189:13 Dismissal of Teacher. - The school board may dismiss any teacher found by them to be immoral, or who has not satisfactorily maintained the competency standards established by the school district, or one who does not conform to regulations prescribed; provided, that 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.

Title XV
Education
Chapter 189
School Boards, Superintendents, Teachers, and Truant Officers; School Census
School Boards, Transportation and Instruction of Pupils

Section 189:14-a

189:14-a Failure to be Renominated or Reelected.—

I. (a) Any teacher who has a professional standards certificate from the state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before April 15 or within 15 days of the adoption of the district budget by the legislative body, whichever is later, if that teacher is not to be renominated or reelected, provided that no notification shall occur later than the Friday following the second Tuesday in May.

(b) School boards shall have a teacher performance evaluation policy.

(c) Any such teacher who has taught for 5 consecutive years or more in the teacher's current school district, or who taught for 3 consecutive years or more in the teacher's current school district before July 1, 2011, and who has been so notified may request in writing within 10 days of receipt of said notice a hearing before the school board and may in said request ask for reasons for failure to be renominated or reelected. For purposes of this section only, a leave of absence shall not interrupt the consecutive nature of a teacher's service, but neither shall such a leave be included in the computation of a teacher's service. Computation of a teacher's service for any other purposes shall not be affected by this section. The notice shall advise the teacher of all of the teacher's rights under this section. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

II. Any teacher who has a professional standards certificate from the state board of education shall be entitled to all of the rights for notification and hearing in paragraphs I(b), III, and IV of this section if:

(a) The teacher has taught for 5 consecutive years or more in any school district in the state and has taught for 3 consecutive years or more in the teacher's current school district; or

(b) Before July 1, 2011, the teacher taught for 3 consecutive years or more in any school district in the state and taught for 2 consecutive years or more in the teacher's current school district.

III. In cases of nonrenomination or nonreelection because of reduction in force, the reduction in force shall not be based solely on seniority.

IV. In all proceedings before the school board under this section, the burden of proof for nonrenewal of a teacher shall be on the superintendent of the local school district by a preponderance of the evidence. Except as provided in paragraph III, the grounds for nonrenomination and nonreelection shall be determined at the sole discretion of the school board.
V. "Teacher" means any professional employee of any school district whose position requires certification as a professional engaged in teaching. The term "teacher" shall also include principals, assistant principals, librarians, and guidance counselors.


Concord School District Policy #812
Communication of Concerns to School Officials

Following are the procedures for parents and other community members to communicate concerns about school policies, procedures or personnel.

Bring the issue to the person directly responsible for the concern.

If the concern is not resolved on the 1st level, bring the concern to the immediate supervisor such as the Principal or director. (The name and telephone number of the appropriate supervisor can be obtained at Central Office at 225-0811.)

If the concern is not resolved by the immediate supervisor, bring the concern to the Office of the Superintendent where you will be referred to the appropriate Central Office administrator.

If the concern is not resolved or there is no Central Office supervisor, bring the concern to the attention of the Superintendent.

The Superintendent shall resolve the matter.

The Superintendent is responsible for monitoring the procedures for communicating concerns to school officials. The Superintendent shall report to the School Board.

If an individual does not feel that the District policy was administered properly by the Superintendent, he/she may request a meeting before the Communications and Policy Committee of the Board.

The Communications and Policy Committee will review the Superintendent’s administration of District policy.

NHSBA policy GBK - STAFF CONCERNS, COMPLAINTS

Category: Optional

It is the Board’s desire that procedures for settling differences provide for prompt and equitable resolution at the lowest possible administrative level and that each employee be assured an opportunity for orderly presentation and review of complaints without fear of reprisal. The Board encourages the resolution of employee concerns prior to entering the concern communication procedure, which is defined below.

A “concern” or “complaint” is defined as an alleged material violation of Board policies or administrative procedures that apply to all employees.

The process designated for the resolution of “grievances” is established in the collective bargaining agreement, if applicable.

Nothing in this policy shall be construed to imply in any manner the establishment of personal rights not explicitly established by statute or Board policy. Neither shall anything in this policy be construed to establish any condition prerequisite relative to non-renewal of contracts, transfer, assignment, dismissal or any other employment decision relating to school personnel.

All employment decisions remain within the sole and continuing discretion of the administration and/or Board of Education, as appropriate, subject only to the conditions and limitations prescribed by law.

