

GCQ- NONRENEWAL, TERMINATION AND DISMISSAL OF CERTIFIED STAFF

The purpose of this policy is to provide guidance for school boards and superintendents in matters pertaining to the non-renewal, termination and/or dismissal of certified staff. For purposes of this policy, the term “teacher” means a school district teacher, principal, assistant principal, librarian, nurse, media specialist, technology integrator, speech and language therapist, occupational therapist, content specialist and guidance counselor. This policy is not intended to provide statutory dismissal and/or non-renewal rights to any employee who is not entitled to those statutory rights.

Competency standards and regulations of this policy are outlined in school board policy, school district handbooks, school district job descriptions, school district directives, school handbooks, and/or other such documentation outlining the rules and regulations of the District and the School(s).

Each professional staff member is required to abide by all state and federal laws, School Board policies, regulations of the School Board and Superintendent, and School Board directives. Per RSA 189:13 no teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified of the cause of such dismissal, nor without having previously been granted a full and fair hearing. The hearing will be conducted in accordance with the procedures set forth in Department of Education Rule 204.01.

For purposes of this policy, “immorality” is defined as:

- Conviction of a crime;
- Actions that might place students in potential physical or emotional jeopardy;
- Misconduct or unprofessional conduct, on or off duty;
- Other situations where the nature or circumstances of the conduct so detract from the educator’s professional standing as to render the educator unfit for continued certification based on the educator’s inability to perform assigned duties.

For purposes of this policy, “failure to maintain competency standards” means:

- Lack of requisite ability or sustained failure to perform assigned duties;
- Lack of knowledge of subject area;
- Inability or failure to convey the teacher’s knowledge of the subject area;
- Inability or failure to effectively plan and present an organized lesson plan;
- Inability or failure to maintain a safe, organized and orderly learning environment;
- Inability or failure to properly store or secure potentially dangerous materials or personal belongings;
- Inability to maintain control in the classroom;
- Neglect of duties;
- Misconduct; or
- Poor performance evaluations.

For purposes of this policy, “the failure to conform to regulations prescribed” means:

- Failure to conform to state regulations;
- Insubordination;
- Failure to follow directives;
- Failure to conform with school board policies and administrative regulations.

The Board and administration recognize that the definitions of “immorality”, “failure to maintain competency standards”, and “the failure to conform to regulations prescribed” included herein are not intended to be exhaustive and are not intended to limit the Board or administration from taking such employment action as may be warranted in any given circumstance with any given set of facts. Teachers may be non-renewed, dismissed and/or terminated for other reasons that fall outside of this policy.

Due Process:

Teachers will be afforded all due process as they may be entitled to receive.

Mandatory Dismissal:

Employees of a school administrative unit or school district who have been convicted of homicide, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping, in this state or under any statute prohibiting the same, will have their employment terminated by the school administrative unit or school district after it receives notice of the conviction.

Teachers who fall under this category are not entitled to a hearing, per state law.

Removal

Per RSA 189:31 the Superintendent may remove a teacher or other employee of the District.

The person so removed shall continue as an employee of the District unless discharged by the School Board, but may not return to the classroom or undertake to perform the duties of such person's position unless reinstated by the Superintendent.

Per RSA 189:32 any person so removed, unless dismissed by the School Board, may appeal to the State Board.

Statutory/Regulatory/Policy/Handbook Cross References

RSA 189:13 (Dismissal of Teacher)

RSA 189:14-a (Failure to be Renominated or Reelected)

RSA 189:14-b (Review by State Board)

RSA 189:14-d, Termination of Employment

RSA 189:13, Dismissal of Teacher

Ed 511.02, Grounds for Suspension or Revocation of Educator's License

RSA 189:32 (Appeal)

Handbook (Referenced in Personnel Handbooks)

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