



## A G E N D A

**Durham Public Schools Board of Education  
Administrative Services Committee  
December 5, 2013  
Fuller Administration Building, 511 Cleveland Street, Durham, NC**

1. Call to Order 4:30 p.m.
2. Moment of Silence
3. Agenda Review and Approval
4. Administrative Services Committee Meeting Minutes
  - November 7, 2013
5. Public Comment
6. **Financial Services**
  - a. 2012-13 Comprehensive Annual Financial Report
7. **Operational Services**
  - a. Sale of Morris Street Facility
  - b. Child Nutrition Services – Funding for Equipment Upgrades
  - c. Teacher Tenure and Contract Process
8. Adjournment

### ***Mission Statement***

*In collaboration with our community and parents, the mission of Durham Public Schools is to provide all students with an outstanding education that motivates them to reach their full potential and enables them to discover their interests and talents, pursue their goals and dreams, and succeed in college, in the workforce and as engaged citizens.*

Date: December 5, 2013



# Durham Public Schools ADMINISTRATIVE SERVICES COMMITTEE PRECIS

**Subject:** Administrative Services Committee Meeting Minutes

**Staff Liaison Present:**

**Phone #**

## **Main Points:**

Attached for committee consideration and approval are the following meeting minutes:

- November 7, 2013

## **Fiscal/Goal Implications:**

None

<b>Recommendation</b>	
Information	<input type="checkbox"/>
Discussion	<input type="checkbox"/>
Action	<input checked="" type="checkbox"/>
Consent	<input type="checkbox"/>

MINUTES  
Administrative Services Committee of the  
Durham Public Schools of Education  
November 7, 2013

The Administrative Services Committee of the Durham Public Schools Board of Education held a meeting on Thursday, November 7, 2013 at 4:30 p.m. in the Board Room of the Fuller Building, 511 Cleveland Street, Durham, NC.

**Board Members Present**

Natalie Beyer, Chair; Minnie Forte-Brown; Heidi Carter; Omega Parker; and Nancy Cox.

**Administrators Present**

Hugh Osteen, Deputy Superintendent of Operations; Evia Nelson, Executive Director of Construction & Capital Planning; Elaine Batten, Director of Information Technology; Scott Denton, Executive Director of Auxiliary Services; Tim Carr, Program Director; Aaron Beaulieu, Chief Financial Officer; and Paul LeSieur; Executive Director of Budget Management Services.

**Attorney Present**

Deborah Stagner

**Call to Order/Moment of Silence**

Chair Beyer called the meeting to order and a moment of silence was observed.

**Agenda Review and Approval**

There were no changes to the agenda.

**Approval of Minutes**

Ms. Cox moved the minutes be approved. The motion was adopted.

**General Public Comment**

None

**Pearson Elementary School – Bids for Repair, Roof and Chiller**

Mr. Osteen stated that reallocated bond funds provide for repair of settlement issues in the 1992 addition, partial roof replacement and a chiller replacement.

Mr. Osteen shared that bids were received on October 10, 2013 from six qualified bidders. Mr. Osteen explained that the lowest, responsive, responsible bidder is Harrod & Associates Constructors with a total bid of \$1,872,000. Mr. Osteen stated that the contract is within the project budget and the Minority Business Enterprise participation is 17.46%.

Ms. Cox made a motion to move this item to the consent agenda; seconded by Ms. Parker; motion passed unanimously.

### **Staff Development Center – Bids for Roof and Canopy Replacement**

Mr. Osteen stated that reallocated 2007 Bond funds provide for roof replacement on the main building and a canopy replacement.

Mr. Osteen shared that bids were received on October 15, 2013 from three qualified bidders. Mr. Osteen stated that the lowest, responsive, responsible bidder is Harrod & Associates Constructors with a total bid of \$374,400. Mr. Osteen stated that the contract is within the project budget and Minority Business Enterprise participation is 3.47%.

Ms. Cox made a motion to move this item to the consent agenda; seconded by Ms. Parker; motion passed unanimously.

