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SENATE BILL 675

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Joseph J. Carraro

AN ACT

RELATING TO EDUCATION; PROVIDING FOR ANNUAL EMPLOYMENT
CONTRACTS FOR CERTIFIED SCHOOL EMPLOYEES; MAKING AN
APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-10-11 NMSA 1978 (being Laws 1967,
Chapter 16, Section 113, as amended) is amended to read:

"22-10-11. EMPLOYMENT CONTRACTS--DURATION.--

A. All employment contracts between local school
boards and certified school personnel and between governing
authorities of state agencies and certified school instructors
shall be in writing on forms approved by the state board.
These forms shall contain and specify the term of service, the
salary to be paid, the method of payment, the causes for
termination of the contract and other provisions required by

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1 the regulations of the state board.

2 B. All employment contracts between local school
3 boards and certified school personnel and between governing
4 authorities of state agencies and certified school instructors
5 shall be for a period of one [~~school~~] year except:

6 (1) contracts for one school year are
7 permitted upon the request of the certified school employee;

8 [~~(1)~~] (2) contracts for less than one school
9 year are permitted to fill personnel vacancies which occur
10 during the school year;

11 [~~(2)~~] (3) contracts for the remainder of a
12 school year are permitted to staff programs when the
13 availability of funds for the programs is not known until
14 after the beginning of the school year;

15 [~~(3)~~] (4) contracts for less than one school
16 year are permitted to staff summer school programs and to
17 staff federally funded programs in which the federally
18 approved programs are specified to be conducted for less than
19 one school year;

20 [~~(4)~~] (5) contracts not to exceed three years
21 are permitted for certified school administrators in public
22 schools who are engaged in administrative functions for more
23 than one-half of their employment time; and

24 [~~(5)~~] (6) contracts not to exceed three years
25 are permitted at the discretion of the local school board for

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1 certified school instructors in public schools who have been
2 employed in the school district for three consecutive school
3 years.

4 C. Persons employed under contracts for periods of
5 less than one school year as provided in Paragraphs [~~(1) and~~
6 (2) through (4)] of Subsection B of this section shall be
7 accorded all the duties, rights and privileges of the
8 [~~Certified~~] School Personnel Act.

9 D. In determination of eligibility for
10 unemployment compensation rights and benefits for certified
11 school instructors where those rights and benefits are claimed
12 to arise from the employment relationship between governing
13 authorities of state agencies or local school boards and
14 certified school instructors, that period of a year not
15 covered by a school year shall not be considered an
16 unemployment period.

17 E. Except as provided in Section 22-10-12 NMSA
18 1978, a person employed by contract pursuant to this section
19 has no legitimate objective expectancy of reemployment, and no
20 contract entered into pursuant to this section shall be
21 construed as an implied promise of continued employment
22 pursuant to a subsequent contract.

23 F. A certified school employee whose contract for
24 employment is for a period of one year, pursuant to the
25 provisions of Subsection B of this section, shall teach,

1 supervise an instructional program, prepare student
2 curriculum, counsel, provide special instructional services or
3 administer during the period between two consecutive school
4 years. "

5 Section 2. APPROPRIATION. -- Four million sixty-three
6 thousand three hundred dollars (\$4,063,300) is appropriated
7 from the general fund to the state department of public
8 education for expenditure in fiscal year 2002 to extend the
9 contracts for certified school personnel and certified school
10 instructors who choose to work for one year pursuant to the
11 provisions of this act. Any unexpended or unencumbered
12 balance remaining at the end of fiscal year 2002 shall revert
13 to the general fund.

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