

8-4.00 RULES GOVERNING THE FORMATION OF STUDENT GROUPS

8-4.01

- a) For the purposes of applying this article, the average number of students per group shall be determined at the board level. However, the board, in determining the averages, shall not take into account student groups in which teaching methods such as, among others, "team teaching" and "conference courses" are used.
- b) The rules governing the formation of groups must be such that the average number of students per group for each student group defined in this article cannot exceed the numbers prescribed.
- c) The board may exceed the maximums indicated only for one of the following specific reasons: the lack of premises in the school, the limited number of groups in the school, a shortage of qualified available personnel or the geographic location of the school.

The board and the union may agree on additional reasons for exceeding the maximums prescribed.

- d) When a group of students with handicaps, social maladjustments or learning difficulties includes students of different types, the maximum and average number of students in the group shall be determined under Appendix XVIII.

When a group of students enrolled in a temporary individualized path for learning includes one or more students of different types of students with handicaps, social maladjustments or learning difficulties, the maximum and the average number of students in the group shall be determined under Appendix XVIII.

- e) For the purposes of establishing the maximum number of students per group, students with severe behavioural difficulties linked to psychosocial disturbances, students with pervasive developmental disorders or students with psychopathological disorders who are integrated into regular groups shall be weighted by applying a weighting factor established under Appendix XIX.
- f) The maximums do not apply to student groups in which organizational teaching methods such as, among others, "team teaching" and "conference courses" are used.

Moreover, the maximum and average number do not apply to a group of students in a special class identified as having profound intellectual handicaps, pervasive developmental disorders, psychopathological disorders or serious language disorders, if the board provides visible aid other than a teacher.

- g) Subject to Appendix XX, a teacher whose class exceeds the maximum prescribed is entitled to a monetary compensation based on the formula found in Appendix XXI under the following conditions:
 - 1) the number of students on the basis of which the compensation is calculated is the number of students enrolled for at least half of the class days in a given month;
 - 2) no compensation shall be payable if the oversize class exists in September but no longer exists on October 15;
 - 3) no casual supply teacher is entitled to compensation.

This subclause does not apply to a group formed as a result of an amendment agreed under clause 8-10.02.

8-4.02 In preschool, the maximum and average number of students per group are:

	Av.	Max.
a) For regular groups:		
1. for courses intended for preschool students (4-year-olds):	15	18

	Av.	Max.
2. for courses intended for preschool students (5-year-olds):	20 ¹	22 ¹
b) For groups of students with social maladjustments or learning difficulties:		
1. for courses intended for preschool students in special classes (5-year-olds) manifesting behavioural difficulties:	8	10
c) For groups of students with handicaps:		
1. for courses intended for preschool students in special classes (4 ² - or 5-year-olds) identified as handicapped by a mild motor impairment or an organic impairment:	10	12
2. for courses intended for preschool students in special classes (4 ² - or 5-year-olds) identified as having a moderate to severe intellectual handicap:	8	10
3. for courses intended for preschool students in special classes (4 ² - or 5-year-olds) identified as handicapped by a severe motor impairment, an atypical disorder or a language disorder:	6	8
4. for courses intended for preschool students in special classes (4 ² - or 5-year-olds) identified as handicapped by a severe language disorder, a visual impairment or a hearing impairment: ...	5	7
5. for courses intended for preschool students in special classes (4 ² - or 5-year-olds) identified as having a profound intellectual handicap, pervasive developmental disorders or psychopathological disorders:	4	6

8-4.03 At the elementary level, the maximum and average number of students per group are:

	Av.	Max.
a) For regular groups:		
1. for courses intended for students in Grade 1:	23 ³	25 ³
2. for courses intended for students in Grades 2 and 3:	25 ³	27 ³
3. for courses intended for students in other elementary school grades:	27 ³	29 ³
b) For groups of students with social maladjustments or learning difficulties:		
1. for courses intended for all students with social maladjustments or learning difficulties in special classes at the elementary level:	12	16
1.1 for courses intended for students in special classes at the elementary level manifesting behavioural difficulties:	10	12
2. for courses intended for students in special classes at the elementary level identified as having severe behavioural difficulties linked to psychosocial disturbances:	7	9
c) For groups of students with handicaps:		

¹ Subject to Appendix XXII

² As of the 2011-2012 school year, this provision applies to preschool students (4-year-olds).

