

Review of Class Size Control Mechanisms

Report of the Working Group

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1.

Review of Class Size Control Mechanisms

Report of the Working Group

David Cameron - Chair

Review of Class Size Control Mechanisms

Background

- 1.1 The Review Group was established to consider how best class sizes might be determined in Scottish schools. This was in response to the complex situation, which exists currently, where there is a mixture of mechanisms involved in the setting of class sizes. The agreed remit of the group is attached as Appendix 1 along with the membership of the group.
- 1.2 The Review Group considered a summary of practice internationally. This is attached as Appendix 2. It also considered the current position in Scotland from the various points of view represented within the group. The issue is a challenging one, which has become politically significant in Scotland. Some of the organisations represented on the group had made public statements on class sizes so it was important for the group to pursue approaches that would open up discussion and seek consensus on possible recommendations
- 1.3 The Review Group agreed to look at the rationales for the setting of class sizes. The view of the group was that, if there was clarity about the purposes of setting class sizes that might inform the mechanisms best used to fulfill these purposes. This report sets out these rationales for limiting class sizes and considers some of the issues associated with each. It also tries to identify the constraints that currently affect class size. These are factors, including health and safety advice and regulation, which have an impact on class sizes, but have not previously been identified as “mechanisms” for the setting of class sizes
- 1.4 The report also considers whether changes, and potential further changes in education, mean that we need to rethink the way that we organise the experiences of students. It could be argued that the concept of a set class undertaking all its activities together is not as important as it was and may become less so. In these circumstances class size will become less important as a mechanism for regulating the educational experience of young people. This is, to some extent already the case in secondary schools where it is recognised that practical activities require a different grouping from other educational activities. It is likely that the concept of a set class in all settings will be subject to variation in the years ahead. This is a significant issue, which is explored further in para. 4 of this report.
- 1.5 The Review Group acknowledged the formal consultation undertaken by the Scottish Government on the introduction of a class size limit of 25 in P1. The outcome of that is likely to have implications for this report.
- 1.6 In considering the current class size maxima and the different mechanisms by which these are set, the review group supports greater coherence across all stages when setting class size limits.
- 1.7 Finally, the report sets out the mechanisms that the review group believes best respond to the key purposes that it has identified.

Rationales

2.1 More effective learning

Much of the recent discussion that there has been about limiting class sizes has been based on the belief that smaller class sizes benefit learners.

This argument would appear to make sense. Smaller class sizes should allow more individual attention to be given to learners. This should reduce potential difficulties related to behaviour. Smaller classes reduce the workload on the teacher and thereby minimise stress and allow more time and energy to be invested in key teaching activities such as providing feedback to learners both verbally and in writing.

Despite the strength of the intuitive arguments about the benefits to learners, the research base to validate these is limited. There is some stronger evidence that suggests that reduced class sizes can have particular benefits for young people experiencing difficulty or disadvantage. This is reflected in practice where class sizes are often reduced well below any set limits in order to address such issues. This does not mean that the arguments for smaller classes are invalid, but suggests that other factors are also of considerable significance. The quality of teaching is an example that is consistently cited in educational research as having an impact on pupil achievement. It is also difficult to create a situation in educational research where all variables, which may have an impact on results, are controlled.

Nonetheless, the opinion of the Review Group is that class sizes are one of the important factors that are likely to benefit learners, in particular, it is likely to have a particularly positive impact on learners experiencing difficulties of all kinds. Achieving class sizes within current limits should be given priority alongside other factors that are also likely to have an impact. These could include improved pupil/teacher staffing ratios, improved pre-service and in-service training, or enhanced support for teachers.

However, it is difficult to make a strong case for there being a specific class size on the basis of educational research.

2.2 Teacher workload

While teacher workload is likely to be related to the effectiveness of learning, it is a specific issue in relation to class size. Regardless of how learning takes place, there will be a need for teachers to assess work done in a variety of ways. These will include observation and recording of activities, marking and correction of written work, the devising and administration of specific assessment activities and ongoing assessment during class or group activity. There will also be a need to monitor attendance and to provide personal support.

We need to ensure that we are not creating unmanageable workloads for teachers and this is likely to require some restriction on the number of learners for whom they are responsible. The Review Group was aware that research undertaken by the University of Glasgow on behalf of the SNCT (Teacher Working Time Research (2006) Menter et al.) noted that the workload of teachers remained above the contractual limit of 35 hours set out in "A Teaching Profession for the 21st Century". Limiting class size is one means of doing this, however it would seem to be a relatively crude one. Teacher

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workload, therefore, may be more likely to be an argument for the restriction of class size rather than for a specific limit to be set.

2.3 Parental preference

The argument has been put forward that parents and carers are in favour of limiting class sizes and that this should be part of a rationale for the setting of specific limits. The reality would appear to be more complex. There are examples of parents arguing against the maintenance of class size limits where their application would prevent their children entering a particular school or being allocated to a particular class. There would appear to be few parents who would not support the view that smaller classes were more likely to promote better care and more effective learning for their children. That said, parents recognise that a number of factors can affect the achievement and well-being of their children and do not always see class size as being pre-eminent among these factors.

2.4 Health and Safety

The General Schools (Scotland) Regulations 1975 (Regulation 8) outlines the recommended method by which the maximum number of pupils for whom every room is suitable should be calculated. These are set out in Appendix 3. Such health and Safety factors are addressed below as a constraint.

2.5 Consistency

There is a very important argument that, whatever the rationale for, or the perceived benefits of, setting class size limits, there should be consistency across Scotland. If there are benefits from reduced class size limits, children should benefit from these regardless of where they are educated.

Constraints

3.1 Physical issues/health and safety

While such issues may appear more banal than those considered above, they are nonetheless important. Both schools and classrooms have capacity limits determined on the basis of health and safety. These have clear implications for class sizes. There are schools where different class sizes apply in different rooms in the school because of room size. In general schools in Scotland have been designed with class size as a factor and this has a limiting effect before any other mechanisms are considered. Some of these limits are reinforced through building regulations and other mechanisms.

While the group recognised that these factors would militate against class sizes going beyond those currently set, they would not require a general reduction of class sizes below those set through Teachers' Terms and Conditions

3.2 Staffing levels/terms and conditions

These are also important factors that will inevitably have an impact on class organization and class size. There are limits on how many staff require to be allocated and limits on how much time they can spend teaching. These create inbuilt restraints that limit potential class sizes. Again, the Review Group felt that these factors were a

constraint, but would not have a significant impact on class sizes beyond those set in Teachers Terms and Conditions. Terms and Conditions currently provide a ceiling for the determination of class sizes.

The nature of learning

- 4.1 The group recognised that the nature of learning was continually developing. Technology was having a major impact on how students were learning and this is often being reflected in school design, with a greater variety of learning spaces and increased flexibility in the use of buildings. There is far greater scope for students to learn individually and in different groupings. This is encouraged by the changes that are taking place within the curriculum where there is far greater encouragement of personalisation and choice at all stages in the school curriculum. The idea of a “class” as a consistent learning grouping is becoming far less common. The Group accepted that this needs to be kept under review and that there is a need for flexibility in response to different learning activities. However, we are also committed to the concept of education as a social experience and to the importance of learning in groups and of relationships between teachers and learners. We feel that this militates towards the continuation of class size maxima.
- 4.2 Curriculum for Excellence is likely to have a significant impact on the organisation of learning. There are indications that it will strengthen the tendency to establish mixed age classes that has followed from the relaxation of age and stage restrictions. There will be issues as to whether or not such classes should be considered to be composite classes. There will be a need to consider how the organisation of learning is addressed on an ongoing basis and the importance of class size as a mechanism diminishes. At this point, the Review Group takes the view that there is still a need to prescribe upper class size limits. If there were to be an attempt to set limits on groups involved in particular learning activity, it would be a complex task and would require more detailed consideration than this Group has been able to give. However, we recommend that this issue is considered as curricular change and learning approaches develop.

Key issues

- 5.1 The Review Group was of the view that the most important basis for any decision affecting young people in had to be the their best interests. We agreed that any proposals that we made had to be likely to have a positive impact on the achievement and well being of young people.
- 5.2 The Review Group were clear that we needed to have mechanisms in place that ensured that young people experienced sufficiently close attention from teaching staff especially in the early years of education. While the group recognised that all learning may not need to be offered to the same groupings of learners all the time, some limits needed to be set to ensure that learners could experience the attention and support that they required to benefit fully from their experience of school.
- 5.3 As indicated in para. 1.3, and discussed in para. 4, students are not always educated in the same classes. There is a strong argument that we need to think more flexibly about how we lead and support learning, rather than always considering the class as the basic unit of learning. While the Group have agreed that this a task going beyond

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its remit, this more flexible approach would militate towards ensuring that staffing levels were such as to allow different pupil/teacher staffing ratios to be applied as is most appropriate to best serve the needs of pupils within a school.

- 5.4 If the key rationale for setting class size limits is education benefit, decisions should be taken and controls applied in a way that ensure that advantage is extended consistently to young people. While the Review Group supported using smaller classes or groups to benefit younger learners or those with particular support needs, this should be within a framework where a maximum class size limit was set.
- 5.5 Given the range of stakeholders with an interest in class size limits, the view of the group is that a maximum class size limit should be set through legislation or regulation. This would address the concern of the group that there should not be breaches of set limits on the basis of “excepted pupils”. If consensus can be established through democratic processes as about class size limits, these must not be breached to accommodate the preferences of individual children and families, except where families moved in to a catchment area during term time
- 5.6 While the Group seeks for class size limits to be set through legislation or regulation at national level, it recognises that these would be achievable maxima. Local Authorities would have scope within that to set policies on class sizes. These may involve setting limits well below the prescribed maxima in order to achieve local priorities, for example, early intervention or addressing disadvantage. The consequence of this would be that other classes would be consistently close to the maximum. Such policies should be based on full consultation with parents, learners and other key stakeholders in the school community. Where schools wished to set particular class sizes, their arrangements should also be subject to consultation within the school community. The Parent Council should play a key role in that consultation.
- 5.7 The Review Group recognised that workload issues were important and that teachers could not be effective if they were overburdened. Nothing in this report is intended to undermine the principle of collective bargaining through the SNCT. The Scottish Negotiating Committee for Teachers and the Local Negotiating Committees should have a continuing role in reaching agreement on terms and conditions for teachers, including class sizes. However, the Review Group is of the view that all current agreements should be subsumed into legislation or regulation while remaining part of teachers terms and conditions as set out in SNCT handbook. Such a move would simplify the landscape in terms of mechanisms in the short term. There would still be the possibility of further reductions resulting from negotiation within the SNCT.
- 5.8 It is difficult to see how any rationale would support the setting of specific class size limits, whether at 18 or another level, other than the desire for greater consistency. The review group felt that there required to be an element of flexibility to allow Local Authorities and schools to have some autonomy in organising learning for pupils. For this to be achieved, class size limits should be set nationally at a level that allows for this. This should be supported by a set pupil/teacher ratio that would determine a minimum level for school staffing. The combination of these two actions would give schools, within parameters, the flexibility to set class sizes, which reflected the school’s circumstances and priorities. The benefit would be that such decisions would not be open to legal challenge. The Early Years Framework and the well-established consensus about the importance of early intervention would be sufficient to ensure that

class sizes were maintained at the lowest level achievable while safeguarding the interests of pupils at all stages in the school.

