



Devil in the Details

An Analysis of State Teacher Dismissal Laws

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Appendix

State	Reasons for dismissal	Definition of incompetence or ineffectiveness	Procedures for dismissal due to ineffectiveness	Connection between unsatisfactory evaluations and dismissal	District-level fact finder	Special hearing rules or regulations	Appeals process
Arizona	Immoral or unprofessional conduct, conduct in violation of the rules or policies of the governing board, good and just cause, or inadequacy of classroom performance. Ariz. Rev. Stat. § 15-539.	None, but the governing board of each district is charged with developing "a definition of inadequacy of classroom performance" in consultation with its certified teachers. Ariz. Rev. Stat. § 15-539 (d).	None, but the governing board must give the teacher notice of its intention if the dismissal is based on inadequacy of classroom performance. The notice must be based on a valid evaluation and must give the teacher at least 60 days to show improvement. Ariz. Rev. Stat. § 15-539 (c).	None	The governing board or the board designates a hearing officer, which must be mutually agreed upon by the parties. Ariz. Rev. Stat. § 15-541(a).	No testimony or evidence is permitted that relates to adequacy of classroom performance from more than four years prior to notice of dismissal. The four-year time limit does not apply to the introduction of evidence in any area except adequacy of classroom performance. Ariz. Rev. Stat. § 15-542 (b).	The court only reverses the action if it finds the decision was arbitrary, capricious or otherwise contrary to law. Ariz. Rev. Stat. § 15-543; § 41-785 (c).
Arkansas	Incompetent performance, conduct that materially interferes with the continued performance of the teacher's duties, repeated or material neglect of duty, or other just and reasonable cause. Ark. Code § 6-17-1507 (a).	None	None	None, but an administrator "shall" document and share the problems with the teacher and document efforts to correct performance if he or she believes that a teacher's performance may lead to nonrenewal or termination. Ark. Code § 6-17-1504(b).	The board of directors hears the case. Ark. Code § 6-17-1509.	None	Appeals go to the circuit court of the county in which the school district is located; additional testimony and evidence are permitted to demonstrate the lawfulness or unlawfulness of dismissal. Ark. Code § 6-17-1510 (d).

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California	Immoral or unprofessional conduct; commission, aiding, or advocating the commission of acts of criminal syndicalism; dishonesty; unsatisfactory performance; evident unfitness for service; a physical or mental condition unfitting him or her to instruct or associate with children; persistent violation of or refusal to obey the state school laws or reasonable regulations; conviction of a felony or of any crime involving moral turpitude; violation of section 51530 or conduct specified in Section 1028 of the Government Code; knowing membership in the Communist Party; or alcoholism or other drug abuse that makes the employee unfit to instruct or associate with children.	None	None, but the governing board cannot act on charges of “unsatisfactory performance” unless it gives the teacher notice of the unsatisfactory performance and time to correct his or her faults and overcome grounds for the charge. The notice must include an evaluation. Cal. Educ.Code § 44938.	None	A Commission on Professional Competence conducts the hearing, the employee selects one member of the commission, the governing board selects one member, and the third is an administrative law judge of the Office of Administrative Hearings. Cal. Educ. Code § 44944 (b)(1).	Testimonies and evidence related to matters that occurred more than four years prior to the date of notice are not permitted. Cal. Educ. Code § 44944.	“A court of competent jurisdiction” hears the appeal; the court “shall” exercise “independent judgment on the evidence.” Cal. Educ. Code § 44945.
Colorado	Physical or mental disability, incompetency, neglect of duty, immorality, unsatisfactory performance, insubordination, conviction of a felony or acceptance of a guilty plea, a plea of nolo contendere, or a deferred sentence for a felony, or other good and just cause. Colo. Rev. Stat. § 22-63-301.	None	None, but when unsatisfactory performance is a ground for dismissal, the district must establish that the teacher was evaluated pursuant to the written evaluation system required by law. Colo. Rev. Stat. § 22-63-302(8)	If the teacher is still not performing satisfactorily after two evaluations and an unsuccessful remediation plan, the evaluator must either make additional recommendations for improvement or may recommend dismissal. Colo. Rev. Stat. § 22-9-106 (4-5).	An impartial hearing officer is jointly selected by the teacher and chief administrative officer. If they fail to agree, the department of personnel assigns an administrative law judge. Colo. Rev. Stat. § 22-63-302 (4)(a).	Hearings are limited to six working days unless extended by the hearing officer. Each party has only three days to present its case. Neither party may present more than 10 witnesses at the hearing unless there is good cause. Colo. Rev. Stat. § 22-63-302 (7)(e).	The court of appeals reviews the record to determine whether the board’s action was “arbitrary or capricious” or legally impermissible. Colo. Rev. Stat. § 22-63-302(10)(c).

