

**HB 226 - FINAL VERSION**

28Feb2019... 0247h  
05/23/2019 1962s  
19Sept2019... 2645-EBA

2019 SESSION

19-0340  
06/04

**HOUSE BILL 226**

AN ACT relative to the renomination of teachers.

SPONSORS: Rep. Van Houten, Hills. 45; Rep. Bouchard, Hills. 11; Rep. Hamer, Hills. 17; Rep. Sullivan, Sull. 1

COMMITTEE: Education

**AMENDED ANALYSIS**

This bill changes the requirements for a teacher to be entitled to notification and a hearing where the teacher is not reappointed.

This bill also requires the state board of education to issue an experienced educator certificate to certain teachers.

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Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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**STATE OF NEW HAMPSHIRE**

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to the renomination of teachers.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 Failure to be Renominated or Reelected. RSA 189:14-a is repealed and reenacted to read as follows:

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 at one time obtained an experienced educator certificate from the state board of education and who has also taught for 2 consecutive years or more in his or her current school district, 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 those teachers who obtain for the first time an experienced educator certificate after July 1, 2019, experienced educator certificate shall be as defined in RSA 186:11, XXXVIII. 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. 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.

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

III. 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 II, the grounds for nonrenomination and nonreelection shall be determined at the sole discretion of the school board.

IV. "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.

2 New Paragraph; Duties of State Board of Education. Amend RSA 186:11 by inserting after paragraph XXXVII the following new paragraph:

XXXVIII. Experienced Educator Certificate. The state board of education shall issue an experienced educator certificate to an individual who has at least 3 years of full-time experience as an educator at the elementary through secondary levels of education, has been deemed effective or above according to a local evaluation system for 2 consecutive years, and has completed successfully a 3 year renewal cycle pursuant to rules of the department as of July 1, 2019 and according to the state master plan as of July 1, 2019 or a local professional development master plan as determined by the local superintendent or district administrator or nonpublic school administrator. An experienced educator credential shall be valid for 3 years.

3 Effective Date. This act shall take effect July 1, 2020.

VETOED September 27, 2019 - Veto Sustained January 8, 2020