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HOUSE BILL 803

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO PUBLIC SCHOOLS; SPECIFYING A MAXIMUM STUDENT CLASS SIZE; PROVIDING FOR INCREASED OPPORTUNITIES FOR STUDENTS TO LEARN; 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.

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1 B. The average class load for elementary school
2 teachers at an individual school shall not exceed twenty-two
3 students when averaged among grades one, two and three
4 [~~provided that~~]. The maximum individual class size shall not
5 exceed twenty-five students for grades one, two and three.

6 Any teacher in grade one with a class load of twenty-one or
7 more shall be entitled to the full-time assistance of an
8 instructional assistant.

9 C. Effective with the 1994-95 school year, the
10 average class load for an elementary school teacher at an
11 individual school shall not exceed twenty-four students when
12 averaged among grades four, five and six. The maximum
13 individual class size shall not exceed twenty-five students
14 for grades four, five and six.

15 D. The daily teaching load per teacher for grades
16 seven through twelve shall not exceed one hundred sixty
17 students, except the daily teaching load for teachers of
18 required English courses in grades seven and eight shall not
19 exceed one hundred thirty-five with a maximum of twenty-seven
20 students per class and the daily teaching load for teachers of
21 required English courses in grades nine through twelve shall
22 not exceed one hundred fifty students with a maximum of thirty
23 students per class. The maximum individual class size for
24 English, math, science, social science and communication
25 skills in grades seven through twelve shall not exceed thirty

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1 students.

2 E. Students receiving special education services
3 integrated into a regular classroom for any part of the day
4 shall be counted in the calculation of class load averages.
5 Students receiving special education services not integrated
6 into the regular classroom shall not be counted in the
7 calculation of class load averages. Only classroom teachers
8 charged with responsibility for the regular classroom
9 instructional program shall be counted in determining average
10 class loads. In elementary schools offering only one grade
11 level, average class loads may be calculated by averaging
12 appropriate grade levels between schools in the school
13 district.

14 F. The state superintendent may waive the
15 individual school class load requirements established in this
16 section. Waivers shall be applied for annually and a waiver
17 shall not be granted for more than two consecutive years.

18 Waivers may only be granted if a school district demonstrates:

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

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1 the waiver have been notified in writing:

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

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

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

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

14 H. Each school district shall report to the
15 department of education the size and composition of classes
16 subsequent to the fortieth day and the December 1 count.
17 Failure to meet class load requirements within two years shall
18 be justification for the disapproval of the school district's
19 budget by the state superintendent.

20 I. The department of education shall report to the
21 legislative education study committee by November 30 of each
22 year regarding each school district's ability to meet class
23 load requirements imposed by law.

24 J. Notwithstanding the provisions of Subsection F
25 of this section, the state board may waive the individual

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

10 K. Effective with the 1987-88 school year,
11 certified school instructors shall not be required to perform
12 noninstructional duties except in emergency situations as
13 defined by the state board. For purposes of this subsection,
14 "noninstructional duties" means noon hall duty, noon ground
15 duty and noon cafeteria duty. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 8, 1999

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8 Mr. Speaker:

9
10 Your EDUCATION COMMITTEE, to whom has been referred

11
12 HOUSE BILL 803

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16
17 1. On page 3, line 1, after "students" insert ", except
18 that in English classes grades seven through eight, class size
19 shall not exceed twenty-seven students per class".,

20 and thence referred to the APPROPRIATIONS AND FINANCE
21 COMMITTEE.

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Respectfully submitted,

Rick Miera, Chairman

Adopted _____

(Chief Clerk)

Not Adopted _____

(Chief Clerk)

Date _____

The roll call vote was 7 For 6 Against

Yes: 7

No: Blanton, Burpo, Hamilton, Knauer, Stapleton, Vigil

Excused: Gonzales, Miera, Williams

Absent: None

J: \99BillsWP\H0803

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