

**Subject:**  
***Making the Code of Conduct for New Hampshire Educators Applicable to Chartered Public Schools***

**Legal Reference—HB 432**

- RSA 194-B:3, II
- RSA 194-B:3-a, II
- RSA 194-B:3-a, IV

*This Technical Advisory continues the New Hampshire Department of Education’s communication regarding new legislation, which was passed during the 2020-2021 legislative session.*

*HB 432 amends the applicable laws which govern chartered public schools to add a requirement that the Code of Conduct for New Hampshire Educators is applicable to Chartered Public Schools throughout the state.*

*This bill was passed into law on July 23, 2021 and will become effective on September 21, 2021.*

During the 2020-2021 legislative session, HB 432, relative to the offenses that prevent employment in a school, was passed into law. The second portion of HB 432, however, amended the laws which govern an application for a chartered public school. Specifically, the new law amends RSA 194-B:3 to add in sub-section (dd) among the list of elements which are required in an application for a chartered public school. Failure to comply with this new element could result in discipline—the probation or revocation of a school charter—being imposed by the State Board of Education. This new sub-section (dd) provides as follows:

A proposed policy to adopt and implement the code of conduct for New Hampshire educators as adopted by the department in administrative rule. Failure to adopt and implement the code of conduct could result in the probation or revocation of the school’s charter as governed by RSA 194-B:16.

The new law then amends RSA 194-B:3-a, accordingly to make the new element a part of the State Board of Education’s review of a new chartered public school’s application. While the new law is prospective in nature, namely that it will affect the applications of future chartered public schools, current chartered public schools are encouraged to follow the new law, as this new element could be considered to be part of a chartered public school’s renewal process in accordance with RSA 194-B:3, X (“A school’s charter may be renewed in the same manner that a new chartered public school is formed, except that a school’s renewal term shall be for a period of 5 years.”) Given that the new law provides for the possibility of a school’s charter to be affected by the failure to adopt and implement the code of conduct, it is certainly considered a “best practice” for current chartered public schools to undertake all steps necessary to be in compliance with HB 432.

***Code of Conduct--***

By way of relevant background, the Code of Conduct for New Hampshire Educators was created and adopted by the State Board of Education in November of 2018. The Code of Code contains the following 5 Principles:

- Principle I—Responsibility to the Education Profession and Educational Professionals
- Principle II—Responsibility to Students

- Principle III—Responsibility to the School Community
- Principle IV—Responsible and Ethical Use of Technology
- Principle V—Duty to Report

The Code of Conduct is applicable to all credential holders who are certified by the Department of Education. As such, if there is a finding of a violation of one of the aforementioned principles, the Department can take action upon an educator’s credential in the form of a reprimand, a suspension or a revocation of the credential. Charter schools however, do not require that all the faculty to be certified educators. (RSA 194-B:14, IV, “The teaching staff of a chartered public school shall consist of a minimum of 50 percent of teachers either New Hampshire certified or having at least 3 years of teaching experience.”)

The nuance of the new law is that the Code of Conduct will be applicable to the charter school as an entire entity, rather than only being applicable to individual educators who are certified by the Department of Education. It will be up to each individual charter school to determine how to incorporate the Code of Conduct into the school’s applicable rules and policy. However, some examples of implementation are provided below for convenience:

- Create a process/policy which incorporates the Code of Conduct into school culture and training;
- School Administration representative attending a NH DOE Code of Conduct training;
- Conduct an annual staff-wide professional development and informational session which covers the Code of Conduct;
- Acknowledgement/commitment to Code of Conduct letter signed by all staff members as part of employment contract;
- Code of Conduct added to Employee Handbook
- Establish system for reporting, investigation and resolution of Code of Conduct concerns

To assist charter schools with understanding the parameters and implications of the Code of Conduct for chartered public schools, the Department of Education will be presenting a training on the Code of Conduct at the October 19, 2021 Charter School Meeting. Please be sure that your school has a representative in attendance.

The complete language of HB 432 can be accessed in its entirety here:

[http://gencourt.state.nh.us/bill\\_status/billText.aspx?sy=2021&id=550&txtFormat=html](http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2021&id=550&txtFormat=html)

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