

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3035

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]

[Introduced January 25, 2023; Referred to the
Committee on Education then Finance]

1 A BILL to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended; to
2 amend said code by adding thereto a new section, designated §18-2E-13; to amend and
3 reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code; and to
4 amend said code by adding thereto a new section, designated §18A-5-9, all relating to
5 high-quality education programs and school operations, generally; adding legislative
6 findings; adding mathematics requirements in kindergarten through third grade;
7 developing the science of reading instructions to implement in classroom education;
8 requiring the use of the early learning reporting system for Pre-K; requiring the use of
9 benchmark assessments and/or screeners for kindergarten through third grade in reading
10 and mathematics; emphasizing a system of support for students that demonstrate
11 nonproficiency in reading or mathematics; assisting county boards of education in
12 implementing the science of reading education; maximizing family engagement in classes
13 from birth to third grade through required communication with parents or guardians
14 regarding education proficiency; establishing standards to better equip teachers with
15 training and evidence-based materials so they may better address student needs;
16 ensuring that educator preparation programs prepare candidates seeking licensure for
17 elementary education with training and instruction so that they may meet new education
18 goals and standards; establishing that legislative appropriations shall be used for the
19 implementation of new standards for providing high-quality education; ensuring that
20 children who exhibit nonproficiency on the West Virginia General Summative Assessment
21 relative to the West Virginia College career and Readiness Standards at the end of third
22 grade shall repeat the third grade upon the recommendation of the teacher and the student
23 assistance team; establishing the Grow Your Own West Virginia Pathway to Teaching
24 Program; establishing that the West Virginia Board of Education shall promulgate rules to
25 govern the program and grant funds; requiring early childhood classroom assistant teacher
26 in certain grade levels and enrollment levels in said grade levels; removing outdated

27 provisions; increasing ratios of service personnel per student net enrollment in state basic
 28 foundation program; requiring early childhood classroom assistant teachers exercise
 29 authority and control over students in certain instances and within certain limits; prohibiting
 30 assignment of noninstructional duties to early childhood classroom assistant teacher in
 31 excess of contractual requirements unless mutually agreed upon; and requiring in-services
 32 training for early childhood classroom assistant teachers on responsibilities and
 33 appropriate measures for exercising authority and control over students.

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 and numeracy in
kindergarten through grade three; preservice 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 by the end of third
 5 grade become increasingly less likely to succeed at each successive grade level and often drop
 6 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, multi-tiered system of support for
 11 intervention, and as applicable, supports for personalized learning. Ensuring the developmental

12 and academic success of all students requires every school to implement, in an equitable manner,
13 programs during and after the instructional day at the appropriate instructional levels that
14 contribute to the success of 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 ~~supports~~ intensive support during the early learning years which include
18 schools and engaged communities mobilized to remove barriers, expand opportunities, and assist
19 parents in fulfilling their roles and responsibilities to serve as full partners in the success of their
20 children.

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

24 (1) Development of a statewide comprehensive, systemic approach to close the reading
25 and mathematics achievement gap ~~gaps~~ by third grade, which targets school readiness, the
26 attendance gap, science of reading instruction including, but not limited to, phonics, phonemic
27 awareness, vocabulary, fluency and comprehension, summer learning loss, the use of screeners
28 and/or benchmark assessments in English language arts and mathematics for students in grades
29 K-3, the use of an early learning reporting system for students in pre-k programs, and a system of
30 support for students exhibiting a substantial reading or mathematics deficiency; and a
31 ~~transformative intervention framework for student and learning supports~~

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

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

37 (4) Providing assistance to county boards with the training and implementation of the

38 science of reading training for all K–5 educators;

39 ~~(4)~~ (5) Assisting county boards in establishing and operating targeted, sustained extended
40 day and extended year reading and mathematics programs to ensure grade level proficiency and
41 battle summer learning loss;

42 (6) Establishing an approved list of screeners and/or benchmark assessments in English
43 language arts and mathematics for K—3 students for the purpose of identifying students with a
44 significant reading and/or mathematics deficiency. The screener and/or benchmark assessments
45 shall be given in the first 30 days of the school year, repeated at mid-year and at the end of the
46 school year to determine student progression in reading and mathematics K–3 grades.

