

**Update to the Transylvania County Board of Education September 16, 2013**  
***Elimination of Teacher Tenure, Teacher Contracts Structure, and Spring 2014 Implementation***

***As required by the North Carolina General Assembly's biennium budget***  
***Senate Bill 402/S.L. 2013-360, Section 9.6***

As a part of the appropriations bill passed by the General Assembly in July 2013, teacher tenure is no longer awarded and will be eliminated completely by 2018. The law further requires the Board of Education (BOE) to identify 25% of teachers\* at the end of the 2013-14 school year who are already career status or would have otherwise been awarded career status in May 2014 to offer the following:

- A 4-year contract
- \$500/year increase in salary (state funds) each year of the 4 years
- Upon accepting the BOE's offer, a teacher surrenders career status voluntarily
- Eligibility:
  - Teacher must hold career status (tenure) in TCS or would have otherwise been eligible to receive career status by May 2014
  - Teacher must have been employed by our LEA for 3 years\*
  - Teacher must have proficient or above in all evaluation standards
- If ineligible for offer OR eligible but not offered the above-mentioned 4-year contract:
  - Probationary Teachers would simply remain on 1-year contracts
  - Career Status teachers maintain tenure until July 1, 2018 (term contracts begin Fall 2018)
  - No salary increase provided by state to these teachers

Other information:

- 2018-2019 school year begins new process of teacher contracts being written to terms of 1, 2, or 4 years. All tenure is extinguished July 1, 2018.
- The superintendent is required to generate a list of the 25% and submit to BOE. The Board may modify the list or approve it as submitted by the superintendent. Process must be complete (with offers made by the BOE and accepted/declined by each teacher impacted) by June 30, 2014.
- While there is no process or expectation in the statute to direct the identification of the 25%, the process must still not be arbitrary or capricious under the law.
- The 4-year contract and additional pay does not go with the teacher to another LEA.
- The \$500 increase is added each year of the 4 years under contract (this totals an effective total increase of \$5,000 by the end of the 4<sup>th</sup> year of the contract\*\*\*).
- If a teacher is offered the contract and bonus but refuses the offer, that person is not replaced on the listing (the initiative is only funded by the state at the level of 21% so it appears that the legislature assumed some teachers would turn down the offer and/or leave the LEA during the 4-year term—and the contracts/bonuses do not track from LEA to LEA).

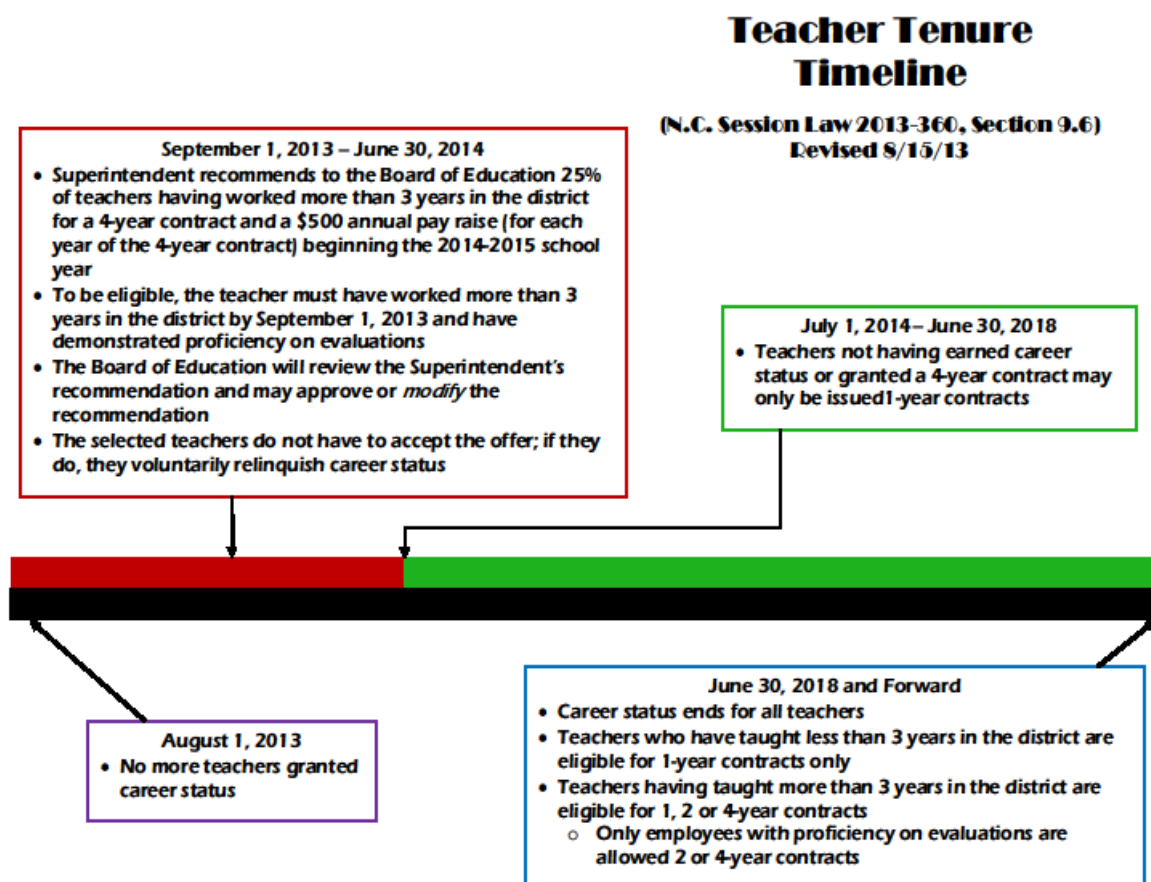
Unanswered questions:

- \*The legislation is unclear as to whether other certified non-teaching areas are included in a broad definition of "teacher" for the purpose of this practice i.e. media coordinators, counselors. We are awaiting guidance from NCDPI and the Attorney General on this. Typically those areas are in the statute.
- \*\*The point of calculation for the required 3-years of consecutive service in the LEA is unclear. Counsel has indicated that to be eligible one must have had 3 years in our LEA by 9/1/2013 but a representative of NCDPI indicated that this school year would be included as the "third" year. It is likely a 9/1 cutoff.
- \*\*\*It is unclear what the salary implications are for a teacher who accepts the offer at the end of the 4<sup>th</sup> contract year (as to whether the salary reverts back to a previous level or stays at the higher level).

**From S.B. 402/S.L. 2013-360, Section 9.6**

**SECTION 9.6.(g)** Beginning September 1, 2013, to June 30, 2014, all superintendents shall review the performance and evaluations of all teachers who have been employed by the local board for at least three consecutive years. Based on these reviews, the superintendent shall identify and recommend to the local board twenty-five percent (25%) of those teachers employed by the local board for at least three consecutive years to be awarded four-year contracts beginning with the 2014-2015 school year. The superintendent shall not recommend to the local board any teacher for a four-year contract unless that teacher has shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument. The local board of education shall review the superintendent's recommendation and may approve that recommendation or may select other teachers as part of the twenty-five percent (25%) to offer four-year contracts, but the local board shall not offer any teacher a four-year contract unless that teacher has shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument. Contract offers shall be made and accepted no later than June 30, 2014. A teacher shall cease to be employed pursuant to G.S. 115C-325 and voluntarily relinquishes career status or any claim of career status by acceptance of a four-year contract as provided in this section.

**Timeline Overview from Campbell Shatley, PLLC**



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## Flowchart of Decision-Making Process (courtesy of NC Department of Public Instruction)

