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Recent Teacher Effectiveness Legislation: How Do the States Stack Up?

Bellwether Education Partners
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Overview

During the 2010 and 2011 legislative sessions, several states passed legislation to improve teacher effectiveness by, among other things:

- Mandating meaningful teacher evaluations based in part on student achievement
- Eliminating barriers to the dismissal of underperforming teachers
- Changing state policies that required reductions in force be made solely based on seniority, with no accounting for teacher performance

Many states have taken legislative or regulatory action on teacher effectiveness in recent years. Among these, a handful of states stand out for the significant steps they have taken to base key personnel decisions on meaningful evaluations of teacher effectiveness, as measured in part by impact on student learning. There is, however, significant variety among state teacher effectiveness laws, and each has different strengths and weaknesses. To help the education reform community better understand the differences in state teacher effectiveness legislation, Bellwether Education Partners analyzed recently passed teacher effectiveness legislation against 13 criteria (see Appendix for full rubric):

- Are teachers evaluated annually?
- Are teacher evaluations based on student achievement?
- Are there multiple, clearly defined levels of teacher effectiveness?
- Are parents and the public provided clear information about teacher effectiveness?
- Can ineffective teachers be dismissed?
- Is teacher tenure awarded based on effectiveness?
- Can ineffective teachers lose tenure?
- Is teacher effectiveness, rather than seniority, the primary consideration in reductions in force and excessing decisions?
- Is teacher effectiveness the primary consideration in excessing decisions, and may districts dismiss excessed teachers who do not find new positions through mutual consent?
- Does the law protect students from being consecutively assigned to ineffective teachers?
- Do principals have the authority to decide who teaches in their schools?
- Are effective teachers rewarded with increased compensation?
- Does the law support school leaders' autonomy to make human capital decisions that meet their schools' needs?

Based on these criteria, we created a score card for each state's teacher effectiveness legislation. Our goal in creating these score cards is not to deem one state's legislative efforts "better" than another, but to identify strengths and weaknesses of each state's laws, so that more states can replicate the strong elements of recently passed legislation, or mitigate areas of weakness.

State Law Ratings

State	Law (Year Passed)	Rating (13 possible points)
Colorado	SB 191 (2010)	10.5
Florida	SB 736 (2011)	9
Illinois	SB 315 (2010), SB 7 (2011)	6.5
Indiana	SB 1 (2011)	11.25
Tennessee	SB 7005 (2010), SB 1528 (2011), HB 130/SB 113 (2011)	8

When considering the ratings given to different state laws, readers should keep several contextual factors in mind:

- States receive only one rating, even if they have passed multiple pieces of legislation related to teacher effectiveness. **Ratings reflect a state's policies after recent legislation, not the progress made in legislation.** A state that had particularly weak or restrictive policies prior to recent legislation may actually have made *more* progress than a state that receives a higher rating.
- **State political context mitigates the extent of reform that is possible.** States with lower ratings often have political contexts that are less amenable to bold reforms.
- **Timing matters.** States that enacted legislation later have taken ideas and lessons from those that did so earlier, so to some extent ratings for laws that were passed earlier are likely to be lower than those for laws passed later.

Finally, it is important to realize that passing legislation is only the first step in improving teacher effectiveness in a state. **How a state and its districts implement legislative requirements is just as, if not more, important.** An exemplary law at passage can be undone by weak implementation. It is still too early to tell how each of these laws will play out in practice.

Colorado








Law Analyzed	SB 191
Date Passed	May 2010
Overall Rating (out of 13)	10.5

Colorado's SB 191 is the first-passed of the state laws we reviewed, and in many respects set the standard for those that followed it. SB 191 establishes expectations for a system of annual teacher evaluations, based at least 50% on teachers' impact on student achievement, and creates a state commission to further flesh out the details of the system. The legislation also conditions teacher tenure on teacher effectiveness and allows for the dismissal of ineffective teachers. Championed by state Sen. Mike Johnston (D), SB 191 was passed by a Democratically controlled legislature, with support from the Colorado AFT, and signed into law by Democratic Gov. Bill Ritter.

