

New Mexico

Public Education Department

**REVISED: 06.26.2023**

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| **Substitute Waiver of Substitute Exceeding 45-Day Limit** |

**Waiver rEQUEST**

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| **Instructions:** Please complete this form electronically from the superintendent, charter school administrator, or designee. Email to: [Waivers.PED@state.nm.us](mailto:Waivers.PED@state.nm.us) in word document format. **Note:** The boxes expand automatically as you add text. | | | | |
| District or Charter School: | | | | |
| Superintendent or Charter School Administrator: | | | | |
| Mailing Address: | | | State: NM | Zip Code: |
| Phone: | Fax: | Email: | | |

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| Secondary Contact: | Title: |
| Phone: | Email: |
| Date Submitted: |  |

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| **1. Board approval.** Does local school board policy or governing board policy require board approval prior to this request? | Yes | No |
| (a) If yes, has board approval been obtained? | Yes | No |
| (b) Date of board approval: | | |

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| **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; |

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| (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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| **Provide the following information, identifying any supporting documentation on file.**  You may include multiple requests. | | | | | | | |
| **(2) Size** of school district | **(3) Geographic** location of district (rural or urban) | **(4) Enrollment** of the district | **(5)  Estimation of # of days** the substitute will be utilized that exceed the 45- day limit. | **(6a) Written notice** has been provided by the district to parent/guardian\* | | | |
|  |  |  |  |  | **Yes** |  | **No** |
|  |  |  |  |  | **Yes** |  | **No** |
|  |  |  |  |  | **Yes** |  | **No** |

\* that the child is being taught by a substitute teacher or a teacher not holding the requisite licensure or licensure endorsement

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| **Provide the following information, identifying any supporting documentation on file.**  You may include multiple requests. | |
| **(6b) If Written notice** has not been provided regarding exceeding 45-day limit, document the reason for this lack. |  |
| **(7) Indicate what demonstrated efforts** to employ an appropriately licensed person in the area(s) of need have been made. |  |
| **(8) Provide the historical use** of substitutes in the district. |  |

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| **(9) Substitute Teacher Name** | **(10) License Number** | **(11a) Degree**— highest level | **(11 b) Transcripts**  Include transcript (submit unofficial transcripts) | | | | **(12) Grade Level** substitute will be teaching |
|  |  |  |  | **Yes** |  | **No** |  |
|  |  |  |  | **Yes** |  | **No** |  |
|  |  |  |  | **Yes** |  | **No** |  |

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| **(13a) Course subject** substitute will be teaching or N/A | |
| **Substitute Teacher Name** | **(13b) Verification** of experience included for supporting documentation (essential for core subject educators) |
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| **(14a) Consolidation** of classes is possible. | | | | **(b) Explain** if no. |
|  | **Yes** |  | **No** |  |
|  | **Yes** |  | **No** |  |
|  | **Yes** |  | **No** |  |

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| **(15a) Increasing the teaching load** of other teachers for high school grades or adding another class is possible. | | | | **(b) Explain** if it’s not possible to increase teaching loads or add a class. |
|  | **Yes** |  | **No** |  |
|  | **Yes** |  | **No** |  |
|  | **Yes** |  | **No** |  |

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| **FOR PED INTERNAL USE ONLY** | |
| Reviewed by: Professional Licensure Bureau Director | Date: |
| **Rationale for Approval:** | |
| Concur with staff recommendations for approval.  Arsenio Romero, Ph.D.  Secretary of Public Education | Date: |
| **Rationale for Non-Approval:** | |
| Concur with staff recommendations for non-approval.  Arsenio Romero, Ph.D.  Secretary of Public Education | Date: |
| Returned to superintendent or charter school administrator by: | Date: |

**REVISED: 05.03.2024**