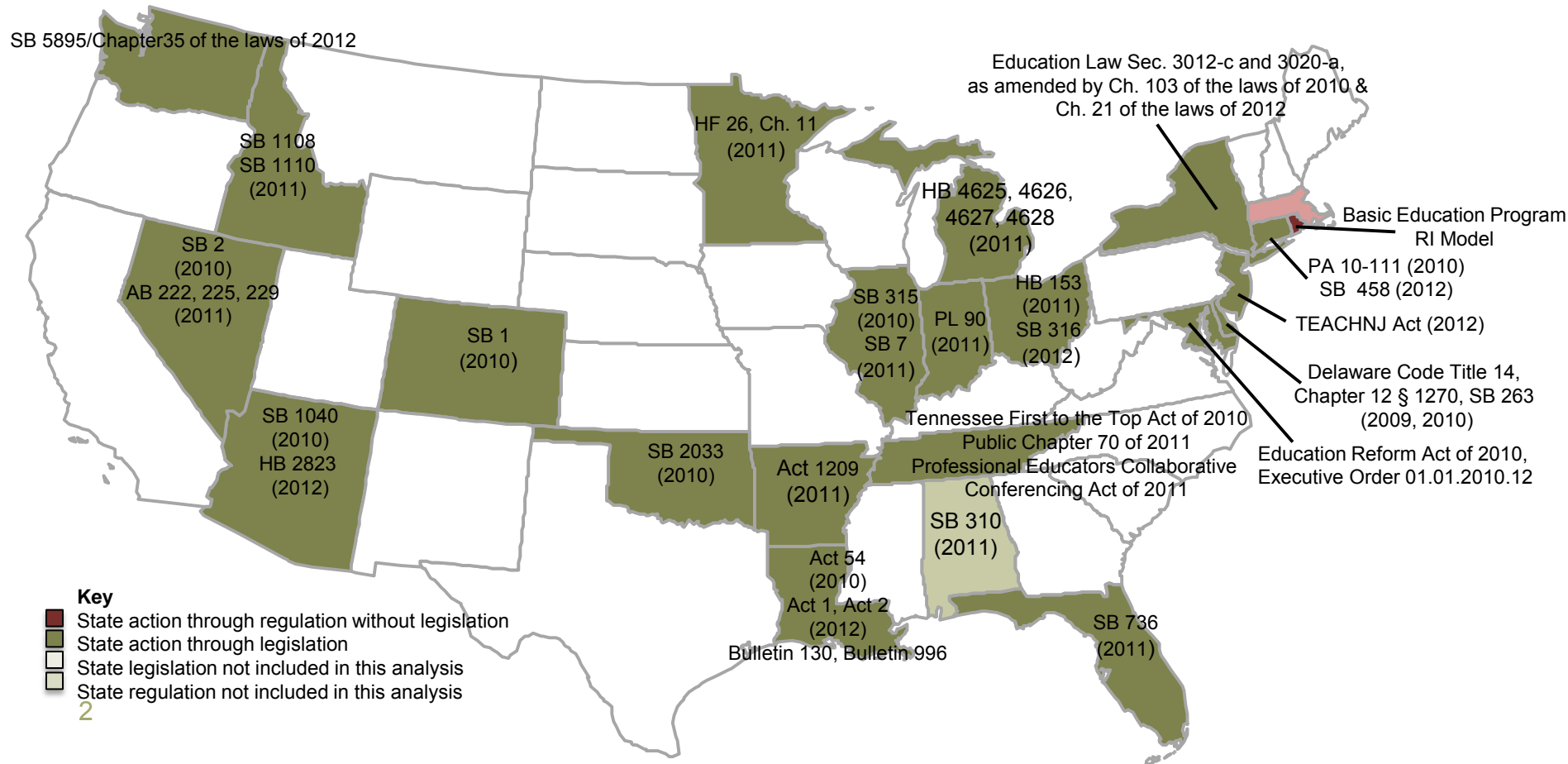


Recent State Action on Teacher Effectiveness: What's in State Laws and Regulations?

Sara Mead, Bellwether Education Partners
August 2012

An unprecedented wave of legislation

During the 2010, 2011, and 2012 legislative sessions, a combination of federal policy incentives and newly elected governors and legislative majorities in many states following the 2010 elections sparked a wave of legislation addressing teacher effectiveness. More than 20 states passed legislation designed to address educator effectiveness by mandating annual evaluations based in part on student learning and linking evaluation results to key personnel decisions, including tenure, reductions in force, dismissal of underperforming teachers, and retention. In many cases states passed multiple laws, with later laws building on previous legislation, and also promulgated regulations to implement legislation. A few states acted through regulation only.



Identifying and analyzing key features of state teacher effectiveness laws

In an effort to help policymakers, educators, and the public better understand how this flurry of legislative activity shifted the landscape on teacher effectiveness issues—both nationally and at the state level—Bellwether Education partners analyzed recent teacher effectiveness legislation, regulation, and supporting policy documents from 21 states that took major legislative or regulatory action on teacher effectiveness in the past three years. This analysis builds on a previous analysis of teacher effectiveness legislation in five states that Bellwether published in 2011. Our expanded analysis includes nearly all states that took major legislative action on teacher effectiveness over the past three years. To the extent that these states have also produced regulations supporting or implementing teacher effectiveness legislation, those documents are also included in our analysis. We have also analyzed regulations from a few states, including Rhode Island, that changed their teacher effectiveness policies primarily through regulatory action. This analysis is based on state policies and documents as of August 2012. Because policy and implementation continue to evolve, and some policies described here will change over time, readers should take this into account in using this document.

Our analysis focuses on states' teacher evaluation policies and legislative or regulatory provisions linking evaluation to key personnel decisions. We score each state's teacher effectiveness legislation and/or regulations against 13 criteria (see Appendix for additional details):

- Are all teachers evaluated annually?
- Are principals, as well as teachers, evaluated?
- Is evidence of student learning a factor in educator evaluations?
- Do evaluations differentiate between multiple levels of educator effectiveness?
- Are parents and the public provided clear information about educator effectiveness?
- Are educator preparation programs accountable for graduates' effectiveness?
- Is tenure linked to effectiveness?
- Does state law or policy provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?
- Is teacher effectiveness, rather than seniority, the primary consideration in reductions in force?
- In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot find a position to eventually be discharged from district employment?
- Do principals have the authority to decide who teaches in their schools?
- Does the law protect students from being assigned to ineffective teachers for two or more consecutive years?
- Are effective teachers rewarded with increased compensation?

Why analyze state laws and regulations?

We have chosen to evaluate these criteria because they represent key state policy conditions for fostering a more performance-oriented culture in public education, eliminating barriers to meaningful teacher evaluation, creating more effective evaluation systems, and enabling districts and school principals to make personnel decisions—informed by evaluation data and other factors—that improve the quality of teaching and increase students' (particularly historically underserved students') access to effective teachers. While we have scored criteria individually, it is important to recognize that they are interrelated.

Our primary goal in producing this analysis is not to deem one state's policy efforts “better” than another's. State political context, timing of legislative or regulatory activity, and the structure of a state's education system influence the type and extent of reform that is both possible and desirable. For example, some of the earliest state teacher effectiveness legislation may not address issues that are included in more recently passed laws. Some states have strong local control cultures or constitutional provisions that limit the scope of state authority on some teacher effectiveness issues. Relatively modest-seeming reforms in states with strong established interests opposing evaluation reform may actually demonstrate greater progress and political will than more sweeping changes in other states. Our analysis also does not capture changes in local collective bargaining agreements, which have had significant impacts on teacher effectiveness in many large school districts in recent years, in some cases independent of changes in state policies. We also want to be clear that this is a demanding rubric—nearly half of states analyzed earn less than a majority of available points, and no state earned 100 percent of possible points. In other words, policymakers and stakeholders should view low scores in this analysis not as an indictment of their efforts, but as evidence of opportunities for progress. Even states that have recently enacted ambitious teacher effectiveness reforms still have opportunities to make further progress.

In conducting this analysis we seek to provide clear and accessible information to policymakers, educators, and the public about the key provisions of states' teacher effectiveness legislation and regulations and the issues these policies do and to not address. In addition, the scorecards and accompanying text are designed to highlight both strengths and weaknesses in each state's laws. This analysis can help policymakers to replicate strong elements of recently passed legislation or mitigate areas of weakness in their states' policies. We also hope to inform future legislative and regulatory activity in the majority of states that have not taken significant legislative or regulatory action on teacher effectiveness.

Balancing prescription and flexibility







In moving to adopt new models of teacher evaluation, and new personnel policies informed by them, states and school districts are entering uncharted territory. While there are good reasons to believe these policies improve on previous practice there are also obvious potential pitfalls and many lessons to be learned. In particular, states must ensure that new evaluation systems do not inadvertently preclude innovation in educator evaluation, infringe on schools' autonomy to manage their human resources effectively, or impede the development of innovative instructional delivery models—such as blended learning.

States must balance the need to set standards that improve the state of practice on evaluation against the need to provide space for flexibility and innovation in this new environment. But until new evaluation systems are fully implemented it is difficult to consistently judge how well different states have managed this balance. For that reason, we have scored states primarily on what they require, but not the extent to which they provide flexibility or waivers from those requirements—even though we highly value flexibility and believe that many states in this analysis would be well-served by adding waivers or other flexibility for new and innovative models in their evaluation systems.









As states and school districts learn from their successes and mistakes in implementing new evaluation systems, laws and policies will continue to evolve, and we will continue to document and analyze these developments.

State Law Ratings: Defining the Standard

State Law Ratings: Defining the Standard

Criteria	Explanation
<p>Are all teachers evaluated at least annually?</p> <p>    </p>	<p>This criterion evaluates whether or not the state's policies ensure that all teachers receive an evaluation at least annually. Annual evaluation is necessary to ensure that teachers receive regular, meaningful feedback on their performance.</p> <p>States receive full points for this criterion if all teachers are evaluated annually. In recognition that conducting full teacher observations and evaluations for all teachers is time-consuming, and states may wish to focus observation capacity on teachers with greatest need, we also allow states to get full credit for this criterion if they allow a waiver or streamlined evaluation for no more than one year at a time for teachers who have been highly-rated in multiple recent evaluations.</p> <p>States receive partial credit for this criterion if only some teachers are evaluated annually, or if some teachers receive only a partial evaluation in some years. The exact fraction of points received will depend on how frequently teachers not subject to annual evaluation must be evaluated, the share of the total population of teachers who are exempted from annual evaluations, and whether or not teachers receive a streamlined or student growth-only evaluation in years when they are not fully evaluated.</p> <p>States receive no points for this criterion if they do not require annual evaluation for any teachers.</p>
<p>Are principals, as well as teachers, evaluated?</p> <p>    </p>	<p>This criterion evaluates whether or not the state's policies ensure that principals, as well as teachers, are evaluated at least annually based in part on student achievement. Inclusion of principals in the evaluation system is crucial to ensure that incentives are aligned for teachers and the leaders who manage and evaluate them. Research shows that principal effectiveness is a key factor in both teacher effectiveness and retention.</p> <p>States receive full points for this criterion if their law or regulations address principal, as well as teacher evaluation.</p> <p>States receive partial points if their law or regulations address principal evaluation, but do not require annual evaluations for all principals.</p> <p>States receive no points for this criterion if their law or regulations do not address principal evaluation.</p>

State Law Ratings: Defining the Standard

Criteria	Explanation
<p>Is evidence of student learning a factor in teacher evaluations?</p> <div>      </div>	<p>This criterion evaluates whether or not teacher evaluations incorporate data on student learning. Teacher evaluations should incorporate multiple indicators of teacher effectiveness and performance, including data on student learning. We do not score states on the other components of teachers' ratings, but do provide information on them in this section of the scorecard.</p> <p>States receive full points if state code or regulations require teacher evaluations to incorporate student growth data, and preclude teachers from receiving the highest rating or ratings if their students do not make sufficient achievement gains.</p> <p>States receive three-quarters of possible points if they require student growth to constitute at least 50 percent of teachers' evaluation.</p> <p>States receive one-half point if they require student achievement data to be considered in evaluation decisions, but mandate that it constitute less than half of the evaluation.</p> <p>States receive one-quarter point if they allow, but do not require, student achievement data to be considered in teacher evaluations.</p> <p>States receive no points if they prohibit the use of student achievement data in teacher evaluation.</p>
<p>Do evaluations differentiate between multiple levels of educator performance?</p> <div>    </div>	<p>This criterion evaluates the number and clarity of performance levels that each state defines. Meaningful evaluations should differentiate among multiple, clearly defined levels of teacher performance, not just "satisfactory" and "unsatisfactory."</p> <p>States receive full points if they clearly define at least four levels of teacher performance.</p> <p>States receive partial points if they define three levels of teacher effectiveness, and/or if there is some lack of clarity related to number or definition of evaluation categories (but number is greater than two).</p> <p>States receive no points if they define only two levels of teacher effectiveness or do not define levels of effectiveness.</p>






State Law Ratings: Defining the Standard

Criteria	Explanation
Are parents and the public provided clear information about educator effectiveness?	<p>This criterion evaluates the extent to which a state has committed to provide the public and policymakers with clear, transparent information about teacher performance, and parents with information about the performance of their students' teachers. Each state's rating is based on two independently scored components:</p> <p><u>Informing Parents</u> States receive one-half point if their legislation or regulations mandate that parents are informed about the composite performance classification or rating of their children's teachers, OR that parents are informed when their child is assigned to an ineffective teacher. Ideally, states and/or school districts should release only the composite rating of individual teachers, and not the components that comprise the rating.</p> <p><u>Transparent Aggregated Public Reporting</u> State may receive one-half point if their legislation or regulations mandate transparent public reporting on teacher effectiveness aggregated at school, district, and state level, or if the state currently makes such reports widely available via website or hard copy, regardless of whether legislation or regulations require it.</p> <p>States that have committed to such reporting in their Race to the Top or other plans, and are actively working to implement such reports, may receive partial credit on this component of the criterion.</p> <p>States whose legislation or regulations do not address reporting of aggregate data on teacher performance, and who do not currently produce such reports, receive no credit on this component of the criterion.</p>

State Law Ratings: Defining the Standard

Criteria	Explanation
<p>Are educator preparation programs accountable for graduates' effectiveness?</p>	<p>This criterion evaluates the extent to which a state has committed to link data on teacher and principal effectiveness back to the preparation programs those educators completed, and to use these linkages to drive preparation program improvement, hold programs accountable for performance, allocate resources, and/or inform consumers, employers, and the public about preparation program results.</p> <p>States receive full points if they have or are building the capacity to link data on teacher and principal effectiveness back to the in-state preparation programs completed, if they publicly report such data for preparation programs, and if they have legislation or regulations requiring the use of this information for program improvement and accountability, such as in the state's program approval process or for HEA Title II accountability.</p> <p>States receive three-quarters of a point if their legislation or regulations require the linkage of data on teacher and principal effectiveness back to the in-state preparation program completed and aggregated public transparent reporting on the performance of each preparation program's graduates, but do not yet use this data for program approval or HEA Title II accountability.</p> <p>States receive one-half point if their legislation or regulations require the linkage of data on teacher and principal effectiveness back to the in-state preparation program completed (or if the state already links teacher effectiveness data to preparation programs) but do not require the use of such data for program accountability or transparent public reporting of results.</p> <p>States receive one-quarter point if their Race to the Top proposal or other plans commit them to linking data on teacher and principal effectiveness to the in-state preparation program completed, but they have not yet completed this work or issued public reports, and do not currently have regulation or legislations that mandate this or hold preparation programs accountable for results.</p> <p>States receive no points if their legislation or regulations do not address teacher preparation program accountability.</p>




State Law Ratings: Defining the Standard

Criteria	Explanation
Is tenure linked to effectiveness?	<p>This criterion evaluates the extent to which a state requires teachers to demonstrate effectiveness in order to earn tenure, career teaching status, full due process rights, or similar status.</p> <p> States receive full points for this criterion if their law or regulations require teachers to complete at least three years of teaching with ratings of “effective” or better in order to receive tenure. If a state does not have a process for dismissing tenured teachers based on ineffectiveness, it must also have a process for revoking the tenure of ineffective teachers in order to receive full points on this criteria.</p> <p> States that do not have or have eliminated tenure or similar status also receive full points on this measure. This scoring should not be interpreted to imply that teacher tenure should be eliminated altogether. We do believe, however, that this is the most fair way to score such states relative to the full criteria addressed in this scorecard.</p> <p> States receive partial points if they require teachers to demonstrate effectiveness as a condition of receiving tenure, but allow teachers to earn tenure after only one or two years of effective teaching. States may also receive less than full points if they require teachers to complete at least three years of teaching with ratings of effective or better in order to receive tenure, but have no process for revoking tenure of ineffective teachers. Lack of a process for revocation of teacher tenure does not necessarily result in a reduction in a state’s score, provided the state has a process for dismissing teachers based on ineffectiveness that is roughly comparable for tenured and untenured teachers.</p> <p> States may receive partial points on this criterion if they do not link tenure to effectiveness, but do require evidence of effectiveness as a condition for progressing from initial or provisional teacher certification to full certification, such that teachers who do not demonstrate effectiveness by the expiration of the provisional license are no longer permitted to teach in the state’s schools.</p> <p> States receive no points if they do not link teacher tenure to performance.</p>




State Law Ratings: Defining the Standard

Criteria	Explanation
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	<p>This criterion looks at the extent to which the state links teacher evaluations to decisions about teacher dismissal, and eliminates barriers to the dismissal of teachers who have been identified as ineffective.</p> <p>States receive full points if their legislation or regulations explicitly make ineffectiveness, as measured by the state's evaluation system, a grounds for teacher dismissal; allow for dismissal of at least teachers who receive two consecutive ineffective ratings; and have a model process to expeditiously dismiss ineffective teachers.</p> <p>States receive 3/4 point if their legislation or regulations explicitly make ineffectiveness, as measured by the state's evaluation system, a grounds for teacher dismissal; allow for dismissal of at least teachers who receive two consecutive ineffective ratings; and have taken some action to streamline dismissal of ineffective teachers. States may earn points for: creating a new process for dismissal of teachers based evaluation performance; streamlining process for all dismissals for cause, or if they had reasonably non-cumbersome processes for dismissals for cause prior to their recent legislation or regulations. States may lose 1/4 to 1/2 point based on obstacles in their dismissal process. Factors taken into account in assessing a state's process for teacher dismissals include: the nature of the process itself (i.e., binding arbitration, informal or formal hearing before board or hearing officer, trial de novo), total length of time required by the process, who (teacher or district) has the burden of proof, whether teachers may be suspended without pay during appeals, standards of evidence and grounds for overturn of district dismissal decisions.</p> <p>States receive half a point if their legislation or regulations explicitly make ineffectiveness, as measured by the state's evaluation system, a grounds for teacher dismissal but require more than two consecutive ineffective ratings to dismiss a teacher; if their legislation and regulations do not explicitly link teacher evaluation and dismissal but do allow for the dismissal of ineffective teachers through revocation of tenure; or if their legislation states that districts will discipline or dismiss ineffective teachers but is unclear about their authority and process for doing so.</p> <p>States receive no points if their legislation or regulations do not explicitly connect teacher evaluation with dismissal decisions.</p>

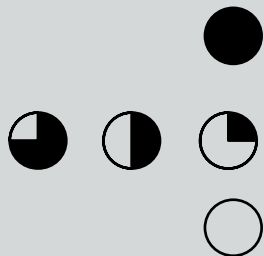

State Law Ratings: Defining the Standard

Criteria	Explanation
Is teacher effectiveness, rather than seniority, the primary consideration in reductions in force?	<p>This criterion looks at the extent to which layoffs and reductions in force are based on teacher performance rather than seniority. Seniority is a valid consideration in teacher personnel decisions, but teacher performance and impact on students should be the foremost consideration; seniority should be a consideration only secondary to these factors and should never be the sole basis for reductions in force decisions.</p>
	States receive full points if their law or regulations require teacher performance to be the primary criterion in making reductions in force.
	States receive one-half point if their law or regulations forbid making reductions in force based on seniority, but do not indicate other criteria (such as performance) on which they should be based.
	States receive no points if their law does not address this issue, or mandates “last in, first out” reductions in force.

State Law Ratings: Defining the Standard

Criteria	Explanation
<p>In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot find a position to eventually be discharged from district employment?</p> <p></p> <p></p> <p></p>	<p>This criterion looks at a state's policies related to situations in which teachers are "excessed," or displaced from their positions due to changes in a school's program or enrollment, independent of district-wide reductions in force. In many states and districts, tenured teachers who are excessed have the right to another position in the district, and may "bump" less senior teachers from their positions or have preference over other applicants for open positions. This process results in teacher assignment decisions that are based on seniority, rather than students' or schools' needs, and can result in a cascade of transfers that increase staff turnover and disruption. This criterion assesses the extent to which a state's policies seek to mitigate these negative impacts.</p> <p>States receive full points if the law or regulations requires excessing decisions to be based on performance, rather than seniority; provides a process for excessed teachers to secure positions through mutual consent; and provides a process for the eventual dismissal of teachers who fail to secure positions through mutual consent.</p> <p>States receive 1/4 point if their law or policies that require district-wide reductions in force to be based on performance, rather than seniority, also apply to elimination of positions at the building level or due to programmatic changes.</p> <p>States receive no points if the law or regulations fail to address excessing or requires excessing and placement of excessed teachers based on seniority.</p>

State Law Ratings: Defining the Standard

Criteria	Explanation
<p>Do principals have authority to decide who teaches in their schools?</p> 	<p>This criterion looks at the extent to which a state's policies eliminate forced teacher placements based on factors other than the needs of students and mutual consent of the teacher and principal of the school in which the teacher is placed.</p> <p>States receive full points if their law or regulations prohibit teacher hiring or assignment other than by mutual consent in all circumstances.</p> <p>States receive partial points if their law or regulations require teacher hiring or assignment in some but not all circumstances. (Exact rating depends on the prevalence of exceptions).</p> <p>States receive no points if their law does not require teacher hiring by mutual consent, and there are at least some instances in which the law requires assignment on a basis other than mutual consent, OR law does not address mutual consent hiring.</p>
<p>Does the law protect students from being consecutively assigned to ineffective teachers?</p> 	<p>This criterion looks at the extent to which states use teacher evaluation data to inform student assignment. Given the evidence on the cumulative impact of multiple consecutive years of ineffective or highly-effective teachers on student learning, we believe states, districts, and schools have an obligation to minimize the extent to which students are assigned to ineffective or minimally-effective teachers for multiple consecutive years.</p> <p>States earn full points on the criterion if they prohibit students from being assigned to ineffective teachers in consecutive years.</p> <p>States earn no points if they do not address this issue.</p>

State Law Ratings: Defining the Standard

Criteria	Explanation
Are effective teachers rewarded with increased compensation?	<p>This criterion looks at the extent to which the state has adopted policies that require or allow districts to link teacher compensation to performance.</p> <p>States receive full points on this criterion if their law or regulations make fundamental changes in teacher compensation structures, either by limiting salary increments based on higher education or experience, requiring districts to develop performance-based compensation systems, or by ensuring that a portion of state funds appropriated for teacher salaries are allocated based on performance rather than other criteria.</p> <p>States receive partial points if: 1) Their law or regulations make teacher compensation marginally more performance-based, for example by creating small performance bonuses, 2) Their law or regulations establish incentives for teachers to work in hard-to-staff schools or subject areas, but does not link these incentives to performance, or 3) Bonuses or other incentives are paid out of an annually appropriated pool of state funds whose future funding is uncertain, rather from established and stable revenue streams.</p> <p>States receive one-quarter point if their law allows but does not require performance-based compensation for teachers.</p> <p>States receive no points if their law prohibits performance-based teacher compensation.</p>

State Highlights

State Highlights

Criteria	State Highlights
Are teachers evaluated at least annually?	<p>Fourteen states in this analysis evaluate all teachers and principals annually, including: Arizona, Colorado, Connecticut, Florida, Idaho, Indiana, Louisiana, Nevada, New Jersey, New York, Oklahoma, Rhode Island, Tennessee, Washington. A few (Florida, Nevada, New Jersey, Ohio, Oklahoma) require more frequent evaluations for newer teachers or those who previously received an unsatisfactory rating. Delaware, Michigan, and Ohio allow districts to waive annual evaluations to biennially evaluate highly-effective teachers, but only Michigan requires teachers to demonstrate multiple years of highly effective ratings to be evaluated biennially.</p> <p>Illinois requires annual evaluations only for probationary (non-tenured) teachers and those who received a low rating in a previous evaluation, allowing other teachers to be evaluated only every two years.</p> <p>Three states (Arkansas, Maryland, Minnesota) establish a cycle in which non-probationary, experienced, or effective teachers receive a full evaluation only every three years, but some components of the evaluation are administered or updated in other years.</p>
Are principals, as well as teachers, evaluated?	<p>Nearly all states in this analysis include principals in the evaluation system. Arkansas' Act 1209 does not, but the state is currently piloting a principal evaluation and has developed draft legislation for introduction in the 2013 legislative session.</p>
Is evidence of student learning a factor in teacher evaluations?	<p>All 21 states in this analysis require some evidence of student learning to be incorporated in teacher and principal evaluations.</p> <p>Four states do not permit a teacher to be rated highly-effective or effective unless they achieve a set threshold on the learning gains component: Delaware, Florida, Indiana, Rhode Island. (Arkansas and Maryland proposed regulations that would also take this approach.)</p> <p>Ten states require data on student learning to constitute at least 50 percent of a teacher's evaluation: Colorado, Connecticut (45 percent individual, 5 percent schoolwide), Idaho, Louisiana, Maryland, Michigan, Nevada, Ohio, Oklahoma, Tennessee.</p> <p>Four states require student learning data to constitute less than 50 percent of a teacher's evaluation: Arizona, Illinois, Minnesota, New York.</p> <p>Washington and New Jersey (the two newest laws) require student learning to be included in a teacher's evaluation but do not prescribe a set percentage or threshold.</p>

State Highlights

Criteria	State Highlights
Do evaluations differentiate between multiple levels of educator performance?	<p>Nearly all states in our analysis differentiate between multiple levels of educator performance:</p> <p>Sixteen states define four levels: Arizona, Arkansas, Colorado,* Connecticut, Delaware, Florida, Illinois, Indiana, Louisiana,* Michigan, Nevada, New Jersey, New York, Ohio, Rhode Island, Washington (*three levels defined in law, four in subsequent regulation)</p> <p>Two states define five levels: Oklahoma, Tennessee</p> <p>Maryland defines three levels.</p> <p>Idaho defines only two levels of educator performance (satisfactory and unsatisfactory).</p> <p>Minnesota does not specify levels of performance.</p>
Are parents and the public provided clear information about teacher effectiveness?	<p>Only four states have laws or regulations that explicitly require public reporting on aggregated educator performance data (not identifiable to individual teachers): Arkansas, Florida, Indiana, New York. Other states, including Delaware and Maryland, are developing public reports or plan to in the future, but do not have statutory requirements to do so.</p> <p>At least nine states have laws or policies that explicitly prohibit the disclosure of individual teacher performance ratings: Arizona, Connecticut, Illinois, Louisiana, Maryland, Minnesota, New Jersey, Ohio, Tennessee.</p> <p>We recognize that there are real tensions and disagreement regarding disclosure of data on individual teachers. We believe that New York's policies on this topic balance the interests of teachers, students, and parents in a way that provides a model for other states. New York's A 10786, passed in June 2012, requires the commissioner of education to publicly report, on the Department of Education's website, aggregated data on teacher and principal performance ratings for each school district and broken down in a variety of ways to support research, analysis, and comparison. The law also requires each school district to disclose to the parents and legal guardians of students the final rating and composite effectiveness score for each teacher and building principal to whom their child is assigned. Florida, Indiana, and Michigan also requires school districts to report to parents when their child is assigned an ineffective teacher.</p>

State Highlights

Criteria	State Highlights
<p>Are educator preparation programs accountable for graduates' effectiveness?</p>	<p>Most states in this analysis are not using teacher evaluation data to hold teacher preparation programs accountable or provide information to employers or consumers about the effectiveness of programs' graduates. There are a number of exceptions, however:</p> <p>Louisiana has developed a rigorous accountability system for teacher preparation programs that, at the highest (4th) level, measures and reports on the value-added impact of their graduates on student learning. This system predates the state's recent teacher effectiveness legislation. Tennessee has established a program report card for every teacher preparation program that includes value-added data for the programs graduates and will incorporate data from evaluations as well. Indiana and Ohio require public reporting on the performance of each in-state teacher preparation program's graduates, but not accountability. Oklahoma requires the State Department of Education to provide the Regents of Higher Education with data on the effectiveness of each preparation program's graduates to enable them to hold programs accountable. Connecticut and Rhode Island are developing standards or processes that will hold teacher preparation programs accountable for their graduates performance, but those standards are not yet completed.</p> <p>Some states, including Arkansas, Delaware, New York, have built or are building capacity to link educator effectiveness data to preparation programs, but are not yet using it for public reporting or accountability purposes.</p>
<p>Is tenure linked to effectiveness?</p>	<p>Twelve states now condition award of tenure or non-probationary status on demonstration of effectiveness: Arizona, Colorado, Connecticut, Delaware, Illinois, Indiana, Louisiana, Michigan, Nevada, Oklahoma, Tennessee, Washington. These states vary, however, in the number of years and level of effectiveness required to earn tenure. Colorado's legislation, which requires three years of effective ratings to earn tenure and loss of tenure after two ineffective ratings, is a solid model here. Five states allow for the revocation of a teacher's tenure based on ineffectiveness: Colorado, Indiana, Louisiana, Nevada, Tennessee.</p> <p>Maryland, New York, and Rhode Island all indicate that effectiveness should be a factor in tenure decisions, but do not establish a specific threshold of effectiveness to earn tenure.</p> <p>Recent teacher effectiveness legislation in Florida and Idaho eliminated tenure for new and currently non-tenured teachers. Arkansas has had no teacher tenure since 1985.</p>

State Highlights

Criteria	State Highlights
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	<p>Sixteen states explicitly make poor evaluations a trigger for teacher dismissal in their recent legislation: Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Louisiana, Michigan, New Jersey, New York, Oklahoma, Tennessee, Washington. These states vary in the number of evaluations and level of evaluation performance required to trigger dismissal.</p> <p>Seven states require dismissal of teachers who receive multiple ineffective ratings: Arkansas, Florida, Louisiana, Michigan, New Jersey, Oklahoma, Washington.</p> <p>Some states' policies state that evaluations shall be used to inform dismissal decisions, or that districts shall dismiss or discipline ineffective teachers, but do not define specific thresholds or authority to do so: Maryland, Minnesota, Ohio, Rhode Island.</p> <p>Nevada explicitly links ineffectiveness to dismissal for probationary (non-tenured) teachers only, but a post-probationary (tenured) teacher becomes a probationary teacher if s/he is rated ineffective in two consecutive years, and may then be subject to dismissal based on ineffectiveness.</p> <p>Many states have also taken steps in their recent legislation to simplify the process and eliminate barriers to teacher dismissals based on ineffectiveness. These policies can be difficult to compare across states, because other state context and legal factors come into play. Changes in teacher dismissal processes are an important feature of these laws, the impact of which should be monitored and studied over the coming years to better inform the field about the pros and cons of different approaches.</p>

State Highlights

Criteria	Explanation
<p>Is effectiveness, rather than seniority, the primary consideration in reductions in force?</p>	<p>Ten states require effectiveness, rather than seniority, to be the primary consideration in reductions in force, or to be one of multiple considerations that may also include seniority: Colorado, Florida, Illinois, Indiana, Louisiana, Michigan, Nevada, Ohio, Oklahoma, Washington.</p> <p>Three states prohibit reduction in force policies based on seniority alone or at all, but do not specify the grounds on which they should be based: Arizona, Idaho, Tennessee.</p> <p>Seven states included in this analysis (as well as most others not included here) have not taken action to end “last in, first out” layoffs: Arkansas, Connecticut, Delaware, Maryland, Minnesota, New Jersey, New York. In some of these states, state law mandates seniority-based lay-offs; in others the basis of lay-offs is subject to collective bargaining agreement.</p> <p>In Rhode Island, state law mandates that reductions in force made due to a decline in pupil population must be done by seniority, but this statute does not apply to reductions in force done for other reasons, such as funding or programmatic changes. Rhode Island has adopted a policy that teacher assignments or reductions in force based solely on seniority are not in accordance with districts’ obligations to students under the state’s Basic Education Program regulations.</p>
<p>In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?</p>	<p>Only Colorado has enacted legislation requiring that, in cases of teacher excessing, teachers who lose their positions must find new ones through mutual consent hiring. Teachers who fail to find new positions in their district through mutual consent within two hiring cycles may be discharged from district employment.</p> <p>In several states, including Florida, Illinois, and Michigan the policies that require district-wide reductions in force to be based on performance, rather than seniority, also apply to elimination of positions at the building level or due to programmatic changes.</p>

State Highlights

Criteria	Explanation
Do principals have authority to decide who teaches in their schools?	Six states require principal consent for the transfer or assignment of a teacher to their school—Arizona, Colorado, Idaho, Illinois, Indiana, Louisiana—although a few of these states create some exceptions to that requirement. Principals in Florida can refuse to accept teachers who are not rated “effective” or “highly-effective.”
Does the law protect students from being consecutively assigned to ineffective teachers?	Most states included in this analysis focus their attentions at the teacher level rather than the level of the individual child’s experience. Thus, while a number of states authorize or require dismissal of teachers who are rated ineffective for two or more years, very few attempt to track the effectiveness of the teachers to whom an individual child is assigned over time and prevent children from being consecutively assigned to lower-performing teachers—despite abundant evidence that the cumulative effects of multiple ineffective teachers can be devastating to a child’s progress. Only Indiana prohibits districts from assigning a child to two consecutive ineffective teachers. In addition, all Rhode Island school districts have committed, in their Race to the Top MOUs, not to assign students to two or more consecutive ineffective teachers.
Are effective teachers rewarded with increased compensation?	<p>None of the states included in this analysis preclude districts from compensating teachers based on performance, and 14 states encourage, require, or provide some form of compensation linked to performance, with wide variation. Florida’s and Indiana’s approaches seem most likely to drive fundamental change in teacher compensation.</p> <p>Five states require districts to develop salary schedules based on performance: Florida, Louisiana, Michigan, Nevada, Ohio (RTT districts only). Indiana limits the percentage of a teacher’s annual salary increase based on experience or degrees, and requires the rest to be based on evaluations, leadership, and student academic needs. Oklahoma requires districts to establish a program of performance-based bonuses if 20 percent of teachers sign a petition requesting one.</p> <p>Idaho and Arizona require districts to allocate a percentage of state funds for teacher salaries based on performance. Delaware will provide bonuses to some highly-effective teachers through Race to the Top.</p> <p>Colorado and Maryland create incentives for highly-effective teachers to work in hard-to-staff or high-need schools.</p> <p>New York and Rhode Island require evaluations to be a factor in personnel decisions, which may include compensation or rewards, but do not specifically require compensation for performance.</p>

State Ratings







Arizona

Law Analyzed	SB 1040, HB2227 (Laws 2010, Ch. 98), Revised statute 15-203 and AZ Framework for Measuring Teacher Effectiveness, HB 2823
Date Passed	2010, 2012
Overall Rating	7.25





In May 2010 the Arizona legislature passed, and Governor Jan Brewer (R) signed, SB 1040, which requires districts and charter schools to annually evaluate teachers and principals and amends the powers and duties of the State Board of Education to include adoption of a model teacher and principal evaluation system that includes quantitative data on student performance. In April 2011 the State Board-created Task Force on Teacher and Principal Evaluations submitted to the Board a proposed “Framework for Measuring Educator Effectiveness” that defines three components of teacher evaluations (classroom-level data, school-level data, and teaching performance as measured through classroom observations), weighting options for each component for teachers with and without state test data, and measures that LEAs may use for school- and classroom-level data.

In April 2012, the legislature passed, and Gov. Brewer signed, HB 2823, which further clarifies the responsibilities of the State Board and districts related to design and implementation of teacher and principal evaluations, and addresses the use of evaluations for teacher contracting, dismissal, and compensation. The law also prohibits teachers with the lowest performance rating from being transferred to another school and any teacher from being transferred without consent of the sending and receiving principal, as well as the district human resources office. Arizona’s law does not require transparent public reporting on aggregate teacher performance, inform parents if their child is being taught by an ineffective teacher, protect children from being taught by an ineffective teacher for consecutive years, or hold teacher preparation programs accountable for the performance of their graduates. It also does not end “last-in, first-out” layoffs or address excessing. These are all areas for potential improvements in the future.




Arizona

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are principals, as well as teachers, evaluated?	Yes. SB 1040 required the State Board of Education to adopt a model framework for both teacher and principal evaluation.	
Is evidence of student learning a factor in teacher evaluations?	The law requires quantitative data on student academic progress to account for between 33 and 50 percent of the evaluation outcomes.	
Do evaluations differentiate between multiple levels of educator performance?	Yes. Arizona Revised Statutes 15-203 require the state board to develop a model framework that includes four performance classifications: highly effective, effective, developing, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	Teacher evaluation reports and performance classifications are confidential, do not constitute a public record, and shall not be shared with any person except the teacher, authorized district officers and employees for personnel matters, or for introduction as evidence in any court action between the school board and teacher in which the competency of the teacher is at issue or where there is a challenge to the outcome of a hearing at which the evaluation and performance classification were an exhibit. The law does not address public aggregated reporting.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	

Arizona

Criteria	Explanation	Score
Is tenure linked to effectiveness?	A school district may offer a teaching contract to a teacher who has taught for less than three consecutive years and has been designated in the lowest performance classification, but due process protections and dismissal procedures for multiyear contract teachers do not apply until the teacher has earned a higher performance classification for two consecutive years.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	A teacher who has been designated in the lowest performance classification for two consecutive years or three nonconsecutive years may not be assigned as a teacher of record until completing a professional development program focused on areas the teacher needs to improve. If the school district does not provide professional development, it shall notify the teacher of inadequate classroom performance (a grounds for dismissal) and initiate dismissal through existing dismissal proceedings. Under Arizona laws pre-dating SB 1040, a teacher charged for dismissal may request a hearing, which the board of education may hold itself or designate a hearing officer to conduct, selected via mutual consent from an approved list. In either case, the board of education makes the final decision, and the total timeline allowed in law for this process is 50 days.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	HB 2227 prohibits a school district from adopting a policy that provides retention for teachers based on tenure or seniority. HB 2011, part of budget legislation passed in 2009, applied a similar prohibition to charter schools.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	Under HB 2227 and HB 2011, Arizona teachers do not have retention or recall rights based on order of seniority, but the law does not provide a process for exiting from employment excessed teachers who fail to obtain positions through mutual consent hiring.	

Arizona

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	A teacher may not be transferred within the district unless the principal of the transferring school, the principal of the receiving school, and the district human resources department approve the transfer in writing. The decision shall take into consideration the current distribution of teachers and the needs of pupils in the school before deciding if the transfer is in the best interests of the students in the school.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	Districts and charter schools must allocate 40 percent of the classroom site funds they receive from the state for teacher compensation increases based on performance and employment-related expenses. Performance-based compensation shall incorporate teachers' evaluations and performance classifications.	







Arkansas

Law Analyzed	Act 1209
Date Passed	2011
Overall Rating	5.5

Arkansas' Act 1209, passed in March 2011 with bipartisan support and signed by Governor Mike Beebe (D), builds on a variety of teacher evaluation work previously underway in the state, including a teacher evaluation pilot. The law establishes a Teacher Excellence and Support System (which allows for a mix of local and state development), and requires the State Board of Education to promulgate rules for the system by September 2012. A preliminary version of those rules has been released for public comment, but has not yet been finalized.

Arkansas' law has some significant strengths, including a process to expeditiously dismiss teachers who receive one of the two lowest ratings and fail to improve after receiving support. The law also requires schools to publicly report on the aggregate performance of their teachers and takes strong steps to ensure that the evaluation system informs ongoing professional development and provides teachers with meaningful feedback to improve. The law requires pre- and post-conferences between evaluators and teachers. All teachers (not just weak ones) must have professional growth plans based on evaluation and professional development that counts toward certification renewal must to link to that plan. The greatest weakness of Arkansas' law is that it requires annual summative evaluation only for novice and untenured teachers, and for those in "intensive support status." Other teachers may be evaluated as infrequently as once every three years, although they do receive abbreviated formative evaluations in other years. Arkansas' law does not end seniority-based layoffs, encourage performance-based compensation, ensure mutual consent hiring, hold teacher preparation programs accountable for their graduates' performance, or prevent students from being consecutively taught by ineffective teachers. These are all areas for improvement in subsequent law or regulations.




Arkansas

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Novice teachers, probationary teachers, and teachers who successfully complete intensive support status within the current or immediately preceding school year are evaluated annually. Other teachers receive a full summative evaluation at least once every three years, but must have an abbreviated formative evaluation in other years.	
Are principals, as well as teachers, evaluated?	Act 1209 does not require principal evaluations. The state is currently piloting a principal evaluation system and draft principal evaluation legislation that mirrors the teacher evaluation system and is expected to be introduced in the 2013 legislative session.	
Is evidence of student learning a factor in teacher evaluations?	Yes. The law requires the State Board to define rules that require annual evidence of student growth from artifacts and external assessment measures. In tested content areas, external assessment measures must constitute one-half the artifacts considered. If external assessment measures do not exist for a content area, the Department of Education shall determine the type of artifact that may be used. Proposed rules would preclude teachers who do not meet a certain growth threshold from receiving the highest rating, and lower by one category ratings of teachers who fail to meet the growth threshold for two consecutive years.	
Do evaluations differentiate between multiple levels of educator performance?	The law defines four levels of teacher performance: distinguished, proficient, basic, and unsatisfactory.	
Are parents and the public provided clear information about teacher effectiveness?	Yes. Beginning in the 2017-18 school year, school performance reports must include the number of teachers in the school who are identified as proficient and above under the Teacher Excellence and Support System. The law does not require parents to be notified of their individual child's teacher's rating.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address. The state has been doing field runs linking teacher effectiveness to teacher preparation programs and plans to provide such information on its website for each teacher prep program.	

Arkansas

Criteria	Explanation	Score
Is tenure linked to effectiveness?	Arkansas does not have teacher tenure. All teachers are covered by the Fair Dismissal Act, but there is no tenure.	●
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Yes. A teacher who is identified as “unsatisfactory” in an entire category of the evaluation framework or rated “unsatisfactory” or “basic” in the majority of descriptors in a category is placed in “intensive support status” for a period not to exceed two semesters (may be extended two additional semesters if the teacher is making progress) and given specific goals and tasks. If the teacher does not meet their goals, the superintendent shall recommend termination or nonrenewal of the teacher’s contract. If the school has complied with evaluation requirements, it is entitled to a rebuttable presumption that it has a substantive basis for termination or nonrenewal under the Arkansas Teacher Fair Dismissal Act. The burden of proof is on teacher to rebut.	●
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	The law does not address.	○
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address.	○

Arkansas

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not address.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	Permitted but not required.	

Colorado







Law Analyzed	SB 191
Date Passed	2010
Overall Rating	9

Colorado's SB 191 is the first-passed of the state laws we reviewed, and in many respects set the standard for those that followed. SB 191 establishes expectations for a system of annual teacher evaluations, based at least 50 percent on teachers' impact on student achievement, and creates a state commission to further flesh out the details of the system. The legislation also conditions teacher tenure on teacher effectiveness and allows for the dismissal of ineffective teachers. Championed by State Senator Mike Johnston (D), SB 191 was passed by a Democrat-controlled legislature, with support from the Colorado AFT, and signed into law by Democratic Governor Bill Ritter. This updated analysis covers both the legislation and the state guidance and regulations regarding its implementation.

SB 191 is particularly strong on issues related to teacher placement, excessing, and reductions in force. It prohibits a teacher from being assigned to a new position without the consent of the principal and two teachers in the receiving school. It was the first state law to require reductions in force to be based on effectiveness, rather than seniority. While most such state laws apply only to district-wide layoffs or reductions in force, which are relatively rare, Colorado also applies the same principle to teacher "excessing" at the building level, which is quite common. It eliminates the right of excessed teachers to "bump" less-senior teachers at other schools—requiring them instead to secure positions through mutual consent hiring—and it provides a process through which teachers who fail to obtain new positions in a reasonable time frame may be dismissed from district payrolls.

Potential areas for improvement in Colorado law related to teacher effectiveness are around transparent reporting on teacher effectiveness to parents and the public, holding teacher preparation programs accountable for their graduates' performance, and preventing students from being taught by ineffective teachers in consecutive years—issues that SB 191 does not address but that later-passed legislation in other states does.




Colorado

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are principals, as well as teachers, evaluated?	Yes. AB 191 applies to licensed personnel, including both teachers and principals, and the state has developed frameworks for evaluation of both teachers and principals.	
Is evidence of student learning a factor in teacher evaluations?	Student academic growth must constitute at least 50 percent of the teacher's evaluation.	
Do evaluations differentiate between multiple levels of educator performance?	The law defines three levels of teacher performance; the council tasked with developing standards for teacher evaluation defined four levels.	
Are parents and the public provided clear information about teacher effectiveness?	The law does not specify requirements for public/parent reporting of teacher effectiveness, but does not preclude it either.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	

Colorado

Criteria	Explanation	Score
Is tenure linked to effectiveness?	To receive tenure a new teacher must complete three years of teaching with evaluations of “effective” or better. A tenured teacher who receives two consecutive “ineffective” evaluations loses tenure.	●
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	If a teacher who has been evaluated “ineffective” and receives a remediation plan is still not performing effectively after completion of the remediation plan, the evaluator may recommend either dismissal or continued remediation. Dismissal is still subject to previous law, however, the ability to revoke tenure of ineffective teachers makes it easier to dismiss them.	◐
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. The law requires teacher evaluations to be considered as a significant factor in reductions in force, and allows seniority and tenure to be considered only after teacher performance.	●
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	Yes. Excessed teachers may obtain new placements in the district only through mutual consent hiring. The law provides a process for dismissal from district employment for teachers who fail to find a new position within their district through mutual consent after two hiring cycles.	●

Colorado

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	Yes. The law clearly states that teachers may be assigned to a school only with the consent of the hiring principal and at least two teachers employed at the school. The law also provides a process for dismissal from district employment of teachers who fail to find a new position through mutual consent.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	The law requires districts to develop systems of incentive pay for effective teachers working in hard-to-staff schools and does not create barriers to compensating teachers based on performance.	

Connecticut







Law Analyzed	PA 10-111, PA 12-116
Date Passed	2010, 2012
Overall Rating	5.75

In 2010 a Democrat-controlled legislature passed, and Governor Jodi Rell (R) signed, PA 10-111, a comprehensive education reform bill intended to support the state's Race to the Top application. PA 10-111 required the State Board of Education to adopt guidelines for annual teacher evaluations that incorporate measures of student growth. It also addressed a variety of other issues, including alternative certification and system improvements to provide student growth data, but did not address use of evaluation data in personnel decisions, including tenure or dismissal. Under PA 10-111, the state established a Performance Evaluation Advisory Council to develop guidelines and standards for teacher evaluations, and in 2012, the State Board of Education approved the PEAC-developed framework





In May 2012, the Democrat-controlled legislature passed PA 12-116, a comprehensive education reform bill, championed by Governor Dan Malloy (D), that addresses issues related to teacher evaluation, tenure, and dismissal, as well as school finance, accountability, and school turnaround. PA 12-116 builds on PA 10-111 by establishing an 8-10 district evaluation pilot, requiring teachers to demonstrate effectiveness in evaluations before they receive tenure, allowing dismissal of teachers who are rated ineffective, and streamlining the dismissal process. This rating is based on PA 10-111, PA 12-116, and the current State Board-approved PEAC recommendations. Any additional regulations or guidance created as a result of PA 12-116 did not exist at the time this analysis was done and thus are not included in it.

Connecticut has made substantial progress in improving teacher evaluation and linking key personnel decisions—including tenure and dismissal—to evaluations, but it has not abolished “last-in, first-out” layoffs and excessing, made preparation programs accountable for their graduates’ performance, ensured teacher hiring and placement by mutual consent, or protected children from being consecutively taught by ineffective teachers. Connecticut has also created a new requirement that teachers earn a Master’s degree to receive the highest level of teacher certification, rather than linking this certification to evidence of effectiveness. These are all areas for potential future improvements.




Connecticut

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are principals, as well as teachers, evaluated?	Yes. The State Board of Education has approved draft guidelines for evaluation of both teachers and principals.	
Is evidence of student learning a factor in teacher evaluations?	Student academic growth must be included in evaluation guidelines. For teacher evaluations, multiple student learning indicators for the teacher's students constitute 45 percent of the evaluation (one-half of which is based on the state test for teachers in tested grades and subjects), whole-school indicators 5 percent, observations of performance and practice 40 percent, and peer and parent surveys 10 percent. For principals, multiple student learning indicators account for 45 percent, teacher effectiveness outcomes 5 percent, observations 40 percent, and staff, community, and/or student surveys 10 percent.	
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: exemplary, proficient, developing, below standard	
Are parents and the public provided clear information about teacher effectiveness?	Connecticut law precludes disclosure of teacher evaluation records. The law does not address aggregate reporting.	
Are educator preparation programs accountable for graduates' effectiveness?	Legislation does not address. In March 2012 the State Board of Education and the Board of Regents for Higher Education created an Educator Preparation Advisory Council that is tasked with developing standards for teacher preparation programs that will hold programs accountable for the performance of their graduates, including impact on student learning.	

Connecticut

Criteria	Explanation	Score
Is tenure linked to effectiveness?	Yes. In order to earn tenure teachers must complete four years of teaching and be offered continuing employment for the following year based on an evaluation rating of "effective."	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Law makes "ineffectiveness," as measured by the evaluation system, one of the grounds upon which teachers may be dismissed. It also streamlines the hearing process for dismissal of a tenured teacher from 75 days to 45, and limits the scope of the hearing to whether the evaluation process was followed in good faith and whether evaluations are reasonable based on the evidence presented.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	The law allows collective bargaining agreements to determine the weighting of consideration factors for layoffs and reductions.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not provide a process for the discharge of excessed teachers who fail to gain positions through mutual consent.	

Connecticut

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not address.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	Effective teachers can be rewarded with compensation if it is collectively bargained at the local level. The law does not address or encourage this, but does allow for discretion for performance-based compensation in Commissioner's Network schools.	

Delaware







Law Analyzed	Delaware Code Title 14, Chapter 12 § 1270; Delaware Performance Appraisal System Guides; SB 263
Date Passed	2009, 2010
Overall Rating	6.25

Delaware has had a statewide teacher evaluation system since the mid-1980s. The system was revised in 2000 to create the Delaware Performance Appraisal System II (DPAS II), and in 2009 the state adopted regulations to incorporate student growth measures into DPAS II and to require a teacher's students to make at least a year's growth in order for a teacher to be rated "effective" or better. In May 2010, the Democrat-controlled legislature and Governor Jack Markell (D) built on these policies by passing SB 263, which links teacher tenure to DPAS II evaluations.





Delaware's teacher effectiveness policies have many strengths: Teachers are evaluated annually and cannot be rated "effective" or higher unless they earn a "satisfactory" rating on the student improvement component of the evaluation. Teachers must earn at least two years of "effective" or better ratings to receive "due process" rights, and evaluation ratings can be used to establish a "pattern of ineffectiveness" as grounds for teacher dismissal. Although Delaware has established a statewide teacher evaluation system, it allows waivers for locally-developed evaluations if they are collectively bargained and as rigorous and sound as DPAS.

Currently, Delaware's laws and regulations do not require transparent reporting on teacher performance to parents and the public, prevent students from being consecutively taught by ineffective teachers, or hold teacher preparation programs accountable for the performance of their graduates. The state is developing practices through its Race to the Top grant to address many of these issues, including linking teacher effectiveness data back to teacher preparation programs, teacher retention and attraction bonuses, and additional compensation for highly-effective teachers. The state's policies do not address seniority-based layoffs and excessing, or ensure teacher hiring and placement by mutual consent. These are areas for potential improvement in future law or regulations.




Delaware

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Generally, yes. Delaware code requires annual evaluation for all teachers, but allows a waiver for teachers rated highly-effective. Teachers may not receive two consecutive waivers. The student improvement component must be evaluated annually.	
Are principals, as well as teachers, evaluated?	Yes. Delaware has established DPAS II for teachers, specialists, and administrators.	
Is evidence of student learning a factor in teacher evaluations?	Yes. Student improvement is one of five components in a teacher's evaluation: 1) planning and preparation 2) classroom environment 3) instruction 4) professional responsibilities and 5) student improvement. Teachers cannot be rated effective or highly-effective overall if student growth expectations are not met.	
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: highly-effective, effective, needs improvement, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	Law neither precludes nor mandates reporting of teacher effectiveness data. Under Race to the Top, Delaware has developed and is implementing a new monitoring and reporting system for the DPAS II. Aggregated information on DPAS effectiveness will be reported on the Delaware Department of Education website.	
Are educator preparation programs accountable for graduates' effectiveness?	Although not specified in law, the state's data system has the capacity to link student achievement data back to the programs where their teachers and principals were prepared. This will enable the Delaware Department of Education, LEAs, and the general public to more clearly see which programs are producing effective teachers and principals.	

Delaware

Criteria	Explanation	Score
Is tenure linked to effectiveness?	In order to receive the highest level of notice and hearing protections, teachers must complete at least three years of teaching in Delaware, two of them with the employing school board, and must have earned at least two years of “satisfactory” ratings in the student improvement component of the teacher evaluation.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Performance on the teacher evaluation system may be used to establish a “pattern of ineffective teaching,” which, once established, can be used to terminate a teacher for incompetency. A pattern of ineffective teaching includes two consecutive years “ineffective” ratings or three consecutive years of combined “unsatisfactory” and “ineffective” ratings. Delaware has not created a streamlined process for dismissals based on ineffectiveness. Under pre-existing law, a teacher charged for dismissal may request a hearing before the local school board, which may elect to designate a hearing officer to hear the hearing. Evidence at the hearing may only address the stated reason for dismissal. A teacher may appeal dismissal to the County Supreme Court, which must uphold the board’s decision if “substantial evidence” supports it.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Not addressed in legislation or regulations. Delaware’s Race to the Top application commits the state and its LEAs to develop new programs and policies to ensure that evaluations are used as the primary factor in personnel actions, including teacher and principal dismissal and retention.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	Not addressed in legislation or regulations. Delaware’s Race to the Top application commits the state and its LEAs to develop new programs and policies to ensure that evaluations are used as the primary factor in personnel actions, including teacher and principal dismissal and retention.	

Delaware

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	Not addressed in legislation or regulations. Some local collective bargaining agreements may include provisions that provide for flexibility in hiring and transferring that is not solely based on seniority.	
Does the law protect students from being consecutively assigned to ineffective teachers?	Not addressed in legislation or regulations.	
Are effective teachers rewarded with increased compensation?	Delaware law provides a state salary schedule and allows, but does not require, LEAs to provide additional compensation, which could be based on performance. As part of Race to the Top, Delaware has developed a Teacher Attraction and Retention program that will provide a bonus to certain “highly-effective” teachers.	

Florida

Law Analyzed	SB 736
Date Passed	March 2011
Overall Rating	9.75

Florida's SB 736 was passed in March 2011, with the support of recently-elected Governor Rick Scott (R) and Republican legislative leadership, after former Governor Charlie Crist vetoed a similar bill in the previous legislative session.





SB 736 mandates annual teacher evaluations based at least 50 percent on student learning growth, and requires the State Board of Education to set regulations for teacher evaluations. The legislation also links tenure to effectiveness for new teachers, requires the dismissal of teachers who repeatedly receive poor evaluations, and requires districts to establish performance-based compensation schemes that enable teachers who give up tenure and demonstrate effectiveness in evaluations to receive higher levels of compensation.

A potential area for improvement in Florida law related to teacher effectiveness is preventing students from being taught by ineffective teachers in consecutive years—something the law does not currently address. Some observers are also concerned that the law's highly-prescriptive provisions related to evaluation and dismissal of low-performing teachers may represent an excessive intrusion on local flexibility and autonomy—particularly for charter schools, which are not exempt from these requirements.




Florida

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes, and new teachers are evaluated twice.	●
Are principals, as well as teachers, evaluated?	Yes.	●
Is evidence of student learning a factor in teacher evaluations?	Yes. At least 50 percent of evaluation must be based on data and indicators of student learning growth (in some cases 40 percent). The State Board of Education shall adopt rules to ensure a minimum standard of student learning growth, below which teachers must receive an unsatisfactory rating, and minimum growth standards for effective and highly-effective ratings. Other factors in evaluation include instructional practice aligned with Florida Educator Accomplished Practices, and professional responsibilities.	●
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: highly-effective, effective, needs improvement (or developing, for instructional personnel in the first three years of employment), and unsatisfactory.	●
Are parents and the public provided clear information about teacher effectiveness?	Yes. The department of Education issues annual report on the percentage of teachers receiving each performance rating, disaggregated by school and district. Each school district shall annually report to the parents of any student assigned to a teacher who has received two consecutive “unsatisfactory” ratings, two “unsatisfactory” ratings in the last three years, three consecutive “needs improvement” ratings, or a combination of “unsatisfactory” and “needs improvement” ratings over three consecutive years.	● ○
Are educator preparation programs accountable for graduates' effectiveness?	No.	

Florida

Criteria	Explanation	Score
Is tenure linked to effectiveness?	The law eliminates tenure for new and not-yet tenured teachers. Teachers who currently have tenure may choose to retain tenure and the current salary schedule, or may give up tenure and switch to a new performance salary schedule, which offers the potential for higher compensation.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Yes. The law requires teachers to be dismissed if they receive two consecutive “unsatisfactory” ratings, two “unsatisfactory” ratings in a three year period, three consecutive “needs improvement” ratings, or a combination of “needs improvement” and “unsatisfactory” ratings over three consecutive years. The law streamlines the process for teacher dismissal, allowing appeal and a hearing by either the school board or an administrative law judge, but the school board’s vote is final in either case.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Workforce reductions must be based on performance evaluations. Districts may not prioritize seniority in layoff decisions. It is unclear what factors may be used as a tie-breaker when two teachers have the same performance rating.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The requirement for workforce reductions based on performance evaluation applies to reductions at school level. It does not provide for dismissal of teachers who fail to gain positions through principal consent. Placement and recall for teachers who lose a position due to school-level reduction are subject to collective bargaining.	

Florida

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	Principals may refuse to accept the placement or transfer of a teacher unless the teacher has a performance rating of “effective” or “highly-effective.”	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	Legislation requires all districts to establish a “performance salary schedule” that provides the greatest salary increments to teachers rated “highly-effective,” provides “effective” teachers with salary increments of 50-75 percent of the amount provided to “highly-effective” teachers, and does not provide annual salary increments to teachers who receive any other rating. The annual salary adjustment given to teachers rated “highly-effective” must be greater than that given to any other teacher on any other salary schedule used by the district. Salary schedule must provide incentives to teachers assigned to a Title I school or school in the lowest two levels of the school improvement system, teachers in critical shortage areas, and teachers who take on additional academic responsibilities.	







Idaho

Law Analyzed	SB 73SB 1108, SB 1110
Date Passed	2011
Overall Rating	7

In 2011, Idaho's Republican controlled legislature passed, and Governor Butch Otter (R) signed, two pieces of legislation addressing teacher employment, collective bargaining, evaluation, and compensation. SB 1108 eliminates teacher tenure for all teachers who do not currently hold it, limits subjects that may be negotiated in collective bargaining to salary and benefits, requires annual recertification of collective bargaining units for teachers, ends "last in, first out" layoffs, and requires annual teacher evaluations of which at least 50 percent of the teacher's evaluation is based on objective measures of growth in student achievement. SB 1110 establishes a new performance-based compensation program within state funds appropriated for teacher salaries.

Although SB 1108 requires annual teacher evaluations based on student performance, and establishes a state-defined growth measure, it does not prescribe other components of those evaluations or guidelines for local districts in developing them, and the state only defines two levels of teacher performance—proficient and unsatisfactory. In addition, the law does not require transparent reporting on teacher effectiveness to parents and the public or hold higher education institutions accountable for the performance of their graduates. Although the law prohibits use of seniority and contract status in layoff decisions, it leaves the selection of other criteria on which to make such decisions at the pure discretion of local boards, who could select biased or weaker criteria. The law contains provisions designed to ensure teachers are not placed in a school without the principal's consent, but allows a major loophole for transfers in case of a shift in student population. And the law does not protect students from being consecutively taught by ineffective teachers. All of these are areas for potential improvement in future versions of the law.




Idaho

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes. The law requires a minimum of one evaluation in each annual contract year of employment.	
Are principals, as well as teachers, evaluated?	Yes. For superintendents, assistant superintendents, directors, and principals, 50 percent of evaluations conducted after June 30, 2012 must be based on objective measures of growth in student achievement.	
Is evidence of student learning a factor in teacher evaluations?	Yes. After June 20, 2012, all evaluations must include a portion, comprising at least 50 percent of the evaluation, that is based on objective measures of growth in student achievement. Evaluations must also include parent/guardian input as a factor.	
Do evaluations differentiate between multiple levels of educator performance?	No. The state only requires a minimum of two performance levels: proficient and unsatisfactory.	
Are parents and the public provided clear information about teacher effectiveness?	The law neither requires nor precludes districts from informing parents and the public of teachers' effectiveness.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	

Idaho

Criteria	Explanation	Score
Is tenure linked to effectiveness?	Not applicable. The law eliminates tenure for all new contracts entered into after January 30, 2011. Instead, there are two types of contracts. A Type A contract is a limited one-year contract for teachers in their 1 st or greater year of employment. The district may choose not to extend an additional contract, but may not make such a decision until the employee has had a written evaluation (except in case of reduction in force). A Type B contract is a two-year contract that may be offered to teachers in the 4 th or greater year of employment and may be extended an additional year after the first year. Teachers who are currently on renewable contracts are grandfathered.	●
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Teachers on a grandfathered renewable contract may be dismissed based on unsatisfactory performance, but must be given at least notice and six-week probationary period to improve. The law also streamlines the process for appeal of dismissal decisions to district court and constrains factors that may be considered to overturn the decision. No property rights attach to either a Type A or Type B contract. If a board chooses not to extend a Type B contract, the employee is entitled to an informal review by the board trustees, and such decision may not be made until the employee has had a written review (does not apply to reduction in force). A teacher on a Type A contract is not entitled to an informal review.	●
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Reduction in force decisions are at the sole discretion of the district board of trustees, but seniority and contract status may not be considered as a factor.	◐
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address, and allows for transfer of teachers to a principal's school without the principal's consent in cases of shifting student population levels.	○

Idaho

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	Yes, but with limitations. The law states that a teacher may not be hired or transferred to a school without the principal's permission, but allows for an exemption when a transfer is made due to shifting student population levels. In cases of transfer due to shifting population levels, the principal must be offered a choice between at least two candidates, unless only one candidate has the certificates or endorsements required for the position. The law does not specify a process for dismissal of teachers who fail to gain placements through mutual consent, but other provisions of the law give districts the ability not to extend the contract of a teacher not on a grandfathered renewable contract.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	Yes. Idaho's school finance formula funds teacher salaries/positions. SB 1110 requires an increasing portion of the appropriation for teacher salaries to be devoted to teacher bonuses for school-level growth or achievement, group performance (locally-designed), hard-to-fill positions, and individual leadership, until 15 percent of total funds for teacher salaries are used for this purpose. Three-quarters of these funds go to bonuses based on school/group performance, 7.4 percent for hard-to-fill bonuses, and the rest for individual leadership. School districts have discretion in designing the criteria for group performance, hard-to-fill position designation, and leadership bonuses. The total pool available for bonuses is generated by formula every year and divided among qualifying staff.	








Illinois

Law Analyzed	Performance Evaluation Reform Act of 2010 (SB 315), SB 7
Date Passed	January 2010, June 2011
Overall Rating	7.5




Illinois has passed two major pieces of teacher effectiveness legislation in recent years, both under Democratic governors and Democratic-controlled legislatures. The Performance Evaluation Reform Act (PERA) of 2010, also known as SB 315, passed as part of the state's Race to the Top effort, requires districts to create systems of teacher evaluations that consider student learning growth as a "significant factor." SB 7, passed with the support of the state's teachers' unions, ends the practice of "last in, first out" teacher layoffs in Illinois, requires reductions in force to be based on teacher evaluations rather than seniority, conditions tenure on effectiveness for new teachers, and makes it easier for districts to remove low-performing teachers. Illinois' law also allows districts to suspend teachers without pay during the appeals process for teacher dismissals.

Both pieces of legislation represent significant progress for the state of Illinois, but areas of improvement remain, including making evaluations annual for all teachers (the law currently requires evaluation only every two years for non-probationary teachers), holding teacher preparation programs accountable for the performance of their graduates, allowing parents to receive information on the performance of their children's teachers, and barring students from being assigned to ineffective teachers for two consecutive years. One other issue that is not addressed in the following scorecard is that Illinois law sets an exceptionally long timeline for the implementation of new teacher evaluations—some districts are not required to have evaluations in place until 2016.




Illinois

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Teachers are evaluated annually if they are non-tenured or received a rating of “unsatisfactory” or “needs improvement” in their last evaluation. Other teachers are evaluated only every two years. Teachers who are not evaluated when they are supposed to be are treated, for tenure and other decisions, as if they had been rated “proficient.”	
Are principals, as well as teachers, evaluated?	Yes. PERA requires annual principal evaluations, and the Performance Evaluation Advisory Council has developed a state model for principal evaluation.	
Is evidence of student learning a factor in teacher evaluations?	Student growth is a “significant factor” in the rating of teachers’ performance. The State Board of Education has recommended that student growth constitute at least 25 percent of an educator’s evaluation in 2012-13 and 30 percent thereafter. For districts using the state model, student growth will constitute 50 percent of an educator’s evaluation. Other factors include: observations of teaching by a trained observer and a teacher’s attendance, planning, instructional methods, classroom management, and subject matter competency.	
Do evaluations differentiate between multiple levels of educator performance?	Yes. PERA specifies four levels of teacher performance: excellent, proficient, needs improvement, and unsatisfactory.	
Are parents and the public provided clear information about teacher effectiveness?	PERA requires the state to establish a system to collect and publicly report performance evaluation data by district and school. SB 315 prohibits public disclosure of individual teacher evaluations, including to parents.	
Are educator preparation programs accountable for graduates’ effectiveness?	The law does not address.	
Is tenure linked to effectiveness?	Yes. To receive tenure, teachers must complete three years of teaching with “excellent” evaluations, or four years of teaching with “proficient” evaluations in at least the 4 th and either the 2 nd or 3 rd year. The law allows for dismissal of tenured teachers who are rated ineffective, rather than revocation of tenure.	

