

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

- (1) no portable classrooms are available;
- (2) no other available sources of funding exist to meet its need for additional classrooms;
- (3) the district is planning alternatives to increase building capacity for implementation within one year; and
- (4) the parents of all children affected by the waiver have been notified in writing:
 - (a) of the statutory class load requirements;
 - (b) that the school district has made a decision to deviate from these class load requirements; and
 - (c) of the school district plan to achieve compliance with the class load requirements.

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

H. Each school district shall report to the department of education the size and composition of classes subsequent to the fortieth day 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 budget by the state superintendent.

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

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

K. Effective with the 1987-88 school year, certified school instructors shall not be required to perform noninstructional duties except in emergency situations as defined by the state board. For purposes of this subsection, "noninstructional duties" means noon hall duty, noon ground duty and noon cafeteria duty.

History: 1978 Comp., § 22-2-8.2, enacted by Laws 1986, ch. 33, § 3; 1987, ch. 320, § 1; 1988, ch. 105, § 1; 1990 (1st S.S.), ch. 3, § 1; 1991, ch. 85, § 1; 1992, ch. 86, § 1; 1993, ch. 226, § 5; 1993, ch. 228, § 1; 1994, ch. 109, § 1.

The 1994 amendment, effective May 18, 1994, substituted the last sentence in Subsection K for the former last two sentences, which read: "For purposes

of this subsection, "noninstructional duties" means noon hall duty, cafeteria duty, ground duty and bus duty. It is the intent of the legislature to maintain the provision of this subsection; provided, however, that for the 1993-94 school year, "noninstructional duties" shall mean only noon hall duty, noon ground duty and noon cafeteria duty"; and made stylistic changes throughout the section.

22-2-8.4. Graduation requirements.

A. At the end of the eighth grade or during the ninth grade, each student shall prepare an individual program of study for grades nine through twelve. The program of study shall be signed by a student's parent or guardian.

B. Beginning with students entering the ninth grade in the 1986-87 school year, successful completion of a minimum of twenty-three units shall be required for graduation. These units shall be as follows:

- (1) four units in English, with major emphasis on grammar and literature;
- (2) three units in mathematics;
- (3) two units in science, one of which shall have a laboratory component;
- (4) three units in social science, which shall include United States history and geography, world history and geography, and government and economics;

(5) one unit in physical fitness;

(6) one unit in communication skills, with major emphasis on writing and speaking, which may include a language other than English; and

(7) nine elective units. Only the following elective units shall be counted toward meeting the requirements for graduation: fine arts, i.e., music, band, chorus and art; practical arts; physical education; languages other than English; speech; drama; vocational education; mathematics; science; English; R.O.T.C.; social science; computer science; health education; and other electives approved by the state board.

With the approval of the local school board, participation on an athletic team or in an athletic sport during the school day may count toward fulfillment of the physical education required unit.

C. Final examinations shall be administered to all students in all classes offered for credit.

D. Beginning with students entering the ninth grade in the 1986-87 school year, no student shall receive a high school diploma who has not passed a state competency examination in the subject areas of reading, English, math, science and social science. If a student exits from the school system at the end of grade twelve without having passed a state competency examination, he shall receive an appropriate state certificate indicating the number of credits earned and the grade completed. If within five years after a student exits from the school system he takes and passes the state competency examination, he may receive a high school diploma.

E. The state board may establish a policy to provide for administrative interpretations to clarify curricular and testing provisions of the Public School Code.

History: 1978 Comp., § 22-2-8.4, enacted by Laws 1986, ch. 33, § 5; 1987, ch. 320, § 2; 1988, ch. 105, § 2; 1989, ch. 220, § 1; 1990 (1st S.S.), ch. 3, § 3; 1993, ch. 68, § 3; 1993, ch. 92, § 1; 1993, ch. 226, § 7; 1993, ch. 230, § 1; 1995, ch. 174, § 1; 1995, ch. 180, § 1.

1995 amendments. — Laws 1995, ch. 174, § 1, effective June 16, 1995, deleting “Effective with the 1987-88 school year” from the beginning of Subsection C, and adding “Beginning with the 1996-97 school year, the state competency examinations on social science shall include a section on the United States constitution and the constitution of New Mexico” as the second sentence of Subsection D, was approved April 6, 1995. However, Laws 1995, ch.

180, § 1, effective June 16, 1995, also amending this section by adding the last sentence in Subsection B and deleting the first part of Subsection C which read “Effective with the 1987-88 school year”, but not giving effect to the changes made by the first 1995 amendment, was approved April 6, 1995. The section is set out as amended by Laws 1995, ch. 180, § 1. See 12-1-8 NMSA 1978.

Compiler’s notes. — As it appears in the Session Laws, the last sentence of Subsection B was run into Paragraph (7). It was set apart by the compiler since the sentence seems to relate to Paragraph (5).

Public School Code. — See 22-1-1 NMSA 1978 and notes thereto.

ARTICLE 2A

Tutor-Scholars Program

(Repealed by Laws 1991, ch. 126, § 9.)

22-2A-1 to 22-2A-8. Repealed.

Repeals. — Laws 1991, ch. 126, § 9 repeals 22-2A-1 to 22-2A-8 NMSA 1978, as enacted by Laws 1991, ch. 126, §§ 1 to 8, relating to tutors-scholars

program, effective June 30, 1994. For provisions of former sections, see 1993 Replacement Pamphlet.

ARTICLE 3

Educational Apportionment

Sec.

22-3-17 to 22-3-30. Repealed.

22-3-32 to 22-3-36. Repealed.