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HOUSE BILL 94

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Raymundo Lara and Patricia Roybal Caballero and Jack Chatfield
and Tanya Mirabal Moya

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR MAXIMUM CLASS LOADS
FOR KINDERGARTEN AND GRADES ONE, TWO AND THREE; PROVIDING
ADDITIONAL REQUIREMENTS FOR A SCHOOL DISTRICT SEEKING A
TEMPORARY WAIVER OF MAXIMUM CLASS LOADS; REQUIRING SCHOOL
DISTRICTS TO INCLUDE INFORMATION ABOUT CLASS LOADS IN THE
SCHOOL DISTRICTS' EDUCATIONAL PLANS FOR BUDGET PURPOSES; MAKING
AN APPROPRIATION.

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

SECTION 1. Section 22-8-6 NMSA 1978 (being Laws 1967,
Chapter 16, Section 60, as amended) is amended to read:

"22-8-6. OPERATING BUDGETS--EDUCATIONAL PLANS--
SUBMISSION--CERTAIN REPORTS--FAILURE TO SUBMIT.--

A. Prior to April 15 of each year, each local
school board shall submit to the department an operating budget

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1 for the school district and any locally chartered charter
2 school in the school district for the ensuing fiscal year.

3 B. The date for the submission of the operating
4 budget for each school district and each charter school as
5 required by this section may be extended to a later date fixed
6 by the secretary.

7 C. The operating budget required by this section
8 may include:

9 (1) estimates of the cost of insurance
10 policies for periods up to five years if a lower rate may be
11 obtained by purchasing insurance for the longer term; or

12 (2) estimates of the cost of contracts for the
13 transportation of students for terms extending up to four
14 years.

15 D. The operating budget required by this section
16 shall include a budget for each charter school of the
17 membership projected for each charter school, the total program
18 units generated at that charter school and approximate
19 anticipated disbursements and expenditures at each charter
20 school.

21 E. ~~[For fiscal year 2021 and subsequent fiscal~~
22 ~~years]~~ Each school district's and each locally chartered or
23 state-chartered charter school's educational plan shall
24 include:

25 (1) information on the instructional time

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1 offered by the school district or charter school, including the
2 number of instructional days by school site and the number of
3 hours in each instructional day and the frequency of early-
4 release days;

5 (2) for a school district, the current and
6 previous school years' class load and the teaching load of each
7 elementary and secondary class provided for in the school
8 district's operating budget;

9 ~~(2)~~ (3) a narrative explaining the
10 identified services to improve the academic success of at-risk
11 students;

12 ~~(3)~~ (4) a narrative explaining the services
13 provided to students enrolled in the following programs:

14 (a) extended learning time programs,
15 including a report of how the extended learning time is used to
16 improve the academic success of students and professional
17 learning of teachers; and

18 (b) K-5 plus programs;

19 ~~(4)~~ (5) a narrative explaining the school
20 district's or charter school's beginning teacher mentorship
21 programs as well as class size and teaching load information;

22 ~~(5)~~ (6) a narrative explaining supplemental
23 programs or services offered by the school district or charter
24 school to ensure that the Bilingual Multicultural Education
25 Act, the Black Education Act, the Indian Education Act and the

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1 Hispanic Education Act are being implemented by the school
2 district or charter school;

3 ~~[(6)]~~ (7) a narrative describing the amount of
4 program cost generated for services to students with
5 disabilities and the spending of these revenues on services to
6 students with disabilities, which shall include the following:

7 (a) program cost generated for students
8 enrolled in approved special education programs;

9 (b) budgeted expenditures of program
10 cost, for students enrolled in approved special education
11 programs, on students with disabilities;

12 (c) the amount of program cost generated
13 for personnel providing ancillary and related services to
14 students with disabilities;

15 (d) budgeted expenditures of program
16 cost for personnel providing ancillary and related services to
17 students with disabilities, on special education ancillary and
18 related services personnel; and

19 (e) a description of the steps taken to
20 ensure that students with disabilities have access to a free
21 and appropriate public education; and

22 ~~[(7)]~~ (8) a common set of performance targets
23 and performance measures, as determined by the department in
24 consultation with the department of finance and administration,
25 the legislative finance committee and the legislative education

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1 study committee.

