

TEACHER CONTRACTS

Policy Code:

7410

The board recognizes the importance of establishing a clear contractual relationship with teachers employed by the school system. All teacher employment contracts entered into by the board will meet the requirements of state law and State Board of Education policy.¹ Nothing in this policy is intended to grant or confer any employment rights beyond those existing in law.

For the purposes of this policy, the term “teacher” is defined as a person who meets the requirements of G.S. 115C-325.1(6). An individual who is employed under a part-time teacher contract (less than 100%) or employed under a temporary teacher contract does not meet this definition of teacher; however, the board’s performance expectations established in this policy apply to such individuals.

A. TEACHER PERFORMANCE EXPECTATIONS

Teachers are responsible for facilitating student learning in a safe and orderly environment in which students become college and career ready. Teachers must be familiar with the current statewide instructional standards for their teaching assignment and able to teach the curriculum effectively. The board expects teachers to meet all performance standards established by the board, the superintendent or designee, state law, and State Board of Education policy and to pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Employment contracts for teaching will be granted or renewed only for individuals of proven ability who strive for excellence.²

B. SUPERINTENDENT’S RECOMMENDATION

The board will employ teachers upon the recommendation of the superintendent. The superintendent is expected to be able to substantiate with supporting information any recommendation for a new or renewed contract for an applicant or current teacher. The superintendent’s recommendation for a new or renewed contract must include the length of the term of the contract, which must be consistent with state law and board requirements as described in Section C, below.³ The board will follow a recommendation of the superintendent regarding the length of the contract that is consistent with law and this policy unless specific circumstances justify offering the teacher a contract of a different term.⁴ In considering the superintendent’s recommendation, the board may review any

¹ See State Board of Education Policy BENF-009.

² The standards in this sentence may be substituted with whatever standards the board wants to establish for awarding contracts so long as they are consistent with state law and State Board of Education requirements.

³ These requirements apply effective July 1, 2018.

⁴ This sentence is optional. G.S. 115C-325.3(b) provides that the board may approve the superintendent’s recommendation, may decide not to offer the teacher a new or renewed contract, or may decide to offer the teacher a renewed contract for a different term than recommended by the superintendent. The policy sentence is intended to assist the board in avoiding arbitrary, capricious, discriminatory, personal, political, or otherwise illegal decisions when setting the term of a teacher’s contract. The exception for specific circumstances may be omitted.

information that was in the teacher's personnel file at the time of the superintendent's recommendation or was added to the teacher's file, with the proper notice to the teacher, prior to the board's decision.⁵

C. DETERMINATION OF CONTRACT LENGTH

This section applies when the superintendent has decided to recommend that the board offer a teacher a new or renewed contract. For information regarding a decision by the superintendent not to recommend that the board offer a teacher a renewed contract, see policy 7950, Non-Career Status Teachers: Nonrenewal.

For purposes of determining a teacher's years of employment by the board in this section, a year is at least 120 workdays performed as a teacher in a full-time permanent position. If a teacher in a full-time permanent position did not work for at least 120 workdays as a teacher in a year for any reason, including because the teacher was on approved or legally entitled leave, that year will not be deemed to constitute a year of employment for the teacher unless required by law.⁶ Furthermore, a year in which a teacher in a full-time permanent position did not work for at least 120 workdays as a teacher because the teacher was on approved or legally entitled leave will not be considered a break in the continuity of employment for the teacher.⁷ A suspension will not constitute approved or legally entitled leave for purposes of this policy.⁸

[Four options for determining the length of teacher contracts are provided below. The options vary in the level of detail provided; the length of contracts that will be offered; and the manner in which the length of a teacher's contract will be determined. The board should select one of the options as a starting point and, in consultation with the board attorney, modify it as needed to suit local preferences. Alternately, the board, in consultation with the board attorney, could develop a

⁵ To reach a decision different from the superintendent's recommendation, the board must have supporting information in the formal record. Boards are strongly advised to consult the board attorney before making a decision that is contrary to the superintendent's recommendation.

⁶ The Uniformed Services Employment and Reemployment Rights Act may require a teacher's leave from teaching for military service to be counted toward the teacher's years of employment. See 38 U.S.C. 4301, *et seq.* The law requires that servicemembers who took leave for service be afforded the same "seniority-based" rights or benefits they would have been afforded had they remained continuously employed. 38 U.S.C. 4316(a). A "seniority-based right or benefit" is one that accrues with or is based on longevity in employment, and is generally determined by looking to three factors: (1) whether it is a reward for length of service rather than a form of short-term compensation for work performed; (2) whether it is reasonably certain that the employee would have received the right or benefit if he or she had remained continuously employed during the period of service; and (3) whether it is the employer's actual custom or practice to provide or withhold the right or benefit as a reward for length of service. 20 C.F.R. 1002.212. It is not clear whether eligibility for a multi-year contract is a seniority-based right or benefit. Accordingly, boards should consult with the board attorney to determine whether leave for military service should be counted toward a teacher's years of employment.

