

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 3035

By Delegates Hanshaw (Mr. Speaker) and Skaff

(By Request of the Executive)

[Originating in the Committee on Finance;

February 24, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §18-2E-13, relating to establishing the Grow Your Own West Virginia Pathway
3 to Teaching Program; and requiring West Virginia Board of Education to promulgate rules
4 to govern the program and grant funds.

Be it enacted by the Legislature of West Virginia:

CHAPTER 18. EDUCATION.

ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.

§18-2E-10. ~~Transformative system of support for early literacy~~ Multi-tiered system of support intervention for grade level literacy and numeracy by the end of the third grade; screener and/or benchmark assessments; pre-service and in-service teacher training; notice to parent or guardian; third grade retention policy with exceptions; interventions continuing in fourth grade for students below proficient.

1 (a) The Legislature finds that:

2 (1) In the early learning years, ensuring that each student masters the content and skills
3 needed for mastery at the next grade level is critically important for student success;

4 (2) Students who do not demonstrate grade-level proficiency in reading and mathematics
5 by the end of third grade become increasingly less likely to succeed at each successive grade
6 level and often drop out of school prior to graduation;

7 (3) State board policy requires every school to establish a process for ensuring the
8 developmental and academic progress of all students. This process is to be coordinated by a
9 school student assistance team that reviews student developmental and academic needs that
10 have persisted despite being addressed through instruction, intervention, and as applicable,
11 supports for personalized learning. Ensuring the developmental and academic success of all
12 students requires every school to implement, in an equitable manner, programs during and after

13 the instructional day at the appropriate instructional levels that contribute to the success of
14 students; and

15 (4) To ensure that all students read and perform mathematics proficiently by the end of
16 third grade, a statewide comprehensive approach to early literacy and numeracy is required. This
17 approach shall focus on intensive supports during the early learning years which include schools
18 and engaged communities mobilized to remove barriers, expand opportunities, and assist parents
19 in fulfilling their roles and responsibilities to serve as full partners in the success of their children.

20 (b) The state board shall, in accordance with ~~the provisions of article three-b, chapter~~
21 ~~twenty-nine-a~~ §29A-3B-1 et seq. of this code, promulgate legislative rules as necessary to
22 effectuate the provisions of this section. The rules shall provide for at least the following:

23 (1) Development of a statewide comprehensive, systemic approach to close the reading
24 and mathematics achievement ~~gap~~ gaps by the end of the third grade utilizing instructional
25 materials and methods for reading that are based upon the science of reading instruction (phonics,
26 phonemic awareness, vocabulary, fluency, and comprehension). The comprehensive, systemic
27 approach also shall ~~which targets~~ target school readiness, the attendance gap, summer learning
28 loss and ~~a transformative intervention framework for student and learning supports~~ implement a
29 multi-tiered system of support intervention framework as set forth in this section;

30 (2) Ensuring all West Virginia children have access to high quality early learning
31 experiences that focus on healthy learners as part of the school readiness model, resulting in
32 increased populations of children on target for healthy development prior to entering first grade;

33 (3) Closing the attendance gap to certify West Virginia children attend school regularly and
34 limit chronic absenteeism in the early grades;

35 (4) Assisting county boards in establishing and operating a multi-tiered system of support
36 intervention that includes targeted, sustained extended day and extended year reading and
37 mathematics programs to ensure grade level proficiency and battle summer learning loss;

38 (c) The multi-tiered system of support intervention framework provided in the state board's
39 best practice document shall include the identification and monitoring of the progress of students
40 in grades pre-kindergarten through three toward achieving grade level proficiency in English
41 language arts and mathematics which shall consist of at least the following:

42 (1) The use of screener assessments in grades kindergarten through two and benchmark
43 assessments in grade three that are statistically valid and reliable to identify students with
44 substantial reading and numeracy deficiencies. The State Board shall adopt an approved list of not
45 more than three screener assessments for school district use for screening and monitoring student
46 progress. In determining which screener assessments to approve for use by school districts, the
47 Department shall also consider, at a minimum, the following factors:

48 (A) The time required to conduct the assessment, with the intention of minimizing the
49 impact on instructional time;

50 (B) The timeliness in reporting assessment results to teachers, administrators, and
51 parents; and

52 (C) The integration of assessment and instruction the system provides.

