

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

### **House Bill 3282**

**FISCAL  
NOTE**

BY DELEGATES THOMPSON, PUSHKIN AND HORNBUCKLE

[Introduced March 16, 2021; Referred to the  
Committee on Education]

1 A BILL to amend and reenact §18-5-18a of the Code of West Virginia, as amended, relating to  
 2 maximum classroom ratios of teacher to pupils; applying the maximum ratio to all grades;  
 3 limiting exceptions to the maximum ratios; removing outdated language; providing  
 4 exceptions for certain programs and activities; mandating compensation for teachers in  
 5 classrooms exceeding maximum ratio; and requiring a new report from the West Virginia  
 6 Department of Education.

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

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

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

1 (a) County boards of education shall provide sufficient personnel, equipment, and facilities  
 2 as will ensure that each first through ~~sixth~~ 12th grade classroom, ~~or~~ including classrooms having  
 3 two or more grades ~~that include one or more of the first through sixth grades~~ shall not have more  
 4 than 25 pupils for each teacher of the grade or grades and shall not have more than 20 pupils for  
 5 each kindergarten teacher per class session, unless the state superintendent has excepted a  
 6 specific classroom upon application therefor by a county board.

7 ~~(b) County school boards may not maintain a greater number of classrooms having two~~  
 8 ~~or more grades that include one or more of the grade levels referred to in this section than were~~  
 9 ~~in existence in said county as of January 1, 1983~~

10 ~~(c)~~ (b) The state superintendent is authorized, consistent with sound educational policy,  
 11 to:

12 (1) Permit on a statewide basis, in grades four through ~~six~~ 12, more than 25 pupils per  
 13 teacher in a classroom for the purposes of instruction in physical education; and

14 (2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25  
 15 pupils per teacher in a specific classroom in grades four through six during a school year in the  
 16 event of extraordinary circumstances, ~~as determined by the state superintendent after application~~  
 17 ~~by a county board of education~~ but not to exceed a period of 10 continuous days of instruction or

18 30 aggregate days within one school year.

19 ~~(d)~~ (c) The state board shall establish guidelines for the exceptions authorized in this  
20 section, but in no event shall the superintendent except classrooms having more than three pupils  
21 above the pupil-teacher ratio as set forth in this section.

22 ~~(e)~~ (d) ~~The requirement for approval of an exception to exceed the 20 pupils per~~  
23 ~~kindergarten teacher per session limit or the 25 pupils per teacher limit in grades one through six~~  
24 ~~is waived in schools where the schoolwide pupil-teacher ratio is 25 or less in grades one through~~  
25 ~~six: *Provided*, That a teacher shall not have more than three pupils above the teacher/pupil ratio~~  
26 ~~as set forth in this section. Any kindergarten teacher who has more than 20 pupils per session and~~  
27 ~~any classroom teacher of grades one through six~~ 12 who has more than 25 pupils, shall be paid  
28 additional compensation based on the affected classroom teacher's average daily salary divided  
29 by 20 for kindergarten teachers, or 25 for teachers of grades one through ~~six~~ 12, for every day  
30 times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's  
31 classroom. All such additional compensation shall be paid from county funds exclusively.

32 ~~Notwithstanding any other provision of this section to the contrary, commencing with the~~  
33 ~~school year beginning on July 1, 1994, a teacher in grades one, two or three or classrooms having~~  
34 ~~two or more such grade levels, shall not have more than two pupils above the teacher/pupil ratio~~  
35 ~~as set forth in this section: *Provided*, That commencing with the school year beginning on July 1,~~  
36 ~~1995, such teacher shall not have more than one pupil above the teacher/pupil ratio as set forth~~  
37 ~~in this section: *Provided, however*, That commencing with the school year beginning on July 1,~~  
38 ~~1996, such teacher shall not have any pupils above the teacher/pupil ratio as set forth in this~~  
39 ~~section~~

40 ~~(f)~~ (e) ~~No provision of this section is intended to limit~~ The teacher-to-pupil classroom ratios  
41 of this section shall not apply to the number of pupils per teacher in a classroom for the purpose  
42 of instruction in choral, band, or orchestra music, or for extracurricular activities such as theater  
43 productions, show choir practice, and similar activities for which classroom time may be allotted.

44           ~~(g)~~ (f) Each school principal shall assign students equitably among the classroom  
45 teachers, taking into consideration reasonable differences due to subject areas and/or grade  
46 levels.

47           ~~(h)~~ (g) The state board shall collect from each county board of education information on  
48 class size and the number of pupils per teacher for all classes in grades ~~seven~~ one through 12.  
49 The state board shall report such information to the Legislative Oversight Commission on  
50 Education Accountability before January 1, of each year.

51           ~~(i)~~ (h) The West Virginia Department of Education shall survey districts to determine those  
52 grade levels, content areas, and geographic locations where class overcrowding is impeding  
53 student achievement and provide an updated report to the Legislature by July 1, ~~2020~~ 2022, a  
54 tailored plan for reducing class overcrowding in such areas.

55           The study shall include, but is not limited to, an examination of the following issues:

56           (1) The effect on student learning of limits on the number of pupils per teacher in a  
57 classroom in elementary classes and in a middle and high school format in which students have  
58 different teachers for different subject matter instruction;

59           (2) The effect on the equity among teachers in a middle school in which the number of  
60 pupils per teacher in a classroom is limited for some teachers and not for others, including the  
61 additional pay for certain teachers in whose classrooms the limits are exceeded; and

62           (3) The effect limits on the number of pupils per teacher in a classroom have on the ability  
63 of school systems to offer elective courses in secondary schools.

NOTE: The purpose of this bill is to update and tighten the mandatory, maximum teacher-to-pupil ratios permitted in public 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.