

**Senate Bill No. 562**

(By Senators D. Hall, Chafin, Green, Miller, Tucker, Fitzsimmons  
and Stollings)

[Introduced March 18, 2013; 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

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

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

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

23 ~~During the school year 1984-85, and thereafter,~~ The state  
24 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~~  
24 ~~twenty-five pupils~~ shall be paid additional compensation based on

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

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

20 No provision of this section is intended to limit the number  
21 of pupils per teacher in a classroom for the purpose of instruction  
22 in choral, band or orchestra music. This statute applies to  
23 physical education, health, art, general music and media classes.

24 Each school principal shall assign students equitably among

1 the classroom teachers, taking into consideration reasonable  
2 differences due to subject areas and/or grade levels.

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