Recommendations

In making recommendations, the Review Group is conscious that it is not part of its remit to say what class size limits should be, we are restricted to recommendations about the way in which they are set. However, the Group is strongly of the view that class size matters and any limits set, by whatever mechanisms, should be at or lower than those set through current teachers terms and conditions.

The Review Group is also determined that class size limits, once set, should be capable of being defended successfully against any subsequent legal challenge. Decisions based on educational benefit should be applied in the best interests of all young people and should not be breached to accommodate individuals' perceived interests. The Group was opposed to the principle of the "excepted pupil" as deployed in the recent East Lothian judgement. Students from outwith the catchment areas of a school should not be added to a class that was already at the class size limit. The only instances where the concept should be considered is to allow catchment pupils access to their local school if they move into the area after classes have been set.

The Review Group stress that class size is only one factor in school effectiveness and would welcome a restatement of the commitment to school improvement through staff development, self-review high quality pre-service training and constructive engagement with schools that has characterized Scottish education in recent years.

Our recommendations are made on that basis

1. Legislation should be used to set an upper limit for class sizes.
2. This should be supported by clear references to teacher /pupil ratios that enable schools and Authorities to establish classes smaller than the maximum limit
3. The legislation should recognise the range of learning activities in which pupils are likely to engage and set an upper limit for practical activities
4. It should also make clear that pupils could be engaged in larger groupings for appropriate activities – assemblies, lectures, etc.
5. There should be a commitment to the ongoing review of the organisation of learning as the nature of learning develops

CLASS SIZE REVIEW GROUP

REVIEW OF ARRANGEMENTS FOR SETTING CLASS SIZES

REMIT

1. To review the current arrangements for setting class sizes which include statute, Government Circular and teachers' terms and conditions of service. Details are set out below:

Primary

P1	25	Circular 1/2007
P1-P3	30	Education (Lower primary Class Sizes) (Scotland) Regulations 1999
P1-P3	18	Policy intent driven through Concordat
P4-P7	33	Teachers' terms and conditions
Composite classes	25	Teachers' terms and conditions

Secondary

S1-S2	33	Teachers' terms and conditions
S1/S2 Maths/Eng	20	Circular 1/2007
S3-S6	30	Teachers' terms and conditions
Practical classes	20	Teachers' terms and conditions

Special Schools and Units

ASN as determined by Teachers' terms and Conditions

2. To consider the relative merits of the various control mechanisms set out above and to make recommendations leading to the rationalisation of the current mixture of control mechanisms, as appropriate.

3. To consider the means of establishing class size limits - through national prescription, SNCT negotiation or through local authorities having powers to determine class size limits either across the authority or on a school by school basis and make recommendations on the most effective approach.

4. To take into account the views of all interests represented on the working group and other relevant interests, and to consider other international approaches and perspectives as appropriate;

MEMBERSHIP

David Cameron	Chair
Douglas Cairns	HMIE
Greg Dempster	AHDS
Joe di Paola	CoSLA
Tony Finn	GTCS
John Gunstone	Scottish Government
George Jamieson	National Parents' Forum
Michael Kellet	Scottish Government
Murdo Maciver	ADES
Drew Morrice	EIS
Robert Nicol	CoSLA
Stewart Robertson	Scottish Government
Jim Thewliss	SLS
Peter Wright	SSTA
Stephanie Walsh	Scottish Government (Secretariat)

APPENDIX 2

International approaches and perspectives on class sizes**Question**

A review group has been set up in Scotland to review class sizes in primary and secondary education. As part of this the review group would be interested in taking evidence of international approaches and perspectives on class sizes. We would appreciate your help in identifying class size data from across the Eurydice network countries and how class sizes are managed.

In order to do this, I'd be grateful if you could provide short answers to the following questions in relation to the primary and secondary sectors (separately if distinctions apply):

1. Are class size maxima set out in national legislation?
2. If so, what are those maxima?
3. If not, by what arrangements are class sizes limited to a maximum number of pupils and who determines those limits?
4. Are class size limits uniform or are they subject and/or age specific?
5. What is the average pupil:teacher ratio in all publicly-funded schools?
6. Finally, what is the average pupil:teacher ratio across all publicly-funded sectors combined?

Number of responses – 18

Are Maxima set out in national legislation

Yes – 12/18

No – 4/18

Iceland replied that maxima"s were set for Primary and lower secondary but not for upper secondary. UK responses to this question differed between member nations. In England and Wales, national legislation sets out class size maxima for five- to seven-year-olds, but not for the remaining years of primary (pupils aged seven to 11) or for secondary education (pupils aged 11 to 18+).

In Northern Ireland, national legislation sets out class size maxima for four- to eight-year-olds, but not for the remaining years of primary education

Austria

1. Are class size maxima set out in national legislation?

YES

2. If so, what are those maxima?

primary school and secondary school: 25

Maxima may be passed under special conditions.

3. If not, by what arrangements are class sizes limited to a maximum number of pupils and who determines those limits?

4. Are class size limits uniform or are they subject and/or age specific?

in practical training in technical and vocational education there are lower maxima

5. What is the average pupil:teacher ratio in all publicly-funded schools?

These ratios can be calculated, but it is difficult to interpret them well as in Austria extra-duties of teachers (class teacher, school librarian...) as well as part-time working distort the situation. The number of teachers in Austria is traditionally counted as "heads" and not "100%-equivalents"; please see:

http://www.bmukk.gv.at/medienpool/17605/zahlenspiegel_2008_e.pdf

6 Finally, what is the average pupil:teacher ratio across all publicly-funded sectors combined?

See answer 5.

Please find enclosed an English text concerning the Austrian initiative to lower the class size maximum from 30 (in the past) to now 25.

Bulgaria

In reply to your questions, please find below attached the information we can provide on the matter:

1. Are class size maxima set out in national legislation? - YES, in a separate legislative act;
2. If so, what are those maxima? -Please, see the attached file;
4. Are class size limits uniform or are they subject and/or age specific?

Yes, all class size limits comply with the age of the pupils and the subject that is taught

5. What is the average pupil:teacher ratio in all publicly-funded schools?

Type of school	Indicator	Minimum number of pupils per class and per group	Maximum number of pupils per class and per group
General education schools, vocational school, gymnasiums and colleges			
Preparatory class (before 1-st grade)	per class	12	16
I-IV grade	per class	16	22
V-VIII grade	per class	18	26
IX-XII grade	per class	18	26
Evening form of education	per class	18	30
Distance form of education	per class	15	35
Special schools			
Special schools for pupils with chronicle diseases	per class	12	16
Special schools for pupils with cerebral paralysis and/or with multiple malformations	boarding-school group	4	6
Hospital schools	per class	8	10
For pupils with special educational needs /with hearing, visual impairment or mentally retarded/	boarding-school group	8	12
For pupils with multiple disorders	per class	4	6
Optional-elective classes			

APPENDIX 2

	per group	12	15

Cyprus

1. YES

2. Primary school and secondary school : 25

3. -----

4. -----

5. Pupil/teacher (ratio)

Primary Education 13,0

Secondary Education 9,5

Secondary Technical 5,7

6. The average pupil/teacher ratio across all publicly-funded schools is 10,63.

Czech Republic

1. Are class size maxima set out in national legislation?

Class size maxima are set out in:

- Decree of the Ministry of Education, Youth and Sports on basic education and some requirements for compulsory school attendance
- Decree of the Ministry of Education, Youth and Sports on secondary education and education in conservatoires

2. If so, what are those maxima?

One class can have a maximum of 30 pupils. (in both primary and secondary education)

3. If not, by what arrangements are class sizes limited to a maximum number of pupils and who determines those limits?

4. Are class size limits uniform or are they subject and/or age specific?

All the information mentioned below is available in the Czech Dossier Chapters 4.8. Age Levels and Grouping of Pupils; 5.10. Age Levels and Grouping of Pupils

Basic schools – first stage (years 1-5, primary education) and the second stage (years 6-9, lower secondary education)

In accordance with the school educational programme, classes can be divided into groups for instruction in certain subjects, and groups can be formed of pupils from one or more years. Classes can also be merged. The number of groups and numbers of pupils in the groups is determined with regard to the spatial, personal, and financial potential of the school, to the nature of activity performed by pupils, in accordance with health and safety requirements, and with respect to the demands of the subject in terms of didactics and methodology. In foreign language lessons, the highest number of pupils in one group is 24. Physical education in the second stage of education is not usually coeducational.

The school head can organise groups of pupils or classes with extended teaching of some subjects or groups of subjects. Classes using adapted educational programmes are established for disabled pupils. A class for disabled pupils has 6-14 pupils and it is possible to place pupils from two or more years in a class.

If in a municipality a Committee for National Minorities was established, a class or school offering education in the language of the relevant minority must be set up. A class must have at least 10 pupils on an average, and a school must have an average of 12 pupils in one class (exceptions may be permitted of up to 20%). At selected schools, classes for language instruction are established for pupils who are children of citizens of other member states of the European Union and who are staying in the territory of the Czech Republic on a long-term basis, performing compulsory education here. Such classes must have a maximum of 10 pupils.

Secondary education

The school head can divide classes into groups for subjects, and merge or create groups of pupils from one or more years. When deciding the size of a group the following must be taken into account:

- requirements concerning the safety of the pupils and protection of their health,
- the demands of the subject in question in terms of teaching and methodology,
- the particular situation of pupils with special educational needs and of gifted pupils,
- the nature of the knowledge and skills to be acquired,
- the demands of the educational process in terms of space and material, as stipulated in the curricular documents,
- the efficacy of the educational process both within the framework of the pre-defined objectives and in economic terms.

Foreign languages are always taught in groups of pupils between 9 and 23 and pupils from several classes in the same year can be taught together.

The pupil/teacher ratio in groups for practical training in the school (or school facility) is from 6 to 17 depending on the course. If it is carried out at a workplace of a physical or legal entity, the pupil/teacher (instructor) ratio is a maximum of 3.