Illinois

Criteria	Explanation	Score
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law allows for dismissal of teachers who receive an “unsatisfactory” evaluation and fail to improve after a remediation plan, as well as those who receive two “unsatisfactory” evaluations within seven school terms. The law does not provide a process for dismissal of teachers persistently rated “needs improvement.” The law creates a streamlined process for dismissals based on a PERA evaluation. Teachers may request a hearing before a hearing officer, the scope of which is limited to 1) whether the unsatisfactory rating was in accordance with the district’s evaluation plan, 2) whether the remediation plan complied with requirements, 3) whether the teacher failed to complete the remediation plan with performance equal to or better than proficient. The teacher may only challenge aspects of the rating, remediation plan, and final evaluation if s/he can demonstrate how they materially affect the teacher’s ability to demonstrate a proficient level of performance. The hearing officer issues findings of fact and the Board of Education has the final vote on teacher dismissal. Teacher dismissal requires a majority vote of the board of education. Teachers may apply for judicial review to the relevant court. If the Board’s decision is aligned with the recommendations of the hearing officer, the court may only overturn that decision if it is found to be “arbitrary and capricious” or not in accordance with law.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Teachers are placed in four groups based on their evaluations. All teachers in lower-rated groups must be dismissed before those in the higher-performing groups. Within the lowest performing group (teachers rated “unsatisfactory” or “needs improvement”, teachers are dismissed in order by their evaluations. Teachers in the “proficient” and “excellent” groups are dismissed in order by seniority (but all “proficient” teachers are dismissed before any “excellent” teachers). Teachers in the “proficient” and “excellent” categories are re-called for open positions in reverse order of the order in which they were laid off (outside Chicago only).	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The policies that require district-wide reductions in force to be based on performance, rather than seniority, also apply to elimination of positions at the building level or due to programmatic changes. Law does not provide a process for dismissal of teachers who fail to obtain new positions through mutual consent. Districts may choose to include such provisions in their collective bargaining agreements, and some Illinois district collective bargaining agreements do include provisions for the discharge from employment of excessed teachers who fail to secure new positions through mutual consent in a reasonable timeframe.	

Illinois

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	Yes. The law allows for teacher assignment/hiring only through mutual consent, with a narrow exception for “proficient” and “excellent” teachers outside of Chicago who are laid off due to reductions in force.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	Illinois law permits teacher pay for performance but does not mandate or incentivize it.	








Indiana

Law Analyzed	PL 90
Date Passed	April 2011
Overall Rating	11.75

PL 90, passed by a Republican-controlled legislature and signed into law by Governor Mitch Daniels (R), is one of the strongest laws we reviewed. Among other things, PL 90 requires annual teacher evaluations that are “significantly informed” by student achievement and growth data; conditions teacher tenure on effectiveness; allows districts to dismiss ineffective teachers; prohibits “last in, first out,” teacher layoffs; and limits the extent to which teacher salary increases may be based on seniority or higher education credentials. A companion law, PL 48, limits the scope of issues that may be included in collective bargaining agreements.

PL 90’s provisions requiring transparent reporting of teacher effectiveness data to parents and the public are particularly strong, as is a provision that prohibits children from being assigned an ineffective teacher for two consecutive years. In addition to the issues covered in this score card, PL 90 also allows providers other than higher education institutions to operate alternative teacher certification programs. But Indiana law still limits the circumstances under which alternately-certified teachers may be hired—an area for improvement in future legislation.

Indiana

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are principals, as well as teachers, evaluated?	Yes. PL 90 requires annual evaluations for all certificated employees	
Is evidence of student learning a factor in teacher evaluations?	Yes. Objective measures of student achievement and growth (including, where applicable, state test data) must “significantly inform” teacher evaluations. Teachers who negatively affect student achievement and growth may not receive a rating of “effective” or “highly-effective.”	
Do evaluations differentiate between multiple levels of educator performance?	Yes. There are levels of teacher performance: highly effective, effective, improvement necessary, ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	A district must inform parents if their child is assigned to an “ineffective” teacher for two consecutive years. The Department of Education annually reports to the public on aggregate teacher evaluation results for each school, district, and teacher preparation program.	
Are educator preparation programs accountable for graduates’ effectiveness?	The law requires annual public reporting on the aggregated teacher evaluation results of each teacher preparation program’s graduates, but does not require use of this data to evaluate programs or hold them accountable.	
Is tenure linked to effectiveness?	Yes. To earn tenure, teachers must have at least three years of “effective” or “highly-effective” evaluations over any continuous five-year period.	

Indiana

Criteria	Explanation	Score
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law defines “incompetence,” as grounds for dismissal, as either 1) an “ineffective” rating on two consecutive performance evaluations, or 2) an “ineffective” or “needs improvement” rating in three out of five years. Once a teacher has been notified that the principal intends to dismiss the teacher, s/he may request a private conference with the superintendent and an additional private conference with the governing body, which makes the final decision. Collective bargaining agreements may not create additional hoops, such as arbitration, to the dismissal of ineffective teachers.	●
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Decreases in the number of teaching positions shall be based on teachers' performance. If there are multiple teachers in the same performance category, other factors may be taken into account.	●
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address excessing but collective bargaining provisions would make the basis of excessing decisions a prohibited subject for collective bargaining. The law does not provide a process for dismissal of teachers who fail to obtain new positions through mutual consent.	○

Indiana

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	Yes. The law gives superintendents responsibility for selecting and discharging principals and central office staff, and principals responsibility for selecting and discharging teachers and school site staff. Decisions are still subject to school board approval. The law also limits the ability of districts and unions to collectively bargain on issues related to teacher hiring and placement.	●
Does the law protect students from being consecutively assigned to ineffective teachers?	Yes, although the law also acknowledges “circumstances in which it is not possible for a school corporation to comply with this section.”	●
Are effective teachers rewarded with increased compensation?	Yes. The law limits to 33 percent the percentage of a teacher’s annual salary increase that may be based on experience or higher education credentials. The remainder of salary increments are based on teacher evaluations, leadership roles, and student academic needs. Teachers rated “ineffective” or “improvement necessary” may not receive a salary increase.	●








Louisiana

Law Analyzed	Act No. 54, Bulletin 130, Act 1, Act 2, Bulletin 996
Date Passed	2010, 2012
Overall Rating	10

In 2010, as part of the state's Race to the Top effort, a split Louisiana legislature passed Act 54, which requires value-added measures of student growth as part of the state accountability system and sets requirements for teacher evaluations based in part on these student growth measures. Act 54 also mandated an Advisory Committee on Educator Evaluations, which developed and submitted recommendations to the State Board of Elementary and Secondary Education (BESE) in December 2011 as revisions to Bulletin 130, BESE's policy on educator evaluation. Bulletin 130 was further revised in April 2012, based on lessons from a pilot of the evaluation system. Louisiana has developed a value-added model, as required by the law, and a comprehensive evaluation model, COMPASS. In 2009-10 the state piloted the value-added model in 19 districts and a cluster of charter schools, and in 2010-11 it piloted the full COMPASS model in nine districts and one charter LEA. Act 54 will be fully implemented statewide in the 2012-13 school year.

In April 2012, Governor Bobby Jindal (R), signed two pieces of legislation—Act 1 and Act 2—that make additional changes to the state's teacher effectiveness policies, including giving principals authority over teacher hiring and placement; requiring hiring, assignment, and dismissal decisions to be based on teacher effectiveness; requiring layoffs to be based on performance rather than seniority; requiring compensation based on performance; and linking tenure to effectiveness. Areas for further improvement in Louisiana include transparent reporting to parents and the public on teacher effectiveness, and preventing students from being consecutively taught by ineffective teachers.

Louisiana

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are principals, as well as teachers, evaluated?	Yes. Act 54 requires evaluation of both teachers and administrators.	
Is evidence of student learning a factor in teacher evaluations?	Student growth accounts for 50 percent of all teachers' evaluations. This measure is derived from Louisiana's value-added model, where available. Where value-added data is not available, this measure is assessed based on student progress towards student learning targets agreed to by the teacher and evaluator at the start of the school year.	
Do evaluations differentiate between multiple levels of educator performance?	Act 54 defined three levels of effectiveness: highly-effective, effective, and ineffective. Bulletin 130 defines four levels, by breaking the effective category into two levels—effective: emerging and effective: proficient—to provide teachers with more specific and actionable feedback on their performance.	
Are parents and the public provided clear information about teacher effectiveness?	The law requires the superintendent of education to make available to the public data that may be useful for conducting statistical analyses and evaluations of education personnel but forbids revealing the evaluation report of any particular employee.	
Are educator preparation programs accountable for graduates' effectiveness?	Louisiana's work to evaluate the impact of teacher preparation programs' graduates on student learning pre-dates recent teacher effectiveness legislation, and is addressed in Bulletin 996.	
Is tenure linked to effectiveness?	Yes. Under Act 1 teachers must be rated "highly-effective" for five years in a six year period in order to earn tenure, and teachers who are rated "ineffective" lose their tenure.	

Louisiana

Criteria	Explanation	Score
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Teachers who do not meet standards for effectiveness are placed in an intensive assistance program. If the program is not completed successfully, or the teacher remains ineffective after completing the program, the local school board shall initiate termination proceedings. The teacher may request a hearing by a panel consisting of a designee of the superintendent, a designee of the principal, and a designee of the teacher. The panel submits recommendations to the superintendent, who may choose to reinstate the teacher. The teacher may, within 30 days, appeal to a court of competent jurisdiction, which may overturn the decision if it finds it "arbitrary and capricious." Court shall review the case within 10 days of petition, and review is limited to evidence presented at the tenure hearing panel.	●
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Act 1 requires that reductions in force be based on performance, as measured by the evaluation system, and prohibits use of seniority or tenure as a primary consideration in such decisions.	●
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not provide a process for discharge from employment of teachers who are excessed and fail to obtain a new position through mutual consent.	○

Louisiana

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	Yes. Act 1 changes state law to transfer responsibility for hiring and other personnel decisions from school boards to superintendents and requires superintendents to delegate hiring, assignment, and dismissal decisions to principals.	<input checked="" type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	Yes. Act 1 requires that effectiveness be included as a factor in district salary schedules and prohibits a teacher rated "ineffective" from receiving a higher salary in the year following the evaluation.	<input checked="" type="radio"/>

Maryland







Law Analyzed	Education Reform Act of 2010; Executive Order 01.01.2010.12, Maryland Council for Educator Effectiveness Recommendations, COMAR 13a.07.09
Date Passed	2010
Overall Rating	4.25

In spring of 2010, the Democrat-controlled Maryland legislature passed the Education Reform Act of 2010. This legislation, supported by Governor Martin O'Malley (D), required the State Board of Education to adopt regulations establishing general principals for teacher and principal performance evaluations that incorporate multiple measures, including both observations and student growth. These regulations were incorporated into the Maryland State Code.





In June 2010, Gov. O'Malley issued an executive order creating the Maryland Council for Educator Effectiveness, which is tasked with making decisions about the state's teacher evaluation system and local flexibility. In June 2011, the Council issued recommendations for the design and implementation of teacher evaluations. The policies in that report were piloted in seven districts during the 2011-12 school year and statewide in 2012-13. Under the pilot framework, teachers and principals in Maryland are evaluated annually and multiple measures of student achievement and growth constitute 50 percent of the teacher's evaluation. Following the pilot, the State Board will promulgate draft regulations that incorporate the Council's recommendations, taking into account lessons learned from the pilot. In late June 2012, the Board approved Permission to Publish additional amendments to the teacher evaluation regulations.

Maryland's law and policies provide a strong framework for teacher evaluations used to inform and support professional development, but for the most part do not link evaluation to key personnel decisions, including tenure, dismissal, and reductions in force. Nor do they end forced teacher placements and "bumping," or protect students from being consecutively taught by ineffective teachers. Maryland has made some commitments as part of Race to the Top (for example, to establish a new teacher performance-based certification system and provide transparent, aggregated public data on teacher effectiveness through data dashboards) that extend beyond its current laws and regulations. Linkages between evaluations and personnel decisions are an area for potential improvement in future legislation or policy.




Maryland

Criteria	Explanation	Score
Are teachers evaluated at least annually?	COMAR 13a.07.09 requires annual evaluation of probationary teachers and those who have been rated “ineffective.” Teachers rated “effective” or “highly effective” are evaluated on a three-year cycle, in which a teacher in year two or three of the cycle may be evaluated using the previous year’s professional practice rating and the most recent available data to student growth.	
Are principals, as well as teachers, evaluated?	Yes. The law requires state board to adopt regulations establishing general standards for performance evaluations of both teachers and principals, and Council recommendations address principal, as well as teacher, evaluation. Under the pilot framework, 50 percent of principal’s evaluation is based on student growth measures and 50 percent on eight qualitative measures.	
Is evidence of student learning a factor in teacher evaluations?	Yes. Under COMAR regulations, student growth must be a significant factor in each educator’s evaluation. Under the framework proposed by the Council on Educator Effectiveness, 50 percent of a teacher’s evaluation is based on qualitative measures (planning and preparation, instruction, classroom environment, and professional responsibilities), and 50 percent is based on student growth (20 percent local growth measures and 30 percent state growth measures). No single criterion may account for more than 35 percent of a teacher’s evaluation. The Council for Educator Effectiveness has proposed a decision rule that would require a teacher or principal to be at least effective in the student growth component to receive an overall rating of effective or highly-effective, but this is not yet finalized in regulations and may be changed.	
Do evaluations differentiate between multiple levels of educator performance?	The pilot evaluation is using three performance levels: highly-effective, effective, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	The law does not address this, but the state is developing data dashboards as part of its Race to the Top work that would provide aggregated public reporting on teacher effectiveness. Under current Maryland law, individual teacher evaluations are confidential personnel information.	
Are educator preparation programs accountable for graduates’ effectiveness?	The law does not address.	

Maryland

Criteria	Explanation	Score
Is tenure linked to effectiveness?	The law extends the period of employment to earn tenure from two years to three, but does not explicitly link award of tenure to evaluation performance, except in the narrow circumstance of already-tenured teachers who transfer to another district (such teachers may be tenured after one year of probationary employment if their last evaluation in the previous position was satisfactory and they meet performance criteria for tenure at the end of their first year with the new employer). The law does say that a non-tenured employee “not on track to qualify for tenure at any formal evaluation point” shall be given a mentor and additional professional development, but does not define performance criteria to be on track for tenure.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law does not explicitly link evaluation to dismissal or create a streamlined process for dismissals based on ineffectiveness. Maryland code allows a superintendent or board of education to dismiss a teacher for incompetency, which could potentially be based on an ineffective evaluation, but there is no statute or State Board ruling equating incompetency with an “ineffective” rating. Because the evaluation system is only in the pilot phase, no district has yet tried to dismiss a teacher based on an ineffective rating. Maryland’s Race to the Top application states that, “consistent with local collective bargaining agreements,” a teacher rated ineffective for a third consecutive year will be terminated from employment.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	The law does not address.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address.	

Maryland

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not address.	
Does the law protect students from being consecutively assigned to ineffective teachers?	The law does not address.	
Are effective teachers rewarded with increased compensation?	Yes. The law requires the State Board of Education to establish a program to support locally-negotiated incentives for highly-effective classroom teachers and principals to work in schools that are in improvement, corrective action, or restructuring; Title I schools; or in the highest 25 percent of schools in the state in percentage of students eligible for free- or reduced-price lunch.	








Michigan

Law Analyzed	HB 4625, 4626, 4627, 4628, Revised Code 1249 -1250
Date Passed	July 2011
Overall Rating	8




In 2011 the Republican-controlled Michigan legislature passed, and Governor Rick Snyder (R) signed, a series of bills that limited the scope of collective bargaining for public employees (including teachers), required annual teacher evaluations linked to student growth, created a state commission to develop a value-added growth model, and overhauled teacher tenure and link it to evaluation.

These bills resulted in a relatively strong set of teacher effectiveness policies in Michigan. These include: a requirement for annual teacher evaluations that include four levels of effectiveness and incorporate student achievement and growth as a significant factor in evaluation (phasing into 50 percent of the evaluation in 2015-16); a reform of tenure policies to require five years of classroom teaching and three years of “effective” ratings before a teacher earns tenure; dismissal of teachers rated ineffective for three consecutive years; abolition of “last-in, first out” layoffs; and a requirement that both layoffs and other personnel decisions that result from staffing or program cuts be based on performance. The law requires parent notification when a child is taught by a teacher who has been rated ineffective for two consecutive years, but does not require aggregated public reporting or prevent children from being assigned two consecutive ineffective teachers. It also does not hold teacher preparation programs accountable for their graduates’ performance or ensure mutual consent hiring—two areas for potential improvement in future legislation.

