

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

Meeting Date: March 10, 2014

AGENDA ITEM No. 14-03-15

ACTION ITEM: (Y/N) N

SUBJECT: Teacher Contract (25%)

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

- ATTACHMENTS:**
1. Process for identifying the 25% of eligible employees to be offered a 4-year contract
 2. Proposed Script for the video/podcast
 3. Accompanying PowerPoint presentation for the video/podcast
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PURPOSE: The purpose of this agenda item is to provide additional information regarding the school district's plan for implementing the 25% legislation which requires the district to offer 25% of eligible employees a 4-year employment contract by June 30, 2014.

BACKGROUND: At the January 27, 2014 and February 10, 2014 Board of Education meetings, the Board heard information regarding the legislation regarding the four-year contracts and the implications for the school district. Several items have been provided to the Board members during each of the meetings and, based on feedback, adjustments have been made regarding the process that will be followed to identify the 25% of teachers who will be offered contracts. The proposed process is included as an attachment with this abstract.

Additionally, district staff are preparing a video and/or podcast, as well as a Frequently Asked Questions (FAQ) listing that will be posted on the district website so that all OCS staffs are informed of this requirement and process. A draft script for the video/podcast, PowerPoint presentation, and draft FAQ are provided.

FINANCIAL IMPACT: Funding was established in the state budget to fund this mandate at this time; specifically it is in the biennium budget for the 2014-2015 fiscal year. This will impact the local supplement costs for each year, at an estimated cost of \$10,000 for the first year if all 100 accept the 4-year contract. If the state does not continue funding the salary increase, the district could be responsible for up to \$500 per employee on a 4-year contract per year for the next 3 years (2015-16, 2016-17, and 2017-18). This could potentially be \$50,000 per year in base salary, or \$150,000. The local supplement would be an additional cost, increased each additional year based on the increase in base salary. The original estimate provided of \$200,000 to \$250,000 is an estimated total cost to the district over the 4 year period (2014-2018) if state funds are discontinued after year one.

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

Proposed Process for identifying the 25% of eligible employees to be offered a 4-year contract

Based on feedback from various stakeholders including the Board, as well as details shared in presentations by our attorney, the following is being proposed as the district's selection process:

Points will be assigned to the summary ratings earned by each eligible teacher for the 2011-12 and 2012-13 school years and will be averaged to determine which teachers are selected.

- For classroom teachers, the points will be as follows:
 - Not Demonstrated = 1
 - Developing = 2
 - Proficient = 3
 - Accomplished = 4
 - Distinguished = 5
- For other teachers evaluated using a four-level scale the points will be as follows:
 - Unsatisfactory = 1
 - Below Standard = 2
 - At Standard = 3
 - Above Standard = 4
- For teachers evaluated using a six-level scale the points will be as follows:
 - Unsatisfactory = 1
 - Below Standard = 2
 - At Standard = 3
 - Above Standard = 4
 - Well Above Standard = 5
 - Superior = 6
- For teacher evaluated using a narrative evaluation, a rubric will be used. A copy of the rubric is attached. A committee of three Central Office administrators not involved in the evaluation of these employees will read each narrative (identifying information redacted) and assign points based on the rubric. These will be averaged and points will be assigned to each narrative evaluation.

Developing 'pools' from which the 25% of eligible teachers will be selected:

- Individuals evaluated using the teacher evaluation instrument (NCEES) during the 2011-2012 and 2012-2013 school years will be grouped by school for the selection of 25%.
 - Those not evaluated on the NCEES but on an evaluation instrument with 4 ratings levels will be placed in one group for the selection of 25% (career development coordinators, media coordinators, tech facilitators, counselors).
 - Those not evaluated on the NCEES but on an evaluation instrument with 6 ratings levels will be placed in one group for the selection of 25% (psychologists, school social workers, and speech language pathologists).
 - All "teachers" (assigned to central office) who received an evaluation in a narrative format will be placed in a group for the selection of 25%.
- Tiebreaker(s) Information
 1. If a **tiebreaker** is necessary, elements on the most recent evaluation will be assigned a point total and teacher with the highest average will be offered a contract
 2. If a **tiebreaker** is still necessary, we will look at teachers with the highest number of consecutive years in a tenure-eligible position in OCS
 3. If there continues to be a tie, we will look at the total number of years in a tenure-eligible position in education to identify a teacher to receive a contract

