



NCSBA 2013-14 Legislative Agenda Item

Teacher Career Status Elimination – All Teachers or Future Teachers Exclusively

Issue Guide for Board Deliberations

Option 1 - Grandfather teachers who currently have career status

Pros:

- Stability for teachers that have earned career status
- Protection from multiple lawsuits
- Rewards teachers with longevity and begins the process of contracting new employees
- Grandfather approach was successfully taken when principal career status was eliminated in the 1990's

Cons:

- Keeps antiquated system in place
- Unfairly rewards teachers that may be subpar
- New system will take years to implement
- Children may receive subpar education because of a poor performing existing teacher who has career status
- Creates a rift between employees

Option 2 - Eliminate career status for all teachers

Pros:

- Creates a system where excellence is rewarded instead of longevity
- Creates a system where all employees are treated equally
- Businesses in America works in a similar fashion
- Implements the system in the first year
- Allows LEAs to remove antiquated teachers
- Allows LEAs to reward model employees
- Saves LEAs significant costs usually associated with dismissing a poor performing teacher

Cons:

- Lawsuits will be abundant (while a strong legal case can be made for eliminating career status for everyone, it is not crystal clear what the courts will do)
- School boards will have to adjust to new system; first year will be arduous as every employee will be under review
- Possible decrease in employee morale, especially among long-time employees who feel they may suddenly be at risk of arbitrary dismissal

NORTH CAROLINA SCHOOL BOARDS ASSOCIATION
2013-2014 LEGISLATIVE AGENDA
DRAFT

The North Carolina School Boards Association is the professional membership association representing North Carolina's 115 local school boards and the Cherokee Central School as the unified voice for all school districts across the state. The preservation and protection of public education must continually be a state priority of the highest order. North Carolina has long recognized the essential nature of public education by enshrining in its constitution every child's right to a free, appropriate public education. Legislative and policy making bodies must dedicate themselves to maintaining the common system of public education available to all children from all walks of life and socioeconomic backgrounds. For the general improvement and betterment of public education in North Carolina, NCSBA will advocate for the following items during the 2013-14 legislative session.

Public School Funding

Student enrollment across North Carolina's 115 school districts has been growing by nearly 7,000 students per year over the past four years. In the midst of economic recession, fiscal constraints and state budget cuts, however, the resources school districts need to keep pace with this substantial enrollment increase have not been provided. Each year during this period school districts have had to send large sums back to the State through a budgetary provision known as the "discretionary cut," while stretching remaining resources to accommodate new students. The result has been a straight and rapid decrease in per child funding that today leaves North Carolina in the nation's bottom quintile. This funding decrease has been appearing in classrooms all over the state, as ___ teachers and other personnel have been removed from schools and classrooms over this four year period.

NCSBA firmly believes the strain placed upon school districts by educating more students with fewer resources has reached a breaking point that cannot endure without significant deterioration to the quality of public education delivered in this state. The first thing the North Carolina General Assembly must do in this regard is eliminate the \$376.1 million discretionary cut.

School Technology – Fines and Forfeitures

North Carolina's Constitution requires the clear proceeds of all civil penalties, fines and forfeitures collected by State agencies to be distributed to the public schools. In August, 2008, a court found that the State has consistently failed to fulfill this constitutional obligation and owes public schools \$747 million in school technology funding.

The General Assembly took the first step towards compliance with the court ruling when it instructed the UNC system in 2009 to remit \$18.1 million in parking fines that had been held in escrow to the Civil Forfeiture Fund to be allocated to school technology. Four years after the court ruling, however, an arrangement for settling the full debt has yet to be established.

To ensure that school districts receive the funds they are owed NCSBA is committed to working with the General Assembly to find an incremental debt repayment method that allows for a fiscally responsible fulfillment of the State's obligations. One potential solution, as previously proposed by NCSBA, is to establish a series of pilot programs to enforce speed limits in highway work zones and

school zones using photographic equipment, with 75 percent of the resulting proceeds going towards repayment of the State's obligation.

