

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **Introduced**

## **House Bill 2003**

By Delegates Hanshaw (Mr. Speaker), Jennings,  
Petitto, Tully, Hanna, Kirby, Ellington, Foggin, Capito,  
Hornby, and Cooper

[Introduced January 12, 2023; Referred to the  
Committee on Education then Finance]

1 A BILL to amend and reenact §18-2E-10 of the Code of West Virginia, 1931, as amended, to  
2 amend and reenact §18-5-18a of said code; to amend and reenact §18-9A-5 of said code;  
3 and to amend said code by adding thereto a new section, designated §18A-5-9; all relating  
4 to providing early childhood assistant teachers and systems of support for grade level  
5 literacy and numeracy by end of third grade; making findings; replacing transformative  
6 intervention framework with multi-tiered system of support; addressing both reading and  
7 mathematics; requiring identification and monitoring of student progress; requiring use of  
8 screening and/or benchmark assessments, providing for assessment system and  
9 requiring state board adoption and establishment of cut scores; providing for services to be  
10 provided to students exhibiting substantial deficiency; specifying minimum information  
11 and notice to parent or guardian; providing for professional learning for certain teachers  
12 and assistant teachers and specifying subjects; ensuring certain training and instruction be  
13 provided by education preparation programs that prepare candidates seeking licensure for  
14 elementary education; authorizing extended year attendance requirement as condition for  
15 promotion if certain conditions are met; providing for data from the screening and /or  
16 benchmark assessments to be used to inform classroom teacher's recommendation  
17 regarding grade level retention; requiring county board implementation; requiring reports  
18 by state board; requiring certain legislative appropriation and other funds be used for  
19 implementation; requiring retention in third grade of public school student who  
20 demonstrate minimal grade level understanding and ability upon recommendation of  
21 teacher and student assistance team; providing exceptions; requiring students starting in  
22 the fourth grade who score below proficient in English language arts or mathematics on  
23 general summative assessment to continue to be provided intervention until grade level  
24 proficient; requiring early childhood classroom assistant teacher in certain grade levels  
25 and enrollment levels in said grade levels; removing outdated provisions; increasing ratios  
26 of service personnel per student net enrollment in state basic foundation program;

27 requiring early childhood classroom assistant teachers exercise authority and control over  
 28 students in certain instances and within certain limits; prohibiting assignment of  
 29 noninstructional duties to early childhood classroom assistant teacher in excess of  
 30 contractual requirements unless mutually agreed upon; and requiring in-service training for  
 31 early childhood classroom assistant teachers on responsibilities and appropriate  
 32 measures for exercising authority and control over students.

*Be it enacted by the Legislature of West Virginia:*

## **CHAPTER 18. EDUCATION.**

### **ARTICLE 2E. HIGH QUALITY EDUCATIONAL PROGRAMS.**

**§18-2E-10. ~~Transformative system of support for early literacy~~ Multi-tiered system of support intervention for grade level literacy and numeracy by the end of the third grade; screening and/or benchmark assessments; pre-service and in-service teacher training; notice to parent or guardian; third grade retention policy with exceptions; interventions continuing in fourth grade for students below proficient.**

1 (a) The Legislature finds that:

2 (1) In the early learning years, ensuring that each student masters the content and skills  
 3 needed for mastery at the next grade level is critically important for student success;

4 (2) Best practices for a comprehensive approach to Early and Elementary learning  
 5 instruction indicate appropriate and sufficient emphasis in all content areas are provided.  
 6 Developmentally appropriate integration of literacy, numeracy and other content is utilized to  
 7 provide rigor based on student's prior experiences, knowledge and developmental levels.

