



Administrators

school resources



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Funding

school finance & grants

Testing / Accountability

student assessment & ratings

Curriculum

standards, college prep & programs

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data, statistics & research

News & Events

communications & calendars

ARRA/Ed Jobs

stimulus, stabilization, & ed jobs

Alternative Schooling

About TEA

Commissioner

Complaints

Copyrights/Royalties

Dropout Information

Early Childhood Education

Education Laws and Rules

Educator Certification

Educator Login/Account Set Up

Educator Preparation

Enroll Your Child

Fingerprinting

GED®

Health and Safety

No Child Left Behind

State Board for Educator Certification

State Board of Education

State Initiatives

Weather Information

Agency Info

District Information

A - Z Index

Help

Maximum Class Size Exceptions

Compliance with Class Size Requirements, 2011-2012 School Year

Texas Education Code (TEC) §25.112

At the beginning of the school year, each school district in Texas is required to review its class size enrollment to determine whether its class sizes for grades kindergarten (K) through four meet the requirements of TEC §25.112. If the review indicates that any class for grades K-4 exceeds the allowable class size limit of 22 students per class (22:1), the district must submit a request for exception under TEC §25.112(d). An exception request must be approved by the school district's board of trustees. No later than **October 3, 2011**, the request for exception must be submitted to the State Waiver Unit at the Texas Education Agency (TEA) using the form available at the link below. In determining whether an exception is necessary, please note that class size limits do not apply to physical education classes or fine arts classes.

Class size limitations generally apply throughout the school year, with the exceptions noted below. Therefore, districts that are in compliance at the beginning of the school year but that subsequently exceed class size limitations must apply for an exception no later than the 30th day after the district exceeds the 22:1 limit, unless the period in which the district exceeds the class size limitation falls within the last twelve weeks of the school year. As specified in TEC §25.112(a)(2), for those districts not subject to average daily attendance (ADA) adjustments under TEC §42.005(c) related to migratory children, class size limitations do not apply to the last twelve weeks of any school year. A district whose ADA is adjusted under TEC §42.005(c) may claim an exemption from the class size limitation for a twelve-week period other than the last twelve weeks of school. In such cases, the district must notify the commissioner of education of the twelve-week period to be used, and this notification must come not later than the 30th day after the first day of the identified twelve-week period.

In considering whether to grant an exception under TEC §25.112(d), the commissioner must find that the class size limit works an undue hardship on the district. In determining whether an undue hardship exists, the commissioner will consider such things as unanticipated enrollment growth, availability of facilities, availability of teachers, or financial hardships. Please note that an exception granted under TEC §25.112(d) expires at the end of the school year for which it is granted.

In accordance with TEC §25.113, a campus or district that is granted a class size exception shall provide written notice of the exception to the parent of (or person standing in parental relation to) each student affected by the exception. The notice must be in bold or underlined print and must:

- specify the particular class for which a class size exception was granted,
- state the number of students in the class for which the exception was granted, and
- be delivered through regular mail or other means of communication from the campus or district, such as information sent home with students.

The notice described above must be provided no later than the 31st day after: (a) the first day of the school year, or (b) the date the exception is granted, if the exception is granted after the beginning of the school year. The district must maintain documentation of the notices provided to parents, subject to a request for review by the TEA.

As noted in TEC §25.112(f), a school district that repeatedly fails to comply with class size requirements may be subject to actions under TEC §39.102, *Interventions and Sanctions for Districts*. When responding to a request for exception, or otherwise corresponding with a district regarding class size limitations, the TEA reserves the right to require that a district take certain actions as a condition of, or in response to, the exception. Those actions may include, but are not limited to, a public hearing conducted by the board of trustees to notify the public of the status of district class sizes or a hearing conducted with the commissioner of education or his designee to address the district's progress in meeting class size requirements.

[Request Form for Class Size Exception](#)

Page last modified on 9/12/2011.

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