53 (2) The state board shall develop a best practice document that:

54 (A) Includes a comprehensive list of no more than three approved screener assessments
55 that allow teachers to target instruction based on student needs. In addition, benchmark
56 assessments for grade three shall also be included in the comprehensive list, ensuring that they
57 are aligned to standards. Should the grade three student not perform at a satisfactory level, then
58 the student may be screened for any exceptionalities that may be impacting their learning. The
59 spring assessment in the third grade shall be the standardized comprehensive statewide student
60 assessment program aligned to the core curricular content adopted by the State Board; and

61 (B) Provides reading assessments in all grade levels that measure, at a minimum, phonics,
62 phonemic awareness, vocabulary, fluency and comprehension and shall identify students who
63 have a reading deficiency and students with characteristics of dyslexia.

64 (3) The State Board shall establish the cut scores for each screener for grade levels
65 kindergarten-two. Additionally, the State Board shall establish the cut scores for benchmark
66 assessments utilized but not limited to third grade to define the score used to identify students with
67 a substantial deficiency in reading or numeracy for each data collection point during the school
68 term.

69 (4) Students exhibiting a substantial deficiency in reading or numeracy through a screener
70 or benchmark assessment shall receive:

71 (A) Intensive instruction and intervention immediately following the identification that is
72 targeted at the deficiency or deficiencies identified by the screener or benchmark assessment;

73 (B) A personalized learning plan outlining goals, methods for monitoring progress, and
74 additional instructional services and interventions needed to address the deficiency or
75 deficiencies; and

76 (C) In the case of reading deficiencies, instructional materials and methods that utilize the
77 science of reading (phonics, phonemic awareness, vocabulary, fluency and comprehension).

78 (5) Students who continue to exhibit a substantial deficiency in reading or numeracy after
79 intensive instruction and intervention for more than three grading periods shall be referred to the
80 school's student assistance team to examine additional options for the student. Students may be
81 referred to the school's student assistance team earlier if deemed appropriate by the request of
82 either the teacher or the student's parent or guardian.

83 (d) The document addressing multi-tiered system of support intervention framework also
84 shall include maximizing family engagement to result in the development of a culture of literacy
85 and numeracy from birth through third grade which shall at least include:

86 (1) Ensuring the parent or guardian is informed of and has access to resources that they
87 may utilize to improve their child's literacy and numeracy skills;

88 (2) Ensuring the parent or guardian is informed of the importance of grade level literacy
89 and numeracy by the end of the third grade and the measures that will be employed pursuant to

90 this section to improve the literacy and numeracy skills of children who are not meeting the
91 standards, as well as the grade three retention policy and the exceptions; and

92 (3) Immediately upon the determination of a substantial reading and/or numeracy
93 deficiency through the use of screener and/or benchmark assessments as provided in subsection
94 (c) of this section, the student's parent or guardian shall be notified in writing of the following:

95 (A) That the student has been identified as having a substantial deficiency in reading
96 and/or numeracy;

97 (B) A description of the intensive instruction and intervention that will be provided to the
98 student;

99 (C) A description of the personalized learning plan for the student outlining goals, methods
100 for monitoring progress, and additional instructional services and interventions needed to address
101 the deficiency or deficiencies;

102 (D) Strategies for the parent or guardian to use at home to help their child succeed in
103 reading and/or mathematics; and

104 (E) That if the child's reading and/or mathematics deficiency is not corrected by the end of
105 grade three, the child may not be promoted to grade four unless an exemption is met.

106 ~~(6)~~ (e) The multi-tiered system of support intervention framework also shall include
107 supporting high quality schools and a high quality educator workforce prepared to address early
108 literacy and numeracy identification of interventions, and implementation of a system of
109 intervention for children not reaching grade level proficiency including, but not limited to,
110 professional learning for teachers and early childhood classroom assistant teachers as
111 appropriate, on the following:

112 (1) The administration and use of state board approved screener and benchmark
113 assessments to ensure teachers have the knowledge and skills to administer the assessments
114 and use the data to inform instruction based on student needs;

115 (2) Comprehensive training on the science of reading and numeracy instruction to ensure
116 all teachers have the knowledge and skill to teach all students to read and perform mathematics at
117 grade level, including students with dyslexia and dyscalculia. The comprehensive training on the
118 science of reading shall include explicit and systematic instruction in phonics, phonemic
119 awareness, vocabulary, fluency, comprehension, and building content knowledge, to ensure all
120 teachers have the knowledge and skill to teach all students to read, including students with
121 dyslexia; and

122 (3) Job-embedded, on-site teacher training on evidence-based reading and numeracy
123 instruction and data-based decision making that provides immediate feedback for improving
124 instruction including job-embedded coaching support for K-3 reading teachers.

125 ~~(7) (f)~~ The multi-tiered system of support intervention framework also shall include
126 ensuring the employment of qualified teachers and service personnel in accordance with the
127 provisions of section thirty-nine, article five of this chapter and section seven-c, article four, chapter
128 eighteen-a §18-5-39 and §18A-4-7c of this code to provide instruction to students enrolled in early
129 literacy support programs childhood grades including, but not limited to, ensuring that educator
130 preparation programs prepare candidates seeking licensure for elementary education with training
131 and instruction to:

132 (1) Understand the science of reading and numeracy instruction to ensure all teachers
133 have the knowledge and skill to teach all students to read and perform mathematics at grade level.
134 The training on the science of reading shall include explicit and systematic instruction in phonics,
135 phonemic awareness, vocabulary, fluency, comprehension, and building content knowledge, to
136 ensure all teachers have the knowledge and skill to teach all students to read, including students
137 with dyslexia;

138 (2) Effectively teach foundational reading and mathematics skills and implement reading
139 instruction using high-quality instructional materials;

140 (3) The administration and use of state board approved screener and benchmark
141 assessments to ensure teachers have the knowledge and skills to administer the assessments
142 and use the data to inform instruction based on student needs;

143 (4) Provide effective instruction and interventions for students with reading and math
144 deficiencies, including students with characteristics of dyslexia or dyscalculia; and

145 (5) Understand and use student data to make instructional decisions.

146 (4) (g) The multi-tiered system of support intervention framework also shall include:

147 (1) Creating a formula or grant-based program for the distribution of funds appropriated
148 specifically for the purposes of this section or otherwise available for the support of a targeted,
149 multi-tiered system of support intervention comprehensive system of support for early literacy and
150 numeracy including:

151 (9) (A) Providing support for transportation and healthy foods for students required to
152 attend after-school and extended year early literacy and numeracy instructional support programs
153 and supervision at the school that accommodates the typical work schedules of parents; and

154 (10) (B) Receiving from county boards any applications and annual reports required by rule
155 of the state board.

156 (e) (h) A student in grades kindergarten through three who is recommended by the student
157 assistance team or the student's classroom teacher for additional assistance in one or more of the
158 key standards of English Language Arts including reading, speaking and listening, writing or
159 language may be required to attend an extended year early literacy and numeracy instructional
160 support program as a condition for promotion if:

161 (1) The student has been provided additional academic help through the multi-tiered
162 system of support intervention which may include an in-school or after-school early literacy and
163 numeracy instructional support program and, prior to the end of the school year, the student
164 assistance team or the student's classroom teacher recommends that further additional academic
165 help is needed for the student to be successful at the next grade level; and

166 (2) The county board has established an a multi-tiered system of support intervention for
167 early literacy and numeracy instructional support program during the extended year for the
168 student's grade level.