Michigan

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Generally, yes. The law requires annual evaluation for all teachers and administrators, but if a teacher has been rated highly effective on three consecutive evaluations, the district may choose to evaluate the teacher biennially.	
Are principals, as well as teachers, evaluated?	Yes.	
Is evidence of student learning a factor in teacher evaluations?	Yes. Evaluation must use multiple categories and take into account data on student growth as a significant factor. Student growth must account for at least 25 percent of the annual year-end evaluation in 2013-14, 40 percent in 2014-15, and 50 percent in 2015-16.	
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: highly-effective, effective, minimally-effective, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	The law requires parent notification if child is assigned a teacher who has been rated as ineffective in his or her two most recent annual year-end evaluations, but does not require aggregate public reporting.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	
Is tenure linked to effectiveness?	Yes. Teachers must teach for five years before earning tenure and must have been rated effective or highly-effective in the three most recent year-end evaluations in order to earn tenure. Teachers who have been rated highly-effective for three consecutive years can earn tenure after four years.	

Michigan

Criteria	Explanation	Score
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Yes. HB 4627 requires school district, charter school or intermediate school district to dismiss any teacher rated ineffective for 3 consecutive annual year-end reviews, but do not explicitly state the authority by which districts may do so (i.e., by defining ineffectiveness as grounds for dismissal). HB 4626 allows a teacher on continuing contract to contest a dismissal decision by filing an appeal to the tenure commission, which refers the case to an administrative law judge for hearing within 75 days after the claim is filed. No later than 60 days after the submission of the case for decision, the administrative law judge shall submit a preliminary decision granting, denying, or modifying the discharge or demotion. Either party may submit an exception to the administrative law judge's findings within 20 days. The tenure commission may adopt, modify, or reverse the preliminary decision within 60 days after exceptions are filed. The administrative law judge or commission may dismiss an appeal at an time for a party's lack of progress or failure to comply with procedures and rules. A party aggrieved by the tenure commission's decision may appeal to the court of appeals. Dismissal decisions may not be arbitrary or capricious.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Law requires personnel decisions when conducting a staffing or program reduction to consider individual performance as the majority factor. Additional factors include significant, relevant accomplishments and contributions and relevant special training. Length of service or tenure status may be considered only as a tie-breaker when two teachers are equal in these other respects.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The factors listed above apply in all personnel decisions when conducting a staffing or program reduction or any personnel decision resulting in the elimination of a position, when conducting recall from a staffing or program reduction, or in hiring after a staffing or program reduction. Law also precludes future collective bargaining agreements from addressing the basis of excessing decisions. However, law does not provide a process for discharge from employment of teachers who are excessed and cannot find a position through mutual consent.	

Michigan

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not require mutual consent hiring. Changes in law related to collective bargaining mean that teacher assignment and placement are no longer bargainable issues, and districts have discretion over teacher placements.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	Yes. Section 1250 of the Michigan School Code requires districts, charter schools, and independent school districts to establish and maintain a method of compensation for teachers that includes job performance—as measured by a rigorous, transparent, and fair evaluation system based at least in part on student growth—as a significant factor in determining compensation and additional compensation. If a district or charter school has a collective bargaining agreement preventing compliance with this section, the requirement does not apply until after expiration of that agreement.	<input checked="" type="radio"/>








Minnesota

Law Analyzed	HF 26, Chapter 11
Date Passed	July 2011
Overall Rating	3




In July 2011 a special session of the Minnesota legislature (under Republican leadership) passed, and Governor Mark Dayton (D) signed, HF 26, an omnibus education finance bill that incorporates a number of independently developed reform proposals, including a requirement for districts to either adopt a collectively bargained annual evaluation system or implement a state-designed teacher evaluation process.

HF 26 addresses some issues related to the use of teacher evaluations for key personnel decisions. It requires teacher evaluations to be used to coordinate staff development, requires teachers not meeting professional teaching standards to receive support through a teacher improvement process, and requires districts to discipline teachers who do not make adequate progress in the improvement process—which may potentially include termination or nonrenewal. But HF 26 does not end seniority-based layoffs and excessing decisions, prohibit teachers from being placed in a school without the principal's consent, ensure transparent reporting to parents and the public on teacher performance (in fact, it deems teacher ratings confidential personnel information), hold teacher preparation programs accountable for their graduates' performance, or protect children from being consecutively taught by ineffective teachers. These are all areas for potential improvement in future policy or legislation. Independent of the evaluation conversation, the Minnesota Board of Teaching is working to develop a statewide tiered teacher licensure system, as mandated by Minnesota Statutes, section 122A.09, subdivision 4, paragraph (g).




Minnesota

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes. Annual evaluations are required for all teachers. The law requires establishment of a three-year evaluation cycle in which a minimum of one summative evaluation must be conducted. In years when summative evaluation is not conducted, teachers must receive a peer evaluation. Probationary teachers in their first three years of service must be evaluated three times a year, with the first evaluation within 90 days of the start of the school year.	
Are principals, as well as teachers, evaluated?	Yes. Legislation requires development of a performance-based system model for annually evaluating school principals.	
Is evidence of student learning a factor in teacher evaluations?	Yes. Evaluations must use value-added data for grades and subjects where it is available, and state or locally-established measures of student growth in other grades and subjects. Student growth data accounts for 35 percent of a teacher's evaluation.	
Do evaluations differentiate between multiple levels of educator performance?	The law does not specify.	
Are parents and the public provided clear information about teacher effectiveness?	Data on individual teachers generated by the evaluation system are confidential personnel data. The law does not require any public reporting of aggregated teacher performance data.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	
Is tenure linked to effectiveness?	The law does not address.	

Minnesota

Criteria	Explanation	Score
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law states that “inefficiency in teaching or in the management of a school, consistent with [the provisions addressing teacher evaluation system]” is grounds for terminating a continuing teacher contract. The law also requires districts to discipline teachers on improvement plans (a result of failure to meet professional standards) who do not make adequate progress in the teacher improvement process. Discipline may include a last chance warning, termination, discharge, nonrenewal, transfer to a different position, leave of absence, or other discipline a school administrator deems appropriate. The law does not address the process and appeals for discipline.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	The law does not address.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address.	

Minnesota

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not require mutual consent hiring.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	The law does not address.	

Nevada








Law Analyzed	AB 229, AB 225, AB 222, SB 2
Date Passed	2010, 2011
Overall Rating	7.25

In February 2010 Nevada passed SB 2, ending a previous prohibition on using student achievement and learning data in teacher evaluations, and making the state eligible to compete for a Race to the Top grant. The following year, the state passed two laws related to teacher evaluation. AB 229 is a comprehensive teacher effectiveness bill that expands teacher evaluations from two tiers of effectiveness to four, requires districts to adopt evaluation systems that meet certain criteria (including use of student growth for at least 50 percent of evaluation), and reforms teacher tenure. AB 225 allows for the revocation of tenure for teachers who receive multiple unsatisfactory ratings.




Collectively, these three laws, passed under Democrat-controlled legislatures and signed by Republican Governors Jim Gibbons and Brian Sandoval, take important steps to reform teacher effectiveness policies in Nevada. Nevada also goes farther than many states in requiring districts to establish performance-based compensation policies that focus on student achievement and at-risk students.

However, there is still plenty of room for improvement. Nevada's laws do not require transparent reporting to parents and the public on teacher effectiveness, hold teacher preparation programs accountable for their graduates' effectiveness, ensure mutual consent hiring, or prevent students from being taught by an ineffective teacher for consecutive years. Rather than allow districts to dismiss tenured teachers, Nevada law returns tenured teachers who are rated unsatisfactory for two years to "probationary" (non-tenured) status, at which point these teachers can either re-earn their tenure by demonstrating effectiveness in their evaluations, or can be dismissed on the same terms as other probationary teachers. This multi-step process means that tenured teachers rated unsatisfactory or ineffective remain in the classroom for at least two years following the first year in which they are rated unsatisfactory, which may be longer than desirable in some cases.

Nevada

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes. Post-probationary teachers must be evaluated at least once a year. Probationary teachers and post-probationary teachers who received an unsatisfactory rating in the prior year must be evaluated three times a year.	
Are principals, as well as teachers, evaluated?	Yes. The legislation covers both teacher and administrator evaluations.	
Is evidence of student learning a factor in teacher evaluations?	Yes. Longitudinal analyses of student achievement data of a teacher's pupils must count for at least 50 percent of evaluation.	
Do evaluations differentiate between multiple levels of educator performance?	The law defines four levels of teacher performance: highly-effective, effective, minimally-effective, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	The law neither requires nor precludes districts from informing parents and the public of teachers' effectiveness.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	
Is tenure linked to effectiveness?	Yes. To become a post- probationary teacher, a probationary teacher must complete three years of teaching with at least two consecutive years rated "effective" or "highly-effective." A post-probationary teacher who receives an unsatisfactory or below average rating for two consecutive years is deemed a probationary employee and must serve an additional three-year probationary period.	

Nevada

Criteria	Explanation	Score
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law allows for dismissal of ineffective teachers through revocation of tenure. A probationary teacher rated ineffective or minimally-effective is dismissed at the end of the year. A post-probationary (tenured) teacher who is rated unsatisfactory or below average in a given year will receive three ratings the following year. If the post-probationary teacher continues to be rated unsatisfactory or below average for a second year, s/he is deemed a probationary employee, and must either re-earn post-probationary status over three years or may be dismissed on the same terms as any other probationary teacher. Teachers who receive three evaluations a year and receive unsatisfactory evaluations in the first or second evaluation may request help and a different evaluator for the 3 rd evaluation. The law creates an expedited hearing process for probationary teachers notified that they will be dismissed.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	The law prohibits layoff decisions based solely on seniority, and allows the following considerations to be taken into account in layoff decisions: hard-to-fill positions, National Board Certification, performance evaluations, teacher disciplinary and/or criminal record, teacher's type of licensure and degree.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address excessing or provide for discharge from employment of excessed teachers who fail to gain new positions through mutual consent.	

Nevada

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not require mutual consent hiring.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	Yes. The law requires school districts to establish a program of performance-based compensation that is primarily focused on improving academic achievement, considers implementation in at-risk schools, and may include career ladder advancement, professional development, group incentives, and multiple assessments.	<input checked="" type="radio"/>







New Jersey

Law Analyzed	TEACHNJ Act
Date Passed	2012
Overall Rating	5.25




In June 2012, the New Jersey Senate and Assembly unanimously passed the TEACHNJ Act (S 1455), which requires local boards of education in New Jersey to adopt an approved evaluation rubric for the evaluation of all educators in the district no later than the 2013-14 school year. Evaluations must incorporate observations and analysis of multiple measures of student progress, and the State Board of Education must promulgate regulations for such evaluations. The TEACHNJ Act also makes significant reforms to teacher tenure and dismissal processes, requiring teachers to receive a rating of “effective” or “highly effective” in two consecutive annual evaluations prior to earning tenure, and establishing a new process and standards for dismissal of teachers who receive two consecutive “ineffective” or “partially effective” ratings.

TEACHNJ makes significant reforms to teacher evaluation and tenure in New Jersey, but it does not require transparent public reporting on educator effectiveness, hold teacher preparation programs accountable for the performance of their graduates, end “last-in, first-out” teacher layoffs, eliminate forced teacher placements, protect students from being consecutively taught by ineffective teachers, or reward more effective teachers with increased compensation. These are all areas for potential improvement in future legislation or regulations.

New Jersey

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes. Teachers must receive an annual summative evaluation. Teachers rated “ineffective” or “partially effective” must also receive a mid-year evaluation.	
Are principals, as well as teachers, evaluated?	Yes. The law requires the superintendent or their designee to annually conduct evaluations of each principal in the district.	
Is evidence of student learning a factor in teacher evaluations?	Yes. Evaluations must incorporate “analysis of multiple measures of student progress and multiple data sources.” The law does not specify the percentage of a teacher’s evaluation that is based on student growth and learning, but it does state that “standardized tests shall be used as a measure of student progress but shall not be the predominant factor in the overall evaluation of a teacher.”	
Do evaluations differentiate between multiple levels of teacher performance?	Yes. Legislation requires the State Board of Education to promulgate regulations for the approval of evaluation rubrics that include four defined annual rating categories for teachers, principals, and vice-principals: highly-effective, effective, partially-effective, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	Teacher evaluations are considered confidential personnel data in New Jersey. The law does not require aggregated public reporting on teacher effectiveness.	
Are educator preparation programs accountable for graduates’ effectiveness?	The law does not address.	

New Jersey

Criteria	Explanation	Score
Is tenure linked to effectiveness?	Yes. The law requires teachers to teach for at least four years and earn two consecutive “effective” or “highly-effective” annual evaluation ratings in order to earn tenure. Teachers who voluntarily transfer to a new position must also earn two consecutive “effective” or “highly-effective” annual evaluation ratings in order to earn tenure in that position (although if the position is eliminated before they earn tenure in it, they may return to their previous position without loss of tenure). Law does not provide for revocation of tenure once earned.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Yes. The law states that a superintendent shall promptly file a charge of inefficiency whenever an employee is rated ineffective or partially-effective in an annual summative evaluation and the following year is rated ineffective in the annual summative evaluation. If a teacher is rated ineffective in an annual evaluation and the following year is rated partially-effective, the superintendent may decide whether to file charges or wait an additional year. When a charge of inefficiency is filed against a teacher for dismissal, the board of education forwards the charge to the Commissioner, who appoints an arbitrator to hear the case and render a decision within no more than 90 days. The arbitrator may only consider: whether the employee’s evaluation failed to adhere to the evaluation process; if there is a mistake of fact in the evaluation if the charges would not have been brought but for considerations of political affiliation, nepotism, union activity, discrimination, or other conduct prohibited by State or federal law; or if the district’s actions were arbitrary and capricious. If these conditions are met but did not materially affect the outcome of the evaluation, the arbitrator shall render a decision in favor of the board. The evaluator’s determination as to the quality of the employee’s classroom performance shall not be subject to an arbitrator’s review. The arbitrator’s judgment is final and binding and may not be appealed to the Commissioner or the State Board, but is subject to judicial review subject to New Jersey Code. All teachers rated ineffective or partially-effective shall receive a corrective action plan.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Under New Jersey law, reductions in force must be based on seniority.	

New Jersey

Criteria	Explanation	Score
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law does not address.	<input type="radio"/>
Do principals have authority to decide who teaches in their schools?	The law does not address.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	The law does not address.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	The law does not address but also does not prohibit performance-based compensation.	<input checked="" type="radio"/>

New York

Law Analyzed	Education Law Sec. 3012-c & 3020-a, as amended by Chapter 103 of the Laws of 2010 & Chapter 21 of the Laws of 2012, A 10786
Date Passed	2010, 2012
Overall Rating	5.75





In May 2010, then-New York Governor David Patterson (D) signed Chapter 103 of the Laws of 2010, which had been passed by the state's Democratic-controlled legislature to support the state's (successful) Race to the Top application. This legislation established a comprehensive evaluation system for classroom teachers and building principals, raised the cap on the number of charter schools, and appropriated \$20.4 million to build the state's longitudinal data system to track student growth. In May 2011, the Board of Regents adopted emergency regulations to implement the new evaluation system. In June 2011, the New York State United Teachers (NYSUT) and representatives of other teachers unions aligned with NYSUT sued the Board of Regents, challenging certain provisions of the regulations. Throughout 2011, state officials engaged in discussions with the parties in the suit, seeking to resolve the issues raised. In February 2012, Governor Andrew Cuomo (D) announced that the parties had come to an agreement, and in March 2012 the New York legislature passed legislation codifying the terms of the agreement, which Cuomo signed. In June 2012, the legislature passed and Gov. Cuomo signed A10786, which details the responsibility of the Commissioner to release aggregated data on teacher effectiveness and of districts to report to parents on the effectiveness of their children's teachers.

New York law requires all districts to conduct annual professional performance reviews (APPR) of all classroom teachers and building principals that include both state growth measures and locally-selected measures of student achievement. Districts develop their own evaluation plans, which must be approved by the Commissioner, who can reject plans that do not meet the requirements of the law and regulations. The law also states that APPRs "shall be a significant factor for employment decisions, including, but not limited to, promotion, retention, tenure determination, termination, and supplemental compensation, which decisions are to be made in accordance with locally developed procedures that are collectively bargained, where applicable." New York's policies do not end "last in, first out" teacher layoffs and excessing, ensure hiring and placement by mutual consent, or prevent children from being consecutively taught by ineffective teachers. These are all areas for future improvement.