5. What is the average pupil:teacher ratio in all publicly-funded schools?

6 Finally, what is the average pupil:teacher ratio across all publicly-funded sectors combined?

For the statistics please see National Dossier 4.18.4. and 5.21.6.

Finland:

1. Are class size maxima set out in national legislation?

No. There are some regulations concerning special needs education (max 10 pupils).

However, there is an initiative to legislate the class size in primary and secondary education.

2. If so, what are those maxima?

3. If not, by what arrangements are class sizes limited to a maximum number of pupils and who determines those limits?

Local autonomy

4. Are class size limits uniform or are they subject and/or age specific?

n/a

5. What is the average pupil:teacher ratio in all publicly-funded schools?

In primary education 15.0 pupils/teacher

In lower secondary education 9.9 pupils/teacher

6. What is the average pupil:teacher ratio across all publicly-funded sectors combined?

In lower and upper secondary education 13.1 pupils/teacher

(1 Education at a Glance 2009)

Please take also a look at Finland's question "Regulations on class size" at the Question/Answer Forum 22.4.2008

France

1. Are class size maxima set out in national legislation?

No, they aren't.

2. If so, what are those maxima? -

3. If not, by what arrangements are class sizes limited to a maximum number of pupils and who determines those limits?

The "Academic Inspector", director of departmental services of the ministry of Education (Inspecteur d'Académie -for more information please see National dossier, paragraph 8.4) is responsible for the organisation of class sizes and, more generally, for pupil appointment to schools, at local level. His / her determination of the number of pupils for each class is based on a number of criteria such as: the number of schools in the department, the number of pupils attending schools in one year, the number of teaching posts available... The discretion of Academic Inspector is also based on the funding constraints in which he/she must operate: his/her decisions depend of national funding set down every year to each department.

4. Are class size limits uniform or are they subject and/or age specific?

5. What is the average pupil: teacher ratio in all publicly-funded schools?

In 2008-2009:

Primary education (école primaire):

- Public sector: 22.6; Private sector (publicly-funded): 23.0

Secondary, lower education (collège):

- Public sector: 23.4; Private sector (publicly-funded): 25.1

Secondary, higher education (lycée):

- Public sector: 26.8 (general and technological education); 19.0 (vocational education);

- Private sector (publicly-funded): 23.5 (general and technological education); 17.8 (vocational education)

6. Finally, what is the average pupil: teacher ratio across all publicly-funded sectors combined? 22.8

Pupil: teacher ratio can be quite different compared with average ratios that we've mentioned above, in the case of "optional courses", in which pupils learn elective subjects (like "Latin" for the general lycée). In these classes, pupil: teacher ratio could be lower (for example 7, 10 or 15...). Elective courses characterise both lower and higher secondary education, but especially vocational education (lycée professionnel). If you are interested to get more information about elective courses, you may see French national dossier, paragraph 5.13.

Germany

1. Class size maxima and class size frequency guidelines are fixed in the school law of each land in Germany.
2. The maxima are 24 for primary schools and 26-30 for secondary schools.
3. According to the frequency guidelines, the variation ranges from 18-30 in primary schools and 26-35 in secondary schools. The limits are determined by the Ministry of Education of the land. The variation is only accepted under specific circumstances, e.g. in rural areas with long ways to school(s).
4. The class size limits are age specific and specific to the type of school, e.g. they are much lower for special schools.
5. The statistics of the Standing Conference do not make a difference between publicly-funded schools, private schools, and publicly-funded sectors.
6. The average pupil: teacher ratio in all schools in Germany in 2007 was:
 - 19 : 1 in primary schools
 - 13,1 : 1 in lower secondary schools of basic general education (Hauptschule)
 - 18,7 : 1 in lower secondary schools of extensive general education (Realschule)
 - 17,5 : 1 in lower secondary schools of intensified general education (Gymnasium, level 5-10)
 - 38,6 : 1 in part-time vocational schools.

These are the real statistical figures. The theoretical pupil: teacher ratio according to the regulations is slightly lower.

Greece

1. Are class size maxima set out in national legislation?

Class size maxima for primary and secondary education are contained in national legislation.

2. If so, what are those maxima?

Particularly, as far as Primary School is concerned, Schools enrolling 10 to 45 pupils (that may be single-teacher, two-teacher or three teacher schools) have up to 15 pupils per class, while larger schools have up to 25 pupils per class (Joint Ministerial Decision Φ3/897/97652/Γ1/Government Gazette 1507/Issue B'/13.10.2006).

As far as Secondary School is concerned, the number of pupils in every class / section should not exceed thirty (30) pursuant to trans-ministerial decision 68419/Γ2/6-7-2006.(ISCED 2).In the case of Vocational Lykeio (EPAL) and Vocational Schools (EPAS) though, pursuant to Law 3475/2006, pupils may not exceed twenty five (25) in Vocational Lykeia (EPAL) and Vocational Schools (EPAS) classes.(ISCED 3)

3. If not, by what arrangements are class sizes limited to a maximum number of pupils and who determines those limits? No answer

4. Are class size limits uniform or are they subject and/or age specific?

Class size limits are mostly uniform, according to the level of education.

5. What is the average pupil: teacher ratio in all publicly-funded schools?

As far as primary education is concerned, here is the average pupil : teacher percentage.(ISCED 1)

Average Number of Pupils per School 108.8

Teachers a 60 558

Ratio of Pupils to Teachers 9.8

Average Number of Pupils per Class(Section) 16.7

As far as secondary education is concerned, here is the average pupil: teacher percentage. (Gymnasia, ISCED 2)

Average Number of Pupils per School 171

Teachers a 41 907

Ratio of Pupils to Teachers 7.70

Average Number of Pupils per Classroom (Section) 21.50

Source: a YPEPTH, Operations Research and Statistics Section, <http://ypepth.gr/el_ec_category6641.htm >

As far as secondary education is concerned, here is the average pupil: teacher percentage. (Lykeia, ISCED 3)

Public

General Lykeia Vocational Lykeia, TEE and Vocational Schools

School Units a 1 293 927

Students a 224 000 89 986

% female 54% 35.1%

Average Number of Pupils per School 173 97

Teachers a 25 394 17 123

Ratio of Pupils to Teachers 8.8 5.26

Average Number of Pupils per Classroom (Section) 21.1 15.1

6. Finally, what is the average pupil: teacher ratio across all publicly –funded sectors combined? Percentage: 8.8%

Hungary

1., 4. In Hungary, maximum class sizes are specified in the Act on Public Education and depend on age groups as well as type of school.

2. The maximum number of pupils in a class in:

- grades 1-4 (primary): 26
- grades 5-8 (lower secondary): 30
- grades 9-13 (upper secondary): 35
- in theoretical classes of the vocational training grades of secondary education: 35
- in practical classes of the vocational training grades of secondary education: 12
- in (both theoretical and practical) arts classes of secondary schools specialising in arts: 15

The Public Education Act also provides that pupils with intellectual or slight mental disabilities or with special educational needs due to the chronic and serious derangement of the cognitive functions or the development of behaviour and pupils struggling with adaptive, learning or behavioural difficulties shall be taken into account as two pupils; pupils with physical, organoleptic or moderate mental disabilities and autistic or multi-disabled pupils shall be taken into account as three pupils, regardless of whether they participate in inclusive education or separate specialised education. Pupils participating in (remedial) coaching shall be taken into account as two pupils.

The class maxima may be exceeded by a maximum of twenty per cent at the start of the academic year if there are maximum two classes in a school in the grade concerned; the maximum number may also be exceeded if it is justified because a pupil is admitted or taken over from another school during the academic year.

5. Primary and lower secondary PTR = 10.5

Upper secondary general PTR = 13.0

Upper secondary vocational: secondary vocational school PTR = 14.0

Vocational training school PTR = 14.4

6. Overall PTR: 10.4

Iceland

Primary and lower secondary education:

1 - 3. Primary and lower secondary education (compulsory): The Compulsory School Act does not contain any provisions concerning the maximum number of pupils within a single class but even though the Act does not have any such provisions, the Teachers' Organisation and the National Association of Local Authorities in Iceland, have made an informal agreement to that effect that the former provisions on maximum number of pupils in a single class, are to be respected. According to this informal norm the number of pupils in a class in grades 1 to 6 is not to exceed 24 and in grades 7 to 10 there may be 28 to 30 pupils. In smaller schools, mostly rural schools, several grades are grouped into a single class with one teacher.

4. In primary and lower secondary education class size limits are uniform except in subjects such as arts, crafts, PE and swimming when the class is divided into smaller groups.

Children at the compulsory level attending special schools and units are classified according to their primary disability (deafness, blindness, physical disability, mental and multiple disabilities and socio-emotional/ psychiatric problems). Within the larger schools and units, they are grouped roughly by age, but in smaller schools they are taught together irrespective of age. The size of the groups range from individual teaching to a maximum of approximately ten pupils, the average being between four to six. Most children in special units located in mainstream schools are integrated for part of the time into regular classes and this makes the sizes, and composition of the groups" variable during the day.

5. In primary and lower secondary education the pupil:teacher ratio in the school year 2008-2009 was 9.4.

6. Information not available.

Upper secondary education

1. No. However, a calculation model,„s regulation on the operational funding of schools exists, see 3.

2. –

3. A ministry regulation on a calculation model concerning the operational funding of schools guides the schools in determining the class sizes.

4. The norm for the number of pupils in a class or a group is 25 in general academic education and 12 in practical and theoretical subjects in vocational education. For a general short branch of study, the norm is 15 pupils in core subjects. Some variants of these norms exist.

Upper secondary education: Pupils in special units in upper secondary schools are divided into groups of 2-12 persons. They differ in size according to the individual needs of students. They are integrated into mainstream groups whenever possible

5. 13

6. Information not available.

Italy.

Are class size maxima set out in national legislation? Yes

If so, what are those maxima?

The DPR no.81/2009 has set different levels for class size at all levels. From school year 2009/2010 at pre-primary level, classes will group from a minimum of 18 children (instead of 15) to a maximum of 26 children (instead of 25). Only for 2009/2010 the maximum level of 25 children will be maintained.

At primary level, classes normally have a maximum of 25-27 pupils (20 if there are pupils with special educational needs) and a minimum of 10, while pluri-classes (mixed-level classes) have a maximum of 12 children and no fewer than 6.

At lower secondary level, the abovementioned decree has established the following new minimum and maximum class sizes: for the first grades of lower secondary school a minimum of 18 (instead of 15) and a maximum of 27 (instead of 25, which still applies in 2009/2010). At upper secondary level, classes have generally not less than 25 and no more than 28 students in the first year, while in the following years the minimum is 20 students.

Number of pupils per teacher (school year 2008/2009)

Pre-primary level: 11.6

Primary level: 10.5

Lower secondary level: 10

Upper secondary level: 11.1

Average pupil:teacher ratio across all publicly funded sectors

10.8

Latvia

For answers to your questions please see National Dossier Chapters 4.8. Age Levels and Grouping of Pupils; 5.10.1. Age Levels and Grouping of Pupils. General Secondary Education and Chapters 4.18.; 5.21. Statistics.

1 Yes

2 Class size regulations

are: minimum 15 pupils in the cities of republican subordination, 12 pupils in district centres and 8 pupils for

the classes in other populated areas.. Maximum 30 pupils are permitted in a class.

3 -

4 – Geographical

5 – 6

schools providing compulsory education - 12.6:1

general secondary education - 8.6:1

vocational and secondary vocational schools - 8:1

Poland

In Poland establishing class sizes is generally left at the discretion of school running bodies.

The central legislation **recommends** only that **classes in grades 1-3 of primary schools should not exceed 26 persons.**

However, for some subjects, the legislation stipulates certain organisation of teaching i.e. **division into groups.** These subjects are:

ICT - if the number of students in a given class exceeds 24; the number of students per group should not be bigger than the number of PC stands.

Foreign languages – students are divided into groups of 10-24 persons according to their proficiency level.

PE - groups of 12-26 students; might be interclass (students from different classes of the same year) girls and boys separated (obligatorily from ISCED 3, possibly from 4th grade of primary (ISCED1) and ISCED2)

Sex education

Less than half compulsory general subjects for which practical classes are part of the curriculum- if classes exceed 30 students.

Practical training for compulsory vocational courses/ courses with vocational focus – if class sizes exceed 30 students.

Apprenticeship

Portugal

In what concerns to pre-primary education (that corresponds to ISCED 0), each class per educator, should have a minimum attendance of 20 and a maximum of 25 children. In duly substantiated cases, particularly in areas of low populations density, may be permitted the attendance with less than 20 children per classroom, or adopt alternative modalities as itinerant education.

In the first cycle (that corresponds to ISCED 1), the constitution of classes must meet the following conditions:

- a class who started school in a given year should be maintained throughout the entire cycle, i.e., during four years;
- a class can not be constituted only by students that were retained;
- The same teacher should accompany the class over the four years of schooling;
- Classes are comprised of 24 students, as long as they include only one year of schooling. If they include from different school years and only one teacher, they must be composed by 18 students – with more than a teacher may achieve 22 students;
- Classes that have students with special educational needs of a prolonged character (cannot include more than 2 students in these conditions), consist of 20 students maximum.

In the second cycle (that corresponds to ISCED 2), the constitution of classes must meet, primarily, psicopedagogic criteria, respecting the following conditions:

- the classes should be composed of students whose ages range from 10/12 to 12/14;
- maintenance of the classes from the previous school year, unless there is no indication to the contrary from the class council;
- integration of students that were retained should be made in classes of students with the same age or closely;
- the constitution of classes only with students that were retained, should be made only when there are projects well reasoned;
- The number of students per class should be 24 minimum and 28 maximum;
- Classes that have students with special educational needs (two students maximum) cannot have more than 20 students;
- Classes from sequential years may work with a number of students under 24, if necessary to ensure the continuation of studies of students who passed the previous school year;
- Classes with alternative curricular paths consist of a maximum of 15 students;

The conditions referred above, for the second cycle, apply to the third cycle (corresponding to ISCED 2) as well. In what concerns to secondary education, the criteria for the organization of classes, both in the scientific-humanistic as in technologic courses, are essentially the following:

- serialization based on age groups;
- Maintenance of the class from the previous school year to the following year;
- Numerical balance in the number of students of both sexes;

- Determining the number of students per class depending on size of the rooms: from 24 to 28 students to a room of moderate size (between 35 and 40 m²);
- Classes that have students with special educational needs (two students maximum) cannot have more than 20 students;

Slovenia.

According to the Rules on norms and standards for the implementation of the basic school programme (2007, amendments 2008) the upper limit for the number of pupils in a basic school class is 28. The maximum in a class with minimum of 3 Roma pupils included is 21. In cases when special needs pupils included, the maximum is 16 or 14 pupils. In bilingual basic schools and basic schools with Italian as a teaching language maximum of 21 pupils applies (16 if Roma pupils are included).

The rules on criteria and standards for education services in upper secondary education prescribe:

- Minimum of 16 newcomers and maximum of 20 students apply for the first grade in short vocational education, and the maximum of 20 students in higher grades.
- In medium upper secondary vocational education minimum of 26 newcomers and maximum of 30 students in the first grade apply, and the maximum of 30 students in the second and third grade. In cases when special needs students attend classes the criterion is as a rule: maximum of 24 students with 1 special needs student, maximum of 22 students with 2 special needs students, and maximum of 20 students with 3 or more special needs students.
- In technical upper secondary education minimum of 28 newcomers and maximum of 32 students apply, and maximum of 32 students in higher grades. In cases when special needs students attend classes the criterion is as a rule: maximum of 26 students with 1 special needs student, 23 students with 2 special needs pupils, and maximum of 20 students with 3 or more special needs students.
- In gimnazije the minimum of 30 newcomers and the maximum of 32 students apply in the first grade, 32 in higher grades. In cases when special needs students attend classes the criterion is set as a rule at: max. 26 students with 1 special needs student, maximum of 23 students with 2 special needs students, and maximum of 20 students with 3 or more special needs students.
- In upper secondary schools delivering instruction in Italian the maximum of 14 or 16 students applies.
- In bilingual upper secondary schools the maximum of 18 students in the first grade of a short vocational education, the maximum of 22 students of other upper secondary schools are apply.

The children to teacher ratio in 2007/2008:

- The ratio was most favourable at the preschool level, namely 1:8, in the first age period (1-3 years old children) 1:6.
- In basic education at primary level 1:16 pupils, at lower secondary level 1:9.
- In basic schools with the curriculum adapted to SEN pupils 1:3.
- In upper secondary education 1:13,5
- In higher education 1:15,3.

Source: http://www.stat.si/tema_demografsko_izobrazevanje.asp.

Spain

The maximum size of the classroom in the different stages of education is established by the Spanish legislation on education nationwide in education rules of different levels. These rules are proposed and promulgated by the Ministry of Education, after the report by the National Council for Education, in accordance with the State Council and on deliberation by the Council of Ministers. Likewise, Autonomous Communities are normally consulted as well to elaborate the national legislation.

In order to ensure a quality education, certain minimum requirements have been established to be accomplished by all schools, whatever their ownership or financing source. These requirements include, apart from a set of conditions concerning hygiene and facilities, the number of units that schools must have for each education level and the number of students per unit. Thus, by the maximum size of the classroom we mean the maximum number of pupils per group or education unit.

The **National legislation** currently in force regulating the minimum requirements of schools at non-university level, including the size of the classroom, is as follows:

Real Decreto 1004/1991, de 14 de junio (June 14th, 1004/1991 Royal Decree), by which the minimum requirements for the schools offering non-university mainstream Education are established (BOE 26-6-1991).

In 2003, the aforementioned rules were abolished by a Royal Decree, but the latter was quashed by a sentence from the Supreme Court: *March 14th 2007 Sentence, from the Third Courtroom, by which the Real Decreto 1737/2003, de 5 de diciembre (December 5th 1737/2003 Royal Decree) establishing the minimum requirements for the schools offering mainstream education is quashed.*

More information on this respect can also be found on the *Ley Orgánica 8/1985, de 3 de julio (July 3rd 8/1985 Act) regulating the right to education (LODE, BOE 4-7-1985)*. These rules establish that all schools must fulfill some minimum requirements concerning, among others, the average teacher/student ratio, in order to assure quality teaching. Schools must fulfill these requirements to obtain the administrative authorization for opening and functioning.

On the other hand, the *Ley Orgánica 2/2006, de 3 de mayo (May 3rd, 2/2006 Act on Education) (LOE, BOE 4/5/2006)* specifies the maximum number of students per classroom for compulsory education (Primary and Compulsory Secondary Education) concerning the economic resources to improve learning opportunities, reiterating the maximums established by the 1991 Royal Decree.

In the case of Intermediate Vocational Training (16-18-years old), the size of the classroom is established also in the specific rules set for this type of education: *Real Decreto 1538/2006, de 15 de diciembre, (December 15th, 1538/2006 Royal Decree) by which the general organization of Vocational Training in the education system is established (BOE 3-1-2007).*

According to the aforementioned legislation, the **classroom sizes**, which vary depending on the educational stage, are the following:

- In **Primary Education** the maximum is 25 pupils per classroom.
- In **Lower Secondary Education (Compulsory Secondary Education, ESO)** the maximum is 30 pupils per classroom.
- In the case of **Upper Secondary Education** the maximum is 35 pupils per classroom in Bachillerato (General Upper Secondary) and 30 in Intermediate Vocational Training (in classroom-based provision).

When schools deal with populations of special socio-demographic or educational characteristics, they are exempted from fulfilling the general requirements established, with the possibility of grouping students of different stages or levels in one classroom.

The Education Administrations of the Autonomous Communities are responsible for stating the maximum number of pupils conforming the group of **students with special education needs**. For instance, they can increase up to 10 % the size of the classroom in publicly-funded schools to deal with the immediate needs of pupils who have joined the education system late.

The **statistics** available on this respect (2007/2008 school year) are, on the one hand, the average of students per classroom or unit and, on the other hand, the number of students per teacher or *student/teacher ratio*. It is important to make a distinction between these two concepts, as a low ratio does not necessarily imply a low classroom size (number of pupils in the unit).

The student/teacher ratio is thus obtained by dividing the total number of full-time students between the total number of full-time teachers at the same education stage and the same education institution. Nevertheless, there are not data available of the breakdown of the student/teacher ratio of publicly-funded schools (public schools and private publicly funded schools); instead, the data are broken down according to ownership (public/private schools).

Table 1: Average classroom size in publicly-funded schools according to school level. 2007/08 school year.

Average number of students per unit	
Primary Ed.	
E.S.O.	
Bachillerato	
Intermediate Vocational Training	
ALL PUBLICLY-FUNDING SCHOOLS	
	22.0
	24.97
	24.99
	*
PUBLIC SCHOOLS	

19.7
23.63
24.04
18.48

PRIVATE SCHOOLS-EDUCATION PARTIALLY FUNDED BY THE STATE

24.3
26.31
25.94

*

* Data not available.

Source: *Statistics of non-university education. Detailed results. 2007/08 school Year. Office of Statistics, Ministry of Education.*

Table 2: Average student/teacher ratio according to ownership of the school. School year 2007/08.

