

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

**Presented To**  
**Gates County Summer Leadership Retreat**  
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# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

1. N.C.G.S. 115C-325 (Teacher Tenure Act) is repealed in stages.
  - a. Replaced by new law that becomes effective July 1, 2014.
  - b. Other provisions become effective June 30, 2018.

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2. N.C.G.S. 115C-325(c )(1) through (c)(3) and (6) are repealed effective August 1, 2013.

Individuals who have never received career status prior to the 2013-2014 school year  
SHALL NEVER GET TENURE.

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3. Teachers who earned tenure before the 2013-2014 school year DO NOT AUTOMATICALLY LOSE IT YET.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

4. New contracting system begins with the 2014-2015 school year.
  - a. Teachers employed by the Board for less than 3 years may only get a 1 year contract.
  - b. Teachers who had been employed for 3 years or more shall be given contracts for 1, 2 or 4 school years.

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5. The superintendent shall only recommend a teacher for a contract term longer than 1 school year “if the teach has shown effectiveness as demonstrated by proficiency on the evaluation instrument.”

Board does not have to accept the recommendation to re-employ and may offer a renewed contract for a different term.

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6. Beginning September 1, 2013 to June 30, 2014 superintendent must review the performance evaluations of all teachers who have been employed for at least 3 consecutive years.

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7. Based on performance evaluations, superintendent must identify and recommend to the Board for 4 year contracts “25% of those teachers employed by the Board for at least consecutive years.”

May not recommend any teacher for a 4 year contract unless teacher has shown “effectiveness as demonstrated by proficiency on the Teacher evaluation instrument.”

Becomes effective with the 2014-2015 school year.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

8. Local Board does not have to accept the recommendation; may select different teacher for 4 year contracts.

However, local Board may only select a teacher who has “shown effectiveness as demonstrated by proficiency on the teach evaluation instrument.”

4 year contracts only available for the top 25% of employees as shown by their evaluations.

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9. Teachers employed on a 4 year contract beginning with the 2014-2015 school year receive a \$500 annual pay raise for each of the 4 years.

A teacher “voluntarily relinquishes career status or any claim of career status by accepting a 4 year contract”.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

**10. NO TEACHER SHALL HAVE TENURE  
AFTER JUNE 30, 2018.**

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

11. Whenever superintendent intends not to recommend an employee for renewal, must given notice of that intention by June 1, (extended from May 15)

Teachers recommended for non-renewal no longer have an automatic right to a hearing any circumstances; but all have the right to “petition the Board for hearing.”

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

12. New “fall through the crack” provision: if a teacher is not notified of non-renewal by June 15, the Board must either:
- offer a 1 year contract expiring no later than June 30 of the current school year; or
  - dismiss the teacher and provide the equivalent of one additional month’s pay.

Teachers dismissed under this section are now “at will” and are not entitled to a hearing or appeal of the dismissal.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

13. Grounds to dismiss a teacher during the term of their contract (or a tenured teacher, while tenure still exists) remain the same.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

New definition of inadequate performance: “either the failure to perform at a proficient level on any standard of the evaluation instrument or otherwise performing in a manner that is below standard.”

To determine whether the performance is adequate, consideration must be given to regular and special evaluation reports prepared under Board policy and any published standards of performance.

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14. In dismissal cases, case manager hearing option has been eliminated.  
Only hearing rights are before the local Board of Education.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

15. State Board of Education can still dismiss folks in low performing schools.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

16. Contracts may now permit teachers to be employed on a part-time basis; however, part-time employees are no longer defined as “teachers”.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

17.Changes to teacher resignation process: if a teacher has been recommended for dismissal and the teacher chooses to resign without the written agreement of the superintendent, the superintendent must report the matter to the state Board.

The teacher shall be deemed to have voluntarily surrendered their license pending a State Board of Education investigation, not to exceed 45 days.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

18. Teachers not recommended for dismissal should not resign during the term of their contract without the superintendent's consent, unless they give 30 days notice. Failure to give 30 days notice allow the local Board to request the State Board to revoke the teacher's license for the remainder of the school year.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

19. The State Board is to develop a new model teacher's contract by January 1, 2014.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

20. Evaluation process for teachers remain basically the same.

21. All teachers with career status or on a 4 year contract who are not assigned to low-performing schools must be evaluated annually unless the Board adopts rules allowing more or less frequent evaluations.

# ELIMINATION OF TENURE: CHANGES TO CONTRACTING LAW

- 22. Mandatory improvement plans and other growth plans continue to be very important. The legislature made some minor changes to these laws, emphasizing the importance of mandatory improvement plans.

## II. CHANGES AFFECTING OTHER CATEGORIES OF EMPLOYEES

1. There is no longer court review available of the Board's decision concerning non-certified staff.

## II. CHANGES AFFECTING OTHER CATEGORIES OF EMPLOYEES

2. Effective July 1, 2014, administrators no longer have tenure.

School administrator contracts continue to be between 2 and 4 years and must end on June 30 of the final year of the contract.

