

# Making Effectiveness Matter

## There has been a sea of change in the United States on teacher evaluation policy.

In no other area measured in the National Council on Teacher Quality's annual *State Teacher Policy Yearbook* have states made more progress in recent years than on adopting policies to measure effective teaching. Since 2009, 37 states and the District of Columbia Public Schools have made policy changes on their books related to teacher evaluation. Back in 2009, 35 of the 50 states did not, even by the kindest of definitions, require teacher evaluations to include any sort of measure of student learning. But times have changed. As of Fall 2012, almost as many states (32) now require that teacher evaluations include objective evidence of student learning. Today, 22 states require student achievement to be a *significant or the most significant factor* in judging teacher performance.

Measuring teacher effectiveness is clearly a necessary step towards achieving a more effective teacher workforce. But measurement alone is not sufficient. If done well, these new evaluations of teacher effectiveness need to be used to make decisions of consequence, set the foundation for improved professional development that helps all teachers grow throughout their careers, promote targeted policies for struggling teachers, and set higher standards for teacher preparation programs. *Teacher evaluations also must be used to set fair but rigorous policies for dismissing persistently ineffective teachers.*

## Key Findings for 2012

This brief focuses on the extent to which states are using evaluations of teacher effectiveness to make decisions about teacher dismissal and whether they are considering information about teacher effectiveness in how decisions are made about teacher layoffs, when reductions-in-force are necessary.

This brief updates NCTQ's 2011 *Yearbook* with the latest breaking state legislation on teacher dismissal and layoff policies passed in 2012.

### As of September 2012:

- **States have made major progress in adopting policies that provide for the dismissal of ineffective teachers.** Virtually all states have laws that outline the reasons a teacher can be dismissed, yet until recently teacher ineffectiveness in the classroom was not explicitly articulated as grounds for dismissal. Today, 21 states have dismissal policies for ineffective teachers. In 10 of those states, dismissal for ineffective teachers is articulated in both the states' teacher evaluation and dismissal policies – leaving no room for ambiguity about whether teachers who continually perform poorly in the classroom can be terminated.
- **While the overwhelming majority of school districts use seniority as the only determinant of teacher layoff decisions, a growing number of states require districts to consider teacher effectiveness in making reduction in force decisions.** Fifteen states – up from 11 reported just a few months ago in NCTQ's 2011 *Yearbook* – now require districts to consider performance in making reductions in force.

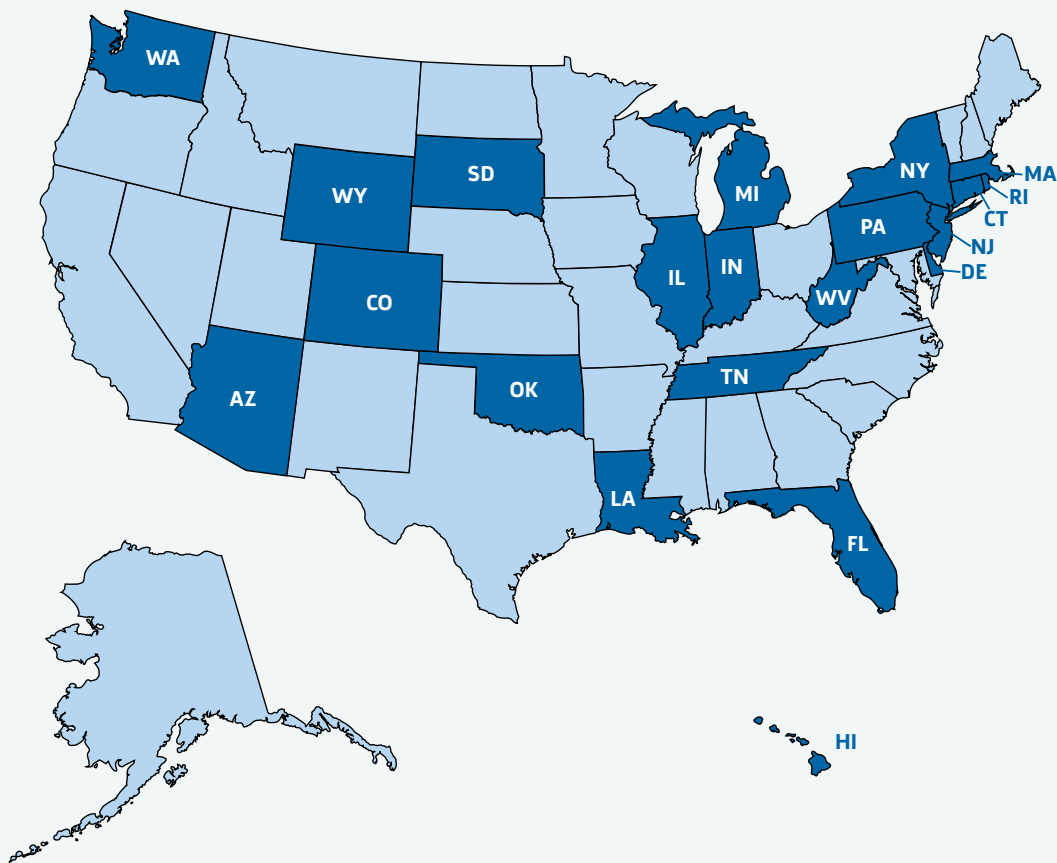
As reported in the 2011 Yearbook:

- **Despite these developments, many state policies still make it exceedingly difficult for districts to dismiss ineffective teachers.** States' dismissal laws are much more likely to consider criminal and moral violations than teacher performance when identifying legitimate reasons for dismissing a teacher. For states that do not make ineffectiveness grounds for dismissal, performance—if included at all—is usually described in euphemistic terms such as “incompetency,” “inefficiency” or “incapacity.” These terms are ambiguous at best and may be interpreted as concerning dereliction of duty rather than ineffectiveness in the classroom.
- **State laws usually do not distinguish between the due process rights that accompany dismissal for performance issues and criminal and moral violations—offenses that also frequently result in license revocation.** Thirty-eight states allow multiple appeals of dismissals that can drain resources from school districts and create a

disincentive for districts to attempt to dismiss poor performers. Multiple appeals also almost invariably involve courts or arbitrators, taking decisions about teachers away from those with educational expertise.

- **In the majority of states teacher evaluations are no longer regarded as a formality without significance or consequences.** Thirty-four states articulate consequences for teachers with unsatisfactory evaluations. Twenty-seven states require that any teacher who receives an unsatisfactory rating be placed on an improvement plan after a single unsatisfactory rating.

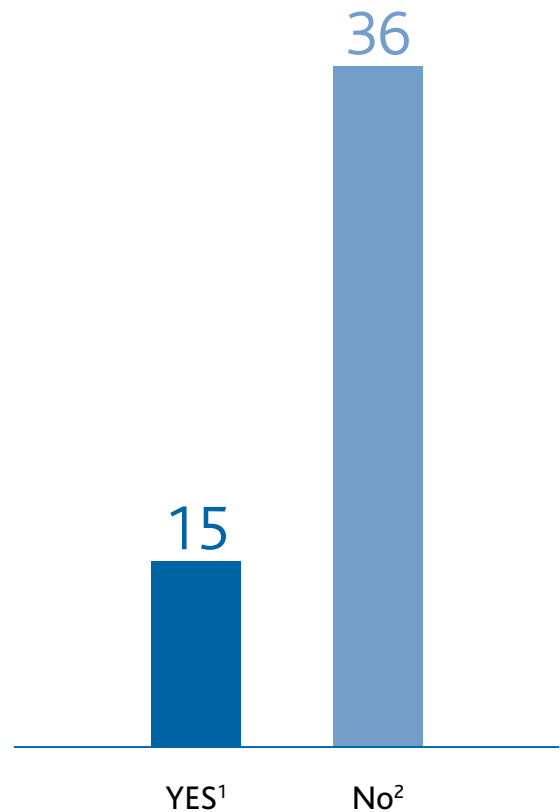
States with Dismissal Policies for Ineffective Teachers