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

Potential areas for improvement in Colorado law related to teacher effectiveness are around transparent reporting to parents and preventing students from being taught by "ineffective" teachers in multiple years—issues that SB 191 does not address but that later-passed legislation in other states does.

Colorado

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are teacher evaluations based on student achievement?	Student academic growth must constitute at least 50% of the teacher's evaluation.	
Are there multiple, clearly defined levels of teacher effectiveness?	The law defines 3 levels of teacher performance; the Council tasked with developing standards for teacher evaluation is defining 4 levels.	
Are parents and the public provided clear information about teacher effectiveness?	Does not specify requirements for public/parent reporting of teacher effectiveness, but does not preclude.	
Is award of teacher tenure based on effectiveness?	Yes. To receive tenure a new teacher must complete 3 years of teaching with evaluations of "effective" or better.	
Can teachers lose tenure if they are not effective?	Yes. A tenured teacher who receives two consecutive "ineffective" evaluations loses tenure.	
Can ineffective teachers be dismissed?	If a teacher who has been evaluated "ineffective" and receives a remediation plan is still not performing effectively after completion of a remediation plan, the evaluator may recommend either dismissal or continued remediation. Dismissal is still subject to previous law. However, the ability to revoke tenure of ineffective teachers makes it easier to dismiss them.	

Colorado

Criteria	Explanation	Score
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Law requires teacher evaluations to be considered as a significant factor in reductions in force, and allows seniority and tenure to be considered only after teacher performance.	●
Is teacher effectiveness the primary consideration in excessing decisions?	Yes. Excessing decisions are based on performance, and excessed teachers may obtain new placements in the district only through mutual consent hiring. The law provides a process for dismissal from district employment for teachers who fail to find a new position within their district through mutual consent after two hiring cycles.	●
Do principals have authority to decide who teaches in their schools?	Yes. Law clearly states that teachers may be assigned to a school only with the consent of the hiring principal and at least two teachers employed at the school. The law also provides a process for dismissal from district employment of teachers who fail to find a new position through mutual consent.	●
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	○
Can effective teachers be rewarded with increased compensation?	Law requires districts to develop systems of incentive pay for effective teachers working in hard-to-staff schools and does not create barriers to compensating teachers based on performance.	●
Does the law support the autonomy of school leaders to make human capital decisions that meet their schools' needs?	Law takes a number of steps to ensure that principals have authority over who teaches in their schools, is not overly prescriptive, and does not infringe on charter school autonomy.	●

Florida

Law Analyzed	SB 736
Date Passed	March 2011
Overall Rating (out of 13)	9

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







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

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

Florida

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes, and new teachers are evaluated twice.	●
Are teacher evaluations based on student achievement?	Yes. At least 50% of evaluation must be based on data and indicators of student learning growth (in some cases 40%). State Board of Ed shall adopt rules to ensure a minimum standard of student learning growth, below which teachers must receive an unsatisfactory rating, and minimum growth standards for effective and highly effective ratings. Other factors in evaluation include instructional practice aligned with Florida Educator Accomplished Practices and professional responsibilities.	●
Are there multiple, clearly defined levels of teacher effectiveness?	Yes.	●
Are parents and the public provided clear information about teacher effectiveness?	Yes. Department of Education issues annual report on the percentage of teachers receiving each performance rating, disaggregated by school and district. Each school district shall annually report to the parents of any student assigned to a teacher who has received 2 consecutive “unsatisfactory” ratings, 2 “unsatisfactory” ratings in the last 3 years, or 3 consecutive “needs improvement” ratings.	◐
Is award of teacher tenure based on effectiveness?	Law eliminates tenure for new and not-yet tenured teachers.	●
Can teachers lose tenure if they are not effective?	Teachers who currently have tenure may choose to retain tenure and the current salary schedule, or may give up tenure and switch to a new performance salary schedule, which offers the potential for higher compensation.	◐
Can ineffective teachers be dismissed?	Yes. Law requires teachers to be dismissed if they receive 2 consecutive “unsatisfactory” ratings, 2 “unsatisfactory” ratings in a 3 year period, or 3 consecutive “needs improvement” ratings. Law streamlines process for teacher dismissal, allowing appeal and a hearing by either the school board or an administrative law judge, but school board vote is final in either case.	●