Slide 1: In the most recent legislative session, the North Carolina General Assembly enacted Senate Bill 402 which mandates that all school districts must offer 25% of eligible teachers a four-year contract. These four-year contracts include a pay raise but require teachers to forfeit career status or any claim to career status, also known as tenure. It will be referred to as both tenure and career status during this presentation, but keep in mind that the two are synonymous. This PowerPoint is an introduction to Orange County Schools' (OCS) selection process, which was created in conjunction with various school stakeholders such as principals, the Superintendent's Teacher Advisory Council, Board Members, the School Board Attorney, and our Leadership Cabinet. Also, the district has created a communication page linked from the OCS website that contains this presentation, a FAQ and other documents relevant to the selection of 25% for 4 year contracts.

Slide 2 & 3: Senate Bill 402 will eliminate tenure (career status) for all teachers on June 30, 2018. The law requires Boards to offer four-year contracts to 25% of eligible teachers by June 30, 2014, to be effective July 1, 2014 through June 30, 2018. Between July 1, 2014, and June 30, 2018, teachers who do not have tenure or not on a four-year contract may only be offered a one year contract for each year. Beginning July 1, 2018, teacher contracts of variable lengths (1, 2, or 4 Years) will be offered.

Slide 4: reveals the Four Year Contract Requirements. Superintendents must review the performance and evaluation of all teachers who have been employed within the same district for at least the past three years. Based on this review, the specifics of which are detailed in a later slide, the superintendents shall recommend 25% of eligible teachers to be offered a four year contract effective July 1, 2014.

Slide 5: One of the requirements of the legislation requires LEAs to offer a contract to 25% of their teachers with three or more years of experience in the school system. Three or more years of employment references consecutive years with at least 120 days during the first year. Section 9.6(g) of the law requires that an employee must be a "teacher" employed by the same school district for three consecutive years as of Sept. 1, 2013; and that the "teacher" must show effectiveness as demonstrated by proficiency on the teacher evaluation instrument.

Slide 6: The next few slides provide more detail as to which employees are considered "teachers" and further explanation to the "proficiency" requirement. Specifically, what is proficiency on the teacher evaluation instrument? The Board attorney has interpreted this provision to mean that the superintendent may not recommend a teacher for a four year contract if he or she has not obtained a rating of at least proficient on all standards on the teacher's most recent evaluation.

Slide 7: cites General Statute 115C-325(a)(6) in defining a teacher as a school employee who meets each of three requirements: a)who holds from the State Board of Education at least a current standard professional educator's license or a current lateral entry teaching license or a regular, not expired, vocational license; b)whose major responsibility is to teach or directly supervise teaching or who is classified by the State Board of Education or is paid either as a classroom teacher or instructional support personnel; c)who is employed to fill a full-time, permanent position."

Slide 8: offers examples of who is considered a teacher under this General Statute: (Audiologists, Classroom Teachers, Guidance Counselors, School Psychologists, School Social Workers, Speech – Language Pathologists, Career and Technical Education Teachers, and Media Coordinators). There may be other school professionals who are not listed here but meet the definition of a teacher under G.S. 115c-325(a)(6); For example in Orange County, literacy coaches would be a group that qualifies. Please contact Human Resources if you have any questions regarding your specific position as it relates to this statute.

Slide 9: Qualifying teachers who accept a four year contract effective at the start of the 2014-15 school year will relinquish career status or any claim to career status and will receive a \$500 annual pay raise for each year of the four year contract. For example, a teacher making \$40,000 in 2013-2014 will receive \$40, 500 in 2014-15, \$41,000 in 2015-16, \$41,500 in 2016-17, and \$42,000 in 2017-18.

Slide 10: As stated before, Orange County Schools' process for selecting the 25% was developed collectively by the Superintendent and the BOE, who received constructive feedback from district stakeholders such as the Superintendent's Teacher Advisory Council, Leadership Cabinet, and school principals.