47 (7) Maintaining an early learning reporting system to gauge the extent to which students in
48 pre-K programs are progressing toward proficiency in English language arts and mathematics
49 standards.

50 (8) Any K–3 student identified with a deficiency in reading and/or mathematics must be
51 provided interventions in reading and/or mathematics through a multi-tiered system of support
52 until the student demonstrates grade level proficiency in reading and/or mathematics as identified
53 by an approved screener, benchmark assessment, or the third-grade summative assessment.

54 ~~(5)~~ (9) Maximizing family engagement to result in the development of a culture of literacy
55 and numeracy from birth through third grade, which shall include at a minimum:

56 (A) Providing parents or guardians with regular updates to inform them of their child’s
57 progress toward proficiency in reading and mathematics;

58 (B) Ensuring parents or guardians are informed of, and have access to, resources which
59 they may utilize to improve their child’s literacy and numeracy skills; and

60 (C) Ensuring the parent or guardian is informed of the importance of their child’s ability to
61 demonstrate grade level reading and mathematics skills by the end of the third grade and the
62 measures that will be employed to improve the reading and mathematics skills of children who are
63 not meeting the standards pursuant to this section; and

64 (D) The parent or guardian of any student in kindergarten through third grade who exhibits
65 a deficiency in reading or mathematics at any time during the school year must be notified in
66 writing within 15 days after the identification of the deficiency, and the written notification must
67 include at a minimum, the following:

68 (i) That the student has been identified as having a deficiency in reading and/or
69 mathematics;

70 (ii) A description of the proposed research-based reading and/or mathematics
71 interventions and/or supplemental instructional services and supports that will be provided to the
72 child to address the identified areas of deficiency;

73 (iii) Strategies for the parent or guardian to use at home to help their child succeed in
74 reading and/or mathematics; and

75 (iv) That if the child's reading deficiency is not proficient by the end of third grade, the child
76 may not be promoted to fourth grade unless an exemption is met.

77 ~~(6) (10) Supporting high quality schools and a workforce prepared to address early literacy~~
78 ~~identification of interventions, and implementation of a system of intervention for children not~~
79 ~~reaching grade level proficiency; and numeracy by the provision of professional development for~~
80 ~~K-5 educators including, but not limited to, the following:~~

81 (A) The approved benchmark assessment and/or screener tools to ensure educators have
82 the knowledge and skill to administer the assessment/screener, analyze the data to inform
83 instruction, and identify students exhibiting substantial deficiencies in reading or mathematics;

84 (B) Comprehensive training on the science of reading and numeracy instruction to ensure
85 all educators have the knowledge and skill to teach all students to read and perform mathematics
86 at grade level;

87 (C) Training and materials to inform educators of the characteristics of dyslexia and
88 dyscalculia in students, components of benchmarks and screeners that may indicate dyslexia or
89 dyscalculia, and strategies for instruction; and

90 (D) Job-embedded, on-site educator training on evidence-based reading and mathematics
91 instruction and data-driven decision making that provides immediate feedback for improving
92 instruction.

93 ~~(7)~~ (11) Ensuring the employment of qualified teachers and service personnel in
94 accordance with the provisions of ~~section thirty-nine, article five of this chapter and section seven-~~
95 ~~e, article four, chapter eighteen-a~~ §18-5-39 and §18A-4-7c of this code to provide instruction to
96 students enrolled in early literacy and numeracy support programs including, but not limited to,
97 ensuring that educator preparation programs prepare candidates seeking certification for
98 elementary education with training and instruction to:

99 (A) Include instruction in state adopted grade-level content standards, foundational
100 reading and mathematics skills, and how to implement reading instruction using high-quality
101 instructional materials;

102 (B) Provide effective instruction and intervention for students with reading and math
103 deficiencies, including students with characteristics of dyslexia or dyscalculia; and,

104 (C) Understand and use student data to make instructional decisions.