169 (d) (i) County boards shall provide high-quality educational facilities, equipment, and
170 services to support a multi-tiered system of support intervention for early literacy and numeracy
171 instructional support programs established pursuant to this section. Extended year programs may
172 be provided at a central location for kindergarten through third graders who qualify for the
173 program.

174 (e) (j) This section may not be construed to prohibit a classroom teacher from
175 recommending the grade level retention of a student in any of the grade's pre-kindergarten
176 through grade three based upon the student's lack of mastery of the subject matter and
177 preparation for the subject matter at the next grade level. In addition to comprehensive materials
178 including report cards, personalized learning plans with goals for individual students, and
179 classroom work-samples, data from the screener and benchmark assessments may also be used
180 to inform the classroom teacher's recommendation.

181 (f) (k) This section may not be construed to affect the individualized education plans of
182 exceptional students.

183 (g) (l) This section may not be construed to limit the authority of the county board to
184 establish an extended year program in accordance with ~~section thirty-nine, article five of this~~
185 ~~chapter~~ §18-5-39 of this code. County boards may not charge tuition for enrollment in early literacy
186 and numeracy instructional support programs established pursuant to this section.

187 (h) (m) Each county board shall ~~prepare to~~ implement the provisions of this section and the
188 provisions of the state board rule required by subsection (b) of this section. ~~The preparations shall~~
189 ~~at least include planning, ensuring~~ The county board shall establish a process for ensuring the
190 developmental and academic progress of all students through the auspices of student assistance

191 teams as currently required by state board policy and ~~performing~~ perform a needs assessment to
192 determine the potential capacity requirements for the system of support for early learners.

193 ~~(i) (n)~~ (n) The state board shall provide a report describing the ~~proposed~~ implementation of the
194 ~~transformative system of support~~ multi-tiered system of support intervention for early literacy and
195 numeracy to the Legislative Oversight Commission on Education Accountability on or before ~~July~~
196 ~~1, 2014~~ July 1, 2023.

197 ~~(j) (o)~~ (o) The state board shall provide a comprehensive report regarding the status of the
198 ~~transformative system of support~~ multi-tiered system of support intervention for early literacy and
199 numeracy to the Legislative Oversight Commission on Education Accountability, the Joint
200 Committee on Government and Finance, and the Governor on ~~November 1, 2014~~ November 1,
201 2023, and annually on November 1 on each year thereafter. The report shall address, at a
202 minimum, the progress of the program throughout the state, its effect on student achievement and
203 the sources of the funding both available to and used by the program. If the state board determines
204 that additional funds are needed beginning in the 2024-2025 school year to complete
205 implementation of the multi-tiered approach addressing literacy and numeracy initiative, they shall
206 submit a written request for additional funding to the Legislative Oversight Commission on
207 Education Accountability and the Committee on Government and Finance in its November 1, 2023
208 report.

209 ~~(k) (p)~~ (p) The State Department of Education Early Literacy Program and Math Program shall
210 be used for the implementation of the provisions of this section along with other funds available for
211 providing a high-quality education. ~~The provisions of this section are subject to the availability of~~
212 ~~funds from legislative appropriation or other sources specifically designated for the purposes of~~
213 ~~this section. If a county board determines that adequate funds are not available for full~~
214 ~~implementation of a transformative system of support for early literacy in the county, the county~~
215 ~~board may implement its program in phases by first establishing early literacy instructional support~~
216 ~~programs in the early readiness grades (Kindergarten), then the primary grades (Grades 1-2), and~~

217 ~~then establishing an early literacy instructional support program for the third grade once the county~~
218 ~~board determines that adequate funds are available.~~

