



COMMONWEALTH of VIRGINIA
Department of Education

August 19, 2016

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Flexibility Provision for Staffing Requirements in the State Appropriation Act Not Applicable to Certain Career and Technical Education (CTE) Courses

This memo is to inform you of CTE courses in which school divisions may not use staffing flexibility. [Superintendent's Memorandum No. 187-16](#), issued on July 29, 2016, outlines statutory and Appropriation Act flexibility provisions. Specifically, [Item 139.A.17](#) of the 2016 Appropriation Act allows school divisions to increase teacher to pupil staffing ratio requirements for "Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) ..." and whereas the Board of Education's [Regulations Governing Career and Technical Education](#) have set the maximum class size at twenty as described below.

The Virginia Department of Labor and Industry has worked with the Virginia Department of Education to identify CTE classes impacted by federal Occupational Safety and Health Administration (OSHA) regulations.

Sections 1-3 of Board of Education regulation [8VAC20-120-150](#), **Maximum Class Size**, provide the following:

"Enrollments in career and technical education courses shall not exceed the number of individual work stations.

- ***Career and technical education laboratory classes that use equipment that has been identified by the U.S. Department of Labor for hazardous occupations shall be limited to a maximum of 20 students per laboratory. The career and technical courses that have this restriction are published annually by the Virginia Department of Education.***
- *Career and technical education courses designed specifically and approved for students who are disadvantaged shall be limited to an average of 15 students per instructor per class period with no class being more than 18.*
- *Career and technical education courses designed specifically and approved for students with disabilities shall be limited to an average of 10 students per instructor per class period with no class being more than 12 or up to an average of 12 students per class period with no class being more than 15 where an instructional aide is provided."*

According to Board of Education regulation [8VAC20-120-170](#), **Student Safety**:

- A. *"Each career and technical education program shall include health and safety standards, including protective eye devices, that are applicable to the operation of that program, that shall be made an integral part of program instruction.*

B. Each career and technical education program shall comply with applicable federal and state laws and regulations related to health and safety.”

If you have any questions or need additional information, please contact George R. Willcox, associate director, Office of Career, Technical, and Adult Education, at CTE@doe.virginia.gov or by telephone at (804) 225-2052.

SRS/LBH/jts