

Nonrenewal of Teachers

For the purposes of this section, the term “teacher” includes teachers, principals, and assistant/associate superintendents (NDCC 15.1-15-04). It does not include superintendents and chief administrators of multidistrict units.

Nonrenewal of a teacher is occasioned by only one of two reasons:

1. Reduction in force (RIF): Nonrenewals based on the needs of the district such as lack of funds, declining enrollment, and other good faith reasons that are consistent with the district’s RIF policy and negotiated agreement.
2. Performance nonrenewals: Nonrenewals based on performance reviews (evaluations) of teacher performance, documenting deficiencies in the ability, competence, or qualifications of the teacher.

Laws concerning nonrenewal of teachers are found in NDCC Ch. 15.1-15. Nonrenewals generally follow the procedure below:

1. Identifying the need (usually the superintendent’s responsibility)
2. Pre-meeting process (i.e., the board votes to contemplate nonrenewal and sets hearing date)
3. Notice of contemplated nonrenewal presented to teacher (superintendent’s responsibility): Must be presented to the teacher no earlier than **March 1 and no later than April 15** (NDCC 15.1-15-05)
4. Decision-making nonrenewal hearing (a hearing of the board): Must be held **on or before April 21** (NDCC 15.1-15-05) except for first year teachers
5. Issuance of written decision to teacher (superintendent’s responsibility): Must be received by the teacher on or before **May 1** (NDCC 15.1-15-06)

In order to successfully execute a nonrenewal, districts must strictly adhere to nonrenewal deadlines in law as indicated above. NDSBA has developed a handbook that provides further guidance on the nonrenewal process, sample motions, and nonrenewal forms. The *Nonrenewal and Discharge of Teachers Handbook* is available for purchase by contacting NDSBA.

It is important to note that different nonrenewal deadlines and procedures apply to first-year teachers.

A first-year teacher is an individual who has not previously been employed as a licensed teacher in North Dakota or elsewhere. First-year teachers have fewer nonrenewal rights than their more experienced colleagues. These limited rights are as follows:

- Reasons for nonrenewal need not be substantiated by administration
- No continuance rights at the decision-making nonrenewal meeting
- The board must meet with the teacher in executive session to discuss the reasons for nonrenewal--this meeting is not a hearing

The basic procedure for nonrenewing a first-year teacher is as follows:

1. Superintendent makes recommendation to contemplate nonrenewal: NDSBA recommends that this step occur **after the March 15 evaluation**
2. Board takes action on superintendent's recommendation and sets decision-making meeting date
3. Board reviews teacher's evaluations (and, if applicable, the district's RIF policy) before the board meets with the teacher
4. Notice of contemplated nonrenewal presented to teacher (superintendent's responsibility)
5. Decision-making nonrenewal meeting: Must be in executive session, and board must discuss the reasons for nonrenewal
6. Issuance of written decision to teacher (superintendent's responsibility): No **earlier than April 15 and no later than May 1** (NDCC 15.1-15-02)

NDSBA offers further guidance on nonrenewal of first-year teachers in its *Nonrenewal and Discharge of Teachers Handbook*, available for purchase through the NDSBA office.