³ Subject to Appendices XXII and XXIII

	Av.	Max.
1. for courses intended for students in special classes at the elementary level identified as handicapped by a mild motor impairment or an organic impairment:	12	14
2. for courses intended for students in special classes at the elementary level identified as having a moderate to severe intellectual handicap:	10	12
3. for courses intended for students in special classes at the elementary level identified as handicapped by a severe motor impairment, an atypical disorder or a language disorder:	8	10
4. for courses intended for students in special classes at the elementary level identified as handicapped by a severe language disorder:	6	8
5. for courses intended for students in special classes at the elementary level identified as handicapped by a hearing impairment, a visual impairment, pervasive developmental disorders or psychopathological disorders:	5	7
6. for courses intended for students in special classes at the elementary level identified as having a profound intellectual handicap:	4	6

8-4.04 At the secondary level, the maximum and average number of students per group are:

	Av.	Max.
a) For regular groups:		
1. for Secondary I to V general education courses, excluding courses referred to in the following subparagraphs 2 and 3:	30 ¹	32 ¹
2. for Secondary III, IV or V technical exploration courses (or vocational exploration) ² :	20	23
3. for courses intended for students enrolled in temporary individualized paths for learning:	18	20
b) For groups of students with social maladjustments or learning difficulties:		
1. for courses intended for all students with social maladjustments or learning difficulties in special classes at the secondary level:	16	20
1.1 for courses intended for students in special classes at the secondary level manifesting behavioural difficulties:	12	14
2. for courses intended for students in special classes at the secondary level identified as having severe behavioural difficulties linked to psychosocial disturbances:	9	11
c) For groups of students with handicaps:		
1. for courses intended for students in special classes at the secondary level identified as handicapped by a mild motor impairment or an organic impairment:	14	16
2. for courses intended for students in special classes at the secondary level identified as having a moderate to severe intellectual handicap:	12	14

¹ Subject to Appendices XXII and XXIII

² The rule continues to apply to schools still offering introduction to technology courses.

	Av.	Max.
3. for courses intended for students in special classes at the secondary level identified as handicapped by a language disorder:	10	12
4. for courses intended for students in special classes at the secondary level identified as handicapped by a severe motor impairment or an atypical disorder:	9	11
5. for courses intended for students in special classes at the secondary level identified as handicapped by pervasive developmental disorders or psychopathological disorders:	6	8
6. for courses intended for students in special classes at the secondary level identified as handicapped by a hearing impairment or a visual impairment:	5	7
7. for courses intended for students in special classes at the secondary level identified as having a profound intellectual handicap:	4	6

8-4.05

The board and the union may modify or replace the averages and maximums prescribed in clauses 8-4.02, 8-4.03 and 8-4.04.

8-4.06 Multigrade classes

Elementary school

- a) When the board forms multigrade classes, it shall attempt to group the students in such a way as to ensure the best teaching possible, while complying with the provisions of this clause.
- b) The board shall forward to the union at the time and in the manner determined by the board information concerning multigrade classes that the board intends to form for the next school year. The union may make recommendations to the board concerning the classes.
- c) **(Protocol)** When the board forms a multigrade class in a school that has 100 students or more, it shall try to group together, whenever possible, students of the same cycle.
- d) When a school has 65 students or more at the elementary level, a multigrade class shall be limited to two grades, unless there is an agreement to the contrary between the board and the union.

Notwithstanding the preceding paragraph, a multigrade class may contain a maximum of three grades, unless the board and the union agree otherwise, if the number of students in a two-grade class that the board could form under subclause a) is less than:

- 18¹, if there are one or more grade-1 students in the class;
- 20², if there are no grade-1 students but one or more grade-2 students;
- 21³, if there are one or more grade-3 students;
- 23³, if there are only grade-4, -5 or -6 students in the class.

In each of these cases, the multigrade class shall be limited to three grades.

¹ Read 16, if there are one or more grade-1 students in economically disadvantaged areas as long as Appendix XXII applies.

² Read 16, if there are one or more grade-2 students in economically disadvantaged areas as long as Appendix XXII applies.

³ As of the 2011-2012 school year, read 16 for schools situated in economically disadvantaged areas as long as Appendix XXII applies.

- e) Subject to subclause f), in a school where there are fewer than 65 students at the elementary level, a multigrade class shall be limited to three grades, unless there is an agreement to the contrary between the board and the union.
- f) In a school where there are fewer than 25 students at the elementary level, a multigrade class may contain more than three grades.
- g) The excess number of students in a multigrade class shall be established on the basis of the average¹ and not the maximum number of students and the compensation shall be determined accordingly.
- h) For the purposes of this clause, "school" means the building where the teacher provides instruction.

