

TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 67 SCHOOL PERSONNEL - HIRING AND TERMINATION
PART 3 TERMINATION OR DISCHARGE OF LICENSED SCHOOL PERSONNEL WHEN
REDUCTION IN PERSONNEL IS REQUIRED

6.67.3.1 ISSUING AGENCY: Public Education Department
[12-31-98, 07-30-99; 6.67.3.1 NMAC - Rn, 6 NMAC 4.4.2.1, 12-29-00; A, 10-31-06]

6.67.3.2 SCOPE: This rule applies to local school boards, governing bodies of charter schools, and licensed school personnel.
[12-31-98; 6.67.3.2 NMAC - Rn, 6 NMAC 4.4.2.2, 12-29-00; A, 10-31-06]

6.67.3.3 STATUTORY AUTHORITY: This rule is adopted pursuant to Sections 22-2-1 22-2-2, and 22-10A-21, NMSA 1978.
[12-31-98; 6.67.3.3 NMAC - Rn, 6 NMAC 4.4.2.3, 12-29-00; A, 10-31-06]

6.67.3.4 DURATION: Permanent
[12-31-98; 6.67.3.4 NMAC - Rn, 6 NMAC 4.4.2.4, 12-29-00]

6.67.3.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section.
[12-31-98; 6.67.3.5 NMAC - Rn, 6 NMAC 4.4.2.5, 12-29-00]

6.67.3.6 OBJECTIVE: This rule establishes requirements for the termination or discharge of licensed school personnel when a reduction in personnel is required.
[12-31-98; 6.67.3.6 NMAC - Rn, 6 NMAC 4.4.2.6, 12-29-00; A, 10-31-06]

6.67.3.7 DEFINITIONS:

- A. "Department" means the public education department (PED).
- B. "Discharge" means the act of severing the employment relationship prior to the expiration of the current employment contract.
- C. "Local school board" or "board" means the governing body of a school district or charter school.
- D. "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.
- E. "Terminate" means, in the case of a licensed school employee, the act of reemploying an employee for the ensuing school year.

[12-31-98; 6.67.3.7 NMAC - Rn, 6 NMAC 4.4.2.7, 12-29-00; A, 10-31-06]

6.67.3.8 REQUIREMENTS: Local school boards shall have the right to discharge or terminate licensed school personnel when a reduction in school personnel is required as a result of decreased enrollment or a decrease or revision of educational programs or insufficient legislative appropriation or authorization being made by the state and/or federal government, provided that:

- A. local school boards have a reduction in personnel policy in place and comply with those procedures;
- B. the discharge or termination is made in accordance with the School Personnel Act (Chapter 22, Article 10A NMSA 1978), any applicable rules and regulations of the department and local board of education, and any applicable collective bargaining agreements; and
- C. a local school board has considered placement of the licensed school employee in another position, and there is no other position for which that individual is qualified, consistent with the academic necessities of the district.

[12-31-98; 6.67.3.8 NMAC - Rn, 6 NMAC 4.4.2.8, 12-29-00; A, 10-31-06]

HISTORY OF 6.67.3 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. 70-2, Termination of Tenure Teachers when Reduction in Personnel is Required, filed April 22, 1970;

State Board of Education Regulation No. 80-1, Termination or Discharge of Certified School Personnel when Reduction in Personnel is Required, filed July 28, 1980;
Amendment 1 to State Board of Education Regulation No. 80-1, Termination or Discharge of Certified School Personnel when Reduction in Personnel is Required, filed July 16, 1986; and
Amendment 2 to State Board of Education Regulation No. 80-1, Termination or Discharge of Licensed School Personnel when Reduction in Personnel is Required, filed June 27, 1988.