2 F. In addition to the requirements of Subsection E
3 of this section, a school district or charter school that
4 receives federal or local revenue shall include in its
5 educational plan a narrative explaining how the school district
6 or charter school will use the federal or local revenue to
7 improve outcomes for students or to improve the condition of a
8 school building. No later than October 1 of each year, a
9 school district or charter school that received federal or
10 local revenue in the prior fiscal year shall report to the
11 department on the actual uses of that revenue, including a
12 comprehensive evaluation of how the programs and services
13 provided with that revenue improved outcomes for students or
14 how capital projects undertaken improved the condition of a
15 school building. A school district or charter school that is
16 required under federal law to consult with tribal entities as a
17 condition of receiving impact aid funds shall include in its
18 educational plan a detailed narrative of its consultations with
19 tribal entities and the results of those consultations. The
20 school district or charter school shall transmit the October 1
21 spending and outcomes report to the appropriate tribal
22 authorities. No later than November 15 of each year, the
23 department shall compile the federal and local revenue outcomes
24 reports into a statewide report to the legislative education
25 study committee and the legislative finance committee that

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1 includes an analysis and identification of effective programs
2 and strategies that improve outcomes for students.

3 G. A school district or charter school operating
4 budget and educational plan shall prioritize federal and local
5 revenue for purposes relating to the Indian Education Act; for
6 capital expenditures authorized by the Public School Capital
7 Outlay Act, the Public School Capital Improvements Act or the
8 Public School Buildings Act; or for research-based or evidence-
9 based social, emotional or academic interventions for which at-
10 risk program units may be used.

11 H. If a local school board or governing board of a
12 charter school fails to submit an operating budget pursuant to
13 this section, the department shall prepare the operating budget
14 for the school district or charter school for the ensuing
15 fiscal year. A local school board or governing board of a
16 charter school shall be considered as failing to submit an
17 operating budget pursuant to this section if the budget
18 submitted exceeds the total projected resources of the school
19 district or charter school or if the budget submitted does not
20 comply with the law or with rules and procedures of the
21 department.

22 I. As used in this section:

23 (1) "federal revenue" means seventy-five
24 percent of the revenue derived from:

25 (a) federal forest reserve funds

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1 distributed in accordance with Section 22-8-33 NMSA 1978; or

2 (b) federal assistance to those areas
3 affected by federal activity authorized in accordance with
4 Title 20 of the United States Code, commonly known as "PL 874
5 funds" or "impact aid funds"; and

6 (2) "local revenue" means seventy-five percent
7 of the revenue from a school district one-half mill school
8 district property tax and revenue from the Oil and Gas Ad
9 Valorem Production Tax Act and the Oil and Gas Production
10 Equipment Ad Valorem Tax Act."

11 SECTION 2. Section 22-10A-20 NMSA 1978 (being Laws 1986,
12 Chapter 33, Section 3, as amended) is amended to read:

13 "22-10A-20. STAFFING PATTERNS--CLASS LOAD--TEACHING
14 LOAD.--

15 A. The [~~individual~~] maximum class load for
16 elementary school teachers shall [~~not exceed~~] be twenty
17 students for kindergarten; provided that any teacher in
18 kindergarten with a class load of fifteen to twenty students
19 shall be entitled to the assistance of an educational
20 assistant.

21 B. The [~~average~~] maximum class load for elementary
22 school teachers [~~at an individual school~~] shall [~~not exceed~~
23 ~~twenty-two students when averaged among grades one, two and~~
24 ~~three~~] be twenty students for grade one; provided that any
25 teacher in grade one with a class load of [~~twenty-one or more~~]

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1 fifteen to twenty students shall be entitled to the full-time
2 assistance of an educational assistant.

3 C. For the 2026-2027 school year and subsequent
4 school years, the maximum class load for elementary school
5 teachers shall be twenty students for grade two; provided that
6 for the 2025-2026 school year, the maximum class load shall be
7 twenty-two students for grade two.

8 D. For the 2027-2028 school year and subsequent
9 school years, the maximum class load for elementary school
10 teachers shall be twenty students for grade three; provided
11 that for the 2025-2026 and 2026-2027 school years, the maximum
12 class load shall be twenty-two students for grade three.

13 ~~[G.]~~ E. The average class load for an elementary
14 school teacher at an individual school shall not exceed twenty-
15 four students when averaged among grades four, five and six.