8 ~~(2)~~ (3) Students who do not demonstrate grade-level proficiency in reading and  
 9 mathematics by the end of third grade become increasingly less likely to succeed at each  
 10 successive grade level and often drop out of school prior to graduation;

11           ~~(3)~~ (4) State board policy requires every school to establish a process for ensuring the  
12 developmental and academic progress of all students. This process is to be coordinated by a  
13 school student assistance team that reviews student developmental and academic needs that  
14 have persisted despite being addressed through instruction, intervention, and as applicable,  
15 supports for personalized learning. Ensuring the developmental and academic success of all  
16 students requires every school to implement, in an equitable manner, programs during and after  
17 the instructional day at the appropriate instructional levels that contribute to the success of  
18 students; and

19           ~~(4)~~ (5) To ensure that all students read and perform mathematics proficiently by the end of  
20 third grade, a statewide comprehensive approach to early literacy and numeracy is required. This  
21 approach shall focus on intensive supports during the early learning years which include schools  
22 and engaged communities mobilized to remove barriers, expand opportunities, and assist parents  
23 in fulfilling their roles and responsibilities to serve as full partners in the success of their children.

24           (b) The state board shall, in accordance with ~~the provisions of article three-b, chapter~~  
25 ~~twenty-nine-a~~ §29A-3B-1 et seq. of this code, promulgate legislative rules as necessary to  
26 effectuate the provisions of this section. The rules shall provide for at least the following:

27           (1) Development of a statewide comprehensive, systemic approach to close the reading  
28 and mathematics achievement gap gaps by the end of the third grade utilizing instructional  
29 materials and methods for reading that are based upon the science of reading instruction (phonics,  
30 phonemic awareness, vocabulary, fluency and comprehension). The comprehensive, systemic  
31 approach also shall which targets target school readiness, the attendance gap, summer learning  
32 loss and ~~a transformative intervention framework for student and learning supports~~ implement a  
33 multi-tiered system of support intervention framework as set forth in this section;

34           (2) Ensuring all West Virginia children have access to high quality early learning  
35 experiences that focus on healthy learners as part of the school readiness model, resulting in  
36 increased populations of children on target for healthy development prior to entering first grade;

37 (3) Closing the attendance gap to certify West Virginia children attend school regularly and  
38 limit chronic absenteeism in the early grades;

39 (4) Assisting county boards in establishing and operating a multi-tiered system of support  
40 intervention that includes targeted, sustained extended day and extended year reading and  
41 mathematics programs to ensure grade level proficiency and battle summer learning loss;

42 (c) The multi-tiered system of support intervention framework shall include the  
43 identification and monitoring of the progress of students in grades pre-K through three toward  
44 achieving grade level proficiency in English language arts and mathematics which shall consist of  
45 at least the following:

46 (1) The use of screening and/or benchmark assessments in grades kindergarten through  
47 three that are statistically valid and reliable to identify student with substantial reading and  
48 numeracy deficiencies. The State Board shall adopt an approved list of one or more reliable and  
49 valid assessment systems for school district use for screening and monitoring student progress.  
50 The assessment system shall:

51 (A) Require a screening and/or benchmark assessment to be administered three times per  
52 year (fall, winter, and spring) with progress monitoring capabilities and a diagnostic tool to support  
53 teachers with targeting instruction based on student needs. The spring assessment in the third  
54 grade shall be the West Virginia general summative assessment;

55 (B) The reading assessment shall measure, at a minimum, phonics, phonemic awareness,  
56 vocabulary, fluency and comprehension and shall identify students who have a reading deficiency,  
57 including identifying students with characteristics of dyslexia.

58 (2) In determining which assessment systems to approve for use by school districts, the  
59 Department shall also consider, at a minimum, the following factors:

60 (A) The time required to conduct the assessment, with the intention of minimizing the  
61 impact on instructional time;

62 (B) The timeliness in reporting assessment results to teachers, administrators, and

63 parents; and

64 (C) The integration of assessment and instruction the system provides.

65 (3) The State Board shall establish the cut scores for each screening and/or benchmark  
66 assessment to define the score used to identify students with a substantial deficiency in reading  
67 and/or numeracy for each data collection point during the school term.

68 (4) Students exhibiting a substantial deficiency in reading and/or numeracy through a  
69 screening and/or benchmark assessment will receive:

70 (A) Intensive instruction and intervention immediately following the identification that is  
71 targeted at the deficiency or deficiencies identified by the screening and/or benchmark  
72 assessment;

73 (B) A personalized learning plan outlining goals, methods for monitoring progress, and  
74 additional instructional services and interventions needed to address the deficiency or  
75 deficiencies; and

76 (C) In the case of reading deficiencies, instructional materials and methods that utilize the  
77 science of reading (phonics, phonemic awareness, vocabulary, fluency and comprehension).