### **2007 Bond Project Transfers**

Mr. Osteen explained that budget adjustments are required to balance several 2007 bond projects. Mr. Osteen stated that funds will be transferred to five projects from three projects that have been completed or have a clear surplus.

Mr. Osteen shared that Mangum Elementary School and The School for Creative Studies require additional funds to balance their budgets. Mr. Osteen explained that funds will be moved from Sandy Ridge Elementary School, R. N. Harris Elementary School and Riverside High School.

Ms. Cox made a motion to move this item to the consent agenda; seconded by Ms. Parker; motion passed unanimously.

### **Information Technology – Data Center Colocation Agreement**

Mr. Denton stated that the Information Technology Division is requesting to collocate the Durham Public Schools Data Center offsite at a nearby location. Mr. Denton explained the reason for the relocation is to improve stability of the data center services, such as networking, data storage, email, and other critical technology services.

Mr. Denton shared that the current data center has the following challenges:

- Power constraints;
- Airflow and cooling capacity limitations;
- Physical space limitations to meet expanding requirements.

Mr. Denton stated that IT is recommending awarding the bid to Microcomputer Center of North Carolina. Mr. Denton shared that the cost for one year is \$119,400 and will drop to \$94,200 in years 2 and 3.

Ms. Cox made a motion to move this item to the consent agenda; seconded by Ms. Forte-Brown; motion passed unanimously.

### **Information Technology – Mobile Unit Cabling**

Mr. Denton stated that the Information Technology Division is requesting to purchase cabling services for the purpose of providing internet connectivity to 69 mobile units used as classrooms through the district.

Mr. Denton shared that Information Technology is recommending awarding the bid to LightWire, Inc. totaling \$204,777.62.

Ms. Parker made a motion to move this item to the consent agenda; seconded by Ms. Forte-Brown; motion passed unanimously.

### **Carrington Middle School – Cell Tower Lease Renewal Extension**

Mr. Osteen stated that Crown Castle is requesting to extend its cellular lease agreement at Carrington Middle School.

Mr. Osteen shared that the lease is beneficial to Durham Public Schools due to revenue. Mr. Osteen shared the current payment due is \$36,309.71 with an annual increase of 3.5%.

Ms. Cox made a motion to move this item to the consent agenda; seconded by Ms. Forte-Brown; motion passed unanimously.

### **Long Range Facilities Plan – 2013 Update**

Mr. Osteen shared that every three to four years the administration updates the Long Range Facilities Plan. Mr. Osteen stated that the plan supports the planning and funding decisions regarding capital improvements to our district's facilities. Mr. Osteen explained that the plan projects facility needs for the next ten years.

Mr. Osteen stated the last update occurred in May, 2010. Mr. Osteen shared that Cummings/SMG was hired to update this report. Mr. Osteen commented they had visited several school sites and had met with several staff members to gather input for the report. Mr. Osteen shared that the report is a historical document with constant changes. Mr. Osteen explained that this plan identifies almost \$400 million in capital funding needed for the next ten year.

Mr. Osteen presented a brief overview of the report and responded to several questions from board members. Mr. Osteen recommended that the draft report move forward to the full board for approval at the November 21, 2013 meeting.

Ms. Cox made a motion to move this item to the agenda for action; seconded by Ms. Carter; motion passed unanimously.

**Initial Budget Resolution (2013-2014)**

Mr. Beaulieu gave a detailed PowerPoint overview of the Initial Budget Resolution for the 2013-14 fiscal year. Mr. Beaulieu shared that the resolution is required by the North Carolina General Statute, Article 31, 115C-425 – “Annual Balance Budget Resolution”. Mr. Beaulieu explained that the resolution requires each local school administrative unit to operate under an annual balanced budget resolution adopted and administrated in accordance with this article.

Ms. Cox made a motion to move this item to the consent agenda; seconded by Ms. Carter; motion passed unanimously.

There were no follow-up items for this meeting.

There being no further business, the meeting was adjourned at 6:45 p.m.