Do States Exit Ineffective Teachers?	2011 Grade
Colorado	A
Illinois	A
Oklahoma	A
Florida	B+
Rhode Island	B+
Indiana	B
Michigan	B-
Nevada	B-
Ohio	C+
Utah	C+
Massachusetts	C
New Mexico	C
Tennessee	C
Arkansas	C-
New York	C-
South Carolina	C-
Texas	C-
Arizona	D+
Connecticut	D+
Delaware	D+
Georgia	D+
Hawaii	D+
Louisiana	D+
Mississippi	D+
Missouri	D+
Virginia	D+
West Virginia	D+
Wyoming	D+
Alaska	D
Iowa	D
New Jersey	D
Washington	D
Alabama	D-
District of Columbia	D-
Idaho	D-
Kentucky	D-
New Hampshire	D-
North Carolina	D-
North Dakota	D-
California	F
Kansas	F
Maine	F
Maryland	F
Minnesota	F
Montana	F
Nebraska	F
Oregon	F
Pennsylvania	F
South Dakota	F
Vermont	F
Wisconsin	F
Average	D+

State has made significant progress in 2012

*Do districts have to consider performance in determining which teachers are laid off?*



1. **Strong Practice:** Colorado, Georgia, Florida, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Missouri, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Washington

2. Alabama, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, Wyoming

# State Policies That Support Exiting Ineffective Teachers 2012

	State articulates that classroom ineffectiveness is grounds for dismissal through dismissal policy	State articulates that classroom ineffectiveness is grounds for dismissal through evaluation policy	State requires districts to consider performance in determining which teachers are laid off	State limits the use of seniority in teacher layoffs
Alabama	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alaska	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arizona*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Arkansas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
California	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Colorado	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Connecticut*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Delaware	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District of Columbia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Florida	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Georgia*	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hawaii	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Idaho	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Illinois	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Indiana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Iowa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kansas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kentucky	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Louisiana*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Maine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maryland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Massachusetts*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Michigan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Minnesota	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mississippi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Missouri	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Montana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nebraska	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nevada	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
New Hampshire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
New Jersey*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Mexico	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New York	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North Dakota	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ohio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Oklahoma	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Oregon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pennsylvania*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rhode Island	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
South Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
South Dakota*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tennessee	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Texas	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Utah	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vermont	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Virginia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Washington*	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
West Virginia*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wisconsin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wyoming	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTAL	16	15	15	20

\*Indicates states that have made policy changes related to teacher dismissal or layoff policies since NCTQ's 2011 *State Teacher Policy Yearbook*. See Appendix for state-by-state descriptions of new dismissal and layoff policies.



# NCTQ Recommendations to States on Dismissal and Layoff Decisions

**States should articulate consequences for teachers with unsatisfactory evaluations, including specifying that teachers with multiple unsatisfactory evaluations should be eligible for dismissal.**

- States should articulate that all teachers who receive a single unsatisfactory evaluation be placed on an improvement plan, whether or not they have tenure.
- States should require that all teachers who receive two consecutive unsatisfactory evaluations or two unsatisfactory evaluations within five years be formally eligible for dismissal, whether or not they have tenure.

**States should require that ineffective classroom performance is grounds for dismissal and ensure that the process for terminating ineffective teachers is expedient and fair to all parties.**

- A teacher who is terminated for poor performance should have an opportunity to appeal. In the interest of both the teacher and the school district, the state should ensure that this appeal occurs within a reasonable time frame.
- There should be a clear distinction between the process and accompanying due process rights for teachers dismissed for classroom ineffectiveness and the process and accompanying due process rights for teachers dismissed or facing license revocation for felony or morality violations or dereliction of duties.

