

A. This policy and the statutes upon which it is based do not pertain to certified school instructors employed to fill a position of a certified school instructor entering military service or a person employed as a certified school administrator, or a non-certified school employee employed to perform primarily district-wide management functions.

B. As applied to non-certified employees, "termination" means the act of severing the employment relationship with a non-certified school employee at any time. The Superintendent may terminate an employee with fewer than three years of consecutive service for any reason it deems sufficient. Upon request of the employee, the Superintendent or designee shall provide written reasons for the decision to terminate. The reasons shall be provided within ten (10) working days of the request. The reasons shall not be publicly disclosed by the Superintendent or designee. The reasons shall not provide a basis for contesting the decision.

C. All procedures and time lines regarding the rights of terminated non-certified school employees referred to in the following paragraphs are detailed in state statutes, copies of which are on file and available in the District's Central Office, each school building's administration office and at each support services office.

D. Before terminating a non-certified school employee, the Superintendent shall serve the employee with a written notice of termination. Termination of a non-certified school employee who has been employed for three consecutive years shall be only for a reason that is rationally related to the employee's competence or turpitude or proper performance of duty and that is not in violation of the employee's civil or constitutional rights. Any such employee who has been employed for three consecutive years may request an opportunity to make a statement to the board and may also request in writing the reasons for the termination action. Neither the Superintendent or administration nor the Board shall publicly disclose the reasons for termination.

E. If the employee is still aggrieved by the decision of the Board following a hearing with the Board, an appeal may be filed to request a *de novo* hearing with an independent arbitrator. The arbitrator shall decide whether there was just cause for the termination.

Reference: 22-10-14, 22-10-14.1 NMSA 1978