

2506 Non-Renewal, Termination and Dismissal of Tenured Certified Staff 2506

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 tenured certified staff. For purposes of this policy the term “teacher” means a school district teacher, principal, assistant principal, librarian, guidance counselor, or other certified staff. 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 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 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 with the district.

For purposes of this policy, “immoral acts” are 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 of 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, “fails 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
- Poor performance evaluations

For the purposes of this policy, “does not conform to or abide by school district policies, regulations, or directives” 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 “immoral acts”, “fails to maintain competency standards”, and “does not conform to or abide by school district policies, regulations, or directives” 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 who have been convicted of homicide, child pornography, aggravated felonious sexual assault, felonious sexual assault, or kidnapping, 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.

Any Milford School District teacher who has a professional standard certificate from the State Board of Education and who will not be re-nominated, will be done so in accordance with RSA 189:14-a, except that such teacher will be notified in writing no later than March 31st.

The Superintendent shall direct and supervise the work of teachers, and for cause, 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 Board but not return to the classroom or undertake to perform the duties of his/her position unless reinstated by the Superintendent.

No teacher shall be so dismissed before the expiration of the period for which said teacher was engaged without having previously been notified for the cause of such dismissal, nor without having previously been granted a full and fair hearing.

Legal References:

RSA 189:13, Dismissal of Teacher

RSA 189:14-a, Failure to be Re-nominated or Re-elected

RSA 189:14-d, Termination of Employment

RSA 189:31, Removal of Teacher

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

Adopted: 2/1973

Revised: 11/1981, 3/1989, 9/2001, 3/2006, 6/2007, 11/2016