

Bond Case Briefs

Municipal Finance Law Since 1971

EMPLOYMENT - NEW MEXICO

Weiss v. Board of Educ. of Santa Fe Public Schools

Court of Appeals of New Mexico - June 3, 2014 - P.3d - 2014 WL 2534073

After teacher's request for hearing on board of education's decision not to renew her teaching contract was denied, teacher filed suit against board and public school superintendent, seeking declaratory judgment that board and superintendent were required to provide teacher with hearing to contest her termination. The District Court ruled in favor of teacher. Board and superintendent appealed.

The Court of Appeals held that teacher, as certified school employee in her third consecutive year of employment, was entitled to heightened substantive and procedural protections for employees who had been employed for at least three consecutive years, even though teacher had not actually completed all three years of employment at time she received her notice of termination.

Act of termination under School Personnel Act referred to act of not reemploying employee for ensuing school year, such that teacher would have completed her full third year of employment after receiving notice, any difference in treatment between certified and non-certified employees with respect to termination under Act was by design, and sections of Act governing mentorship, evaluation, and professional development did not demonstrate intent that teachers who had not yet completed their third consecutive year of employment would be excluded from heightened protections.