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Natalie Beyer, Committee Chair

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Hugh Osteen, Deputy Superintendent of Operations



Date: December 5, 2013

# Durham Public Schools ADMINISTRATIVE SERVICES COMMITTEE PRECIS

**Agenda Item:** 2012-2013 Comprehensive Annual Financial Report

**Staff Liaison Present:** Aaron J. Beaulieu                      **Phone #** 560-3544

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**Main Points:**

- The fiscal year 2012-2013 Comprehensive Annual Financial Report (CAFR) audit report prepared by the Durham Public Schools Financial Services staff and audited by the certified public accounting firm of Rives & Associates, LLP will be presented at the December 19, 2013 Board meeting, along with the Initial Budget Resolution (2013-14).
- As requested by the Board, a work-session presentation will be made at the Administrative Committee meeting to answer questions and discuss the audit report prior to its presentation at the regular Board meeting. Copies of the final CAFR will be provided at the committee meeting.

Administration submits this audit for discussion and subsequent approval.

**Fiscal Implications:**

- It is required by Public School Law 115C-447 that public schools have their accounting records audited annually by a certified public accountant or an accountant certified by the Local Government Commission.

**Strategic Plan Alignment:**

None

<b><u>Purpose</u></b>			
<b>Information</b>	<input type="checkbox"/>	<b>Discussion</b>	<input checked="" type="checkbox"/>
		<b>Action</b>	<input type="checkbox"/>
		<b>Consent</b>	<input type="checkbox"/>
<b>Reviewed by:</b>	<input checked="" type="checkbox"/>	<b>Finance</b>	<b><u>AJB</u></b>



*One Vision. One Durham.*

Date: December 5, 2013

# Durham Public Schools ADMINISTRATIVE SERVICES COMMITTEE PRECIS

**Agenda Item:** Sale of Morris Street Facility

**Staff Liaison Present:** Hugh Osteen      **Phone #** 560-3831

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**Main Points:**

- The administration has sought offers to purchase the Morris Street facility from potential buyers.
- The best offer to date is from Measurement, Incorporated for \$901,200. The administration recommends this offer be the starting point for the upset bid process as noted in G.S. 160A-269.

Administration submits this starting offer for information and subsequent approval.

**Fiscal Implications:**

- Proceeds from the sale will be directed toward critical capital needs.

**Strategic Plan Alignment:**

None

**Purpose**

**Information**       **Discussion**       **Action**       **Consent**

**Reviewed by:**       **Finance** \_\_\_\_\_       **Attorney** Rod Malone



**Durham Public Schools  
Sale of Morris Street Facility**

301 Morris Street  
302 Morris Street

The Durham Public Schools Board of Education has declared its real property at 301 and 302 Morris Street in Durham, North Carolina as Surplus and offers it for sale. The properties will be sold as one together. Durham Public Schools will follow the upset bid process as stated in G.S. 160A-269. The best proposal will be approved by the Board and then be posted publicly. Anyone may then raise the bid within 10 days by a minimum of 10% of the first \$1,000 and 5% of the remainder. All bids require a 5% deposit. The process will be repeated until no further bids are received. The final bid will then be submitted to the Board for approval.



## Child Nutrition Services – Funding Equipment Upgrades

### **Executive Summary**

Child Nutrition Services (CNS) desires to use \$725k in fund balance to support cafeteria upgrades and equipment replacement. Equipment is needed in several school locations to support basic operations, ensure continued support of healthy food offerings and enhance the ability to meet nutritional standards. In addition, the upgrades will allow CNS to reach its goal of eliminating fryers at all of the high schools during the 2013-1014 school year. Below are the areas recommended for upgrade and associated projected costs.

#### **1. Refrigeration**

Refrigeration and cold-well serving units will be needed at Glenn, Jordan, Bethesda and Oak Grove. One Two-Door Refrigerator and one Two-Door Freezer are needed at Glenn Elementary. Two cold merchandising units are needed at Jordan. Two cold serving wells are needed at Bethesda and two at Oak Grove.

**Total investment needed: \$46k.**

#### **2. Serving Lines**

CNS must replace serving lines or add second serving lines to Eno Valley, Holt, Shepard, Pearsontown and Northern.