Preschool

- i) **(Protocol)** If the board forms a multigrade class in a school that has 100 students or more, it shall try, whenever possible, to form such classes, excluding preschool students.

¹ If the averages applicable to the grades of the students in a multigrade class are different, the lowest average applies to that class.

APPENDIX XVIII**ESTABLISHMENT OF MAXIMUM AND AVERAGE NUMBER OF STUDENTS IN A GROUP OF STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS OR LEARNING DIFFICULTIES INCLUDING STUDENTS OF DIFFERENT TYPES**

The maximum number of students in the group shall be established as follows:

- a) the number of students of each type is divided by the maximum number of students per group for the type of students;
- b) the quotients thus obtained are added up;
- c) the total number of students in the group is divided by the total of all the quotients thus obtained;
- d) the new quotient thus obtained is the maximum; if the fraction is less than 0.5, it is dropped; if the fraction is equal to or greater than 0.5, it is rounded off to the next whole number.

The average shall be obtained by subtracting two from the maximum.

This method of calculation also applies to a group of students in temporary individualized paths for learning including one or more students of one or more types of students with handicaps or with severe behavioural difficulties including, in the calculation, students referred to in subparagraph 3 of subclause a) of clause 8-4.04.

EXAMPLE

At the secondary level, a group of 14 students is made up as follows:

Number of students	Identification	Maximum
7	Moderate to severe intellectual handicaps	14
4	Severe behavioural difficulties	11
3	Severe motor impairments	11

$$\frac{14}{7/14 + 4/11 + 3/11} = 12.28$$

Maximum: 12
 Average: 10
 Maximum is exceeded by 2

APPENDIX XIX**ESTABLISHMENT OF THE MAXIMUM NUMBER OF STUDENTS IN A GROUP INTO WHICH STUDENTS WITH HANDICAPS, SOCIAL MALADJUSTMENTS OR LEARNING DIFFICULTIES ARE INTEGRATED**

For the purposes of calculating the maximum, the board applies a weighting factor to integrated students according to the following formula:

$$F = \frac{MI}{M}$$

Where:

- F is the weighting factor.
- MI is the maximum prescribed in article 8-4.00 for the group into which the student is integrated.
- M is the maximum prescribed in article 8-4.00 for the type of students with handicaps or students with social maladjustments or learning difficulties to which the integrated student belongs.

If the result of the application of this formula for a given student is negative, the weighting factor is not taken into account.

If the product of the number of students thus weighted results in a fraction, the following formula applies:

if the fraction is less than 0.5, it is not taken into account; if the fraction is equal to or greater than 0.5, it is rounded off to the next whole number.

This weighting rule applies only to students identified as being handicapped or as having social maladjustments or learning difficulties by the board and is only used for the time during which he or she is identified as such.

Example:

Two students with behavioural difficulties at the secondary level are integrated into a general education course with 30 students (before integration).

Maximum of the group into which the two students are integrated is 32

Maximum of the type to which the two students belong is 14

Weighting factor = $\frac{32}{14} = 2.286$

Number of students integrated = $2 \times 2.286 = 4.752 = 5$

Total number of students in the group = $30 + 5 = 35$

In this case, the number of students exceeds the maximum prescribed (32) by three students and the teacher is therefore entitled to the compensation prescribed in subclause g) of clause 8-4.01.

APPENDIX XX

USE OF THE COMPENSATION FOR EXCEEDING THE MAXIMUM NUMBER OF STUDENTS PER GROUP

This appendix applies to schools that choose to adhere to it in accordance with article 8-10.00.

Section A Funds

1. Funds shall be allocated to the school budget and shall be used for the measures approved under this appendix.

2. The amount allocated to the school is the amount that would have been payable as oversize class compensation.

For the purposes of applying section B, an estimated amount shall be determined as follows:

- a) On October 15, if a group exceeds the maximum prescribed in article 8-4.00, an amount based on the number of excess students shall be estimated retroactively to the first day as of which the number of students in the group exceeds the maximum.
- b) If a group only exceeds the maximum after October 15, the estimated amount shall be determined as of the date on which the number of students exceeds the maximum.
- c) The estimated amount shall be determined on the assumption that the group will exceed the maximum for the remainder of the school year.
- d) The estimated amount (F) shall be based on the following formula:

$$F = \frac{27 \times N \times D}{\text{Average}} \times \$1.20$$

where:

