

NON-RENEWAL, TERMINATION AND DISMISSAL OF CERTIFIED STAFF

Category: O

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, 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.

The school board may non-renew a teacher's contract, terminate a teacher's contract and/or dismiss a teacher from employment if such teacher: engages in immoral acts; fails to maintain competency standards established by the school board or administration; does not conform to or abide by school district policies, regulations, or directives; or engages in any other action that the superintendent and school board believe disqualifies the teacher for employment within the district.

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.

Legal References:

RSA 189:13, Dismissal of Teacher

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

RSA 189:14-d, Termination of Employment

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

SAU #7 Policy Committee: Recommended for Adoption – August 22, 2018

Colebrook School Board: Adopted – September 18, 2018

Pittsburg School Board: Adopted – September 24, 2018

Stewartstown School Board: Adopted – October 1, 2018