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Connecticut	Inefficiency or incompetence, insubordination, moral misconduct, disability as shown by competent medical evidence, elimination of the teacher's position, or other due and sufficient cause. Conn. Gen. Stat. § 10-151(d).	None	The determination of incompetence is based on evaluation of the teacher using teacher evaluation guidelines established in state law. Conn. Gen. Stat. § 10-151(d).	None	The hearing may be before the board of education or a subcommittee of the board, or hearing an impartial hearing panel, or the teacher and superintendent can mutually agree on a single impartial hearing officer. Conn. Gen. Stat. § 10-151(d).	If the hearing is held before an impartial hearing panel, subcommittee of the board, or hearing officer, findings must be made within 75 days of the receipt for request of hearing. Conn. Gen. Stat. § 10-151(d).	The superior court affirms the agency's decision unless the court finds the decision was made in violation of constitutional or statutory provisions or, in excess of the agency's statutory authority, made upon unlawful procedure, affected by other error of law, clearly erroneous in view of evidence on the whole record, or arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. Conn. Gen. Stat. § 10-151(e); § 4-183(j).
Delaware	Immorality, misconduct in office, incompetency, disloyalty, neglect of duty, a reduction in the number of teachers required as a result of decreased enrollment or a decrease in education services, or willful and persistent insubordination. Del. Code Ann. Tit. 14 § 1411, § 1420.	None, but each district may define "a pattern" of ineffective teaching in its evaluation system. The Delaware Administrative Code defines a "pattern" as two consecutive ineffective ratings. 14 DE Admin. Code 106A.	None	A school district "may" move to terminate a teacher for incompetency when it establishes a pattern of ineffective teaching. Del. Code Ann. Tit. 14 § 1273.	Board or hearing officer conducts the hearing. Del. Code Ann. Tit. 14 § 1413 (b).	Testimony and evidence must be confined to the reasons stated in the written notice of intent to terminate the teacher. Del. Code Ann. Tit. 14 § 1413 (a).	The superior court in the country where the teacher was employed hears the appeal; the Court reviews under a substantial evidence standard. Del. Code Ann. Tit. 14 § 1414
District of Columbia	Just cause, which includes but is not limited to the reasons listed in Rule: D.C.M.R. Title 5, Chapter 14, 1401.2.	Incompetence, including either inability or failure to perform satisfactorily the duties of the position of employment. Rule: D.C.M.R. Title 5, Chapter 14, 1401.2 (c).	None	The DCPS IMPACT evaluation system guidebook suggests that teachers who receive "ineffective" rating are subject to "separation" from school system.	An impartial hearing officer conducts the hearing. Rule: D.C.M.R. Title 5, Chapter 14, 1407.4.	The hearing officer must make written findings and recommendations within 10 days of the conclusion of the hearing. Rule: D.C.M.R. Title 5, Chapter 14, 1408.10.	The superintendent of schools hears the appeal or convenes a panel to do so. Rule: D.C.M.R. Title 5, Chapter 14, 1409.1.

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Florida (Professional service contracts)	Just cause, which includes but is not limited to immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, or being convicted, found guilty, or entering a plea of guilty of any crime involving moral turpitude. Fla. Stat. Ann. § 1012.33(1)(a).	None	None	A teacher is notified of unsatisfactory performance, given time to improve, and then a determination is made as to whether he or she has corrected the performance deficiencies. A teacher may be recommended for nonrenewal for dismissal following a finding that performance has not improved. Fla. Stat. Ann. § 1012.33(3)(f), 1012.34(3)(d).	The district school board conducts the hearing, or the Division of Administrative Hearings of the Department of Management Services assigns an administrative law judge to consider the case. Fla. Stat. Ann. § 1012.33 (3)(f),(4) 1012.34(6).	The hearing must be "conducted" within 60 days of receipt of written request for hearing. Fla. Stat. Ann. § 1012.33(3)(f)(4)(a) and (b), 1012.34(6).	The appellate court in the district where the school is located hears the appeal; the court reviews the decision under the standards found in Fla. Stat. Ann. § 120.68.
Georgia	Incompetency, insubordination, willful neglect of duties, immorality, inciting, encouraging or counseling students to violate state laws or policies, failure to secure and maintain necessary educational training, reduction in staff due to loss of students or cancellation of programs or any other good and sufficient cause. Ga. Code Ann. 20-2-940.	None	None	None	The local board or the board may designate a tribunal of persons "possessing academic experience" to consider the case. Ga. Code Ann § 20-2-940 (e)(1).	None	Appeal goes to the state board of education, then the county superior court. Ga. Code Ann § 20-2-940 (f) § 1160.
Hawaii	Inefficiency or immorality, willful violations of the department's policies and rules, or other good and just cause. Haw. Rev. Stat. § 302A-609.	None	None	Tenured teachers are evaluated every five years. State evaluation guidelines state that a teacher who receives an "unsatisfactory" rating "shall" have his or her contract terminated. Teachers with a "marginal" rating are moved to an annual evaluation cycle.	Not available	Not available	Not available