Slide 11: You'll notice the formation of "pools" for the selection of 25%.

- Individuals evaluated using NCEES during the 2011-2012 and 2012-2013 school years will be grouped- (i.e. classroom teachers)(For classroom teachers, 25% will be identified @ each school)
- Those not evaluated on NCEES but on an evaluation instrument with 4 rating levels
- Those not evaluated on NCEES but on an evaluation instrument with 6 rating levels
- And, all "teachers" who receive an evaluation in a narrative format

Slide 12: The point system for classroom teachers is based on the last 2 years of evaluations. Classroom teachers are rated on the following 5 point scale. (See the point scale below)

Slide 13: On slide 13, all of the "teacher" positions are rated on the following 4 point scale (Again, notice the point scale below)

Slide 14: On slide 14, you will see "teacher" positions that are all rated on the following 6 point scale (See the point scale below)

Slide 15: For teachers evaluated by narrative, a special committee will review and complete a rubric based on information in the narrative to derive numeric values

Slide 16: The 25% of the “teachers” in the pool with the highest average rating will be offered 4 year contracts. If 25% of the number of teachers is a fraction, the number of contracts offered will be rounded down. If a tiebreaker is necessary, elements on the most recent evaluation will be assigned a point total and the teacher with the highest average will be offered a contract.

If a tiebreaker is still necessary, the district will look at the employee’s consecutive number of years in a tenure-eligible position in OCS. If there continues to be a tie, the total number of years in a tenure-eligible position in education will be the determining factor to break the tie.

Slide 17: The Superintendent will present a list of individuals for 4 year contracts to the School Board in late May, early June. The Board will then vote and contracts must be offered and accepted by June 30, 2014.

Slide 18: If you are offered a four year contract but decide not to sign and return it by June 30, 2014.....If tenured, you will retain career status until June 30, 2018, if not tenured, you may be offered a one year contract

Let’s say....If you are not offered a four year contract.....if tenured, you will retain career status. If not tenured, you may be offered a one year contract if a contract renewal is offered.

Slides 19-23: The next 5 slides will address general questions about teacher eligibility for the 4 year contract. (Read all questions & answers)

Slide 24: Several open and unanswered questions remain surrounding the legislation and the selection of 25% of teachers to receive a four year contract. We have tried to provide you answers to many of the questions that can be answered at this time. Several unknowns still exist and some of the unanswered questions are:

- Is there guaranteed funding for the pay increases for all four years of the contracts?
- Will funding be continued for the increases received by those on the four year contracts after the initial four years?
- If the NCAE lawsuit is successful, what happens to my tenure status if I accept and sign a contract?

As stated earlier, there will be a published FAQ on the district’s webpage and we will continue to update information there as it becomes available.

Slide 25: In summary, teachers may be offered a four-year contract to begin 2014-15 if

They have 3 consecutive years of service within the local district as of September 1, 2013

They have shown effectiveness as demonstrated by proficiency on NCEES

They are selected by the local Board of Education following the recommendation of the Superintendent

And if the contract offer is accepted by June 30, 2014

Slide 26: For more information related to the Four Year Contract Process and Senate Bill 402, please refer to the special links on the district's homepage.

Slide 27: If you have specific questions about the process, please contact Orange County Schools' Human Resources Office

The Four Year Contract:
Process and Procedures



Human Resources Office

It's the Law



S.L. 2013-360 Sec. 9.6

- Boards may no longer grant tenure effective August 1, 2013
- Eliminates tenure for all on June 30, 2018
- Between July 1, 2014, and June 30, 2018, teachers who do not have tenure or not on a four-year contract may only be offered a one-year contract for each year
- Beginning July 1, 2018, teacher contracts of variable lengths (1, 2, or 4 years) will be offered

It's the Law



- Requires Boards to offer four-year contract to 25% of eligible teachers effective at the beginning of 2014-2015 school year
- If offered and accepts the four year contract, teachers receive an additional \$500 in salary per year and relinquishes tenure and any claim to tenure

Four Year Contract Requirements



- Superintendent shall review the performance and evaluation of all teachers who have been employed by the local board for at least three consecutive years.
- Based on this review, superintendents shall identify and recommend to the local board 25% of eligible teachers to be offered a four-year contract that begins with the 2014-15 school year.

