

UNDUE PROCESS

Why Bad Teachers in Twenty-Five Diverse Districts Rarely Get Fired

By David Griffith and Victoria McDougald





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Foreword

By Dara Zeehandelaar and Michael J. Petrilli

Let's engage in a quick thought exercise. Imagine that you own a restaurant and employ two chefs. One is a grizzled veteran: He's slow, he constantly gets orders wrong, his food tastes terrible, and his hygiene is so poor that he sometimes makes your customers sick. The other is relatively new to the kitchen: She's a great chef now and only promises to get better, she pays attention to detail, she's efficient, her food is truly delicious, and your customers request her by name. Now imagine that you only need one of them. Which would you fire? The awful one, right?

Now, imagine that the law says you cannot do that. Before you are allowed to fire a veteran chef, it requires that you create a multiyear paper trail documenting his every mistake. You must observe him at the stove, multiple times, and you must let him know in advance when you're coming. Even if you provide sufficient evidence under the law that he's bad enough to merit firing, you must put him on a culinary improvement program first (and you must pay for it). Then you have to evaluate him again. You must advise him that he's on the chopping block, and he's free to challenge the process at every step of the way. Those challenges may include costly, protracted proceedings before the "Board of Quality Cookery" and in courts of law.

If you wanted to fire the new chef, however, the law won't stop you. You could do it tomorrow. Maybe with two weeks' notice.

Of course, that's not how it works in the restaurant business. But as absurd as this process appears, it has been the reality for most school principals for decades when it comes to dismissing ineffective teachers. Once a teacher earns "tenure," state and local policy make it complicated and cumbersome to fire him, even if he is a poor educator.

Weren't we supposed to have fixed this by now? Back in the glory days of 2009 and 2010, when Secretary of Education Arne Duncan was riding herd on billions of Race to the Top dollars, reformers were confident that lifelong employment would no longer be a guarantee for demonstrably poor teachers. It was a sound impulse, buoyed by the outrage unleashed by [The Widget Effect](#) and given the beginnings of reality in promising reforms in Washington, D.C., Colorado, and elsewhere.

Finally, many thought, the country was getting serious about differentiating between effective teachers and undeniably lousy ones as well as finding ways to expeditiously bid adieu to the latter. All for good reason: as [Eric Hanushek](#) and others argued so convincingly, achievement would rise, achievement gaps would narrow, [lifetime income would increase](#), and economic growth would surge if only we had the courage to identify and then replace the bottom 5 or 10 percent.

So Duncan and his team not only incentivized states to embrace teacher-evaluation reform via Race to the Top, but they also made it a precondition to states obtaining a waiver from No Child Left Behind.

“ Once a teacher earns ‘tenure,’ state and local policy makes it complicated and cumbersome to fire him, even if he is a poor educator. ”

What happened next? Not much, according to our read of the [evidence](#). There was, of course, the expenditure of vast political capital, acrimonious battles with unions and their friends, and much fear and loathing on the part of teachers, including the good ones—which had the unintended and damaging side effect of turning many educators against Common Core and nearly nailing shut the coffin of testing and accountability.

After all of that—*all* of that—we learned that [97 percent of America’s teachers](#) are now deemed effective instead of 99.

How about the worst of the worst? Did all these efforts achieve at least one objective and rid America’s classrooms of chronically ineffective teachers, the ones who do real damage to their charges year after year? Is it feasible to dismiss poorly performing, veteran teachers without miles of red tape and years of administrative hurdles?

That was the question that motivated the present report. We wish we could answer it with straightforward numbers. We—and many others—want to know how many ineffective tenured teachers are fired each year in every state and district and whether those numbers have changed over time. Yet there’s no credible data to be had. The only public source is a survey of district administrators conducted once every four years. Not only does this survey rely on self-reporting, but it also only asks about teachers who are officially and involuntary dismissed; it cannot account for teachers who resign before they are fired or districts who abandon (or never even start) proceedings because of time and cost.

“ Is it feasible to dismiss poorly performing, veteran teachers without miles of red tape and years of administrative hurdles? ”

As a parallel inquiry, we decided to dig into the relevant policies and practices in twenty-five diverse districts to find out just how feasible it is or isn’t to dismiss a veteran teacher. (We chose those twenty-five districts because they represent fairly diverse locations, sizes, and political contexts.)

“Feasible” is the operative word. Defenders of tenure protections invariably assert that any teacher can be dismissed so long as her district follows due process. And that’s certainly true, in theory. Due process is an important American value, enshrined (among other places) in the Fifth and Fourteenth Amendments to the Constitution. But when due process is construed in ways that carry enormous costs in time and money, it can, in practice, make it nearly impossible for districts to actually fire bad teachers. We wanted to know whether that is the case in America today.

To answer this question, we scrutinized state and local policies to determine how they enable or constrain the dismissal of ineffective teachers. Once a district identifies an educator as ineffective, how direct or circuitous is the line to dismissal? How many barriers are there along the way? Is it bona fide due process for all concerned or due process run amuck? And how do different districts compare?

For this work, we enlisted two members of Fordham’s research team, Victoria McDougald and David Griffith. Both have significant experience in dissecting, classifying, and grading education policy—Victoria on school choice and David on accountability. The authors created a metric that built on the excellent work of the National Council on Teacher Quality (NCTQ) and the Education Commission of the States (ECS), which previously codified state laws and district policies (in the form of collective-bargaining agreements and employee handbooks) to answer questions such as how many observations are required for dismissal and whether or not a teacher can appeal a firing decision (and on what grounds). The authors also read and interpreted a number of laws and contracts themselves.

Their findings are both revealing and disheartening, if unsurprising. On a ten-point scale (where ten means it is relatively easy to dismiss an ineffective veteran teacher), not a single district made it to nine or ten. Only one, Miami, earned eight points out of ten, and a mere six districts scored six or seven points—which means that on paper it’s feasible but not simple to fire a poorly performing educator. Most districts fared far worse on this metric, meaning that their (and their states’) policies make it difficult, if not impossible, to dismiss a bad veteran teacher.

What we found, sadly, is that the line from dismal performance to dismissal has hardly been streamlined. For the most part, state and local policies create a tortuous maze of paperwork, regulations, and directives. Teachers who receive years’ worth of ineffective ratings are given multiple chances for improvement and reevaluation, and a single procedural violation by the administration starts the process over again.

And remember: This is only on paper. Imagine how few ineffective educators get fired in practice. And imagine how many are still in our classrooms teaching our children because it’s simply too much of a hassle to remove them.

To be clear, we are not seeking a major housecleaning, and we are not advocating for policies that leave the average teacher vulnerable. We’re talking about removing policy and administrative hurdles to dismissing the worst 5 percent—a nontrivial number, but not a vast throng. We are not proposing eliminating the protections of due process, nor are we suggesting denying the opportunity and resources for struggling teachers to improve. Rather, we are directing these efforts at the teachers who demonstrate year after year that someone else should take their place.

So what can policymakers do? One option is to fight the good fight to change tenure laws and due-process procedures. That’s not impossible. Some places, such as Florida, North Carolina, and the District of Columbia have completely abolished tenure. Others—including Colorado and Indiana—have provisions such that ineffective teachers lose their tenured status. And still more—including Ohio, Missouri, and New Hampshire—have increased the number of years until a new teacher can earn tenure to five or more.

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Districts also have some leeway here. Even if they must abide by state laws allowing for unassailable lifetime tenure, they can shorten dismissal timelines and make evaluations and personnel actions less vulnerable to baseless challenges. In eleven of the districts that we studied—including Fairfax Public Schools in Virginia and Milwaukee Public Schools in Wisconsin—once a teacher has been determined ineffective by district or state procedures, administrators do not have to wait

an additional school year to recommend them for dismissal. Charlotte-Mecklenburg School District in North Carolina and Mesa Public Schools in Arizona, for example, both prohibit challenges to evaluations on any grounds other than procedural ones.

But let’s face it: At both state and local levels, this is an extraordinarily steep hill to climb. Teacher unions will do everything in their power—including spending incredible amounts of money and manpower on lobbying and political donations—to protect the status quo, even if it means protecting the worst teachers as a result. Where reformers can prevail, our hats are off to them.

But there's another option. Give peace a chance. Don't declare war. Instead, commit to taking the tenure process seriously, rather than rubber stamping every eligible teacher for approval. That's what Joel Klein and his team did in New York City, after a decade-plus of incompetent tenured teachers [being returned to the classroom](#) because of a highly protective state law. Instead of waiting until teachers were already tenured (and thus essentially invulnerable to dismissal), they asked principals to make a case for each teacher who was up for tenure before granting it. Once the policy was fully implemented, the portion of teachers who were immediately approved for tenure dropped from [94 to 56 percent](#). Later work also found that many teachers not immediately granted tenure ended up leaving the district of their own volition.

Other districts could do likewise. States could encourage this kind of behavior, too, by engaging state teacher's associations in productive conversations and passing tenure laws that allow for, or even encourage, districts to work with their local unions to create smart dismissal procedures. Reformers could focus on fighting the winnable battle of getting superintendents to scrutinize tenure requests rather than automatically ratifying them.

To be clear, we'd still love to give administrators the tools to efficiently fire the very worst teachers, regardless of whether they have many years of experience. But back to our restaurant analogy: Rather than waiting for a chef who has already failed multiple inspections to actually give customers food poisoning before you fire him, make it clear to new cooks when they sign on that they are on trial and that being retained depends on how good a job they do and how well fed the customers are.

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Executive Summary

Countless studies have demonstrated that teacher quality is the most important school-based determinant of student learning and that removing ineffective teachers from the classroom could greatly benefit students.^{1,2} Consequently, many states have reformed their teacher evaluation systems in an effort to differentiate between effective and ineffective teachers, with an eye toward parting ways with the latter.

But is dismissing ineffective teachers truly feasible in America today? After all the political capital (and real capital) spent on reforming teacher evaluation, can districts actually terminate ineffective teachers once they've been granted tenure or achieved veteran status?

That's what we wanted to know. Unfortunately, data on teacher dismissals are impossible to come by. So we decided to dig into state and district policies instead to better understand dismissal processes as they exist *on paper*.