New York

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	●
Are principals, as well as teachers, evaluated?	Yes. The law requires annual professional performance reviews (APPRs) of classroom teachers and building principals.	●
Is evidence of student learning a factor in teacher evaluations?	Measures of student growth and achievement account for 40 percent of a teacher's evaluation. The following percentages will be effective starting in 2012-13 or when state value-added measures are available: For teachers in grades/subjects for which value-added data is available, 25 percent of the rating is based on student growth on state assessments and 15 percent on locally selected measures of student achievement. For other grades and subjects, 20 percent of the evaluation is based on comparable growth measures, which the state has determined will be a student learning objectives process based on the state's list of allowable assessment options, and 20 percent on locally-selected measures. Sixty percent of the teacher's evaluation is based on other measures, of which a majority must be based on classroom observations using an approved rubric and at least one unannounced observation.	◐
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: highly-effective, effective, developing, ineffective.	●
Are parents and the public provided clear information about teacher effectiveness?	Under A10786, the Commissioner must publicly disclose aggregated data on professional performance of teachers and principals by district and school, broken down by a variety of factors. Districts must disclose to parents or legal guardians the final quality rating and composite effectiveness scores of their children's teachers and principals.	●
Are educator preparation programs accountable for graduates' effectiveness?	New York's Race to the Top application commits to backward map teachers' and building principals' performance to the programs that prepared them and to hold programs accountable for the performance of their graduates, but the state has not actually done this yet.	○

New York

Criteria	Explanation	Score
Is tenure linked to effectiveness?	The law states that APPRs “shall be a significant factor for employment decisions,” including tenure, but does not provide additional parameters, and use of evaluation as a factor in tenure is subject to collective bargaining.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law defines a pattern of ineffective teaching or performance as two consecutive annual ineffective ratings. A pattern of ineffective teaching or performance shall give rise to a rebuttal presumption of incompetence and if the presumption is not successfully rebutted, the finding, absent extraordinary circumstances, shall be just cause for removal. The law provides an expedited hearing process for dismissals in cases based on these grounds. (There is a separate process for New York City.)	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	New York law requires seniority-based layoffs.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	New York law requires seniority-based layoffs and does not provide a process for exit from district employment for excessed teachers who fail to gain new positions through mutual consent, although some districts may include this in collective bargaining agreements.	

New York

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not address. Under New York law school boards have discretion over employment decisions.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	The law states that APPRs “shall be a significant factor for employment decisions,” including supplemental compensation, but does not specify additional parameters except that decisions are to be made in accordance with locally-developed procedures negotiated in collective bargaining where applicable.	







Ohio

Law Analyzed	HB 153, Revised Code 3317, 3319.111, 3319.112, SB 316
Date Passed	2010, 2012
Overall Rating	5.5





In March 2011, the Republican-controlled Ohio legislature passed, and Governor John Kasich (R) signed, SB5, a bill that significantly limited collective bargaining rights of Ohio public employees and required public employees to contribute at least 15 percent of healthcare plan costs. The legislation also included provisions that required performance-based teacher evaluations and teacher compensation based on performance, and required performance, rather than seniority, to be the principal factor in layoff decisions. The controversial legislation spurred a veto referendum to block SB 5 from taking effect, and in November 2011, Ohio voters rejected SB 5.

Key components of SB 5 related to teacher evaluation and performance were also included in HB 153, a state budget bill that passed in June 2011 and was not struck down by the referendum. Components that remain in effect include the requirement for annual teacher evaluations, a requirement that the State Board of Education establish a framework for evaluation that includes four levels of performance and student growth as 50 percent of the total rating, and a prohibition on seniority-based teacher layoffs or recalls. In 2012, the legislature passed SB 316, which holds teacher preparation programs accountable for the performance of their graduates. Current Ohio law does not require transparent reporting to parents and the public on teacher performance, condition award of tenure on teacher effectiveness, require teacher hiring and placement by mutual consent, or protect children from being consecutively taught by ineffective teachers. These are all areas for potential improvement in future policy or legislation. The law requires performance-based teacher compensation in districts that participate in Race to the Top only. It also requires school boards to adopt policies regarding use of evaluation data for teacher promotion, retention, and removal of poorly-performing teachers, but leaves the details to the discretion of districts.




Ohio

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Generally, yes. Each teacher must be evaluated at least once each school year, and teachers on limited contracts must be evaluated at least twice. A school board may elect to evaluate teachers who receive a rating of accomplished in the last evaluation once every two school years.	
Are principals, as well as teachers, evaluated?	Yes. Procedures for evaluating principals shall be comparable to the teacher evaluation policy.	
Is evidence of student learning a factor in teacher evaluations?	Student academic growth shall account for 50 percent of each evaluation.	
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: accomplished, proficient, developing, ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	Each board of education must annually report to the Department of Education the number of teachers for whom an evaluation was conducted and the number receiving each rating. These guidelines shall not permit or require the name or any other personally identifiable information about any teacher to be reported. Law does not require aggregated public reporting.	
Are educator preparation programs accountable for graduates' effectiveness?	SB 316 requires boards of education to report to the Department of Education data on the number of teachers for whom an evaluation was conducted and their ratings disaggregated by preparation program, and requires the Ohio Board of Regents to report for each preparation program the percentage of graduates receiving each rating.	

Ohio

Criteria	Explanation	Score
Is tenure linked to effectiveness?	The law does not address.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	3319.111 requires each school board to include in its evaluation policy procedures for using evaluation results for retention and promotion and for removal of poorly performing teachers, but does not specify a level or duration of poor performance that can trigger dismissal, or provide a streamlined process for dismissal of ineffective teachers.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. The law prohibits reduction in force decisions from using seniority-based preferences, except when deciding between two teachers who have comparable evaluations. Law gives teachers who are laid off a right to restoration when a position becomes vacant or is created, and states that seniority shall not be the basis for rehiring a teacher (although it is unclear what the basis should be).	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	Law does not address excessing or provide a process for the discharge from district employment of excessed teachers who fail to obtain positions through mutual consent.	

Ohio

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not require mutual consent hiring.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	The law requires school boards in Race to the Top participating districts to adopt a salary schedule for teachers based on performance that includes the level of licensing, whether the teacher is highly-qualified, and teacher performance evaluation ratings, and that provides annual salary adjustments based on performance ratings such that teachers rated accomplished receive larger adjustments than those rated proficient.	

Oklahoma








Law Analyzed	SB 2033
Date Passed	2010
Overall Rating	8

In May 2010, as part of its effort to compete for a federal Race to the Top grant, Oklahoma's Republican-controlled legislature passed and Governor Brad Henry (D) signed SB 2033. The law established new requirements for teacher evaluations, required the State Board of Education to revise Oklahoma standards to align with the Common Core, and required the State Board to establish a process for identifying and intervening in low-performing schools.




Before SB 2033, Oklahoma already had laws that required evaluations annually for all teachers and twice a year for probationary teachers and made "instructional ineffectiveness" a cause for teacher dismissal. Building on this base, SB 2033 requires the State Board of Education to establish a new statewide educator evaluation system, the Oklahoma Teacher and Leader Effectiveness Evaluation System, that includes five tiers of educator performance and incorporates quantitative academic measures as at least 50 percent of a teacher's or principal's rating, with observable and measurable qualitative measures as the other 50 percent. The law also requires teachers to demonstrate effectiveness in evaluations in order to earn tenure, requires the dismissal of both tenured and untenured teachers who are consecutively rated "ineffective" or "needs improvement," and makes adjustments to the timeline for dismissing underperforming teachers. It also raises the statutory cap on performance-based compensation from 20 to 50 percent of a teacher's base salary and requires evaluation performance, rather than seniority, to be the primary factor in layoffs.

Oklahoma's provisions related to teacher evaluation, performance-based tenure, dismissal of underperforming teachers, and ending "last in, first out" layoffs are all strong. But the law does not address other important issues, including the ability of principals to decide who teaches in their schools, reporting to parents and the public on teacher effectiveness, and preventing students from being consecutively taught by ineffective teachers. In passing SB 2033, Oklahoma's legislators improved on an already strong base, and they now have the opportunity to make further improvements.

Oklahoma

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes. Oklahoma's law requires probationary teachers to be evaluated at least twice annually, and all teachers to be evaluated once annually. These requirements pre-date SB 2033.	
Are principals, as well as teachers, evaluated?	Yes. Legislation requires evaluations of both teachers and administrators.	
Is evidence of student learning a factor in teacher evaluations?	Student academic growth must constitute at least 50 percent of the teacher's evaluation (35 percent based on student academic growth on state tests and 15 percent on other academic measures). The remaining 50 percent of the evaluation must be based on rigorous and fair qualitative assessment components including organizational and classroom management skills, ability to provide effective instruction, continuous improvement and professional growth, interpersonal skills, and leadership skills.	
Do evaluations differentiate between multiple levels of educator performance?	The law defines five levels of teacher performance: superior, highly-effective, effective, needs improvement, and ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	The law neither requires nor precludes districts from informing parents and the public of teachers' effectiveness.	
Are educator preparation programs accountable for graduates' effectiveness?	The law requires the State Department of Education to provide the Regents for Higher Education and Commission on Teacher Preparation data on teacher effectiveness linked to preparation programs, to enable them to hold programs accountable and drive quality improvement, but does not describe how programs are held accountable or require public reporting.	
Is tenure linked to effectiveness?	Yes. To become a "career teacher" a new teacher must complete 3 consecutive years of teaching with at least two years rated "superior" and none rated below "effective" or 4 years of teaching with an average rating of "effective" (and the last two years rated "effective"). A teacher with 4 years experience who fails to meet these requirements may earn career status if requested by principal and approved by superintendent. No process for revoking tenure, but career teachers may be dismissed based in "ineffective" or "needs improvement" ratings.	

Oklahoma

Criteria	Explanation	Score
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The law changes the definition of “instructional ineffectiveness,” a grounds for teacher dismissal under pre-existing state law, to include: Two consecutive years rated ineffective, three consecutive years rated “needs improvement,” or failure to average a rating of “effective” over a five-year period. It mandates that teachers who meet these criteria shall be dismissed or not reemployed. Probationary teachers shall be dismissed or not reemployed if they receive two consecutive ineffective ratings or fail to attain career status after four years. The law also establishes a process for teacher dismissals: When a teacher receives a rating that may lead to a recommendation of dismissal or non-reemployment, the administrator shall admonish the teacher and establish a timeline for improvement not to exceed two months. When a superintendent recommends dismissal of a teacher, the teacher has a right to a hearing before the school board, which votes in open meeting whether to accept the recommendation of dismissal. A career teacher who disagrees with the board’s decision has the right to petition for a <i>de novo</i> trial, which is a nonjury trial before the court. In the trial <i>de novo</i> , the burden of proof is on the superintendent and the standard is preponderance of the evidence. The court shall not give preclusive effect to the findings of the board of education. The decision of the court is final unless the teacher appeals in the manner provided by law for civil cases.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. The law requires teacher evaluation ratings to be the primary basis used in determining the retention or reassignment of teachers.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The law applies to teacher reassignments due to reductions in force. There are no mutual consent provisions and no provisions for exit from employment when excessed teachers cannot find new positions.	

Oklahoma

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not require mutual consent hiring.	<input type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	Yes. The law increases the limit on performance-based compensation and authorizes districts to create performance-based compensation systems that award bonuses to teachers based on their evaluation ratings. Also authorizes differential pay for teachers in shortage areas, low-performing schools, and STEM. Law does not require performance-based incentive pay, but does require districts to create such systems if 20 percent of all teachers in the district sign a petition requesting one. Permits differential pay only as bonuses, not adjustments in base salary, and excludes these bonuses from state retirement system.	<input checked="" type="radio"/>







Rhode Island

Law Analyzed	Basic Education Program, Educator Evaluation System Standards, Code of Educator Professional Responsibility
Date Passed	2010-2012
Overall Rating	6.75





Unlike most states included in this analysis, Rhode Island has not passed legislation related to teacher evaluation. Rather, Rhode Island has worked to address teacher effectiveness through its Board of Regents' regulatory authority, which in Rhode Island carries the force of law. Rhode Island's Basic Education Program (BEP) is an overarching set of regulations, designed to ensure a high-quality education for all Rhode Island children. The BEP was most recently revised in 2009. In December 2009, Rhode Island adopted Educator Evaluation System Standards, which set requirements for local evaluation systems. The Rhode Island Professional Teaching Standards and Rhode Island Educator Code of Professional Responsibility further fill out the state's regulatory framework for teacher and principal effectiveness.

Rhode Island's Evaluation System Standards require annual evaluation for all teachers that incorporate professional practice and responsibilities with student learning, which is measured by both customized student learning objectives and, for teachers in tested grades and subjects, the Rhode Island Growth Model. The Educator Evaluation System Standards also require districts to use evaluation results to inform key personnel decisions, including tenure and dismissal of ineffective teachers. The BEP requires that school district management establish strong human capital systems and that hiring, retention, placement, and other key personnel decisions be made by school district management based on the best interests of students. The state has made clear to districts that these requirements preclude layoffs, excessing decisions, and teacher assignments based solely on seniority. Rhode Island does not have state level policies to prohibit forced teacher placement or encourage performance-based teacher compensation—both areas for potential future improvement. The state is also still developing its systems to publicly report on aggregate measures of teacher effectiveness and to hold teacher preparation programs accountable for the performance of their graduates, both of which would likely have resulted in a higher score had they been complete.




Rhode Island

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are principals, as well as teachers, evaluated?	Yes. The Educator Evaluation System Standards cover administrator, teachers, and support professionals.	
Is evidence of student learning a factor in teacher evaluations?	Yes, teacher evaluations incorporate three components: Teacher Professional Practice, Educator Professional Responsibilities, and Measures of Student Learning. Measures of Student Learning include customized student learning objectives for all teachers. Starting in 2012-13, Measures of Student Learning also include student growth as measured by the Rhode Island Growth Model for teachers of math and English language arts in grades 3-7. Teachers cannot receive a highly effective rating unless they have "Exceptional" or "Full" attainment of student learning objectives. Teachers with "Minimal or No" attainment of student learning objectives cannot be rated effective. Teachers with "Partial" attainment of objectives can be rated effective but such a rating triggers an automatic review.	
Do evaluations differentiate between multiple levels of educator performance?	Yes. Four-level rating system: highly-effective, effective, developing, ineffective.	
Are parents and the public provided clear information about teacher effectiveness?	Rhode Island is currently developing its policies and approach for reporting aggregate data on teacher effectiveness. Individual teacher evaluation data is not public under current law, and it is the state's position that such data should not be made public for individual teachers.	
Are educator preparation programs accountable for graduates' effectiveness?	RIDE's Strategic Plan commits Rhode Island to revising program approval standards for teacher preparation to include measures of effectiveness for program completers, and the Race to the Top application commits to linking data on teachers' impact on student achievement to the in-state programs where they were prepared for credentialing. In 2011 the Commissioner temporarily suspended the previously existing program approval process for three years so it can be revised based on these commitments, but this revision is not yet complete. The state has withdrawn approval from two programs that failed to produce effective graduates.	

Rhode Island

Criteria	Explanation	Score
Is tenure linked to effectiveness?	The Educator Evaluator System Standards state that, “evaluation systems are designed to provide objective information to support meaningful renewal and tenure decisions,” but do not set a specific standard of effectiveness to earn tenure, although districts’ evaluation systems may do so. Under existing state statute, tenure is automatic after three years of employment, and cannot be revoked once awarded. Pursuant to the Educator Evaluation System Standards, districts are expected to discharge ineffective probationary teachers from employment before they earn tenure.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	The Educator Evaluation System Standards state that, “The district dismisses educators who do not meet expectations for educator quality and who are unwilling or unable to improve as a result of feedback and outcomes identified in an improvement plan in a timely manner,” but does not explicitly define a level or duration of ineffective or minimally effective performance that constitutes just cause for dismissal or a process for dismissals based on ineffectiveness. Under Rhode Island’s existing process for teacher dismissal, a teacher may request a hearing before the full local board of education. A teacher aggrieved by a board’s decision to dismiss may appeal the decision to the Department of Elementary and Secondary Education. Teachers may seek appeal to the Supreme Court, but the standard for review is “arbitrary and capricious.”	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Rhode Island statute requires that reductions in force based on a decline in pupil population must be based on seniority, but this statute does not apply to reductions in force due to funding or programmatic changes. According to the BEP, interests of students shall be the primary factor in all staffing decisions. District policies that base teacher assignments or reductions in force solely on seniority are not in accordance with BEP. BEP does not dictate the precise degree to which seniority may be taken into account, but it must be secondary to other performance criteria.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	According to the BEP, interests of students shall be the primary factor in all staffing decisions, and may not be subject to the collective bargaining process. Law/regulations do not specify what happens in cases of excessing decisions, the process through which excessed teachers are to find new positions, or provide a process for discharge of teachers who fail to find new positions through mutual consent.	

Rhode Island

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	Under the BEP, staffing decisions are a management responsibility statutorily limited to the superintendent—law does not require principal consent for teacher assignments. Staffing decisions must be made by management with the best interests of students as the primary factor, and may not be subject to the collective bargaining process.	
Does the law protect students from being consecutively assigned to ineffective teachers?	Under the Basic Education Plan, students in Rhode Island have a right to be taught by effective teachers. Preventing students from being consecutively taught by ineffective teachers is one of the commitments in district Scopes of Work for Race to the Top, which all districts in the state have signed.	
Are effective teachers rewarded with increased compensation?	Rhode Island neither mandates nor prohibits performance-based teacher compensation, and some Rhode Island school districts have established performance-based teacher compensation. The Educator Evaluation Standards state that, “The district identifies ways to recognize and capitalize on their talents through differentiated roles and responsibilities, formal recognition, and/or other incentives.”	








