

Senate Bill No. 21

(By Senators D. Hall, Cann and Beach)

[Introduced January 8, 2014; referred to the Committee on
Education; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating to limiting the student-to-teacher ratio in preschool through twelfth grades; and adding additional pay to aides in classrooms over the maximum class size.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. COUNTY BOARD OF EDUCATION.

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

County boards of education shall provide ~~by the school year 1983-84, and thereafter,~~ sufficient personnel, equipment and facilities as will ensure that each preschool, kindergarten, first and second grade classroom, or classrooms having two or more grades

1 that include either the first or second grades shall not have more
2 than ~~twenty-five~~ twenty pupils for each teacher of the grade ~~or~~
3 ~~grades and shall not have more than twenty pupils for each~~
4 ~~kindergarten teacher per session~~ unless the State Superintendent
5 has excepted a specific classroom upon application therefor by a
6 county board.

7 County boards shall provide ~~by the school year 1984-85, and~~
8 ~~continue thereafter,~~ sufficient personnel, equipment and facilities
9 as will ensure that ~~each third, fourth, fifth and sixth grade~~
10 ~~classroom, or all other classrooms having two or more grades that~~
11 ~~include one or more of the third, fourth, fifth and sixth grades,~~
12 shall not have more than twenty-five pupils. ~~for each teacher of~~
13 ~~the grade or grades~~

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

22 ~~During the school year 1984-85, and thereafter,~~ The State
23 Superintendent is authorized, consistent with sound educational

1 policy, ~~(a) to permit on a statewide basis, in grades four through~~
2 ~~six, more than twenty-five pupils per teacher in a classroom for~~
3 ~~the purposes of instruction in physical education, and (b) to~~
4 permit more than twenty pupils per teacher in a specific preschool,
5 kindergarten, first or second grade classroom and twenty-five
6 pupils per teacher in a specific classroom in grades ~~one~~ three
7 through ~~six~~ twelve during a school year in the event of
8 extraordinary circumstances as determined by the State
9 Superintendent after application by a county board of education.

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

14 The requirement for approval of an exception to exceed the
15 twenty pupils per preschool, kindergarten first or second grade
16 teacher per session limit or the twenty-five pupils per teacher
17 limit in grades ~~one~~ three through ~~six~~ twelve is waived in schools
18 where the schoolwide pupil-teacher ratio is twenty-five or less in
19 grades ~~one~~ three through ~~six~~ twelve: *Provided,* That a teacher
20 shall not have more than three pupils above the teacher/pupil ratio
21 as set forth in this section. Any ~~kindergarten~~ teacher or aide who
22 has more than ~~twenty~~ the maximum number of pupils per session ~~and~~
23 ~~any classroom teacher of grades one through six who has more than~~

1 ~~twenty-five pupils~~ shall be paid additional compensation based on
2 the affected classroom teacher's or aide's average daily salary
3 divided by twenty for preschool, kindergarten, first or second
4 grade teachers classroom employees or twenty-five for ~~teachers~~
5 classroom employees of grades ~~one~~ three through ~~six~~ twelve for
6 every day times the number of additional pupils enrolled up to the
7 maximum pupils permitted in the teacher's classroom. All such
8 additional compensation shall be paid from county funds
9 exclusively.

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

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

1 physical education, health, art, general music and media classes.

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

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

NOTE: The purpose of this bill is to decrease the student-to-teacher ratio in preschool through twelfth grades and to provide additional pay to aides employed in classrooms with student ratios over the maximum allowed.

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