This report seeks answers to a straightforward question: **How hard is it to dismiss an ineffective veteran teacher?**

Toward that end, we constructed a ten-point metric based on three subquestions:

- 1. Does tenure protect veteran teachers from performance-based dismissal?**
- 2. How long does it take to dismiss an ineffective veteran teacher?**
- 3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?**

We then used this framework to gauge the difficulty of dismissing ineffective veteran teachers in twenty-five diverse districts, using data gleaned from the National Council on Teacher Quality's (NCTQ) [teacher-contract database](#) and the Education Commission of the States's (ECS) [fifty-state comparison of teacher-tenure policies](#), supplemented by our own independent analysis of state and district policies. (For a detailed explanation of our evaluation metric, see the *Appendix*.)

As shown in Table ES-1, none of the twenty-five districts in our sample scored a nine or ten, which would have indicated that it is relatively easy to dismiss an ineffective veteran teacher. Rather, the data suggest that significant barriers to dismissal remain in place in every district that we examined.

Overall, seven districts earned scores between six and eight, suggesting that it is feasible to dismiss an ineffective veteran teacher. Thirteen districts earned scores between three and five, suggesting that it is difficult to dismiss an ineffective veteran teacher. And five districts scored between zero and two points, suggesting that it is very difficult to dismiss ineffective veteran teachers in those places. (See our *District Profiles* for detailed information on all twenty-five districts.)

Based on our results, we draw three conclusions about the specific barriers to dismissal that are common across districts.

1 In most districts (and states), tenure continues to protect ineffective veteran teachers from performance-based dismissal.

Three districts in our study are located in places where tenure is prohibited (Florida, North Carolina, and the District of Columbia), and five districts are located in states where teachers forfeit their tenure status after being

rated ineffective on one or more occasions. However, in seventeen of our twenty-five districts, state law still allows teachers to earn tenure and keep it regardless of performance, making it exceptionally challenging for even the most reform-minded administrators to dismiss ineffective veteran teachers.

2 In most districts, even the shortest possible timeline for dismissing an ineffective veteran teacher is unreasonably protracted.

In eleven of our twenty-five districts, an ineffective teacher can be dismissed in a year or less, assuming that administrators take the most expeditious route possible and no grievances or appeals are filed. However, in at least twelve districts, dismissing a veteran teacher for poor performance takes a minimum of two years, and in Los Angeles and San Francisco it takes at least five years. That’s obviously far too long—and even more troubling considering that it represents the best-case scenario (rather than the most likely one).

3 In most districts, an ineffective veteran teacher’s dismissal is extremely vulnerable to challenge.

Between the evaluation process, the grievance process, and various appeals processes, any attempt to dismiss an ineffective veteran teacher is exceptionally vulnerable to challenge in most districts. More specifically:

- *In some districts, the number of observations required to dismiss a veteran teacher is unreasonable.*

In eleven of our twenty-five districts, veteran teachers must be observed at least six times before they can be dismissed, increasing the risk of a procedural violation by observers and/or administrators.

- *In most districts, teachers can challenge a negative evaluation even if no procedural violation is alleged.*

In six of our districts, state or district policy expressly prohibits nonprocedural challenges to evaluation ratings: Albuquerque, Charlotte-Mecklenburg, Dayton, Gwinnett, Mesa, and Shelby. However, veteran teachers in the other nineteen districts may challenge a negative evaluation rating on virtually any grounds.

Table ES-1: How easy or difficult is it to dismiss an ineffective veteran teacher (by district)?

District	Score	Implication
None	9–10	EASY
Miami-Dade County Public Schools (FL)	8	FEASIBLE
Burlington School District (VT)	7	
Mesa Public Schools (AZ)	7	
Charlotte-Mecklenburg Schools (NC)	6	
District of Columbia Public Schools (DC)	6	
Indianapolis Public Schools (IN)	6	
Milwaukee Public Schools (WI)	6	
Albuquerque Public Schools (NM)	5	
Dayton Public Schools (OH)	5	
Fairfax County Public Schools (VA)	5	
Gwinnett County Public Schools (GA)	5	
Houston Independent School District (TX)	5	
Shelby County Schools (TN)	5	
Denver Public Schools (CO)	4	
Detroit Public Schools (MI)	4	
Minneapolis Public Schools (MN)	4	
Montgomery County Public Schools (MD)	4	
Boston Public Schools (MA)	3	
Newark Public Schools (NJ)	3	
School District of Philadelphia (PA)	3	VERY DIFFICULT
Clark County School District (NV)	2	
New York City Public Schools (NY)	2	
Chicago Public Schools (IL)	1	
Los Angeles Unified School District (CA)	1	
San Francisco Unified School District (CA)	0	

- *In most districts, a veteran teacher’s dismissal is subject to multiple appeals, at least one of which is to an authority outside of the district.*

In twenty-one of our districts, veteran teachers can appeal their dismissal more than once, and in those same districts, they can also appeal to an entity outside the district. Teachers are limited to a single internal appeal in just four districts: Burlington, Indianapolis, Miami-Dade, and Milwaukee.



Our analysis yields bleak takeaways. Most states continue to confer lifetime tenure on teachers, weak teachers still take years to dismiss if they achieve tenured status, and any attempt to dismiss an ineffective veteran teacher remains vulnerable to challenge at every stage in the process—from evaluation, to remediation, to the dismissal decision, and beyond. Consequently, in most districts and schools, dismissing an ineffective veteran teacher remains far harder than is healthy for children, schools, taxpayers—and the teaching profession itself.

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Introduction

Numerous studies have demonstrated that teacher quality is the most important school-based determinant of student learning and that having a good (or poor) teacher one year has a lasting effect on achievement, college going, and salary in subsequent years.³⁻⁸ Yet despite the clear benefits for students, as recently as 2013, just 0.2 percent of tenured teachers in a typical state were dismissed for poor performance.⁹

That surely comes as a disappointment for many reformers, who have viewed identifying and exiting low-performing teachers as a critical lever for ensuring all students are taught by an effective teacher since a groundbreaking 2009 study by the New Teacher Project (now TNTP) famously reported that less than 1 percent of teachers received an unsatisfactory rating.¹⁰ That finding led to a blizzard of activity across the country, as states adopted new teacher-evaluation policies, in part to qualify for Race to the Top grants (and later for waivers from ESEA). Yet although there is some evidence that stronger teacher-evaluation systems have significant, positive effects on the teacher workforce, the return on that investment to date has been underwhelming. According to a 2016 study, for example, 97 percent of teachers in states that had recently reformed their teacher evaluations were still rated proficient or higher,¹¹ despite the fact that teachers themselves say approximately 10 percent of their colleagues deserve an unsatisfactory rating.¹²

In hindsight, it is perhaps unsurprising that more rigorous evaluations, in the absence of more comprehensive teacher personnel policy changes, have mostly failed to move the needle on teacher ratings and dismissals. After all, almost every state still awards teachers tenure (or the equivalent) after just a few years of service.¹³ And once tenure is granted, teachers become exceptionally difficult and expensive to fire, even when they are clearly ineffective. Under these circumstances, it's unlikely that many principals will give such teachers a less-than-positive evaluation, much less attempt to dismiss them. Why irk a person who is all but certain to remain in one's school?

“ Ninety-seven percent of teachers in states that had recently reformed their teacher evaluations were still rated proficient or higher. ”

If we want to change principals' approach to dismissal, we need a clearer picture of the barriers they face—barriers that teacher-evaluation reform alone cannot remove. To that end, this report examines a straightforward question that's been too often neglected amid the Sturm und Drang of test-based evaluation: **How hard is it to dismiss an ineffective veteran teacher?**

To answer this question, we constructed a metric that gauges the difficulty of dismissing ineffective teachers in twenty-five school districts across the country, while highlighting the specific barriers to dismissal that remain in place.

The report begins by summarizing extant research on teacher dismissal. Next, we describe the data and methods used in our analysis. Finally, we present the results for districts and offer additional high-level findings, conclusions, and implications. (Individual district results can be found immediately following the *Endnotes*.)

Background

The puzzling dearth of readily accessible data on teacher dismissals makes it difficult to know which factors have the greatest impact on dismissal rates. However, principals who participated in a 2008 survey by the U.S. Department of Education identified four major barriers to dismissal: the challenges posed by tenure (71.8 percent), the effort required for documentation (64.6 percent), the role of teacher unions or associations (61.2 percent), and the length of the process (59.5 percent).¹⁴

As those numbers suggest, tenure is widely viewed as a barrier to dismissal—or as the foundation upon which other barriers are erected—and numerous studies have confirmed this perception.^{15,16} Furthermore, those data that do exist suggest a strong relationship between tenure and the unlikelihood of dismissal for poor performance. According to the federal government’s 2011 Schools and Staffing Survey, nontenured teachers are at least four times as likely to be dismissed for poor performance as their tenured colleagues, and in some states the ratio is substantially higher.¹⁷

Once a teacher has been granted tenure, studies suggest that numerous factors tend to prolong and complicate the dismissal process. For example, in many districts, simply recommending a tenured teacher for dismissal takes at least two years because the district must document both the teacher’s weak performance and its attempts at remediation,¹⁸ which may be indefinite in practice.¹⁹ Research also suggests that simply documenting a teacher’s incompetence is burdensome for administrators, who must usually present evidence from multiple observations.²⁰ According to one study, building a case for a single teacher’s dismissal can require 10–15 percent of a principal’s time over several months.²¹

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Once a tenured teacher is recommended for dismissal, he or she is entitled to an administrative hearing, usually before the school board, a hearing officer, an arbitrator, or an administrative judge.²² In some states, teachers can also appeal a dismissal decision to a superior, circuit, or district court; to the state board of education or superintendent; or to some other higher-than-the-district entity—drastically increasing the time and expense required for dismissal.²³ For example, one study

of disciplinary hearings in New York State found that legal proceedings to remove incompetent teachers lasted an average of 830 days, at an average cost of \$313,000.²⁴ What’s more, even after this extraordinary investment of time and money, the odds are low that an attempt to dismiss an ineffective teacher will ultimately succeed. For example, a study by TNTP found the success rate for dismissing an ineffective teacher in one district ranged from 5–35 percent.²⁵

In short, despite the lack of comparable data at the school, district, or state level, it’s clear that many barriers to dismissal exist, particularly for veteran teachers. Yet putting these pieces together to form a complete picture of the dismissal process remains a challenge. And much of the literature on dismissal consists of case studies, which tell us little about broader trends or how individual districts may differ from one another.

Data and Methods

This report examines the barriers to the dismissal of ineffective veteran teachers in twenty-five school districts. In this section, we describe how we chose those districts, our approach to data collection, and the metric used to quantify the barriers to dismissal.

