

FOR IMMEDIATE RELEASE
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NCAE AND SIX STELLAR PUBLIC SCHOOL TEACHERS FILE LAWSUIT CHALLENGING CAREER STATUS REPEAL

Raleigh, N.C. – In its second legal challenge to unconstitutional state laws aimed at destroying public education in less than a week, the NCAE and six classroom teachers have filed suit against the state over the repeal of career status and basic due process rights.

The lawsuit, filed in Wake County Superior Court this morning, alleges that the legislature's Career Status Repeal violates the federal and state constitutions by eliminating basic due process rights. Career status gives teachers the right to know why they are being disciplined or fired, and the right to a hearing. This law unconstitutionally takes away those rights from veteran teachers who have earned career status and from new teachers who have invested in a career with the understanding that they could earn those rights.

Rodney Ellis, a sixth grade teacher from Forsyth County serving as president of the North Carolina Association of Educators, said the lawsuit sends a message of hope and support to teachers demoralized by shrinking budgets, no recognition of advanced degrees, and paltry pay.

"Career Status Repeal is part of a full frontal assault by the Legislative majority on public education in North Carolina," he said. "It's part of a full frontal assault on the teachers, the children, the families and the FUTURE of our state. No wonder teachers are leaving our state in droves."

"But this is a message I want every educator in our state to hear before they go home for the holiday break: Whether you're a member or not, NCAE is fighting for you!"

Ellis said it is fitting that the Career Status Repeal lawsuit was filed on December 17.

"A year ago today, Dec. 17, 2012, we won a permanent injunction against a law that banned payroll dues deductions for our members," said Ellis. "The payroll deduction ban was meant to cripple the NCAE and silence the voice for educators. But I'm glad to say, the NCAE is alive and well."

Ann McColl, General Counsel for NCAE, said the constitutional challenges to the Career Status Repeal and the Voucher Law are an indication that the teachers -- and

the people of this state – will not roll over when the education of our children is on the line.

“Our Constitution is getting quite a workout this year,” said McColl, “and that is a very good thing. These are fundamental Constitutional principles being compromised.”

McColl noted that the Career Status Repeal, like the Voucher Law, was added to the budget bill (Appropriations Act of 2013) at the last minute after its sponsors could not get it through the legislative process for passing policy bills. It was put in the budget bill that was submitted to the House and Senate for a final vote through a process of secret meetings that did not provide for public input or even debate in public. The House had passed by a near-unanimous bipartisan majority a bill that would have protected teachers’ employment rights earlier in the summer.

Former State School Board Chairman Bill Harrison said the legislative leaders responsible for the Career Status Repeal are relying on the public’s misperception that teachers have “tenure,” a level of employment protection that allegedly makes it impossible to fire bad teachers.

“The notion that Career Status makes it impossible to get rid of underperforming teachers is a myth,” said Harrison, who was superintendent of schools in three counties before being named state board chair. “We need to be concerned about keeping the excellent teachers we have.”

Six stellar teachers joined NCAE, the state’s largest education organization, as plaintiffs on the lawsuit.

Brian Link, a teacher in the Chapel Hill-Carrboro City Schools for three years, was an attorney for a New York City law firm before he became an educator. He teaches World History and Civic and Economics Social Justice Perspective at East Chapel Hill High School and has already won numerous awards for his teaching.

At the time he accepted the job in Chapel Hill, he was considering another teaching job – in Florida, where career protections were in peril.

“I chose North Carolina because I believed this state respected and valued its teachers,” said Link. “Now, three years into my career, I will have none of those basic employment rights that first made me want to come here.”

Link said he knows that when teachers are not valued, they leave – and the students suffer.

Other teacher plaintiffs in the Career Status suit include:

Rich Nixon has been a teacher in the Johnston County Schools for 25 years. He has a master's degree and has won numerous state and national awards for teaching U.S. History to high school students.

Rhonda Holmes teaches visual arts to middle schoolers and is the current Teacher of the Year in Northampton County. She has been teaching for six years.

Annette Beatty has been a teacher in Forsyth County for 29 years; she teaches academically and intellectually gifted elementary school children and is a former county teacher of the year.

Stephanie Wallace also teaches in Forsyth County. She is a former Teaching Fellow who holds a master's degree and teaches high school English.

John deVillie has been recognized in Macon County, in the state and nationally for his teaching in U.S. History and Philosophy over the last 18 years.

A list of the plaintiffs on the lawsuit, including contact information for each, is attached. Also attached is a copy of the lawsuit itself, a copy of key language from the state and federal constitutions, and Questions & Answers on Career Status prepared by NCAE. All documents are available online at ncae.org.

NCAE and the six teacher plaintiffs on the suit are represented by Ann McColl and attorneys Burton Craige and Narendra Ghosh, partners in the law firm of Patterson Harkavy.

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