In order to promote efficiency in the administration of schools and to avoid misunderstandings and misinterpretations, all personnel must observe a chain of command when bringing staff concerns or complaints to the administration’s attention.

In order to promote such efficiency, the following guidelines should be followed:

1. All personnel employed by the District shall be responsible to the Board through the Superintendent. No dispute or other personnel issue shall be brought to the Board without first having gone to the Superintendent for determination. No personnel issues will be brought to the Board unless the affected employee has a right to a hearing before the Board, as established by law or collective bargaining agreement.

2. No dispute or other personnel issue shall be brought to the Superintendent without first having been presented to the building Principal for determination.

3. Building personnel working under the immediate direction and/or supervision of someone other than the building Principal will inform their immediate superior of any dispute or personnel issue s/he intends to bring to the Principal.

It is the Board’s policy not to involve itself in personnel complaints or disputes until the matter has properly followed these guidelines.

Unless the affected employee has a right to hearing before the Board, administrative decisions shall be final. An employee’s failure to adhere to such decision or directive may be considered insubordination and may lead to adverse employment action

Legal References:
RSA 189:13, Dismissal of Teacher
RSA 189:14-a, Failure to be Renominated or Reelected
Appendix: GBK-R

NHSBA Note, April 2016: This policy is amended in response to a recent New Hampshire Supreme Court case in which an employee’s obligation to address internal concerns and complaints was not sufficiently clear. The purpose of these amendments is to clarify an employee’s obligation to bring forth concerns and complaints in a centralized manner. The policy also clarifies that administration determinations regarding such concerns or complaints are final and employees are obligated to follow the administrative decision.

Revised: April 2016, August 2006

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NHSBA policy KEB - PUBLIC COMPLAINTS ABOUT SCHOOL PERSONNEL, EMPLOYEES, STUDENTS OR ADMINISTRATION

Category: Recommended

See Also BEDH, KE

Any complaint presented to the Board about school personnel, employees, students or administration, will be referred back to the Superintendent. The Board will not hear or review complaints until such complaints have first been brought forth through the appropriate and applicable administrative procedures and the Superintendent or his/her designee has had a reasonable opportunity to seek to resolve the complaint.

The Board may decline to hear any complaint, which will interfere with its ability to serve as an impartial trier of fact in any related student or personnel matter. This complaint procedure shall not supersede or modify any right held by employees of the District under federal law, state law, contract, or collective bargaining agreement.

To the extent it is deemed appropriate by the Superintendent, the individual who is the subject of the complaint may be advised of the nature of the complaint and may be given an opportunity for explanation, comment, and presentation of the facts. The Superintendent shall seek to resolve the matter and report to the Board.

Complaints about the Superintendent may be made directly to the Board through the Clerk, but only after reasonable efforts have been made by the complaining party to resolve their complaint directly with the Superintendent. The Board may, to the extent it is appropriate, advise the Superintendent of the nature of the complaint and may give the Superintendent an opportunity for explanation, comment, and presentation of facts.

In the event a complaint is made directly to an individual Board member, the procedure outlined below shall be followed:

1. The Board member shall refer the person making the complaint to the Superintendent or for investigation. The Superintendent may delegate the investigation to a Principal or other administrator.

2. If the member of the public will not personally present the complaint to the Superintendent or Principal, the Board member shall then ask that the complaint be written and signed. The Board member will then refer the complaint to the Superintendent for investigation.

3. If the person making a complaint believes that a satisfactory reply has not been received from the Superintendent, he or she may request that the Board hear the complaint. The Board will hear and act upon the complaint only by majority vote. The Board may decline to act on any complaint which, in its sole judgment, would interfere with the Superintendent’s ability to properly administer the district. If the Board does hear and act upon the complaint, all Board decisions shall be final.

4. If the Board decides, in accord with Paragraph Three, to hear and act upon a complaint that pertains to personnel, employee, student or administrative matters, it shall determine whether the complaint shall be heard in public or non-public session in accord with RSA 91-A:3 and the laws pertaining to student and family privacy rights. The Board shall also determine whether it is appropriate to inform the individual who is the subject of the complaint of the meeting and to
provide said individual with further opportunity for explanation, comment, and presentation of the facts to the Board.

5. If the Superintendent is the subject of the complaint, the Board shall determine whether the complaint should be heard in public or non-public session in accord with RSA 91-A:3. The Board may, to the extent it is appropriate, advise the Superintendent of the nature of the complaint and may give the Superintendent an opportunity for explanation, comment, and presentation of the facts.


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