

1 HOUSE BILL 860

2 45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

3 INTRODUCED BY

4 Avon W. Wilson

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10 AN ACT

11 RELATING TO EDUCATION; PROVIDING FOR ADDITIONAL CONTRACT  
12 REQUIREMENTS FOR CERTIFIED SCHOOL PERSONNEL; PROVIDING FOR  
13 COMPENSATED TEACHER PREPARATION PERIODS; MAKING AN  
14 APPROPRIATION.

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

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

19 "22-10-11. EMPLOYMENT CONTRACTS--DURATION--ADDITIONAL  
20 CONTRACT REQUIREMENTS FOR CERTIFIED SCHOOL PERSONNEL. --

21 A. All employment contracts between local school  
22 boards and certified school personnel and between governing  
23 authorities of state agencies and certified school instructors  
24 shall be in writing on forms approved by the state board.

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1 These forms shall contain and specify the term of service, the  
2 salary to be paid, the method of payment, the causes for  
3 termination of the contract and other provisions required by  
4 the regulations of the state board.

5 B. All employment contracts between local school  
6 boards and certified school personnel and between governing  
7 authorities of state agencies and certified school instructors  
8 shall be for a period of one school year except:

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

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

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

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

25 (5) contracts not to exceed three years are

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1 permitted at the discretion of the local school board for  
2 certified school instructors in public schools who have been  
3 employed in the school district for three consecutive school  
4 years.

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

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

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

24 F. Employment contracts between local school boards  
25 and certified school instructors shall ensure that certified

1 school instructors are provided a compensated teaching  
2 preparation period of no less than one-half hour during each  
3 contract day. For purposes of this subsection, a "teaching  
4 preparation period" means a set duration when a certified  
5 school instructor does not instruct students and prepares for  
6 future instruction to students or addresses administrative  
7 matters pertaining to instruction. "

8 Section 2. APPROPRIATION. -- Fifty-seven million five  
9 hundred seventy thousand four hundred dollars (\$57,570,400) is  
10 appropriated from the general fund to the state department of  
11 public education for expenditure in fiscal year 2002 to extend  
12 the contract day by one-half hour to be used by teachers for  
13 student curriculum and instructional preparation time. Any  
14 unexpended or unencumbered balance remaining at the end of  
15 fiscal year 2002 shall revert to the general fund.

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