



Interpretive Memorandum No. 2015-2

DATE: REVISED September 18, 2023 (*Originally issued August 17, 2015, revised August 2, 2022*)

TOPIC: STIPENDS AS ADDITIONAL PAY FOR
EXTRACURRICULAR AND INSTRUCTIONAL ACTIVITIES
AND TEACHER DEVELOPMENT PAY

PURPOSE:

The purpose of this memorandum is to discuss the proper treatment of stipends paid to Teachers¹, paraprofessionals, and support staff. Issues such as: 1) whether stipends are “additional pay for extracurricular and instructional activities” even if such activities do not involve the direct participation of students such as stipends paid for mentoring, curriculum development, and similar activities; 2) whether stipends that are not “additional pay for extracurricular and instructional activities” can be designated as part of a Members Base Compensation; and, 3) whether certain compensation paid to paraprofessionals and support staff can qualify as “teacher development pay that is not part of the contracted annual salary” (“Teacher Development Pay”).

This memorandum only applies to Members who work for the primary and secondary schools.²

SUMMARY:

A. “Additional pay for extracurricular and instructional activities” includes stipends paid for activities that do not involve direct participation of students if the activity generally is in furtherance of the educational mission of the school. Stipends for activities that are wholly unrelated to the educational mission of the school are not “additional pay for extracurricular and instructional activities”.

B. Stipends that are paid for additional duties that are not “additional pay for extracurricular and instructional activities” may be included in Base Compensation in accordance with the general rules for compensation relating to separate part-time positions and duties.³ In general, the Employer must add the separate duties to the

¹ Capitalized terms shall have the meanings as provided in the Interpretive Memoranda Glossary of Terms.

² This memorandum does not apply to full-time faculty of the Community College System of New Hampshire for whom “additional pay for instructional activities” is also Earnable Compensation. That compensation consist primarily of full-time faculty who teach summer courses in addition to their regular course load during the academic year,

³ See Interpretive Memorandum 2013-4 for a detailed discussion of part-time positions and duties and Interpretive Memorandum 2015-1 for a detailed discussion of Base Compensation.

Member's full-time job description in order to include such stipend in Base Compensation.

C. Compensation can be designated as Teacher Development Pay only for Teachers. Paraprofessionals and support staff cannot have Teacher Development Pay.

ANALYSIS:

A. Additional Pay for Extracurricular and Instructional Activities. The definition of Earnable Compensation includes "additional pay for extracurricular and instructional activities" paid to Teachers, paraprofessionals and support staff. The additional pay is reportable as Base Compensation for Tier A and Tier A/C Members and COB for Tier B and Tier C Members. The additional pay is typically paid in the form of fixed stipends for particular activities. Extracurricular activities includes sports coaching, music and art activities, advising and supervising student clubs, and other activities that involve the direct participation of students. Instructional activities include tutoring, homework club, counseling, and GED instruction, which also involve students directly. In addition, schools pay many stipends that do not involve direct student participation but are related to the school's educational mission. These include, but are not limited to: Mentoring, Curriculum Development, Workshop Planning and Presenting, Department Heads, Team Leader Stipend, CPI Instructor, Bluff Planning, Web Classroom Content Manager, Facilitator, School in Need of Improvement, Common Core, THI, Data Team, Turnaround, Core Mapping, Function Day, Evaluation Committee

It is NHRS' policy to interpret the term "instructional activities" in a broad manner that includes activities that, although not directly involving students, are supportive of the general educational mission of the school. NHRS has taken the position that an unduly restrictive interpretation of the term would be contrary to the general prescription of the statute that the Employer should have the initial discretion to designate the nature of compensation.

Thus, it is the position of NHRS that it will accept an Employer's designation that a stipend is for "instructional activities" subject to four general rules:

1. The stipend must be paid in exchange for some service or activity performed by the Teacher, paraprofessional, or support staff and cannot be paid merely because of educational accomplishment, pay level, or seniority. Whether denominated as a "stipend" or otherwise, additional compensation such as seniority pay, "top step stipends" and education and certification pay cannot be "additional pay for extracurricular and instructional activities" because it is paid merely on account of the Member's status and not in consideration of any activity or service.
2. The stipend is not for services or activities that are normally performed by Employees as opposed to Teachers and paraprofessionals such as maintenance activities. Such work is more in the nature of additional part-time duties.
3. The stipend is not paid for activities involving adult education other than GED instruction.

4. The stipend is not paid for activities that are wholly unrelated to the teaching or educational process (e.g., a stipend to conduct weight loss or conditioning classes for other Teachers; extra pay for bus duty or lunch duty; compensation for services relating to labor/management and collective bargaining activities). These types of stipends are Earnable Compensation only if the Employer considers them to be part of Base Compensation.

B. Other Stipends and Additional Compensation. If a stipend or other additional compensation is not “additional pay for extracurricular instructional activities”, then it is Earnable Compensation only if it is properly designated by the Employer as part of Base Compensation in accordance with NHRS policy and guidance.⁴ For example, a school may pay stipends for bus duty that are paid equally to all Teachers and Employees that sign up for such duties. An Employer may designate the additional duties as part of the Member’s full-time position and designate the stipend as being part of the Base Compensation or it may consider the compensation to be for duties that are separate from the Member’s full-time position. In the latter case, the stipend is not Earnable Compensation. Similarly, if a Member is paid additional compensation for a separate part-time position, the part-time position can be formally combined with the full-time position and the additional compensation for the former part-time job can be included in Base Compensation. Any duties must be added to the Member’s job description or otherwise memorialized in accordance with the Employer’s practices, including written policies and procedures, collective bargaining agreements and contracts.⁵

C. Teacher Development Pay. The definition of Earnable Compensation specifically includes “teacher development pay that is not part of the contracted annual salary”. Only Teachers can be paid Teacher Development Pay. Teacher Development Pay should be reported as COB for Tier B and Tier C Members.



9-18-2023

**Approved by Mark F. Cavanaugh, Esq.
Associate Counsel and Compliance Officer**

Approval Date

⁴ See Interpretive Memorandum 2015-1.

⁵ See Interpretive Memorandum 2013-4.