

New Hampshire Board of Education
Teacher/Weare School Board

SB-FY-11-10-006

Hearing Officer Report & Recommendation

I. Overview

The teacher filed this petition with the State Board stating that the Weare School Board “denied his request a.) to have my evaluation retracted due to it being a breach of contract, b.) that I not be on an improvement plan, c.) that a certain document be removed from my file.” See October 25, 2010 Petition to State School Board by the Teacher.

The school district moved to dismiss arguing that the State Board does not have jurisdiction over these issues. I recommend that the State Board dismiss the petition.

II. Discussion

The teacher contends that the school district took various actions that violate his teacher contract. Other than non-renewal or removal actions, the State Board does not have jurisdiction over alleged violations of a teacher’s contract. There is not a specific state statute providing the Board jurisdiction over other matters regarding a teacher’s contract. While RSA 21-N:10 and Ed 206.01 contain broad language regarding the State Board hearing “any dispute” between individuals and school systems, that State Board has in prior cases found that this language does not include employer/employee matters. See Teacher/Newmarket School District, SB-FY-09-05-016 and Teacher/Portsmouth Sch. Dist., SB FY 03-009.

The allegation regarding the improvement plan could be related to the non-renewal process under RSA 189:14-a. However, the Board’s jurisdiction for non-renewals in RSA 189-14-b seems to be limited to when the teacher is actually non-renewed by the school district, as opposed to being able to review actions that a school district may take prior to any non-renewal happening. In this case, the teacher has not been non-renewed. He has just been placed on an improvement plan. New Hampshire statutes do not appear to give the State Board jurisdiction to review a school district’s decision to place an employee on an improvement plan.

The allegation regarding the removal of a document from the teacher’s file is a little unclear in the record before me. It appears to be a document regarding clarification for the teacher meeting with parents. Regardless of the exact document at issue, the State Board does not appear to have jurisdiction to order a school district to remove a document from a teacher’s personnel file unless it was part of a non-renewal or removal situation.

III. Recommendation

For these reasons, I recommend that the State Board dismiss the teacher's petition.

1/12/11

Date



Scott F. Johnson