

1 SENATE BILL 202

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Cynthia Nava

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

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10 AN ACT

11 RELATING TO SCHOOL PERSONNEL; ALLOWING ALTERNATIVE CURRICULAR
12 PLANS WITH CLASSES STAFFED BY STUDENT TEACHERS.

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

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

17 "22-10A-20. STAFFING PATTERNS--CLASS LOAD--TEACHING
18 LOAD.--

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

24 B. The average class load for elementary school
25 teachers at an individual school shall not exceed twenty-two

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1 students when averaged among grades one, two and three;
2 provided that any teacher in grade one with a class load of
3 twenty-one or more shall be entitled to the full-time
4 assistance of an educational assistant.

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

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

17 E. Students receiving special education services
18 integrated into a regular classroom for any part of the day
19 shall be counted in the calculation of class load averages.
20 Students receiving special education services not integrated
21 into the regular classroom shall not be counted in the
22 calculation of class load averages. Only classroom teachers
23 charged with responsibility for the regular classroom
24 instructional program shall be counted in determining average
25 class loads. In elementary schools offering only one grade

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1 level, average class loads may be calculated by averaging
2 appropriate grade levels between schools in the school
3 district.

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

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

12 (1) no portable classrooms are available;

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

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

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

20 (a) of the statutory class load
21 requirements;

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

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

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

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

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

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

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1 curricular plan annually. For school years 2011-2012 through
2 2013-2014, such an alternative curricular plan may include
3 classes taught by a student teacher with the supervision of a
4 cooperating teacher. A student teacher is only eligible to
5 participate in an alternative curricular plan if the student
6 teacher has at least four years of prior experience in a school
7 setting and meets the qualifications established by the school
8 district or charter school and the student teacher's teacher
9 preparation program. The school district and public school
10 educational plan for student success shall be used to track the
11 alternative curricular plan to show alignment to student
12 achievement goals. Annual reports shall be made to the
13 legislative education study committee.

14 L. Teachers shall not be required to perform
15 noninstructional duties except in emergency situations as
16 defined by the ~~[state board]~~ department. For purposes of this
17 subsection, "noninstructional duties" means noon hall duty,
18 noon ground duty and noon cafeteria duty."

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