- N** Is the number of students in the group exceeding the maximum prescribed for the group, the group being weighted according to the following formula: the first excess student counts as one student, the second excess student counts as 1.25 students and the other excess students count as 1.5 students.
The average is the average determined in article 8-4.00 for this type of group.
- D** is the prescribed number of teaching hours of the teacher concerned in the group during the school year or for a portion of the school year in accordance with subparagraph b) of article 2.
- e) In order to simplify the planning and use of the funds, the board shall inform the school administration and the teachers concerned as soon as possible of the estimated amount that will be allocated for the school year.
- f) If the number of excess students increases during the school year, the estimated amount shall be adjusted accordingly.
- g) If the number of excess students decreases during the school year, the estimated amount shall be reduced during the school year by the board after having consulted the teachers concerned.

Section B Use of funds

3. Subject to article 2 g), the funds may be used to hire additional staff to work with students, provided that the staff does not acquire tenure. The funds may also be used to buy instructional materials for the school or to release teachers from their usual duties to participate in professional development activities or any other activity designed to improve student success.
4. If the funds are earmarked for a project involving a group of teachers or the entire teaching staff of the school, the project must specify how the funds will be used.
5. The committee prescribed in clause 8-9.03 must be consulted concerning any element of the school's organization plan dealing with the use of funds related to students covered by article 8-9.00. The plan must be submitted to the teachers for approval in accordance with article 8-10.00.
6. In general, the plan applies to the entire school year, but can be reviewed under article 5.
7. The funds can only be used for the elements approved in the plan.
8. Any expense financed under this appendix must take into account the distribution of the resources available for the school and respect the budgetary parameters established by the MELS.
9. The Provincial Advisory Committee shall study any provincial matter dealing with this appendix. In the event that the application of this appendix generates higher costs than those generated by the application of Appendix XXI, the parties may review or remove the appendix from the entente.

APPENDIX XXI

COMPENSATION FOR EXCEEDING THE MAXIMUM NUMBER OF STUDENTS PER GROUP

This appendix applies to schools of over 100 students and to those that choose to adhere to it in accordance with article 8-10.00.

- A) For each group of students whose number exceeds the maximum prescribed in article 8-4.00 or 13-15.00, the teacher concerned is entitled, subject to articles 5-10.00 and 5-13.00, to the compensation C defined as follows for each portion of the school calendar to which it applies:

$$C = \frac{27 \times N}{\text{Average}} \times D \times \$1.20$$

where:

N equals the number of students in the group in excess of the maximum prescribed for the group, the number being weighted according to the following formula: the first student exceeding the maximum counts as 1 student, the second student exceeding the maximum counts as 1.25 students and the third student and any additional student count as 1.5 students.

Average equals the average determined in article 8-4.00 or 13-15.00 for this type of students.

D equals the teaching time assumed for the student group by the teacher during a given portion of the school calendar.

The time reflects the number of hours at the preschool and elementary levels and the number of 50-minute periods or the equivalent in general education at the secondary level or in vocational training, multiplied by the number of teaching days prescribed in the school calendar for which such excess situation exists divided by five.

Example: 22 periods of 45 minutes = 19.8 periods of 50 minutes

- B) The annual compensation to which the teacher is entitled shall be limited to:

- \$1 752 for the first student exceeding the maximum prescribed;
- \$2 190 for the second student exceeding the maximum prescribed;
- \$2 628 for any other student exceeding the maximum prescribed.

EXAMPLE

A teacher at the secondary level has a group of 36 students (the maximum of which is 32) for five periods of 50 minutes during the entire school year.

$$C = \frac{27 \times N}{\text{Average}} \times D \times \$1.20$$

N = 5.25 in this case due to the fact that the maximum is exceeded by four students (36 - 32):

1 st student	=	1
2 nd student	=	1.25
3 rd student	=	1.50
4 th student	=	<u>1.50</u>
Total	=	5.25

Average = 30

D = 5 X $\frac{180}{5}$ if the number of teaching days prescribed in the school calendar is 180

$$C = \frac{27 \times 5.25}{30} \times 5 \times \frac{180}{5} \times 1.20 = \$1\,020.60$$

APPENDIX XXII

AGREEMENT ON EDUCATIONAL SUCCESS

Considering the importance of investing in the educational success of students;