Tennessee

Law Analyzed	Tennessee First to the Top Act of 2010, Public Chapter 70 of 2011, and The Professional Educators Collaborative Conferencing Act of 2011
Date Passed	2010, 2011
Overall Rating	7




Tennessee has passed a series of laws related to teachers and teacher effectiveness over the past two years. The Tennessee First to the Top Act of 2010, signed into law by then-Governor Phil Bredesen (D) as part of the state's Race to the Top effort, requires annual teacher evaluations based at least 50 percent on student achievement and created a statewide "achievement school district" to turn around low-performing schools (not included in scorecard). Public Chapter 70 of 2011, signed into law by Governor Bill Haslam (R), reforms teacher tenure and allows for dismissal of ineffective teachers. The Professional Educators Collaborative Conferencing Act of 2011, passed and signed in the same legislative session, restricts the scope of teacher collective bargaining in Tennessee. In the 2012 session, the legislature passed legislation to keep teacher evaluation results out of the public record.

Strengths of Tennessee's teacher effectiveness legislation include a strong evaluation framework and a streamlined process for dismissing teachers who are ineffective. Tenure reform is another area of strength—but would be stronger if the tenure reforms were extended to include teachers who had tenure prior to July 2011. Public Chapter 70 prohibits the use of seniority as a consideration in teacher reductions in force, which would end "last in, first out," layoffs, but does not specify alternative criteria—another area for improvement. Other areas for improvement include transparent reporting on teacher effectiveness to parents and the public, and preventing students from being taught by ineffective teachers in consecutive years—which none of these laws address.




Tennessee

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are principals, as well as teachers, evaluated?	Yes. The Tennessee First to the Top Act requires the Teacher Evaluation Advisory Committee to develop guidelines and criteria for annual evaluation of all teachers and principals.	
Is evidence of student learning a factor in teacher evaluations?	Yes. 50 percent of teachers' evaluation must be based on student achievement, 35 percent from TVAAS (where available), and 15 percent from other measures. Other factors in evaluation include prior evaluations, personal conferences, and classroom observation.	
Do evaluations differentiate between multiple levels of educator performance?	Not defined in legislation; adopted regulations include five levels of performance.	
Are parents and the public provided clear information about teacher effectiveness?	The 2010 legislative session passed legislation making teacher evaluations confidential personnel data. The law neither requires nor precludes aggregated public reporting on teacher performance.	
Are educator preparation programs accountable for graduates' effectiveness?	The Tennessee First to the Top Act requires estimates of specific teacher effects to be made available to the teachers' state board-approved teacher preparation programs. Tennessee has established a program report card for every teacher preparation program that includes value-added data for the program's graduates and will incorporate data from evaluations.	
Is tenure linked to effectiveness?	Teachers who did not earn tenure before July 1, 2011 must teach for five years and receive "above expectations" or "significantly above expectations" ratings in the last two of five years in order to receive tenure. Teachers who receive two consecutive "below expectations" or "significantly below expectations" ratings will lose tenure and must earn two consecutive "above expectations" or "significantly above expectations" ratings to have tenure restored. This provision does not apply to teachers who had tenure before July 1, 2011.	

Tennessee

Criteria	Explanation	Score
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Law defines “inefficiency,” as grounds for dismissal, to include evaluations demonstrating performance effectiveness of “below expectations” or “significantly below expectations.” Law also provides an appeal process for dismissal of tenured teachers: A tenured teacher notified of charges for dismissal may request a hearing before an impartial hearing officer. A teacher may appeal the hearing officer’s decision to the board of education. If either the teacher or director of the school is dissatisfied with the board’s decision, they may appeal to the chancery court of the county where the district is located. Review of the court shall be <i>de novo</i> on the record of the hearing officer.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	The Professional Educators Collaborative Conferencing Act prohibits school districts from entering into collective bargaining agreements that base personnel decisions on seniority, but does not specify the criteria on which layoffs should be based.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	The Professional Educators Collaborative Conferencing Act prohibits school districts from entering into collective bargaining agreements that base personnel decisions on seniority, including filling of vacancies, assignment to specific schools, positions, professional duties, transfers within the system, reductions in force, and recall. But it does not specify a process for excessed teachers to find new positions through mutual consent or for discharge from district employment of those that fail to do so.	

Tennessee

Criteria	Explanation	Score
Do principals have authority to decide who teaches in their schools?	The law does not explicitly require teacher assignment by mutual consent, nor does it provide for dismissal of teachers who do not gain positions through mutual consent hiring. But different pieces of legislation do 1) prohibit teacher assignment as a subject of collective conferencing, and 2) indicate that state law does not override a school director's (superintendent's) ability to assign teachers to positions based on competence (including evaluations), compatibility, and interests of students.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Are effective teachers rewarded with increased compensation?	The Tennessee First to the Top Act allows districts to negotiate their own salary schedules; the Professional Educators Collaborative Conferencing Act precludes differentiated or incentive pay from being subject to collective conferencing.	







Washington

Law Analyzed	SB 6696 (Chapter 235 of the Laws of 2010), SB 5895 (Chapter 35 of the Laws of 2012)
Date Passed	2010, 2012
Overall Rating	5.25



In 2010, the Washington legislature passed, and Governor Christine Gregoire (D) signed, SB 6696 (Chapter 235 of the Laws of 2010), legislation that established new requirements for teacher evaluations and moved the state from a binary to a 4-level teacher evaluation system. In June 2012, the Washington legislature passed, and Gov. Gregoire signed, SB 5895 (Chapter 35 of the Laws of 2012), which further defines requirements for the evaluation of teachers, certificated support personnel, and principals in Washington State and the use of evaluations in key personnel decisions. SB 5985 requires student growth data to be a substantial factor in evaluating the performance of classroom teachers in at least 3 of 8 previously defined evaluation categories, and requires the superintendent of public instruction to adopt rules for teacher and principal evaluations and identify up to three preferred instructional and leadership frameworks for local use. (These rules and frameworks were not completed at the time of this analysis and are therefore not included in it.) Recent legislation also links teacher evaluations to some key personnel decisions: It modifies a pre-existing law that allows underperforming educators to be placed on improvement plans and, if they fail to improve, dismissed, and expands the criteria for who can be placed on improvement plans. It also calls for the establishment of a steering committee to examine implementation issues with new teacher and principal evaluations and make recommendations on a range of issues, including how teacher evaluations could inform state policy related to the award of continuing contract states.

Washington's legislation does not prohibit "last-in, first-out" layoffs and forced teacher placements, or protect students from being consecutively assigned to ineffective teachers. These are areas for potential improvement in future legislation or regulations.





Washington

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Once teachers and principals are transitioned to new evaluation system they must be evaluated annually. But teachers with more than four years of experience can be evaluated using a “short form” evaluation and receive a comprehensive evaluation only once every three years. Short form evaluations cannot be used as probable cause in the termination of an employee’s contract.	
Are principals, as well as teachers, evaluated?	Yes. Law establishes new evaluation requirements for teachers, certificated support staff, and principals.	
Is evidence of student learning a factor in teacher evaluations?	Student growth data must be a factor in the evaluation process and must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. Student growth data must be a significant factor in evaluating teachers for at least 3 of 8 previously defined evaluation criteria.	
Do evaluations differentiate between multiple levels of educator performance?	Yes, four levels of performance: 1-unsatisfactory, 2-basic, 3-proficient, 4-distinguished	
Are parents and the public provided clear information about teacher effectiveness?	The law neither requires nor precludes public reporting on teacher performance. Districts must annually report aggregated evaluation results to the Office of the Superintendent of Public Instruction.	
Are educator preparation programs accountable for graduates’ effectiveness?	Legislation does not address. SB 6696 does require the professional educator standards board to report the results for each program’s graduates on the assessment of teacher effectiveness developed by the professional educator standards board. After 2012-13 students completing teacher preparation programs must pass this assessment.	

Washington

Criteria	Explanation	Score
Is tenure linked to effectiveness?	Teachers in the first three years of employment are subject to nonrenewal of contract. A provisional employee who earns an evaluation rating below level 2 during the third year of employment shall remain subject to nonrenewal of contract until s/he receives a level 2 rating or the superintendent makes a determination to remove the employee from provisional status (the employee must have earned one of the top two evaluation ratings on a previous assessment). The law also requires the steering committee to make recommendations regarding how teacher evaluations could inform state policies regarding criteria for a teacher to obtain continuing contract status.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	Any employee whose work is not judged satisfactory shall be placed on a program for improvement and given a probationary period of 60 school days. This includes any teacher with a level 1 performance rating or, for a continuing contract teacher with more than five years teaching experience, two consecutive years of level 2 ratings. Lack of necessary improvement during the probationary period constitutes grounds for a finding of probable cause for dismissal. When a continuing contract employee with five or more years of experience receives an evaluation below level 2 for two consecutive years, the district shall implement notification of employee discharge after completing the probationary process. Such dismissals are subject to pre-existing code/process: A non-provisional teacher so notified may request a hearing before a hearing officer jointly selected by the board and teacher. The hearing officer's final decision shall be based solely upon the cause or causes specified in the notice of probable cause and established by a preponderance of evidence. Any educator may appeal action adversely affecting his or her contract status to the Superior Court, which will hear the case expeditiously without a jury. The Court may affirm the decision, remand, or reverse only if it finds the decision was 1) in violation of constitutional provisions, 2) in excess of the statutory authority or jurisdiction of the board or hearing officer, 3) made upon unlawful procedure, 4) affected by error of law, 5) clearly erroneous in view of the entire record and public policy contained in act of the legislature, or 6) arbitrary and capricious. Both parties may appeal the Superior Court's decision to the appellate court.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Beginning with the 2015-16 school year, evaluation results must be used as one of multiple factors in making human resource and personnel decisions, including staff assignment and reduction in force. Nothing in the law limits the ability to collectively bargain how multiple factors should be used in making personnel decisions, except that evaluation results must be a factor.	

Washington

Criteria	Explanation	Score
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	Beginning with the 2015-16 school year, evaluation results must be used as one of multiple factors in making human resource and personnel decisions, including staff assignment and reduction in force. Nothing in the law limits the ability to collectively bargain how multiple factors should be used in making personnel decisions, except that evaluation results must be a factor. Law does not provide a process for excessed teachers to find new positions through mutual consent or be discharged from district employment if they fail to do so.	
Do principals have authority to decide who teaches in their schools?	Law does not address.	
Does the law protect students from being consecutively assigned to ineffective teachers?	Law does not address	
Are effective teachers rewarded with increased compensation?	Law does not address. Washington State has a salary allocation schedule that sets teacher base salaries based on higher education coursework and years of experience, but actual teacher compensation is set by local collective bargaining agreements, and nothing in the law precludes these agreements from basing compensation on performance. A separate law, Chapter 548 of the laws of 2009, established a working group to look at teacher compensation issues in Washington State. That work group recently issued a report, but no legislative or regulatory action has been taken based on that report.	

Appendix: State Laws and Regulations Analyzed

Appendix: State Laws and Regulations analyzed

State	Laws and Regulations Analyzed	Year
Arizona	<ul style="list-style-type: none"> SB 1040, Revised statute 15-203 Arizona Framework for Measuring Teacher Effectiveness HB 2823 	2010 2011 2012
Arkansas	<ul style="list-style-type: none"> Act 1209 	2011
Colorado	<ul style="list-style-type: none"> SB 1 	2010
Connecticut	<ul style="list-style-type: none"> PA 10-111 SB 458 	2010 2012
Delaware	<ul style="list-style-type: none"> Delaware Code Title 14, Chapter 12 § 1270 Delaware Performance Appraisal System Guides SB 263 	2009 TK 2010
Florida	<ul style="list-style-type: none"> SB 736 	2011
Idaho	<ul style="list-style-type: none"> SB1108 SB1110 	2011 2011
Illinois	<ul style="list-style-type: none"> SB 315 SB 7 	2010 2011
Indiana	<ul style="list-style-type: none"> PL 90 	2011
Louisiana	<ul style="list-style-type: none"> Act 54 Act 1 Act 2 Bulletin 130 Bulletin 996 	2010 2012 2012
Maryland	<ul style="list-style-type: none"> Education Reform Act of 2010 Executive Order 01.01.2010.12 Maryland Council for Educator Effectiveness Recommendations COMAR 13a.07.04 	2010 2010 2011
Michigan	HB 4225, HB 4226, HB 4227, HB 4228 Revised Code 1249-1250	2011

Appendix: State Laws and Regulations analyzed

State	Laws and Regulations Analyzed	Year
Minnesota	<ul style="list-style-type: none"> • HF 26, Chapter 11 	2011
Nevada	<ul style="list-style-type: none"> • SB 2 • AB 229, AB 225, AB 222 	2010 2011
New Jersey	<ul style="list-style-type: none"> • TEACHNJ Act 	2012
New York	<ul style="list-style-type: none"> • Education Law Sec. 3012-c and 3020-a, as amended by Chapter 103 of the laws of 2010 and • Chapter 21 of the laws of 2012 • A10786 	2010 2012 2012
Ohio	<ul style="list-style-type: none"> • HB 153 • Revised Code 3317, 3319.11, 3319.12 • SB 316 	2011 2012
Oklahoma	<ul style="list-style-type: none"> • SB 2033 	2010
Rhode Island	<ul style="list-style-type: none"> • Basic Education Program • Rhode Island Model (Educator Evaluation System) 	
Tennessee	<ul style="list-style-type: none"> • Tennessee First to the Top Act of 2010 • Public Chapter 70 of 2011 • The Professional Educators Collaborative Conferencing Act of 2011 	2010 2011 2011
Washington	<ul style="list-style-type: none"> • Chapter 35, Laws of 2012 	2012

About this analysis

About Bellwether Education Partners

Bellwether Education Partners is a national nonprofit organization dedicated to accelerating the achievement of low-income students by cultivating, advising, and placing a robust community of innovative, effective, and sustainable change agents in public education reform and improving the policy climate for their work.

© 2012 Bellwether Education Partners

This report carries a Creative Commons license, which permits noncommercial re-use of content when proper attribution is provided. This means you are free to copy, display, and distribute this work, or include content from this report in derivative works, under the following conditions:

- **Attribution.** You must clearly attribute the work to Bellwether Education Partners and provide a link back to <http://bellwethereducation.org/>.
- **Noncommercial.** You may not use this work for commercial purposes without explicit permission from Bellwether Education Partners.
- **Share Alike.** If you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one.

For the full legal code of this Creative Commons license, please visit www.creativecommons.org.

If you have questions about citing or reusing Bellwether Education Partners content, please contact us.

Acknowledgements

In developing this analysis, Bellwether consulted with state-level experts in each state's teacher effectiveness policies to get feedback on our criteria and ensure the accuracy of our description of each state's laws. Bellwether is deeply grateful to these reviewers, who include: Paul Koehler of WestEd, Dr. Karen Cushman of the Arkansas Department of Education, Colorado State Sen. Mike Johnston, Jennifer Alexander of ConnCAN, Susan Haberstroh of the Delaware Department of Education, Lowell Mathews of the Foundation for Excellence in Education, Luci Willits from the Idaho Governor's Office, Jonathan Furr of Holland & Knight LLP, Will Krebs and Nick Lodato of the Indiana Department of Education, Molly Horstman of the Louisiana Department of Education, John Ratliff, Bryce McKibben, and Angela Lagdameo of the Maryland Governor's Office, Andrew Solon of StudentsFirst, Vallay Varro and Chris Orr of MinnCAN, Rorie Fitzpatrick and Leslie James of the Nevada Department of Education, Kathleen Nugent of Democrats for Education Reform, Nicolas Storelli-Castro and Valerie Gray of the New York State Education Department, Emmy Partlin and Terry Ryan of the Thomas B. Fordham Foundation, Amy Polonchek of the Tulsa Public Schools, David Abbott and Lisa Foehr of the Rhode Island Department of Education, Aneesh Sohoni of the Tennessee Department of Education, Dave Powell of Stand for Children, Heather Cope of the League of Education Voters, and Tim Daly and Dan Weisberg of the New Teacher Project. An individual's, organization's, or state's review of our analysis should not be interpreted as an endorsement of or agreement with our criteria or judgments.

About the Funder

This publication is produced with funding from the Walton Family Foundation. Driven by the urgent need to dramatically raise student achievement, particularly in low-income neighborhoods, the Walton Family Foundation has invested more than \$1 billion to date in initiatives that expand parental choice and equal opportunity in education. Empowering parents to choose quality schools, regardless of type—traditional public, private or public charter school—will help spur the bold transformation of our national K-12 system of public education. Our nation's children will only reach their potential in today's global economy by having access to a high-quality, publicly-funded education. The funder exercised no editorial control over this project. Any errors of fact or interpretation are exclusively Bellwether's.