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HOUSE BILL 452

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

DANICE R. PICRAUX

AN ACT

AMENDING SECTION 22-2-8.2 NMSA 1978 (BEING LAWS 1986, CHAPTER 33, SECTION 3, AS AMENDED) TO ESTABLISH A MAXIMUM CLASS SIZE FOR ELEMENTARY SCHOOL TEACHERS.

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

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1 students when averaged among grades one, two and three; provided  
2 that any teacher in grade one with a class load of twenty-one or  
3 more shall be entitled to the full-time assistance of an  
4 instructional assistant; and further provided that the  
5 individual class load for an elementary school teacher for  
6 grades one, two or three shall not exceed twenty-five students.

7 C. [~~Effective with the 1994-95 school year~~] The  
8 average class load for an elementary school teacher at an  
9 individual school shall not exceed twenty-four students when  
10 averaged among grades four, five and six; provided that the  
11 individual class load for an elementary school teacher for  
12 grades four, five or six shall not exceed twenty-five students.

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

22 E. Students receiving special education services  
23 integrated into a regular classroom for any part of the day  
24 shall be counted in the calculation of class load averages.  
25 Students receiving special education services not integrated

1 into the regular classroom shall not be counted in the  
2 calculation of class load averages. Only classroom teachers  
3 charged with responsibility for the regular classroom  
4 instructional program shall be counted in determining average  
5 class loads. In elementary schools offering only one grade  
6 level, average class loads may be calculated by averaging  
7 appropriate grade levels between schools in the school district.

8 F. The state superintendent may waive the individual  
9 school class load requirements established in this section.  
10 Waivers shall be applied for annually, and a waiver shall not be  
11 granted for more than two consecutive years. Waivers may only  
12 be granted if a school district demonstrates that:

- 13 (1) no portable classrooms are available;
- 14 (2) no other available sources of funding exist  
15 to meet its need for additional classrooms;
- 16 (3) the district is planning alternatives to  
17 increase building capacity for implementation within one year;  
18 and
- 19 (4) the parents of all children affected by the  
20 waiver have been notified in writing:
  - 21 (a) of the statutory class load  
22 requirements;
  - 23 (b) that the school district has made a  
24 decision to deviate from these class load requirements; and
  - 25 (c) of the school district plan to

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1 achieve compliance with the class load requirements.

2 G. If a waiver is granted pursuant to Subsection F  
3 of this section to an individual school, the average class load  
4 for elementary school teachers at that school shall not exceed  
5 twenty students in grade one and shall not exceed twenty-five  
6 students when averaged among grades two, three, four, five and  
7 six.

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

14 I. The department of education shall report to the  
15 legislative education study committee by November 30 of each  
16 year regarding each school district's ability to meet class load  
17 requirements imposed by law.

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

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1 impact of each alternative curricular plan annually. Annual  
2 reports shall be made to the legislative education study  
3 committee.

4 K. [~~Effective with the 1987-88 school year~~]  
5 Certified school instructors shall not be required to perform  
6 noninstructional duties except in emergency situations as  
7 defined by the state board. For purposes of this subsection,  
8 "noninstructional duties" means noon hall duty, noon ground duty  
9 and noon cafeteria duty."

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