Requirements for Inclusion



- Employed 3 consecutive years with OCS as a teacher
 - 2010-2011
 - 2011-2012
 - 2012-2013
- Demonstrated proficiency on teacher evaluation instrument

Frequently Asked Question- Requirement for Inclusion



What is the requirement that the teacher "has shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument?"

- This provision is interpreted to mean that a superintendent may not recommend a teacher for a four-contract if that teacher did not obtain a proficient or better rating on all standards on the teacher's most recent evaluation instrument.
- Standard 6 should not be considered as it does not carry with it "proficiency" ratings and per State Board Policy, three years of EVAAS data is required before the data may be considered in employment decisions.

Employees Considered as Teachers

- G.S. 115C-325(a)(6) states "'Teacher' means a person meeting each of the following requirements:
 - a) who holds from the State Board of Education at least a current standard professional educator's license or a current lateral entry teaching license or a regular, not expired, vocational license;
 - b) whose major responsibility is to teach or directly supervise teaching or who is classified by the State Board of Education or is paid either as a classroom teacher or instructional support personnel;
 - c) who is employed to fill a full-time, permanent position."

Employees Considered as Teachers

- Audiologists
- Classroom & non-classroom teachers
- Guidance Counselors
- School Psychologists
- School Social Workers
- Speech – Language Pathologists
- Career and Technical Education Teachers
- Media Coordinators
- Other professionals who may meet the definition of a teacher under G.S.115c-325(a)(6)



Accepting the Four-Year Contract

- Voluntarily relinquish career status or any claim to career status
- Entitled to \$500 additional salary each year of the contract
- Example: \$40,000 salary in 2013-2014 school year
 - 2014-2015 \$40,500
 - 2015-2016 \$41,000
 - 2016-2017 \$41,500
 - 2017-2018 \$42,000
 - 2018-2019 ??????



**Orange County Schools (OCS)
Process for Selecting 25%**



Before finalizing Orange County Schools' selection process, the Superintendent collected feedback from various school stakeholders:

- Principals
- Superintendent's Teacher Advisory Council
- Board Members
- School Attorney
- Leadership Cabinet

**OCS Process
for Selecting 25%**



Formation of "Pools" for Selection of 25%:

- Individuals evaluated using the teacher evaluation instrument (NCEES) during the 2011-2012 and 2012-2013 school years will be grouped by school for the selection of 25%.
- Those not evaluated on the NCEES but on an evaluation instrument with 4 ratings levels will be placed in one group for the selection of 25% (career development coordinators, media coordinators, tech facilitators, counselors).
- Those not evaluated on the NCEES but on an evaluation instrument with 6 ratings levels will be placed in one group for the selection of 25% (psychologists, school social workers, and speech language pathologists).
- All "teachers" (assigned to central office) who received an evaluation in a narrative format will be placed in a group for the selection of 25%.

**OCS Process
for Selecting 25%**



- Classroom Teachers are evaluated on a 5 point scale (NCEES) from 2011-12 and 2012-13 school years (averaged together)
- Classroom Teachers are rated on the following 5 point scale:
 - Not Demonstrated = 1 points
 - Developing = 2 point
 - Proficient = 3 points
 - Accomplished = 4 points
 - Distinguished= 5 points

**OCS Process
for Selecting 25%**



- Other "teachers" are evaluated on a 4 point scale.
Career Development Coordinators, Media Coordinators, School Counselors, and Technology Facilitators are all rated on the following 4 point scale:
 - Unsatisfactory= 1 points
 - Below Standard= 2 point
 - At Standard = 3 points
 - Above Standard = 4 points

**OCS Process
for Selecting 25%**



- Other "teachers" are evaluated on a 6 point scale.
Audiologists, Speech-Language Pathologists, School Social Workers, and School Psychologists are all rated on the following 6 point scale:
 - Unsatisfactory = 1 points
 - Below Standard = 2 point
 - At Standard = 3 points
 - Above Standard = 4 points
 - Well Above Standard = 5 points
 - Superior = 6 points

OCS Process cont'd.



