

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 543**

BY SENATORS MULLINS AND CLINE

[Introduced March 8, 2017; Referred  
to the Committee on Education; and then to the  
Committee on Finance]

1 A BILL to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating  
 2 to allowing the maximum number of pupils per teacher to be exceeded by up to five pupils  
 3 in certain instances; and removing restriction on number of classrooms with two or more  
 4 grades that include one or more of certain grade levels.

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

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

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

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

1 County boards of education shall provide ~~by the school year 1983-84, and thereafter~~  
 2 sufficient personnel, equipment and facilities ~~as that~~ will ensure that each first ~~and second~~ through  
 3 sixth grade classroom, or classrooms having two or more grades that include ~~either the first or~~  
 4 ~~second~~ any of the first through sixth grades ~~shall~~ does not have more than twenty-five pupils for  
 5 each teacher of the grade or grades and ~~shall~~ does not have more than twenty pupils for each  
 6 kindergarten teacher per session, unless the state superintendent has excepted a specific  
 7 classroom upon application ~~therefor~~ by a county board.

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

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

18 ~~During the school year 1984-85, and thereafter~~ The state superintendent is authorized,  
19 consistent with sound educational policy, (a) to permit on a statewide basis, in grades four through  
20 six, more than twenty-five pupils per teacher in a classroom for the purposes of instruction in  
21 physical education, and (b) to permit more than twenty pupils per teacher in a specific  
22 kindergarten classroom and twenty-five pupils per teacher in a specific classroom in grades one  
23 through six during a school year in the event of extraordinary circumstances as determined by  
24 the state superintendent after application by a county board of education.

25 The state board shall establish guidelines for the exceptions authorized in this section, but  
26 in no event shall may the superintendent except classrooms having more than ~~three~~ five pupils  
27 above the pupil-teacher ratio as set forth in this section.

28 The requirement for approval of an exception to exceed the twenty pupils per kindergarten  
29 teacher per session limit or the twenty-five pupils per teacher limit in grades one through six is  
30 waived in schools where the schoolwide pupil-teacher ratio is twenty-five or less in grades one  
31 through six: Provided, That a teacher shall may not have more than ~~three~~ five pupils above the  
32 teacher/pupil ratio as set forth in this section. Any kindergarten teacher who has more than twenty  
33 pupils per session and any classroom teacher of grades one through six who has more than  
34 twenty-five pupils shall be paid additional compensation based on the affected classroom  
35 teacher's average daily salary divided by twenty for kindergarten teachers or twenty-five for  
36 teachers of grades one through six for every day times the number of additional pupils enrolled  
37 up to the maximum pupils permitted in the teacher's classroom. All such additional compensation  
38 shall be paid from county funds exclusively.

39 ~~Notwithstanding any other provision of this section to the contrary, commencing with the~~  
40 ~~school year beginning on July 1, 1994, a teacher in grades one, two or three or classrooms having~~  
41 ~~two or more such grade levels, shall not have more than two pupils above the teacher/pupil ratio~~  
42 ~~as set forth in this section: Provided, That commencing with the school year beginning on July 1,~~  
43 ~~1995, such teacher shall not have more than one pupil above the teacher/pupil ratio as set forth~~

44 ~~in this section: Provided, however, That commencing with the school year beginning on July 1,~~  
45 ~~1996, such teacher shall not have any pupils above the teacher/pupil ratio as set forth in this~~  
46 ~~section.~~

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

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

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

NOTE: The purpose of this bill is to allow the maximum number of pupils per teacher to be exceeded by up to five pupils in certain instances; and remove restriction on number of classrooms with two or more grades that include one or more of certain grade levels.

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