

**H. B. 4142**

(By Delegates Fragale, Iaquina,  
Lawrence, Cooper, Ambler, Rowan, Sumner,  
Pasdon, Barill, Howell and Craig)

[Introduced January 14, 2014; referred to the  
Committee on Education then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §18-5-18a of the Code of West Virginia,  
1931, as amended, relating to setting the maximum number of  
pupils per teacher in sixth through twelfth grade classrooms  
at thirty.

*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.**

(a) County boards of education shall provide ~~by the school~~  
~~year 1983-84, and thereafter,~~ sufficient personnel, equipment and  
facilities as will ensure that each first and second grade  
classroom, or classrooms having two or more grades that include  
either the first or second grades shall not have more than twenty-  
five pupils 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 (b) County boards shall provide ~~by the school year 1984-85,~~  
5 ~~and continue thereafter,~~ sufficient personnel, equipment and  
6 facilities as will ensure that each third, fourth and fifth ~~and~~  
7 ~~sixth~~ grade classroom, or classrooms having two or more grades that  
8 include one or more of the third, fourth and fifth ~~and sixth~~  
9 grades, shall not have more than twenty-five pupils for each  
10 teacher of the grade or grades.

11 (c) Notwithstanding any provision of this code to the  
12 contrary, county boards shall provide sufficient personnel,  
13 equipment and facilities as will ensure that sixth through twelfth  
14 grade classrooms, or classrooms having two or more grades that  
15 include one or more of the sixth through twelfth grades, may not  
16 have more than thirty pupils for each teacher of the grade or  
17 grades.

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

1 ~~such number of classrooms.~~

2       (d) ~~During the school year 1984-85, and thereafter, the~~ The  
3 state superintendent is authorized, consistent with sound  
4 educational policy, (a) to permit on a statewide basis, in grades  
5 ~~four through six and five,~~ more than twenty-five pupils per teacher  
6 in a classroom for the purposes of instruction in physical  
7 education, and (b) to permit more than twenty pupils per teacher in  
8 a specific kindergarten classroom and twenty-five pupils per  
9 teacher in a specific classroom in grades one through ~~six~~ five  
10 during a school year in the event of extraordinary circumstances as  
11 determined by the state superintendent after application by a  
12 county board of education.

13       (e) The state board shall establish guidelines for the  
14 exceptions authorized in this section, but in no event ~~shall~~ may  
15 the superintendent except classrooms in kindergarten through fifth  
16 grade having more than three pupils above the pupil-teacher ratio  
17 ~~as~~ set forth in this section, nor may the superintendent except  
18 classrooms containing more than thirty pupils in the sixth through  
19 twelfth grades.

20       (f) The requirement for approval of an exception to exceed the  
21 twenty pupils per kindergarten teacher per session limit or the  
22 twenty-five pupils per teacher limit in grades one through ~~six~~ five  
23 is waived in schools where the schoolwide pupil-teacher ratio is  
24 twenty-five or less in grades one through ~~six~~ five: *Provided, That*

1 a teacher ~~shall~~ may not have more than three pupils above the  
 2 teacher/pupil ratio for grades one through five, nor may a teacher  
 3 have a classroom containing more than thirty pupils in the sixth  
 4 through twelfth grades. ~~set forth in this section.~~

5 (g) Any kindergarten teacher who has more than twenty pupils  
 6 per session and any classroom teacher of grades one through ~~six~~  
 7 five who has more than twenty-five pupils shall be paid additional  
 8 compensation based on the affected classroom teacher's average  
 9 daily salary divided by twenty for kindergarten teachers or twenty-  
 10 five for teachers of grades one through ~~six~~ five for every day  
 11 times the number of additional pupils enrolled up to the maximum  
 12 pupils permitted in the teacher's classroom. All such additional  
 13 compensation shall be paid from county funds exclusively.

14 (h) Notwithstanding any other provision of this section to the  
 15 contrary, ~~commencing with the school year beginning on July 1,~~  
 16 ~~1994,~~ a teacher in grades one, two or three or classrooms having  
 17 two or more ~~such~~ of those grade levels ~~shall not have more than two~~  
 18 ~~pupils above the teacher/pupil ratio as set forth in this section:~~  
 19 ~~Provided,~~ That ~~commencing with the school year beginning on July 1,~~  
 20 ~~1995,~~ such teacher shall not have more than one pupil above the  
 21 teacher/pupil ratio as set forth in this section: ~~Provided,~~  
 22 ~~however,~~ That ~~commencing with the school year beginning on July 1,~~  
 23 ~~1996,~~ such teacher shall may not have any pupils above the  
 24 teacher/pupil ratio ~~as~~ set forth in this section.

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

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

7        (k) The state board shall collect from each county board of  
8 education information on class size and the number of pupils per  
9 teacher for all classes in grades ~~seven~~ six through twelve. The  
10 state board shall report such information to the Legislative  
11 Oversight commission on education accountability before January 1  
12 of each year.

NOTE: The purpose of this bill is to set the maximum pupil to  
teacher ratio in grades six through twelve of public school  
classrooms at thirty to one.

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