

New Mexico

Public Education Department

**REVISED: 06.26.2023**

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| **CLASS SIZE TEACHER LOADS** |

**CLASS LOAD Waiver rEQUEST**

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| **Instructions**: Please complete this form electronically from the superintendent, charter school administrator, or designee. Email to: **Waivers.PED@state.nm.us** in Word document format.**Note**: The response boxes expand automatically as you add text. |
| District/Charter School: |
| Superintendent or Charter School Administrator: |
| Mailing Address: | State: NM | Zip Code: |
| Phone: | Fax: | Email: |

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| Secondary Contact: | Title: |
| Phone: | Fax: | Email: |
| Date Submitted: |  |

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| Does local school board policy require board approval prior to this request?   | [ ]  Yes | [ ]  No |
| If yes, has board approval been obtained? | [ ]  Yes | [ ]  No |
| Date of board approval: |  |

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| **Applicable Statute and/or State Rule** |
| Section 22-10A-20 **H. Class loads.** Class loads shall be in compliance with the most current class load requirements in Section 22-10A-20 NMSA 1978 and Section 22-5-15 NMSA 1978. **(1)** The individual class load for elementary school teachers shall not exceed 20 students for kindergarten, provided that any teacher in kindergarten with a class load of 15 to 20 students shall be entitled to the assistance of an educational assistant. **(2)** The average class load for elementary school teachers at an individual school shall not exceed 22 students when averaged among grades one, two and three, provided that any teacher in grade one with a class load of 21 or more shall be entitled to the full-time assistance of an educational assistant. **(3)** The average class load for an elementary school teacher at an individual school shall not exceed 24 students when averaged among grades four, five and six. **(4)** The daily teaching load per teacher for grades seven through 12 shall not exceed 160 students, except the daily teaching load for teachers of required English courses in grades seven and eight shall not exceed 135, with a maximum of 27 students per class; and the daily teaching load for teachers of required English courses in grades nine through 12 shall not exceed 150 students, with a maximum of 30 students per class. The teaching load for teachers assigned to laboratories and shops shall adhere to the current workplace safety codes of the industry. **(5)** Students receiving special education services integrated into a regular classroom for any part of the day shall be counted in the calculation of class load averages. Students receiving special education services not integrated into the regular classroom shall not be counted in the calculation of class load averages. Only classroom teachers charged with responsibility for the regular classroom instructional program shall be counted in determining average class loads. In elementary schools offering only one grade level, average class loads may be calculated by averaging appropriate grade levels between schools in the school district. **(6)** The secretary may waive the individual school class load requirements established in this section. Waivers shall be applied for annually, and a waiver shall not be granted for more than two consecutive years. Requests for class load waivers shall be submitted using the department's *class size waiver request form.* This form shall include: name of superintendent; district/school; mailing address; phone; fax; email address; name of a secondary contact person including the same information; date of submission; local board policy requirement and approval, if required; date of board approval; statement of applicable district or charter school policy and rationale for request. Waivers may only be granted if a school district or charter school demonstrates: **(a)** no portable classrooms are available; **(b)** no other available sources of funding exist to meet the need for additional classrooms; **(c)** the district or charter school is planning alternatives to increase building capacity for implementation within one year; and **(d)** the parents of all children affected by the waiver have been notified in writing of the statutory class load requirements; that the school district or charter school has made a decision to deviate from these class load requirements; and of the school district's or charter school's plan to achieve compliance with the class load requirements. **(7)** If a waiver is granted pursuant to Paragraph (6) of Subsection H of 6.29.1.9 NMAC to an individual school, the average class load for elementary school teachers at that school shall not exceed 20 students in kindergarten and grade one, and shall not exceed 25 students when averaged among grades two, three, four, five and six. **(8****)** Each school district or charter school shall report to the department the size and composition of classes subsequent to the 40th day report and the December 1 count. Failure to meet class load requirements within two years shall be justification for the disapproval of the school district's or charter school's budget by the secretary. **(9)** The department shall report to the legislative education study committee by November 30 of each year regarding each school district's or charter school's ability to meet class load requirements imposed by law. **(10)** Notwithstanding the provisions of Paragraph (6) of Subsection H of 6.29.1.9 NMAC, the secretary may waive the individual class load and teaching load requirements established in this section upon demonstration of a viable alternative curricular plan and a finding by the department that the plan is in the best interest of the school district or charter school; and that, on an annual basis, the plan has been presented to and is supported by the affected teaching staff. The department shall evaluate the impact of each alternative curricular plan annually. Annual reports shall be made to the legislative education study committee. Requests for alternative curricular plans shall be submitted using the department's *collaborative school improvement programs waiver request form.* This form shall include: name of superintendent; district/school; mailing address; phone; fax; email address; name of a secondary contact person including the same information; date of submission; local board policy requirement and approval, if required; date of board approval; statement of applicable district or charter school policy and rationale for request.  |

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| **Applicable District or Charter School Policy** |
| **Instructions**: Insert specific local policy. **(Box expands.)**  |
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| **Rationale for Request** |
| **Instructions**: Identify the reason(s) and why the district/school is unable to comply with the class loads statute noted in Section 22-10A-20 H.6 (a-d). **(Box expands.)** |
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| **Class Loads**  |
| **Requirement:** Each school district or charter school shall report to the department the size and composition of classes subsequent to the 40th day report and the December 1 count. (Section 22-10A-20 H) **(Add additional rows if needed.)**  |

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| School | Grade/Subject  | Size | Teacher | License # |
| **Example 1:**XYZ High School | US History | 168 |  |  |
| **Example 2:**ABC Elementary School | 3 | 25 |  |  |
| **Example 3:**123 Middle School  | English 7 | 139 |  |  |
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| **For PED Internal Use Only** |
| Reviewed by:  | Date:  |
| **Rationale for Approval:**  |
| Concur with staff recommendations for approval.Arsenio Romero, Ph.D.Secretary of Education | Date: |
| **Rationale for Non-Approval:** |
| Concur with staff recommendations for non-approval.Arsenio Romero, Ph.D.Secretary of Education | Date:  |

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