District selection

We selected districts based on several factors.

First, we strove for geographic diversity. Therefore, we included districts from twenty-three states (two in California) and the District of Columbia, including at least five districts from each of the four major regions of the United States (Northeast, Midwest, South, and West).

Second, we gave priority to very large school districts, which employ a significant portion of U.S. teachers (and are more likely to have accessible data). Specifically, we included the five largest districts in the country—New York City Public Schools, Los Angeles Unified School District, Chicago Public Schools, Miami-Dade County Public Schools, and Clark County School District—as well as Houston Independent School District and Fairfax Public Schools, which rank seventh and twelfth, respectively.

Finally, we looked for districts that differed in other important and relevant ways. Thus, although our final pool is skewed toward large, urban districts (mostly because data for these districts are easier to come by), we also included nine small or midsized districts and four suburban districts. Similarly, although states where collective bargaining is required are overrepresented, we included four districts from states where bargaining is allowed (but not required) and four districts in states where it is prohibited outright. In addition, although we focus on the dismissal process for tenured teachers, we also include three districts in jurisdictions that have eliminated or essentially eliminated teacher-tenure laws: Charlotte-Mecklenburg School District, Miami-Dade County Public Schools, and District of Columbia Public Schools—an approach that provides an important point of comparison.

Data

How ineffective teachers are dismissed is determined by both state policy (as expressed in laws, rules, and regulations) and district policy, as articulated in collective-bargaining agreements, board policies, and employee handbooks. However, because these documents can be difficult to locate and navigate, we relied on two existing databases for much of the data for this study. NCTQ's [teacher-contract database](#) includes information on collective-bargaining agreements and state policies for over 130 large U.S. school districts, which was a useful source of district and state data for indicators across all three of the “factors” we evaluated. (See the *Methods* section below for more.) Similarly, ECS's [fifty-state comparison of teacher-tenure policies](#) provided state-level data for our first factor, which examines the degree to which tenure protects ineffective teachers from dismissal. For indicators not addressed in either database, we conducted an independent analysis of state and district policies. (See the *Appendix*.)

Prior to publication, we confirmed our data with at least one local reviewer in each of our twenty-five school districts (usually a district or union representative). Based on reviewer feedback, we changed any data points that we could verify with specific language in district or state policy. In other words, our data reflect what is on paper, not the reality of teacher dismissal as it is understood and practiced by those on the ground (see *Paper Trail*).

All data were collected and verified during the spring and summer of 2016.

Paper Trail

Obviously, when it comes to teacher dismissal, what is on paper (that is, what appears in state law, in the district contract, or in board policy) does not always reflect what occurs in practice. Nevertheless, we believe that assessing districts' formal dismissal policies is a worthwhile exercise. Insofar as our scores reveal a gap between policy and practice in certain districts, they still perform a useful public service by focusing attention on those parts of the dismissal process that are not operating as policy would seem to intend.

Methods

If administrators are to have the capacity to dismiss ineffective veteran teachers in reasonably efficient ways, research and common sense suggest that at least three conditions must be satisfied:

- *First, state policy should avoid granting lifelong tenure to teachers, regardless of performance.* Teachers have a legitimate interest in not being arbitrarily or capriciously dismissed, but they should not have a right to indefinite employment if they are ineffective.
- *Second, the timeline for dismissal must be reasonable.* In other words, it must be short enough to avoid undermining the goal of improving teacher quality. Again, teachers have a legitimate interest in being fairly evaluated and (in some cases) having the chance to improve. But these steps should take months rather than years to complete.
- *Third, dismissal for ineffectiveness must be relatively difficult to challenge* (that is, difficult to reverse or derail once ineffectiveness has been established and improvement efforts are deemed to have failed). To be clear, teachers have a legitimate interest in due process. But they shouldn't be entitled to undue processes that make them impossible to fire if the established process has been followed and they have been evaluated as ineffective in the classroom. The goal should be fairness, not paralysis. And the ultimate goal should be doing what's best for kids.

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To capture each of these factors and gauge the overall difficulty of dismissing an ineffective teacher, we divided our primary research question into three subquestions:

- 1. Does tenure protect veteran teachers from performance-based dismissal?**
- 2. How long does it take to dismiss an ineffective veteran teacher?**
- 3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?**

These questions (or “factors”) are the basis for our metric, which is summarized below. (See the *Appendix* for a more detailed explanation of each indicator.)

In general, when using our metric to assign scores to districts, we make two assumptions about the behavior of teachers and administrators:

- First, we assume that administrators are highly motivated to dismiss ineffective teachers and will seek out the most expeditious path to achieving that end.
- Second, we assume that ineffective teachers will resist dismissal and will thus prolong the process whenever possible.

Obviously, both of these assumptions are *frequently* violated in the real world, which is full of passive administrators and cooperative teachers. But they are a useful way of simplifying the conversation, which would be hopelessly complex if it dealt with every possible contingency.

For this same reason, although our sample includes districts from states that have done away with tenure, we exclude from our analysis those teachers who have yet to earn tenure (where it still exists). In other words, our primary focus is the dismissal process for tenured teachers.

Factor 1: Does tenure protect veteran teachers from performance-based dismissal?

After much discussion, we decided to include several districts in states that have eliminated (or essentially eliminated) tenure in our study. We did this for two reasons: First, we wanted to know how these districts compared to the many districts in states where tenure still exists. Second, we realized in the course of our research that tenure was not as binary as we had assumed. For example, teachers in some states forfeit their tenure status if they are rated ineffective.

As noted in the *Background* section, it is much more difficult to dismiss teachers once they have been granted tenure because they have the right to (often extended) due process if the district charges them with incompetency, with the burden of proof falling on the district. Consequently, districts receive two points on our metric if they are located in states where all teachers are probationary (that is, untenured) and one point if teachers forfeit their nonprobationary status if they are rated ineffective, as is the case in some states. (See Table 1.)

Table 1: Evaluation metric for Factor 1

INDICATOR	SCORING
1a. Can teachers earn tenure or the equivalent?	No = 1 Yes = 0
1b. Do tenured teachers revert to probationary status if rated ineffective?*	Yes = 1 No = 0
*Districts where teachers cannot earn tenure receive a score of one for this indicator, as do those where teachers revert to probationary status after two ineffective ratings.	

Factor 2: How long does it take to dismiss an ineffective veteran teacher?

Long timelines make it more difficult for administrators to dismiss ineffective teachers, but they also matter for a simpler reason: Even if an ineffective teacher’s contract is ultimately terminated, every day he or she remains in the classroom (or on the district’s payroll) is detrimental to kids.

In most districts, several factors affect how long it takes to dismiss an ineffective teacher, including the frequency of evaluations, the number of unsatisfactory ratings required for dismissal, the timeline for remediation, and the length of the grievance and/or appeals processes to which the teacher is entitled.

In districts with reasonable dismissal timelines, teachers are evaluated throughout the year and can be placed in remediation as soon as concerns about their performance arise. Following unsuccessful remediation efforts, they are immediately recommended for dismissal (usually at the end of the school year). And the process for grieving an unsatisfactory rating takes less than a semester to complete, minimizing the potential for delay.

“ In many districts, it almost certainly takes far longer to dismiss an ineffective teacher than our metric or data suggest. ”

In contrast, in districts where the timeline for dismissal is unreasonable, teachers may go years without formal evaluation and must usually receive multiple unsatisfactory ratings on their annual evaluation before becoming eligible for dismissal. Teachers in these districts are often entitled to an entire year of remediation after it’s been determined that they are ineffective. And the process for grieving an unsatisfactory rating is lengthy.

Because the frequency of evaluation, the number of evaluations required for dismissal, and the remediation process can interact with one another in important (but complicated) ways, for scoring purposes we treat them as a single indicator that reflects the shortest possible timeline for recommending a teacher for dismissal, from the start of the first evaluation period in which they are rated ineffective to the end of remediation (assuming the latter fails). Districts with a shorter timeline receive more points on this indicator. (See Table 2.) For example, districts where it takes a year or less to recommend an ineffective teacher for dismissal receive three points, while districts where it takes more than three years to recommend an ineffective teacher for dismissal receive no points. Districts also receive a point if their grievance process lasts less than a semester (that is, less than four and a half calendar months), excluding arbitration.

Importantly, although it’s evident that arbitration and appeals processes significantly extend the time to dismissal in many districts, because these processes are indefinite we have no way of gauging the additional time they are likely to require. Consequently, in many districts, it almost certainly takes far longer to dismiss an ineffective teacher than our metric or data suggest.

Table 2: Evaluation metric for Factor 2

INDICATOR		SCORING
2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?*	2ai. How frequently do veteran teachers receive an evaluation rating?	One year or less = 3 More than one and up to two years = 2 More than two and up to three years = 1 More than three years = 0
	2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation?	
	2a.iii. How long must veteran teachers be in remediation before they can be dismissed?	
2b. How long is the grievance process, excluding arbitration? **		Less than 4.5 months (or half of a school year) = 1 4.5 months or more = 0
*This indicator reflects the total amount of time from the start of the first evaluation period in which the teacher is rated ineffective until remediation is deemed to have failed.		
**When steps in the grievance process were expressed in school or work days, we converted them into calendar months.		

Factor 3: How vulnerable is an ineffective veteran teacher’s dismissal to challenge?

Teachers facing dismissal are entitled to some form of due process. But if we want every child to have an effective teacher, the goal should be fairness, not paralysis. Dismissing an ineffective teacher can become prohibitively difficult when the evaluation process, the evaluation rating, the recommendation to dismiss, and the dismissal itself are all vulnerable to challenge. And that’s not good for kids.

At least four factors can make dismissal more or less vulnerable to challenge. These include 1) the number of required observations, which we use as a proxy for vulnerability to procedural challenge (or “grievance”), 2) the grounds on which a teacher may appeal an ineffective evaluation rating, 3) the number of opportunities a teacher has to appeal the recommendation and/or decision to dismiss, and 4) whether any of these appeals are to an individual or entity outside the district.

In general, in districts where dismissal is less vulnerable to challenge, the number of required observations is reasonable, reducing the odds of a procedural violation. Furthermore, the evaluator’s judgment is final, meaning evaluations can only be challenged on procedural grounds (which makes sense, given that the alternative means decisions related to teacher effectiveness are usually left to an untrained arbitrator). Finally, once the superintendent recommends dismissal, teachers are limited to one appeal to a district authority (usually the local board).