TOTAL
Pre-Primary Education Schools
Primary Education Schools
Primary and <i>E.S.O.</i> education schools
<i>E.S.O</i> and/or Bachilleratos and/or Vocational Training Schools
Primary. <i>E.S.O</i> and Bach./V.T. Schools
Special Education Schools
PUBLIC SCHOOLS
10.3
9.2
12.1
9.2
9.0
6.4
3.3
PRIVATE SCHOOLS
13.7
9.8
14.0
14.2
11.4
15.0
4.1

Source: *Statistics of non-university Education. Detailed results. 2007/08 school year. Office of Statistics, Ministry of Education.*

Sweden:

1. Are class size maxima set out in national legislation?

No.

3. If not, by what arrangements are class sizes limited to a maximum number of pupils and who determines those limits?

The school organizers (the municipality or the grant-aided independent school) have the responsibility to organize the schools in such a way that the students fulfil the goals set for the education.

4. Are class size limits uniform or are they subject and/or age specific?

They vary according to age and according to geography – larger cities, small towns and rural areas vary substantially.

Even the individual needs of the pupils may have an effect on the class size.

5. What is the average pupil:teacher ratio in all publicly-funded schools?

1994/95 for 90 % of the schools the ratio was 9,2.

6 Finally, what is the average pupil:teacher ratio across all publicly-funded sectors combined?

We only have publicly funded municipal and grant-aided independent schools.

UK*1. Are class size maxima set out in national legislation?*

In **England** and **Wales**, national legislation sets out class size maxima for five- to seven-year-olds, but not for the remaining years of primary (pupils aged seven to 11) or for secondary education (pupils aged 11 to 18+).

In **Northern Ireland**, national legislation sets out class size maxima for four- to eight-year-olds, but not for the remaining years of primary education (pupils aged eight to 11). There is no legislation governing class size maxima in post-primary education (pupils aged 11 to 18), apart from regulations governing maximum class sizes in practical subjects (science, technology and design, home economics, art and design, physical education and music). Further information is available at the following link: <http://www.deni.gov.uk/index/13-health-safety/21-schools-management-class-sizes-in-practical-subjects-pg.htm>

2. If so, what are those maxima?

In **England** and **Wales**, the legal maximum for five- to seven-year-olds is 30 pupils per teacher.

In **Northern Ireland**, the legal maximum for four- to eight-year-olds is 30 pupils per teacher.

In post-primary education (pupils aged 11 to 18), the legal maximum for class sizes in practical subjects is 20 pupils per teacher.

3. If not, by what arrangements are class sizes limited to a maximum number of pupils and who determines those limits?

Apart from the class size limits mentioned in questions 1 and 2, decisions about class sizes are a matter for individual schools. If you require any further information about how schools may make decisions about class sizes, please don't hesitate to contact us.

4. Are class size limits uniform or are they subject and/or age specific?

See responses to questions 1 and 2.

5. What is the average pupil:teacher ratio in all publicly-funded schools?

The reference year for the following data is 2008/09.

Country	Primary schools	Secondary schools	Special schools
England	21.4	15.9	6.2
Wales	19.9	16.5	6.5
Northern Ireland	20.3	14.5	6

Source: Table 1.7. in *Education and Training Statistics for the United Kingdom 2009* (Department for Children, Schools and Families, 2009). Available at: <http://www.dcsf.gov.uk/rsgateway/DB/VOL/v000891/index.shtml>

6. Finally, what is the average pupil:teacher ratio across all publicly-funded sectors combined?

The reference year for the following data is 2008/09.

Country	Pupil:teacher ratio
England	16.8*
Wales	17.9
Northern Ireland	16.7

*The pupil:teacher ratio for England does not take account of publicly-funded special schools.

“25+” Initiative: Individualising Learning and Teaching - Austria

Starting with the school year 2007/2008, maximum pupil numbers per class will be reduced within a period of four years. This action will apply to grades 1 – 4 of elementary schools, grades 1 – 4 of general secondary and academic secondary schools, to prevocational school and to certain sectors of secondary level II. Fewer pupils per class will help enhance individualised teacher support, but will *not automatically* improve the quality of teaching.

With the “25+” Initiative, designed to individualise learning and teaching, the Ministry for Education will give new impetus to the joint further development of class-work practice at Austrian schools. The idea is to highlight a principle already anchored in the existing curricula, the application of which however requires joint effort on the part of all the stakeholders.

The Initiative relates to the continuum of teaching methods and of measures employed in organising learning and teaching, all of which start from the assumption that learning is a highly personal, self-reliant activity of each individual pupil. Individualisation is aimed at fostering and challenging pupils, taking account of their personalities, of learning conditions and learning capacities. Hence, special attention will be paid to monitoring learning levels, class-work planning, task design and performance feedback.

The Initiative starts from the assumption that diversity (heterogeneity) is the standard prevailing at schools in terms of both individual differences and differences between social groups. Pupils differ, for example, in performance capacity, learning style, learning speed, motivation, mother tongue, sex, and social background. As is generally known, the “average” pupil belongs to the realm of statistics.

A whole range of options for dealing with this fact in class teaching has been developed at Austrian schools: learning and teaching arrangements, such as team teaching, open learning, weekly plan work, project work, various forms of internal differentiation (e.g. small groups, learning workshops), periodic individual feedback as well as alternative and/or complementary forms of performance assessment (e.g. portfolio) – just to mention a few. So, the “25+” Initiative for individualising class work is anything but a “new start” in terms of pedagogics. It is not an extra task, but the continuous and professional development of existing class-work practice in the sign of growing heterogeneity in classes and learning groups.

In practical terms this means that the Ministry for Education will – in the four years to come

- stimulate pertinent measures on a broad basis beyond reducing the maximum number of pupils per class. Such measures will include information events, PR activities, the production of material, the dissemination of good practice as well as in-service training targeted at key actors. Pilot and/or model projects and their evaluation are supposed to generate new findings and help to spread good practice. Particular attention will be paid to the educational benefit that may be derived from the use of the new media (e.g. learning platforms).

Austrian schools have been requested to get actively involved in the project as of the school year 2007/08. This can mean that, starting from the needs and requirements prevailing at school locations and making allowance for the operating environment of specific school types,

- prevailing learning and teaching routines and/or their usefulness need to be examined,
- new forms of learning and teaching need to be tested,
- more scope needs to be given to individual feedback and recommendations concerning support to pupils,
- the assessment of the performance of each individual pupil needs to be rendered transparent and comprehensible,
- the schools' repertoires as regards methods, didactics and learning diagnostics need to be broadened,
- cooperation within teams of teachers needs to be intensified,
- pertinent in-service training programmes need to be taken up,
- the potential and options of the new media need to be utilised,
- the development of class work and of schools needs to be consistently pursued.

As of the school year 2008/2009, schools will need to commit themselves to the implementation of specific measures, which they will have to plan, monitor and document under a quality development and assurance system, and which they will have to agree with the school inspectorate in talks on funding and objectives.

International approaches and perspectives on class sizes - Bulgaria

The national legislation in the field of education in Bulgaria sets out norms that regulate the size of school classes.

The number of classes in one school grade and the number of pupils enrolled in them are defined at the discretion of the school head.

When the number of classes in one school grade is defined, the set national normative regulating the admissible maximum number of enrolled pupils may be increased given that it does not amount to more than 10 % of the indicated one.

In exceptional cases and if circumstances demand it, the number of classes in one grade and the number of pupils enrolled in a class may exceed the acceptable 10 % following permission issued by the Minister of Education, Youth and Science and a well-justified proposal submitted by the school head concerned.

In the public schools, for which, according to the acting regulations, a state admission plan is to be endorsed, the number of pupils per class may also exceed the set normative maximum number.

If the number of pupils enrolled for grade I is not sufficient to form a whole class in a general school, the classes should be formed according to the following legislative provisions:

1. one class is formed when the number of pupils is small; then, the number of students in a class must be equal to the minimum number defined in the given normative;
2. two classes are formed if the overall number of pupils allows the distribution of 15 pupils in each class.
3. third and every subsequent class is formed as the number of pupils when divided by the indicated normative for admissible maximum number (pupils per class) results in 13. The pupils are evenly distributed in all classes of a given grade.

Class sizes are different depending on the school grade. For example:

If the number of pupils is not sufficient so that a whole regular class could be formed in the grade V of the general (primary + secondary) school, then the classes are formed in the following way:

1. one class with a minimum number of pupils, which should correspond to the defined minimum number according to the normative;

2. two classes with a minimum 17 pupils in each;
3. third, fourth...class as the number of pupils divided by the normative for the maximum admissible number results in 13. The pupils are evenly distributed across the classes of a given grade.

If the number of pupils needed, following admission exams after VIIIth grade, in profiled secondary schools, and in those secondary schools, which offer profiled classes as well as in general secondary schools, sports schools and in some other, the classes are formed, as follows:

1. one class when the number of pupils is small, which should comply with the minimum number of pupils defined in the normative regulation;
2. second and every subsequent class could be formed when the number of pupils, divided by the normative maximum number results in 15.

Vocational schools, vocational gymnasiums and vocational colleges, vocational profiled classes:

If the number of pupils is not sufficient, then the classes are formed in the following manner:

1. one class, the size of which equals to the defined normative for the minimum number of pupils;
2. second and every subsequent class is formed if the number of pupils, divided by the set normative for maximum number of pupils results in 15.

Pupils suffering from chronic diseases, who could be with special educational needs are entitled to receive their education in the regular classes of the general schools from I – VIII grade. The classes, in which they are enrolled, are formed in the described above manner as in each class is admissible to be taught up to five pupils with special needs / or suffering from chronic diseases. If the number of pupils in the subsequent classes of the secondary education stage, in general schools, falls under the defined in the normative number, then:

1. pupils are distributed across the other classes, which offer the given profiled education;
2. if the profiles are different, but the number of pupils – small, the classes are to merge in one;

Third and final option for pupils, whose number is not sufficient to form a class, when there is no other possibility they are to be transferred to another school.

Classes can be formed in the last grade of the secondary educational stage when at least 13 pupils are taught in them.

In sports schools, if the number of pupils taught in IInd or subsequent grade falls under 16 pupils, the classes either are dissolved or merged. Classes can be formed in the last grade of the sports schools when there are at least 13 pupils.

In the vocational schools / gymnasiums and colleges, as well as in the profiled vocational classes in general schools, when the number of pupils, who are taught in the IInd and subsequent grades, remains:

1. under 16, teaching classes in a day-form, where the same profession is taught and mastered, are dissolved and the pupils are distributed across the remaining full classes that teach the same profession; classes where two different professions are taught could be merged in one; pupils may be transferred in another school to where the same profession is taught; when there is only one such class, offering education and training in a given profession, pupils are subject to individual form of education;
2. under 18 in evening teaching classes – the classes are dissolved and the pupils embark on distance-form of learning ;
3. under 15, in the distance form of learning – the pupils are transferred in another school, where they can receive training in the chosen profession, or they embark on individual form of learning.