⁷ This sentence should be deleted if the board does not require the teacher's three years of employment to have been continuous to be eligible for multi-year contracts. See comment at footnote 9.

⁸ This sentence should be deleted if the board does not require the teacher's three years of employment to have been continuous to be eligible for multi-year contracts. See comment at footnote 9.

different approach altogether. Refer to the footnoted version of this policy for information on customizing the provisions of each option.

Delete the options not selected before adopting this policy. Also, delete the bracketed text.]

[OPTION ONE – Uniform Contract Length]

A new or renewed contract will be for a term of one school year for teachers who have been employed by the board as a teacher for less than three consecutive years.⁹ For teachers who have been employed by the board as a teacher for three consecutive years or more,¹⁰ a new or renewed contract will be for a term of _____¹¹ school years, unless¹² the superintendent or board determines that a longer or shorter¹³ contract is justified on the basis of criteria established by the board or by the superintendent and approved in advance by the board.¹⁴ In no case, however, may a teacher be recommended for a contract with a term longer than one school year unless the teacher has received a rating of at least “proficient” on all standards on the two most recent annual evaluations preceding the contract offer.¹⁵

⁹ G.S. 115C-325.3 ties the length of teacher contracts to the length of the teacher’s employment with the LEA, as reflected in this paragraph. While this policy requires years of employment to be served consecutively, the board may alter this policy to allow years to be counted cumulatively for teachers to be eligible for multi-year contracts. See G.S. 115C-325.3(a). To allow for cumulative counting, change this sentence and the following sentence to replace “three consecutive” with “a total of three.”

¹⁰ G.S. 115C-325.3(a) establishes the three-year employment minimum to be eligible for a multi-year contract. See comment at footnote 9.

¹¹ Insert the number of years that will serve as the default length for teacher contracts. The default may be one, two, or four years. See G.S. 115C-325.3(a).

¹² The board may restrict all contracts to the default length by omitting the remainder of this sentence, although we recommend that the board do so only after consulting the board attorney.

¹³ Omit “or shorter” in this sentence if the default contract length is one year.

¹⁴ Alternately, the board may establish the criteria in this policy. The criteria selected must not have the purpose or effect of discriminating on an unlawful basis. Consult the board attorney for assistance as needed when establishing the criteria.

¹⁵ See G.S. 115C-325.3(b), which permits multi-year contracts only if the teacher “has shown effectiveness as demonstrated by proficiency on the evaluation instrument.” The statute does not further explain this requirement and it is not clear, for example, whether proficiency on all standards of the evaluation instrument is necessary and whether proficiency on the most recent annual evaluation is sufficient or necessary. In a different context, the State Board defines an effective teacher as one who receives a rating of at least “proficient” on all five of the standards on the teacher evaluation instrument and a rating of at least “meets expected growth” on the Student Growth measure. See SBE policy EVAL-006. Also in a different context, the State Board defines “proficient” for purposes of teacher license renewal under G.S. 115C-296(b)(1)b.4, (which requires teachers to achieve a rating of at least proficient on the most recent annual evaluation to maintain the current license status), as, at a minimum, a rating of proficient on Standard IV and two other standards of the evaluation instrument, or, if the teacher is on an abbreviated evaluation plan, a rating of at least proficient on Standard IV; however for educators whose licenses expire after June 29, 2019, “proficient” is defined as achieving a rating of at least proficient on all of the five standards, or on both Standards I and IV for abbreviated evaluations. See SBE policy LICN-001. At the time of this writing, there is no State Board policy that controls the terms under which a board may contract with its teachers under G.S. 115C-325.3(a). In the absence of further guidance from the state, boards should seek the assistance of the board attorney in interpreting the law’s requirements and should, if necessary, modify the standard for proficiency established in this policy in accordance with the attorney’s guidance. This could include, but is not limited to, requiring proficiency only on the

[OPTION TWO – Uniform Contract Length Based on Years of Employment]