In contrast, in districts where dismissal is more vulnerable to challenge, the number of required observations may be unreasonable, increasing the risk of a procedural violation. And even when no such violation has occurred, the substance of the evaluation may be subject to appeal. Moreover, even if a teacher’s ineffective ratings are upheld, he or she may be entitled to multiple appeals, often to one or more courts or boards outside the district with the power to reverse its decision.

For this set of indicators, districts receive a point for requiring five or fewer observations prior to dismissal. (See *What is a reasonable approach to evaluation?*) They also receive a point for prohibiting nonprocedural appeals of evaluation ratings, a point if the dismissal decision and/or recommendation is only subject to one appeal, and a point if a dismissal decision and/or recommendation cannot be appealed beyond the district. (See Table 3.)

The full evaluation metric, which includes all three factors, is displayed on the following page. (See Table 4.)

Table 3: Evaluation metric for Factor 3

INDICATOR	SCORING
3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?*	Five or less = 1 More than five = 0
3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	No = 1 Yes or not addressed = 0
3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	No or unclear = 1 Yes = 0
3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	No or unclear = 1 Yes = 0
*Including both the observations required to establish that a teacher is ineffective and place him or her in remediation and the observations that are required during remediation.	

What is a reasonable approach to evaluation?

Research shows that observing a teacher repeatedly provides a more stable and accurate assessment of his or her quality. Thus, the expectation that teachers be observed more than once before being dismissed is a reasonable one. Yet there is clearly a limit to the number of observations that administrators can reasonably perform, given other demands on their time. And the more observations that are required by contract or state law (either before or after a teacher is placed in remediation), the greater the risk that an administrator will fail to check all the associated boxes and the more vulnerable the teacher's ineffective rating is to challenge. (Obviously, administrators can always choose to perform more observations than are required.)

In our review of the literature on teacher evaluation, we found no evidence that adding a fourth (or more) observation significantly increases the reliability of teacher evaluations. However, because we recognize that there is an argument for giving ineffective teachers the chance to improve (and that determining if they have done so requires additional observations), our metric penalizes districts only if more than five observations are required to dismiss a teacher—three to establish that he or she is ineffective and two more to establish that no improvement has occurred during remediation. Though admittedly somewhat arbitrary, we believe this number rightly approximates what is reasonable and what is unreasonable.

Table 4: How hard is it to dismiss an ineffective veteran teacher? (Full metric)

FACTOR	INDICATOR		DATA SOURCE	SCORING
1. Does tenure protect veteran teachers from performance-based dismissal? (Two points.)	1a. Can teachers earn tenure or the equivalent?		ECS/NCTQ	No = 1 Yes = 0
	1b. Do tenured teachers revert to probationary status if rated ineffective?		ECS	Yes = 1 No = 0
2. How long does it take to dismiss an ineffective veteran teacher? (Four points.)	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?*	2ai. How frequently do veteran teachers receive an evaluation rating?	NCTQ	One year or less = 3 More than one and up to two years = 2 More than two and up to three years = 1 More than three years = 0
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?	District documents; state law	
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?	NCTQ; district documents; state law	
	2b. How long is the grievance process, excluding arbitration?	District documents; state law	Less than 4.5 months = 1 4.5 months or more = 0	
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge? (Four points.)	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		NCTQ	Five or less = 1 More than five = 0
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		NCTQ	No = 0 Yes or not addressed = 1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		NCTQ	No or unclear = 1 Yes = 0
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		NCTQ	No or unclear = 1 Yes = 0
Total possible points				10

*This indicator reflects the total amount of time from the start of the first evaluation period in which the teacher is rated ineffective until remediation is deemed to have failed.

Findings

As Table 5 shows, none of the twenty-five districts in our sample scored higher than an eight out of ten on our metric, suggesting that there are still significant barriers to dismissing ineffective veteran teachers in every district that we examined.

Table 5: How easy or difficult is it to dismiss an ineffective veteran teacher (by district)?

District	Factor 1: Tenure protections (2 points)	Factor 2: Timeline for dismissal (4 points)	Factor 3: Vulnerability to challenge (4 points)	Overall score (out of 10 points)	Implication
Miami-Dade County Public Schools (FL)	2	3	3	8	FEASIBLE
Burlington School District (VT)	0	4	3	7	
Mesa Public Schools (AZ)	1	4	2	7	
Charlotte-Mecklenburg School District (NC)	2	3	1	6	
District of Columbia Public Schools (DC)	2	3	1	6	
Indianapolis Public Schools (IN)	1	3	2	6	
Milwaukee Public Schools (WI)	0	3	3	6	
Albuquerque Public Schools (NM)	0	3	2	5	DIFFICULT
Dayton Public Schools (OH)	0	3	2	5	
Fairfax Public Schools (VA)	0	4	1	5	
Gwinnett County Public Schools (GA)	0	4	1	5	
Houston Independent School District (TX)	0	4	1	5	
Shelby County Schools (TN)	1	3	1	5	
Denver Public Schools (CO)	1	2	1	4	
Detroit Public Schools (MI)	0	3	1	4	
Minneapolis Public Schools (MN)	0	4	0	4	
Montgomery County Public Schools (MD)	0	3	1	4	
Boston Public Schools (MA)	0	2	1	3	
Newark Public Schools (NJ)	0	3	0	3	
School District of Philadelphia (PA)	0	2	1	3	
Clark County School District (NV)	1	1	0	2	
New York City Public Schools (NY)	0	2	0	2	
Chicago Public Schools (IL)	0	1	0	1	
Los Angeles Unified School District (CA)	0	1	0	1	
San Francisco Unified School District (CA)	0	0	0	0	

At least on paper, dismissing an ineffective veteran teacher is feasible in seven of our districts: Burlington School District in Vermont, Charlotte-Mecklenburg School District in North Carolina, Indianapolis Public Schools in Indiana, Mesa Public Schools in Arizona, Miami-Dade County Public Schools in Florida, Milwaukee Public Schools in Wisconsin, and District of Columbia Public Schools in Washington, D.C. However, even in these places, administrators must overcome significant barriers.

Another thirteen districts earn scores between three and five on our metric, suggesting that dismissing an ineffective teacher is likely to be difficult. In many of these communities, the timeline for recommending a teacher for dismissal is reasonable (in theory). However, once teachers earn tenure, the processes through which they are entitled to challenge an attempt to dismiss them put the employer at a severe disadvantage.

Finally, five districts earn scores of two or lower on our metric. In these places, dismissing an ineffective veteran teacher is extremely difficult and virtually impossible to accomplish in a timely fashion. In every district in this group, it takes at least two years just to recommend a tenured teacher for dismissal (and often far longer). And any dismissal attempt is highly vulnerable to challenge.

Analysis

1 In most districts (and states), tenure continues to protect ineffective veteran teachers from performance-based dismissal.

In seventeen of the twenty-five districts in our sample, state law still allows teachers to earn tenure or the equivalent and keep it regardless of performance, which makes it challenging for even the most reform-minded districts to dismiss weak veteran teachers. Conversely, just three districts in our study are located in places where tenure is prohibited: Charlotte-Mecklenburg School District, District of Columbia Public Schools, and Miami-Dade County Public Schools. Five other districts are located in states where teachers forfeit their tenure status if they receive one or more ineffective ratings, which also makes them easier to dismiss (though not always quickly). In Indianapolis and Mesa, teachers revert to probationary status after one ineffective rating. In Clark County, Denver, and Shelby, it takes two ineffective ratings in a row.

2 In most districts, even the shortest possible timeline for dismissing an ineffective veteran teacher is unreasonably protracted.

In theory, the timeline for recommending an ineffective veteran teacher for dismissal is reasonable in at least eleven of our twenty-five districts. Ineffective teachers in Charlotte-Mecklenburg School District, Fairfax Public Schools, Gwinnett County Public Schools, Miami-Dade County Public Schools, Milwaukee Public Schools, and District of Columbia Public Schools can (or must) be recommended for dismissal after one year. And in theory, ineffective teachers in Albuquerque Public Schools, Burlington School District, Houston Independent School

“ In four of our twenty-five districts, it takes more than two years to recommend a teacher for dismissal. ”

District, Mesa Public Schools, and Minneapolis Public Schools could be dismissed even more quickly (though because remediation is mandatory in most of these districts, we suspect that in practice they too dismiss ineffective teachers at the end of the year).

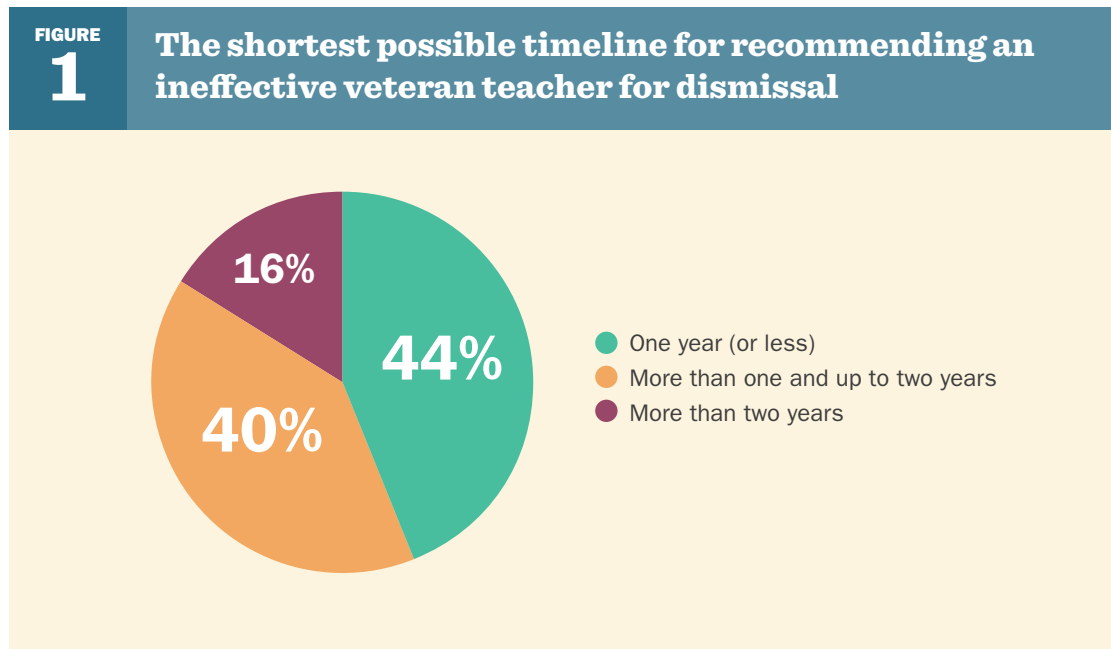
As these examples suggest, it's sometimes unclear what timeline administrators can or must adhere to when seeking

to dismiss an ineffective teacher. For example, Denver Public Schools teachers who are rated ineffective at the end of the year receive at least thirty to ninety days of remediation. However, because Colorado teachers lose their tenured status if they are rated ineffective for two years in a row, we suspect that in practice Denver administrators wait another year before seeking dismissal.

