# CLIENT ALERT: SJC Clarifies the Notice Requirement for Non-Renewal of Teachers without Professional Teacher Status

On April 28, 2011, the Massachusetts Supreme Judicial Court clarified the obligations of school districts in providing notice of non-renewal to teachers without professional status. In its decision, the Court confirmed that schools must provide written notice on or before June fifteenth whenever such person is not to be employed for the following school year.

In *Laurano v. Superintendant of Schools of Saugus*, SJC-10856 (April 28, 2011), the plaintiff, a school nurse who had yet to attain professional teacher status, argued that she was entitled to the additional protections of G.L. c. 71, § 42, and as a result she should have "been furnished with written notice of intent to dismiss and with an explanation of the grounds for the dismissal in sufficient detail to permit [her] to respond and documents relating to the grounds for dismissal, and … [should have] been given a reasonable opportunity within ten school days after receiving such written notice to review the decision with the principal or superintendent, as the case may be, and to present information pertaining to the basis for the decision and to [her] status."

The Court rejected her claim, finding that the plaintiff was not entitled to such relief because she did not have professional teacher status. The Court reasoned that teachers without professional status serve from year to year and are subject to a yearly reappointment process and the reappointment process cannot be equated to dismissal of a teacher during a period of employment. The reappointment process for teachers without professional status is separate from dismissal for cause and should be treated differently.

In making its decision, the Court distinguished the reappointment process from the factual scenario in the 2007 decision *School Comm. of Hull v. Hull Teachers Ass'n, MTA/NEA*. The Court clarified that the teacher in *Hull* was

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entitled to further protections because the school district in that matter failed to comply with the collective bargaining agreement by not providing performance evaluations prior to not reappointing the teacher.

In short, the *Laurano* decision clarifies that school districts do not need to comply with G.L. c. 71, §42 when deciding not to renew appointments for teachers without professional status. In reading *Laurano* and the previous *Hull* decision together, as long as a district simultaneously complies with its obligations pursuant to its collective bargaining agreement, a district is only required to follow notice requirements contained in G.L. c. 71, § 41 for teachers without professional teacher status.

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