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Idaho	Just and reasonable cause, which may include a material violation of any lawful rules or regulations of the board of trustees or of the state board of education, or any conduct that could constitute grounds for revocation of a teaching certificate. Idaho Code § 33-513, §33-515.	None	None	None	The local board hears the case. Idaho Code § 33-513.	None	Not available
Illinois	Incompetency, cruelty, negligence, immorality, or other sufficient cause; failure to complete a one-year remediation plan with a "satisfactory" or better rating; not qualified to teach; whenever the interests of the schools require dismissal, or due to a decision of the board to decrease the number of teachers employed by the board, or to discontinue some particular type of teaching service. 105 Ill. Comp. Stat. 5/10-22.4; 5/24-12. Alternative procedures for teachers exist for teachers classified under 105 Ill. Comp. Stat. 5/34.	None, but teachers may be dismissed for "failure to complete a one-year remediation plan with a 'satisfactory' or better rating." 105 Ill. Comp. Stat. 5/10-22.4.	None, but no written warning is required when the dismissal is related to remediation plan and the hearing officer must "consider and give weight to" all of the teacher's evaluations. 105 Ill. Comp. Stat. 5/24-12.	Dismissal is recommended for any teacher who after being rated unsatisfactory fails to complete any applicable remediation plan with a rating equal to or better than "satisfactory" or "proficient." 105 Ill. Comp. Stat. 5/24A-5.	The teacher and district participate in a selection process in which the state board of education provides a list of five impartial hearing officers who must be accredited arbitrators and have had a minimum of five years of experience in labor and education matters. 105 Ill. Comp. Stat. 5/24-12.	The hearing officer may limit the number of witnesses to be subpoenaed on behalf of the teacher or the board to no more than 10. If a decision is not rendered within three months of the close of the hearing, the parties can choose a new hearing officer to review the record and make a decision. 105 Ill. Comp. Stat. 5/24-12.	The circuit court where school board maintains an office hears the appeal; the court reviews all questions of law and fact presented by the entire record before the court. No new or additional evidence is permitted. 735 Ill. Comp. Stat. 5/3-110.
Indiana	Immorality, insubordination, neglect of duty, incompetence, justifiable decrease in the number of teaching positions, particular offenses listed in state law (IC 20-28-5-8(c)), and other good and just cause. IC 20-28-7-1. A semipermanent teacher may also be dismissed for substantial inability to perform teaching duties, a justifiable decrease in the number of teaching positions, or if the cancellation is in the best interest of the school. Ind. Code § 20-28-7-2.	None	None	None	The governing body of the school corporation considers the case. Ind. Code § 20-28-7-3.	None	Not available

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Iowa	Just cause. Iowa Code § 279.15.	None	None	None	The school board hears the case in the first phase. The teacher can then appeal to an arbitrator agreed upon by the board and the teacher. Iowa Code § 279.15-279.17.	None	The district court reviews the action for violations of constitutional or statutory provisions, an excess of the board or adjudicator's statutory authority, violations of a board rule or policy or contract, unlawful procedures, other errors of law, a decision unsupported by a preponderance of the competent evidence in the record, or unreasonable, arbitrary, or capricious abuse of discretion or a clearly unwarranted exercise of discretion. Iowa Code § 279.18.
Kansas	Good cause. <i>Lassiter v. Topeka Unified School Dist.</i> No. 501. 347 F.Supp.2d 1033. D.Kan., 2004.	None	None	None	The commissioner of education provides a list of qualified hearing officers for the parties to choose from, or the parties can mutually agree to make a request to the American Arbitration Association for an arbitrator to serve as the hearing officer. Kan. Stat. Ann. § 72-5438.	All relevant evidence shall be admissible, but the hearing officer may exclude any evidence if he or she believes the value of the evidence is "substantially outweighed" by the time it will take to admit. Kan. Stat. Ann. § 72-5442.	The district court hears the appeal. Kan. Stat. Ann. 72-5443.

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Kentucky	Insubordination, immoral character or conduct unbecoming a teacher; physical or mental disability; inefficiency, incompetency, or neglect of duty. Ky. Rev. Stat. § 161.790.	None	None, but a teacher must receive a written statement identifying the problems or difficulties, which must be supported by a written record of the teacher's performance. Ky. Rev. Stat. § 161.790.	None	The commissioner of education nominates a three-member tribunal including one teacher, who may be retired, one administrator, who may be retired, and one "lay" person. Ky. Rev. Stat. § 161.790.	The hearing must begin within 45 days of the teacher requesting a hearing. Ky. Rev. Stat. § 161.790.	The circuit court reviews the action for violations of constitutional or statutory provisions; excess of the agency's statutory authority; support of substantial evidence on the whole record; declarations characterized by arbitrary, capricious, or abuse of discretion; and other procedural issues. Ky. Rev. Stat. § 13B.150.
Louisiana	Willful neglect of duty, incompetency, dishonesty, or immorality; or being a member of or contributing to any group, organization, movement, or corporation that is by law or injunction prohibited from operating in the state of Louisiana. La. Rev. Stat. Ann. § 17:443.	None	None	A teacher who receives an unsatisfactory rating is placed in an "intensive assistance program." If the teacher does not complete the program or continues to perform unsatisfactorily after a formal evaluation conducted after completing the program, then the local board can initiate termination proceedings. La. Rev. Stat. Ann. § 17:3902.	The school board considers the case. La. Rev. Stat. Ann. § 17:443.	None	A "court of competent jurisdiction" hears any appeals. La. Rev. Stat. Ann. § 17:443.
Maine	Just cause, found unfit to teach, or deemed unprofitable by the school board. Me. Rev. Stat. Ann. Tit. 20A, § 13201, § 13202.	None	None	None	The school board conducts the investigation and hearing. Me. Rev. Stat. Ann. Tit. 20A § 13202.	None	Not available.
Maryland	Immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty. Md. Code Ann. Educ. § 6-202.	None	None	None	The county board may choose a hearing examiner to conduct the hearing. Md. Code Ann. Educ. § 6-203.	None	The State Board of Education hears the appeal. Md. Code Ann. Educ. § 6-203.