In addition to Denver, there are also eight other districts in our sample where it generally takes two years to recommend an ineffective teacher for dismissal, usually because teachers are legally or practically entitled

to a year of remediation after receiving an ineffective rating. (Boston, where teachers could theoretically be recommended for dismissal in just over a year, is a marginal case.) This is probably the closest thing to an average dismissal timeline that exists, though the term “average” has limited meaning in this context.

Finally, in four of our twenty-five districts, it takes more than two years to recommend a teacher for dismissal. For example, teachers in Chicago Public Schools are evaluated every two years and are then entitled to at least ninety days of remediation if rated ineffective. And in Clark County, state law stipulates that tenured teachers must be rated ineffective for two consecutive years before being placed in remediation, which also lasts for a year. Still, even these districts are no competition for Los Angeles and San Francisco, where most teachers are only evaluated every five years, meaning it can take that long just to assign a teacher his or her first ineffective rating. (See Figure 1.)



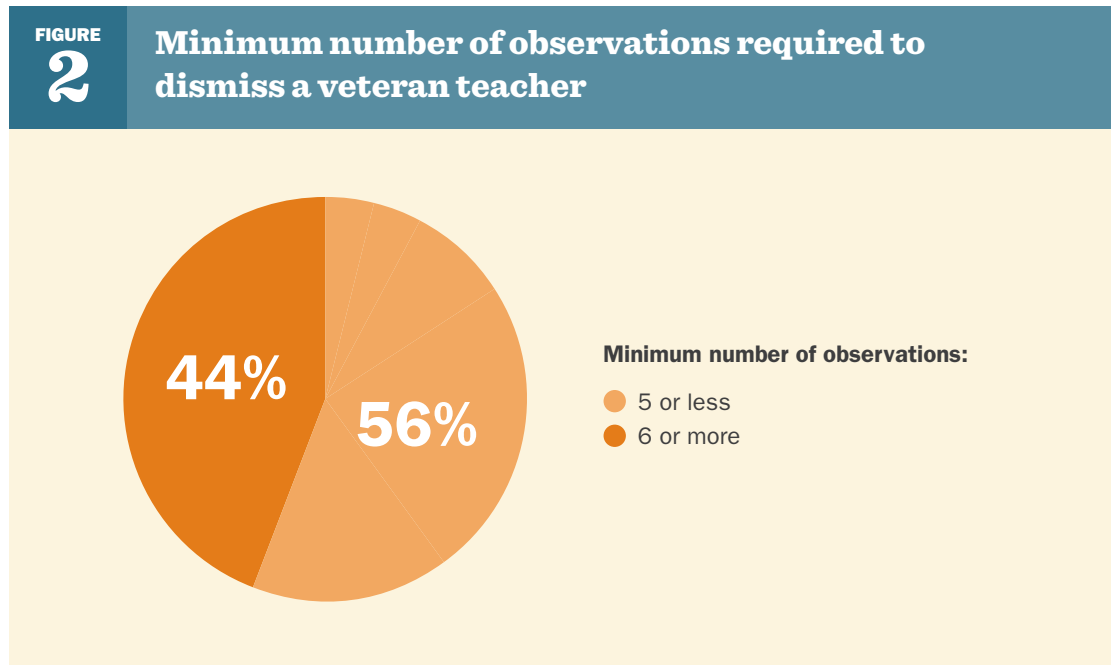
Districts’ grievance policies further prolong the dismissal process; in nearly half of the districts we evaluated, the grievance process lasts half a school year or more (even excluding the delays associated with arbitration). In short, even in a best-case scenario in which administrators take the most expeditious route possible and no grievances or appeals are filed, dismissing an ineffective teacher with tenure takes at least two years in most districts because even recommending an ineffective veteran teacher for dismissal takes well over a year.

3 In most districts, an ineffective veteran teacher’s dismissal is extremely vulnerable to challenge.

3a. In some districts, the number of observations required to dismiss an ineffective teacher is unreasonable.

Observations are an important tool for evaluating teachers. But the more observations are required before moving to dismiss an ineffective teacher, the greater the odds that administrators will inadvertently commit a procedural violation and the more vulnerable a teacher’s dismissal becomes to procedural challenge. This is true regardless of how many evaluation cycles those observations are spread across or whether they occur before or during remediation.

In most of the districts in our sample, the number of observations required per evaluation cycle is reasonable (that is, high enough to ensure a reasonably degree of accuracy but not so high as to be unduly burdensome for administrators). For example, in nineteen of our twenty-five districts, three or fewer observations are required to rate a teacher ineffective, and in seventeen districts, three or fewer observations are required during remediation. Yet in many districts, the total number of observations required for dismissal (that is, the number required to place a teacher in remediation plus the number required during remediation) is counterproductive. For example, in eleven districts, teachers must be observed at least six times before they can be dismissed (See Figure 2). In places like New York City and Shelby County, they must be observed a minimum of eight or nine times.



3b. In most districts, teachers can challenge a negative evaluation even if no procedural violation is alleged.

Dismissing an ineffective teacher is obviously more difficult when the judgment of an administrator or evaluator can be called into question—yet another example of a practice that is reasonable in theory but problematic as currently implemented. In many districts, the local contract explicitly grants teachers the right to appeal a negative evaluation rating on any grounds. In others, the distinction between procedural and nonprocedural challenges is hazy (and likely meaningless in practice).

State law and/or district policy prohibit nonprocedural challenges in six districts in our study: Albuquerque Public Schools, Charlotte-Mecklenburg School District, Dayton Public Schools, Gwinnett County Public Schools, Mesa Public Schools, and Shelby County Schools.

Yet no such prohibition exists in the other nineteen districts, leaving the door open for teachers to challenge a negative evaluation rating on virtually any grounds through whatever processes are available to them. These vary widely but are usually defined in the local contract (rather than state law). In other words, the fact that negative evaluation ratings are often vulnerable to challenge is often a consequence of choices made at the district level.

“ That negative evaluation ratings are often vulnerable to challenge is often a consequence of choices made at the district level. ”

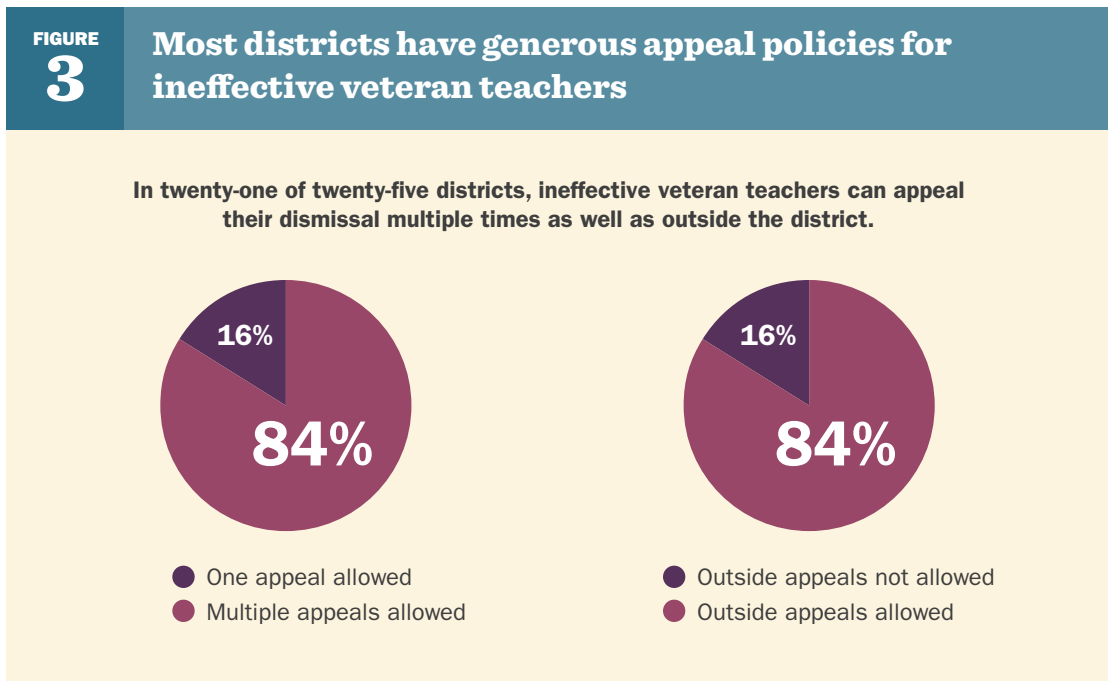
3c. In most districts, dismissal is subject to multiple appeals, at least one of which is to an authority outside the district.

Even if administrators adhere to the evaluation process outlined in the contract, and even if a teacher's negative evaluation rating survives the grievance process, the decision or recommendation to dismiss an ineffective teacher can still be appealed in every district in our study.

Yet all appeals processes are not created equal. For example, an appeal to a court or board outside the district is by definition beyond the district's control (and likely to be expensive). And in general, the more appeals a teacher is entitled to, the more vulnerable the decision to dismiss him or her becomes.

Unfortunately, in twenty-one of our twenty-five districts, teachers can appeal their dismissal more than once (though the processes for doing so vary widely). (See Figure 3.) And in those same twenty-one districts, they can appeal to an entity outside the district (though the grounds vary and are sometimes unclear). Teachers are limited to one internal appeal in just four districts: Burlington, Indianapolis, Miami-Dade, and Milwaukee.

As these numbers suggest, appeals are a near-universal barrier to dismissal. And between the evaluation process, the grievance process, and the various appeals processes that exist, any attempt to dismiss an ineffective teacher is extremely vulnerable to challenge in almost every district in our sample.



Conclusion

So have reports of a national movement to remove ineffective teachers been exaggerated?

