

New Mexico Public Education Department

Substitute Exceeding 45 Day Limit

WAIVER REQUEST

Instructions: Please complete this form electronically and submit it via e-mail to Lori Bachman at lori.bachman@state.nm.us from the Superintendent, Charter School Administrator or designee's e-mail. Note: the boxes automatically expand as you add text.

Superintendent
or Charter
School

Administrator: Cynthia Nava, Superintendent

District/School/Charter School Gadsden Independent School District

Mailing Address: P.O. Drawer 70 ST: NM Zip: 88021

Phone: 575-882-6200 Fax: 575-882-6229 Email: cnava@gisd.k12.nm.us
Associate Superintendent for
Human Resources

Secondary Contact: Barbara A. Browder

Title: Human Resources

Mailing Address: Same ST: NM Zip: 88021

Phone: 575-882-6225 Fax: 575-882-6250 Email: bbrowder@gisd.k12.nm.us

Date of Submission 10/12/10

Does local school board policy or governing board policy require board approval prior to this request?

Yes No

If yes, has board approval been obtained?

Yes No

Date of Board Approval 10/14/10

IF USING MULTIPLE WAIVERS, PLEASE USE A SEPARATE REQUEST FOR EACH.

APPLICABLE STATUTE AND/OR STATE RULE:

NMAC 6.29.1.3.B. Duties and powers of the district superintendent or the administrator of a charter school. In addition to the powers and duties set out in Section 22-5-14 NMSA 1978 of the Public School Code, the local superintendent (or charter school administrator, where relevant) shall:

(9) issue the following notifications in accordance with Section 22-10A-16 NMSA 1978, in addition to any other parental notification requirements contained in the No Child Left Behind Act of 2001 (PL 107-110, 20 US Code Section 6301 et seq.); a school district or charter school shall issue these notifications in English and, to the extent possible, in the language of the parent or guardian (if it is known that the parent or guardian's primary language is not English); the district or charter school shall retain a copy of all notifications and shall ensure that information required under this paragraph is available to the public upon request.

(a) Within sixty calendar days from the beginning of each school year, a school district or charter school shall issue a notice to parents informing them that they may obtain written

information regarding:

- (i) the professional qualifications of their child's teachers, instructional support providers and school principals or charter school administrators;
- (ii) other descriptive information, such as whether their teacher has met all qualifications for licensure for the grade level and subjects being taught;
- (iii) whether their child's teacher is teaching under a teaching or assignment waiver;
- (iv) the teacher's degree major and any other license or graduate degree held by the teacher;
- (v) the qualifications of any instructional support providers that serve their child.

(b) When, by the end of a consecutive four-week period, a child is still being taught by a substitute teacher or a teacher not holding the requisite licensure or licensure endorsement, the school district or charter school shall provide written notice to the parent or guardian that the child is being taught by a substitute teacher or a teacher not holding the requisite licensure or licensure endorsement.

(c) No class may be taught by a substitute teacher, in lieu of a licensed teacher under contract, for more than forty-five (45) school days during a school year.

(d) The secretary shall consider deviations from the requirements of Subparagraph (c) of Paragraph (9) of Subsection B of 6.29.1.9 NMAC when a written request by a local superintendent or charter school administrator is submitted. The request shall include:

- (i) the size of the school district;
- (ii) the geographic location of the district;
- (iii) demonstrated efforts to employ an appropriately-licensed person in the area(s) of need;
- (iv) the historical use of substitutes in the district; and
- (v) an estimation of the number of days that a substitute will be utilized that exceed the forty-five (45) day limit.

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APPLICABLE DISTRICT OR CHARTER SCHOOL POLICY:

Instructions: Insert specific local policy here.

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Please share the following information and identify any supporting documentation on file.

<p>(i) the size of the school district;</p> <p>GISD has approximately 14,000 students enrolled</p>	<p>(ii) the geographic location of the district;</p> <p>Southern New Mexico</p>	<p>(iii) demonstrated efforts to employ an appropriately-licensed person in the area(s) of need;</p> <p>The reduction in funding has required the District to look at all options to reduce cost but still maintain a quality education program for all of our students. The use of long term substitutes in classrooms experiencing overloads is a very viable option for the District.</p>	<p>(iv) the historical use of substitutes in the district; and</p> <p>The District has made every attempt in the past to hire qualified staff and to limit the use of long term subs in classrooms.</p>	<p>(v) an estimation of the number of days that a substitute will be utilized that exceed the forty-five (45) day limit.</p> <p>At this point, we should not exceed 30 days for this semester past the 45 days.</p>
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FOR PED INTERNAL USE ONLY:	PED PS #
Reviewed by:	Date:
RATIONALE FOR APPROVAL:	Date:
Concur with staff recommendations for approval:	Date:
Susanna M. Murphy, Ph.D. Secretary of Education	
RATIONALE FOR NON-APPROVAL:	Date:
Concur with staff recommendations for non-approval:	Date:
Susanna M. Murphy, Ph.D. Secretary of Education	
Returned to Superintendent or Charter School Administrator by:	Date: