

## PROFESSIONAL STAFF HIRING

It shall be the policy of the District to employ and retain the best qualified personnel.

The Board adopts the following general criteria, which shall be utilized in the selection process for initial employment:

- There will be no discrimination in the hiring process due to race, color, religion, sex, sexual orientation, age, national origin, or disability of an otherwise qualified individual.
- A candidate for secondary school teaching should be eligible for licensure in the candidate's teaching field. An elementary school candidate should have a major or equivalent in elementary education or in the special area of assignment.
- Candidates for all teaching positions shall be able to deliver quality instruction.
- Each candidate shall provide evidence of meeting state requirements for licensure.
- Each candidate shall be requested to complete a consent-and-release form regarding conduct of a background investigation.
- Each candidate shall be required to provide two (2) fingerprint cards or equivalent electronic fingerprints upon being offered employment for purposes of obtaining a criminal history background record before finalization of employment.
- A "background investigation" - consisting of communication with the applicant's (or employee's) former employer that concerns education, training, experience, qualifications, and job performance for the purpose of evaluation for employment - shall be conducted on each individual to be considered for a recommendation of employment. Forms developed for this purpose are to be used.

Any employee's misstatement of fact that is material to qualifications for employment or the determination of salary shall be considered by the Board to constitute grounds for dismissal.

All offers of employment are contingent upon the satisfactory completion of background investigations.

A public school may terminate an individual's employment or contract or rescind an applicant's offer of employment or offer of a contract if the applicant is offered or commences employment with a public school after the effective date of this 2021 act and information regarding the applicant's history of child abuse or ethical misconduct that is determined to disqualify the applicant from employment or a contract is subsequently obtained by the public school.

### **Reemployment Contract**

Each licensed teaching employee shall deliver an acceptance or rejection of reemployment to the Board within fifteen (15) days from the following:

- The date written notice of reemployment is served upon the person; or
- The last day of the school year when no written notice of reemployment or termination is served upon the licensed school employee on or before fifteen (15) working days prior to the last day of the school year.

Delivery of the written acceptance of reemployment by a licensed school employee creates a binding employment contract between the licensed school employee and the Superintendent until the parties enter into a formal written employment contract. Written employment contracts between the Superintendent and licensed school employees shall be executed by the parties not later than ten (10) days before the first day of a school year.

A person not directly involved in the employment decision affecting the specific applicant shall not be permitted unauthorized access to criminal history record information or background information.

*Adopted:* September 15, 2021

LEGAL REF.: 22-10A-5 NMSA (1978)  
28-1-2 NMSA *et seq.*  
School Personnel Act (new section 1&2)