**Oklahoma** clearly articulates that teacher ineffectiveness in the classroom is grounds for dismissal and has taken steps to ensure that the dismissal process for teachers deemed to be ineffective is expedited. Teachers facing dismissal have one opportunity to appeal.

**Colorado, Florida and Indiana** all specify that in determining which teachers to lay off during a reduction in force, classroom performance is the top criterion. These states also articulate that seniority can only be considered after a teacher's performance is taken into account.

**States should require that their school districts consider classroom performance as a factor in determining which teachers are laid off when a reduction in force is necessary.**

- Given what is at stake—that student progress depends a great deal on the quality of teachers to which they are assigned—teacher performance should be a factor in any layoff. Student needs should be paramount when considering how best to handle employment decisions. The academic costs of laying off teachers without attention to classroom performance are potentially high. States should ensure that seniority is not the only factor used to determine which teachers are laid off.

# Do States Prevent Districts from Overemphasizing Seniority in Layoff Decisions?

	Seniority can be considered among other factors	Seniority cannot be considered	Seniority is the sole factor	Seniority must be considered	No, layoff criteria left to district discretion
Alabama	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alaska	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <sup>1</sup>
Arizona	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arkansas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
California	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Colorado	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Connecticut	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Delaware	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
District of Columbia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Florida	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hawaii	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Idaho	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Illinois	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indiana	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Iowa	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kansas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Kentucky	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Louisiana	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maine	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maryland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Massachusetts	<input checked="" type="checkbox"/> <sup>2</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minnesota	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mississippi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Missouri <sup>3</sup>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Montana	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Nebraska	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <sup>1</sup>
Nevada	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Hampshire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
New Jersey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
New Mexico	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
New York	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
North Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
North Dakota	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ohio	<input checked="" type="checkbox"/> <sup>1</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oklahoma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Oregon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pennsylvania	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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South Carolina	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
South Dakota	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tennessee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Texas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utah	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vermont	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Virginia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Washington	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
West Virginia	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wisconsin <sup>4</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wyoming	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>TOTAL</b>	<b>19</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>20</b>

1 Nontenured teachers are laid off first.

2 Nontenured teachers are laid off first, and seniority can be used as a tie-breaker after performance and the best interests of students are considered.

3 Nontenured teachers are laid off first, then tenured teachers are laid off based on performance and seniority, but seniority cannot be the controlling factor.

4 Only for counties with populations of 500,000 or more and for teachers hired before 1995.

## Conclusion

The landscape is quickly and dramatically changing when it comes to rethinking and building new teacher evaluation systems across the United States. There is a great deal of promise and potential in these policy trends. At the same time, however, it is clear that evaluation policy is only part of what is necessary. The changes required to truly embrace teacher effectiveness are also a matter of will – on the part of policymakers, school leaders, designated evaluators and teachers themselves – to use data and information on teacher effectiveness in the classroom to inform important decisions about teaching and learning. Even the best evaluation system can be implemented poorly or undermined. The policies discussed in this brief simply lay the groundwork for teacher evaluations to become a meaningful part of an effort to ensure an effective teacher workforce, and for teacher effectiveness to take root as a lever for improving outcomes for students in classrooms across the nation.

## Dismissal Policy Checklist for States

### 1. Articulate that classroom ineffectiveness is grounds for dismissal.

- ✓ Regardless of tenure status, place teachers who receive unsatisfactory evaluations on improvement plans.
- ✓ Specify that teachers who receive two consecutive unsatisfactory evaluations or two unsatisfactory evaluations within five years are eligible for dismissal, whether or not they have tenure.
- ✓ Distinguish due process rights for teachers dismissed for ineffectiveness from those associated with license revocation.
- ✓ Provide no more than a single opportunity to appeal dismissal for poor performance and ensure that it occurs within a reasonable time frame.