105 ~~(8)~~ (12) Creating a formula or grant-based program for the distribution of funds
106 appropriated specifically for the purposes of this section or otherwise available for the support of a
107 targeted, ~~comprehensive system of support~~ multi-tiered system of support intervention for early
108 literacy and numeracy;

109 ~~(9)~~ (13) Providing support for transportation and healthy foods for students required to
110 attend after-school and extended year early literacy and numeracy instructional support programs
111 and supervision at the school that accommodates the typical work schedules of parents; and

112 ~~(10)~~ (14) Receiving from county boards any applications and annual reports required by
113 rule of the state board.

114 (c) A student in grades kindergarten through grade three ~~who is recommended by the student~~
115 ~~assistance team or the student's classroom teacher for additional assistance in one or more of the~~

116 ~~key standards of English Language Arts, including reading, speaking and listening, writing or~~
117 ~~language may~~ shall be required to attend an extended year early literacy and numeracy
118 instructional support program as a condition for promotion if:

119 (1) The student has been provided additional academic ~~help through and in-school or after-~~
120 ~~school through~~ interventions offered during the school day in early literacy and numeracy
121 ~~instructional support program~~ and, prior to the end of the school year, the student assistance team
122 or the student's classroom teacher recommends that further additional academic ~~help is needed~~
123 assistance is necessary for the student to be successful at the next grade level; and

124 (2) The county board has established an ~~early-literacy~~ and numeracy instructional support
125 programs during the extended year for the student's grade level.

126 (d) County boards shall provide high-quality educational facilities, equipment, and services
127 to support ~~early literacy~~ and numeracy instructional support programs established pursuant to this
128 section. Extended year programs may be provided at a central location for ~~kindergarten through~~
129 ~~third graders~~ K-3 students who qualify for the program.

130 (e) This section may not be construed to prohibit a classroom teacher from recommending
131 the grade level retention of a student in any of the PK-3 grades based upon the student's lack of
132 mastery of the subject matter and preparation for the subject matter at the next grade level. Early
133 learning reporting system, benchmark and/or screener data will be used to inform the
134 recommendation from the classroom teacher.

135 (f) This section may not be construed to affect the individualized education plans of
136 exceptional students.

137 (g) This section may not be construed to limit the authority of the county board to establish
138 an extended year program in accordance with ~~section thirty-nine, article five of this chapter~~ §18-5-
139 39 of this code. County boards may not charge tuition for enrollment in ~~early literacy~~ and numeracy
140 instructional support programs established pursuant to this section.

141 (h) Each county board shall ~~prepare to~~ implement the provisions of this section and the

142 provisions of the state board rule required by subsection (b) of this section. ~~The preparations shall~~
143 ~~at least include planning, ensuring~~ The county board shall establish a process for ensuring the
144 developmental and academic progress of all students through the auspices of student assistance
145 teams as currently required by state board policy and ~~performing~~ perform a needs assessment to
146 determine the potential capacity requirements for the system of support for early learners.

147 (i) The state board shall provide a report describing the proposed implementation of the
148 transformative system of support for early literacy and numeracy to the Legislative Oversight
149 Commission on Education Accountability on or before ~~July 1, 2014~~ July 1, 2023.

150 (j) The state board shall provide a comprehensive report regarding the status of the
151 ~~transformative~~ system of support for literacy and numeracy to the Legislative Oversight
152 Commission on Education Accountability, the Joint Committee on Government and Finance, and
153 the Governor on ~~November 1, 2014~~ November 1, 2023, and annually on November 1 ~~on~~ of each
154 subsequent year thereafter. The report shall address, at a minimum, the progress of the program
155 throughout the state, its effect on student achievement and the sources of the funding ~~both~~
156 available ~~to~~ and used ~~by~~ to support the program.

