

TITLE 126
PROCEDURAL RULE
WEST VIRGINIA BOARD OF EDUCATION
CHAPTER 18-5
Series 2442.3

FILED
1989 MAR 28 AM 8:42

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE: Exceptions to Maximum Teacher-Pupil Ratio, Grades K-6

Section 1. General

- 1.1 Scope - These This legislative rules establishes maximum teacher-pupil ratios for grades K-6 and outlines provisions under which exceptions to the teacher-pupil ratio may be granted by the state superintendent of schools.
- 1.2 Authority - W.Va. Code 18-5-18a
- 1.3 Filing Date - April 1, 1987
- 1.4 Effective Date - June 1, 1987
- 1.5 Repeal of Former Rule - None. This is a revision of the rule adopted in 1983 and amended in 1986.
- 1.6 Related Policy - 18-2E-4 Better School Accountability

Section 2. Applicability

West Virginia Code 18-5-18a establishes maximum teacher-pupil ratios for grades K-6 and grants authority to the State Superintendent of Schools "... to permit more than twenty pupils per teacher in a specific kindergarten classroom and twenty-five pupils per teacher in a specific classroom in grades one through six during a school year in the event of extraordinary circumstances as determined by the state superintendent after application by a county board of education." The State Board of Education is required to establish guidelines for the exceptions authorized in the statute. The statute also declares that "... in no event shall the superintendent except classrooms having more than three pupils above the teacher-pupil ratio ..." in grades K-6. No provision of this section, however, is intended to limit the number of pupils per teacher in a classroom for the purpose of instruction in choral and band or orchestral music.

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Pursuant to West Virginia Code 18-5-18a, a state-wide exemption is granted for physical education classes in grades 4-6 for up to 28 students.

Additionally amendments to West Virginia Code §18-5-18a grant a state wide exception for classrooms in schools with a schoolwide teacher-pupil ratio of 25 to 1 or less in grades 1-6. Provided, that a teacher shall not have more than three pupils above the teacher-pupil ratio established in West Virginia Code §18-5-18a.

Section-3- Guidelines

~~Additionally, the State Board of Education is required to establish guidelines for the exceptions authorized in the statute.~~

Section 3. Procedures

The following procedures are established for county boards of education to apply for exceptions from the State Superintendent of Schools:

3.1 Each school shall calculate its school wide teacher pupil ratio so that a determination can be made as to whether or not the county must apply for an exception to the teacher-pupil ratio policy for that school. Schools shall calculate their school wide teacher-pupil ratio for grades 1-6 as follows:

1) Calculate the total net enrollment for grades 1-6.

2) Calculate the full time teacher equivalents (FTE) for grades 1-6.

3) Dividing the total net enrollment by the total full time teacher equivalents.

3.2 If the schoolwide teacher-pupil ratio at any school exceeds 25 to 1 and that school has classrooms which exceed the maximum ratios outlined in WV Code 18-5-18a, request for exceptions shall be made to the state superintendent of schools. Provided, that a teacher shall not have more than three pupils above the teacher-pupil ratio established in West Virginia Code §18-5-18a.

3.3 Counties may only apply for exceptions to the teacher-pupil ratio requirements under certain extraordinary circumstances. Extraordinary circumstances are hereby defined as situations which place unreasonable burdens or hardships on a county board of education. Extraordinary circumstances include, but are not limited to, situations where:

A. The number of available classrooms is inadequate and a realignment of school attendance zones will not solve the problem.

B. Placing children in existing but less crowded classrooms will result in split grades in excess of the allowable number for the county.

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- C. Students have been assigned to classrooms and there is an unexpected increase in student population which causes class enrollment to exceed the statutory ratio.
- D. Other catastrophic events occur which are beyond the power of the local board to control such as fire, flood or other damage to existing classroom space or facilities.

3.4 4-3 Requests for exceptions will be reviewed by the West Virginia Department of Education. Additional information may be solicited and, if necessary, an on-site study may be conducted. The decision to approve or reject exception requests will be made by the state superintendent of schools within a reasonable period of time and will be communicated in writing to the County Board of Education.

Section-4. Procedures

The following procedure is established for county boards of education desiring to apply for exceptions from the State Superintendent of Schools:

- 4-1 For "extraordinary circumstances" described in "A" and "B" above, the county board of education, upon recommendation of the County Superintendent, shall request exceptions by June 1 of the current school year, providing specific reasons and supportive data about each classroom for which an exemption is requested. Such requests should be accompanied by an assurance statement signed by the county superintendent which certifies that available classroom space, bus routes, and school attendance zones were reviewed in attempting to comply with the maximum teacher-pupil ratio law and that changes therein would not solve the problem.
- 4-2 For "extraordinary circumstances" described in "C" and "D" above, the county board of education, upon recommendation of the county superintendent, shall request exceptions as soon as possible, providing specific reasons and supportive data by classroom.

Adopted Jan. 11, 1983
 Revised July 12, 1985
 Revised March 14, 1986
 Revised April 1, 1987
 Revised February 27, 1989

DRP:cm 2080t/
 TJC:cm:3/2/89