

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

DISCHARGE OR TERMINATION OF CERTIFIED EMPLOYEES

New Mexico School for the Arts (the "School"), is a New Mexico public, statewide, residential, state chartered high school for students with exceptional promise in the arts.

Definitions: As used in the Public School Code and the Certified School Personnel Act.

A "certified school instructor" is any person holding a valid certificate authorizing the person to teach, supervise an instructional program, counsel or provide special instructional services in the public schools of the state (NMSA 1978, Section 22-1-2D);

A "certified school administrator" is any person holding a valid certificate authorizing the person to administer in the public schools of the state (NMSA 1978, Section 22-1-2E); and

A "certified school employee" or "certified school personnel" is any employee who is either a certified school instructor or a certified school administrator or both (NMSA 1978, Section 22-1-2F).

"Discharge" means the act of severing the employment relationship with an employee prior to the expiration of a current employment contract. (NMSA 1978, Section 22-10-2A.)

"Terminate" or "termination" means in the case of a certified school employee, the act of not re-employing an employee for the ensuing school year and in the case of a non-certified school employee, the act of severing the employment relationship with the employee. (NMSA 1978, Section 22-10-2D.)

"Just cause" means a reason that is rationally related to an employee's competence or turpitude or the proper performance of his or her duties and that is not in violation of the employee's civil or constitutional rights. (NMSA 1978, Section 22-10-2F.)

The Head of School shall have the right to discharge or terminate certified school personnel in accordance with the Certified School Personnel Act if the superintendent determines that a decrease or revision of educational programs, or insufficient appropriations or authorizations being made available by the state and/or federal governments Public Education Commission Reg. 80-1, 22-5-14 HB 212, Section 25).

Discharge of a Certified Employee

The Head of School will discharge a certified school employee only for just cause according to the procedures prescribed by statute and any governing regulations of the Public Education Commission. (See NMSA 1978, Sections 22-10-14, 22-10-14.1, 22-10-17, 22-10-17.1 NMSA 1978, and 2-5-14 of HB 212.)

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Termination of a Certified School Instructor or Any Certified School Administrator

A. The Head of School may terminate an employee with fewer than three years of consecutive service for any reason it deems sufficient. Upon request of the employee, the superintendent shall provide written reasons for the decision to terminate.

B. The Head of School may terminate an employee who has been employed for three consecutive years only for just cause.

C. A certified school administrator is exempt from the procedural due process granted in §22-10-12 to 22-10-14.1.

D. An employee who has been employed by the school district for three consecutive years and who receives a notice of termination pursuant to §22-10-12 or 22-10-14 may request an opportunity to make a statement to the Head of School on the decision to terminate him/her by submitting a written request to the Head of School within five (5) working days from the date written notice of termination is served on him/her.

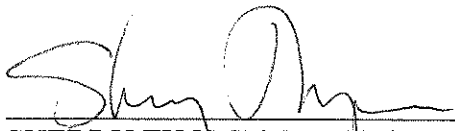
- The employee may also request in writing the reasons for the action to terminate him/her.
- Reasons shall be provided in writing within five (5) working days from the date the written request was received.
- Hearing procedures shall follow §22-10-14.
- Appeals shall follow §22-10-14.1.
- Discharge or Termination Under Reduction in Force

Any discharge of a certified school employee or termination of a certified school instructor which is necessitated by a reduction in force (RIF) will be carried out according to any additional requirements established by the Board's RIF policy as it exists at the time in question.

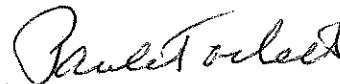
This Discharge or Termination of Certified Employees Policy was adopted by resolution of the Governing Council of the School, effective as of May 5, 2015.

NEW MEXICO SCHOOL FOR THE ARTS

ATTEST;



SHERRY THOMPSON, Chair
of the Governing Council



PAULA TACKETT, Secretary
of the Governing Council

Legal References:

NMSA 1978, Sections 22-1-2, 22-10-2, 22-10-14 and -14.1, 22-10-17 and -17.1, Public Education Commission Reg. No. 80-1

Discharge or Termination of Certified Employees Policy
Adopted: 5/5/15
Amended: