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Maximum Class Size Exceptions

A district must submit a request for a class size exception for any classrooms in prekindergarten - fourth grade that exceed the 22 students class size limit (Texas Education Code §25.112 [↗](#) (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.112>), Note: Pre-K class size limits were added beginning with the 2021-2022 school year). A district seeking an exception must notify the commissioner and apply for the exception not later than the later of (1) October 1; or 2) the 30th day after the first school day the district exceeds the limit. Note: 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:

- Any twelve-week period selected by the district with a significant percentage of migratory children (25.112(1)), or
- The last twelve weeks of any school year for all other districts

In considering whether to grant an exception, the commissioner must find that the class size limit creates an undue hardship on the district. The commissioner will consider such things as unanticipated enrollment growth, lack of facilities, lack of teachers, or financial hardships.

Please note that an exception granted expires at the end of the school year.

Notifying Parents of an Exception

A campus or district that is granted a class size exception shall provide written notice of the exception to the parent (or person standing in parental relation to) of 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 the first day of the school year, or 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 (TEC §25.113).

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* (TEC §25.112(f)).

**Fabens ISD
Will be Requesting the waiver for
Fabens Elementary School**
