

Senate Bill No. 33

(By Senator D. Hall)

[Introduced January 14, 2015; referred to the Committee on Education; and then to the
Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating
to limiting student-to-teacher ratio in preschool through twelfth grades; and adding additional
pay to aides in classrooms over maximum class size.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. COUNTY BOARD OF EDUCATION.

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

County boards of education shall provide ~~by the school year 1983-84, and thereafter,~~
sufficient personnel, equipment and facilities as will ensure that each preschool, kindergarten, first
and second grade classroom, or classrooms having two or more grades that include either the first
or second grades shall not have more than ~~twenty-five~~ twenty pupils for each teacher of the grade
~~or grades and shall not have more than twenty pupils for each kindergarten teacher per session unless~~

1 the State Superintendent has excepted a specific classroom upon application therefor by a county
2 board.

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

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

13 ~~During the school year 1984-85, and thereafter,~~ The State Superintendent is authorized,
14 consistent with sound educational policy, ~~(a) to permit on a statewide basis, in grades four through~~
15 ~~six, more than twenty-five pupils per teacher in a classroom for the purposes of instruction in~~
16 ~~physical education, and (b) to permit more than twenty pupils per teacher in a specific preschool,~~
17 kindergarten, first or second grade classroom and twenty-five pupils per teacher in a specific
18 classroom in grades ~~one~~ three through ~~six~~ twelve during a school year in the event of extraordinary
19 circumstances as determined by the State Superintendent after application by a county board of
20 education.

21 The state board shall establish guidelines for the exceptions authorized in this section, but
22 in no event shall the superintendent except classrooms having more than three pupils above the

1 pupil-teacher ratio as set forth in this section.

2 The requirement for approval of an exception to exceed the twenty pupils per preschool,
3 kindergarten, first or second grade teacher per session limit or the twenty-five pupils per teacher limit
4 in grades ~~one~~ three through ~~six~~ twelve is waived in schools where the school wide pupil-teacher ratio
5 is twenty-five or less in grades ~~one~~ three through ~~six~~ twelve: *Provided*, That a teacher shall not have
6 more than three pupils above the teacher/pupil ratio as set forth in this section. Any ~~kindergarten~~
7 teacher or aide who has more than ~~twenty~~ the maximum number of pupils per session ~~and any~~
8 classroom teacher of grades ~~one through six~~ who has more than twenty-five pupils shall be paid
9 additional compensation based on the affected classroom teacher's or aide's average daily salary
10 divided by twenty for preschool, kindergarten, first or second grade ~~teachers~~ classroom employees
11 or twenty-five for ~~teachers~~ classroom employees of grades ~~one~~ three through ~~six~~ twelve for every day
12 times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's
13 classroom. All such additional compensation shall be paid from county funds exclusively.

14 ~~Notwithstanding any other provision of this section to the contrary, commencing with the~~
15 ~~school year beginning on July 1, 1994, a teacher in grades one, two or three or classrooms having~~
16 ~~two or more such grade levels, shall not have more than two pupils above the teacher/pupil ratio as~~
17 ~~set forth in this section: *Provided*, That commencing with the school year beginning on July 1, 1995,~~
18 ~~such teacher shall not have more than one pupil above the teacher/pupil ratio as set forth in this~~
19 ~~section: *Provided, however*, That commencing with the school year beginning on July 1, 1996, such~~
20 ~~teacher shall not have any pupils above the teacher/pupil ratio as set forth in this section.~~

21 No provision of this section is intended to limit the number of pupils per teacher in a
22 classroom for the purpose of instruction in choral, band or orchestra music. This statute applies to

1 physical education, health, art, general music and media classes.

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

4 The state board shall collect from each county board of education information on class size
5 and the number of pupils per teacher for all classes in grades seven through twelve. The state board
6 shall report such information to the Legislative Oversight Commission on Education accountability
7 before January 1, of each year.

NOTE: The purpose of this bill is to decrease the student-to-teacher ratio in preschool through twelfth grades and to provide additional pay to aides employed in classrooms with student ratios over the maximum allowed.

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