16 ~~[D.]~~ F. The daily teaching load per teacher for
17 grades seven through twelve shall not exceed one hundred sixty
18 students, except the daily teaching load for teachers of
19 required English courses in grades seven and eight shall not
20 exceed one hundred thirty-five with a maximum of twenty-seven
21 students per class and the daily teaching load for teachers of
22 required English courses in grades nine through twelve shall
23 not exceed one hundred fifty students with a maximum of thirty
24 students per class.

25 ~~[E.]~~ G. Students receiving special education

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

12 F.] H. Class load limits provided for in this
13 section do not apply to band or music classes or athletic
14 electives.

15 [G.] I. The [~~state superintendent~~] secretary may
16 waive the individual school class load requirements established
17 in this section [~~Waivers shall be applied for annually and a~~
18 ~~waiver shall not be granted~~] upon a school district's
19 application. A school district seeking a waiver for more than
20 one school shall submit an application for each of the schools.
21 Applications shall be submitted annually, but the secretary
22 shall not grant a waiver for a school for more than two
23 consecutive years. Waivers may only be granted if a school
24 district demonstrates that:

- 25 (1) no portable classrooms or alternative

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1 classroom spaces are available;

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

4 (3) the school district [~~is planning~~
5 ~~alternatives to increase building capacity for implementation~~
6 ~~within one year; and~~] will increase building capacity and
7 budget for additional teachers to meet class load requirements
8 after the waiver expires;

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

11 (a) of the statutory class load
12 requirements;

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

15 (c) of the school district plan to
16 achieve compliance with the class load requirements; and

17 (5) the school district has held a public
18 hearing in accordance with the Open Meetings Act to provide
19 affected families with an explanation of the class load
20 requirements, the reason for the school district's waiver
21 application and the school district's plan to comply with the
22 class load requirements after the waiver expires.

23 [~~H.~~] J. If a waiver is granted pursuant to
24 [~~Subsection G of~~] this section to an individual school, the
25 [~~average~~] class load for elementary school teachers at that

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1 school shall not exceed [~~twenty~~] twenty-one students in
2 kindergarten and grade one, [~~and shall not exceed~~] twenty-two
3 students in grades two and three and twenty-five students when
4 averaged among grades [~~two, three~~] four, five and six.

5 [~~F.~~] K. Each school district shall report to the
6 department the size and composition of classes [~~subsequent to~~
7 ~~the fortieth day and the December 1 count~~] on the first and
8 second reporting dates. Failure to meet class load
9 requirements within two years shall be justification for the
10 disapproval of the school district's budget by the [~~state~~
11 ~~superintendent~~] department.

12 [~~J.~~] L. The department shall post approved waivers
13 on the department's website and report to the legislative
14 education study committee by November 30 of each year regarding
15 each school district's ability to meet class load requirements
16 imposed by law.

17 [~~K.~~ ~~Notwithstanding the provisions of Subsection G~~
18 ~~of this section, the state board may waive the individual class~~
19 ~~load and teaching load requirements established in this section~~
20 ~~upon a demonstration of a viable alternative curricular plan~~
21 ~~and a finding by the state board that the plan is in the best~~
22 ~~interest of the school district and that, on an annual basis,~~
23 ~~the plan has been presented to and is supported by the affected~~
24 ~~teaching staff. The department shall evaluate the impact of~~
25 ~~each alternative curricular plan annually. Annual reports~~

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1 ~~shall be made to the legislative education study committee.~~

2 ~~L.]~~ M. Teachers shall not be required to perform
3 noninstructional duties except in emergency situations as
4 defined by the ~~[state board]~~ department. For purposes of this
5 subsection, "noninstructional duties" means noon hall duty,
6 noon ground duty and noon cafeteria duty."

7 **SECTION 3. APPROPRIATION.**--Two million dollars
8 (\$2,000,000) is appropriated from the general fund to the
9 public school capital outlay fund for expenditure in fiscal
10 year 2025 and subsequent fiscal years for grant awards to
11 schools for projects to build or acquire additional classroom
12 space to meet the requirements of Section 22-10A-20 NMSA 1978.
13 Any unexpended or unencumbered balance remaining at the end of
14 a fiscal year shall not revert to the general fund.

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