**Total investment needed: \$303k.**

#### **3. Ovens**

Combination ovens (combi-ovens) are needed at Jordan, DSA, Hillside and Southern in order to eliminate fryers.

**Total investment needed: \$312k.**

#### **4. Miscellaneous Equipment**

Four schools (Eno Valley, Holt, Pearsontown and Southwest) need warming cabinets. The School for Creative Studies needs a slicer. Three schools (Eno Valley, Holt and Pearsontown) need milk boxes.

**Total investment needed: \$64k.**

**Total Fund Balance Allocation Requested: \$725,000**

**Durham Public Schools  
ADMINISTRATIVE SERVICES COMMITTEE  
PRECIS**

**Agenda Item:** Teacher Tenure and Contract Process

**Staff Liaison Present:** Dr. Tina S. Hester

**Phone #** 560-2353

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**Main Points:**

- The presentation captures the changes in the tenure law and the impact on licensed personnel.
- The presentation includes a description of the proposed methodology for identifying 25% of the staff who are eligible to receive a four-year contract effective July 1, 2014.

Administration submits this methodology for discussion and subsequent approval.

**Fiscal Implications:**

Current, respective funding sources must support the increases given to staff each year over the four-year contract period.

**Strategic Plan Alignment:**

None

**Purpose**

**Information**       **Discussion**       **Action**       **Consent**

**Reviewed by:**       **Finance** AJB       **Attorney** Ken Soo

# **Tenure Law: Teacher Contracts**

**2013-2014**

**Office of Human Resource Services**

**Durham Public Schools**

# Changes in Tenure Law

## **SB 402: Session Law 360 9.6(g)**

- No career contracts awarded this year
- Identify 25% of teachers employed for at least 3 years in DPS; award 4-year contracts 2014-15
- If career, must agree to relinquish
- \$500 added to teacher's base salary each year of contract

# Changes in Tenure Law

## 2018-2019

- No career status for anyone
- 3 types of contracts: 1-year, 2-year & 4-year
- Salary implications not spelled out (ex. if move to another district after four years); GA's intent is to move to a pay for performance model

# Changes in the Tenure Law

## 2013-2014 Implications

- Attorney General – “Teacher” includes: classroom teachers and instructional support personnel
- Any “teacher” who did not attain career status in DPS prior to 2013-2014 cannot attain career status.



## Changes in Tenure Law

- July 2, 2014 to June 30, 2018
- All teachers who have not been granted career status prior to 2013-14 shall be offered a one year contract except for qualifying teachers under the 25% provision offered a four-year contract until 2018-19.

# Changes in Tenure Law

2013-2014

## Probationary Teachers

Employment Status	<ul style="list-style-type: none"> <li>• No longer eligible for career status</li> </ul>
Procedure for Nonrenewal of Contract	<ul style="list-style-type: none"> <li>• Same as current law</li> <li>• Deadline for notice of nonrenewal: May 15</li> <li>• Can request and receive reasons for nonrenewal</li> </ul>
Hearing Rights	<ul style="list-style-type: none"> <li>• Can request a BOE hearing</li> </ul>
Evaluations	<ul style="list-style-type: none"> <li>• Three admin observations</li> <li>• One peer observation</li> <li>• One evaluation</li> </ul>

# Changes in Tenure Law

2013-2014

## Career Status Teachers

Employment Status	• Career status
Procedure for Nonrenewal of Contract	<ul style="list-style-type: none"> <li>• Written Notice from superintendent</li> <li>• Retain career status protections under G.S. §115C-325</li> </ul>
Hearing Rights	<ul style="list-style-type: none"> <li>• Right to hearing before a hearing officer or the BOE</li> <li>• Right to appeal decision of Hearing Officer to BOE</li> <li>• Right to appeal decision of the BOE to Superior Court</li> </ul>
Evaluations	<ul style="list-style-type: none"> <li>• Same as current policy (TCP-C-004)</li> <li>• Abbreviated evaluations (standards 1 &amp; 4) and 4 permissible</li> </ul>

# Changes in Tenure Law

2013-2014

## School Administrators

<p><b>Employment Status</b></p>	<ul style="list-style-type: none"> <li>• <b>Unchanged</b></li> <li>• <b>Administrators with career status keep it this year</b></li> </ul>
<p><b>Procedure for Nonrenewal of Contract</b></p>	<ul style="list-style-type: none"> <li>• Deadline for notice of nonrenewal: May 1</li> <li>• Superintendent must give reasons for nonrenewal</li> <li>• No change from current law (G.S. §115C-287.1) this year</li> </ul>
<p><b>Hearing Rights</b></p>	<ul style="list-style-type: none"> <li>• Right to hearing before the BOE</li> </ul>

# Changes in Tenure Law

## 2013-2014 Noncertified/Classified Employees

Employment Status	<ul style="list-style-type: none"> <li>• “Super employees not quite at-will”</li> </ul>
BOE Hearing	<ul style="list-style-type: none"> <li>• Right to appeal a “final administrative decision” to the BOE regarding the “terms or conditions of employment or employment status”</li> </ul>
Right of Appeal	<ul style="list-style-type: none"> <li>• Right to appeal the decision of the BOE to Superior Court if it involves dismissal, demotion or suspension</li> </ul>
Notice	<ul style="list-style-type: none"> <li>• Right to receive written notice of reasons for dismissal, demotion, or suspension without pay</li> </ul>

# Changes in the Tenure Law

## 2014-2018

# Changes in Tenure Law

## 2014-2018 Probationary Teachers

Definition of "Teachers"	<ul style="list-style-type: none"> <li>Expanded to include teacher who holds a current lateral entry license and meets other criteria</li> </ul>
Employment Status	<ul style="list-style-type: none"> <li>Probationary</li> </ul>
Contract Term	<ul style="list-style-type: none"> <li>One Year</li> </ul>
Nonrenewal of Contract	<ul style="list-style-type: none"> <li>Notification: Changed to June 1</li> <li>No requirement to provide reasons for nonrenewal</li> </ul>
Hearing Rights for Nonrenewal of Contract	<ul style="list-style-type: none"> <li>None</li> <li>10 days to petition the BOE for a hearing. BOE has discretion whether or not to grant a hearing.</li> <li>No right to appeal the decision of the BOE to Superior Court</li> </ul>

# Changes in Tenure Law

## 2014-2018 Probationary Teachers

Dismissal/Demotion During One-Year Contract	<ul style="list-style-type: none"> <li>• Right to receive written notice of the grounds for superintendent's recommendation</li> </ul>
Hearing Rights for Dismissal Demotion During Contract Year	<ul style="list-style-type: none"> <li>• Right to appeal to the BOE (no hearing officers)</li> <li>• Right to appeal the decision of the BOE to Superior Court</li> <li>• Appeal will be based on the administrative record.</li> <li>• No monetary judgments</li> <li>• Superior Court may affirm or reverse BOE decision or remand to BOE. Court may not direct BOE to enter into contract for more than one year ending June 30.</li> </ul>
Evaluations	<ul style="list-style-type: none"> <li>• Less than 3 years in same LEA:             <ul style="list-style-type: none"> <li>3 administrator observations</li> <li>One peer observation</li> <li>One evaluation</li> </ul> </li> </ul> <p>Four year contract teachers: Follow SBE Policy TCP-C-004 Three years or more in same LEA, but no 4 year contract???</p>



# Changes in Tenure Law

## 2014-2018 Career Status Teachers

<b>Employment Status</b>	<ul style="list-style-type: none"> <li>• <b>Career status</b></li> </ul>
<b>Procedure for Nonrenewal of Contract</b>	<ul style="list-style-type: none"> <li>• Written Notice from superintendent</li> <li>• Retain career status protections under G.S.§115C-325</li> </ul>
<b>Hearing Rights</b>	<ul style="list-style-type: none"> <li>• Right to hearing before a hearing officer or the BOE</li> <li>• Right to appeal decision of the Hearing Officer to BOE</li> <li>• Right to appeal decision of the BOE to Superior Court</li> </ul>
<b>Evaluations</b>	<ul style="list-style-type: none"> <li>• Same as current SBE policy (TCP-C-004)</li> <li>• Abbreviated evaluations (Standards 1 &amp; 4) and 4 permissible</li> </ul>

# Changes in Tenure Law

## 2014-2018 Teachers on Four-Year Contracts

<b>Employment Status</b>	<ul style="list-style-type: none"> <li>• Contract employees (four -year contract) if among the 25% of teachers in LEA selected and teacher accepts offer</li> </ul>
<b>Nonrenewal at the end of 4-year contract</b>	<ul style="list-style-type: none"> <li>• Notification by June 1</li> <li>• No requirement to provide reasons for nonrenewal</li> </ul>
<b>Hearing Rights for Nonrenewal of Contract</b>	<ul style="list-style-type: none"> <li>• None</li> <li>• 10 days to petition the BOE for a hearing. BOE has discretion whether or not to grant hearing.</li> <li>• No right to appeal the decision of the BOE to Superior Court</li> </ul>
<b>Evaluations</b>	<ul style="list-style-type: none"> <li>• Same as current SBE Policy (TCP-C-004)</li> </ul>

## Changes in Tenure Law

### 2014-2018 Teachers on Four-Year Contracts (cont.)

Dismissal/Demotion During Four-Year Contract	<ul style="list-style-type: none"> <li>• Right to receive written notice of the grounds for superintendent's recommendation</li> </ul>
Hearing Rights for Dismissal/Demotion during Contract	<ul style="list-style-type: none"> <li>• Right to appeal to the BOE (no hearing officers)</li> <li>• Right to appeal the decision of the BOE to Superior Court</li> <li>• Appeal will be based on the administrative record</li> <li>• No monetary judgments</li> <li>• Superior Court may affirm <u>or</u> reverse BOE decision or remand to BOE. Court may not direct BOE to enter into contract for more than one year ending June 30.</li> </ul>

# Changes in Tenure Law

## Effective July 1, 2014 School Administrators

<p><b>Employment Status</b></p>	<ul style="list-style-type: none"> <li>• <b>Unchanged except: Any administrator with career status (as either a teacher or administrator) will lose it, effective July 1, 2014.</b></li> </ul>
<p><b>Procedure for Nonrenewal of Contract</b></p>	<ul style="list-style-type: none"> <li>• Notification by May 1</li> <li>• No longer any right to receive reasons for nonrenewal</li> </ul>
<p><b>Hearing Rights for Nonrenewal of Contract</b></p>	<ul style="list-style-type: none"> <li>• Right to hearing by BOE</li> <li>• No longer any right to judicial review of the decision of the BOE</li> </ul>

# Changes in Tenure Law

## Effective July 1, 2014 Noncertified/Classified

Employment Status	• At-will
Procedure for Nonrenewal of Contract	<ul style="list-style-type: none"> <li>As before, right to appeal to BOE from any “final administrative decision” involving “terms or conditions of employment or employment status”</li> </ul>
Right of Appeal	<ul style="list-style-type: none"> <li>Right to appeal BOE decision to Superior Court is eliminated.</li> </ul>
Notice	<ul style="list-style-type: none"> <li>Notice of written reasons for dismissal, demotion or suspension without pay is eliminated.</li> </ul>

# Changes in Tenure Law

## Effective July 1, 2018 Teachers

<b>Employment Status</b>	<ul style="list-style-type: none"> <li>• Career status is eliminated for <u>everyone</u>.</li> <li>• Contract employees (1, 2, or 4 years)</li> </ul>
<b>Contract Terms</b> Note: Year is no longer 120 workdays performed New G.S. §115C-325.1(7) will define “year” as “ a calendar year beginning July 1 and ending June 30.”	<ul style="list-style-type: none"> <li>• Less than 3 years in same LEA: one-year contract</li> <li>• Three or more years in the same LEA: one, two or four-year contracts</li> </ul>
<b>Nonrenewal of Contract</b>	<ul style="list-style-type: none"> <li>• Notification by June 1</li> <li>• No requirement to provide reasons for nonrenewal</li> </ul>
<b>Hearing Rights for Nonrenewal of Contract</b>	<ul style="list-style-type: none"> <li>• None</li> <li>• 10 days to petition the BOE for a hearing. BOE has discretion whether or not to grant hearing.</li> <li>• No right to appeal the decision of the BOE to Superior Court</li> </ul>

# Changes in Tenure Law

## Effective July 1, 2018 Teachers

Dismissal/Demotion During Four-Year Contract	<ul style="list-style-type: none"> <li>• Right to receive written notice of the grounds for the superintendent's recommendation</li> <li>• Same 15 grounds for dismissal/demotion as in current law</li> </ul>
Hearing Rights for Dismissal/Demotion during Contract	<ul style="list-style-type: none"> <li>• Right to appeal to the BOE (no hearing officers)</li> <li>• Right to appeal the decision of the BOE to Superior Court</li> <li>• Appeal will be based on the administrative record</li> <li>• No monetary judgments</li> <li>• Superior Court may affirm <u>or</u> reverse BOE decision or remand to BOE. Court may not direct BOE to enter into contract for more than one year ending June 30.</li> </ul>
Evaluations	<ul style="list-style-type: none"> <li>• Less than 3 years in same LEA:             <ul style="list-style-type: none"> <li>Three administrator observations</li> <li>One peer observation</li> <li>One evaluation</li> </ul> </li> </ul> <p>Four year contract teachers: Follow SBE Policy TCP-C-004            Three years or more in same LEA, but no 4 year contract???</p>



## Implementing Changes in Tenure Law

S.L. 2013-360: Section 9.6(g)

Beginning September 1, 2013 to June 30, 2014, all superintendents shall review the performance and evaluations of all teachers who have been employed by the local board for at least three consecutive years. Based on these reviews, the superintendent shall identify and recommend to the local board 25% of those teachers employed by the local board for at least three consecutive years to be awarded four-year contracts beginning with the 2014-15 school year. The superintendent shall not recommend to the local board any teacher for a four-year contract unless that teacher has shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument.



## Implementing Changes in Tenure Law

Section 9.6 (g) (cont.): The local board of education shall review the superintendent's recommendation and may approve that recommendation or may select other teachers part of the 25% to offer four-year contracts, but the local board shall not offer any teacher a four-year contract unless that teacher has shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument. Contract offers shall be made and accepted no later than June 30, 2014. A teacher shall cease to be employed pursuant to G.S. §115C-325 and voluntarily relinquishes career status or any claim of career status by acceptance of a four-year contract as provided in this section.

# Implementing Changes in Tenure Law

## Eligible for What?

- Four-year contract
- \$500 annual pay raise for each year of the contract (based on starting base salary each year)
- \$500 annual (cumulative) pay raise=\$5,000 in additional pay over the next 4 years

# Implementing Changes in Tenure Law

\$5000??

Example: 2013-14 teacher's base pay for 10 years= \$35,800

Teacher is offered and accepts four-year contract

- 2014-15- base pay + \$500     $\$35,800 + \$500 = \$36,300$
- 2015-16- base pay + \$1000     $\$35,800 + \$1000 = \$36,800$
- 2016-17- base pay + \$1500     $\$35,800 + \$1500 = \$37,300$
- 2017-18- base pay + \$2000     $\$35,800 + \$2000 = \$37,800$

Total \$5000

Actual raise to salary at the end of 4 years is \$2000; \$500 each year ( $\$500 \times 4 = \$2000$ )

# Implementing Changes in Tenure Law

2013-2014      Choosing DPS' 25%

1) Identify eligible teachers (3 years or more):  
1422; 25% of 1422 = 355.5; 355 four-year  
contracts can be offered for 2014-15 (must  
round down).

2) Identify eligible staff at each school; compute  
25%.

## Implementing Changes in Tenure Law

3) Identify eligible instructional support personnel; sort by category; compute 25%.

25% counselors; 25% psychologists; 25% SLP; 25% social workers; 25% media specialists; 25% technology facilitators; 25% content specialists; 25% area facilitator; 25% instructional facilitators; 25% CD counselors/special pops coordinator; 25% licensed coordinators, etc.