Florida

Criteria	Explanation	Score
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Workforce reductions must be based on performance evaluations. Districts may consider seniority in layoff decisions. It is unclear what factors may be used as a tie-breaker when two teachers have the same performance rating.	
Is teacher effectiveness the primary consideration in excessing decisions?	Law does not require excessing decisions to be based on performance, rather than seniority. Nor does it provide a process for dismissing from employment excessed teachers who fail to find a position through mutual consent (although presumably abolition of tenure for many teachers would make this easier to do).	
Do principals have authority to decide who teaches in their schools?	Principals may refuse to accept the placement or transfer of a teacher unless the teacher has a performance rating of “effective” or “highly effective”. Does not provide for dismissal of teachers who fail to gain positions through principal consent.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Can effective teachers be rewarded with increased compensation?	Legislation requires all districts to establish a “performance salary schedule” that provides the greatest salary increments to teachers rated “highly effective,” provides “effective” teachers with salary increments of 50-75% of the amount provided to “highly effective” teachers, and does not provide annual salary increments to teachers who receive any other rating. The annual salary adjustment given to teachers rated “highly effective” must be greater than that given to any other teacher on any other salary schedule used by the district. Salary schedule must provide incentives to teachers assigned to a Title I school or school in the lowest two levels of the school improvement system, teachers in critical shortage areas, and teachers who take on additional academic responsibilities.	
Does the law support the autonomy of school leaders to make human capital decisions that meet their schools’ needs?	Legislation does expand the authority of principals to choose who teaches in their schools, but it is highly prescriptive regarding the components and implementation of evaluation systems and associated consequences, in ways that could potentially infringe on the ability of charter and other district leaders to make human capital decisions that meet their schools’ needs.	








Illinois

Law Analyzed	SB 315 and SB 7
Date Passed	January 2010 and June 2011
Overall Rating (out of 13)	6.5







Illinois has passed two major pieces of teacher effectiveness legislation in the past two years, both under Democratic governors and Democratically controlled legislatures. SB 315, passed as part of the state’s Race to the Top effort, requires districts to create systems of teacher evaluations that consider student learning growth as a “significant factor.” SB 7, passed with the support of the state’s teachers’ unions, ends the practice of “last in, first out” teacher layoffs in Illinois, requiring reductions in force to be based on teacher evaluations rather than seniority, conditions tenure on effectiveness for new teachers, and makes it easier for districts to remove low-performing teachers.

Both pieces of legislation represent significant progress for the state of Illinois, but areas of improvement remain. A particular area for improvement is around transparency, since provisions of SB 315 currently preclude districts from publicly reporting on the evaluations of individual teachers—meaning parents cannot receive information about the effectiveness of their child’s teachers. Other potential areas of improvement for Illinois include making evaluations annual for all teachers (the law currently requires evaluation only every 2 years for non-probationary teachers); making it possible for “ineffective” teachers to lose tenure; and preventing students from being taught by “ineffective” teachers for two consecutive years. One other issue that is not addressed in the following scorecard is that Illinois law sets an exceptionally long timeline for the implementation of new teacher evaluations—some districts are not required to have evaluations in place until 2016. One strength of Illinois’ law is that it allows districts to suspend teachers without pay during the appeals process for teacher dismissals—a major improvement over previous law.

Illinois

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Teachers are evaluated annually if they are non-tenured or received a rating of “unsatisfactory” or “needs improvement” in their last evaluation. Other teachers are evaluated only every two years. Teachers who are not evaluated when they are supposed to be are treated, for tenure and other decisions, as if they had been rated “proficient.”	
Are teacher evaluations based on student achievement?	Student growth is a “significant factor” in the rating of teachers’ performance. Other factors include: Observations of teaching by a trained observer and teacher’s attendance, planning, instructional methods, classroom management, and subject matter competency	
Are there multiple, clearly defined levels of teacher effectiveness?	Yes. 4 levels of teacher performance.	
Are parents and the public provided clear information about teacher effectiveness?	No. SB 315 prohibits public disclosure of teacher evaluations.	
Is award of teacher tenure based on effectiveness?	Yes. To receive tenure, teachers must complete 3 years of teaching with “excellent” evaluations, or 4 years of teaching with “proficient” evaluations in at least the 4 th and either the 2 nd or 3 rd year.	
Can teachers lose tenure if they are not effective?	No. Teacher tenure is considered a property right in Illinois.	
Can ineffective teachers be dismissed?	Law allows for dismissal of teachers who receive an “unsatisfactory” evaluation and fail to improve after a remediation plan, as well as those who receive two “unsatisfactory” evaluations within 7 school terms. Law does not provide a process for dismissal of teachers persistently rated “needs improvement.” Law takes meaningful steps to streamline dismissal process and allows districts to suspend teachers without pay during this process.	

