

Subject:
***The Reporting Requirement for Charter Schools
Pursuant to the Code of Conduct for New
Hampshire Educators***

Legal Reference—HB 432

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

As addressed in a previous Technical Advisory, issued on October 8, 2021, HB 432 made the Code of Conduct for New Hampshire Educators applicable to Chartered Public Schools. This Technical Advisory specifically addresses the applicability of the reporting requirement under the Code of Conduct for Chartered Public Schools.

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 five 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. 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. (*See* RSA 194-B:14, IV) The nuance of implementing HB 432, therefore, 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.

As discussed in the previous Technical Advisory, it will be up to each individual charter school to determine how to incorporate the Code of Conduct into each respective school’s applicable rules and policy. However, the crux of the Code of Conduct is Principle V—the Duty to Report. As such, the head of the charter school must report all suspected violations of the Code of Conduct by all educators to the Department of Education. The term “educator” should be interpreted broadly to include teachers, para-educators, principals and other administrators—regardless of their individual certification status. The term does not cover non-educational staff such as janitorial and cafeteria workers.

All instances of reporting pursuant to the Code of Conduct should be made directly to either:

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