Exceptions from the indicated minimal number of pupils are made:

1. in the so-called protected schools, which are defined as such in a CM legislative act;
2. when the number of pupils per class from Ist up to XIIth grade is not less than 10;
3. in order to form a merged class with not less than 10 pupils from two separate classes;

These exceptions are made following the permission issued by the financial institution; if additional funds are secured beyond the determined standard costs, the learning process can be ensured.

The permission is issued upon a well-justified application submitted by the school head of the given school and the attached written opinion of the respective regional education authorities.

The formation of a class comprising of less than 10 pupils is subject to the same aforementioned conditions.

Division of classes in groups:

Classes can be divided in groups for the purposes of the learning process in some general school subjects, regardless of the type of school; for example, for foreign language learning, or for the purposes of the vocational training (for certain professions).

Classes can be divided in 2 groups in:

1. foreign language learning:

a) in I - IV grade - over 21 pupils; in classes, where pupils learn different foreign languages, a separate group is set up if at least 10 pupils opt for learning a different foreign language, given that the latter is not taught in other classes of the same grade;

б) in the rest of the school grades – over 25 pupils;

в) the intensive language-learning class in VIII-th grade is not to divide in groups;

2. practice lessons in chemistry and environmental protection; physics and astronomy; biology and health education - 25 pupils;

3. informatics and ICT – at least 8 pupils in a group;

4. technology and domestic economy – over 23 pupils;

Merged groups, formed from the groups of a given class of the given school or of several schools, cannot be in number of pupils less than 13 and more than 15.

5. technologies and domestic economy, when the training of the boys and of the girl should be differentiated in certain clusters of the curriculum – over 23 pupils, at least 8 pupils per group;

In case the number of pupils at vocational schools, gymnasiums or colleges is not sufficient so that groups could be formed in language learning classes, then a minimum of 11 pupils should be per class.

The classes that are profiled in arts education, where intensively are taught fine arts, music, choreography, can be divided in groups – over 19 pupils, in the following manner:

1. in 2 groups, in fine arts education – valid for profiled arts learning and for the classes with intensive fine arts learning;
2. in 4 groups, at most, comprising 5 up to 7 pupils – in applied arts education and design, which applies to those classes where fine arts are taught intensively as well as to those which are set up for profiled arts education and Christian Art and Culture;
3. in two groups, when national folk dances, classical dances are taught in the profiled education “Arts”- choreography;
4. in two groups, in choreography classes, applying to those classes where choreography is taught intensively;

In sports education and training at school the classes profiled in sports as well as the classes in the sports schools can be divided in groups;

1. minimum 3 pupils per group per sports disciplines;
2. between 5 and 18 pupils per group as far as team sports are concerned;

Number of pupils per group for compulsory elective and optional elective classes

The classes can be divided into groups for compulsory elective education in the following manner:

1. in general compulsory school subjects, a group can be formed by at least 11 pupils, applicable to different school subjects;
Joint groups are set up by at least 12 pupils;
2. in theoretical classes of the school subjects from the vocational preparation and training, a group can be formed by at least 11 pupils, applicable to different study subjects; joint groups are formed by at least 12 pupils;
3. the classes from I-st up to IV-th grade where music, choreography and arts are taught in the compulsory elective curricula, are divided in two groups given that at least 10 pupils form the group.

The groups set up for the purposes of the compulsory elective curricula in informatics and ICT are formed by 8 pupils per group, as a minimum requirement.

The groups for the purposes of the same education and training in the special schools are formed by 8 pupils, as a minimum requirement;

The classes meant for the optional-elective education and training, can be divided in two groups, which is applicable to different study subject; the number of pupils is divided by the determined in the normative regulation number.

The groups formed for the purposes of the optional-elective subjects in the special schools, which are set up for pupils with visual impairment, hearing impairment, for the mentally retarded, as well as for those with speech and language disorder, are formed by at least 6 pupils per group as a minimum requirement.

Class Sizes – International (non-European) Approaches

Summary

Scottish Government class size policy involves setting class size maxima.

Regulations are in place to reduce primary one class sizes to a maximum of 25, as a first step in meeting Concordat commitment of reducing class sizes in primary one to three to a maximum of 18.

(See Annex 2 for further policy info).

This paper reviews policies in four (non-European) countries.

Canada – There is no national policy on class sizes. Of provinces reviewed:

- *Alberta* – There are provincial-wide class size average guidelines (see sizes below). There is no maximum size for individual classes, to allow school flexibility.
- *British Columbia* – There are class size maxima for all grades (see sizes below). There is also a board (local authority) responsibility to ensure a board wide average class-size maximum for all grades (see sizes below).
- *Ontario* – there is a class size maximum of 23 in all primary classes, which is adhered to. In addition, there is a provincial target for 90% of all primary classes having 20 students or less. The 90% (rather than 100%) target is in place to give boards flexibility when students move and change schools.

New Zealand - Schools are usually staffed on the basis of staff:student ratios; these do not directly reflect the size of classes for the appropriate years. There are no regulations on the class size maxima- individual schools decide on class sizes within the school.

Australia – There is no national policy on class size, as education is the responsibility of individual states/territories and consequently, no consistency in policies between states. Of the states reviewed,

- *New South Wales* - There is a state wide class size average for Kindergarten to Year 2. For later grades, there is a (higher) class size maximum.
- *Queensland* – There is a class size maximum for all grades (see sizes below).
- *Tasmania* - There is a class size maximum for all grades 2 – 6.
- *Victoria* – There is a target of reducing state wide average class sizes in the Preparatory Year (children aged 5-6) and in Years 1 and 2 (aged 6-8) to 21.
- *South Australia* – They are currently increasing class sizes (*awaiting info on this*)

USA

A national initiative - Federal Class Size Reduction Programme – was launched in 1998 to bring class size in the early grades (children aged around 6-9) to a national average of 18 students per class. Of the states reviewed, all operate a class size maxima policy:

- Kentucky – maximum class size for all grades (since 1998)
- Maryland - maximum class size for reading instruction in Grades 1 and 2 (aged 6-8).
- Massachusetts – maximum class sizes for all grades (lower for Kindergarten), with pressure to reduce maxima for later grades.
- Wisconsin – a „recommended“ maximum class size in all Grades below Grade 6.

- Texas – maximum class size for children in Kindergarten year to Grade 4
- California - a maximum class size for grade 1 and 2

1. Introduction

This paper explores some international approaches to the issue of class sizes. The countries reviewed are Canada, New Zealand, Australia and USA, which are often used as comparator countries. The review does not include European ones as information is being collected on these through a Eurydice query.

The aim is to explore in each of these countries:

- class size data
- class size or teacher workforce planning policies
- any issues or progress towards delivering class size policy.

The paper is based on a short internet review of government websites for each country, of the INCA website and also from email correspondence with some contacts in the countries. (see Sources Annex for further info).

2. Canada

National – There is no national policy on class sizes. Education at a Glance does not provide a class size average for Canada.

Alberta

Detailed information on class size in Alberta can be accessed at http://www.learning.gov.ab.ca/k_12/special/ClassSize.asp

Following a recommendation from the Alberta Commission on Learning that class sizes be reduced, additional provincial funding was provided to allow schools to employ additional teachers for this purpose.

Since its inception in 2004/2005, government has invested \$951 million into this initiative, resulting in the hiring of more than 2,900 new teachers across the province to reduce class sizes.

Class size funding is a targeted provincial initiative grant, meaning that the funds must be used by jurisdictions to hire or retain certificated teachers to lower or maintain class size averages.

It should be noted that the class size guidelines recommended by Alberta's Commission on Learning are averages across a jurisdiction. When it comes to class sizes, schools and school boards need to have flexibility in classroom organization that supports parent and student educational choice. This means that some classes will be higher and some will be lower than the recommended averages. Government does not specify a maximum class size because there are no "one size fits all" solutions.

The table below shows the Commission's guideline class sizes and the progress made towards these in terms of provincial average class sizes.

	2004-05	2005-06	2006-07	2008/9	ACOL 5 Year Guidelines
	PA@Launch of initiative	Provincial Average	Provincial Average	Provincial Average	
K to Grade 3	19.7	19.4	18.6	18.2	17
Grades 4 to 6	22.3	22.0	21.4	21.2	23
Grades 7 to 9	22.7	22.7	22.6	22.4	25
Grades 10 to 12	23.0	23.0	23.1	22.7	27

British Columbia

School Act Legislation in 2006 put class size maxima in place:

- Kindergarten, class size maximum of 22
- Grades 1 to 3, class size maximum of 24
- Grade 4 – 12, there is a class size maximum of 30.
- Exceptions to class size maximum – more than 30 is allowed if there is consent of the classroom teacher and the approval of the principal and district superintendent. The rationale for exceeding the limit must be made public.

In addition, boards (local authorities) have responsibility to ensure a board wide average class-size maximum of

- a) kindergarten, 19 students,
- b) grades 1 to 3, 21 students,
- c) grades 4 to 7, 28 students, and
- d) grades 8 to 12, 30 students.

A 2006 report shows that legislation is being adhered to: on a provincial level, there is an average of 17.7 students in kindergarten; 20.8 students in grades 1 through 3; 26.3 students in grades 4 through 7; and 25 students in grades 8 through 12.

A 2009 review of cases raised concern that all districts not complying however, since 2005, the number of classes with more than 30 students in the class has declined every year, a total decline of 60 per cent.

Ref

<http://www.bced.gov.bc.ca/legislation/schoollaw/revisedstatutescontents.pdf>

http://www2.news.gov.bc.ca/news_releases_2005-2009/2006EDU0045-000497.htm

<http://www.vancouversun.com/news/education+minister+defends+record+class+size/1963653/story.html>

http://www.bcliberals.com/news/education/the_facts_on_class_size_in_b.c._schools

Ontario

In Ontario, the class size maximum in all primary classes is 23, which is adhered to.

There is a provincial target for 90% of all primary classes having 20 students or less. After additional government funding to fund additional primary teachers, 90.5% of primary classes have 20 students or fewer (in 2008/9). The 90% (rather than 100%) target is in place to give boards flexibility when students move and change schools (so that 10% of schools can have up to 3 extra students)

The average class size in later grades (grades 4 to 8) has gone down since 2003-04, and is now under 25. However, because these are board-wide averages, class sizes may vary. In some cases, a class might have more than 25 students, while in other cases it might have fewer. In 2009-10, the government is investing \$10.7 million for 126 more teachers to help reduce class sizes in Grades 4 to 8.