Illinois

Criteria	Explanation	Score
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Teachers are grouped in 4 groups based on their evaluations. All teachers in lower-rated groups must be dismissed before those in the higher-performing groups. Within the lowest performing group (teachers rated “unsatisfactory” or “needs improvement”, teachers are dismissed in order by their evaluations. Teachers in the “proficient” and “excellent” groups are dismissed in order by seniority (but all “proficient” teachers are dismissed before any “excellent” teachers). Teachers in the “proficient” and “effective” categories are re-called for open positions in reverse order of the order in which they were laid off (outside Chicago only).	
Is teacher effectiveness the primary consideration in excessing decisions?	Law does not address excessing but does include strong reduction in force and mutual consent provisions. Law does not provide a process for dismissal of teachers who fail to obtain new positions through mutual consent.	
Do principals have authority to decide who teaches in their schools?	Yes, law allows for teacher assignment/hiring only through mutual consent, with a narrow exception for “proficient” and “effective” teachers outside of Chicago who are laid off due to reductions in force.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Can effective teachers be rewarded with increased compensation?	Recent legislation does not appear to address this. State code mandates minimum salaries based on teachers’ education, and minimum salary increments based on experience. But minimum salaries were set in 1980 and are currently much lower than typical teacher compensation, so this has limited relevance.	
Does the law support the autonomy of school leaders to make human capital decisions that meet their schools’ needs?	Illinois code remains highly prescriptive, including many provisions more commonly/appropriately found in collective bargaining agreements. SB 7 does take some steps to increase school- and local-level autonomy, including allowing principals to hire teachers through mutual consent.	

Indiana

Law Analyzed	SB 1
Date Passed	April 2011
Overall Rating (out of 13)	11.25







Indiana SB 1, passed by a Republican-controlled legislature and signed into law by Republican Gov. Mitch Daniels, is one of the strongest laws we reviewed. Among other things, SB 1 requires annual teacher evaluations “significantly informed” by student achievement and growth data; conditions teacher tenure on effectiveness; allows districts to dismiss ineffective teachers; prohibits “last in, first out,” teacher layoffs; and limits the extent to which teacher salary increases may be based on seniority or higher education credentials. A companion bill, SB 575 limits the scope of issues that may be included in collective bargaining agreements.

SB 1’s provisions requiring transparent reporting of teacher effectiveness data to parents and the public are particularly strong, as is a provision—unique among the laws we reviewed—that prohibits children from being assigned an “ineffective” teacher for two consecutive years. In addition to the issues covered in this score card, SB 1 also expands alternative certification in Indiana to providers (such as Teach for America) other than higher education institutions to offer alternative certification programs. But Indiana law still limits the circumstances under which alternately certified teachers may be hired—an area for improvement in future legislation.

Indiana

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	●
Are teacher evaluations based on student achievement?	Yes. Objective measures of student achievement and growth (including, where applicable, state test data) must “significantly inform” teacher evaluations. Teachers who negatively affect student achievement and growth may not receive a rating of “effective” or “highly effective.”	●
Are there multiple, clearly defined levels of teacher effectiveness?	Yes. 4 levels of teacher performance.	●
Are parents and the public provided clear information about teacher effectiveness?	District must inform parents if their child is assigned to an “ineffective” teacher two consecutive years. Department of Education annually reports to the public on teacher evaluation results for each school, district, and teacher preparation program.	◐
Is award of teacher tenure based on effectiveness?	Yes. To earn tenure, teachers must have at least 3 years of “effective” or “highly effective” evaluations.	●
Can teachers lose tenure if they are not effective?	Yes. A teacher who receives a rating of ineffective will lose tenure, but is not subject to dismissal until s/he receives a second consecutive “ineffective” rating.	●
Can ineffective teachers be dismissed?	Yes. Law defines “incompetence,” as grounds for dismissal, as either 1) an “ineffective” rating on 2 consecutive performance evaluations, or 2) an “ineffective” or “needs improvement” rating in 3 out of 5 years. Teachers may appeal to the superintendent and board of education, but there is no arbitration or hearing requirement for these dismissals. Collective bargaining agreements may not create additional hoops, such as arbitration, to the dismissal of ineffective teachers.	●

