

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 67       SCHOOL PERSONNEL - HIRING AND TERMINATION**  
**PART 2            GOVERNING NOTICE OF REEMPLOYMENT OR TERMINATION OF LICENSED**  
**SCHOOL INSTRUCTORS**

**6.67.2.1            ISSUING AGENCY:** Public Education Department  
[12-31-98, 07-30-99; 6.67.2.1 NMAC - Rn, 6 NMAC 4.4.1.1, 12-29-00; A, 10-31-06]

**6.67.2.2            SCOPE:** This rule applies to local school boards, governing bodies of charter schools, and governing authorities of state agencies and licensed school instructors.  
[12-31-98; 6.67.2.2 NMAC - Rn, 6 NMAC 4.4.1.2, 12-29-00; A, 10-31-06]

**6.67.2.3            STATUTORY AUTHORITY:** This rule is adopted pursuant to Sections 22-2-1 22-2-2, 22-5-14, 22-10A-22, and 22-10A-23 NMSA 1978.  
[12-31-98; 6.67.2.3 NMAC - Rn, 6 NMAC 4.4.1.3, 12-29-00; A, 10-31-06]

**6.67.2.4            DURATION:** Permanent  
[12-31-98; 6.67.2.4 NMAC - Rn, 6 NMAC 4.4.1.4, 12-29-00]

**6.67.2.5            EFFECTIVE DATE:** December 31, 1998, unless a later date is cited at the end of a section.  
[12-31-98; 6.67.2.5 NMAC - Rn, 6 NMAC 4.4.1.5, 12-29-00]

**6.67.2.6            OBJECTIVE:** This rule establishes requirements for providing written notice of reemployment or termination to licensed school instructors employed by local school districts or state agencies.  
[12-31-98; 6.67.2.6 NMAC - Rn, 6 NMAC 4.4.1.6, 12-29-00; A 10-31-06]

**6.67.2.7            DEFINITIONS:**

- A. "Department" means the public education department (PED).
- B. "Local school board" or "board" means the governing body of a school district or charter school.
- C. "'Local superintendent" means the chief executive office of a school district or charter school.
- D. "Notice of reemployment" means a written offer of employment for the ensuing school year.
- E. "Notice of termination" means written notice that a licensed school employee will not be reemployed for the ensuing school year.
- F. "School district" means an area of land established as a political subdivision of the state for the administration of public schools and segregated geographically for taxation and bonding purposes.
- G. "Tenured" means a licensed school instructor, who has been employed by the same employer for three consecutive years or more.

[12-31-98; 6.67.2.7 NMAC - Rn, 6 NMAC 4.4.1.7, 12-29-00; A, 10-31-06]

**6.67.2.8            REQUIREMENTS:**

- A. Prior to the end of each school year, the local school board, local superintendent, or the governing authority of the state agency shall serve written notice of reemployment or termination on each licensed school instructor employed by the school district or state agency.
  - (1) A notice or reemployment shall be served on or before the last day of the school year.
  - (2) A notice of termination shall be served on or before the fourteenth calendar day prior to the last day of the school year.
- B. Each licensed school instructor shall deliver to the local school board, local superintendent or to the governing authority of the state agency in which the person is employed a written acceptance or rejection of reemployment for the ensuing school year within fifteen days from either:
  - (1) the date written notice of reemployment has been served upon the individual; or
  - (2) the last day of the school year when no written notice of reemployment or termination has been served upon the individual on or before the last day of the school year.
- C. Delivery of the written acceptance of reemployment by a licensed school instructor creates a binding employment contract between the licensed school instructor and the local school board or the governing authority of the state agency until the parties enter into a formal written employment contract. Written employment

contract between local school boards or governing authorities of state agencies and certified school instructors shall be executed by the parties not later than ten days before the first day of a school year.  
[12-31-98; 6.67.2.8 NMAC - Rn, 6 NMAC 4.4.1.8, 12-29-00; A, 10-31-06]

**6.67.2.9 FAILURE TO PROVIDE NOTICE TO TENURED LICENSED EMPLOYEES:** Failure to provide written notice of termination to tenured licensed staff fourteen days on or before the last day of the school year shall be deemed prejudicial, unless good cause for the failure is shown by the employer, and may be sufficient cause for reversal at any termination hearing or review before an independent arbitrator.  
[6.67.2.9 NMAC -N , 10-31-06]

**HISTORY OF 6.67.2 NMAC:**

**PRE-NMAC HISTORY:** The material in this regulation is derived from that previously filed with the State Records Center and Archives under:  
State Board of Education Regulation No. 74-9, Regulation Governing Notice of Reemployment or Termination of Certified School Instructors, filed April 26, 1974;  
State Board of Education Regulation No. 75-7, Governing Notice of Reemployment or Termination of Certified School Instructors, filed July 14, 1975; and  
Amendment No. 1 to State Board of Education Regulation No. 75-7, Governing Notice of Reemployment or Termination of Licensed School Instructors, filed June 27, 1988.