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Massachusetts	Inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination, failure to satisfy teacher performance standards, or other just cause. Mass. Gen. Laws Chp. 71 § 42.	None, although a teacher may be dismissed for a failure to satisfy teacher performance standards set out by the school committee or developed by collective bargaining. Mass. Gen. Laws Chp. 71 § 42.	None	None	The Commissioner of Education and the American Arbitration Association recommend a list of arbitrators from which the parties can choose an arbitrator. Mass. Gen. Laws Chp. 71 § 42.	The arbitrator's decision must be issued within one month of the hearing's completion unless the parties agree otherwise. Mass. Gen. Laws Chp. 71 § 42.	The superior court hears the appeal. Mass. Gen. Laws Chp. 71 § 42.
Michigan	Reasonable and just cause. Mich. Comp. Laws § 38.101.	None	None	None	The teacher files an appeal with the tenure commission after receiving notice of dismissal. An administrative law judge who is an attorney licensed to practice law in the state and is employed by the department of education hears the case. Mich. Comp. Laws § 38.104 (3).	The hearing must conclude no later than 90 days after the teacher files a claim for an appeal. The judge must serve a preliminary decision no later than 60 days after the case's submission. The tenure commission makes a final decision. Mich. Comp. Laws § 38.104 (5).	The teacher can appeal the tenure commission's decision to the court of appeals. Mich. Comp. Laws § 38.104 (7).
Minnesota	To dismiss at the end of the year: inefficiency; neglect of duty or persistent violation of school laws, rules, regulations, or directives; conduct unbecoming a teacher that materially impairs the teacher's educational effectiveness; other good and sufficient grounds rendering the teacher unfit. To dismiss immediately: immoral conduct, insubordination, or conviction of a felony; conduct that requires immediate removal; teaching without permission of the school board; gross inefficiency that the teacher has failed to correct after reasonable written notice; willful neglect of duty; or continuing physical or mental disability subsequent to a 12-month leave of absence and inability to qualify for reinstatement. Minn. Stat. §122A.40.	None	None	None	The school board hears the case or an arbitrator chosen by the parties if the teacher chooses. Minn. Stat. §122A.40.	None	Not available

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Mississippi	Incompetence, neglect of duty, immoral conduct, intemperance, brutal treatment of a pupil, or other good cause. Miss. Code Ann. § 37-9-59.	None	None	A teacher who receives an unsatisfactory rating is required to have a professional development plan. If the teacher fails to perform after one year, the local administration can reevaluate the teacher's professional development plan and make any necessary adjustments. If the teacher fails to perform after the second year, the administration can recommend that the local school board dismiss the teacher. This policy only applies to teachers in low-performing schools. Miss. Code Ann. § 37-18-7.	The school board or a hearing officer appointed by the board hears the case. Miss. Code Ann. § 37-9-59.	None	The chancery court reviews the appeal for support by any substantial evidence, arbitrariness or capriciousness, or violation of some statutory or constitutional right of the employee. Miss. Code Ann. § 37-9-113.
Missouri	Physical or mental condition unfitting to instruct or associate with children; immoral conduct; incompetency, inefficiency, or insubordination; willful or persistent violation of or failure to obey the state's school laws or the district board of education's published regulations; excessive or unreasonable absence; or conviction of a felony or a crime involving moral turpitude. Mo. Rev. Stat. § 168.114.	None	None, but the teacher must be given 30 days notice of the causes that could result in a charge of incompetence or inefficiency. The superintendent or a representative of the superintendent must meet with the teacher to resolve the matter. Mo. Rev. Stat. § 168.116.	None	The board of education considers the case. Mo. Rev. Stat. § 168.118.	The school board can limit the teacher to 10 witnesses. Mo. Rev. Stat. § 168.118.	The circuit court of the county where the employing school district is located hears the appeal. Mo. Rev. Stat. § 168.120.

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Montana	Good cause. Mont. Code Ann. § 20-4-203	None	None	None	The district trustees consider the case. Mont. Code Ann. § 20-4-204.	None	The teacher may appeal a dismissal decision to the county superintendent and the district court if the teacher's employment is not covered by a collective bargaining agreement. If the teacher is covered by a collective bargaining agreement, the teacher must appeal to an arbitrator. Mont. Code Ann. 20-4-204.
Nebraska	Incompetency, neglect of duty, unprofessional conduct, insubordination, immorality, physical or mental incapacity, failure to give evidence of professional growth, other conduct that substantially interferes with the continued performance of duties, failure to accept employment, reduction in force, revocation or suspension of license. Neb. Rev. Stat. §§ 79-824, 79-829.	Incompetency, "which includes, but is not limited to, demonstrated deficiencies or shortcomings in knowledge of subject matter or teaching or administrative skills" Neb. Rev. Stat. §§ 79-824.	None	None	The school board considers the case. Neb. Rev. Stat. § 79-832.	None	Not available.