Indiana

Criteria	Explanation	Score
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. Decreases in the number of teaching positions shall be based on teachers' performance ratings. If there are multiple teachers in the same performance category, other factors may be taken into account.	
Is teacher effectiveness the primary consideration in excessing decisions?	Law does not address excessing but does include strong reduction in force and mutual consent provisions. Law does not provide a process for dismissal of teachers who fail to obtain new positions through mutual consent.	
Do principals have authority to decide who teaches in their schools?	Yes. Law gives superintendents responsibility for selecting and discharging principals and central office staff, and principals responsibility for selecting and discharging teachers and school site staff. Decisions are still subject to school board approval. Law also limits the ability of districts and unions to collectively bargain on issues related to teacher hiring and placement.	
Does the law protect students from being consecutively assigned to ineffective teachers?	Yes, although the law also acknowledges "circumstances in which it is not possible for a school corporation to comply with this section."	
Can effective teachers be rewarded with increased compensation?	Yes. Law limits to 33% the percentage of a teacher's annual salary increase that may be based on experience or higher education credentials. The remainder of salary increments are based on teacher evaluations, leadership roles, and student academic needs. Teachers rated "ineffective" may not receive a salary increase.	
Does the law support the autonomy of school leaders to make human capital decisions that meet their schools' needs?	<p>Yes. Law gives superintendents responsibility for selecting and discharging principals and central office staff, and principals responsibility for selecting and discharging teachers and school site staff. Decisions are still subject to school board approval. Law also limits the ability of districts and unions to collectively bargain on issues that frequently constrain the autonomy of school leaders to make instructional decisions.</p> <p>Evaluation requirements to apply to charter schools in the same way as traditional districts, but districts and charters have significant flexibility to define them within specified parameters.</p>	








Tennessee

Law Analyzed	SB 7005, SB 1528, and HB 130/SB 113
Date Passed	January 2010 and Spring 2011
Overall Rating (out of 13)	8







Tennessee has passed a series of laws related to teachers and teacher effectiveness over the past two years. SB 7005, passed in 2010 and signed into law by then-Gov. Phil Bredesen (D) as part of the state’s Race to the Top effort, requires annual teacher evaluations based at least 50% on student achievement and created a statewide “achievement school district” to turnaround low-performing schools (not included in scorecard). SB 1528, passed in Spring 2011 and signed into law by Gov. Bill Haslam (R), reforms teacher tenure and allows for dismissal of ineffective teachers. HB 130/SB 113, passed and signed in the same legislative session, restricts the scope of teacher collective bargaining in Tennessee.

Strengths of Tennessee’s teacher effectiveness legislation include a strong evaluation framework and a streamlined process for dismissing teachers who are ineffective. Tenure reform is another area of strength—but would be stronger if the tenure reforms were extended to include teachers who had tenure prior to July 2011. SB 1528 prohibits the use of seniority as a consideration in teacher reductions in force, which would end “last in, first out,” layoffs, but does not specify alternative criteria—another area for improvement. Other areas for improvement include transparent reporting on teacher effectiveness to parents and the public, and preventing students from being taught by “ineffective” teachers in consecutive years—which none of these three laws address.





