

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3047**

By Delegates Dillon and Dean

[Introduced January 25, 2023; Referred to the  
Committee on Education]

1 A BILL to amend and reenact §18-5-18a of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring the state Board of Education to establish clear and reasonable policy regarding  
 3 equivalent ratios for self-contained special education or exceptional classrooms.

*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 first through sixth grade classroom, or classrooms having two or more  
 3 grades that include one or more of the first through sixth grades shall not have more than 25 pupils  
 4 for each teacher of the grade or grades and shall not have more than 20 pupils for each  
 5 kindergarten teacher per session, unless the state superintendent has excepted a specific  
 6 classroom upon application therefor by a county board: Provided, That nothing in this article shall  
 7 prevent the state Board of Education from establishing clear and reasonable policy regarding  
 8 equivalent ratios for self-contained special education or exceptional classrooms.

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

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

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

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

19 (d) The state board shall establish guidelines for the exceptions authorized in this section,  
 20 but in no event shall the superintendent except classrooms having more than three pupils above

21 the pupil-teacher ratio as set forth in this section.

22 (e) The requirement for approval of an exception to exceed the 20 pupils per kindergarten  
23 teacher per session limit or the 25 pupils per teacher limit in grades one through six is waived in  
24 schools where the schoolwide pupil-teacher ratio is 25 or less in grades one through six: *Provided,*  
25 That a teacher shall not have more than three pupils above the teacher/pupil ratio as set forth in  
26 this section: *Provided, however, That the state Board of Education shall establish clear and*  
27 *reasonable policy regarding equivalent ratios for self-contained special education or exceptional*  
28 *classrooms in grades one through six.* Any kindergarten teacher who has more than 20 pupils per  
29 session and any classroom teacher of grades one through six who has more than 25 pupils, shall  
30 be paid additional compensation based on the affected classroom teacher's average daily salary  
31 divided by 20 for kindergarten teachers, or 25 for teachers of grades one through six, for every day  
32 times the number of additional pupils enrolled up to the maximum pupils permitted in the teacher's  
33 classroom. All such additional compensation shall be paid from county funds exclusively.

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

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

43 (g) Each school principal shall assign students equitably among the classroom teachers,  
44 taking into consideration reasonable differences due to subject areas and/or grade levels:  
45 *Provided, That the state Board of Education shall establish clear and reasonable policy regarding*  
46 *equivalent ratios for self-contained special education or exceptional classrooms in grades seven*

47 through 12.

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

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

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

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

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

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

NOTE: The purpose of this bill is to require the state Board of Education to establish clear and reasonable policy regarding equivalent ratios for self-contained special education or exceptional classrooms.

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