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Nevada	Inefficiency; immorality; unprofessional conduct; insubordination; neglect of duty; physical or mental incapacity; decrease in the number of positions; conviction of a felony or of a crime involving moral turpitude; inadequate performance; evident unfitness for service; failure to comply with reasonable requirements; failure to show improvement and evidence of professional training and growth; advocating for the overthrow of the government of the United States or of the state of Nevada; advocating or teaching communism with the intent to indoctrinate pupils; any cause that constitutes grounds for the revocation of a teacher's license; willful neglect or failure to observe and carry out the requirements of Title 34; dishonesty; breaches in the security or confidentiality of achievement and proficiency examination questions and answers; intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations; aversive intervention or use of restraints on a pupil with a disability. Nev. Rev. Stat. 391.312.	"Inadequate performance" is a cause for dismissal but is undefined. Teachers may also be dismissed for a "failure to show normal improvement and evidence of professional training and growth." Nev. Rev. Stat. 391.312.	If an employee's conduct may lead to dismissal, the employee must receive notice of admonishment in writing—including a description of deficiencies and action necessary to correct those deficiencies—and be given "reasonable time for improvement" that should not exceed three months for the first admonition. Nev. Rev. Stat. § 391.313.	None	A hearing officer requested by the superintendent or mutually selected by the parties considers the case. Nev. Rev. Stat. § 391.3161	The hearing officer must complete the hearing within 30 days after the time of designation and file a written report no later than 15 days after the conclusion of the hearing. Nev. Rev. Stat. § 391.3193.	The district court considers the appeal. Nev. Rev. Stat. § 391.3194.

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New Hampshire	Immorality, failure to satisfactorily maintain the competency standards established by the school district, or failure to conform to regulations prescribed. N.H. Rev. Stat. Ann. § 189:13.	None	The superintendent of the local school district must demonstrate in cases of nonrenomination because of unsatisfactory performance that the teacher received written notice that the unsatisfactory performance could lead to dismissal, and that the teacher had a reasonable opportunity to correct the problems and failed to do so. N.H. Rev. Stat. Ann. § 189:14-a.	None	The school board considers the case. N.H. Rev. Stat. Ann. § 189:14-a.	None	A teacher may appeal a board's decision by petitioning the state board of education or requesting arbitration under the terms of a collective bargaining agreement, if applicable, but may not do both. N.H. Rev. Stat. § 189:14-b.
New Jersey	Inefficiency, incapacity, unbecoming conduct, or other just cause. N.J. Stat. Ann. § 18A:6-10.	None	If the charge is "inefficiency," the board must provide the employee with written notice of the alleged inefficiency and allow at least 90 days for the employee to correct and overcome the inefficiency. N.J. Stat. Ann. § 18A:6-11.	None	The local board of education makes the initial determination to dismiss. N.J. Stat. Ann. § 18A:6-11. The charge is then forwarded to the commissioner or a person appointed to act on the commissioner's behalf to make a final determination. If the commissioner determines dismissal is necessary, the case is then referred to the Office of Administrative Law. N.J. Stat. Ann. § 18A:6-16.	For those hearings conducted by the Office of Administrative Law, prehearing conferences must be completed within 30 days of referral. The hearing must be held within 30 days after discovery is completed. N.J. Stat. Ann. 52:14B-10.1.	Not available

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New Mexico	Just cause N.M. Stat. Ann. § 22-10A-24.	None	None	If a teacher receives an unsatisfactory evaluation, the school district provides the teacher with professional development and peer intervention. If the teacher still fails to demonstrate essential competencies by the end of that school year, a district may choose not to contract with that teacher. N.M. Admin. Code § 6.69.4.10.	The local school board or governing authority hears the case. N.M. Stat. Ann. § 22-10A-24.	The employee can then appeal to an arbitrator in a de novo hearing. The independent arbitrator's decision is binding on both parties and is final and nonappealable except when the decision was procured by corruption, fraud, deception, or collusion, in which case it can be appealed to the district court in the judicial district in which the public school or state agency is located. N.M. Stat. Ann. § 22-10A-25.	
New York	Insubordination, immoral character or conduct unbecoming a teacher, inefficiency, incompetency, physical or mental disability, neglect of duty, failure to maintain certification. N.Y. Educ. Law § 3014	None	None	None	The parties select a single officer from a list of arbitrators to hear the case. If the case involves pedagogical charges, the teacher can opt for a panel consisting of a hearing officer, a panel member selected by the teacher, and a member selected by the board. N.Y. Educ. Law § 3020a.	The prehearing conference must be held within 15 days of hearing officer selection. The final hearing must be completed no later than 60 days after the prehearing conference with a decision issued no later than 30 days after the last hearing day. N.Y. Educ. Law § 3020a.	The New York State Supreme Court hears the appeal, and the court may vacate for reasons specified in state law. N.Y. Educ. Law § 3020a.