Tennessee

Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are teacher evaluations based on student achievement?	Yes. 50% of teachers' evaluation must be based on student achievement, 35% from TVAAS (where available), 15% from other measures. Other factors in evaluation include prior evaluations, personal conferences, and classroom observation.	
Are there multiple, clearly defined levels of teacher effectiveness?	Not defined in legislation; adopted regulations include at least 4 levels of performance.	
Are parents and the public provided clear information about teacher effectiveness?	Law does not appear to address this.	
Is award of teacher tenure based on effectiveness?	Yes. Teachers who did not earn tenure before July 1, 2011 must teach for 5 years and receive "above expectations" or "significantly above expectations" ratings in the last 2 of 5 years in order to receive tenure.	
Can teachers lose tenure if they are not effective?	Teachers who receive two consecutive "below expectations" or "significantly below expectations" ratings will lose tenure and must earn two consecutive "above expectations" or "significantly above expectations" ratings to have tenure restored. This provision does not apply to teachers who had tenure before July 1, 2011.	
Can ineffective teachers be dismissed?	Yes. Law defines "inefficiency," as grounds for dismissal, to include evaluations demonstrating performance effectiveness of "below expectations" or "significantly below expectations." Law provides an appeal process for dismissal of tenured teachers, including hearings.	




Tennessee

Criteria	Explanation	Score
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	HB 130/SB 113 prohibits school districts from entering into collective bargaining agreements that base personnel decisions on seniority, but does not specify the criteria on which layoffs should be based.	
Is teacher effectiveness the primary consideration in excessing decisions?	HB 130/SB 113 prohibits school districts from entering into collective bargaining agreements that base personnel decisions on seniority, including filling of vacancies, assignment to specific schools, positions, professional duties, transfers within the system, reductions in force, and recall.	
Do principals have authority to decide who teaches in their schools?	The law does not explicitly require teacher assignment by mutual consent, nor does it provide for dismissal of teachers who do not gain positions through mutual consent hiring. But different pieces of legislation do 1) prohibit teacher assignment as a subject of collective conferencing, and 2) indicate that state law does not override a school director's ability to assign teachers to positions based on competence (including evaluations), compatibility, and interests of students.	
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	
Can effective teachers be rewarded with increased compensation?	SB 7005 allows districts to negotiate their own salary schedules; HB 130/SB 113 precludes differentiated or incentive pay from being subject to collective conferencing.	
Does the law support the autonomy of school leaders to make human capital decisions that meet their schools' needs?	Legislation limiting subjects of collective bargaining should give school and district leaders greater ability to make human capital decisions that meet their schools' needs.	

Appendix: State Law Ratings: Defining the Standard

Criteria	Explanation	Score
Are teachers evaluated at least annually?	<p>Yes. All teachers are evaluated annually.</p> <p>Some teachers are evaluated annually, others are not.</p> <p>Teachers are not evaluated annually.</p>	
Are teacher evaluations based on student achievement?	<p>State code requires student achievement data to “significantly inform” evaluation ratings, and precludes teachers from receiving the highest ratings if their students do not make sufficient achievement gains.</p> <p>State requires student achievement data to “significantly inform” evaluation, but does not define what that means, or requires student achievement data to constitute at least 50 or 51 percent of rating.</p> <p>State requires student achievement data to be considered in evaluation decisions, but mandates that it be less than half of evaluation.</p> <p>State allows, but does not require, student achievement data to be considered in evaluation decisions.</p> <p>State prohibits the use of student achievement data in teacher evaluation.</p>	
Are there multiple, clearly defined levels of teacher effectiveness?	<p>Yes. 4 or more levels.</p> <p>2 levels</p>	
Are parents and the public provided clear information about teacher effectiveness?	<p>All parents must be informed about the effectiveness of their child’s teachers, and there is clear, transparent public reporting on teacher effectiveness at school, district, and state level, disaggregated by student demographics and teacher training institution.</p> <p>Parents must be informed if their student is assigned to an “ineffective” teacher.</p> <p>Law neither requires nor precludes districts or schools from informing parents about teacher effectiveness.</p> <p>Law precludes public reporting of teacher evaluations.</p>	

