

1 **H. B. 3135**

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3 (By Delegates Craig, Reynolds, Morgan and Andes)
4 [Introduced February 15, 2011; referred to the
5 Committee on Education then Finance.]
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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 limiting the student to teacher
12 ratio in kindergarten through sixth grades.

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

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

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

17 **§18-5-18a. Maximum teacher-pupil ratio.**

18 County boards of education shall provide, by the school year
19 1983-84, and thereafter, sufficient personnel, equipment and
20 facilities as will ensure that each first and second grade
21 classroom, or classrooms having two or more grades that include
22 either the first or second grades shall not have more than ~~twenty-~~
23 ~~five~~ seventeen pupils for each teacher of the grade or grades and
24 shall not have more than ~~twenty~~ seventeen pupils for each
25 kindergarten teacher per session, unless the state superintendent
26 has excepted a specific classroom upon application therefor by a

1 county board.

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

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

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

1 circumstances as determined by the state superintendent after
2 application by a county board of education.

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

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

25 Notwithstanding any other provision of this section to the
26 contrary, commencing with the school year beginning on July 1,

1 1994, a teacher in grades one, two or three or classrooms having
2 two or more such grade levels, shall not have more than two pupils
3 above the teacher/pupil ratio as set forth in this section:
4 *Provided*, That commencing with the school year beginning on July 1,
5 1995, such teacher shall not have more than one pupil above the
6 teacher/pupil ratio as set forth in this section: *Provided*,
7 *however*, That commencing with the school year beginning on July 1,
8 1996, such teacher shall not have any pupils above the
9 teacher/pupil ratio as set forth in this section.

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

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

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

NOTE: The purpose of this bill is to decrease the student-to-
teacher ratio in kindergarten through sixth.

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