

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 280a

51st Legislature, 2nd Session, 2014

Tracking Number: .196150.2

Short Title: Return to Statutory School Class Loads

Sponsor(s): Representative Mimi Stewart

Analyst: David Craig

Date: February 14, 2014

AS AMENDED

The House Appropriations and Finance Committee amendment strikes the appropriation.

Original Bill Summary:

HB 280 creates a new section of the *School Personnel Act* to return to statutory individual class and teaching loads over a three-year period.

Among its provisions, HB 280:

- requires each eligible school district to develop a plan during school year 2014-2015 for implementing the provisions in current law (Section 22-10A-10 NMSA 1978. Staffing patterns; class load; teaching load), including costs; and
- includes language that the proposed amendments do not affect the ability of a school district to apply for and be granted a waiver by the Public Education Department (PED).¹

Original Fiscal Impact:

\$6.0 million is appropriated from the General Fund to the State Equalization Guarantee (SEG) for FY 15 to support the first year of the three-year phase-in. Any unexpended or unencumbered balances remaining at the end of FY 15 revert to the General Fund.

Fiscal Issues:

Actual costs for FY 15 are indeterminate as a result of unavailable statewide data. In order to consider an estimate for the three-year phase-in of statutory individual class loads, LESC staff reviewed an analysis conducted by the Albuquerque Public Schools (APS) based on a review of class overload reports that revealed a shortfall of 100 to 120 teachers in the district in FY 15. Based on an average teacher salary of \$45,000 with 35 percent benefits, district staff determined a cost of:

¹ Section 22-10A-20 also includes provisions that allow the secretary to waive individual school class load requirements, under certain conditions. Waivers must be applied for annually and cannot be granted for more than two consecutive years (refer to "Background" in bill analysis).

- approximately \$6.0 million based on 100 teachers; and
- approximately \$7.0 million based on 120 teachers.

As APS students represent approximately one-third of the state’s public school students, an estimated cost of approximately \$21.0 million has been extrapolated for all students statewide. If HB 280 is enacted, LESC staff will work with Legislative Finance Committee staff to compile statewide data and determine actual costs for the phase-in.

For FY 15, HB 3, *Education Appropriation Act*, includes \$20.0 million for statutory class loads/class size. The appropriation to the SEG considers implementation in one year (FY 15).

Background:

Section 22-10A-20 NMSA 1978 establishes class loads for elementary schools teachers up to grade 6, and daily teaching load per teacher for grades 7-12:

- The average class load for kindergarten teachers is 20 students, with classes with 15 or more students being entitled to an educational assistant.
- The average class load for teachers in grades 1-3 is 22 students averaged among the grades, with classes of 21 or more entitled to an educational assistant.
- The average class load for teachers in grades 4-6 is 24 students when averaged among the grades.
- The average daily teaching load for grades 7- 2 is 160 students, with a lower average daily teaching load established for required English courses.

Currently, class-size waivers are available under several sections of law:

- Section 22-10A-20 NMSA 1978 allows the Secretary to waive the individual school class load requirements for up to two years if a school demonstrates that:
 - no portable classrooms are available;
 - no other available sources of funding exist to meet its need for additional classrooms;
 - the school district is planning on alternatives to increase building capacity for implementation within one year; and
 - the parents of all children affected have been notified in writing.
- If a waiver is granted under 22-10A-20 NMSA 1978 to an individual school, the average class load for elementary school teachers at that school shall not exceed 20 students in grade 1 and shall not exceed 25 students when averaged among grades 2-6.
- Section 22-2-2.1 NMSA 1978 requires the Secretary to grant all reasonable requests to waive the individual class load requirements for all schools that exceed educational standards, to begin the school year following when the public school exceeds the educational standards and may remain in effect as long as the school continues to exceed educational standards.

- Section 22-1-10 NMSA 1978 allows the Secretary to waive class load and teaching load requirements to allow school districts to meet fiscal solvency requirements. This waiver provision has been allowed for school year 2009-2010 through school year 2012-2013, and excludes state-chartered charter schools.

Committee Referrals:

HEC/HAFC

Related Bills:

*HB 3 *Education Appropriation Act*

HJR 6 *Limit Class Sizes, CA*