A new or renewed contract will be for a term of one school year for teachers who have been employed by the board as a teacher for less than three consecutive years.¹⁶ For teachers who have been employed by the board as a teacher for three or more consecutive years¹⁷ and who are in good standing, a new or renewed contract will be for a term of two school years. After a teacher has completed a two-year contract, subsequent contracts will be for a term of four school years if the teacher is in good standing at the time of the contract offer. A teacher will be considered in good standing for purposes of this policy if:¹⁸ (1) the teacher received a rating of at least “proficient” on all standards of the teacher evaluation instrument on the two most recent annual evaluations;¹⁹ (2) the teacher is not currently on a monitored or directed growth plan, mandatory improvement plan, or corrective action plan and has not been on any such plan at any time during the current or previous school year; (3) the teacher has not received any of the following during the current or previous school year: a demotion, a suspension without pay, or a written reprimand, warning, or other disciplinary action that is documented in the teacher’s official personnel file; and (4) there is no other relevant performance or conduct information in the personnel file that would support a decision to disqualify the teacher from a multi-year contract. If renewed, a contract for a teacher who is not in good standing may be for a term of one year only.

[OPTION THREE – Flexible Contract Length Based on Policy Criteria]²⁰

A new or renewed contract will be for a term of one school year unless the teacher meets the following criteria for a two-year or four-year contract.²¹

1. To be recommended for a two-year contract, a teacher must:²²
 - a. have been employed by the board as a teacher for at least three consecutive

most recent annual evaluation or on all three preceding annual evaluations. The board may also want to add, with the assistance of the board attorney, language addressing the situation in which the teacher has not yet had the required number of annual evaluations.

¹⁶ See comment at footnote 9 regarding issues relevant to the three-year employment minimum.

¹⁷ G.S. 115C-325.3(a) establishes the three-year employment minimum to be eligible for a multi-year contract. See comment at footnote 9.

¹⁸ Provisions (2), (3), (4), and (5) are optional and may be modified or omitted. The board could base eligibility for a multi-year contract solely on meeting the years of employment and teaching proficiency requirements. Additional criteria may also be added.

¹⁹ See comment at footnote 15.

²⁰ This option establishes separate criteria for two- and four-year contracts, with length of employment as the primary determinative eligibility factor.

²¹ These three options for the contract term (one, two, or four years) are established by G.S. 115C-325.3(a).

²² The board could add to the criteria listed here for a teacher to be eligible for a two-year contract, provided the criteria added do not have the purpose or effect of discriminating on an unlawful basis. Consult the board attorney for assistance as needed. The relationship between the availability of teachers in the local market and the school system’s needs may influence the decision whether to add other criteria. In addition, the board could delete the criteria listed in subsections c., d., and e., as described in footnotes 25-27.

- years;²³
- b. have received a rating of at least “proficient” on all standards on the two most recent annual evaluations;²⁴
 - c. not be on a monitored or directed growth plan, mandatory improvement plan, or corrective action plan currently and not have been on any such plan at any time during the current or previous school year;²⁵
 - d. not have received any of the following during the current or previous school year: a demotion, a suspension without pay, or a reprimand, warning, or other disciplinary action that is documented in the teacher’s official personnel file;²⁶ and
 - e. not have other relevant performance or conduct information in his or her personnel file that would support a decision to disqualify the teacher from a multi-year contract.²⁷
2. To be recommended for a four-year contract, a teacher must:
- a. have been employed by the board as a teacher for at least five consecutive years;²⁸
 - b. meet the criteria for a two-year contract; and
 - c. possess at least one of the following qualifications:²⁹

²³ Three years of employment is the statutory minimum to be eligible for a multi-year contract. See G.S. 115C-325.3(a). The board could specify a greater number. See comment at footnote 9 regarding issues relevant to the three-year employment minimum.

²⁴ “Proficiency” is the statutory minimum for a multi-year contract under G.S. 115C-325.3(b). See the comments at footnote 15 regarding this standard. The board could specify a higher minimum level of performance, such as a rating of accomplished on a majority of the standards on the evaluation instrument and a rating of at least proficient on the other standards.

²⁵ This statement is optional. The board could base eligibility for a two-year contract solely on meeting the statutory requirements in paragraphs C.1.a and C.1.b, above. Alternately, the requirement stated in paragraph C.1.c could be extended to include the entire current school year, or the entire current and previous school year.

²⁶ This statement is optional. A different time period may be specified.

²⁷ This statement is optional.

²⁸ A different number of years may be specified, and the board need not require the years of service to be consecutive. See comment at footnote 9. Establishing different criteria for two- and four-year contracts is optional; instead, the board could require a fixed minimum number of years of employment to be eligible for a multi-year contract of either length. For example, the board could require a minimum of five years or five consecutive years of employment for a multi-year contract. The lowest minimum number of years of service the board may set is three. See G.S. 115C-325.3(a).

²⁹ The qualifications are optional. The board could require more than one qualification. The qualifications may be modified or eliminated and others may be added, provided any that are added do not have the purpose or effect of discriminating on an unlawful basis. Consult the board attorney for assistance as needed.