NC Pre-K Program

For over a decade the State-funded NC Pre-K program, formerly known as More at Four, has been providing high-quality early educational opportunities to North Carolina's at-risk 4-year olds. Recognizing its demonstrated success in improving school readiness for North Carolina's most vulnerable students and narrowing the socioeconomic achievement gap, NCSBA affirms NC Pre-K's vital role in providing every child with the opportunity for a sound, basic education. Inadequate State investments have for too long deprived tens of thousands of eligible, at-risk children of access to NC Pre-K's benefits and services. NCSBA therefore believes the time has come for a firm State commitment to the NC Pre-K program through increased investments that expand access to more children. The program should also be transferred back to the Department of Public Instruction to allow it to be administered by educational professionals as the educational foundation for our most vulnerable students.

School Calendar

Students need an instructional calendar that optimizes retention, minimizes disruption, and allows concepts and ideas to be fully developed and absorbed. Over the past eight years laws governing North Carolina's public school calendars have been systematically modified to the overwhelming detriment of student learning and public education delivery effectiveness. Schools today can be open for less than 180 days, an unsound educational policy in light of the extensively documented negative effects of summer learning loss and the already low seat time the United States provides in comparison to other industrialized nations. Rigid and arbitrary State-mandated school start and end dates prevent local school boards from fashioning calendars that best fit the distinctive needs, geographies and characteristics of their communities. The narrow window of time in which school can be open allows few opportunities for professional development days to help improve teacher effectiveness in the classroom. Inflexible rules for adjusting calendars in response to severe weather events disrupt efficient administration and learning in many mountain districts. High school students are forced to take end-of-course exams after winter break. And the current calendar structure makes it difficult, if not impossible, for students to take courses at institutions of higher education, especially during the second semester.

North Carolina's school calendar law in its current iteration is unsound, unsustainable, and does not create conditions that maximize student learning. NCSBA requests that the General Assembly revisit and reverse many of the calendar alterations that have been made over the past eight years.

School Performance Grades

The General Assembly in 2012 required that A-F letter grades be included as a performance indicator in North Carolina's public school accountability model. While the letter grade indicator will not trigger sanctions, its testing measurement will recognize only the aggregate percentage of students that achieve proficiency in a given year, with no credit for annual growth in student achievement levels. NCSBA does not believe that student test scores alone can accurately or fairly gauge school and LEA performance. Accountability indicators such as the A-F letter grading system must recognize and credit those schools and LEAs that are achieving progress in improving student achievement levels.

Remediation and Reading Intervention

With the establishment of a new K-3 literacy program, the General Assembly has taken a positive step in efforts to reduce remediation rates. NCSBA advocates for the following specific policy measures which local boards of education believe will improve the program's effectiveness as it moves forward:

- A teacher effectiveness model paired with comprehensive, quality, challenging, and evidence-based curriculum standards.
- Removing the option for a parent to decline to enroll their child in the summer reading camp for retained students. This option undermines the core element necessary to ensure the program's success.
- Additional interventions for struggling readers in kindergarten through second grade so as to prevent unsustainable resource concentration at the 3rd grade level and minimize the number of students who need to be retained.

State efforts at reducing remediation must also include increased investments in the NC Pre-K program and NCSBA reaffirms its support for the program.

Tuition Tax Credits and Vouchers for Education

NCSBA opposes the use of public funds for education tuition tax credits and vouchers, including those for special education children. Any such program would divert funding away from public schools at a time when public school budgets are already under unprecedented strain. State policy should focus on the improvement of the statewide public education system available to all children.

