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H. B. 2414

(By Delegates P. Smith and Moye, Rodighiero, Trecoast, Eldridge, Campbell, Lynch, Williams, Longstreth, L. Phillips and Rowe)

[Introduced January 27, 2015; 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 permitting a salary increase for kindergarten aides and early childhood classroom assistant teachers who have more than twenty pupils per session.

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

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

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

11 During the school year 1984-85, and thereafter, the state superintendent is authorized,
12 consistent with sound educational policy: (a) To permit on a statewide basis, in grades four through
13 six, more than twenty-five pupils per teacher in a classroom for the purposes of instruction in
14 physical education; and (b) to permit more than twenty pupils per teacher in a specific kindergarten
15 classroom and twenty-five pupils per teacher in a specific classroom in grades one through six during
16 a school year in the event of extraordinary circumstances as determined by the state superintendent
17 after application by a county board of education.

18 The state board shall establish guidelines for the exceptions authorized in this section, but
19 in no event ~~shall~~ may the superintendent except classrooms having more than three pupils above the
20 pupil-teacher ratio as set forth in this section.

21 The requirement for approval of an exception to exceed the twenty pupils per kindergarten
22 teacher per session limit or the twenty-five pupils per teacher limit in grades one through six is

1 waived in schools where the schoolwide pupil-teacher ratio is twenty-five or less in grades one
2 through six: *Provided*, That a teacher ~~shall~~ may not have more than three pupils above the
3 teacher/pupil ratio as set forth in this section. Any kindergarten teacher, kindergarten aide and early
4 childhood classroom assistant teacher who has more than twenty pupils per session and any
5 classroom teacher of grades one through six who has more than twenty-five pupils shall be paid
6 additional compensation based on the affected classroom teacher's, kindergarten aide's or early
7 childhood classroom assistant teacher's average daily salary divided by twenty for kindergarten
8 teachers or the daily salary of kindergarten aide and early childhood classroom assistant teacher or
9 twenty-five for teachers of grades one through six for every day times the number of additional
10 pupils enrolled up to the maximum pupils permitted in the teacher's classroom. All ~~such~~ this
11 additional compensation shall be paid from county funds exclusively.

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

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

22 Each school principal shall assign students equitably among the classroom teachers, taking

1 into consideration reasonable differences due to subject areas and/or grade levels.

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

NOTE: The purpose of this bill is to permit a salary increase for kindergarten aides and early childhood classroom assistant teachers who have more than twenty pupils per session. The bill permits early childhood classroom assistant teachers to have the same type of salary increase as kindergarten teachers.

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