Subsequent contracts between a principal or assistant principal must still be for 4 year terms.

## II. CHANGES AFFECTING OTHER CATEGORIES OF EMPLOYEES

### 3. Elimination of “principal return to classroom teacher status”:

If an administrator’s contract is not renewed, they do not retain their career status as a teacher and do not have a right to continue working with the school system as a teacher.

## II. CHANGES AFFECTING OTHER CATEGORIES OF EMPLOYEES

4. School counselors must spend at least 80% of their time providing direct services to students.
  - Delivering the school guidance curriculum through large group guidance, inter-disciplinary curriculum development, group activities and parent workshops;
  - Guiding individual student planning;
  - Providing responsive services through consultation with students, families and staff; individual and small group counseling, crisis counseling; referrals and peer facilitation; and
  - Performing other student services listed in DPI's school counselor job description.

## II. CHANGES AFFECTING OTHER CATEGORIES OF EMPLOYEES

5. Standardized testing coordination is not considered a direct service or school counseling program support activity.

School counselors are authorized to assist other staff with standardized testing coordination.

## II. CHANGES AFFECTING OTHER CATEGORIES OF EMPLOYEES

- 6 All school boards must develop transition plans for implementing school counselor work time requirements within existing resources by reassigning duties within the schools.

## II. CHANGES AFFECTING OTHER CATEGORIES OF EMPLOYEES

7. School systems may enter into agreements with the Sheriff for volunteer school safety resource officers.

Volunteer SRO are to be non-salaried special deputies with prior experience as either:

- Sworn law enforcement officer; or
- Military police officer with a minimum of 2 years service and an honorable discharge if no longer serving.

### III. OTHER CHANGES

1. SIT meetings are confirmed to be open meetings. However, school safety components of SIP must be approved by Board in closed session and must be supported by findings of fact.

# III. OTHER CHANGES

2. Firearms: holders of concealed carry permits may now possess firearms on school grounds if:

- The weapon is in the person's locked vehicle; or
- The weapon is stored in a locked container secured affixed to the vehicle.
- Weapons must remain in a closed portion of the vehicle at all times.

### III. OTHER CHANGES

3. Special education: for any child who is deaf or hard of hearing, staff must notify the parents that they are entitled to request that the IEP team consider placement in a residential setting and, if the parents so request, a representative from one of the residential/day programs shall be a member of the IEP team.

### III. OTHER CHANGES

4. Children placed in foster care: are entitled to remain enrolled in the school they attended prior to placement and participate in extracurricular activities.

### III. OTHER CHANGES

5. Substitute teacher pay deductions: beginning this school year, when a teacher takes personal leave on a non-teacher workday, the substitute teacher deduction taken from their pay must be restored if no sub is hired.

### III. OTHER CHANGES

6. Cursive: schools are required to teach cursive, with competency to be demonstrated by creation of readable documents through legible cursive handwriting by the end of the 5<sup>th</sup> grade.
7. Memorization of multiplication tables is required in order to demonstrate competency and efficiently multiplying numbers.

### III. OTHER CHANGES

8. Applicants for employment: must be given advance notice (i.e. on the application form) of their right not to disclose information regarding criminal convictions or arrests that have been expunged from their record.

### III. OTHER CHANGES

9. Elimination of a Masters supplement:  
Teachers who do not complete their Masters during this school year will not be eligible for Masters pay supplement.

### III. OTHER CHANGES

10. Personnel file issues: the superintendent must maintain a file that contains any complaint, commendation or suggestion for correction or improvement about the teacher. Exceptions:

- (1) Does not have to place a letter containing a complaint that contains invalid, irrelevant, outdated or false information; or
- (2) A letter of complaint when there is no documentation of an attempt to resolve the issue.

Unsigned complaints do not qualify.

Signed documents can only be placed in a file after 5 days notice to the teacher.

## IV. STRATEGIES FOR DEALING WITH LOSS OF TENURE

1. Evaluations must be accurate, candid, thorough, timely, complete.

## IV. STRATEGIES FOR DEALING WITH LOSS OF TENURE

2. Do not have to settle for “proficient” teachers – No one is entitled to four (4 ) year contract.
3. “Distinguished” teachers, with 3 or more years of service in the District should be the standard.

# IV. STRATEGIES FOR DEALING WITH LOSS OF TENURE

4. “Action Plans” – outdated terminology. DO NOT USE!

5. Growth Plans

- Individual
- Monitored
- Directed

# IV. STRATEGIES FOR DEALING WITH LOSS OF TENURE

6. Mandatory Improvement Plans very important – have legal significance.

Failure to reach proficiency in any performance standard identified or deficient “is substantial evidence of inadequate performance.”

QUESTIONS?