To be sure, teacher evaluations have improved. And of course, real headway would require progress on multiple fronts—from better training, to more meaningful career ladders, to more flexible and (in some places) more generous compensation. Still, the ability to dismiss ineffective teachers is a basic indicator of our seriousness of purpose, which our results suggest is overstated.

“ Real headway would require progress on multiple fronts. ”

Despite the deliberate inclusion of reform-minded districts such as Denver Public Schools, Indianapolis Public Schools, and District of Columbia Public Schools, no district in our sample scored higher than eight on our metric. Furthermore, the districts receiving the lowest scores, such as New York City Public Schools, Chicago Public Schools, and Los Angeles Unified, are among the largest in the country.

Given the structural barriers to dismissal that still exist, the fact that places like the District of Columbia and Montgomery County manage to dismiss significant numbers of ineffective teachers is impressive and a testament to the strength of their leadership (and the idiosyncrasies of local politics). But these are the exceptions that prove the rule.

In most of the districts in our sample, state policy still confers lifetime tenure on teachers, weak teachers still take years to dismiss once they have achieved tenured status, and attempts to dismiss ineffective veteran teachers remain vulnerable to challenge at every stage in the process—from evaluation, to remediation, to the dismissal decision, and beyond.

The broader trend—or, rather, the lack of any significant trend—is clear: in most districts and schools, dismissing an ineffective teacher remains far too hard.

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DIFFICULT

Albuquerque Public Schools (NM)

5/10

Although it is easier to dismiss an ineffective veteran teacher in Albuquerque Public Schools than in some districts, the process remains difficult. Once teachers are granted tenure, the decision to dismiss them is vulnerable to challenge (although the timeline for dismissal is reasonable in theory).

How hard is it to dismiss an ineffective veteran teacher in Albuquerque Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year or less. (Teachers are evaluated annually. Unsatisfactory performance is always grounds for dismissal but only after some type of remediation has been attempted.)	3/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?	Nine months.		
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		At least four (two to place an ineffective teacher in remediation, plus periodic observations during remediation).	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		No.	1/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes: to the local board and then to an arbitrator.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to an arbitrator.	0/1

Total points

5/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Boston Public Schools (MA)

3/10

The process for dismissing an ineffective veteran teacher in Boston Public Schools is difficult. Although the timeline for dismissal is reasonable in theory, once teachers are granted tenure the decision to dismiss them is highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Boston Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Over a year. (Teachers on “two-year self-directed growth plans” are placed on an “improvement plan” if they are rated “unsatisfactory” at the end of the first year. Improvement plans last for 30 days to a year.)	2/3
		2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2a.iii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?		Eight to nine months.	0/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		At least five (two to place an ineffective teacher in remediation and at least three during remediation).	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the commissioner for arbitration; this decision is subject to judicial review.	0/1

Total points

3/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

FEASIBLE

Burlington School District (VT)

7/10

While hardly perfect, the process for dismissing an ineffective veteran teacher is easier in Burlington School District than in most districts. Although veteran teachers are protected by tenure, the timeline for dismissing them is reasonable in theory, and the dismissal decision is relatively invulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Burlington School District?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year. (Teachers are evaluated annually but may be placed in remediation at any time during the school year. Teachers who fail to improve their performance by the end of the year may be dismissed.)	3/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?		Three to four months.	1/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Formal observations required but number not specified.	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		No.	1/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		No.	1/1
			Total points	7/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

FEASIBLE

Charlotte-Mecklenburg Schools (NC)

6/10

While hardly perfect, the process for dismissing an ineffective veteran teacher is easier in Charlotte-Mecklenburg Schools than in most districts, thanks to the repeal of North Carolina’s teacher-tenure laws. In theory at least, the timeline for dismissal is reasonable, though dismissal remains highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Charlotte-Mecklenburg Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		No.	1/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		All teachers are probationary.	1/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year. (Teachers are evaluated annually. Those rated ineffective may be recommended for dismissal.)	3/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?		Seven months (excluding school-board hearings).	0/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Seven (three before remediation and four during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		No.	1/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes: to the school board and then to the district superior court.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the district superior court.	0/1
			Total points	6/10

Note: All data were collected from the NCTQ’s [teacher-contract database](#), the ECS’s [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

VERY DIFFICULT

Chicago Public Schools (IL)

1/10

It is more difficult to dismiss an ineffective veteran teacher in Chicago Public Schools than almost anywhere else in the country. Once teachers are granted tenure, the timeline for dismissal is protracted, and the dismissal itself is extremely vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Chicago Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Over two years. (Teachers are evaluated annually or biannually depending on their last rating. Those who receive an unsatisfactory rating or two developing ratings in a row are placed in remediation, which lasts for at least ninety school days.)	1/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?		Five months.	0/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Six (four are required to place an ineffective teacher in remediation and two are required during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes: to a hearing officer and then to the appellate court.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the appellate court.	0/1
			Total points	1/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

VERY DIFFICULT

Clark County School District (NV)

2/10

The process for dismissing an ineffective veteran teacher in Clark County School District is very difficult—more challenging than in most districts. Once veteran teachers are granted tenure, it takes at least three years to dismiss them, and the dismissal itself is extremely vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Clark County School District?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		Yes, if they are rated ineffective for two consecutive years.	1/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Three years. (Teachers are evaluated annually. After two consecutive ineffective ratings, they are placed in remediation, which lasts for a year.)	1/3
		2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2a.iii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?	Six to seven months.		
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Seven (four are required to place a teacher in remediation and three are required during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Issue not addressed in state or local policy.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes. Any teacher deemed probationary due to the results of an evaluation and facing dismissal may appeal to the American Arbitration Association and then to the district court.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes. Any teacher deemed probationary due to the results of an evaluation and facing dismissal may appeal to the American Arbitration Association and then to the district court.	0/1

Total points

2/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Dayton Public Schools (OH)

5/10

Though it's easier to dismiss an ineffective teacher in Dayton Public Schools than in most districts, the process remains difficult. For teachers who are granted tenure, the timeline for dismissal is protracted, and the dismissal itself is vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Dayton Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Two years. (Teachers are evaluated annually. Those rated ineffective are placed in remediation, which lasts for a year.)	2/3
		2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2a.iii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?			
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Five (two prior to remediation and three during remediation).	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		No.	1/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes: to the court of common pleas and the appellate court.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the court of common pleas and the appellate court.	0/1

Total points

5/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Denver Public Schools (CO)

4/10

The process for dismissing an ineffective veteran teacher in Denver Public Schools is difficult. Once teachers are granted tenure, they are largely protected against performance-based dismissal by a protracted timeline, and the dismissal itself is highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Denver Public Schools?

FACTOR	INDICATOR	DATA	SCORE	
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	Yes.	0/1	
	1b. Do tenured teachers revert to probationary status if rated ineffective?	Yes, after two consecutive ineffective ratings.	1/1	
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating? 2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation? 2a.iii. How long must veteran teachers be in remediation before they can be dismissed?	Over a year. (Teachers are evaluated annually. Those rated ineffective may be placed in remediation, which lasts for thirty to ninety days.)	2/3
	2b. How long is the grievance process, excluding arbitration?	Six months.	0/1	
	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	At least five (at least four observations are required to place an ineffective teacher in remediation, and observations are also required during remediation, though the number is not specified).	1/1	
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	Yes.	0/1	
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	Yes: to the Court of Appeals and then to the Supreme Court.	0/1	
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	Yes: to the Court of Appeals and then to the Supreme Court.	0/1	

Total points 4/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Detroit Public Schools Community District (MI)

4/10

Though it is easier to dismiss an ineffective veteran teacher in Detroit Public Schools Community District than in some districts, the process remains difficult. For teachers with tenure, the timeline for performance-based dismissal is protracted, and the dismissal itself is highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Detroit Public Schools Community District?

FACTOR	INDICATOR	DATA	SCORE	
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	Yes.	0/1	
	1b. Do tenured teachers revert to probationary status if rated ineffective?	No.	0/1	
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating? 2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation? 2a.iii. How long must veteran teachers be in remediation before they can be dismissed?	Two years. (Teachers are evaluated annually. After the first ineffective rating, they are placed in remediation, which lasts for at least a year.)	2/3
	2b. How long is the grievance process, excluding arbitration?	Evaluation is not grievable under Michigan law.	1/1	
	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	At least four (multiple observations are required to place an ineffective teacher in remediation, and at least two are required during remediation).	1/1	
	3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	Yes.	0/1
3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes: to the tenure commission, and then to the court of appeals.	0/1	
3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the tenure commission, and then to the court of appeals.	0/1	

Total points 4/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

FEASIBLE

District of Columbia Public Schools (DC)

6/10

Though hardly perfect, the process for dismissing an ineffective veteran teacher is easier in the District of Columbia Public Schools than in most districts. Because all District of Columbia teachers are probationary, the timeline for dismissal is reasonable, though the dismissal decision remains highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in the District of Columbia Public Schools?

FACTOR	INDICATOR	DATA	SCORE	
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	No.	1/1	
	1b. Do tenured teachers revert to probationary status if rated ineffective?	All teachers are probationary.	1/1	
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year. (Teachers are evaluated annually. Those rated ineffective are dismissed.)	3/3
		2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2a.iii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?	Six months (excluding arbitration).	0/1	
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	Between one and five, depending on experience and performance.	1/1	
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	Yes.	0/1	
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	Yes: to the Superintendent, then to the D.C. Office of Employee Appeals.	0/1	
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	Yes: to the D.C. Office of Employee Appeals.	0/1	
Total points			6/10	

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Fairfax County Public Schools (VA)

5/10

Though it's easier to dismiss an ineffective veteran teacher in Fairfax County Public Schools than in some districts, the process remains difficult. Although the timeline for dismissal is reasonable in theory, once teachers are granted tenure, the decision to dismiss them is highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Fairfax County Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year. (Tenured teachers receive summative evaluations every three years but may be placed on a summative evaluation cycle by an evaluator at any time with cause. Tenured teachers who receive an ineffective rating on a summative evaluation may be recommended for dismissal.)	3/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?	Up to four months (excluding school-board hearings).		
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		At least four (at least two are required to place an ineffective teacher in remediation and at least two are required during remediation).	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Yes: to the evaluator's supervisor, then to the Assistant Superintendent.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes: through the district's review process and to the appellate court.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the appellate court.	0/1

Total points

5/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Gwinnett County Public Schools (GA)

5/10

Though it's easier to dismiss an ineffective veteran teacher in Gwinnett County Public Schools than in some districts, the process remains difficult. Once teachers are granted tenure, the decision to dismiss them is highly vulnerable to challenge (though the timeline for dismissal is reasonable in theory).

