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HOUSE BILL 1190

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

EDDIE CORLEY

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING SECTION 22-2-8.2 NMSA 1978
(BEING LAWS 1986, CHAPTER 33, SECTION 3, AS AMENDED).

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

Section 1. Section 22-2-8.2 NMSA 1978 (being Laws 1986,
Chapter 33, Section 3, as amended) is amended to read:

"22-2-8.2. 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 instructional assistant.

B. The average class load for elementary school
teachers at an individual school shall not exceed twenty-two
students when averaged among grades one, two and three [provided

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[bracketed material] = delete

1 ~~that any teacher in grade one with a class load of twenty-one or~~
2 ~~more shall be entitled to the full-time assistance of an~~
3 ~~instructional assistant].~~

4 C. Effective with the 1994-95 school year, the
5 average class load for an elementary school teacher at an
6 individual school shall not exceed twenty-four students when
7 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 not
15 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

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

3 F. The state superintendent may waive the individual
4 school class load requirements established in this section.

5 Waivers shall be applied for annually and a waiver shall not be
6 granted for more than two consecutive years. Waivers may only
7 be granted if a school district demonstrates:

8 (1) no portable classrooms are available;

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

11 (3) the district is planning alternatives to
12 increase building capacity for implementation within one year;
13 and

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

16 (a) of the statutory class load
17 requirements;

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

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

22 G. If a waiver is granted pursuant to Subsection F
23 of this section to an individual school, the average class load
24 for elementary school teachers at that school shall not exceed
25 twenty students in grade one and shall not exceed twenty-five

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1 students when averaged among grades two, three, four, five and
2 six.

3 H. Each school district shall report to the
4 department of education the size and composition of classes
5 subsequent to the fortieth day and the December 1 count.
6 Failure to meet class load requirements within two years shall
7 be justification for the disapproval of the school district's
8 budget by the state superintendent.

9 I. The department of education shall report to the
10 legislative education study committee by November 30 of each
11 year regarding each school district's ability to meet class load
12 requirements imposed by law.

13 J. Notwithstanding the provisions of Subsection F of
14 this section, the state board may waive the individual class
15 load and teaching load requirements established in this section
16 upon a demonstration of a viable alternative curricular plan and
17 a finding by the state board that the plan is in the best
18 interest of the school district and that, on an annual basis,
19 the plan has been presented to and is supported by the affected
20 teaching staff. The department of education shall evaluate the
21 impact of each alternative curricular plan annually. Annual
22 reports shall be made to the legislative education study
23 committee.

24 K. [~~Effective with the 1987-88 school year~~]
25 Certified school instructors shall not be required to perform

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1 noninstructional duties except in emergency situations as
2 defined by the state board. For purposes of this subsection,
3 "noninstructional duties" means noon hall duty, noon ground duty
4 and noon cafeteria duty."

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 12, 1997

Mr. Speaker:

Your EDUCATION COMMITTEE, to whom has been referred

HOUSE BILL 1190

**has had it under consideration and reports same WITHOUT
RECOMMENDATION, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Samuel F. Vigil, Chairman

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

HEC/HB 1190

Page 7

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: McSherry, Nicely, Wright

Absent: None

M \H1190

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