78 (5) Students who continue to exhibit a substantial deficiency in reading and/or numeracy  
79 after intensive instruction and intervention for more than three grading periods shall be referred to  
80 the school's student assistance team to examine additional options for the student. Students may  
81 be referred to the school's student assistant team earlier if appropriate.

82 (d) The multi-tiered system of support intervention framework also shall include  
83 maximizing family engagement to result in the development of a culture of literacy and numeracy  
84 from birth through third grade which shall at least include:

85 (A) Ensuring the parent or guardian is informed of and have access to resources which  
86 they may utilize to improve their child's literacy and numeracy skills;

87 (B) Ensuring the parent or guardian is informed of the importance of grade level literacy  
88 and numeracy by the end of the third grade and the measures that will be employed pursuant to

89 this section to improve the literacy and numeracy skills of children who are not meeting the  
90 standards, as well as the grade three retention policy and the exceptions; and

91 (C) Immediately upon the determination of a substantial reading and/or numeracy  
92 deficiency through the use of screening and/or benchmark assessments as provided in subsection  
93 (c) of this section, the student's parent or guardian shall be notified in writing of the following:

94 (i) That the student has been identified as having a substantial deficiency in reading and/or  
95 numeracy;

96 (ii) A description of the intensive instruction and intervention that will be provided to the  
97 student;

98 (iii) A description of the personalized learning plan for the student outlining goals, methods  
99 for monitoring progress, and additional instructional services and interventions needed to address  
100 the deficiency or deficiencies;

101 (iv) Strategies for the parent or guardian to use at home to help their child succeed in  
102 reading and/or mathematics; and

103 (v) That if the child's reading and/or mathematics deficiency is not corrected by the end of  
104 grade three, the child may not be promoted to grade four unless an exemption is met.

105 ~~(6)~~ (e) The multi-tiered system of support intervention framework also shall include  
106 supporting high quality schools and a high quality educator workforce prepared to address early  
107 literacy and numeracy identification of interventions, and implementation of a system of  
108 intervention for children not reaching grade level proficiency including, but not limited to,  
109 professional learning for teachers and early childhood classroom assistant teachers as  
110 appropriate, on the following:

111 (A) The administration and use of State Board approved screening and/or benchmark  
112 assessments to ensure teachers have the knowledge and skills to administer the assessments  
113 and use the data to inform instruction based on student needs;

114 (B) Comprehensive training on the science of reading and numeracy instruction to ensure

115 all teachers have the knowledge and skill to teach all students to read and perform mathematics at  
116 grade level. The comprehensive training on the science of reading shall include explicit and  
117 systematic instruction in phonics, phonemic awareness, vocabulary, fluency, comprehension, and  
118 building content knowledge, to ensure all teachers have the knowledge and skill to teach all  
119 students to read, including students with dyslexia; and

120 (C) Job-embedded, on-site teacher training on evidence-based reading and numeracy  
121 instruction and data-based decision making that provides immediate feedback for improving  
122 instruction including job-embedded coaching support for K-3 reading teachers that shall include  
123 the following:

124 (i) Providing on-site teacher training on evidence-based reading instruction and data-  
125 based decision making.

126 (b) Demonstrating lessons.

127 (c) Co-teaching and/or observing teaching.

