

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2414

FISCAL
NOTE

2015 Carryover

(BY DELEGATES P. SMITH AND MOYE, RODIGHIERO,
TRECOST, ELDRIDGE, CAMPBELL, LYNCH, LONGSTRETH
AND ROWE)

[Introduced January 13, 2016; 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 permitting a salary increase for kindergarten aides and early childhood classroom
 3 assistant teachers who have more than twenty pupils per session.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. COUNTY BOARD OF EDUCATION.

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

1 County boards of education shall provide, by the school year 1983-84, and thereafter,
 2 sufficient personnel, equipment and facilities as will ensure that each first and second grade
 3 classroom, or classrooms having two or more grades that include either the first or second grades
 4 shall not have more than twenty-five pupils for each teacher of the grade or grades and shall not
 5 have more than twenty pupils for each kindergarten teacher per session, unless the state
 6 superintendent has excepted a specific classroom upon application therefor by a county board.

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

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

17 classrooms.

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

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

28 The requirement for approval of an exception to exceed the twenty pupils per kindergarten
29 teacher per session limit or the twenty-five pupils per teacher limit in grades one through six is
30 waived in schools where the schoolwide pupil-teacher ratio is twenty-five or less in grades one
31 through six: *Provided*, That a teacher ~~shall~~ may not have more than three pupils above the
32 teacher/pupil ratio as set forth in this section. Any kindergarten teacher, kindergarten aide and
33 early childhood classroom assistant teacher who has more than twenty pupils per session and
34 any classroom teacher of grades one through six who has more than twenty-five pupils shall be
35 paid additional compensation based on the affected classroom teacher's, kindergarten aide's or
36 early childhood classroom assistant teacher's average daily salary divided by twenty for
37 kindergarten teachers or the daily salary of kindergarten aide and early childhood classroom
38 assistant teacher or twenty-five for teachers of grades one through six for every day times the
39 number of additional pupils enrolled up to the maximum pupils permitted in the teacher's
40 classroom. All ~~such~~ this additional compensation shall be paid from county funds exclusively.

41 Notwithstanding any other provision of this section to the contrary, commencing with the
42 school year beginning on July 1, 1994, a teacher in grades one, two or three or classrooms having
43 two or more ~~such~~ of these grade levels, shall not have more than two pupils above the
44 teacher/pupil ratio as set forth in this section: *Provided*, That commencing with the school year
45 beginning on July 1, 1995, ~~such~~ the teacher shall not have more than one pupil above the
46 teacher/pupil ratio as set forth in this section: *Provided, however*, That commencing with the
47 school year beginning on July 1, 1996, ~~such~~ the teacher shall not have any pupils above the
48 teacher/pupil ratio as set forth in this section.

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

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

53 The state board shall collect from each county board of education information on class
54 size and the number of pupils per teacher for all classes in grades seven through twelve. The
55 state board shall report ~~such~~ the information to the Legislative Oversight Commission on
56 Education 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.