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North Carolina	Inadequate performance, immorality, insubordination, neglect of duty, physical or mental incapacity, habitual or excessive use of alcohol or nonmedical use of a controlled substance, conviction of a felony or a crime involving moral turpitude, advocating the overthrow of the U.S. government or the state of North Carolina, failure to fulfill duties and responsibilities; failure to comply with reasonable requirements; any cause that constitutes grounds for revocating a career teacher's teaching certificate, failure to maintain a current teaching certificate, failure to repay money owed to the state; justifiable decrease in number of positions; or providing false information or knowingly omitting a material fact on an application for employment. N.C. Gen. Stat. § 115C-325.	None	Fact finder must give consideration to regular and special evaluation reports and published standards of performance from the school district when determining whether an employee's professional performance is adequate. Failure to give notice of inadequacy is considered conclusive evidence of satisfactory performance. N.C. Gen. Stat. § 115C-325.	The superintendent has authority in low-performing schools to dismiss a teacher after one negative rating. N.C. Gen. Stat. § 115C-333 (b)(1).	The employee can choose to have a hearing in front of a case manager jointly selected by the superintendent and employee or the employee may go straight to a hearing with the school board. The state board of education maintains a master list of no more than 42 qualified case managers. The case managers must be certified arbitrators and complete a special training course approved by the state board of education. N.C. Gen. Stat. § 115C-325.	The case manager is required to hold a full-evidence hearing and report within 10 days of being appointed. The report is provided to the superintendent and teacher. The superintendent makes a decision whether to continue to recommend dismissal to the board of education. If the teacher opts out of a case manager hearing and opts for a board hearing, limited evidence is considered including documentary evidence used to support or rebut dismissal recommendation, written statements by the superintendent and teacher, and oral arguments based on record before the board.	The superior court hears the appeal. N.C. Gen. Stat. § 115C-325.

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North Dakota	To dismiss: immoral conduct, insubordination, conviction of a felony, conduct unbecoming the position, failure to perform contracted duties without justification, gross inefficiency not corrected after written notice, continuing physical or mental disability that renders the individual unfit or unable to perform duties. N.D. Cent. Code § 15.1-15-07.	None	None	None	For dismissals, an administrative law judge considers the case. N.D. Cent. Code § 15.1-15-08 For nonrenewal, the board of the school district considers the case. N.D. Cent. Code § 15.1-15-06.	None	For appeals of dismissals, the district court hears the appeal. N.D. Cent. Code § 15.1-15-08.
Ohio	Good and just cause Ohio Rev. Code Ann. § 3319.16	None	None	None	The teacher may request a hearing in front of the board or a referee. The teacher and board must jointly choose a referee from a list provided by the superintendent of public instruction. Referees are solicited from the state bar association. Ohio Rev. Code Ann. § 3319.16.	None	The court of common pleas hears the appeal; the court must "examine the transcript and record of the hearing and shall hold such additional hearings as it considers advisable, at which it may consider other evidence in addition to the transcript and record." Ohio Rev. Code Ann. § 3319.16.

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Oklahoma	Willful neglect of duty, repeated negligence in performance of duty, mental, or physical abuse to a child, incompetency, instructional ineffectiveness, unsatisfactory teaching performance, commission of an act of moral turpitude, felony conviction, criminal sexual activity, sexual misconduct, or abandonment of contract. Okla. Stat. Ann. Tit. 70 § 6-101.22.	None	None	In order to dismiss a teacher for poor performance, an administrator must give notice to the teacher in writing and make a "reasonable effort" to remediate. The teacher then has up to two months to improve. If the teacher does not correct the problems in the notice, the administrator can make a recommendation to the superintendent for dismissal or nonreemployment. Okla. Stat. Ann. Tit. 70 § 6-101.24	The district board considers the case. Okl. St. Ann. Tit. 70 § 6-101.26.	None	The teacher is entitled to a trial de novo in district court of country where school is located. Okl. St. Ann. Tit. 70 § 6-101.27.
Oregon	Inefficiency, immorality, insubordination, neglect of duty, physical or mental incapacity, conviction of a felony or a crime, inadequate performance, failure to comply with reasonable requirements to show normal improvement and evidence of professional training and growth, or any cause that constitutes grounds for the revocation of a teacher's teaching license. Or. Rev. Stat. § 342.865.	None	Administrators should consider regular and special evaluation reports and any written standards of performance adopted by the board in determining whether the professional performance of a contract teacher is adequate. Or. Rev. Stat. § 342.865.	None	A panel of three members from the Fair Dismissal Appeal Board considers the case; the panel consists of one member representing district school board members; one member unaffiliated with common or union high school districts, and one member representing teachers or administrators. Or. Rev. Stat. § 342.905.	The Fair Dismissal Appeals Board panel prepares and sends a written decision to the district teacher, the district superintendent, the district school board, and the superintendent of public instruction within 140 days of the filing of an appeal. Or. Rev. Stat. § 342.905.	Judicial review is available in accordance with the state administrative law. Or. Rev. Stat. § 342.905.

