

1 HOUSE BILL 94  
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY  
4 Kristina Ortez  
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9  
10 AN ACT

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

18  
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

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

24 A. Prior to April 15 of each year, each local  
25 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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