



COVID-19 Considerations for Reopening Schools

August 10, 2020

Class Sizes in Virtual Programs and Courses

Virtual learning can be interpreted differently among stakeholders based on their unique experiences. To ensure clear communication and understanding of this guidance, please reference the glossary of terms in the [Alternative Learning Design Strategies](#) document released by the Kentucky Department of Education (KDE) on June 8, 2020. Most pertinent prior guidance defines “Full-time Online and Virtual Enrollment” as “a student experience when the student is enrolled in an all-online and virtual school program and the entire course load is facilitated online.”

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Overview

Maximum class sizes established in statute, [KRS 157.360](#), apply equally to in-person classes and virtual classes. 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, where feasible, of 15-20 students per virtual course. The research also suggests that the lower the virtual course enrollment, the more quality interactions and engagement reported by both teachers and students.

Although not legally mandated, KDE strongly recommends keeping enrollment in virtual classrooms the same as or less than enrollment in in-person settings considering the above-cited research. Additionally, when considering how to best staff virtual courses to produce highly effective digital instructional strategies, the familiarity and professional learning needed for staff to be most successful should be considered.



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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. However, a middle or high school teacher also cannot exceed 150 pupil hours per day.

In schools governed by an 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 is not bound by the class size maximums outlined in [KRS 157.360\(5\)\(a\)](#). The SBDM 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 governed by an SBDM.

In schools with an SBDM 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 considering the reopening plans of the district and school. Before deciding to exceed the class size maximums outlined in [KRS 157.360\(5\)\(a\)](#), however, KDE recommends the SBDM 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 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. [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.



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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.” The KDE views the State of Emergency due to COVID-19 as “unusual circumstances” that justify additional exemptions be granted, as needed and requested, to class size maximums for the 2020-2021 school year.

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 an SBDM governs the school, the district



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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 circumstance, including class size requirements set forth under 707 KAR 1:350, districts must request a waiver. Additional information about the special education waiver process may be found [here](#). Questions may be directed to [Stacy Liguori](#) in the Office of Special Education and Early Learning.

Beyond Compliance, Important Details About Class Sizes and Virtual Learning

The [latest research](#) on the matter of appropriate class size for online/virtual schools and courses (although most of the research targets 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. Current research suggests a target from 15-20 students per course which may not be feasible in many circumstances. 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, take in account the familiarity and professional learning needed for staff to be most successful.

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