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HOUSE BILL 164

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Janice E. Arnold-Jones

AN ACT

RELATING TO PUBLIC SCHOOLS; ALLOWING FOR THE TEMPORARY INCREASE
OF CLASS AND TEACHING LOADS.

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. Except as provided in Subsection M of this
section, 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. Except as provided in Subsection N of this

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

7 C. Except as provided in Subsection O of this
8 section, the average class load for an elementary school
9 teacher at an individual school shall not exceed twenty-four
10 students when averaged among grades four, five and six.

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

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

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1 calculation of class load averages. Only classroom teachers
2 charged with responsibility for the regular classroom
3 instructional program shall be counted in determining average
4 class loads. In elementary schools offering only one grade
5 level, average class loads may be calculated by averaging
6 appropriate grade levels between schools in the school
7 district.

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

10 G. ~~[The state superintendent]~~ In addition to those
11 established in Subsections M through P of this section, the
12 secretary may waive the individual school class load
13 requirements established in Subsections A through C of this
14 section. Waivers shall be applied for annually and a waiver
15 shall not be granted for more than two consecutive years.
16 Waivers may only be granted if a school district demonstrates
17 that:

- 18 (1) no portable classrooms are available;
19 (2) no other available sources of funding
20 exist to meet its need for additional classrooms;
21 (3) the school district is planning
22 alternatives to increase building capacity for implementation
23 within one year; and
24 (4) the parents of all children affected by
25 the waiver have been notified in writing:

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1 (a) of the statutory class load
2 requirements;

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

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

7 H. Except for school years 2010-2011 through 2014-
8 2015, if a waiver is granted pursuant to Subsection G of this
9 section to an individual school, the average class load for
10 elementary school teachers at that school shall not exceed
11 twenty students in grade one and shall not exceed twenty-five
12 students when averaged among grades two, three, four, five and
13 six.

14 I. Each school district shall report to the
15 department the size and composition of classes subsequent to
16 the fortieth day and the December 1 count. Except as otherwise
17 provided in this section, failure to meet class load
18 requirements within two years shall be justification for the
19 disapproval of the school district's budget by the [~~state~~
20 ~~superintendent~~] department.

21 J. The department shall report to the legislative
22 education study committee by November 30 of each year regarding
23 each school district's ability to meet class load requirements
24 imposed by law and on class loads resulting from the temporary
25 increase in class loads.

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

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

18 M. For the 2010-2011 through 2014-2015 school
19 years, the individual class load for elementary school teachers
20 shall not exceed twenty-five students for kindergarten;
21 provided that any teacher in kindergarten with a class load of
22 more than fifteen students shall be entitled to the assistance
23 of an educational assistant.

24 N. For the 2010-2011 through 2014-2015 school
25 years, the average class load for elementary school teachers at

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

6 O. For the 2010-2011 through 2014-2015 school
7 years, the average class load for an elementary school teacher
8 at an individual school shall not exceed thirty students when
9 averaged among grades four, five and six.

10 P. For the 2010-2011 through 2014-2015 school
11 years, the daily teaching load per teacher for grades seven
12 through twelve shall not exceed one hundred seventy students,
13 except the daily teaching load for teachers of required English
14 courses in grades seven and eight shall not exceed one hundred
15 forty-five with a maximum of thirty students per class and the
16 daily teaching load for teachers of required English courses in
17 grades nine through twelve shall not exceed one hundred sixty
18 students with a maximum of thirty-two students per class."