

# WEST VIRGINIA LEGISLATURE

## 2018 REGULAR SESSION

**Introduced**

### **House Bill 4206**

**FISCAL  
NOTE**

BY DELEGATES SHOTT, GEARHEART AND ELLINGTON

[Introduced January 19, 2018; Referred  
to the Committee on Education then Finance.]

1 A BILL to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating  
2 to revising pupil to teacher ratio for elementary schools.

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

## **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 will ensure that each first and second grade  
3 classroom, or classrooms having two or more grades that include either the first or second grades  
4 shall not have more than twenty-five pupils for each teacher of the grade or grades and shall not  
5 have more than twenty pupils for each kindergarten teacher per session, unless the state  
6 superintendent has excepted a specific classroom upon application therefor by a county board.

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

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

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

22 through ~~six~~ five during a school year in the event of extraordinary circumstances as determined  
23 by the state superintendent after application by a county board of education.

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

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

38 Notwithstanding any other provision of this section to the contrary, commencing with the  
39 school year beginning on July 1, 1994, a teacher in grades one, two, or three or classrooms  
40 having two or more such grade levels, shall not have more than two pupils above the teacher/pupil  
41 ratio as set forth in this section: *Provided*, That commencing with the school year beginning on  
42 July 1, 1995, such teacher shall not have more than one pupil above the teacher/pupil ratio as set  
43 forth in this section: *Provided, however*, That commencing with the school year beginning on July  
44 1, 1996, such teacher shall not have any pupils above the teacher/pupil ratio as set forth in this  
45 section.

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

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

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

NOTE: The purpose of this bill is to revise the pupil to teacher ratio for elementary schools.

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