

## **Class Size for Virtual Programs and Courses**

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### **Introduction**

Maximum class sizes established in statute, [KRS 157.360](#), apply equally to in-person classes and classes within a district's online, virtual and remote learning program. The latest [research](#) on appropriate class sizes for virtual programs and courses primarily targets postsecondary; however, the recommendations are clear and should be considered applicable to K-12 education as well. Specifically, [current research](#) suggests a targeted enrollment based upon the learning level required for the course, as well as the required pedagogical strategies to achieve high-quality interactions and engagement between students and staff. This research largely aligns in principle and practice with current in-person staffing allocations and student assignment policies.

Although not legally mandated, the KDE strongly recommends keeping enrollment in virtual classes the same as or less than enrollment in in-person settings considering the above-cited research. Additionally, the following should be considered by district and program leaders when deciding how to best staff the virtual program:

- The grade levels offered by the program and the course setup structures utilized (virtual and performance-based and/or average daily attendance through [704 KAR 3:535](#)).
- The need for teachers of record, course stewards and/or content mentors as described in the [Kentucky Digital Learning Guidelines](#).
- The professional learning needed for staff to achieve the desired digital interactions, engagement, and community necessary for high-quality teaching and learning.

### **General Education Class Sizes in Schools with a School-Based Decision Making (SBDM) Council**

The maximum class sizes established in [KRS 157.360\(5\)\(a\)](#) are as follows:

- Primary grades: 24 students to 1 teacher;
- Grade 4: 28-to-1;
- Grades 5-6: 29-to-1; and,
- Grades 7-12: 31-to-1; and,
  - Middle or high school teachers also cannot exceed 150 pupil hours per day.
  - Middle or high school teachers in a virtual program cannot exceed 300 pupil hours per day.

In schools implementing SBDM, these class sizes are used by local boards of education to determine the number of allocated positions for staff at each school, although some local boards set even smaller ratios to allow for more positions per school.

However, when enrolling or otherwise assigning students, either to an in-person or virtual setting, an SBDM council is not bound by the class size maximums outlined in [KRS 157.360\(5\)\(a\)](#). The SBDM council has the authority to exceed such class sizes through its policies and procedures and, pursuant to Section 2 of [702 KAR 3:190](#), “exemptions from class size maximums shall not be required” for general education classes in schools implementing SBDM.

In schools with an SBDM council in place, KDE recommends the SBDM’s policies and procedures be consulted and revised as needed to ensure locally established maximum class sizes are appropriate for the virtual program’s vision for teaching and learning. Before deciding to exceed the class size maximums outlined in [KRS 157.360\(5\)\(a\)](#), however, KDE recommends the SBDM council keep students at the center of the decision by identifying the resources per course necessary to ensure a high-quality learning experience occurs. Other considerations by the SBDM council may include, for example, the ability to enlist additional facilitators per course, the availability of additional content coaches and teacher-friendly features within the platform used for virtual instruction.

### **General Education Class Sizes in Schools and Programs Without a School-Based Decision Making Council**

The commissioner of education is tasked with enforcing the maximum class sizes established in [KRS 157.360\(5\)\(a\)](#) in schools and programs that lack an SBDM council. [KRS 157.360\(5\)\(a\)](#) only excludes “vocal and instrumental music” and “physical education classes” from the established cap sizes; however, [702 KAR 3:190](#) allows class sizes in the primary grades to “temporarily exceed twenty-four (24) students” so long as the district provides “staff on a basis that permits a twenty-four (24) to one (1) ratio.” Additional staff assigned for the purposes of meeting the 24:1 ratio may include certified and/or classified personnel.

Further, [KRS 157.360\(5\)\(c\)](#) allows a superintendent of an impacted school or program to request an exemption “when unusual circumstances warrant an increased class size.”

### Seeking an Exemption

[702 KAR 3:190](#) implements [KRS 157.360\(5\)\(c\)](#) and allows KDE to grant “restricted exemptions” of “up to five (5) students over class-size maximums in grades four (4) through eight (8)” so as to increase the maximum class sizes in these grades as follows:

- Grade 4: 33 students to 1 teacher;
- Grades 5-6: 34-to-1; and,
- Grades 7-8: 36-to-1.

The regulation also permits KDE to grant “annual exemptions” for “up to two (2) students over class size maximums in the primary program and grades four (4) through twelve (12),” which would make the maximum class sizes in these grades as follows:

- Primary grades: 26 students to 1 teacher;
- Grade 4: 30-to-1;
- Grades 5-6: 31-to-1; and,
- Grades 7-12: 33-to-1.

Finally, Section 7 of [702 KAR 3:190](#) permits other exemptions to be granted by the KDE “upon recommendation of the superintendent that unusual circumstances exist including but not limited to a lack of classroom space.”

Any superintendent seeking an exemption for one or more general education classes in one or more schools or programs should contact Associate Commissioner [Kelly Foster](#) to receive the appropriate form to complete. The form aligns to the regulation, which requires all exemption requests “contain specific reasons and circumstances causing the increased class size” as well as “a specific plan for reducing the class size prior to the beginning of the next school year.” Be prepared to identify the district, school(s), grade(s) and class(es) for which an exemption is being sought, as well as provide additional details about the schedule(s) for any impacted teacher(s) and any differentiation that may be proposed between in-person and virtual instruction.

### **Special Education Class Sizes**

[707 KAR 1:350](#) sets the requirements for placement decisions for students who have Individual Education Programs (IEPs). Regardless of whether the school implements SBDM, the district

must provide special education for each child with a disability in accordance with the maximum caseloads for special classes as specified in Section 2.

When special education teachers are operating outside of State requirements for certain types of circumstances, including class size requirements set forth under 707 KAR 1:350, districts must complete the Request to Exceed Caseload, Class Size and/or Grade Range Requirements form, which is available on the director of special education (DoSE) One Stop site. Contact the district DoSE to obtain the form. Questions about this process may be directed to [Susan Farra](#) in the Office of Special Education and Early Learning.

### **Beyond Compliance About Class Sizes and Virtual Learning**

The [latest research](#) on the matter of appropriate class size for online/virtual schools and courses, while largely targeting post-secondary, helps make some clear recommendations. However, when no additional people or programmatic supports are included, you are encouraged to consider the high-end enrollment of a full-time virtual course the same as an in-person class enrollment. The research also suggests the lower the virtual course enrollment the more quality interactions and engagement by both teachers and students are possible. When considering how to best staff virtual courses that produce highly effective digital instructional strategies, consider the familiarity and professional learning needed for staff to be most successful.

When determining how the virtual program staffing aligns with the statutory and regulatory requirements as well as research, the school or program and course set up will assist program leaders in determining staffing requirements. Two common enrollment scenarios for students include a primary enrollment in an accountable school (A1) or an A5 district-operated program. Students with a primary enrollment and courses set up through an accountable (A1) school of the district would be considered part of a school implementing SBDM, unless the school is exempt from implementation through provisions in KRS 160.346 or KRS 160.345(5). District-operated A5 programs do not require an SBDM council. Program leaders should consider which enrollment and course set up options align with the program vision for high-quality teaching and learning and adhere to the applicable ratios and exemption processes.

Program leaders are encouraged to explore the resources below when determining their staffing strategy:

[704 KAR 3:535](#)

[Online, Virtual, and Remote Learning Program Toolkit](#)

[Kentucky Digital Learning Guidelines](#)

[Virtual and Performance-based Course Setup and Attendance Verification](#)

[Virtual and Attendance-based Course Setup and Attendance Verification](#)

[A8 Program Considerations](#)

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