Teacher Career Status

School board members have a responsibility to their communities to ensure that only competent and effective teachers are employed in their schools. This responsibility cannot be properly exercised when laws create barriers to school boards' ability to remove ineffective teachers. NCSBA therefore supports changing state teacher employment law to a system of 1, 2, 3, or 4-year renewable contracts. *(1) This should apply to all teachers. Or (2) Teachers who have already achieved career status should be grandfathered. *To be determined at Delegate Assembly in November.*

Charter Schools

Local boards of education are concerned about the separate and unequal systems of public education that today exist in North Carolina as a result of the starkly different rules and legal requirements under which traditional schools and charter schools must operate. When charter schools were first approved they were to be experimental incubators. Now, charters have been expanded to be a system of schools and the legal framework under which they operate needs to be thoroughly examined. NCSBA, therefore, will support:

- Equivalency in services required to be provided (i.e. food, transportation);
- Charter school compliance with all applicable rules and regulations which govern traditional schools;

- Establishment of district caps on charter schools to preserve the economic feasibility of traditional schools within the district;
- Ensuring that charter schools continue to be prohibited from accessing capital funds; and
- Granting traditional schools the same freedoms as charter schools.

Virtual Charter Schools

A provision in the 2011 State budget opened the doors to the establishment in North Carolina of charter schools that operate exclusively as virtual entities. Such virtual charter schools have never before operated in North Carolina and NCSBA believes that the state's existing charter school statutes cannot adequately address the novel policy and funding challenges they present. As has been demonstrated in other states, the absence of a legal and funding framework specific to virtual charter schools can lead to a host of problems, including fraud, poor planning, excessive overpayments, and public subsidies for homeschool and private school students.

NCSBA will oppose any virtual charter school that proposes to operate in North Carolina until existing laws and policies are studied and amended to delineate a framework for virtual charter school oversight, accountability, funding, and enrollment.

New Revenue/Video Sweepstakes Taxation

The video sweepstakes industry has been engaged in extensive litigation throughout the country fighting for the ability to exist. North Carolina has, like many other states, been unsuccessful in its attempts to outlaw these types of establishments. While video sweepstakes parlors are currently operating free of taxation and regulation in many cities and towns they are, in fact, asking for both and proposals have been introduced at the General Assembly to establish such a tax and regulatory regime. NCSBA supports efforts at the State level to find new revenue streams that will help ensure the budget is not balanced entirely through cuts to public education and other essential services. NCSBA, therefore, supports legislative efforts to tax and regulate video sweepstakes parlors and/or video poker machines; provided, however, that any resulting revenue be specifically dedicated to K-12 public education.

School Board Fiscal Accountability

NCSBA supports making school boards fiscally accountable. While over 90 percent of the 15,000 school boards in the nation are fiscally autonomous from other local governments, North Carolina school boards remain in the small minority of those who must rely upon another local government for local public education funds. **The General Assembly should enact legislation for requesting school boards that would allow a transfer of public school fiscal accountability to the requesting school board.** In such instances, school boards will be held directly accountable for all aspects of public education in that service area.

Guiding Principles

During each legislative session there are always unanticipated bills introduced that affect public schools. The following are guiding principles NCSBA will use to evaluate legislation that is introduced during the legislative session.

- NCSBA opposes any legislation that would violate federal laws or the state constitution.
- NCSBA opposes any legislation that would require school systems to expend additional financial resources without the State providing those necessary resources. NCSBA also will continue to advocate for funding for currently existing mandates.
- NCSBA opposes any legislation that attempts to diminish or take away local control and supports legislation that provides additional local control and decision making.
- NCSBA supports legislation that creates safe environments for students and staff as long as it is consistent with the aforementioned principles.
- The General Assembly should provide funds sufficient to guarantee full funding of all funding formulas.

Teacher Performance Pay (for affirmation only)

North Carolina's Race to the Top grant allows local school districts to use federal funds to experiment with teacher performance pay models. In 2012 the General Assembly authorized districts and individuals to create pay for performance plans and send them to the Department of Public Instruction. Many states have tried to implement plans such as these and have failed. NCSBA supports the premise of performance pay and supports implementing a pilot program in several districts in order to experiment with and perfect a plan before statewide implementation.

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