157 (k) Legislative appropriations to the State Board of Education – State Department of
158 Education Elementary Literacy and Numeracy Program shall be used for the implementation of
159 the provisions of this section along with other funds available for providing a high-quality
160 education. ~~The provisions of this section are subject to the availability of funds from legislative~~
161 ~~appropriation or other sources specifically designated for the purposes of this section. If a county~~
162 ~~board determines that adequate funds are not available for full implementation of a transformative~~
163 ~~system of support for early literacy in the county, the county board may implement its program in~~
164 ~~phases by first establishing early literacy instructional support programs in the early readiness~~
165 ~~grades (Kindergarten), then the primary grades (Grades 1-2), and then establishing an early~~
166 ~~literacy instructional support program for the third grade once~~

167 (l) Effective for the school year beginning July 1, 2026, a public school student or public

168 charter school student who generally demonstrates a minimal understanding of, and ability to,
169 apply grade level English language arts or mathematics knowledge, skills and abilities, or both, as
170 indicated on the West Virginia General Summative Assessment relative to the West Virginia
171 College- and Career-Readiness Standards at the end of third grade, shall upon the
172 recommendation of the classroom teacher and the student assistance team, be retained in the
173 third grade for the ensuing school year subject to the following exceptions:

174 (1) A student with disabilities whose Individualized Education Plan indicates participation
175 in the statewide alternate summative assessment;

176 (2) A student identified as an English language learner who has had less than three years
177 instruction in English as a second language;

178 (3) A student with disabilities who participates in the statewide summative assessment,
179 has an Individualized Education Plan or section 504 plan that reflects that the student has received
180 intensive intervention for more than two years and still demonstrates a deficiency, or who was
181 previously retained in any of the K–3 grades;

182 (4) A student who is in the process of a special education referral or evaluation for
183 placement in special education, has been diagnosed as having a significant impairment, including
184 dyslexia or dyscalculia or is a child with a disability if the student’s individualized education
185 program team and student’s parent or guardian agree that promotion is appropriate based on the
186 student’s Individualized Education Plan;

187 (5) A student who has received intensive intervention for two or more years, still
188 demonstrates a deficiency, and who was previously retained in any of the K-3 grades for a total of
189 two years: *Provided*, That the student shall continue to receive intensive intervention in fourth
190 grade;

191 (6) A student who demonstrates an acceptable level of performance on an alternative
192 standardized assessment approved by the State Board of Education;

193 (7) A student who attends an extended year learning program following the third grade and

194 has attained proficiency; and

195 (8) A student whose parent or guardian has requested a good cause exemption within the
196 time period established by the county board and the superintendent or appropriate body or person
197 in the case of a public charter school, or his or her designee, determines that the good cause
198 exemption is in the best interests of the child: *Provided*, That a good cause exemption may not
199 prohibit the grade level retention of a student by a classroom teacher based upon the student's
200 lack of mastery of the subject matter and preparation for the subject matter at the next grade level.

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

1 (a) This section shall be known as the "Grow Your Own West Virginia Pathway to Teaching
2 Program." The purpose of this section is to establish a Grow Your Own West Virginia Pathway to
3 Teaching Program to improve the recruitment, retention, and diversity of educators in West
4 Virginia's PK-12 public schools.

5 (b) Definitions — As used in this section, the following terms have the meanings ascribed
6 to them unless the context clearly implies a different meaning:

7 (1) "Applicant" means a county school district acting in partnership with an institution of
8 higher education, the West Virginia Department of Education, or as part of a public charter school
9 established in accordance with the provisions of § 18-5G-1 *et. seq.* of this code.

10 (2) "Candidate" means a student enrolled in a public school or post-secondary institution
11 of higher learning in West Virginia.

12 (3) "Department" means the West Virginia Department of Education.

13 (4) "District" means a county school district.

14 (5) "Educator" shall have the same meaning as "Professional Educator" defined in §18A-1-
15 a(e) of this code.

16 (6) "Program" means Grow Your Own West Virginia Pathway to Teaching Program as
17 established under this chapter.

18 (c) Grow Your Own West Virginia Pathway to Teaching Programs is established to offer

19 support and guidance to candidates who are on a career path towards becoming future educators,
20 starting as early as middle school, or through nontraditional routes, and continuing, through their
21 post-secondary education and training and culminating in their being hired, as an educator, by the
22 district.

23 (d) The department shall establish a process to develop their own Grow Your Own
24 Pathway to Teaching Program.

25 (e) The department shall prescribe application forms that the applicant shall complete and
26 submit to the department along with any other additional information requested by the department
27 in accordance with the program's rules.

28 (f) The applicant shall include, at a minimum, all of the following:

29 (1) The applicant's vision for the program and process to develop this vision which shall
30 include input from students, educators, paraprofessionals, and liaisons in the community.

31 (2) The applicant's recruitment and hiring goals as they relate to educator diversity.

32 (3) The applicant's staff retention goals, specifically regarding educators of color, including
33 current and projected hiring needs based on current staff data.

34 (4) The applicant's goals and/or strategies to ensure the program shall: Support
35 candidates accepted into the program through their post-secondary education, student clinical
36 residency, certification, licensure, and hiring. Stress diversity, equity, and inclusion in the approach
37 to recruiting, supporting and retaining candidates. Create clear partnerships with institutions of
38 higher education to accelerate and improve credential and degree attainment. Assist accepted
39 candidates with obtaining state scholarships, loan forgiveness, and alternative routes to
40 certification programs. Seek candidates from community-based organizations, parents, and
41 paraprofessionals who can be developed through Grow Your Own West Virginia Pathway to
42 Teaching models. Propose incentives for accepted candidates to remain employed long-term in
43 the applicant's district or charter school. Propose how the program will align with the applicant's
44 current mentoring and induction programs for new teachers.

45 (5) The applicant's current and proposed partnerships with institutions of higher education
46 and community-based organizations to develop and implement the program.

47 (6) The applicant's plan for collecting and providing data required by the Department for
48 purposes of evaluating the effectiveness of the program.

49 (7) The applicant's plan to continue and sustain the program beyond any grant awards and
50 leverage other funding to support the program.

51 (8) The applicant's success in implementation of the program, ability to leverage other
52 funding to support the program, and other best practices resulting from implementation of the
53 program.

54 (g) The department shall award funds annually to approved the applicants as follows:

55 (1) Funding awards are contingent upon the availability of sufficient funds.

56 (2) If the department lacks sufficient funds to award a grant to every applicant who satisfies
57 the requirements of this chapter, the department will give priority to the applicants who proposes or
58 has demonstrated the following criteria:

59 (A) Recruit candidates that reflect the diversity of the student population community.

60 (B) Develop programs that support pre-service teachers and the placement of candidates
61 in high-need schools.

62 (C) Increases opportunities in high school to support more diverse participants integrate
63 responsible curriculum, provide meaningful work-based learning opportunities, and accelerate
64 post-secondary credits and credentials during high school.

65 (D) Support apprenticeship programs in education.

66 (E) Support year-long teacher residency models.

67 (h) Funds received by the applicant shall be used to implement or sustain a Grow Your
68 Own West Virginia Pathway to Teaching Program for any of the following purposes:

69 (1) Design and implement the program.

70 (2) Increase the availability or dual credit offerings to high school students.

71 (3) Review and revise current dual credit or early college programs and any other existing
72 programs that will complement and support the Program.

73 (4) Revise applicant's existing programs and policies to support candidates accepted into
74 the program who work in educational professional roles such as paraprofessionals.

75 (5) Hire substitute teachers to enable educators to dedicate time to support the program.

76 (6) Provide career ladder opportunities and monetary compensation for highly effective
77 educators including National Board Certified Teachers, to serve as leaders and provide coaching
78 and mentoring for colleagues and candidates participating in the program.

79 (7) Provide candidates last-dollar support for post-secondary education, including tuition,
80 student fees, books, technology, credentialing fees, transportation, and support for passing state
81 testing requirement for certification if the candidate makes a formal commitment to teach in West
82 Virginia schools, for a minimum of three years, after obtaining their West Virginia teacher
83 certification.

84 (8) Provide financial incentives for candidates including paid internships, residency,
85 apprenticeship and professional learning opportunities.

86 (9) Partner with institutions of higher education to provide dual credit offerings, tutoring,
87 academic counseling, cohort models, assistance with credential requirements, and support for
88 taking and passing state testing requirements for certification.

89 (10) Support the WV Teacher Residency Model and the WV Teacher Apprenticeship Model
90 in which candidates can learn while earning a salary and participating in competency-based
91 educator preparation.