219 (q) Effective for the school year beginning July 1, 2026, and thereafter, a public school
220 student who generally demonstrates a minimal understanding of, and ability to apply, grade level
221 English language arts or mathematics knowledge, skills and abilities, or both, relative to the West
222 Virginia College and Career Readiness Standards at the end of the third grade shall, upon the
223 recommendation of the teacher and the student assistance team, be retained in the third grade for
224 the ensuing school year subject to the following exceptions:

225 (1) A student identified as an English language learner who has had less than three years
226 instruction in English as a second language;

227 (2) A student with disabilities who participates in the statewide summative assessment, or
228 alternative standardized assessment, has an Individual Education Plan or section 504 plan that
229 reflects that the student has received intensive intervention for more than two years and still
230 demonstrates a deficiency and who was previously retained in any of the grades pre-kindergarten
231 through three;

232 (3) A student who is in the process of a special education referral or evaluation for
233 placement in special education, has been diagnosed as having a significant impairment, including
234 dyslexia or dyscalculia, or is a child with a disability if the student's individualized education
235 program team and the student's parent or guardian agree that promotion is appropriate based on
236 the student's Individualized Education Plan;

237 (4) A student who has received intensive intervention for two or more years, still
238 demonstrates a deficiency and who was previously retained in any of the grades pre-kindergarten
239 through three for a total of two years: *Provided*, That the student shall continue to receive intensive
240 intervention in grade four;

241 (5) A student who demonstrates an acceptable level of performance on an alternative
242 standardized assessment approved by the State Board;

243 (6) A student who attends an extended year learning program following the third grade and
244 has attained proficiency; or

245 (7) The parent or guardian of a student requests promotion of their child to the fourth grade
246 notwithstanding the recommendation of the teacher and the student assistance team: *Provided,*
247 That the child is encouraged to attend an extended year program prior to promotion to the fourth
248 grade.

249 (r) Beginning in fourth grade, students who score below proficient in English language arts
250 or mathematics on the standardized comprehensive Statewide Student Assessment Program
251 assessment aligned to the core curricular content adopted by the State Board shall continue to be
252 provided targeted and intensive intervention through a multi-tiered system of support until the
253 student demonstrates grade level proficiency in English language arts and mathematics on the
254 West Virginia General Summative Assessment.

§18-2E-13. Grow Your Own West Virginia Pathway to Teaching Pilot Program.

1 (a) *Definitions.* – As used in this section, unless used in a context that clearly requires a
2 different meaning, the term:

3 "Applicant" means a county school district or a public charter school, established in
4 accordance with the provisions of §18-5G-1 *et. seq.* of this code, acting in partnership with an
5 eligible institution;

6 "Candidate" means a student enrolled in a public school or post-secondary institution of
7 higher learning in West Virginia; and

8 "Eligible institution" means a state institution of higher education as that term is defined in
9 §18B-1-2 of this code.

10 (b) *Grow Your Own West Virginia Pathway to Teaching Pilot Program established.* – In
11 conjunction with the state board and under the supervision of the Department of Education, the
12 state superintendent shall establish a three-year pilot program whereby applicants shall offer a
13 pathway to facilitate a career path for candidates to pursue a career in education with progression

14 from high school to postsecondary degree with classroom experience and employment. Program
15 opportunities include, but are not limited to:

16 (1) Dual credit pathways that allow a candidate to obtain his or her education degree
17 after three years at an eligible institution;

18 (2) Apprenticeship opportunities through the United States Department of Labor that
19 provide a candidate paid field experience;

20 (3) Residency as the teacher of record during the candidate's last year at an eligible
21 institution; and

22 (4) Preferential hiring status.

23 (c) Funding. – From appropriations to the department for the purposes of implementing
24 and administering the program, the department shall award funds to applicants from such
25 appropriations in accordance with the program rules established pursuant to subsection (d) of this
26 section.

27 (d) Rulemaking. – The state board shall promulgate legislative rules pursuant to §29A-3B-
28 1 et seq. of this code to implement the provisions of this section.

