



**Education Client Advisory
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A Cautionary Note On The Saugus Decision

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As most Superintendents are now aware, the Supreme Judicial Court decided the case of *Laurano v. the Superintendent of Schools of Saugus* on April 28, 2011. The case resolves the applicability of the dismissal procedures of Chapter 71, section 42 to the non-renewal of non-professional status teachers. The court held that a non-renewal is not a dismissal within the meaning of M.G.L. c. 71, sect. 42, and it is not necessary to provide notice, reasons and an opportunity for a meeting to non-renew a non-professional status teacher.

The *Saugus* decision reverses a portion of the decision of the Appeals Court in *School Committee of Hull vs Hull Teachers' Association*, where that court treated a non-renewal as a dismissal which required compliance with the dismissal procedures in section 42.

One cautionary note is in order. The *Saugus* case does not reverse the holding in Hull and earlier cases that a teacher and/or union may attack a non-renewal on the basis of violation of contractual evaluation procedures. School districts must still comply with contractual evaluation procedures prior to non-renewing a non-professional status teacher for performance reasons. This has been the longstanding rule in Massachusetts since the Supreme Judicial Court's decisions in the Trilogy in 1977: *School Committee of Danvers v. Tyman*, *Dennis-Yarmouth Regional School Committee v. Dennis Teachers Association*, *School Committee of West Bridgewater v. West Bridgewater Teachers Association*.

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Murphy, Hesse, Toomey & Lehane, LLP is a full-service law firm with offices in Quincy, Boston, and Springfield, Massachusetts. The firm represents over 150 schools in Massachusetts on education and special education matters. If you have any questions regarding this Client Advisory or if you have general questions about the firm's Education practice, please contact James A. Toomey or the attorney assigned to your account.

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