teacher's, kindergarten aide's or early  
22 childhood classroom assistant teacher's average daily salary  
23 divided by twenty for kindergarten teachers or the daily salary of  
24 kindergarten aide and early childhood classroom assistant teacher

1 or twenty-five for teachers of grades one through six for every day  
2 times the number of additional pupils enrolled up to the maximum  
3 pupils permitted in the teacher's classroom. All such additional  
4 compensation shall be paid from county funds exclusively.

5       Notwithstanding any other provision of this section to the  
6 contrary, commencing with the school year beginning on July 1,  
7 1994, a teacher in grades one, two or three or classrooms having  
8 two or more such grade levels, shall not have more than two pupils  
9 above the teacher/pupil ratio as set forth in this section:  
10 *Provided*, That commencing with the school year beginning on July 1,  
11 1995, such teacher shall not have more than one pupil above the  
12 teacher/pupil ratio as set forth in this section: *Provided*,  
13 *however*, That commencing with the school year beginning on July 1,  
14 1996, such teacher shall not have any pupils above the  
15 teacher/pupil ratio as set forth in this section.

16       No provision of this section is intended to limit the number  
17 of pupils per teacher in a classroom for the purpose of instruction  
18 in choral, band or orchestra music.

19       Each school principal shall assign students equitably among  
20 the classroom teachers, taking into consideration reasonable  
21 differences due to subject areas and/or grade levels.

22       The state board shall collect from each county board of  
23 education information on class size and the number of pupils per  
24 teacher for all classes in grades seven through twelve. The state

1 board shall report such information to the Legislative Oversight  
2 Commission on Education Accountability before January 1, of each  
3 year.

NOTE: The purpose of this bill is to permit a salary increase for kindergarten aides and early childhood classroom assistant teachers who have more than twenty pupils per session. The bill permits early childhood classroom assistant teachers to have the same type of salary increase as kindergarten teachers.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.