Harnett County Board of Education approved a Resolution

**Resolution by the Harnett County Board of Education ["Board"]
Opposing the 25% Legislation and
Supporting Equitable Teacher Pay at a Professional Level for
Harnett County's Exemplary Teacher Workforce**

WHEREAS, Section 9.6(g) of the Appropriations Act of 2013 [SL 2013-360] requires local Boards of Education to offer new four-year contract only to "25% of those teachers who have been employed by the local board for at least three consecutive years" who "have shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument" [the "25% Legislation"]; and

WHEREAS, the 25% Legislation requires that the new four-year contracts include "a $500 annual pay raise for each year of the four-year contract" but requires that each teacher that accepts such a contract and raise "shall cease to be employed pursuant to G.S. 115C-325 and voluntarily relinquishes career status or any claim of career status"; and

WHEREAS, approximately 85.4% of Harnett County Schools' teachers who are measured by North Carolina's Teacher Effectiveness Data met or exceeded the student academic growth standards for 2012-2013, which is 6.1 percentage points higher than the state average and one of the highest rates in the state; and

WHEREAS, approximately 30% of Harnett County Schools' teachers who are measured by North Carolina's Teacher Effectiveness Data exceeded the student academic growth standards for 2012-2013, which is 6.7 percentage points higher than the state average; and

WHEREAS, the work of these highly qualified and effective professionals resulted in 81.8% of Harnett County's schools meeting or exceeding expected growth during the 2012-2013academic year, under first year results of the new Common Core standards; and

WHEREAS, substantially more than 25% of Harnett County Schools' highly qualified and effective professional teacher workforce is entitled to increased pay; and

WHEREAS, the selection of only 25% of Harnett County Schools' teachers pursuant to the 25% Legislation will necessarily require divisive line-drawing among teachers of similar excellence, which could create perceptions of unfairness and further lower teacher morale; and

WHEREAS, the Board values collaboration with and among teachers, which increases teacher effectiveness and heightens student learning; and

WHEREAS, the Board does not believe designating an arbitrary percentage of teachers to receive pay raises together with the requirement that beginning July 1, 2018 school districts employ teachers pursuant to one-,two-, or four-year contracts is an effective way to promote collaboration and to reward its valued and highly skilled professional employees; and

WHEREAS, the language of the 25% Legislation is subject to potentially conflicting interpretations, including, but not limited to, the threshold issues of determining whether a teacher has at least three consecutive years of service and determining who is a "teacher" eligible to receive a new four-year contract; and

WHEREAS, the Office of the Attorney General has issued informal guidance stating that the term "teacher" under the statute includes not only classroom teachers , but also career development coordinators, media coordinators, school counselors, technology facilitators, speech-language specialists, school social workers, school psychologists, and audiologists; and

WHEREAS, the General Assembly has only funded the first year of the four annual pay raises provided for in the 25% Legislation and has not assured school boards or teachers that adequate funds will be allocated to fund the four-year contracts for their entirety, potentially creating an unfunded mandate pursuant to which teachers may not receive all of the annual $500 pay raises offered as an inducement for their relinquishment of career status; and

WHEREAS, the 25% Legislation does not state whether teachers who accept a four-year contract will continue to receive any increased pay after the four-year contract expires; and

WHEREAS, at least one lawsuit has been filed challenging the constitutionality of the statutory elimination of career status for teachers who have attained career status and for teachers who may receive career status [the "Career Status Lawsuit"], and a court has yet to rule on the merits of the Career Status Lawsuit; and

WHEREAS, the Board is deeply concerned that teachers who may be offered the new four-year contracts before a court has ruled on the merits of the Career Status Lawsuit will be unable to properly weigh the significance of their relinquishment of career status or any claim to career status, as such teachers will not know whether they will automatically be stripped of their career status on June 30, 2018; and

WHEREAS, with teacher pay low and the demands of the job high, North Carolina must act now to take concrete, effective, and positive steps to facilitate the recruitment and retention of excellent teachers, which the students in Harnett County now enjoy and which is paramount to serving our youth and increasing student learning,

NOW, THEREFORE, BE IT RESOLVED, that the Board opposes the 25% Legislation and the resulting unfair pay structure that it requires; and

BE IT FURTHER RESOLVED, that the Board respectfully requests that the General Assembly repeal the 25% Legislation prior to June 30, 2014, and develop, in its place, an effective compensation plan tied to career paths with input from the education and business communities that will pay teachers as professionals and bring teacher salaries to the national average; and

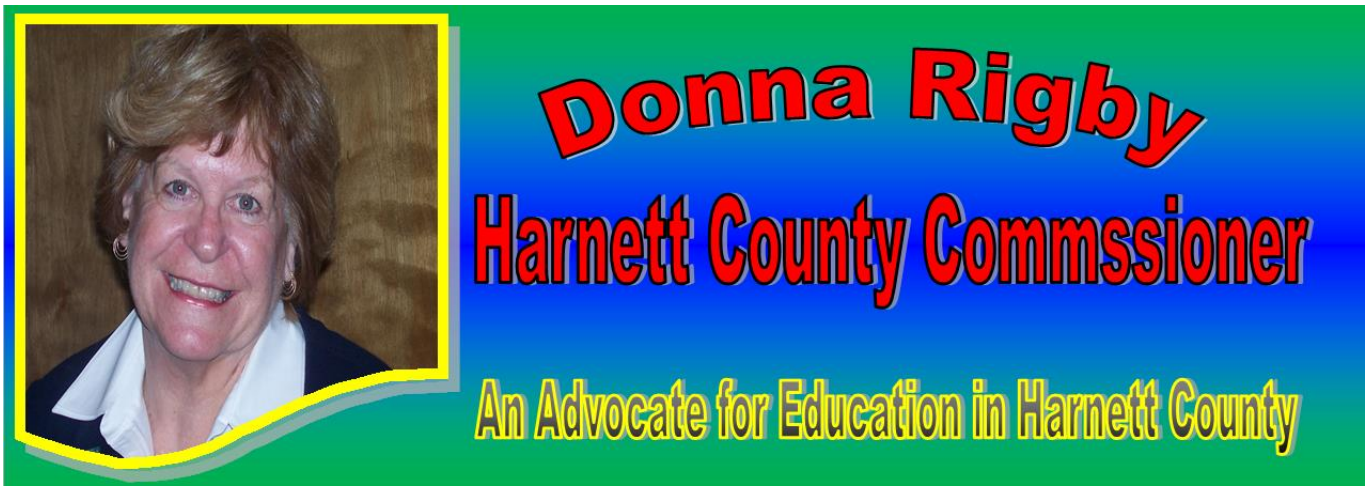
BE IT FURTHER RESOLVED, that the Board respectfully requests that the General Assembly allow the Board to retain its prorated share of the $10 million allocated for the 25% Legislation to be used by the Board as part of a locally-developed compensation plan that will be used to recruit and retain professional teachers.

ADOPTED this 7th day of April, 2014.

Chuck Levorse, Chairman
Harnett County Board of Education

ATTEST:

Thomas S. Frye
Superintendent and Secretary
to the Board of Education


Donna Rigby
Harnett County Commssioner
An Advocate for Education in Harnett County