- Other "teachers" with narrative evaluation will be grouped together and 25% will be selected.
 - Committee will review narrative
 - Committee will complete a rubric based on information in the narrative to derive numeric values

OCS

Process cont'd



- If a **tiebreaker** is necessary, elements on the most recent evaluation will be assigned a point total and teacher with the highest average will be offered a contract
- If a **tiebreaker** is still necessary, we will look at teachers with the highest number of consecutive years in a tenure-eligible position in OCS
- If there continues to be a tie, we will look at the total number of years in a tenure-eligible position in education to identify a teacher to receive a contract

OCS Process cont'd



- Superintendent will present list of individuals for four-year contracts to Board in late May, early June.
- Board will vote on list
- Contracts must be offered and accepted by June 30, 2014

OCS Process cont'd



- If offered contract but do not sign and return it by 6/30/14
 - If tenured, will retain career status until 6/30/18
 - If not tenured, will be offered one year contract
- If not offered four-year contract
 - If tenured, will retain career status until June 30, 2018
 - If not tenured, will be offered a one year contract if teacher's contract is renewed

Frequently Asked Questions



- *Must local boards offer four-year contracts? Yes. The legislation requires each local BOE to offer four-year contracts to 25% of its teachers who have been employed by that Board for at least 3 consecutive years.*

Frequently Asked Questions



- *May only career status teachers be considered for four-year contracts? The statute requires the Superintendent to review the performance & evaluation of teachers employed by the Board for 3 or more consecutive years. Therefore, some of the teachers eligible for consideration will not yet have earned tenure status.*

Frequently Asked Questions



- *May all career status teachers be considered for four-year contracts? No. Only career status teachers who have been employed by the local Board for 3 or more consecutive years may be considered for four year contracts.*

Frequently Asked Questions



- *Are lateral entry teachers eligible? If they meet all other requirements, yes.*
- *Are part-time teachers eligible? No, because the definition of a "teacher" under General Statute specifically excludes part-time teachers.*
- *What if a teacher has been continuously employed for three years as of Sept. 1, 2013 but was absent or on leave for an extended period of time during one or more of the years? He or she is eligible.*
- *What if teacher was hired after Aug. 31 but did work during 2010-2011 school year and has remained employed with the school district? He or she is eligible if he or she worked 120 school days during the 2010-11 school year.*

Frequently Asked Questions



- *Does the legislation require that 25% of the eligible teachers be offered four-year contracts or that 25% of these teachers accept such offers? The legislation requires that 25% of eligible teachers be offered four year contracts.*

Open and Unanswered Questions



- *We recognize that there are still many unanswered questions surrounding this issue. We have tried to provide you with answers to some of the key questions that are currently known. Some outstanding questions include:*
 - *Is there guaranteed funding for the salary increases for those accepting the contract for all four years?*
 - *After the initial four years, will the salary increases be maintained?*
 - *What happens if I accept and sign a contract, relinquish tenure, and the NCAE lawsuit is successful? Will my tenure be restored?*

Summation



Teachers may be offered a four-year contract (that begins the 2014-15 school year) **if all** of the following apply:

- The teacher has three consecutive years of service within the local district as of Sept. 1, 2013;
- The teacher has shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument;
- The teacher is selected by the local Board of Ed. following the recommendation of the Superintendent;
- The contract offer is accepted by the teacher by June 30, 2014.

Orange County Schools Communication Plan for the 25%



There are special links for teachers on the Orange County Schools' homepage.

- Orange County Schools Video- Outlining the Process and Procedures
- Draft of four-year contract
- FAQs developed in collaboration between the NCDPI, NCSBA, & the NCASA
- PowerPoint – Attorney Jonathan Blumberg
- Attorney General's Opinion Letter-October 16, 2013
- Senate Bill 402 excerpts related to the selection of the 25% & four-year contracts

If you have questions about the process,
please contact:

OCS Human Resources Office
200 East King Street
Hillsborough, NC 27278

www.orange.k12.nc.us
Phone: 919-732-8126