29 (e) Annual reports. – By December 1, 2024, and annually thereafter for the duration of the
30 pilot program, the state superintendent shall report to the Legislative Oversight Commission on
31 Education Accountability on:

32 (1) The number of students participating in the program;

33 (2) The number and type of credits and certifications or credentials earned by students who
34 have participated in the program;

35 (3) The dollar amount expended associated with the program;

36 (4) Projected growth in the program and funding needs for the next year;

37 (5) The job status of students who have participated in the program;

38 (6) Any issues with the program reported by students, parents, and applicants; how these
39 issues are being addressed; and whether the issues require legislative action; and

40 (7) A recommendation from the state superintendent on whether the program should
41 continue beyond its three-year pilot period.

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 grade~~ classroom, or classrooms having two or more
3 grades that include one or more of the ~~first~~ pre-kindergarten through sixth grades shall not have
4 more than ~~25~~ pupils for each teacher ~~of the grade or grades and shall not have more than 20 pupils~~
5 ~~for each kindergarten teacher per session~~ as follows, unless the state superintendent has
6 excepted a specific classroom upon application therefor by a county board as provided in this
7 section:

8 (1) For pre-kindergarten, not more than 20 pupils for each teacher and one early childhood
9 classroom assistant teacher;

10 (2) For kindergarten, not more than 20 pupils for each teacher and one early childhood
11 classroom assistant teacher in classrooms with more than 10 pupils;

12 (3) For first, second and third grades, not more than 25 pupils for each teacher;

13 (4) For the school year beginning July 1, 2026, for first, second and third grades, not more
14 than 25 pupils for each teacher and, in classrooms with more than 12 pupils, one early childhood
15 classroom assistant teacher or other more highly credentialed professional, interventionist, or
16 paraprofessional employee. When implementing these limits from funding allocated through the
17 Public School Support Program in accordance with §18-9A-1 et seq. of this code, county boards
18 have the discretion to add the assistant teachers or employees in schools or classrooms of the
19 greatest need; and

20 (5) For grades four, five and six, not more than 25 pupils for each teacher.

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

24 (c) The state superintendent is authorized, consistent with sound educational policy, to:

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

27 (2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25
28 pupils per teacher in a specific classroom in grades four through six during a school year in the
29 event of extraordinary circumstances as determined by the state superintendent after application
30 by a county board of education.

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

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

44 Notwithstanding any other provision of this section to the contrary, ~~commencing with the~~
45 ~~school year beginning on July 1, 1994,~~ a teacher in grades one, two or three or classrooms having
46 two or more such grade levels, ~~shall not have more than two pupils above the teacher/pupil ratio~~

47 ~~as set forth in this section: *Provided*, That commencing with the school year beginning on July 1,~~
48 ~~1995, such teacher shall not have more than one pupil above the teacher/pupil ratio as set forth in~~
49 ~~this section: *Provided, however*, That commencing with the school year beginning on July 1, 1996,~~
50 ~~such teacher shall not have any pupils above the teacher/pupil ratio as set forth in this section.~~

51 (f) No provision of this section is intended to limit the number of pupils per teacher in a
52 classroom for the purpose of instruction in choral, band or orchestra music.

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

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

59 ~~(i) The West Virginia Department of Education shall survey districts to determine those~~
60 ~~grade levels, content areas, and geographic locations where class overcrowding is impeding~~
61 ~~student achievement and report to the Legislature by July 1, 2020 a tailored plan for reducing class~~
62 ~~overcrowding in such areas.~~

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

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

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

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

ARTICLE 9A. PUBLIC SCHOOL SUPPORT.

§18-9A-5. Foundation allowance for service personnel.