How hard is it to dismiss an ineffective veteran teacher in Gwinnett County Public Schools?

FACTOR	INDICATOR	DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?	No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year. (Teachers are evaluated annually, and an ineffective rating is considered evidence of incompetency. No remediation required.)
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?	
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?	
	2b. How long is the grievance process, excluding arbitration?	There is no grievance process under Georgia law.	1/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	At least six.	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	No.	1/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	Yes: first to the State Board of Education, then to the superior court of the county.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	Yes: first to the State Board of Education, then to the superior court of the county.	0/1
Total points			5/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Houston Independent School District (TX)

5/10

While it's easier to dismiss an ineffective veteran teacher in Houston Independent School District than in most districts, the process remains difficult. Although the timeline for dismissal is reasonable in theory, the dismissal itself is high vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Houston Independent School District?

FACTOR	INDICATOR	DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?	No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year or less. (Houston's contract acknowledges state law, which says that a teacher may be dismissed at any time for good cause as determined by the board of trustees.)
		2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation?	
		2a.iii. How long must veteran teachers be in remediation before they can be dismissed?	
	2b. How long is the grievance process, excluding arbitration?	Three to four months (with the possibility of further extensions).	1/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	At least four. (Four observations are required to place an ineffective teacher in remediation. During remediation, the number of observations is determined on a case-by-case basis.)	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	Yes: to a hearing officer and then to the district court.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	Yes: to the district court.	0/1
Total points			5/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

Indianapolis Public Schools (IN)

6/10

Dismissing an ineffective veteran teacher is easier in Indianapolis Public Schools than in most districts. Although the timeline for dismissal is protracted, tenured teachers who are rated ineffective revert to probationary status, and the decision to dismiss them is relatively invulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Indianapolis Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		Yes.	1/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Two years. (Teachers are evaluated annually. Those rated ineffective are placed in remediation, which lasts for at least a year.)	2/3
		2a.ii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2a.iii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?	Two to three months.		
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Seven (three prior to remediation and four during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Issue not addressed in state or local policy.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		No.	1/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		No.	1/1
			Total points	6/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

VERY DIFFICULT

Los Angeles Unified School District (CA)

1/10

It is more difficult to dismiss an ineffective teacher in Los Angeles Unified School District than almost anywhere else in the country. Once teachers are granted tenure, it can take up to five years just to assign them their first negative evaluation rating. And the decision to dismiss an ineffective teacher is extremely vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Los Angeles Unified School District?

FACTOR	INDICATOR	DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?	No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Three to six years. (Teachers who have been employed by the district for at least ten years and who receive a “meets standards” rating are evaluated every five years. Other tenured teachers are evaluated every two years. Teachers rated below standard are placed in remediation, which lasts for a year.)
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?	
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?	
	2b. How long is the grievance process, excluding arbitration?	Three to four months.	
3. How vulnerable is an ineffective veteran teacher’s dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	Six (two are required to place an ineffective teacher in remediation, and four are required during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	Yes: to the Commission on Professional Competence and then to a “court of competent jurisdiction.”	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	Yes: to a “court of competent jurisdiction.”	0/1

Total points

1/10

Note: All data were collected from the NCTQ’s [teacher-contract database](#), the ECS’s [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

FEASIBLE

Mesa Public Schools (AZ)

7/10

Though hardly perfect, the process for dismissing an ineffective teacher is easier in Mesa Public Schools than in most districts. Tenured teachers who are rated ineffective revert to nonprobationary status in Arizona, and the timeline for dismissing them is reasonable. However, the dismissal itself remains vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Mesa Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		Yes.	1/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year or less. (Teachers are evaluated every semester. Those rated ineffective are placed in remediation, which typically lasts for forty-five days.)	3/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?	Three months.		
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Four (three to place an ineffective teacher in remediation and at least one during remediation).	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		No.	1/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes: to a hearing officer and then to the county's superior court.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the county's superior court.	0/1
			Total points	7/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

FEASIBLE

Miami-Dade County Public Schools (FL)

8/10

Because Florida has essentially abolished tenure, dismissing an ineffective veteran teacher is easier in Miami-Dade County Public Schools than almost anywhere else in the country. Although teachers have the right to appeal a negative evaluation, the dismissal decision is relatively invulnerable to challenge, and the timeline for dismissal is reasonable.

How hard is it to dismiss an ineffective veteran teacher in Miami-Dade County Public Schools?

FACTOR	INDICATOR	DATA	SCORE	
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	No.	1/1	
	1b. Do tenured teachers revert to probationary status if rated ineffective?	All teachers are probationary.	1/1	
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	At least a year. (Teachers are evaluated annually. Those receiving an unsatisfactory rating receive thirty-one days of “support dialogue” followed by a ninety-day improvement plan.)	3/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?	Six months.		
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	Three (one to place an ineffective teacher in remediation and two during remediation).	1/1	
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	Yes, teacher may request a review of up to three performance standards.	0/1	
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	Only for teachers dismissed for reasons other than ineffectiveness.	1/1	
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	Only for teachers dismissed for reasons other than ineffectiveness.	1/1	
Total points			8/10	

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

FEASIBLE

Milwaukee Public Schools (WI)

6/10

While hardly perfect, the process for dismissing an ineffective veteran teacher is easier in Milwaukee Public Schools than in most districts. Although teachers can still earn tenure, the timeline for dismissal is reasonable, and the dismissal decision is relatively invulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Milwaukee Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year. (Teachers are evaluated on a three-year cycle, but may be placed on a “summative” cycle at the discretion of the evaluator, in which case they may be dismissed at the end of the year if they fail to improve.)	3/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?		Five months.	0/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Three (three observations are required to place an ineffective teacher in remediation, though the district does not have specific requirements for how many are required during remediation).	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		No.	1/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		No.	1/1

Total points

6/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Minneapolis Public Schools (MN)

4/10

Though it is easier to dismiss an ineffective veteran teacher in Minneapolis Public Schools than in some districts, the process remains difficult. Once teachers are granted tenure, dismissal is extremely vulnerable to challenge (though the timeline for dismissal is reasonable in theory).

How hard is it to dismiss an ineffective veteran teacher in Minneapolis Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	One year or less. (Tenured teachers receive summative evaluations every two years but may be placed in remediation at any time if there are concerns about their performance. The expedited remediation process lasts forty-five days.)	3/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?		Three to four months.	1/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Six (two observations are required to place an ineffective teacher in remediation and four are required during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Issue not addressed in state or local policy.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: for judicial review.	0/1

Total points

4/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Montgomery County Public Schools (MD)

4/10

Though dismissing an ineffective veteran teacher is easier in Montgomery County Public Schools than in some districts, the process remains difficult. Once teachers have been granted tenure, the timeline for dismissal is protracted, and the dismissal itself is highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Montgomery County Public Schools?

FACTOR	INDICATOR	DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?	No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Two years. (Tenured teachers receive summative evaluations every three to five years. However, principals may request a “special evaluation” at any point in the cycle. Teachers who receive a rating of below standard on such an evaluation are placed in remediation, which typically lasts for a year.)
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?	
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?	
	2b. How long is the grievance process, excluding arbitration?	Four months.	
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	Five (two observations are required to place an ineffective teacher in remediation and three are required during remediation).	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	Yes.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	Yes: to the circuit court.	0/1
Total points			4/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

VERY DIFFICULT

New York City Public Schools (NY)

2/10

It is more difficult to dismiss an ineffective veteran teacher in New York City Public Schools than in almost any other district in the country. Once teachers are granted tenure, the dismissal timeline is protracted, and the dismissal itself is extremely vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in New York City Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Two years. (Teachers are evaluated annually and can be dismissed following two ineffective ratings. Teachers who are rated ineffective receive at least a year of remediation.)	2/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?		Five to six months.	0/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Eight (four observations are required to place an ineffective teacher in remediation and four are required during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the state supreme court.	0/1
			Total points	2/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Newark Public Schools (NJ)

3/10

The process for dismissing an ineffective veteran teacher in Newark Public Schools is difficult. Once teachers are granted tenure, the timeline for dismissing them is protracted, and the dismissal itself is extremely vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Newark Public Schools?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Two years. (Teachers are evaluated annually and can be dismissed following two ineffective ratings. Those rated ineffective typically receive at least a year of remediation.)	2/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?	Three months.		
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Seven (three observations are required to place an ineffective teacher in remediation and four are required during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Yes.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to an arbitrator.	0/1

Total points

3/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

VERY DIFFICULT

San Francisco Unified School District (CA)

0/10

It is harder to dismiss an ineffective teacher in the San Francisco Unified School District than almost anywhere else in the country. Once teachers are granted tenure, they are largely protected against performance-based dismissal because the evaluation timeline is so protracted and the dismissal itself is extremely vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in the San Francisco Unified School District?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Three to six years. (Teachers who have been employed by the district for at least ten years and who are rated as meeting standards are evaluated every five years. Other tenured teachers are evaluated every two years. Teachers rated below standard are placed in remediation, which lasts for at least a year.)	0/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?			
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Seven (one observation required to place an ineffective teacher in remediation and at least six required during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Issue not addressed in state or local policy.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes: to the Commission on Professional Competence and then to a "court of competent jurisdiction."	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to a "court of competent jurisdiction."	0/1

Total points 0/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

School District of Philadelphia (PA)

3/10

Dismissing an ineffective veteran teacher is more difficult in the School District of Philadelphia than in most districts. Once teachers are granted tenure, the timeline for dismissal is protracted, and the dismissal decision is highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in the School District of Philadelphia?

FACTOR	INDICATOR		DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?		Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?		No.	0/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Two years. (Teachers are evaluated annually and can be dismissed following two ineffective ratings. Teachers who are rated ineffective typically receive at least a year of remediation.)	2/3
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?		
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?		
	2b. How long is the grievance process, excluding arbitration?		Five to six months.	0/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?		Four (three observations are required to place an ineffective teacher in remediation and at least one is required during remediation).	1/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?		Issue not addressed in state or local policy.	0/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?		Yes.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?		Yes: to the Professional Standards and Practices Commission.	0/1
			Total points	3/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

DIFFICULT

Shelby County Schools (TN)

5/10

Although it's easier to dismiss an ineffective veteran teacher in Shelby County Schools than in some districts, the process remains difficult. Tenured teachers revert to probationary status if they are rated ineffective, but the timeline for dismissing them is protracted, and the dismissal itself is highly vulnerable to challenge.