Ref

<http://www.edu.gov.on.ca/eng/cst/faqSmaller.html>

3. New Zealand

In New Zealand, schools are usually staffed on the basis of staff:student ratios; these do not directly reflect the size of classes for the appropriate years. There are no regulations on the maximum number of students per class - individual schools decide on class sizes within the school.

Education at a glance 2009 shows that the student-to-teacher ratio (which measures the resources devoted to teaching and managing students) in 2007 in New Zealand:

- in primary schools was 17.5
- in lower secondary education was 16.2
- in upper secondary education was 13.3

Class sizes are generally smaller in the early years of primary education (Years 1-3). There is, however, considerable variation in the size of teaching groups in secondary education, depending on the size of the school and the subject.

Pre school - There are detailed regulations (dating from 1998) regarding minimum staffing requirements in licensed early childhood education centres. In 2007, the average child:teacher ratio in pre-primary education in New Zealand was 10:5.

Ref

Education at a Glance 2009

(http://www.oecd.org/document/24/0,3343,en_2649_39263238_43586328_1_1_1_1,00.html)

36

13

4. Australia

There is no national policy on class size, as education is the responsibility of individual states/territories. Because of this, there is no consistency in policy among the states. There is however an australia-wide standard for pre-school education (*can't find what this is – awaiting info*).

Education at a Glance 2009 shows Australian class size average to be 23.8 for both primary and secondary (above the OECD average for primary and around the OECD average for secondary).

Average class sizes vary between states and can be even more variable at secondary (especially in upper secondary education in Australia, where it can range from 5 – 30).

In terms of different states, most tend to have class size targets, although over time the policies come and go, depending on government and lobbying groups.

There are other issues that may have greater impact than infringement of maximum class size, therefore unlikely that Australia has rigid implementation of such policies.

New South Wales

NSW announced its commitment in 2003 to reduce class sizes in Kindergarten to Year 2 to a state wide average of 20 students in Kindergarten classes, 22 students in Year 1 classes and 24 students in Year 2 classes.

Extra funding was required including budgets to build and install additional classrooms and to provide additional teaching positions. Evaluation of the pilot of this program found that principals and teachers involved in the pilot reported that smaller classes had an effect on teaching practices.

While class sizes have been reduced in the earlier grades, NSW upper limit (not average) is for years three to six is 30 pupils. Following the successful reduction in those for the earlier grades, there is mounting pressure for the NSW Government to reduce class sizes for <http://www.office.co.uk/perl/go.pl/myoffice/index.html> students in years three to six.

(<http://www.schools.nsw.edu.au/studentsupport/programs/classsize/index.php>)

Queensland

Class size targets

The agreed maximum class size target in Queensland for pre-school groups to Year 3 (children aged from around 5 to around 9 years) is 25, for children in Years 4-10 is 28 and for students in Years 11 and 12 (aged 16-18 years) of 25.

Class sizes

In 2002, the average size of all classes in Queensland state primary schools was 24.4 students.¹⁷⁴

Class sizes are often larger in the junior secondary years, to ensure a broad range of senior schooling subjects is available to meet the needs of students.

REF

<http://www.eqj.com.au/qld-schools/school-system.html>

EDUCATION QUEENSLAND (2003). **Bundaberg Class Sizes on Target - Comprehensive Survey Shows** (Queensland Media Statement).

QUEENSLAND. CABINET OFFICE (2003). **Queensland's Class Sizes on Target - Comprehensive Study Shows** (Queensland Media Statement).

<http://education.qld.gov.au/schools/about/html/es-curriculum.html>

Tasmania

There is a initiative to reduce class sizes by 2012 to a maximum class size of 25 in years 2 to 6.

The maximum number of children for a full-time teacher taking two Kindergarten groups (students aged 4-5) is 46, that is 23 children per group. This maximum is set to reflect an Australia-wide standard for pre-school education.

Ref

http://www.budget.tas.gov.au/media/pdf/past/5588_AtAGlance.pdf

Victoria

Class size targets

In early 2000s (*date unknown*), the Victorian Government has set a target of reducing state average class sizes in the Preparatory Year (children aged 5-6) (and in Years 1 and 2 of compulsory education, aged 6-8) to 21 or less by 2003.

Victorian Government tried to cap class sizes in the early years of schooling a number of years ago - the difficulty with this was having enough classrooms/teachers etc, so I think the policy was changed to targets for average class size during those years of schooling.

Class sizes

The 2002 government primary school class size data revealed that the average Preparatory to Year 2 class size was 21.8 children (compared to 24.3 in 1999), whilst the average Preparatory class size was 20.4 children. ¹⁵⁴. The average class size across primary education as a whole was 23.5 children compared with 25.4 in 1999. ¹⁵⁴

South Australia

They're increasing the class sizes. *Awaiting more info, presumably no money?*

5. USA

Federal (national) class size reduction programme

In 1998, reducing class size was one of President Clinton's priorities and therefore launched a seven-year program - Federal Class Size Reduction Programme - to bring class size in the early grades (children aged around 6-9) to a national average of 18 students per class by providing funds to all states to employ additional teaching staff. Funds were targeted at high poverty communities. Some states already had their own initiatives and could use the funds to carry these out. The funding for Class Size Reduction Programme was integrated into the No Child Left Behind policies of 2001.

<http://nces.ed.gov/surveys/frss/publications/1999080/index.asp?sectionid=5>

National stats

A 2003 National Center for Education Statistics report (Prekindergarten in US Public Schools: 2000-2001

<http://www.nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2003019>) reported that, in the 2000-01 school year, the average public elementary school pre-kindergarten class (3/4-year-olds+) had 14 children.

Kentucky

From 1998, maximum class size limit became effective. This is still in operation in 2010.

As a result, the maximum number of students generally enrolled in a class is as follows:

24 in primary Grades (kindergarten to Grade 3, children aged 5+ to 8/9);
 28 in Grade 4, children aged 9/10;
 29 in Grades 5 and 6, children aged 10-12; and
 31 in Grades 7 to 12, students aged 12+ - 17/18.

Maximum class sizes are in force for every academic course requirement in all Grades except in vocal and instrumental music, and physical education classes.

Ref

KENTUCKY DEPARTMENT OF EDUCATION (2000a). *Maximum Class Size: Answers to Commonly-asked Questions*. [Online] at <http://www.kde.state.ky.us/>

<http://www.education.ky.gov/kde/administrative+resources/educator+quality+and+diversity/kentucky+class+size+maximums.htm>

Maryland

In addition to participating in the national class size reduction programme, one of the components of Maryland's Learning Success Programme is a maximum class size of 20 students for reading instruction in Grades 1 and 2 (children aged 6-8).

Massachusetts

State regulations specify that the class size for kindergartens shall not exceed an average of 25 children. Maximum class size for later grades cannot exceed 35.

A Government committee report in 2008 has recommended reduction in class size in the early elementary years legislate a maximum class size for third grade and younger, with size of 22, but reducing to 18-20 over time. The recommendation includes the need to give districts flexibility to re-train and reallocate staff.

Ref

Early Education and Care Final Subcommittee Report (2008)

http://www.mass.gov/?pageID=eoeterminal&L=4&L0=Home&L1=Commonwealth+Readiness+Project&L2=Readiness+Reports&L3=Sub-committee+Reports&sid=Eeoe&b=terminalcontent&f=readiness_project_early_ed_care_final&csid=Eeoe#toc4

Wisconsin

There is a general recommendation that class size in all Grades below Grade 6 (children aged 11-12) should be restricted to no more than 25.

In addition, in 1995, the Student Achievement Guarantee in Education programme (SAGE) was introduced. Through the programme, additional funding is provided to certain school districts. The purpose is to improve academic achievement through implementation of four strategies, which include a 15:1 children:teacher ratio in kindergarten to Grade 3 classes (children aged 5+ to 8/9)

Ref

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION. EDUCATION INFORMATION SERVICES (2000). *Wisconsin Basic School Facts*.

California

There is a law limiting infant class (6- to 8-year-olds) to 20, which means that another class has to be formed when that figure is breached.

Texas

There is a law limiting elementary school class sizes for children in Kindergarten year to Grade 4 (age 5+ to 9/10) at 22 children. Individual districts may, however, apply to be exempt from this law.¹⁸

Ref

DEVOOGD, G. (1998). 'Relationships and tensions in the primary curriculum of the United States.' In: MOYLES, J. and HARGREAVES, L. (Eds) *The Primary Curriculum: Learning from International Perspectives*. London: Routledge.

Annex A

Sources – by Country

Canada

Email correspondence - Pauline Clark, Chief Superintendent of Schools, Winnipeg Schools Division, Manitoba - PClarke@wsd1.org.

Australia

Email correspondence

Richard Teese, University of Melbourne, OECD Review- rvteese@unimelb.edu.au

Karen Ellingford, Victorian Parliament Education Committee - karen.ellingford@parliament.vic.gov.au.

USA - Greg Wurzburg OECD - Gregory.WURZBURG@oecd.org.

New Zealand

Jo McDonald - Jo.MacDonald@minedu.govt.nz

International

Education at a Glance

http://www.oecd.org/document/24/0,3343,en_2649_39263238_43586328_1_1_1_1,00.html

There are estimated figures for class size (based on pupils per teacher within a school, instruction time per pupil, teaching time per teacher) which mix up teacher ratios and class size but do provide a basic picture about resources. (Chapter D2 - Education at a Glance 2009)

European source, 'Key Data on Education in Europe 2009

4.5 page section on class sizes data in (2006/7 Eurydice data, plus PIRLS 2006) which is available online at

http://eacea.ec.europa.eu/education/eurydice/documents/key_data_series/105EN.pdf (see chapter E Section II, pages 219 to 223).

Findings

around a third of European countries have no official recommendations regarding class size maxima, although many countries limit primary maxima to around 25.

Annex 2 Scottish Government Class Sizes Policy

Concordat 2007 included the commitment to: "as quickly as possible reducing class sizes in primary one to three to a maximum of 18". As a first step, the Scottish Government plans to introduce regulations to establish a maximum class size of 25 for primary one from the start of the next school year.

The most recent pupil census shows that at September 2009 the proportion of children in primary one to three being educated in classes of not more than 18 rose had remained unchanged from 2008 at 13.2 per cent.

Pupil-teacher ratios are rose slightly from 2008 to 13.3. The long term trend has been one of reduced PTRs across the system.

Across Scotland class sizes in primary schools have fallen to an all-time low of 23.1 (down from 23.2 in 2008).

