

**ORANGE COUNTY
BOARD OF EDUCATION
AGENDA ITEM ABSTRACT**

Meeting Date: January 27, 2014

AGENDA ITEM No. 14-01-(2)-08

ACTION ITEM: (Y/N) N

SUBJECT: Teacher Contract (25%)

INFO. CONTACT: Dr. Gerri P. Martin, Superintendent **PHONE:** 919-732-8126

ATTACHMENTS: (See notebook.)

Proposed timeline

Numbers of eligible employees by site in OCS

Input from Principals

Input from Teachers

Power Point from DPI webpage as presented in a webinar

Q&A from Professional Educators of North Carolina

NCAE Handout

Power Point from Jonathan Blumberg as presented to OCS BOE on November 25, 2013

Potential Four-year Teacher's Contract with Additional Pay Pursuant to § 9.6(g) of S.L. 2013-360

Potential Contract Consideration Form

PURPOSE: The purpose of this agenda item is to provide information on the 25% legislation that requires school districts to offer a 4-year contract to 25% of their eligible teachers.

BACKGROUND: The 25% legislation states as follows:

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.

SECTION 9.6.(h) Teachers employed by a local board of education on a four-year contract beginning with the 2014-2015 school year shall receive a five hundred dollar (\$500.00) annual pay raise for each year of the four-year contract.

SECTION 9.6.(i) Subsection (a) of this section becomes effective June 30, 2018, and no teacher employed by a local board of education on or after that date shall have career status. G.S. 115C-325 applies only to teachers with career status after June 30, 2014.

There are many ambiguous elements to the requirements for identifying which teachers to recommend (See 1-5 below.) There will be no perfect way to identify 25% of teachers that will account for all of the valuable qualities that teachers possess and exhibit daily in the classroom. The law does require the Superintendent to identify which 25% of the district's eligible teachers to whom the Board will offer a four-year contract. In attempting to address the primary questions outlined by our attorney, the administration has collected feedback from stakeholder groups. Based on this feedback, as well as details shared in presentations by our attorney, I recommend the Board consider the following:

Use an opt-out application. Any employee may submit the application to opt-out. Any employee who does not submit the application but meets the criteria required by the law, would remain in the pool from which to offer the contract. Any eligible employee who opts in would remain in the pool for consideration. In the event that the application renders less than the required 25%, the Superintendent must still offer contracts to 25% of eligible employees.

- (1) The law requires the Superintendent to identify 25% of eligible teachers to recommend to the Board of Education to receive four-year contracts. The law does not state that the 25% of eligible teachers shall be the "top" 25% of teachers. If we intend to establish that the 25% we identify are the "top" 25% we must decide upon our approach to rank our teachers. Alternately, if our goal is not to imply that the teachers we identify represent the "top" 25% we should state that explicitly and keep it in mind as we identify other criteria. The district does not possess the necessary metrics to rank our eligible teachers in a manner that would give equal consideration across schools, subjects taught, positions held, or grade levels. Thus, I recommend we resolve to **not** attempt to identify the "top" 25% of our eligible teachers and merely identify a strategy to—as fairly as possible—identify 25% as described by our attorney using the performance evaluations of eligible teachers for the last 2 years.
- (2) The law is ambiguous about how to interpret the term "teacher" as it pertains to which district employees are eligible to be recommended for inclusion in the 25%. Thanks to the efforts of our attorney, the Attorney General has now provided an interpretation that "teacher" for the purposes of this law reflects the legal definition employed in other North Carolina Education Law to include a number of instructional support positions that are not classroom teachers. I recommend we include the instructional support positions in the 25% we identify. I further recommend that each support position would be grouped based on their particular evaluation instrument. For example, some eligible employees are evaluated on a 4-standard rubric while others are 6-standard and still others are evaluated using a narrative approach. (See attorney's ppt page 3 for list of eligible "teachers.")
- (3) The eligibility requirement described in the law requires teachers to have been employed in the district for three consecutive years to be considered for a four-year contract. I recommend that we use 2010-2011, 2011-2012, and 2012-2013 as the relevant 3-year period.
- (4) The law requires that only teachers who have demonstrated "proficiency" on the teacher evaluation instrument may be considered for four-year contracts. This is also ambiguous in a number of ways because it is not clear if we should consider the most recent year or multiple years' evaluations. It is my recommendation that we consider teachers who have "proficient" ratings (or above) on all standards for the 2012-2013 school year.
- (5) While it would be preferable according to all stakeholders consulted to consider selecting 25% of teachers from each individual school, I may be required to identify 25% of the eligible teachers from the entire district if using the opt-out application produces inequitable distribution of eligible candidates.

Other performance criteria that the Board could consider for the purpose of discussion:

*Select teachers with advanced levels of education, including doctoral degrees, master's degrees, and national board certification.

*Select teachers based on their years of service to OCS.

*Select teachers with leadership positions in their schools.

FINANCIAL IMPACT: The financial impact at this time is not to the local BOE. Funding was established in the state budget to fund this mandate at this time. However, if the level of funding from the state changes, the potential impact could result in an amount between \$200,000-\$250,000 in salary and supplement.

RECOMMENDATION: The Superintendent recommends the Board of Education receive and discuss the information and provide guidance for preferable implementation methods.