

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 474

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR REDUCTIONS IN CLASS
SIZES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10A-20 NMSA 1978 (being Laws 1986,
Chapter 33, Section 3, as amended) is amended to read:

"22-10A-20. STAFFING PATTERNS--CLASS LOAD--TEACHING
LOAD.--

A. The individual class load for elementary school
teachers shall not exceed twenty students for kindergarten;
provided that any teacher in kindergarten with a class load of
fifteen to twenty students shall be entitled to the assistance
of an educational assistant.

B. The ~~average~~ individual class load for grades
one, two and three for elementary school teachers at an

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underscoring material = new
[bracketed material] = delete

1 individual school shall not exceed twenty-two students [~~when~~
2 ~~averaged among grades one, two and three~~]; provided that any
3 teacher in grade one with a class load of twenty-one or more
4 shall be entitled to the full-time assistance of an educational
5 assistant.

6 C. The [~~average~~] individual class load for grades
7 four, five and six for an elementary school teacher at an
8 individual school shall not exceed twenty-four students [~~when~~
9 ~~averaged among grades four, five and six~~].

10 D. The daily teaching load per teacher for grades
11 seven through twelve shall not exceed one hundred sixty
12 students, except the daily teaching load for teachers of
13 required English courses in grades seven and eight shall not
14 exceed one hundred thirty-five with a maximum of twenty-seven
15 students per class and the daily teaching load for teachers of
16 required English courses in grades nine through twelve shall
17 not exceed one hundred fifty students with a maximum of thirty
18 students per class.

19 E. Students receiving special education services
20 integrated into a regular classroom for any part of the day
21 shall be counted in the calculation of the individual class
22 load [~~averages~~]. Students receiving special education services
23 not integrated into the regular classroom shall not be counted
24 in the calculation of the individual class load [~~averages~~].

25 Only classroom teachers charged with responsibility for the

1 regular classroom instructional program shall be counted in
2 determining [~~average~~] maximum class loads. [~~In elementary~~
3 ~~schools offering only one grade level, average class loads may~~
4 ~~be calculated by averaging appropriate grade levels between~~
5 ~~schools in the school district.~~]

6 F. Class load limits provided for in this section
7 do not apply to band or music classes or athletic electives.

8 G. The [~~state superintendent~~] secretary may waive
9 the individual school class load requirements established in
10 this section. Waivers shall be applied for annually and a
11 waiver shall not be granted for more than two consecutive
12 years. Waivers may only be granted if a school district
13 demonstrates that:

14 (1) no portable classrooms are available;

15 (2) no other available sources of funding
16 exist to meet its need for additional classrooms;

17 (3) the school district is planning
18 alternatives to increase building capacity for implementation
19 within one year; and

20 (4) the parents of all children affected by
21 the waiver have been notified in writing:

22 (a) of the statutory class load
23 requirements;

24 (b) that the school district has made a
25 decision to deviate from these class load requirements; and

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1 (c) of the school district plan to
2 achieve compliance with the class load requirements.

3 H. If a waiver is granted pursuant to Subsection G
4 of this section to an individual school, the [~~average~~] class
5 load for elementary school teachers at that school shall [~~not~~
6 ~~exceed twenty students in grade one and shall not exceed~~
7 ~~twenty-five students when averaged among grades two, three,~~
8 ~~four, five and six~~] be determined by the department.

9 I. Each school district shall report to the
10 department the size and composition of classes subsequent to
11 the fortieth day and the December 1 count. Failure to meet
12 class load requirements within two years shall be justification
13 for the disapproval of the school district's budget by the
14 [~~state superintendent~~] department.

15 J. The department shall report to the legislative
16 education study committee by November 30 of each year regarding
17 each school district's ability to meet class load requirements
18 imposed by law.

19 K. Notwithstanding the provisions of Subsection G
20 of this section, the [~~state board~~] secretary may waive the
21 individual class load and teaching load requirements
22 established in this section upon a demonstration of a viable
23 alternative curricular plan and a finding by the [~~state board~~]
24 secretary that the plan is in the best interest of the school
25 district and that, on an annual basis, the plan has been

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1 presented to and is supported by the affected teaching staff.
2 The department shall evaluate the impact of each alternative
3 curricular plan annually. Annual reports shall be made to the
4 legislative education study committee.

5 L. Teachers shall not be required to perform
6 noninstructional duties except in emergency situations as
7 defined by the [~~state board~~] department. For purposes of this
8 subsection, "noninstructional duties" means noon hall duty,
9 noon ground duty and noon cafeteria duty."

10 Section 2. APPROPRIATION.--Sixty-two million dollars
11 (\$62,000,000) is appropriated from the general fund to the
12 public education department for distribution through the state
13 equalization guarantee in fiscal year 2010 to support public
14 school class size reduction. Any unexpended or unencumbered
15 balance remaining at the end of fiscal year 2010 shall revert
16 to the general fund.

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