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State	Reasons for dismissal	Definition of incompetence or ineffectiveness	Procedures for dismissal due to ineffectiveness	Connection between unsatisfactory evaluations and dismissal	District-level fact finder	Special hearing rules or regulations	Appeals process
Pennsylvania	Immorality, incompetency, unsatisfactory teaching performance based on two consecutive ratings of the employee's teaching performance as unsatisfactory, intemperance, cruelty, persistent negligence in the performance of duties, willful neglect of duties, physical or mental disability that substantially interferes with the employee's ability to perform essential functions, advocating or participating in un-American or subversive doctrines, conviction of a felony or acceptance of a guilty plea, or persistent and willful violation of or failure to comply with school laws. Pa. Stat. Ann. Tit. 24 § 11-1122.	Incompetence is not defined in the statute. But unsatisfactory teaching performance is based on two consecutive ratings of the employee's teaching performance that are to include classroom observations no less than four months apart in which the employee's teaching performance is rated as unsatisfactory. Pa. Stat. Ann. Tit. 24 § 11-1122.	None	Two consecutive unsatisfactory ratings are required to dismiss a teacher for unsatisfactory teaching performance, but the law does not specify whether dismissal is required after receiving two negative evaluations. Pa. Code 351-26.	The board of school directors considers the case, or the case undergoes arbitration under the collective bargaining contract. Pa. Stat. Ann. Tit. 24 § 11-1127, § 11-1133.	None	The employee may appeal to the superintendent of public instruction within 30 days of the board decision. A hearing must be held within 30 days of receipt of the request for the appeal. Pa. Stat. Ann. tit. 24 § 11-1131. An appeal is taken in accordance with the state's Administrative Procedures Act. Pa. Stat. Ann. Tit. 24 § 11-1132.
Rhode Island	Good and just cause R.I. Gen. Laws § 16-13-3.	None	None	None	The governing board considers the case, although the district may agree to arbitration in the collective bargaining agreement. R.I. Gen. Laws § 16-13-4.	None	The Department of Elementary and Secondary Education hears the appeal, and the teacher has the right of further appeal to the superior court. R.I. Gen. Laws § 16-13-4.
South Carolina	Failure to give instruction in accordance with the directions of the superintendent or exhibiting evident unfitness for teaching. Evident unfitness for teaching includes persistent neglect of duty, willful violation of rules and regulations of district board of trustees, drunkenness, conviction of a violation of a state or federal law, gross immorality, dishonesty, or illegal use, sale or possession of drugs or narcotics. S.C. Code Ann. § 59-25-430.	None	None	An annual contract teacher who has not successfully completed the formal evaluation process or the professional growth plan for the second time must not be employed as a classroom teacher in a public school for a minimum of two years. S.C. Code Ann. § 59-26-40.	The district board of trustees considers the case. S.C. Code Ann. § 59-25-470	None	Court of common pleas hears the appeal. S.C. Code Ann. § 59-25-480.

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South Dakota	Just cause, including breach of contract, poor performance, incompetence, gross immorality, unprofessional conduct, insubordination, neglect of duty, or the violation of any policy or regulation of the school district. S.D. Codified Laws § 13-43-6.1.	None	None	None	The school board considers cases of termination and nonrenewal. S.D. Codified Laws § 13-43-6.2, 6.7.	None	The circuit court hears the appeal. S.D. Codified Laws § 13-46-1.
Tennessee	Incompetence, inefficiency, neglect of duty, unprofessional conduct, and insubordination Tenn. Code Ann. § 49-5-511.	Incompetence is defined as "being incapable, lacking adequate power, capacity or ability to carry out the duties and responsibilities of the position. This may apply to physical, mental, educational, emotional or other personal conditions. It may include lack of training or experience, evident unfitness for service, a physical, mental or emotional condition making the teacher unfit to instruct or associate with children or the inability to communicate and respect from subordinates or to secure cooperation of those with whom the teacher must work." Inefficiency: "being below the standards of efficiency maintained by others currently employed by the board for similar work, or habitually tardy, inaccurate or wanting in effective performance of duties." Tenn. Code Ann. § 49-5-501.	None	None	An impartial hearing officer selected by the board considers the case. Tenn. Code Ann. § 49-5-512.	None	The appeal goes first to the board of education, then the chancery court hears the appeal; the review is de novo on the record of the hearing conducted by the hearing officer and reviewed by the board. Tenn. Code Ann. § 49-5-512.