128 (7) (f) The multi-tiered system of support intervention framework also shall include  
129 ensuring the employment of qualified teachers and service personnel in accordance with the  
130 provisions of section thirty-nine, article five of this chapter and section seven-c, article four, chapter  
131 eighteen-a §18-5-39 and §18A-4-7c of this code to provide instruction to students enrolled in early  
132 literacy support programs childhood grades including, but not limited to, ensuring that educator  
133 preparation programs prepare candidates seeking licensure for elementary education with training  
134 and instruction to:

135 (1) Understand the science of reading and numeracy instruction to ensure all teachers  
136 have the knowledge and skill to teach all students to read and perform mathematics at grade level.  
137 The training on the science of reading shall include explicit and systematic instruction in phonics,  
138 phonemic awareness, vocabulary, fluency, comprehension, and building content knowledge, to  
139 ensure all teachers have the knowledge and skill to teach all students to read, including students  
140 with dyslexia;



141 (2) Effectively teach foundational reading and mathematics skills and implement reading  
142 instruction using high-quality instructional materials;

143 (3) The administration and use of State Board approved screening and/or benchmark  
144 assessments to ensure teachers have the knowledge and skills to administer the assessments  
145 and use the data to inform instruction based on student needs;

146 (4) Provide effective instruction and interventions for students with reading and math  
147 deficiencies, including students with characteristics of dyslexia or dyscalculia; and

148 (5) Understand and use student data to make instructional decisions.

149 (4) (g) The multi-tiered system of support intervention framework also shall include:

150 (1) Creating a formula or grant-based program for the distribution of funds appropriated  
151 specifically for the purposes of this section or otherwise available for the support of a targeted,  
152 multi-tiered system of support intervention comprehensive system of support for early literacy and  
153 numeracy including:

154 (9) (A) Providing support for transportation and healthy foods for students required to  
155 attend after-school and extended year early literacy and numeracy instructional support programs  
156 and supervision at the school that accommodates the typical work schedules of parents; and

157 (10) (B) Receiving from county boards any applications and annual reports required by rule  
158 of the state board.

159 (e) (h) A student in grades kindergarten through three who is recommended by the student  
160 assistance team or the student's classroom teacher for additional assistance in one or more of the  
161 key standards of English Language Arts including reading, speaking and listening, writing or  
162 language may be required to attend an extended year early literacy and numeracy instructional  
163 support program as a condition for promotion if:

164 (1) The student has been provided additional academic help through the multi-tiered  
165 system of support intervention which may include an in-school or after-school early literacy and  
166 numeracy instructional support program and, prior to the end of the school year, the student

167 assistance team or the student's classroom teacher recommends that further additional academic  
168 help is needed for the student to be successful at the next grade level; and

169 (2) The county board has established ~~an~~ a multi-tiered system of support intervention for  
170 early literacy and numeracy instructional support program during the extended year for the  
171 student's grade level.

172 ~~(d)~~ (i) County boards shall provide high-quality educational facilities, equipment and  
173 services to support a multi-tiered system of support intervention for early literacy and numeracy  
174 instructional support programs established pursuant to this section. Extended year programs may  
175 be provided at a central location for kindergarten through third graders who qualify for the  
176 program.

177 ~~(e)~~ (j) This section may not be construed to prohibit a classroom teacher from  
178 recommending the grade level retention of a student in any of the grades pre-kindergarten through  
179 grade three based upon the student's lack of mastery of the subject matter and preparation for the  
180 subject matter at the next grade level. Data from the screening and/or benchmark assessments  
181 will be used to inform the classroom teacher's recommendation.

182 ~~(f)~~ (k) This section may not be construed to affect the individualized education plans of  
183 exceptional students.

184 ~~(g)~~ (l) This section may not be construed to limit the authority of the county board to  
185 establish an extended year program in accordance with ~~section thirty-nine, article five of this~~  
186 ~~chapter~~ §18-5-39 of this code. County boards may not charge tuition for enrollment in early literacy  
187 and numeracy instructional support programs established pursuant to this section.

188 ~~(h)~~ (m) Each county board shall ~~prepare to~~ implement the provisions of this section and the  
189 provisions of the state board rule required by subsection (b) of this section. ~~The preparations shall~~  
190 ~~at least include planning, ensuring~~ The county board shall establish a process for ensuring the  
191 developmental and academic progress of all students through the auspices of student assistance

192 teams as currently required by state board policy and ~~performing~~ perform a needs assessment to  
193 determine the potential capacity requirements for the system of support for early learners.