4) Survey DPS staff regarding the proposed methodology and their interest in accepting the four-year contract if offered.



## Implementing Changes in Tenure Law

5) Review evaluations of eligible staff (3 years or more) and eliminate staff who are not proficient on any standard. If narrative evaluations or no evaluations are available a committee of 3: HR Administrator, TOY and POY will use a point system and determine proficiency and numerical ratings.

6) Assign numerical value to standards included in the teacher summary rating form: Not Demonstrated-0; Developing-1; Proficient-2; Accomplished-3; Distinguished-4 for past two years (2011-12 & 2012-13); divide total by number of ratings; sort highest to lowest.

# Implementing Changes in Tenure Law

Example A:

2011-12	Standard 1	Standard 2	Standard 3	Standard 4	Standard 5	Total
	2	3	2	3	3	13
2012-13	3	2	2	3	3	13
Score						26/10=2.6

# Implementing Changes in Tenure Law

Example B: Career Status –Abbreviated

Standards 1 and 4

2011-12	Standard 1	Standard 4	Total
	3	4	7
2012-13	3	2	5
Score			12/4=3



## **Implementing Changes in Tenure Law**

7) Identify staff with highest ratings that fall within the 25% who are eligible for the four-year contracts.

8) If there is a tie, apply numerical value to elements under each standard.

## Implementing Changes in Tenure Law

9) Apply the same principle for computing a numerical value for instructional support staff and determine eligibility for four-year contract. If there is a tie and the evaluations do not have rated elements, seniority will be used.

10) If evaluations are not available, the following criteria will be used: educational leadership in school/district/community; attendance; seniority, discipline/reprimands; advanced degrees; multiple certifications, national board certified; school/district recognitions/awards. If there is a tie and the evaluations do not have rated elements, seniority will be used.

# Implementing Changes in Tenure Law

11) Compile 25% list and submit to the BOE for approval.

12) Offer contracts to eligible 25% staff; staff must accept or reject offer.

# Implementing Changes in Tenure Law

## Feedback from Superintendent's Teacher Advisory Council, Durham Association of Educators, and Principals

- Concerned about making commitment to relinquish tenure and the money not being available
- Lots of concern about the repeal of tenure and the 25% legislation
- Add advanced degrees, multiple certifications, recognitions/awards and educational community leadership to the criteria for identifying eligible staff with no evaluations or narratives
- Add to survey a question regarding receiving supplement monthly
- In light of the decisions by the general assembly, what is DPS going to do to retain good teachers?

# Implementing Changes in Tenure Law Summary

## Timeline

- Four-year contract offers must be made and accepted no later than June 30, 2014.
- Four-year term: July 1, 2014-June 30, 2018



# Implementing Changes in Tenure Law Summary

## Process

- Superintendent shall recommend 25% of the eligible teachers to the BOE.
- The BOE must review the teachers recommended by the superintendent.

BOE can accept each candidate or choose an alternative.

Total number of teachers offered four-year contracts must equal 25% of teachers employed in the LEA for at least 3 consecutive years.

# Implementing Changes in Tenure Law Summary

## Implications

Any teacher who accepts a four-year contract:

- voluntarily relinquishes career status or any claim of career status; and
- becomes subject to new teacher employment provisions.

# Implementing Changes in Tenure Law Summary

## What if teacher is not selected or refuses to accept the contract?

- Career status teachers who are not offered four-year contracts in June 2014 or reject a four-year contract will retain career status under the existing law until July 1, 2018.
- Non-career status teachers who did not attain career status prior to 2013-14 and are not chosen for four-year contracts in June 2014 are only eligible to receive one year contracts until July 1, 2018, and are subject to new teacher employment provisions.



# Implementing Changes in Tenure Law

## Summary

### Budgetary Implications

- Funding sources must support the pay raise each year. For example, local and federal budgets must include this provision for respectively paid teachers.
- There may be law suits challenging the elimination of career status or the elimination of judicial review from non-certified staff.

# Implementing Changes in Tenure Law Summary

# DISCUSSION