### 2. Consider classroom performance as a factor in determining which teachers are laid off when a reduction in force is necessary.

- ✓ Require districts to consider classroom performance and ensure that seniority is not the only factor used to determine which teachers are laid off.

### 3. Close licensure loopholes.

- ✓ Never confer standard teaching licenses to teachers who have not passed all required subject-matter licensing tests.

## Appendix

### States with Changes to Dismissal and/or Layoff Policies in 2012

#### Arizona

Arizona clarified aspects of its existing policy. The state now requires districts to initiate notice of inadequacy of classroom performance process no later than the second consecutive year that a teacher is designated in the lowest performance classification. In addition, local school boards must develop definitions of inadequacy of classroom performance that align with the state's evaluation policy.

#### Connecticut

Tenured teachers may now be dismissed for "ineffectiveness" as determined by the state's new evaluation policy. If the reason for termination is classroom ineffectiveness, a hearing must address whether performance evaluation ratings were determined in good faith, and were reasonable in light of evidence presented.

#### Georgia

Seniority cannot be the primary factor in teacher layoffs. Performance, which may include student performance, shall be considered as the primary factor in layoff decisions.

#### Louisiana

A tenured teacher in Louisiana may now be dismissed upon written and signed charges of "poor performance." An "ineffective" evaluation constitutes sufficient proof of poor performance. If dismissed for ineffective performance, a teacher may appeal to a "tenure hearing panel" and then to a court of competent jurisdiction.

Performance is the primary criterion for layoffs in Louisiana and layoffs are made in reverse order of performance (poorest performers first). Seniority and tenure are not allowed to be considered as the primary criterion for reductions in force; layoffs will be based on "performance and effectiveness as determined by school board policy"

#### Massachusetts

Indicators of job performance must be considered as one of the primary factors in making teacher layoff decisions, which includes "overall ratings resulting from comprehensive evaluations...and the best interests of students in the school district." Seniority or length of service can be negotiated only as needed as a tie breaker.

#### New Jersey

The state has made ineffectiveness grounds for dismissal by clarifying that a teacher receiving a rating of "ineffective" or "partially effective" in an annual summative evaluation followed by an "ineffective" rating the following year will be charged with inefficiency.

If a teacher receives two consecutive "partially effective" ratings or is rated "ineffective" and then "partially effective" the following year, the superintendent must file a charge of inefficiency—unless superintendent argues exceptional circumstances in the case. If the teacher does not receive a rating of effective or highly effective on the next annual evaluation, the superintendent must file inefficiency charges.



## Pennsylvania

An overall performance rating of "failing" is considered an "unsatisfactory" rating. Two "unsatisfactory" ratings are grounds for dismissal. A teacher may not be dismissed unless provided a completed rating tool under the state's new evaluation policy, "which includes a description based upon classroom observations of deficiencies in practice supported by detailed anecdotal records that justify the unsatisfactory rating."

## South Dakota

A tenured teacher may be dismissed for just cause, which includes a rating of "unsatisfactory" on two consecutive evaluations.

## Washington

When a tenured teacher with five or more years of experience receives a comprehensive summative evaluation performance rating below "level 2" for two consecutive years, the district must, within 10 days of completion of the second summative evaluation or May 15th (whichever occurs first), implement notice of discharge.

Beginning with the 2015-16 school year, evaluation results for certificated classroom teachers and principals must be used as one of multiple factors in making human resource and personnel decisions. Human resource decisions include, but are not limited to: staff assignment, including the consideration of an agreement to an assignment by an appropriate teacher, principal, and superintendent; and reduction in force.


## West Virginia



A teacher with an unsatisfactory rating must receive written notice of deficiencies along with a written improvement plan (for a reasonable period of time, not to exceed 12 months). The state now requires that if the next evaluation is still unsatisfactory, the evaluator must either make additional recommendations for improvement or recommend dismissal.



National Council on Teacher Quality

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