194 (i) ~~(n)~~ (n) The state board shall provide a report describing the ~~proposed~~ implementation of the  
195 ~~transformative system of support~~ multi-tiered system of support intervention for early literacy and  
196 numeracy to the Legislative Oversight Commission on Education Accountability on or before ~~July~~  
197 ~~1, 2014~~ July 1, 2023.

198 (j) ~~(o)~~ (o) The state board shall provide a comprehensive report regarding the status of the  
199 ~~transformative system of support~~ multi-tiered system of support intervention for early literacy and  
200 numeracy to the Legislative Oversight Commission on Education Accountability, the Joint  
201 Committee on Government and Finance, and the Governor on ~~November 1, 2014~~ November 1,  
202 2024, and annually on November 1 on each year thereafter. The report shall address, at a  
203 minimum, the progress of the program throughout the state, its effect on student achievement and  
204 the sources of the funding both available to and used by the program.

205 (k) ~~(p)~~ (p) Legislative appropriations to the State Board of Education – State Department of  
206 Education Early Literacy Program shall be used for the implementation of the provisions of this  
207 section along with other funds available for providing a high-quality education. The provisions of  
208 ~~this section are subject to the availability of funds from legislative appropriation or other sources~~  
209 ~~specifically designated for the purposes of this section. If a county board determines that adequate~~  
210 ~~funds are not available for full implementation of a transformative system of support for early~~  
211 ~~literacy in the county, the county board may implement its program in phases by first establishing~~  
212 ~~early literacy instructional support programs in the early readiness grades (Kindergarten), then the~~  
213 ~~primary grades (Grades 1-2), and then establishing an early literacy instructional support program~~  
214 ~~for the third grade once the county board determines that adequate funds are available.~~

215 (q) Effective for the school year beginning July 1, 2026, and thereafter, a public school  
216 student who generally demonstrates a minimal understanding of, and ability to apply, grade level  
217 English language arts or mathematics knowledge, skills and abilities, or both, relative to the West

218 Virginia College and Career Readiness Standards at the end of the third grade shall upon the  
219 recommendation of the teacher and the student assistance team be retained in the third grade for  
220 the ensuing school year subject to the following exceptions:

221 (1) A student with disabilities whose Individual Education Plan indicates that participation  
222 in the statewide summative assessment is not appropriate, consistent with state law;

223 (2) A student identified as an English language learner who has had less than three years  
224 instruction in English as a second language;

225 (3) A student with disabilities who participates in the statewide summative assessment,  
226 has an Individual Education Plan or section 504 plan that reflects that the student has received  
227 intensive intervention for more than two years and still demonstrates a deficiency and who was  
228 previously retained in any of the grades pre-K through three;

229 (4) A student who is in the process of a special education referral or evaluation for  
230 placement in special education, has been diagnosed as having a significant impairment, including  
231 dyslexia, or is a child with a disability if the student's individualized education program team and  
232 student's parent or guardian agree that promotion is appropriate based on the student's  
233 Individualized Education Plan;

234 (5) A student who has received intensive intervention for two or more years, still  
235 demonstrates a deficiency and who was previously retained in any of the grades pre-K through  
236 three for a total of two years: *Provided*, That the student shall continue to receive intensive  
237 intervention in grade four;

238 (6) A student who demonstrates an acceptable level of performance on an alternative  
239 standardized assessment approved by the State Board;

240 (7) A student who attends an extended year learning program following the third grade and  
241 has attained proficiency; and

242 (8) The parent or guardian of a student requests promotion of their child to the fourth grade  
243 notwithstanding the recommendation of the teacher and the student assistance team: *Provided*,

244 That the child is required to attend an extended year program prior to promotion to the fourth  
 245 grade.

246 (m) Starting in fourth grade, students who score below proficient in English language arts  
 247 or mathematics on the West Virginia General Summative Assessment shall continue to be  
 248 provided targeted and/or intensive intervention through a multi-tiered system of support until the  
 249 student demonstrates grade level proficiency in English language arts and/or mathematics on the  
 250 West Virginia General Summative Assessment.

