

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4637

By Delegate Brooks

[Introduced January 21, 2026; referred to the

Committee on Education]

1 A BILL to amend and reenact §18A-5-8 of the Code of West Virginia, 1931, as amended, relating
2 to limiting how often a teacher's aide may be pulled from his or her regular, expected job
3 duty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. AUTHORITY; RIGHTS; RESPONSIBILITY.

§18A-5-8. Authority of certain aides to exercise control over students; compensation; transfers; limitations.

1 (a) Within the limitations provided in this section, any aide who agrees to do so shall stand
2 in the place of the parent or guardian and shall exercise such authority and control over students
3 as is required of a teacher as provided in section one of this article. The principal shall designate
4 aides in the school who agree to exercise that authority on the basis of seniority as an aide and
5 shall enumerate the instances in which the authority shall be exercised by an aide when requested
6 by the principal, assistant principal or professional employee to whom the aide 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. However, the authority extends
10 to supervising students undergoing in-school suspension if the instructional duties required by the
11 supervision are limited solely to handing out class work and collecting class work. The authority to
12 supervise students undergoing in-school suspension does not include actual instruction.

13 (c) An aide designated by the principal under subsection (a) of this section shall receive a
14 salary not less than one pay grade above the highest pay grade held by the service person under
15 section eight-a, article four of this chapter and any county salary schedule in excess of the
16 minimum requirements of this article.

17 (d) An aide may not be required by the operation of this section to perform noninstructional
18 duties for an amount of time which exceeds that required under the aide's contract of employment
19 or that required of other aides in the same school unless the assignment of the duties is mutually

20 agreed upon by the aide and the county superintendent, or the superintendent's designated
21 representative, subject to county board approval.

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

24 (2) The agreement shall be uniform as to aides assigned similar duties for similar amounts
25 of time within the same school.

26 (3) Aides have the option of agreeing to supervise students and of renewing related
27 assignments annually. If an aide elects not to renew the previous agreement to supervise
28 students, the minimum salary of the aide shall revert to the pay grade specified in section eight-a,
29 article four of this chapter for the classification title held by the aide and any county salary schedule
30 in excess of the minimum requirements of this article.

31 (e) For the purposes of this section, aide means any aide class title as defined in section
32 eight, article four of this chapter regardless of numeric classification.

33 (f) Regular service personnel employed in a category of employment other than aide who
34 seek employment as an aide shall hold a high school diploma or shall have received a general
35 educational development certificate and shall have the opportunity to receive appropriate training
36 pursuant to subsection (j), section thirteen, article five, chapter eighteen of this code and section
37 two, article twenty of said chapter.

38 (g) An aide shall only be removed from his or her regular, expected job duties to perform
39 work or provide coverage outside of his or her expected job duties for the maximum amount of 30
40 minutes per day.

NOTE: The purpose of this bill is to limit how often a teacher's aide may be pulled from his or her regular, expected job duty.

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