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State	Reasons for dismissal	Definition of incompetence or ineffectiveness	Procedures for dismissal due to ineffectiveness	Connection between unsatisfactory evaluations and dismissal	District-level fact finder	Special hearing rules or regulations	Appeals process
Texas	Necessary reduction in staff or good cause. Good cause is defined as “the failure to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts” in Texas. Tex. Educ. Code Ann. § 21.154, 21.156.	None	None	Unclear; teachers may be eligible for “separation” after not meeting all of the requirements of an intervention plan for teachers in need of assistance by the time specified. Texas Administrative Code 150.1004.	A hearing officer (an attorney) certified by the state considers the case. Tex. Educ. Code Ann. § 21.252.	The hearing must conclude within 60 days of commissioner’s receipt of request for the hearing. Both parties may choose to extend the date up to 45 days. Tex. Educ. Code Ann. § 21.257.	Appeal to commissioner of education; the commissioner considers the appeal solely on the basis of the local record and may not consider any additional evidence or issues. The district court hears appeals from the Commissioner’s decision. Tex. Educ. Code Ann. § 21.301 § 21.307.
Utah	Behavior exhibiting unfitness for duty through immoral, unprofessional, or incompetent conduct; committing any other violation of standards of ethical conduct, performance, or professional competence. Utah Code Ann. § 53A-8-104; § 53-6-501.	None	To terminate a contract for unsatisfactory performance, the unsatisfactory performance must be documented in at least two evaluations conducted at any time within the preceding three years. Utah Code Ann. § 53A-8-104.	None	The board or hearing officer selected by the board considers the case. Utah Code Ann. § 53A-8-105.	None	An “appropriate court of law” hears the appeal. Utah Code Ann. § 53A-8-105.
Vermont	To nonrenew a contract: just and sufficient cause. To dismiss: incompetence, conduct unbecoming a teacher, failure to attend to duties, or failure to carry out reasonable orders and directions of the superintendent and school board. Vt. Stat. Ann. Tit. 16, § 1752.	None	None	None	The board of school directors considers the case. Vt. Stat. Ann. Tit. 16, § 1752.	None	Not available

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Virginia	Incompetency, immorality, non-compliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. Va. Code Ann. § 22.1-307.	Incompetency includes a “consistent failure to meet the endorsement requirements for the position or performance that is documented through evaluation to be consistently less than satisfactory.” Va. Code Ann. § 22.1-307.	None	None	The school board or teacher can elect to have a hearing in front of a three-member fact-finding panel jointly selected by the superintendent and teacher prior to the school board considering the case. Va. Code Ann. § 22.1-311; §22.1-312.	The panel hearing must occur “within 30 business days” after the panel is convened. Va. Code Ann. § 22.1-312. If a panel conducts the hearing, the panel must issue a written report with findings of fact and a recommendation to the board no later than 30 days after the hearing. Va. Code Ann. § 22.1-312. If the school board conducts the hearing, the board must give the teacher its written decision no later than 30 days after the hearing. Va. Code Ann. § 22.1-313.	The circuit court hears the appeal and may receive other evidence as the ends of justice require. Va. Code Ann. § 22.1-314.
Washington	Probable cause. Wash. Rev. Code § 28A.405.210.	None	None	A teacher who receives an unsatisfactory evaluation is put on an improvement program. If the teacher does not show improvement during the 60-day probationary period, this may constitute a finding of “probable cause” under the dismissal statute. Wash. Rev. Code §28A.405.100.	A hearing officer (lawyer or arbitrator) nominated by appointees of the teacher and school board or nominated by the presiding judge of the district considers the case. Wash. Rev. Code §28A.405.310.	The hearing officer must issue findings of fact, conclusions of law, and a final decision within 10 days of the conclusion of the hearing. Wash. Rev. Code §28A.405.310.	The superior court in the county in which the school district is located hears the appeal “expeditiously.” Wash. Rev. Code §28A.405.340.

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West Virginia	Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, conviction of a felony, or a guilty plea or a plea of nolo contendere to a felony charge. W. Va. Code § 18A-2-8.	None	A charge of unsatisfactory performance can only be made as a result of an employee performance evaluation. W. Va. Code § 18A-2-8.	A teacher who receives a written improvement plan will be given an opportunity to improve their performance through the plan. If the next evaluation shows that the teacher is still not performing satisfactorily, the evaluator may recommend dismissal. W. Va. Code § 18A-2-12 (h).	An administrative law judge conducts level-three hearings. W. Va. Code § 6C-2-4; W. Va. Code § 18A-2-8.	The administrative law judge must issue a decision within 30 days following the hearing. W. Va. Code § 6C-2-4.	The circuit court considers appeals. W. Va. Code § 6C-2-5.
Wisconsin	Inefficiency or immorality, willful and persistent violation of reasonable regulations, or other good cause. This only applies to teachers in certain districts under this section. Wis. Stat. § 118.23.	None	None	None	The governing body of the school system or school considers the case. Wis. Stat. § 118.23.	None	The governing board's decision is final. Wis. Stat. § 118.23.
Wyoming	Incompetency, neglect of duty, immorality, insubordination, unsatisfactory performance, or any other good or just cause. Wyo. Stat. Ann. § 21-7-110.	None	None	None	A jointly selected independent hearing officer who is "impartial, experienced in education, labor and employment matters and in the conduct of hearings" considers the case. Wyo. Stat. Ann. § 21-7-110.	The hearing officer must issue findings and recommendations within 20 days following the conclusion of the hearing. Wyo. Stat. Ann. § 21-7-110.	The district court considers the appeal, taken in accordance with the Wyoming Administrative Procedure Act. Wyo. Stat. Ann. § 21-7-110.