## **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 ~~first through sixth grade~~ classroom, or classrooms having two or more  
 3 grades that include one or more of the ~~first~~ pre-kindergarten through sixth grades shall not have  
 4 ~~more than 25 pupils for each teacher of the grade or grades and shall not have more than 20 pupils~~  
 5 ~~for each kindergarten teacher per session~~ as follows, unless the state superintendent has  
 6 excepted a specific classroom upon application therefor by a county board as provided in this  
 7 section:

8 (1) For pre-kindergarten, not more than 20 pupils for each teacher and one early childhood  
 9 classroom assistant teacher;

10 (2) For kindergarten, not more than 20 pupils for each teacher and one early childhood  
 11 classroom assistant teacher in classrooms with more than 10 pupils;

12 (3) For first, second and third grades, not more than 25 pupils for each teacher and one  
 13 early childhood classroom assistant teacher in classrooms with more than 12 pupils; and

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

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

18 (c) The state superintendent is authorized, consistent with sound educational policy, to:

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

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

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

28 (e) The requirement for approval of an exception to exceed the 20 pupils per kindergarten  
29 teacher per session limit or the 25 pupils per teacher limit in grades ~~one~~ four through six is waived  
30 in schools where the schoolwide pupil-teacher ratio is 25 or less in grades ~~one~~ four through six:  
31 *Provided*, That a teacher shall not have more than three pupils above the teacher/pupil ratio as set  
32 forth in this section. Any kindergarten teacher who has more than 20 pupils per session and any  
33 classroom teacher of grades ~~one~~ four through six who has more than 25 pupils, shall be paid  
34 additional compensation based on the affected classroom teacher's average daily salary divided  
35 by 20 for kindergarten teachers, or 25 for teachers of grades ~~one~~ four through six, for every day  
36 times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's  
37 classroom. All such additional compensation shall be paid from county funds exclusively.

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

44 ~~school year beginning on July 1, 1996, such teacher~~ shall not have any pupils above the  
45 teacher/pupil ratio as set forth in this section.

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

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

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

54 ~~(i) The West Virginia Department of Education shall survey districts to determine those~~  
55 ~~grade levels, content areas, and geographic locations where class overcrowding is impeding~~  
56 ~~student achievement and report to the Legislature by July 1, 2020 a tailored plan for reducing class~~  
57 ~~overcrowding in such areas.~~

58 ~~The study shall include, but is not limited to, an examination of the following issues:~~

59 ~~(1) The effect on student learning of limits on the number of pupils per teacher in a~~  
60 ~~classroom in elementary classes and in a middle and high school format in which students have~~  
61 ~~different teachers for different subject matter instruction;~~

62 ~~(2) The effect on the equity among teachers in a middle school in which the number of~~  
63 ~~pupils per teacher in a classroom is limited for some teachers and not for others, including the~~  
64 ~~additional pay for certain teachers in whose classrooms the limits are exceeded; and~~

65 ~~(3) The effect limits on the number of pupils per teacher in a classroom have on the ability~~  
66 ~~of school systems to offer elective courses in secondary school.~~

## **ARTICLE 9A. PUBLIC SCHOOL SUPPORT.**

### **§18-9A-5. Foundation allowance for service personnel.**

1 (a) The basic foundation allowance to the county for service personnel shall be the amount

2 of money required to pay the annual state minimum salaries in accordance with the provisions of  
3 article four, chapter eighteen-a of this code, to such service personnel employed, subject to the  
4 following:

5 (1) A county shall receive an allowance for state aid eligible service personnel positions per  
6 1,000 students in net enrollment, as follows:

7 (A) For each high-density county, ~~forty-three and ninety-seven one hundredths~~ 53.79  
8 service personnel per 1,000 students in net enrollment;

9 (B) For each medium-density county, ~~forty-four and fifty-three one hundredths~~ 54.35  
10 service personnel per 1,000 students in net enrollment;

11 (C) For each low-density county, ~~forty-five and one tenth~~ 54.92 service personnel per 1,000  
12 students in net enrollment;

13 (D) For each sparse-density county, ~~forty-five and sixty-eight one hundredths~~ 55.50  
14 service personnel per 1,000 students in net enrollment; and

15 (E) For any service personnel positions, or fraction thereof, determined for a county  
16 pursuant to subdivision (1) of this subsection that exceed the number employed, the county's  
17 allowance for these positions shall be determined using the average state funded minimum salary  
18 of service personnel for the county;

19 (2) The number of and the allowance for personnel paid in part by state and county funds  
20 shall be prorated; and

21 (3) Where two or more counties join together in support of a vocational or comprehensive  
22 high school or any other program or service, the service personnel for the school or program may  
23 be prorated among the participating counties on the basis of each one's enrollment therein and  
24 that the personnel shall be considered within the above-stated limit.

