

Guidance Regarding Maximum Class Size and Student-Teacher Ratios in the Standards of Quality

Statutory Authority

Standard 2 of the Standards of Quality, in § 22.1-253.13:2(C) of the *Code of Virginia*, says:

“Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

“Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

“Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.”

Standard 2 of the Standards of Quality, in § 22.1-253.13:2(P) of the *Code of Virginia*, says:

“Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.”

Standard 2 of the Standards of Quality, in § 22.1-253.13:2 (B) says:

“School boards shall employ licensed instructional personnel qualified in the relevant subject areas.”

Furthermore, as specified in § 22.1-299:

“No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board of Education.”

Guidance

All local school divisions are expected to meet the divisionwide and schoolwide student-teacher ratios specified in the Standards of Quality (SOQ). The calculations for SOQ funding are based in part on the

divisionwide and schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions.

The special education caseload maximums, as prescribed in the Board's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, in 8 VAC 20-81-340, shall apply for students with disabilities. The maximum class size requirements in the Board's *Regulations Governing Career and Technical Education*, in 8 VAC 20-120-150, shall apply to career and technical education classes.

Elementary schools and any other public schools that include grades K-6 shall not exceed the maximum class sizes for all K-6 classes.

For the purpose of this guidance, a *class* is a grouping of students in which they regularly receive instruction in the Standards of Learning by one or more teachers. If more than one teacher is assigned to a class for purposes of instructing students, each teacher shall count towards meeting the student-teacher ratio and any maximum class size requirements.

The student-teacher ratio shall not include special education teachers, principals, assistant principals, counselors, and librarians, as specified by the SOQ. Student teachers or teachers who observe classes are not counted towards meeting SOQ student-teacher ratios or maximum class size requirements.

For the purpose of this guidance, the following would not be considered a class:

- Enrichment programs and independent or collaborative projects conducted by students under the supervision of a licensed teacher
- Groupings of students for remediation or additional instruction unless that is how the students regularly receive primary instruction in the Standards of Learning
- "Homeroom" settings in which primary instruction in the Standards of Learning is not provided

Student teachers or teachers who observe, rather than instruct, classes are not counted towards meeting SOQ student-teacher ratios or maximum class size requirements.

Pursuant to § 22.1-253.13:2 (P) of the Code, the student-teacher ratios and maximum class size provisions are not required for full-time students of approved virtual school programs. This exemption applies only to full-time students of approved virtual school programs. The term "approved virtual school programs" references those programs for which the school division contracts with an approved multi-division online provider.

Certification of Compliance

Standards of Quality funding for instructional positions is calculated based on the annual September 30th report of student enrollment and the March 31st report of average daily membership. For purposes of this guidance, school divisions shall determine compliance with required divisionwide and schoolwide student-teacher-ratios and maximum class sizes based on student enrollment data effective as of September 30th and March 31st.

School divisions should make every effort to be in compliance with the student-teacher ratio and maximum class size requirements by September 30th and throughout the year; however, from time to time there may be unpredictable enrollments and unexpected circumstances that cause a school division

to be temporarily out of compliance. When this occurs, the school division should make arrangements to come in to compliance as soon as possible.

For the purpose of these guidelines, compliance with the student-teacher ratio and maximum class size requirements are based on the average daily membership for the class, the school, and the school division, as may be applicable, consistent with the Standards of Quality funding calculations.

Each year, during August and early September, local school divisions must self-certify compliance with the Standards of Quality for the previous school year. The report is made to the Virginia Department of Education (VDOE) through a single sign-on, Web-based data collection instrument. Both the superintendent and the school board chairman must sign the certification of compliance. If a school division is not in compliance with any requirement of the Standards of Quality, it must submit a corrective action plan for that requirement. The corrective action plan is included as a part of the single sign-on Web-based compliance form.

Each year, as a part of the annual report to the General Assembly on the condition and needs of public education in Virginia, the Board of Education is required by § 22.1-18 of the *Code of Virginia* to report the level of compliance by local school boards with the requirements of the Standards of Quality.

Noncompliance with the required divisionwide student-teacher ratios and maximum class size requirements, as well as the other requirements in the Standards of Quality, shall be enforced as prescribed by Standard 8 of the Standards of Quality, § 22.1-253.13:8 of the *Code of Virginia*:

“As required by § 22.1-18, the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed Standards of Quality.

“The Board of Education shall have authority to seek school division compliance with the foregoing Standards of Quality. When the Board of Education determines that a school division has failed or refused, and continues to fail or refuse, to comply with any such Standard, the Board may petition the circuit court having jurisdiction in the school division to mandate or otherwise enforce compliance with such standard, including the development or implementation of any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.”