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47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO PUBLIC SCHOOL EMPLOYEE LICENSURE; PROVIDING LIMITS ON JUST CAUSE DETERMINATIONS FOR ADVERSE LICENSURE DECISIONS; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 22-10A-2 NMSA 1978 (being Laws 1975, Chapter 306, Section 2, as amended) is amended to read:

"22-10A-2. DEFINITIONS. -- As used in the School Personnel Act:

- "discharge" means the act of severing the employment relationship with a certified school employee prior to the expiration of the current employment contract;
- В. "state agency" means any state institution or state agency providing an educational program requiring the employment of certified school instructors;

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- C. "sabbatical leave" means leave of absence with pay as set by the local school board or governing authority of a state agency during all or part of a regular school term for purposes of study or travel related to the staff member's duties and of direct benefit to the instructional program;
- D. "terminate" means, in the case of a certified school employee, the act of not reemploying 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;
- E. "working day" means every calendar day, excluding Saturday, Sunday or legal holiday; and
- F. "just cause" means a reason that is rationally related to an employee's competence or turpitude or the proper performance of his duties and that is not in violation of the employee's civil or constitutional rights. A conviction for a crime that does not affect the employee's dealings with students is not, by itself, just cause for denial, suspension or revocation of a license."

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