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2010: EL4

**MEMORANDUM TO:** Directors of Education

**FROM:** Jim Grieve  
Assistant Deputy Minister

**DATE:** March 11, 2010

**SUBJECT:** Early Learning Program – Class size calculation

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**It is noted that legislation will be required to authorize some measures associated with the Early Learning Program outlined in this memorandum. The Government has introduced to the Assembly the legislative amendments needed to fully authorize such measures.**

**The information in this memorandum is provided to assist boards' planning should this legislation be passed.**

I am writing to notify you of amendments to the Class Size regulation (*O. Reg. 399/00*) that came into effect on March 2, 2010. The amendments to the regulation are available at [www.e-laws.gov.on.ca/html/source/regs/english/2010/elaws\\_src\\_regs\\_r10044\\_e.htm](http://www.e-laws.gov.on.ca/html/source/regs/english/2010/elaws_src_regs_r10044_e.htm); once consolidated, the amended regulation will be found at [www.e-laws.gov.on.ca/navigation?file=home&lang=en](http://www.e-laws.gov.on.ca/navigation?file=home&lang=en). The changes are intended to provide transitional support for implementation of the Early Learning Program (ELP) and have an automatic sunset provision that comes into force on September 1, 2012. This regulation is made under existing powers in the *Education Act* and is not subject to passage of Bill 242, the *Full-Day Early Learning Statute Law Amendment Act, 2010*.

The memorandum of October 27, **2009: B12, Early Learning Program – Planning for 2010-11 and 2011-12**, established that boards should conform closely to an ELP average full-day JK/K class size of 26, which would provide for a child to adult ratio of 1:13. Funding allocations have been based on these parameters and, in Year 1, will flow via the Education Program Other (EPO) envelope. ELP classes will be excluded from each board's calculation and reporting of primary class sizes and board-wide elementary class size average.

The amended Class Size regulation contains new subsections that prescribe the methodology to be used in calculating the average size, in aggregate, which applies only to a board's ELP junior kindergarten and kindergarten classes. The schools to which the ELP calculation applies – i.e. the schools where ELP is being implemented in Year 1 – are listed in the table to the regulation. The calculation will be based on headcount at October 31.

These new provisions establish a separate treatment for ELP classes, while at the same time mirroring the class size calculation method used in the primary division. These class size calculations apply to the ELP's school-day portion; the intent is not to apply them to the extended day.

The amendments provide that the ELP class size reports may be taken into account in establishing funding for the Year 1 schools.

The list of schools to which the calculation applies will change as implementation progresses and it is anticipated that this regulation will need to be amended for Year 2. The regulation contains a provision explicitly excluding the application of the new ELP class size calculation to any school that is not on the list. Existing Primary Class Size (PCS) requirements, as well as any locally determined arrangements, will continue to apply to the determination of class size for non-ELP classes.

The new subsections also address split class situations in which both ELP and non-ELP pupils are in the same class, for instance in a K/1 split. The ministry expects that any such K/1 split classes will only occur in extremely exceptional circumstances.

EPO contracts will govern the flow of ELP funds in Year 1 and are expected to refer to the characteristics of the ELP model, including the average funded ELP class size. Boards will be expected to report on the progress of ELP implementation over the course of the year.

As outlined in memo 2009: B12, it is the ministry's intention for the 2010-11 school year to exclude the ELP classes in the approved schools from the PCS provisions under the Grants for Student Needs (GSN) regulation. However, other primary classes (Grades 1 to 3) in these schools, and all primary classes in the remaining schools will continue to be subject to the PCS provisions.

The amended Class Size regulation, along with memo 2009:B12 and the EPO contracts – taken together – will give partners at the local level the tools they need as they work to establish new class sizes in accordance with the average of 26 for this new program.



Jim Grieve  
Assistant Deputy Minister