

**New Hampshire School Boards Association
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**HOT TOPICS:
TEACHER NON-RENEWAL
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Each Spring, administrators and school board members are presented with the task of notifying certain teachers that their contracts for the next school year will not be renewed. Though this annual process may seem routine and straightforward, some school districts may inadvertently fail to follow the mandatory procedures. This edition of HOT TOPICS guides administrators and school board members through the nonrenewal statutes to ensure that all legal requirements are followed.

Teachers With Less Than Three Years Experience (RSA 189:14-a, I(a))

Teachers with less than three years of experience must be:

- (1) Notified in writing;
- (2) By April 15th;
- (3) That he/she will not be renominated for employment for the following school year.

Teachers in this category are not entitled to:

- (1) A list of reasons for their nonrenewal;
- (2) A hearing before the school board.

Teaches With More Than Three 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:

- (1) Notified in writing;
- (2) By April 15th;
- (3) If he/she will not be renominated for employment for the following school year.

Teachers in this category may:

- (1) Request a hearing before the school board;
- (2) The request for a hearing must be in writing;
- (3) The Superintendent must receive the request for a hearing within 10 days of issuing notice of nonrenewal.

The school district is required to:

- (1) Advise teachers of their right to a hearing; and
- (2) Advise teachers of their right to ask for the reasons for nonrenewal.

These requirements and provisions also apply to teachers who have taught for three or more years in any district in New Hampshire and have taught for two consecutive years in their current district. RSA 189:14-a, II.

Practice Pointers

- To meet the April 15th deadline, provide notice well before.
- April 6, 2007 and April 13, 2007 are Fridays. These dates may be a preferred time to issue notices of nonrenewal.
- To advise teachers of their rights under this statute, provide them with a copy of RSA 189:14-a when issuing the letter of nonrenewal.

Nonrenewal Based on Unsatisfactory Performance (RSA 189:14-a, III)

If a Superintendent cites “unsatisfactory performance” as the reason for nonrenewal, the Superintendent must prove:

- (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.

Practice Pointers

- The Superintendent must have adequate documentation of the unsatisfactory performance in order to uphold the nonrenewal.
- There should be documentation of the teacher’s failure to remedy the unsatisfactory performance.
- Documentation will come from yearly reviews and other documents demonstrating professional development.
- School districts are not required to provide teachers with remedial assistance to correct the teacher’s unsatisfactory performance.
- “Reasonable opportunity” is not defined in the law. Provide teachers at least one full semester to correct the deficiencies.

School Board Hearings on Teacher Nonrenewals

As addressed above, certain teachers have a right to request a hearing before the school board upon their nonrenewal. The specific procedures for conducting a teacher nonrenewal hearing are contained in Department of Education Rules 204.01 and 204.02.

The Superintendent must prove that:

- (1) Notice of nonrenewal was given by April 15th;
- (2) The teacher was informed of his/her rights under RSA 189:14-a;
- (3) The evidence presented supports the reasons given for the teacher's nonrenewal.

Unique Situations Your School Board Should Avoid

Teacher Not Renominated, But Offered Lesser Position

If a teacher is being offered different employment at lesser position, he/she is still entitled to a hearing and reasons of nonrenewal, consistent with the provisions outlined above.

School Board Bias

Considerations of actual bias include personal animosity towards a particular teacher or having a personal stake in the teacher's employment or nonrenewal. Appeal of Hopkinton School District, 151 N.H. 478 (2004).

Practice Pointers

- School board members refrain from viewing information in a teacher's personnel file until presented with the evidence at the nonrenewal hearing.
- School board members should not make public comments regarding a teacher's performance until the board has issued its written decision.

The material presented in this document is intended as reference material only. The information is not intended as specific legal advice. You should consult your own attorney regarding specific situations and for answer to specific legal questions.

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