

**Prepared by NCAE and PSFNC**

### **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 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.

### **Why refer to the employment system as career status instead of tenure?**

Tenure is an extremely protective employment system used in higher education that allows the dismissal of academic faculty only in exceptional circumstances. Career status provides much more limited job protection than tenure and in no way guarantees a teacher lifetime employment.

### **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. The repeal of career status has had a chilling effect on teachers who can now only expect to be employed year-by-year. Public education is often affected by controversial issues, and teachers need protection from individuals or entities acting out of personal or political biases when they are advocating for their students.

### **How has the 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.

### **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.

### **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.

### **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.

### **How was career status repealed?**

The repeal of career status was included as provisions in the 2013 budget bill. It applied immediately to teachers who had not earned career status as of August 1, 2013, and eliminates tenure entirely on June 30, 2018. The House overwhelmingly passed an alternative to repealing career status that expedited the dismissal of ineffective teachers but preserved the right for all. That bill died in the Senate, where the repeal was inserted into the budget. It emerged from a closed conference committee that reconciled the House and Senate budgets, which both houses could only hold an up or down vote on, with no debate or amendment. Although no civics teacher would recommend this process, it was no unconstitutional.

### **Is that when NCAE sued to stop the repeal of our Career Status Law?**

Yes, NCAE along with six teachers filed suit to stop the state from taking away rights guaranteed by employment contracts. One of the teachers was one year away from earning career status. Two lower courts have largely sided with NCAE, ruling that the legislature could not take career status away from teachers who had earned it by August 1, 2013. Unfortunately, the courts said the state did have the right to deny career status to those probationary teachers who began their careers with the promise of earning it. The case is now awaiting a decision by the NC Supreme Court.

### **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. The insecurity of teaching positions has caused many teachers to leave for other careers, leaving more students in the care of inexperienced teachers, who themselves lack for mentoring.

In addition, the repeal of career status has had a significant chilling effect on teachers speaking out for students and what they believe is right for public education. Employing teachers on annual basis makes it difficult for them to advocate for students by protesting policies and initiatives they believe are not in their students' best interest because they fear retaliation or punishment in the form of non-renewed contracts. This is bad for students who need classroom participants to speak to administrators and school boards about what actually works in schools.

Several school boards around the state have considered and/or passed resolutions that support "Teacher Free Speech Rights" based on the First Amendment of the U.S. Constitution. These resolutions recognize that, like all citizens, public school teachers have free speech rights protected by the First Amendment as long as the speech does not adversely affect the functioning of their schools.

North Carolina's teachers must feel secure advocating for our students, including criticizing school administrators and even the local school board if their opinions relate to a "matter of public concern," such as public education for all students. For more information go to [www.publicschoolsfirstnc.org](http://www.publicschoolsfirstnc.org) and look under **FACT Sheets**.