

1. What does career status mean?

Career status entitles a teacher to a basic set of due process protections to ensure that they are treated fairly before being dismissed or demoted. After a teacher works in the same district for four years, the local board decides whether to confer career status after considering the teacher's performance. When they have achieved career status, teachers are employed on a continuous basis instead of year-by-year. A career status teacher can only be dismissed for specific reasons, such as "inadequate performance," "insubordination," "neglect of duty," or a decrease in the number of students. Before a career status teacher can be dismissed or demoted, the teacher is entitled to an explanation for the decision and the right to be heard in a meaningful way before an impartial hearing officer.

2. Why refer to the employment system as career status instead of tenure?

Tenure is an extremely protective employment system used in higher education that prevents the dismissal of academic faculty except in exceptional circumstances. The law regarding the employment of teachers in North Carolina has never used the concept of tenure, but instead created career status as more appropriate for public schools. Career status provides much more limited job protection than tenure and in no way guarantees a teacher lifetime employment.

3. Why is career status important?

Public schools need teachers who are professionals pursuing a career in public education. Becoming a proficient teacher requires time and students learn best from teachers who are invested in becoming excellent educators. If schools want talented individuals to become and remain teachers – despite the long hours and low pay compared to other professionals – schools must make some commitment to a teacher's career just as the teacher commits to the school and its students. Career status reflects this commitment by promising to treat experienced teachers fairly before they are dismissed or demoted.

We expect teachers to make students their top priority and to act and speak on their behalf. Without career status, teachers would not have protection to advocate for students without fear of reprisal. Career status simply means that there will be a fair process. Public education is often affected by controversial issues, and teachers need protection from individuals or entities acting out of personal or political biases.

4. How has Career Status Law been changed over time?

Since 1971 when career status was enacted, it always has provided notice of decisions, set standards for dismissal or demotions, provided for an impartial review and a hearing before the board of education. The most significant change to the law was in 1997 with the Excellent Schools Act, when all education stakeholders negotiated and agreed to changes that streamlined the process. In 2011, the education stakeholders again came together to refine the process.

5. How does career status compare to employment rights given to other government employees?

State government employees enjoy similar due process protections under the State Personnel Act. As opposed to the four years for teachers, state employees receive the rights after two years. Like career status, State employee career rights include standards for dismissal or demotion, a pre-disciplinary conference, written notice of the reasons for the discipline, a right to review by the entity seeking to dismiss, and a hearing before an independent factfinder.

6. Can ineffective teachers be fired under the Career Status Law?

Yes. The framework intentionally establishes many opportunities for teachers to improve or leave teaching. Early stages provide for disciplinary action and action plans. As the process progresses, there are numerous opportunities for teachers to improve or leave their position. Even when the career status hearing process is triggered, it is rare that a teacher goes through the full hearing because the parties often resolve the situation beforehand. The few cases going to hearing tend to be instances when there are strong factual disputes or other reasons for contesting actions by the board. School board attorneys and attorneys representing teachers have publicly stated that the current process works.

7. How does North Carolina’s Career Status Law compare with neighboring states?

Virginia, Tennessee, South Carolina, and Georgia all give experienced teachers due process rights similar to North Carolina’s Career Status Law. While they differ somewhat on the amount of time it takes to earn the rights and the hearing process involved, all of these states’ laws provide standards for a teacher’s dismissal, notice to the teacher of the reason for dismissal, and the right to a hearing for the teacher. With the repeal of career status, North Carolina will be an outlier for teacher rights, which will lead to good North Carolina teachers leaving for neighboring states.

8. How was career status repealed?

The repeal of career status was included as provisions in the 2013 budget bill.

9. Did the House in the General Assembly debate the repeal of career status?

No. A bill repealing career status never passed in the Senate and so it did not come to the House as a separate policy bill. The repeal of career status was only reviewed by the full House when it was incorporated into the budget. At that point, there was no opportunity for amendment. The House simply had to choose to vote for or against the full budget, including all the policy provisions that were added to it.

10. Were there alternatives to the repeal of career status?

Yes. The House passed by a vote of 113-1 a comprehensive education reform that included further revisions to career status (HB 719). Based on the Colorado reform model, it expedited the process of dismissing of teachers who had poor evaluations while retaining career status.

11. What happened to the House option?

After HB 719 passed the House, it was sent to the Senate where it was referred to the Ways and Means Committee. This committee does not meet or consider bills. The bill was never considered by the Senate.

12. Did the full Senate debate the repeal of career status?

No. A bill repealing career status was heard in the Senate Education Committee. As a policy bill it was then referred to the Senate Appropriations Committee and did not emerge from this committee. The only time the repeal of career status was presented to the full Senate was as a part of the budget bill.

13. How, then, did it get included in the budget?

The Senate budget included the Career Status Repeal. The House version of the budget did not. Following rules of the General Assembly, the House and Senate appointed a conference committee to work out differences in the House and Senate Budget. This work happens behinds closed doors – the public cannot watch or participate in the conference committee. What emerged from this secret process was a budget that included in the Career Status Repeal. Following rules of the General Assembly, legislators in the Senate and House voted for or against the budget without the opportunity for amendment.

14. Does our constitution prohibit such maneuvers?

No. Some states do not allow policy to be thrown into the budget in this process or to have such substantive policy passed without the opportunity for amendment. The North Carolina Constitution does not address the issue.

15. What happens to teachers who were in the pipeline for career status?

Teachers who were in the pipeline or “probationary teachers” are only eligible for one-year contracts until 2018. At that time, local boards will decide to offer 1-, 2-, or 4-year contracts. The length of the contract is largely at the discretion of the local board. At the end of each contract, a teacher can be let go at the discretion of the local board, without any right to a hearing.

16. What happens to teachers who had career status?

Teachers with career status will lose the career status employment protections beginning in 2018. At that time, local boards will choose to offer these teachers 1-, 2-, or 4-year contracts, largely at the discretion of the local board.

17. How does the “25% contract” relate?

In 2014, local boards will offer four-year contracts to 25% of eligible teachers. Teachers must have been employed for at least three consecutive years and must be “proficient.” The superintendent will recommend a list based upon evaluations and performance to the local board. In exchange for voluntarily surrendering all rights to career status, the teacher will be entitled to a \$500 temporary raise over the four years. (NCAE has a document that more fully discusses this issue available at: <http://www.ncae.org/wp-content/uploads/NCAE-Contract-Law-Paper1013.pdf>.)

18. What are key elements of the “25% contract”?

In addition to surrendering career status for bonus pay, the contract includes all of the new provisions included in the Career Status Repeal. Teachers employed by 1-, 2-, or 4-year contracts will have no right to a hearing at the time of renewal and can be dismissed at any time after receiving one rating of less than proficient in an evaluation. There is no due process for disputing these evaluations.

19. How will the repeal of career status affect students?

NCAE anticipates that the loss of employment protections, along with salaries that are among the lowest in the country, will result in severe shortages of qualified teachers. It will be hard for school districts or any program to recruit teachers to North Carolina. This shortage will have a significant impact on public school classrooms when substitutes are for long-term fixes; when class size is increased to address the lack of teachers; and schools lack the continuity to create effective professional learning committees.

It also will have a significant chilling effect on teachers speaking out for students and what they believe is right for public education.