- i. have received a rating of at least “accomplished” on a majority of the standards on the evaluation instrument³⁰ in the most recent³¹ annual evaluation;³²
- ii. be licensed in an area in which the school system is experiencing difficulty recruiting qualified applicants or that is otherwise in high demand, as determined by the superintendent or designee;
- iii. be licensed in multiple areas;
- iv. be National Board for Professional Teaching Standards (NBPTS) certified;
- v. have earned a master’s degree or higher in an area deemed relevant to the teacher’s professional role by the superintendent or designee;
- vi. be currently³³ serving in an advanced leadership role, such as mentor teacher, department chair, grade-level chair, or school improvement team member; or
- vii. be currently performing extra-duty services as described in policy 7405, Extracurricular and Non-Instructional Duties,³⁴ such as serving as a coach or a faculty sponsor for a student extracurricular club.³⁵

[OPTION FOUR – Extended Two-Year Contract]³⁶

A new or renewed contract will be for a term of one school year for teachers who have been employed by the board as a teacher for less than three consecutive years.³⁷

For teachers who have been employed by the board as a teacher for at least three consecutive years and who are in good standing, a new or renewed contract will be for a term of two school years. A teacher will be considered in good standing for the purposes

³⁰ The board could establish a different minimum performance standard.

³¹ Alternately, the board could specify that the accomplished rating must have been sustained over time, such as by receiving a rating of accomplished on the three most recent annual evaluations.

³² The board could require teachers to meet both the heightened performance standard indicated here and one or more of the other criteria that follow.

³³ The board may want to modify this provision to require services to have been performed for a specific amount of time, such as during the current and immediately preceding school year.

³⁴ If the board chooses Option Three and retains this criterion, policy 7405, Extracurricular and Non-Instructional Duties, should be added to the cross references at the end of this policy.

³⁵ See comment at footnote 34.

³⁶ This option could be adapted to create an extended four-year contract, if desired.

³⁷ See comment at footnote 9 regarding issues relevant to the three-year employment minimum.

of this policy if: (1) the teacher received a rating of at least “proficient” on all standards of the teacher evaluation instrument on the two most recent annual evaluations;³⁸ (2) the teacher is not currently on a monitored or directed growth plan, mandatory improvement plan, or corrective action plan and has not been on any such plan at any time during the current or previous school year; (3) the teacher has not received any of the following during the current or previous school year: a demotion, a suspension without pay, or a written reprimand, warning, or other disciplinary action that is documented in the teacher’s official personnel file; and (4) there is no other relevant performance or conduct information in the personnel file that would support a decision to disqualify the teacher from a multi-year contract. If renewed, a contract for a teacher who is not in good standing may be for a term of one year only.

The superintendent may recommend that a teacher in good standing who is employed on a two-year contract be offered a one-year extension at the end of the first year of the contract.³⁹ The term of the extension will be for one year only. A teacher granted a one-year extension will continue to be eligible for another one-year extension each succeeding year unless the superintendent determines that the teacher is no longer in good standing. If the superintendent does not recommend a one-year extension at the end of the first year of the contract, at the end of the term of the contract the superintendent may recommend that the board offer the teacher a one-year contract or may recommend nonrenewal of the teacher’s contract, but may not recommend that the board offer the teacher a two-year contract. A decision not to recommend a one-year extension will be considered cautionary notice to the teacher that his or her performance requires improvement.

D. DISMISSAL AND NONRENEWAL

This policy is not intended to limit the superintendent’s discretion to recommend dismissal, demotion, a shorter contract length, or nonrenewal of any teacher for any basis allowed by law, including but not limited to reduction in force due to school system reorganization, decreased enrollment, reduced funding, or other budgetary issues as described in board policy 7920, Reduction in Force: Teachers and School Administrators.

Any employee who does not meet the performance or other standards of the board, the standards of state law or the State Board of Education, or the terms of the employment contract may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, or to nonrenewal, as provided in policy 7950, Non-Career Status Teachers: Nonrenewal.

Legal References: G.S. 115C-36, -47(18), -325.1, -325.3 through -325.13; S.L. 2013-360; State Board of Education Policy BENF-009

Cross References: Professional and Staff Development (policy 1610/7800), Hearings Before the

³⁸ See comment at footnote 15.

³⁹ The intended effect of this extension is to provide the teacher a contract term that is never less than two years, as long as the teacher remains in good standing.

Board (policy 2500), Recruitment and Selection of Personnel (policy 7100), Evaluation of Licensed Employees (policy 7810), Reduction in Force: Teachers and School Administrators (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930), Non-Career Status Teachers: Nonrenewal (policy 7950)

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