

NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION presents Teacher Dismissal and Nonrenomination At Your Fingertips

Updated March 2009

I. DISMISSAL OF TEACHERS: RSA 189:13

- “Dismissal” means to discontinue a teacher’s employment during the school year, pursuant to RSA 189:13.
- School boards may dismiss a teacher if the teacher: (1) is found to be immoral; (2) fails to satisfactorily maintain the competency standards established by the school district; or (3) fails to conform to regulations prescribed.
- Teachers facing dismissal are entitled to: (1) notification of the cause of dismissal; and (2) a full and fair hearing.
- “Teacher” means any professional school district employee whose position requires state board certification, which may include principals, librarians, or guidance counselors. Littky v. Winchester School District, 129 N.H. 626 (1987). “Teacher” does not apply to school nurses. Ferreira v. Bedford School District, 133 N.H. 785 (1990).
- “Educator” or “educational personnel” means any school district employee whose position requires certification by the state board pursuant to RSA 189:39. Administrators, specialists, and teachers are included within the definition of this term. NH Code of Admin. Rules, Section Ed 501.02(j).

II. NON-RENEWAL OF TEACHERS WITH LESS THAN 3 YEARS EXPERIENCE: RSA 189:14-A, I(a)

- “Non-renewal” or “non-renomination” means the termination or discontinuation of a teacher’s employment after the teacher’s contract has expired; the teacher will not be offered a new contract for the next school year.
- Teachers who have taught for less than three years must be notified in writing by April 15th that he/she will not be renominated for employment for the following school year.
- Teachers in this category are not entitled to the reason(s) for their nonrenomination or a hearing before the board.

III. TEACHERS WITH MORE THAN 3 YEARS EXPERIENCE: RSA 189:14-a, I(b)

- Teachers who have taught for at least three consecutive years in the same school district must be notified in writing by April 15th that he/she will not be renominated for employment for the following school year.
- Such teachers may request a hearing before the school board. The request must be in writing. The Superintendent must receive the request within 10 days of issuing notice of nonrenewal.
- The school district is required to: (1) advise teachers of their right to a hearing; (2) advise teachers of their right to ask for the reasons for nonrenomination; (3) hold any hearing requested by a teacher within 15 days of receipt of the request; and (4) issue its decision in writing within 15 days of the close of the hearing.
- These requirements apply to teachers who have taught for three or more years in any district in New Hampshire, including those who have subsequently changed school districts and have taught for at least two consecutive years in their current district. RSA 189:14-a, II.

IV. NON-RENEWAL BASED ON UNSATISFACTORY PERFORMANCE: RSA 189:14-a, III

- If a Superintendent cites “unsatisfactory performance” as the reason for non-renomination, the Superintendent must demonstrate that: (1) the teacher was previously informed he/she was not meeting school district standards; (2) the teacher had a “reasonable opportunity” to correct the unsatisfactory performance; and (3) the teacher failed to correct his/her performance.
- Though “reasonable opportunity” is not defined, NHSBA recommends at least one full semester be given.
- School boards and administrators are not required to provide remedial assistance to teachers; however you should check your CBA and board policies to determine if these obligations exist therein.



For more information, call Attorney Barrett M. Christina at 603-228-2061
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