92 (i) Funding appropriated by the West Virginia Legislature for teacher recruitment and
93 retention may be used to implement the program established under this chapter. The department
94 is authorized to request, accept and retain private donations to support the program.

95 (j) Annual reporting requirements.

96 (a) Each fiscal year, the applicant shall file an annual report with the department that

97 includes the following summary data and any other data requested by the department which shall
98 be de-identified to the greatest extent possible:

99 (1) The number of candidates served, types of programs that were supported, types of
100 occupations that candidates entered, the participating schools and number of candidates who
101 were employed.

102 (2) The institutions of higher learning that candidates in the program attend.

103 (3) The number of candidates who fulfill the program's three year teaching commitment
104 and the percentage of teachers retained by the school district or public charter school beyond
105 three years.

106 (4) Demographic information related to candidates who participate in the program to
107 gauge the success at recruiting demographically underrepresented groups to the education
108 profession.

109 (5) The amount of private or federal funding, if any, utilized by the applicant to financially
110 support the program.

111 (b) Each fiscal year the department shall submit a report to the Legislative Oversight
112 Commission on Education Accountability and shall include in the report the summary data
113 received in subsection (a) of this section.

114 (c) The State Board of Education shall adopt and promulgate rules necessary to
115 implement the Grow Your Own West Virginia Pathway to Teacher Program authorized by this
116 chapter.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

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

1 (a) County boards of education shall provide sufficient personnel, equipment, and facilities as
2 will necessary to ensure that each ~~first through sixth grade classroom, classroom or classrooms~~
3 having two or more grades that include one or more of the ~~first through sixth~~ PK-6 grades shall not
4 have more than ~~25 pupils for each~~ pupils per teacher than authorized by subsection (b) of this

5 ~~section: of the grade or grades and shall not have more than 20 pupils for each kindergarten~~
6 ~~teacher per session, unless the state superintendent has excepted a specific classroom upon~~
7 ~~application therefor by a county board Provided, That upon receiving an application from a county~~
8 ~~board, the state superintendent may exempt specific classrooms.~~

9 (b) The pupil per teacher ratio for the purposes of determining classroom assignments
10 shall be as follows:

11 (1) For pre-kindergarten, not more than 20 pupils per teacher and one early childhood
12 classroom assistant teacher;

13 (2) For kindergarten, not more than 20 pupils per teacher and one early childhood
14 classroom assistant teacher in classrooms with more than 10 pupils;

15 (3) For first, second, and third grades, not more than 25 pupils per teacher and one early
16 childhood classroom assistant teacher in classrooms with more than 12 pupils; and

17 (4) For fourth, fifth, and sixth grade, not more than 25 pupils per teacher.

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

21 ~~(e) (d)~~ The state superintendent is authorized, consistent with sound educational policy, to:

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

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

28 ~~(d) (e)~~ The state board shall establish guidelines for the exceptions authorized in this
29 section, but ~~in no event shall~~ the superintendent shall not exempt ~~except~~ classrooms having more
30 than three pupils above the ~~pupil-teacher~~ pupil per teacher ratio as set forth in this section.

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

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

50 ~~(f)~~ (g) ~~No provision of this section is intended~~ The provisions of this section shall not be
51 construed to limit the number of pupils per teacher in a classroom for the purpose of instruction in
52 choral, band or orchestra music.

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

56 ~~(h)~~ (i) The state board shall collect from each county board of education information on

57 class size and the number of pupils per teacher for all classes in grades seven through 12. The
58 state board shall and report such the information to the Legislative Oversight Commission on
59 Education Accountability before January 1, ~~of each year~~ annually.

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

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

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

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

71 (3) ~~The effect limits on the number of pupils per teacher in a classroom have on the ability~~
72 ~~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 §18-4-1 *et. seq.* of this code, to such employed service personnel
4 ~~employed~~, subject to the 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~~ 53.79
8 service personnel per 1,000 students in net enrollment;

9 (B) For each medium-density county, ~~forty-four and fifty-three one hundredths~~ 54.35
 10 service personnel per 1,000 students in net enrollment;

11 (C) For each low-density county, ~~forty-five and one tenth~~ 54.92 service personnel per 1,000
 12 students in net enrollment;