Appendix: State Law Ratings: Defining the Standard

Criteria	Explanation	Score
Is award of teacher tenure based on effectiveness?	<p>Yes, teachers earn tenure only after multiple years of effective teaching.</p> <p>Law does not link tenure to performance.</p>	
Can teachers lose tenure if they are not effective?	<p>Yes, law revokes tenure of teachers who receive multiple “ineffective” ratings.</p> <p>Yes, but teachers who currently hold tenure are exempt.</p> <p>No.</p>	
Can ineffective teachers be dismissed?	<p>Allows for dismissal of teachers who receive multiple “ineffective” ratings, or who fail to improve after receiving an “ineffective” rating and remediation. Also allows for dismissal of teachers who consistently receive “needs improvement” ratings but do not improve.</p> <p>Allows for dismissal of teachers who receive multiple “ineffective” ratings, or who fail to improve after receiving an “ineffective” rating and remediation. But does not provide for dismissal of teachers who receive “needs improvement” ratings.</p> <p>Note: States may lose an additional ¼ to ½ point from their ratings if the process for dismissing ineffective teachers is unduly cumbersome.</p> <p>Does not allow for dismissal of ineffective teachers.</p>	

Appendix: State Law Ratings: Defining the Standard

Criteria	Explanation	Score
Is teacher effectiveness, rather than seniority, the primary consideration in reductions in force?	<p>Teacher performance is the primary criteria in making reductions in force.</p> <p>Law forbids making reductions in force based on seniority, but does not indicate other criteria (such as performance) on which they should be based.</p> <p>Law does not address the basis on which layoffs are made.</p> <p>Law mandates “last in, first out” reductions in force.</p>	
Is teacher effectiveness, rather than seniority, the primary consideration in excessing decisions, and are excessed teachers assigned through mutual consent?	<p>Yes, provisions that apply to reductions in force also apply to excessing. Teachers who are excessed must find new positions through mutual consent, and the law spells out a process through which teachers who do not find positions through mutual consent may be dismissed from district employment.</p> <p>Law has strong mutual consent and performance-based reduction-in-force provisions, but does not specifically address excessing.</p> <p>Law requires excessing decisions to be based on seniority or other non-performance factors.</p>	
Do principals have authority to decide who teaches in their schools?	<p>Yes. Law requires teacher placement be based on mutual consent, and provides for dismissal of teachers who do not obtain placements through mutual consent</p> <p>Law requires teacher hiring by mutual consent, but does not provide for dismissal of teachers who do not obtain placements through mutual consent, although districts may collectively bargain agreements that do provide for dismissal of such teachers.</p> <p>Law requires teacher hiring by mutual consent, but includes exceptions or contradictions that undermine this requirement. (Depends on degree of exceptions)</p> <p>Law does not require teacher hiring by mutual consent, and there are at least some instances in which the law requires assignment on a basis other than mutual consent.</p>	

Appendix: State Law Ratings: Defining the Standard

Criteria	Explanation	Score
Does the law protect students from being consecutively assigned to ineffective teachers?	Yes.	●
	No.	○
Can effective teachers be rewarded with increased compensation?	Law does not create any barriers to compensating teachers based on performance, and limits salary increments based on higher education or years of experience.	●
	Law includes well-designed performance incentives, but does not necessarily drive/encourage fundamental changes in district compensation policies.	◐
	Law does not create any barriers to compensating teachers for performance and/or law creates performance based pay programs but is overly prescriptive in how it does so.	◑
	Law prevents districts from rewarding teachers based on performance.	○
Does the law support the autonomy of school leaders to make human capital decisions that meet their schools' needs?	Law preserves the autonomy of charter school operators in making human capital decisions, and takes steps to extend the autonomy charters have to district-run schools as well.	●
	Law includes some provisions designed to increase principals' autonomy, as well as some limitations. Generally well-intentioned provisions may unintentionally limit charter schools' autonomy.	◑
	Highly prescriptive law addresses many issues normally left to collective bargaining, and/or law clearly infringes on charter autonomy.	○

About Bellwether Education Partners

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

About the Funder

This publication is produced with funding from the Walton Family Foundation. Driven by the urgent need to dramatically raise student achievement, particularly in low-income neighborhoods, the Walton Family Foundation has invested more than \$1 billion to date in initiatives that expand parental choice and equal opportunity in education. Empowering parents to choose quality schools, regardless of type—traditional public, private or public charter school—will help spur the bold transformation of our national K-12 system of public education. Our nation's children will only reach their potential in today's global economy by having access to a high-quality, publicly-funded education.

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