## **CHAPTER 18A. SCHOOL PERSONNEL.**

### **ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.**



**§18A-5-9. Authority of early childhood classroom assistant teachers to exercise control over students; limitations.**

1           (a) Within the limitations provided in this section, an early childhood classroom assistant  
2 teacher shall stand in the place of the parent or guardian and shall exercise such authority and  
3 control over students as is required of a teacher as provided in section one of this article. The  
4 principal shall enumerate the instances in which the authority shall be exercised by an early  
5 childhood classroom assistant teacher when requested by the principal, assistant principal or  
6 professional employee to whom the assistant teacher is assigned.

7           (b) The authority provided for in subsection (a) of this section does not extend to  
8 suspending or expelling any student, participating in the administration of corporal punishment or  
9 performing instructional duties as a teacher or substitute teacher.

10           (c) An early childhood classroom assistant teacher may not be required by the operation of  
11 this section to perform noninstructional duties for an amount of time which exceeds that required  
12 under the assistant teacher's contract of employment or that required of other early childhood  
13 classroom assistant teachers in the same school unless the assignment of the duties is mutually  
14 agreed upon by the assistant teacher and the county superintendent, or the superintendent's  
15 designated representative, subject to county board approval.

16           (1) The terms and conditions of the agreement shall be in writing, signed by both parties,  
17 and may include additional benefits.

18           (2) The agreement shall be uniform as to early childhood classroom assistant teachers  
19 assigned similar duties for similar amounts of time within the same school.

20           (d) The county board shall provide in-service training for early childhood classroom  
21 assistant teachers specifically related to literacy, numeracy and their responsibilities and  
22 appropriate measures for exercising authority and control over students as required under this  
23 section.

- 24           (e) The county board shall provide in-service training for classroom teachers in grades pre-  
25 k through two to help the classroom teachers gain a strong understanding of how to best utilize the  
26 early childhood classroom assistant teachers during classroom instruction and during other  
27 periods of the day.

NOTE: The purpose of this bill is to provide early childhood assistant teachers and systems of support to help students achieve grade level literacy and numeracy by end of third grade. The bill replaces a transformative intervention framework with multi-tiered system of support addressing both reading and mathematics. It includes the use of screening and/or benchmark assessments approved by the State Board to be administered three times throughout the school year. The bill specifies the services to be provided to students who exhibit substantial deficiencies on the screening and /or benchmark assessment and the information and notice to the parent or guardian. It requires professional development for the teachers and the training and instruction be provided by education preparation programs that prepare candidates seeking licensure for elementary education. The bill requires the retention in third grade of public school students who demonstrate minimal grade level understanding and ability upon recommendation of teacher and student assistance team, with exceptions. Students starting in the fourth grade who score below proficient in English language arts or mathematics on general summative assessment will continue to be provided intervention until they are grade level proficient. Finally, the bill requires an early childhood classroom assistant teacher in first, second and third grade classrooms that have more than 12 pupils. Note that requirements currently exist in State Board Policy 2510 for pre-kindergarten and kindergarten classrooms with more than 10 pupils to have an early childhood classroom assistant teacher and these provisions would be added to the statute in this bill. The school aid formula allowance for service personnel is amended to increase the number of state funded positions per 1,000 students in net enrollment to provide state funding for the added positions. A new section of code is added which requires early childhood classroom assistant teachers to exercise authority and control over students such as required of a teacher, but only in instances enumerated by the principal and excluding suspensions, expulsions and performing instructional duties as a teacher.

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