

<b>LFC Requester:</b>	<b>Liu</b>
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**AGENCY BILL ANALYSIS  
2023 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** 2/16/2023  
**Bill No:** HB413

**Sponsor:** Trujillo, Gurrola, Borrego,  
Herndon, Figueroa  
**Short Title:** SCHOOL CLASS LOAD  
SIZES

**Agency Name and Code Number:** New Mexico Public School  
Facilities Authority 940

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

House Bill 413 (HB413) makes changes to Section 22-10A-20 NMSA 1978. The bill proposes not-to-exceed maximum class loads for elementary and secondary school teachers depending by grade level and location within a high poverty school. For any elementary teacher with a case load of 15 or more students, the teacher shall be entitled to a full-time educational assistant. The maximums proposed for grade levels include: twenty students in kindergarten or first grade class or eighteen in kindergarten or first grade class in high poverty schools; twenty-two students in a second or third grade class or twenty in a second or third grade class in a high-poverty school; and twenty four students in a fourth, fifth, or sixth grade class or 22 in a high-poverty school. The nine-week teaching load per teacher for grades seven through twelve shall not exceed one hundred fifty students or one hundred twenty-five students in a high-poverty school. The nine-week teaching load for teachers of required English courses in grades seven and eight shall not exceed one hundred twenty five with a maximum of twenty five students per class or one hundred ten students in a high poverty school.

The bill defines a high-poverty school as one in which seventy-five percent or more of the students are eligible for free and reduced-price lunch.

**FISCAL IMPLICATIONS**

In cases where a high-poverty school is operating in overcapacity conditions with full seat occupancy in all classrooms, placing limits on class loads could result in the need for classroom additions or the installation of portable classrooms.

**SIGNIFICANT ISSUES**

Many schools in New Mexico are operating with excess capacity given enrollment declines in most New Mexico school districts. In many cases, the excess capacity occurs in classrooms with low seat occupancy rates and/or vacant classrooms or classrooms repurposed with non-instructional activities. This is particularly true in rural areas where classroom seat occupancy rates could average anywhere from 30-60% per classroom (meaning a classroom that could seat 22 students only has an occupancy of 11 students). As a result, many schools can absorb the potential reduction in class size.

Although the changes in class loads in high poverty schools are slight, in some cases it could create demand in classroom space, particularly in schools and districts where growth is taking place. School wide classroom reductions to meet HB413's intent could create the need for

additional classrooms or utilization of portables to ensure space for all students. For example, school districts in the southeast part of the state (Hobbs, Carlsbad, Eunice) are almost all at or over capacity with limited ability to absorb demands on space.

School districts could also explore boundary adjustments if a high-poverty school is operating at or over capacity while another school in the district has available space. This process takes time and might not achieve the results of the bill quickly if the district needs to pursue this route.

However, many charter schools operate at their building capacity with limited space and flexibility to accommodate changes in their educational programs. Reductions in class loads in some charter schools could put a strain on these school's facilities to comply with creating additional classroom space without an addition of portables. Some charters do not have the site or building to accommodate portable placement.

Most school districts have a current facilities master plan. One of the master plan requirements is a capacity/utilization analysis that contains detailed classroom use, seat occupancy rates, and classroom utilization by period or hour of school day. The master plan could provide the school district and individual schools with information on classroom use. Should a school district need to strategize for meeting the class load limits, the master planning process provides a district with facility information to help guide decision making and potentially balance out enrollment through boundary adjustments or other means if space issues make it difficult to comply with the class load limits. This process could help a school or district seek a one-time waiver while exploring all options.

Per data PSFA staff maintains from the New Mexico Public Education Department, 265 schools and 10 charter schools in New Mexico qualify as high-poverty schools based on the bill's proposed definition where seventy-five percent of students are eligible for free or reduced lunch.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**