Existing arrangements for regulation of class sizes are as follows:

- Primary one - maximum of 25 set by circular
- Primary one to three - maximum of 30 set by regulations
- Primary four to seven - maximum of 33 set by teachers' terms and conditions
- Composite classes - maximum of 25 set by teachers' terms and conditions
- Secondary one to two - maximum of 33 set by teachers' terms and conditions
- Secondary one and two maths and English - maximum of 20 set by circular
- Secondary three to six - maximum of 30 set by teachers' terms and conditions
- Practical classes - maximum of 20 set by teachers' terms and conditions

Guidance on Determining School Capacities

Circular No 3/2004: GUIDANCE ON DETERMINING SCHOOL CAPACITIES

DETERMINING SCHOOL CAPACITIES

PURPOSE

1. This circular provides guidance to education authorities on aspects of the determination of "school capacity". This is statutory guidance issued under Section 28A(1A) of the Education (Scotland) Act 1980 (the "1980 Act"), and authorities are required to have regard to it. It specifically addresses the exception to the duty to comply with placing requests in what will become section 28A(3)(a)(vii) of the 1980 Act, concerning school capacity, as from 31 December 2004.

2. Although education authorities are required to have regard to this guidance, it remains the responsibility of authorities under the 1980 Act to determine whether the individual circumstances of a placing request fall within any of the statutory exceptions.

3. Different factors will have a greater or lesser impact on school capacities depending on local circumstances, and the effective management of the relevant factors. In view of this we have not set out a single blueprint for authorities to follow when determining school capacities. It is for education authorities, as part of their duties and responsibilities, to determine school capacities and to be accountable to their electorates for their policies and decisions.

SCOPE AND COMMENCEMENT

4. Education authorities are responsible for the delivery of education services at the local level. That carries with it many attendant responsibilities, including the administration of the placing request system in their area. The legislation on placing requests sets the broad framework within which authorities may decide their own policies and guidelines, as appropriate.

5. The last three lines of Section 44(4) of the Standards in Scotland's Schools etc. Act 2000 will come into force on 31 December 2004. This inserts an amendment into Section 28A of the 1980 Act by way of a new sub-section which will enable authorities to refuse a placing request in certain circumstances if to allow it would have the consequence that the capacity of the school would be exceeded in terms of pupil numbers. The new provision on school capacity in relation to placing requests will become section 28A(3)(a)(vii) of the 1980 Act. It will read:

"though neither of the tests set out in sub-paragraphs (i) and (ii) above is satisfied, have the consequence that the capacity of the school would be exceeded in terms of pupil numbers".

The full text of the new Section 28A(3) of the 1980 Act is set out in the [Annex](#) to this guidance.

6. This guidance does not relate to placing requests involving a child or young person with additional support needs; such requests are governed by the Education (Additional Support for Learning) (Scotland) Act 2004. This Act is expected to be commenced in the autumn of 2005 and contains the same provision concerning school capacity as section 28A(3) of the 1980 Act.

BACKGROUND

7. Education authorities already determine school capacities for various purposes, and have developed their own methodologies and systems for doing so. Authorities may find it helpful to discuss with each other the different methods they use.

8. Authorities will want to ensure that their system for determining school capacities is open, transparent, fair and rigorous. They will also want to ensure that this system is applied consistently to schools across their area. Authorities will, of course, regularly review school capacities and revise them as necessary. Under Section 28B of the 1980 Act, authorities are required to make information available about their arrangements for placing children in schools. To aid transparency, we suggest that authorities consider detailing how they determine school capacities as part of this information.

9. There are many factors which impinge on school capacities and, in determining the capacity of any given school, authorities will need to consider how factors can be managed and what effect this will have on a school's capacity. Management of time and space in a school can reduce the impact physical and non-physical factors have on a school's capacity.

RELEVANT LEGISLATION

10. The general role and responsibilities of education authorities are set out in legislation. Two pieces of subordinate legislation are of particular relevance when considering school capacities. These are:

- Regulation 8 from the Schools General (Scotland) Regulations 1975 (SI 1975/1133); and
- the School Premises (General Requirements and Standards) Regulations 1967 (SI 1967/1199), as amended.

Schools General (Scotland) Regulations 1975 (SI 1975/1133)

11. Regulation 8 (1) of the Schools General (Scotland) Regulations 1975, states that:

"An education authority shall determine from time to time the maximum number of pupils who may be suitably accommodated in every room to which this regulation applies in any school under their management and, in discharging their duty under this regulation, the authority shall have regard to the dimensions of the room and the type of equipment provided, or to be provided, the safety and health of the pupils to be accommodated and the type of instruction to be given, in the room; and any determination under the regulation may provide for different maximum numbers in relation to different types of instruction."

Regulation 8 also requires education authorities to ensure that each school keeps a record of these maximum numbers of pupils for each room in the school. Under the regulations "room" means every room that is, or may be, used for any form of instruction and open plan teaching areas.

School Premises (General Requirements and Standards) Regulations 1967 (SI 1967/1199)

12. The School Premises (General Requirements and Standards) Regulations 1967, as amended, set out standards in relation to the minimum requirements for school sites, playing fields and educational accommodation. They also prescribe standards for the provision of ancillary accommodation including kitchen premises, sanitary facilities, washing accommodation, storage accommodation, medical inspection accommodation, and staff accommodation. Authorities should be aware of these Regulations when determining school capacities. For further information, please contact Harry McWilliams in the Schools Division of the Scottish Executive Education Department on 0131 244 0943 and at Harry.McWilliams@scotland.gsi.gov.uk.

Other legislation

13. Other legislation that may be relevant when determining school capacities includes:

- employment law, which sets minimum requirements for the authority's employees in relation to sanitary facilities, office accommodation, etc.;
- the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 (SI 1999/1080);
- the accessibility strategies that authorities are implementing under the Education (Disabilities Strategies and Pupils' Educational Records) (Scotland) Act 2002, and authorities' obligations under the Disability Discrimination Act 1995.

PHYSICAL FACTORS

14. Authorities will of course take into account a wide range of physical factors when determining school capacities. However this does not mean that all such factors will necessarily have an impact on any given school's capacity, and the degree of impact such factors have will differ from school to school.

15. It may be that authorities can address and 'adjust' the impact of physical factors on a school's capacity through management solutions. For example, the impact of narrow corridors may be reduced if a one-way system is in operation. Equally the impact of particular "pinch points" in a school may be reduced by timetabling to minimise the problem.

Physical size of school

16. Whilst the physical size of a school will clearly limit its capacity, education authorities will want to consider the flexible use of space, and how the use of space affects school capacities. In determining school capacities authorities will need to take into account:

- the size and number of classrooms;
- the size of dining spaces;
- the number of toilets;
- any circulation requirements;
- the size and number of any staircases;
- planning to improve access to education for pupils with disabilities.

17. Also relevant may be the design of the building (open plan, modern, traditional, etc.) and how this bears on the use of space. If a building includes community facilities within the school authorities will need to decide which parts of the building are to be taken into consideration when determining a school's capacity.

Teaching Facilities

18. In determining school capacities authorities will need to consider specialist areas for the teaching of specific subjects. These will include areas and facilities such as:

- science labs;
- sports facilities;
- craft workshops;
- teaching kitchens;
- ICT rooms;
- music rooms and studios;
- art rooms;
- libraries;
- TV, video, multimedia rooms;
- drama rooms and studios;

- other non-classroom teaching areas, such as general purpose rooms used by classes as necessary.

Some schools make provision for pupils with additional support needs, and this may also need to be considered by authorities when determining capacities. Authorities need to make a judgement about how the number, size, and availability of areas and facilities such as those above, and the flexibility with which they can be used, will affect a school's capacity.

Non-Teaching Facilities

19. Non-teaching facilities can have an impact on school capacities. These include such things as:

- pupil social space;
- parenting rooms;
- the size of any playground(s);
- storage facilities;
- the number of toilets;
- dining spaces.

Temporary School Accommodation and Facilities

20. The status accorded to temporary school accommodation is also a factor to be considered when determining school capacities. Authorities may wish to distinguish between permanent and temporary accommodation, and will want to make clear how temporary accommodation has been taken into account in the determination of any given school's capacity.

Health and Safety

21. Health and safety issues will also be relevant. These include factors such as the avoidance of excessive over-crowding in corridors and stairs, and fire evacuation considerations.

NON-PHYSICAL FACTORS

22. As well as the physical size of a school's buildings and facilities other factors may have an effect on the number of pupils a school can accept. These include factors such as the class size limits and timetabling. Authorities will want to consider the points made in paragraph 9 above about the management of physical and non-physical factors, and the impact this can have on school capacities.

Class sizes

23. Statutory requirements on the size of classes are set out in the Education (Lower Primary Class Sizes) (Scotland) Regulations 1999 (SI 1999/1080). Maximum sizes for timetabled classes are also detailed in the *Scheme of Salaries and Conditions of Service Document for Teaching Staff in School Education*. In determining school capacities authorities will need to ensure that class sizes will be in accordance with these limits, and any changes to them. The most up to date information on class size limits can be obtained from Rod Minty of the Teachers Division in the Scottish Executive Education Department. He can be contacted on 0131 244 0988 and at Rod.Minty@scotland.gsi.gov.uk.

Timetabling

24. Timetabling will be a major factor in determining school capacities for secondary schools. Authorities will want to consider how timetabling can be used to optimise the use of classrooms and other facilities, and therefore increase a school's capacity. This will be closely linked to the availability of specific teaching facilities (e.g. science laboratories, sports halls). Authorities will also want to consider the amount of space needed for the safe circulation of pupils between lessons and at break and lunch times.

CONCLUSION

25. It is for education authorities themselves to determine the capacity of individual schools. Whilst this guidance sets out some of the factors they will want to consider when determining school capacities it is not exhaustive. Authorities will, of course, want to exercise discretion and take into account the individual circumstances of schools.

ENQUIRIES

26. Enquiries relating to this circular should be addressed to Ben Haynes in the Schools Division in the Scottish Executive Education Department, based in Victoria Quay, Edinburgh, EH6 6QQ, telephone 0131 244 7048. Enquiries can also be e-mailed to: schoolcapacity@scotland.gsi.gov.uk .

27. Electronic copies of this guidance are available on the Scottish Executive and 'Parentzone' websites at www.scotland.gov.uk and www.parentzonescotland.gov.uk. Hard copies of this guidance are also available by contacting Schools Division in the Scottish Executive on 0131 244 4485.

Scottish Executive Education Department

10 December 2004

Note

Summary reference is made in this guidance to relevant primary and secondary legislation, although it cannot be taken as an authoritative interpretation of any statutory provisions. Interested parties need to refer to the legislation and regulations directly for full details.



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Government**

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