

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4988

By Delegates Vance, Toney, Rohrbach, Heckert,

Cooper, Dean, Bridges, and Hite

[Introduced January 22, 2024; Referred to the

Committee on Education then Finance]

1 A BILL to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating
 2 to making classroom sizes equal so that aides can be best utilized and one-on-one time
 3 with teachers and students can be maximized without losing the use of an aide.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

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

1 (a) County boards of education shall provide sufficient personnel, equipment, and facilities
 2 as will ensure that each classroom, or classrooms having two or more grades that include one or
 3 more of the kindergarten through sixth grades shall not have more pupils for each teacher as
 4 follows, unless the state superintendent has excepted a specific classroom upon application
 5 therefor by a county board as provided in this section:

6 (1) For kindergarten, not more than 20 pupils for each teacher and one early childhood
 7 classroom assistant teacher or aide in classrooms with more than 10 pupils;

8 (2) For first, second, and third grades, not more than 25 pupils for each teacher and one
 9 early childhood classroom assistant teacher, aide or paraprofessional in classrooms with more
 10 than 12 pupils: Provided, That the early childhood classroom assistant
 11 teacher/aide/paraprofessional requirement for classrooms with more than 12 pupils shall be
 12 effective beginning the 2023-2024 school year, for first grade classrooms; shall be effective
 13 beginning the 2024-2025 school year, for second grade classrooms; and shall be effective
 14 beginning the 2025-2026 school year, for third grade classrooms: *Provided however,* That if all
 15 grade level classrooms are already being served by an early childhood classroom assistant
 16 teacher/aide/paraprofessional by the school year required, the county board has the discretion to
 17 add the assistant teachers/ aides/paraprofessionals in first, second and third grade classrooms of
 18 the greatest need beginning July 1, 2023 and completing full implementation by July 1, 2026; and

19 (3) For grades four, five, and six, not more than 25 pupils for each teacher.

20 (b) County boards may satisfy the requirements of subsection (a) of this section by

21 employing a full-time interventionist instead of an early childhood assistant teacher, aides, and
22 paraprofessionals, subject to the following:

23 (1) If no full-time interventionist is available, a county board may satisfy the requirements of
24 subsection (a) of this section by employing a part-time interventionist; and

25 (2) County boards are not required to employ an interventionist even if there are an
26 insufficient number of early childhood assistant teachers, aides, and paraprofessionals available
27 to fill all the positions required by subsection (a) of this section.

28 (c) County school boards may not maintain a greater number of classrooms having two or
29 more grades that include one or more of the grade levels referred to in this section than were in
30 existence in said county as of January 1, 1983.

31 (d) The state superintendent is authorized, consistent with sound educational policy, to:

32 (1) Permit on a statewide basis, in grades four through six, more than 25 pupils per teacher
33 in a classroom for the purposes of instruction in physical education; and

34 (2) Permit more than 20 pupils per teacher in a specific kindergarten classroom and 25
35 pupils per teacher in a specific classroom in grades four through six during a school year in the
36 event of extraordinary circumstances as determined by the state superintendent after application
37 by a county board of education.

38 (e) The state board shall establish guidelines for the exceptions authorized in this section,
39 but in no event shall the superintendent except classrooms having more than three pupils above
40 the pupil-teacher ratio as set forth in this section.

41 (f) The requirement for approval of an exception to exceed the 20 pupils per kindergarten
42 teacher per session limit or the 25 pupils per teacher limit in grades four through six is waived in
43 schools where the schoolwide pupil-teacher ratio is 25 or less in grades four through six: *Provided,*
44 That a teacher shall not have more than three pupils above the teacher/pupil ratio as set forth in
45 this section. Any kindergarten teacher who has more than 20 pupils per session and any
46 classroom teacher of grades four through six who has more than 25 pupils, shall be paid additional

47 compensation based on the affected classroom teacher's average daily salary divided by 20 for
48 kindergarten teachers, or 25 for teachers of grades four through six, for every day times the
49 number of additional pupils enrolled up to the maximum pupils permitted in the teacher's
50 classroom. All such additional compensation shall be paid from county funds exclusively.

51 Notwithstanding any other provision of this section to the contrary, commencing with the
52 school year beginning on July 1, 1996, a teacher in grades one, two, or three, or classrooms
53 having two or more such grade levels, shall not have any pupils above the teacher/pupil ratio as
54 set forth in this section.

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

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

59 (i) The state board shall collect from each county board of education information on class
60 size and the number of pupils per teacher for all classes in grades seven through 12. The state
61 board shall report such information to the Legislative Oversight Commission on Education
62 Accountability before January 1, of each year.

63 (j) Where classrooms become so large that they affect the time teachers can spend with
64 students in a one-on-one setting, the students in that classroom shall be split into two separate
65 classrooms. School personnel shall make split classrooms as equal as possible to ensure that
66 aide coverage will be available for both classrooms as required by this section. This split will help
67 create a better teacher/pupil ratio and ensure that each student has individual time with teachers
68 and aides. This split shall be implemented beginning in the 2024-2025 school year.

NOTE: The purpose of this bill is to make classroom sizes equal so that aides can be best utilized and one on one time with teachers and students can be maximized without losing the use of an aide.

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