

1 **H. B. 2088**

2
3 (By Delegates Caputo and Paxton)

4 [Introduced January 12, 2011; referred to the
5 Committee on Education then Finance.]

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7 **FISCAL
NOTE**

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10 A BILL to amend and reenact §18-5-18a of the Code of West Virginia,
11 1931, as amended, relating to providing for increased
12 compensation for aides and paraprofessionals with large
13 numbers of pupils in kindergarten and grades one through six.

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

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

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

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

19 County boards of education shall provide, by the school year
20 1983-1984, and thereafter, sufficient personnel, equipment and
21 facilities as will ensure that each first and second grade
22 classroom, or classrooms having two or more grades that include
23 either the first or second grades shall not have more than
24 twenty-five for each teacher of the grade or grades and shall not

1 have more than twenty pupils for each kindergarten teacher per
2 session, unless the state superintendent has excepted a specific
3 classroom upon application therefor by a county board.

4 County boards shall provide by the school year 1984-1985, and
5 continue thereafter, sufficient personnel, equipment and facilities
6 as will ensure that each third, fourth, fifth and sixth grade
7 classroom, or classrooms having two or more grades that include one
8 or more of the third, fourth, fifth and sixth grades, shall not
9 have more than twenty-five pupils for each teacher of the grade or
10 grades.

11 Beginning with the school year 1986-1987, and thereafter, no
12 county shall maintain a greater number of classrooms having two or
13 more grades that include one or more of the grade levels referred
14 to in this section than were in existence in said county as of
15 January 1, 1983: *Provided*, That for the prior school years, and
16 only if there is insufficient classroom space available in the
17 school or county, a county may maintain one hundred ten percent of
18 such number of classrooms.

19 During the school year 1984-1985, and thereafter, the state
20 superintendent is authorized, consistent with sound educational
21 policy: (a) To permit on a statewide basis, in grades four through
22 six, more than twenty-five pupils per teacher in a classroom for
23 the purposes of instruction in physical education; and (b) to
24 permit more than twenty pupils per teacher in a specific

1 kindergarten classroom and twenty-five pupils per teacher in a
2 specific classroom in grades one through six during a school year
3 in the event of extraordinary circumstances as determined by the
4 state superintendent after application by a county board of
5 education.

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

10 The requirement for approval of an exception to exceed the
11 twenty pupils per kindergarten teacher per session limit or the
12 twenty-five pupils per teacher limit in grades one through six is
13 waived in schools where the schoolwide pupil-teacher ratio is
14 twenty-five or less in grades one through six: *Provided*, That a
15 teacher shall not have more than three pupils above the
16 teacher/pupil ratio as set forth in this section. Any kindergarten
17 teacher who has more than twenty pupils per session and any
18 classroom teacher of grades one through six who has more than
19 twenty-five pupils shall be paid additional compensation based on
20 the affected classroom teacher's average daily salary divided by
21 twenty for kindergarten teachers or twenty-five for teachers of
22 grades one through six for every day times the number of additional
23 pupils enrolled up to the maximum pupils permitted in the teacher's
24 classroom. Any kindergarten aide or paraprofessional who has more

1 than twenty pupils per session, or any aide or paraprofessional in
2 grades one through six who has more than twenty-five pupils per
3 session, shall be paid additional compensation based on the
4 affected employee's average daily salary divided by twenty for
5 kindergarten aides or paraprofessionals, or the average daily
6 salary divided by twenty-five for aides or paraprofessionals in
7 grades one through six, for every day times the number of
8 additional pupils enrolled up to the maximum number of pupils
9 permitted in the classroom. All such additional compensation shall
10 be paid from county funds exclusively.

11 Notwithstanding any other provision of this section to the
12 contrary, commencing with the school year beginning on July 1,
13 1994, a teacher in grades one, two or three or classrooms having
14 two or more such grade levels, shall not have more than two pupils
15 above the teacher/pupil ratio as set forth in this section:
16 *Provided*, That commencing with the school year beginning on July 1,
17 1995, such teacher shall not have more than one pupil above the
18 teacher/pupil ratio as set forth in this section: *Provided*,
19 *however*, That commencing with the school year beginning on July 1,
20 1996, such teacher shall not have any pupils above the
21 teacher/pupil ratio as set forth in this section.

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

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

4 The state board shall collect from each county board of
5 education information on class size and the number of pupils per
6 teacher for all classes in grades seven through twelve. The state
7 board shall report such information to the Legislative Oversight
8 Commission on Education Accountability before January 1 of each
9 year.

NOTE: The purpose of this bill is to provide for increased compensation for aides and paraprofessionals with large numbers of pupils in kindergarten and grades one through six.

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