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**SENATE BILL 184**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Rod Adair**

**AN ACT**

**RELATING TO EDUCATION; REVISING THE CLASS LOAD REQUIREMENTS  
FOR ELEMENTARY GRADES; REQUIRING INSTRUCTIONAL ASSISTANTS FOR  
GRADES ONE THROUGH THREE; REVISING CLASS LOAD WAIVER  
REQUIREMENTS.**

**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 receive 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 any teacher in grade one with a class load of~~  
5 ~~twenty-one or more shall be entitled to the full-time~~  
6 ~~assistance of an instructional assistant.]~~

7                   B. The individual class load for elementary school  
8 teachers shall not exceed twenty students for grade one and  
9 twenty-two students for grades two and three; provided that a  
10 teacher in grade one with a class load of twenty or grades two  
11 and three with class loads of twenty-two shall receive the  
12 full-time assistance of an instructional assistant. An  
13 elementary teacher who receives the full-time assistance of an  
14 instructional assistant in accordance with the provisions of  
15 this subsection has the option of retaining the instructional  
16 assistant if the class load decreases during the course of the  
17 school year.

18                   C. Effective with the 1994-95 school year, the  
19 average class load for an elementary school teacher at an  
20 individual school shall not exceed twenty-four students when  
21 averaged among grades four, five and six.

22                   D. The daily teaching load per teacher for grades  
23 seven through twelve shall not exceed one hundred sixty  
24 students, except the daily teaching load for teachers of  
25 required English courses in grades seven and eight shall not

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1 exceed one hundred thirty-five with a maximum of twenty-seven  
2 students per class and the daily teaching load for teachers of  
3 required English courses in grades nine through twelve shall  
4 not exceed one hundred fifty students with a maximum of thirty  
5 students per class.

6 E. Students receiving special education services  
7 integrated into a regular classroom for any part of the day  
8 shall be counted in the calculation of class load averages.  
9 Students receiving special education services not integrated  
10 into the regular classroom shall not be counted in the  
11 calculation of class load averages. Only classroom teachers  
12 charged with responsibility for the regular classroom  
13 instructional program shall be counted in determining average  
14 class loads. In elementary schools offering only one grade  
15 level, the class loads for kindergarten, first, second and  
16 third grades shall reflect the class load requirements set  
17 forth in Subsections A and B of this section. In elementary  
18 schools offering only one grade level, average class loads for  
19 grades four, five and six may be calculated by averaging  
20 appropriate grade levels [~~between~~] among schools in the school  
21 district.

22 F. The state [~~superintendent~~] board may waive the  
23 individual school class load requirements [~~established in this~~  
24 ~~section~~] for grades four, five and six. Waivers shall be  
25 applied for annually and a waiver shall not be granted for

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1 more than two consecutive years. Waivers may only be granted  
2 if a school district demonstrates:

3 (1) no portable classrooms are available;

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

6 (3) the district is planning alternatives to  
7 increase building capacity for implementation within one year;  
8 and

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.

17 G. If a waiver is granted pursuant to Subsection F  
18 of this section to an individual school, the average class  
19 load for elementary school teachers at that school shall not  
20 exceed ~~[twenty students in grade one and shall not exceed~~  
21 ~~twenty-five students when averaged among grades two, three,~~  
22 ~~four, five and six]~~ twenty-eight students.

23 H. Each school district shall report to the  
24 department of education the size and composition of classes  
25 subsequent to the fortieth day and the December 1 count.

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1 Failure to meet class load requirements within two years shall  
2 be justification for the disapproval of the school district's  
3 budget by the state superintendent.

4 I. The department of education shall report to the  
5 legislative education study committee by November 30 of each  
6 year regarding each school district's ability to meet class  
7 load requirements imposed by law.

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

19 K. [~~Effective with the 1987-88 school year~~]  
20 Certified school instructors shall not be required to perform  
21 noninstructional duties except in emergency situations as  
22 defined by the state board. For purposes of this subsection,  
23 "noninstructional duties" means noon hall duty, noon ground  
24 duty and noon cafeteria duty."