1 (a) The basic foundation allowance to the county for service personnel shall be the amount
2 of money required to pay the annual state minimum salaries in accordance with the provisions of
3 article four, chapter eighteen-a of this code, to such service personnel employed, subject to the
4 following:

5 (1) A county shall receive an allowance for state aid eligible service personnel positions per
6 1,000 students in net enrollment, as follows:

7 (A) For each high-density county, ~~forty-three and ninety-seven one hundredths 43.97~~
8 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service
9 personnel per 1,000 students in net enrollment shall increase to 47.39 beginning July 1, 2023;
10 50.65 beginning July 1, 2024; and 53.79 beginning July 1, 2025;

11 (B) For each medium-density county, ~~forty-four and fifty-three one hundredths 44.53~~
12 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service
13 personnel per 1,000 students in net enrollment shall increase to 47.95 beginning July 1, 2023;
14 51.21 beginning July 1, 2024; and 54.35 beginning July 1, 2025;

15 (C) For each low-density county, ~~forty-five and one tenth 45.10~~ service personnel per 1,000
16 students in net enrollment: Provided, That this ratio of service personnel per 1,000 students in net
17 enrollment shall increase to 48.52 beginning July 1, 2023; 51.78 beginning July 1, 2024; and 54.92
18 beginning July 1, 2025;

19 (D) For each sparse-density county, ~~forty-five and sixty-eight one hundredths 45.68~~
20 service personnel per 1,000 students in net enrollment: Provided, That this ratio of service
21 personnel per 1,000 students in net enrollment shall increase to 49.10 beginning July 1, 2023;
22 52.36 beginning July 1, 2024; and 55.50 beginning July 1, 2025; and

23 (E) For any service personnel positions, or fraction thereof, determined for a county
24 pursuant to subdivision (1) of this subsection that exceed the number employed, the county's

25 allowance for these positions shall be determined using the average state funded minimum salary
26 of service personnel for the county;

27 (2) The number of and the allowance for personnel paid in part by state and county funds
28 shall be prorated; and

29 (3) Where two or more counties join together in support of a vocational or comprehensive
30 high school or any other program or service, the service personnel for the school or program may
31 be prorated among the participating counties on the basis of each one's enrollment therein and
32 that the personnel shall be considered within the above-stated limit.

CHAPTER 18A. SCHOOL PERSONNEL.

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-9. Authority of early childhood classroom assistant teachers to exercise control over students; limitations.

1 (a) Within the limitations provided in this section, an early childhood classroom assistant
2 teacher shall stand in the place of the parent or guardian and shall exercise such authority and
3 control over students as is required of a teacher as provided in section one of this article. The
4 principal shall enumerate the instances in which the authority shall be exercised by an early
5 childhood classroom assistant teacher when requested by the principal, assistant principal or
6 professional employee to whom the assistant teacher is assigned.

7 (b) The authority provided for in subsection (a) of this section does not extend to
8 suspending or expelling any student, participating in the administration of corporal punishment, or
9 performing instructional duties as a teacher or substitute teacher.

10 (c) An early childhood classroom assistant teacher may not be required by the operation of
11 this section to perform noninstructional duties for an amount of time which exceeds that required
12 under the assistant teacher's contract of employment or that required of other early childhood
13 classroom assistant teachers in the same school unless the assignment of the duties is mutually

14 agreed upon by the assistant teacher and the county superintendent, or the superintendent's
15 designated representative, subject to county board approval.

16 (1) The terms and conditions of the agreement shall be in writing, signed by both parties,
17 and may include additional benefits.

18 (2) The agreement shall be uniform as to early childhood classroom assistant teachers
19 assigned similar duties for similar amounts of time within the same school.

20 (d) The county board shall provide in-service training for early childhood classroom
21 assistant teachers specifically related to literacy, numeracy and their responsibilities and
22 appropriate measures for exercising authority and control over students as required under this
23 section.

24 (e) The county board shall provide in-service training for classroom teachers in grades pre-
25 kindergarten through three to help the classroom teachers gain a strong understanding of how to
26 best utilize the early childhood classroom assistant teachers during classroom instruction and
27 during other periods of the day.