How hard is it to dismiss an ineffective veteran teacher in Shelby County Schools?

FACTOR	INDICATOR	DATA	SCORE
1. Does tenure protect veteran teachers from performance-based dismissal?	1a. Can teachers earn tenure or the equivalent?	Yes.	0/1
	1b. Do tenured teachers revert to probationary status if rated ineffective?	Yes, if they are rated ineffective for two consecutive years.	1/1
2. How long does it take to dismiss an ineffective veteran teacher?	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?	2ai. How frequently do veteran teachers receive an evaluation rating?	Two years. (Teachers are evaluated annually. Those rated ineffective are placed in remediation, which lasts for at least a year.)
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?	
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?	
	2b. How long is the grievance process, excluding arbitration?	Four months.	1/1
3. How vulnerable is an ineffective veteran teacher's dismissal to challenge?	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	At least nine. (Four or five observations are required to place an ineffective teacher in remediation and at least five are required during remediation).	0/1
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	No.	1/1
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	Yes: to the state board and then to the county's chancery court.	0/1
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	Yes: to the state board and then to the county's chancery court.	0/1
Total points			5/10

Note: All data were collected from the NCTQ's [teacher-contract database](#), the ECS's [fifty-state comparison of teacher-tenure policies \(2014\)](#), and from other district documents (including teacher contracts, board policies, and employee handbook) during the spring and summer of 2016.

Appendix:

Detailed Methodology and Rationale

Indicators and scoring

To gauge the difficulty of dismissing an ineffective teacher in each of the twenty-five districts in our study, we constructed a metric to evaluate three “factors” that pose a challenge to dismissal: the degree to which tenure protects veteran teachers from performance-based dismissal, how long it takes to dismiss an ineffective veteran teacher, and how vulnerable an ineffective veteran teacher’s dismissal is to challenge. Each of these factors is comprised of multiple sub-indicators, as described below.

The policies and procedures that dictate how ineffective teachers are dismissed are either a matter of state law or district policy and documents (such as collective bargaining agreements or board policies). All data were collected from the National Council on Teacher Quality’s (NCTQ’s) [teacher contract database](#) (using the most current teacher contracts on file), the Education Commission of the States’s (ECS’s) [50-State comparison of teacher-tenure policies \(2014\)](#), or from district and state documents (including teacher contracts, board policies, and employee handbooks) during the spring and summer of 2016.

Prior to publication, we confirmed our data with at least one local reviewer in each district (such as a district or union representative). Based on district feedback, we revised our data when we were able to verify the recommendations with specific language in district documents or state law. Our data therefore reflect teacher-dismissal policies as they exist *on paper* and not always as they are understood or interpreted in practice. Table A-1 outlines our evaluation metric, data sources, and scoring.

Table A-1: How hard is it to dismiss an ineffective veteran teacher? (Full metric)

FACTOR	INDICATOR		DATA SOURCE	SCORING
1. Does tenure protect veteran teachers from performance-based dismissal? (Two points)	1a. Can teachers earn tenure or the equivalent?		ECS/NCTQ	No = 1 Yes = 0
	1b. Do tenured teachers revert to probationary status if rated ineffective?		ECS	Yes = 1 No = 0
2. How long does it take to dismiss an ineffective veteran teacher? (Four points)	2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?*	2ai. How frequently do veteran teachers receive an evaluation rating?	NCTQ	One year or less = 3 More than one and up to two years = 2 More than two and up to three years = 1 More than three years = 0
		2aii. How many times must a veteran teacher be rated ineffective to be placed in remediation?	District documents; state law	
		2aiii. How long must veteran teachers be in remediation before they can be dismissed?	NCTQ; district documents; state law	
	2b. How long is the grievance process, excluding arbitration?	District documents; state law	Less than 4.5 months = 1 4.5 months or more = 0	

Table A-1: How hard is it to dismiss an ineffective veteran teacher? (Full metric) (Continued...)

3. How vulnerable is an ineffective veteran teacher's dismissal to challenge? (Four points)	3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?	NCTQ	Five or less = 1 More than five = 0
	3b. Can a veteran teacher appeal an evaluation if there are no acknowledged procedural violations?	NCTQ	No = 1 Yes or not addressed = 0
	3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?	NCTQ	No or unclear = 1 Yes = 0
	3d. Can a veteran teacher appeal a dismissal decision beyond the school district?	NCTQ	No or unclear = 1 Yes = 0
Total possible points			10
*This indicator reflects the total amount of time from the start of the first ineffective evaluation period until remediation is deemed to have failed.			

Factor 1: Does tenure protect veteran teachers from performance-based dismissal?

This factor examines the degree to which tenure protects ineffective veteran teachers from dismissal. Although this report focuses primarily on the difficulty of dismissing an ineffective *tenured* teacher, we included several districts that have essentially eliminated tenure for the sake of comparison (such as Charlotte-Mecklenburg Schools and Miami-Dade County Public Schools).

Indicator 1a. Can teachers earn tenure or the equivalent?

Teachers are harder to dismiss if they have nonprobationary status (that is, tenure). Data for this indicator are drawn from ECS's fifty-state comparison of teacher-tenure policies and NCTQ's teacher contract database. The former details each state's "requirements for earning non-probationary status" (or teacher tenure), while the latter provides data on the "minimum number of years of experience that a teacher must have in a district before tenure is granted." Districts in states where teachers cannot earn nonprobationary status received one point on this indicator. Districts in states where teachers can earn nonprobationary status received zero points.

Indicator 1b. Do tenured teachers revert to probationary status if rated ineffective?

Tenured teachers are easier to dismiss if they can lose their tenured status for poor performance. Data for this indicator are drawn from ECS's fifty-state comparison of teacher-tenure policies, which details the "requirements for earning nonprobationary status." Districts in states where tenured teachers must be returned to probationary status if rated ineffective earned one point on this indicator. Districts in states where this is not the case received zero points (note that districts where teachers cannot earn tenure, such as Charlotte-Mecklenburg Schools, earned a point for this indicator, as did those where teachers revert to probationary status after two ineffective ratings, such as Clark County School District).

Factor 2: How long does it take to dismiss an ineffective veteran teacher?

This factor gauges the length of time it takes to dismiss an ineffective veteran teacher by estimating the shortest possible timeline for dismissal, as well as the approximate length of the grievance process (excluding arbitration).

Indicator 2a. What is the shortest amount of time it can take to recommend an ineffective veteran teacher for dismissal?

An unreasonably protracted timeline defeats the purpose of dismissal: ensuring that every classroom has an effective teacher. To estimate the shortest amount of time it can take to dismiss an ineffective veteran teacher, we multiplied the length of a standard evaluation cycle by the number of ineffective ratings a teacher must receive to be placed on remediation, and then added that length of time to the minimum time required for remediation to arrive at an overall timeline.

Districts where the overall timeline is one year or less received three points.

Districts where the overall timeline is more than one and up to two years received two points. Districts where the overall timeline is more than two and up to three years received one point. Districts where the overall timeline is more than three years received zero points.

Data for this indicator derive from several questions in the NCTQ database, such as:

“How frequently do tenured teachers receive an evaluation rating?” and “How long is the remediation process?” These data were confirmed and supplemented through an independent analysis of district documents and state laws and regulations.

Indicator 2b. How long is the grievance process, excluding arbitration?

Teachers wishing to contest an evaluation rating on procedural grounds may file a grievance, thus initiating a new process that can delay the dismissal decision. To estimate the length of the grievance process in each district, we counted the number of days required or allowed for each step in the process (as detailed in district documents) and converted the total number of days into months. Districts where the grievance process takes less than four-and-a-half months (or half a school year), earn a point on this indicator, as do districts where evaluation is not grievable under state law. Districts where the grievance process lasts four-and-a-half months or more receive zero points.

Factor 3: How vulnerable is an ineffective veteran teacher’s dismissal to challenge?

This factor examines the degree to which an ineffective veteran teacher’s dismissal is vulnerable to challenge, based on four indicators: the number of observations required to dismiss such a teacher, whether the teacher can appeal an evaluation rating without alleging a procedural violation, whether the teacher can appeal a dismissal decision or recommendation more than once, and whether the teacher can appeal a dismissal decision beyond the school district.

Indicator 3a. What is the minimum number of observations required to dismiss an ineffective veteran teacher?

The more observations required to dismiss an ineffective teacher, the greater the odds that a procedural violation will occur (leaving a teacher’s dismissal vulnerable to challenge). Data for this indicator derive from two questions in the NCTQ database: “What is the minimum number of times a tenured teacher must be observed during the evaluation?” and “How many classroom observations (minimum) are required during remediation?” For most

districts, the minimum number of observations required to dismiss an ineffective teacher is the sum of these two numbers. Districts where five or fewer observations are required receive one point on this indicator, while those where more than five observations are required receive zero points.

Indicator 3b. Can a veteran teacher appeal an evaluation rating if there are no acknowledged procedural violations?

The grounds on which a teacher can appeal an ineffective evaluation rating also make dismissal more or less vulnerable to challenge. Data for this indicator derive from the NCTQ database, which asks: “Can the teacher file a grievance or formally appeal an evaluation rating if there are no acknowledged procedural violations?” Districts where teachers can only challenge evaluation ratings on procedural grounds receive one point on this indicator. Districts where teachers can appeal evaluations when no procedural violation has occurred (or where policy is unclear) receive zero points.

Indicator 3c. Can a veteran teacher appeal a dismissal decision or recommendation more than once, either within the district or externally?

The more times a teacher can appeal his or her dismissal, the harder he or she is to dismiss. Data for this indicator derive from NCTQ’s database, which asks: “Can a teacher request a second evaluation from a different evaluator?” Districts where teachers are limited to one appeal receive one point on this indicator. Districts where multiple appeals are allowed receive zero points.

Indicator 3d. Can a veteran teacher appeal a dismissal decision beyond the school district?

A teacher’s dismissal is more vulnerable to challenge when it can be appealed beyond the school district. Data for this indicator derive from NCTQ’s database, which asks: “Can a teacher appeal dismissal beyond the school district?” Districts where teachers can appeal their dismissal to an authority outside of the district receive zero points on this indicator. Districts where teachers cannot appeal to an authority outside of the district receive one point.