

HOUSE BILL 413

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING CLASS LOAD SIZES;
PROVIDING EXCEPTIONS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT
TO CREATE AND MAINTAIN AN ONLINE PORTAL TO RECEIVE CONFIDENTIAL
REPORTS OF CLASS LOAD SIZE VIOLATIONS; PROVIDING CLASS LOAD
SIZE WAIVERS; PROVIDING RULEMAKING AUTHORITY TO THE PUBLIC
EDUCATION DEPARTMENT; REQUIRING SCHOOL DISTRICTS TO PROVIDE
NOTICE OF CLASS LOAD SIZE WAIVERS.

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;~~

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1 ~~provided that any teacher in kindergarten with a class load of~~
2 ~~fifteen to twenty students shall be entitled to the assistance~~
3 ~~of an educational assistant.~~

4 ~~B.]~~ A. The ~~[average]~~ maximum class load for
5 elementary school teachers ~~[at an individual school]~~ shall not
6 exceed ~~[twenty-two students when averaged among grades one, two~~
7 ~~and three; provided that any teacher in grade one with a class~~
8 ~~load of twenty-one or more shall be entitled to the full-time~~
9 ~~assistance of an educational assistant.~~

10 ~~C.~~ The average class load for an elementary school
11 teacher at an individual school shall not exceed twenty-four
12 students when averaged among grades four, five and six.] the
13 following; provided that any elementary school teacher with a
14 class load of fifteen or more students shall be entitled to the
15 full-time assistance of an educational assistant:

16 (1) twenty students in a kindergarten or first
17 grade class, or eighteen students in a kindergarten or first
18 grade class in a high-poverty school;

19 (2) twenty-two students in a second or third
20 grade class, or twenty students in a second or third grade
21 class in a high-poverty school; and

22 (3) twenty-four students in a fourth, fifth or
23 sixth grade class, or twenty-two students in a fourth, fifth or
24 sixth grade class in a high-poverty school.

25 ~~[D.]~~ B. The ~~[daily]~~ nine-week teaching load per

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1 teacher for grades seven through twelve shall not exceed one
2 hundred ~~[sixty]~~ fifty students, ~~[except the daily]~~ or one
3 hundred twenty-five students in a high-poverty school. The
4 nine-week teaching load for teachers of required English
5 courses in grades seven and eight shall not exceed one hundred
6 ~~[thirty-five]~~ twenty-five, with a maximum of ~~[twenty-seven]~~
7 twenty-five students per class, ~~[and the daily teaching load~~
8 ~~for teachers of required English courses in grades nine through~~
9 ~~twelve shall not exceed one hundred fifty students with a~~
10 ~~maximum of thirty students per class]~~ or one hundred ten
11 students in a high-poverty school.

12 [E.] C. Students receiving special education
13 services integrated into a regular classroom for any part of
14 the day shall be counted in the calculation of class ~~[load~~
15 ~~averages]~~ loads. Students receiving special education services
16 not integrated into the regular classroom shall not be counted
17 in the calculation of class ~~[load averages]~~ loads. Students
18 enrolled in courses that do not require the teacher to plan,
19 grade or complete other tasks outside of the course meeting
20 time and that meet for less than the equivalent of one class
21 period per week, including advisory, homeroom and study hall,
22 shall not be counted in the calculation of class loads. Only
23 classroom teachers charged with responsibility for the regular
24 classroom instructional program shall be counted in determining
25 ~~[average]~~ class loads. ~~[In elementary schools offering only~~

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

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

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

13 ~~(1) no portable classrooms are available;~~

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

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

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

21 ~~(a) of the statutory class load~~
22 ~~requirements;~~

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

25 ~~(c) of the school district plan to~~

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1 ~~achieve compliance with the class load requirements.~~

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

8 E. The department shall create and maintain an
9 online portal to allow teachers and parents of students to
10 submit confidential reports to the department regarding
11 violations of class load limits. Teachers may not be penalized
12 for submitting a report of a violation.

13 F. If exceptional circumstances arise, a school may
14 request a one-time waiver of the class load limits. A school
15 district shall apply to the department for approval and explain
16 with specificity the exceptional circumstances creating a need
17 for the waiver and the school district's plan for coming into
18 compliance with the class load limits. A school may not
19 receive a waiver for more than one class in any year. If such
20 a waiver is approved, the maximum class load shall not exceed
21 twenty-two students for kindergarten and first grade, twenty-
22 four students for second and third grades, twenty-six students
23 for fourth through six grades and for seventh through twelfth
24 grades, one hundred sixty students, except for teachers of
25 required English courses in seventh and eighth grades, whose

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1 class loads shall not exceed one hundred thirty-five students,
2 with a maximum of twenty-seven students per class.

3 G. A teacher who is asked to increase the teacher's
4 class load over the maximum permitted shall be provided with
5 additional support or compensation. The department may
6 promulgate rules to implement the requirements of this
7 subsection.

8 H. If a waiver is approved, the school district
9 shall notify the parents of all students affected by the waiver
10 in writing:

11 (1) of the statutory class load requirements;

12 (2) that the school district has made a
13 decision to deviate from these class load requirements; and

14 (3) of the school district's plan to achieve
15 compliance with the class load requirements.

16 I. Each school district shall report to the
17 department the size and composition of classes subsequent to
18 the fortieth day and the December 1 count. Failure to meet
19 class load requirements [~~within two years shall be~~
20 ~~justification for~~] shall result in the disapproval of the
21 school district's budget by the [~~state superintendent~~]
22 department.

23 J. The department shall report to the legislative
24 education study committee by November 30 of each year regarding
25 each school district's ability to meet class load requirements

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1 imposed by law.

2 ~~[K. Notwithstanding the provisions of Subsection G~~
3 ~~of this section, the state board may waive the individual class~~
4 ~~load and teaching load requirements established in this section~~
5 ~~upon a demonstration of a viable alternative curricular plan~~
6 ~~and a finding by the state board that the plan is in the best~~
7 ~~interest of the school district and that, on an annual basis,~~
8 ~~the plan has been presented to and is supported by the affected~~
9 ~~teaching staff. The department shall evaluate the impact of~~
10 ~~each alternative curricular plan annually. Annual reports~~
11 ~~shall be made to the legislative education study committee.~~

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

17 L. As used in this section, "high-poverty school"
18 means a school in which seventy-five percent or more of the
19 students are eligible for free and reduced-price lunch."

20 SECTION 2. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2023.

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