13 (D) For each sparse-density county, ~~forty-five and sixty-eight one hundredths~~ 55.50
 14 service personnel per 1,000 students in net enrollment; and

15 (E) For any service personnel positions, or fraction thereof of positions, determined for a
 16 county pursuant to ~~subdivision (1) of this subsection~~ subsection (a)(1) of this section that exceed
 17 the number employed, the county's allowance for these positions shall be determined using the
 18 average state funded minimum salary of service personnel for the county;

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

21 (3) Where two or more counties join together in support of a vocational or comprehensive
 22 high school or any other program or service, the service personnel for the school or program may
 23 be prorated among the participating counties on the basis of each ~~one's~~ county's enrollment
 24 ~~therein~~ in the vocational, comprehensive high school or other program or service and that the
 25 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 the same authority and
 3 control over students as a classroom 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) For the purposes of implementing the provisions of this article, an early childhood
11 classroom assistant teacher may not be required to perform noninstructional duties for an amount
12 of time which exceeds that required under the assistant teacher's contract of employment or that is
13 required of other early childhood classroom assistant teachers in the same school unless the
14 assignment of the duties is mutually agreed upon by the assistant teacher and the county
15 superintendent or the superintendent's designated representative, subject to county board
16 approval.

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

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

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

25 (e) The county board shall provide in-service training for PK–2 classroom teachers to
26 assist the classroom teachers in obtaining strong understanding of how to best utilize the early
27 childhood classroom assistant teachers during classroom instruction and other periods of the day.

NOTE: The purpose of this bill is to advance overall education programs and operations by creating additional educational requirements to close the reading and mathematics gaps, to increase the functionality of classroom operations, and to create a program that

encourages West Virginia students to remain in their communities post-graduation. This bill adds mathematics to existing programs and goals from kindergarten to third grade and incorporates science of reading instruction, which can include phonics, phonemic awareness, vocabulary, fluency, and comprehension. Furthermore, this bill requires Pre-K level teachers and staff to utilize early learning reporting systems and requires benchmark assessments or screeners for kindergarten through third grade in reading and mathematics to determine proficiency. Additionally, third grade students who have nonproficient scores in mathematics or the English language arts on the West Virginia General Summative Assessment must continue with intervention programs until he or she is grade level proficient. The bill emphasizes the importance of the students' support systems both in the classrooms and at home. Thus, this bill maximizes family engagement by requiring open and honest communication between the school, the student, and the students' parents or guardians. By the end of the third grade, if the student is still unable to meet minimums requirements by the end of the third grade, the teachers and the student assistance team may recommend that the student be held back. This bill provides additional classroom social, emotional, and academic support for first, second, and third grade pupils by requiring an early childhood classroom assistant teacher in first, second, and third grade classrooms that have more than 12 pupils. The school aid formula allowance for service personnel is amended to increase the number of state funded positions. This bill requires early childhood classroom assistant teachers to exercise authority and control over students such as required of a teacher, but only in instances enumerated by the principal and excluding suspensions and expulsions and performing instructional duties as a teacher. This bill also creates the Grow Your Own West Virginia Pathway to Teaching Program to improve recruitment, retention, and diversity of educators in West Virginia public schools. The Program establishes a process to be administered by the West Virginia Department of Education. Any West Virginia school district can apply to establish its own unique Grow Your Own Pathway Program. Applicants must provide a detailed explanation of how their proposed Program will be run, including partnerships with institutions of high education and whether the Program anticipates providing last dollar tuition and related educational financial assistance to candidates accepted into their Program who commit to teaching a minimum of 3 years, upon licensure, in the Applicant's school district. In evaluating applications that meet the West Virginia Department of Education's criteria, if funding is limited, the Department will give additional weight to Applicants that prioritize recruiting candidates from high-need schools, placing teacher candidates in high-need schools, develop programs that support teacher professionals, including bilingual candidates and those without bachelor's degrees, and leverage apprenticeship and year-long teacher residency models. The West Virginia Department of Education will annually provide Program data to the Legislative Oversight Commission on Education Accountability including the number of Program applications, the number of programs supported including names of districts, and retention rate for educator candidates hired by the district.

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