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## PRESS RELEASE

[Legal decision]

### The continuation of "needs-based groups" in French colleges at the beginning of the 2025 school year requires a decree from the Prime Minister

**In a case brought by trade unions and individuals, the Conseil d'État today ruled that the introduction of "needs-based groups" for teaching French and maths at college level (lower-secondary school) is not, in itself, contrary to the "collègue unique" (single college) principle enshrined in the Haby <sup>1</sup>law of 1975. However, it pointed out that such a reform must be subject to a decree from the Prime Minister, and not a simple order from the Minister of Education. On these grounds, the Conseil d'État annulled the decree of 15 March 2024, introducing the "needs-based groups", but specified that this annulment would only come into effect at the beginning of the next school year, so as not to disrupt the organisation of colleges during the year.**

The decree of 15 March 2024, handed down by the Minister for Education, stipulates that from the beginning of the 2024 school year for 6th and 5th grade pupils (2025 for 4th and 3rd grades), French and maths lessons will be dispensed in groups based on the needs of pupils as identified by teachers, with smaller groups for the pupils in the most difficulty. Trade unions and individuals, including teachers, have asked the Conseil d'État to annul this order.

In today's decision, the Conseil d'État ruled that the teaching of French and mathematics in groups formed according to pupils' needs is not contrary to the single college principle established by the Haby Law, as expressed today in article L.332-3 of the French Education Code, which states that French colleges must provide a common education. In fact, the reform makes no changes to the French and maths syllabuses, the timetable for these subjects, the common core knowledge, skills and culture, or expectations in terms of knowledge acquisition, which remain the same for all pupils.

Furthermore, the rest of the subjects, which account for almost two-thirds of total teaching time, are taught within the form class and, in the case of French and maths, pupils can change groups during the year to take account of their changing needs.

However, the Conseil d'État pointed out that Parliament has empowered the Prime Minister to determine the organisation of teaching in colleges and has only empowered the Minister for Education to determine the content of the teaching (i.e. subjects, timetables and syllabuses).

The Conseil d'État ruled that by dividing pupils into "needs-based groups" outside the classroom, the changes made by the decree to French and mathematics teaching actually reformed the organisation of teaching and went beyond its mere content. Such reform of teaching in colleges should, therefore, be enacted by a decree from the Prime Minister and not a simple order from the Minister of Education. The provisions of the Order of 15 March 2024 relating to "needs-based groups" were, therefore, annulled.

However, so as not to disrupt the organisation of colleges during the school year, the Conseil d'État has postponed the effects of the annulment. Today's decision will not take effect until the beginning of the next school year, and the use of "needs-based groups" in colleges will remain in effect for the 2024-2025 school year.

*Decisions Nos. 493513, 493542, 493705, 493738, 493954, 494221, 496197 and 496200 - 28 November 2024*

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<sup>1</sup> Law No. 75-620 of 11 July 1975 on education

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