Considering that studies reveal the importance of rapid intervention as early as preschool;

Considering the new MELS policy on students with handicaps, social maladjustments or learning disabilities;

Considering the provisions of this agreement;

Considering the decision of the Minister of Education announced on December 21, 1999 to allocate additional teaching resources;

Considering the need to assess such an investment program;

Considering the Action Plan to Promote Success for Students with Handicaps, Social Maladjustments or Learning Disabilities - Conditions for Greater Success presented by the Minister of Education, Recreation and Sports on June 11, 2008;

Considering the Action Plan - All together for student success "I care about school!" presented by the Minister of Education, Recreation and Sports on September 9, 2009;

Considering the reduction in the number of students per class prescribed in the action plan;

Considering the needs created by the multiethnic and multicultural communities;

The parties agree as follows:

1. For the duration of the entente, the following rules governing the formation of student groups apply:

School year	Students	Av.	Max.
As of 2000-2001	Preschool, 5-year-olds - in economically disadvantaged areas	18	20
As of 2001-2002	Preschool, 5-year-olds	18	20
	Grade 1, elementary school - in economically disadvantaged areas	18	20
As of 2002-2003	Grade 1, elementary school - elsewhere than in economically disadvantaged areas	20	22
	Grade 2, elementary school - in economically disadvantaged areas	18	20
As of 2003-2004	Grade 2, elementary school - elsewhere than in economically disadvantaged areas	22	24
As of 2009-2010	Grade 3, elementary school - elsewhere than in economically disadvantaged areas	24	26
	Grade 3, elementary school - in economically disadvantaged areas	22	24
	Grade 4, elementary school - in economically disadvantaged areas	22	24
As of 2010-2011	Grade 3, elementary school - in economically disadvantaged areas	18	20
	Grade 4, elementary school - in economically disadvantaged areas	18	20

School year	Students	Av.	Max.
As of 2011-2012	Grade 4, elementary school - elsewhere than in economically disadvantaged areas	24	26
	Grade 5, elementary school - in economically disadvantaged areas	22	24
	Grade 6, elementary school - in economically disadvantaged areas	22	24
	Secondary I	29	31
	Secondary II	29	31
As of 2012-2013	Grade 5, elementary school - elsewhere than in economically disadvantaged areas	24	26
	Grade 5, elementary school - in economically disadvantaged areas	18	20
	Grade 6, elementary school - elsewhere than in economically disadvantaged areas	24	26
	Grade 6, elementary school - in economically disadvantaged areas	18	20
	Secondary I	28	30
	Secondary II	28	30
As of 2013-2014	Secondary I	26	28
	Secondary II	27	29
As of 2016-2017	Pre-school, 4-year olds	14	17
	Pre-school, 5 year-olds	17	19

2. The Ministère, in collaboration with the school boards, shall continue to evaluate the results obtained (e.g. follow-up of student cohorts). During the next few months, the final evaluation report including recommendations shall be submitted to the school boards and the union.
3. The parties shall meet to study the results and to discuss appropriate measures. The final evaluation of the results obtained shall enable the Ministère to decide whether, as of the coming into force of the next entente, to extend the above measures with or without changes.
4. During the implementation of the program, the rules governing the formation of groups prevail over those prescribed in the second paragraph of subclause a) of clause 8-4.02, subclause a) of clause 8-4.03 and the first paragraph of subclause a) of clause 8-4.04.

APPENDIX XXIII

LIST OF SCHOOLS ¹ LOCATED IN ECONOMICALLY DISADVANTAGED AREAS COVERED BY THE SPECIAL RULES FOR THE FORMATION OF STUDENT GROUPS

School board	Building code	Building	School code	School
Eastern Townships	883001	Asbestos-Danville-Shipton	883001	A.D.S. Elementary School
Eastern Townships	883023	Pope Memorial	883014	Pope Memorial Elementary School
Eastern Townships	883027	Sawyerville	883016	Sawyerville Elementary School
Eastern Townships	883032	Sunnyside	883019	Sunnyside Elementary School
Eastern Townships	883034	Waterloo	883021	Waterloo Elementary School

¹ List of buildings with elementary-school students whose decile rank is 9 or 10

The decile rank is based on the 2008-2009 socio-economic milieu index that includes the percentage of families with children whose mother has no diploma, certificate or degree (2/3) and the percentage of households where the parents were unemployed during the reference week of the Census (1/3).