



Post Office Box 206 Edenton, North Carolina 27932  
Telephone: (252) 482-4436 Fax: (252) 482-7309  
[www.ecps.k12.nc.us](http://www.ecps.k12.nc.us)

*Allan T. Smith, Superintendent*

**Resolution by the Edenton-Chowan Board of Education ("Board")  
Opposing the 25% Legislation/Mandatory, Unfair Teacher Pay Structure and  
Supporting Equitable Teacher Pay at a Professional Level for  
Edenton-Chowan Schools'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 contracts only to the "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**, the 25% Legislation imposes enormous administrative burdens on the Edenton-Chowan Public School System ("ECS"); requires divisive line drawing among a highly-qualified and underpaid professional workforce; and is replete with interpretative problems resulting from the Legislation's vague and ambiguous language; and

**Whereas**, approximately 27% of ECS's teachers are Nationally Board Certified, 100% are highly qualified for purposes of No Child Left Behind, approximately 95% achieved ratings of proficient or better on all standards on their most recent evaluation, and approximately 40% have masters degrees; and

**Whereas**, the work of these highly qualified and effective professionals resulted in 75% of ECS meeting high growth standards during the 2012-2013 academic year, all under first year results of the new Common Core standards; and

**Whereas**, amid changes in curricula and testing, reductions in per-pupil spending, and increases in class size, ECS's teachers continue to provide a first-rate education for all ECS students; and

**Whereas**, teachers have received only a single 1.2% state salary increase in the past five years, lowering teacher morale, driving some teachers from the profession, and making it difficult for ECS to recruit and retain teachers; and

**Whereas**, the North Carolina General Assembly has eliminated funding for valuable incentives to improve teacher skills, including pay for advanced degrees, professional development opportunities, the North Carolina Teaching Fellows program, and mentor pay; and

**Whereas**, North Carolina ranks 46th in the nation in teacher pay; and

**Whereas**, North Carolina's starting salary for teachers is lower than that of any neighboring state; and

**Whereas**, substantially more than 25% of ECS's highly qualified and effective professional teacher workforce is entitled to increased pay; and

**Whereas**, the selection of only 25% of ECS's 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**, approximately 66% of ECS's full-time teachers have been employed for three or more consecutive years and are therefore eligible for the new four-year contract under the 25% Legislation; and

**Whereas**, the 25% Legislation creates an impractical and unparalleled administrative burden by requiring the Superintendent to review the performance and evaluations of 121 eligible teachers and recommend 25% of these 121 eligible teachers for new four-year contracts and raises; 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**, these non-classroom "teachers" have been rated on evaluation instruments that do not include a rating of "proficient," making it impractical, difficult, and administratively burdensome to assess whether these teachers meet the statutory requirement that a teacher have "shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument" in order to be offered a new four-year contract; and

**Whereas**, the General Assembly has only funded the first year of the four annual pay raises provided for in the 25% Legislation; 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**, there is substantial uncertainty surrounding the 25% Legislation and the statutory elimination of career status that has caused ECS to be unable to adequately inform teachers of the risks and benefits of accepting a new four-year contract; 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**, 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 new four-year contracts is an effective way to promote collaboration and to reward its valued and highly skilled professional employees; and

**Whereas**, the General Assembly 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**, 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 ECS 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 an effective, data-driven, locally-developed compensation plan that will be used to recruit and retain professional teachers and reward Edenton-Chowan School's tradition of teaching excellence.

ADOPTED this 10 day of March, 2014

---

Chair Edenton-Chowan Board of Education

ATTEST:

---

Superintendent and Secretary to the Board of Education