

# SREB

## Major Provisions of Recent Teacher Reform State Legislation in SREB States:

*Teacher Evaluation, Effectiveness, Tenure,  
Dismissal, Grievance and Performance Pay*

Southern  
Regional  
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Board

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## TABLE OF CONTENTS

Table 1. Teacher Evaluation Systems Overview .....	1
Table 2. Teacher Evaluation Systems: Components of Performance Evaluations .....	2
Table 3. Teacher Evaluation Systems: Evaluation Categories, Performance Rating Designations and Additional Policies .....	5
Table 4. Teacher Effectiveness Overview: Evaluation Frequency, Professional Development, Mentoring and Improvement Plans .....	7
Table 5. Teacher Effectiveness: Evaluation Frequency, Professional Development and Mentoring .....	8
Table 6. Teacher Effectiveness: Improvement Plans .....	11
Table 7. Teacher Experience: Changes to Probationary Period .....	12
Table 8. Teacher Tenure Legislation .....	13
Table 9. Teacher Dismissal and Grievance Legislation .....	15
Table 10. Teacher Dismissal Legislation .....	16
Table 11. Teacher Grievance Legislation .....	19
Table 12. Teacher Performance Pay Legislation .....	21

**Table 1. Teacher Evaluation Systems Overview  
Legislation Adopted by SREB States, 2010 to 2013**

State	Bill Number, Year	Implementation Date (school year)	Percentage of Evaluation Based on Student Growth Data <sup>1</sup>	Expanded Teacher Performance Rating System	Creation of Advisory Council or Committee	Teacher Effectiveness Policies			
						Frequency of Evaluations	Professional Development	Mentoring	Improvement Plans
Arkansas	House Bill 2178, 2011	2014-2015	50%	✓		✓	✓	✓	✓
Florida	Senate Bill 736, 2011 Senate Bill 1664, 2013	2011-2012	50% <sup>2</sup>	✓		✓			
Georgia	House Bill 244, 2013	2014-2015	50%	✓			✓	✓	
Kentucky	House Bill 180, 2013	2014-2015	Significant Factor	✓					
Louisiana	House Bill 1033, 2010	2011-2012	50%		✓	✓	✓		✓
Maryland	House Bill 1263 and Senate Bill 899, 2010	2013-2014	Significant Factor			✓	✓	✓	
Oklahoma	Senate Bill 2033, 2010 Senate Bill 426, 2013 Senate Bill 207, 2013	2013-2014	35% <sup>3</sup>	✓	✓	✓	✓		✓
Tennessee	House Bill 7010 and Senate Bill 7005, 2010	2011-2012	35% <sup>4</sup>		✓	✓			
Virginia	House Bill 1500, 2011 House Bill 2151, 2013 Senate Bill 1223, 2013 House Bill 1999, 2013 Senate Bill 1207, 2013	2012-2013	40% <sup>5</sup>			✓			
West Virginia	House Bill 4236 and Senate Bill 372, 2012	2013-2014	20% <sup>6</sup>		✓	✓	✓	✓	✓

<sup>1</sup> The percentages of student growth data listed are only for evaluations of teachers who teach subjects with annual state assessments.

<sup>2</sup> Senate Bill 1664 of 2013 requires that a classroom teacher with less than three years of student performance data have a performance evaluation that consists of 40 percent student learning growth or achievement.

<sup>3</sup> Senate Bill 426 of 2013 provides for a phase-in of qualitative and quantitative components (student growth measures and other academic measures) of teacher evaluations. Beginning in 2015-2016, 50 percent of teacher evaluations must consist of quantitative components — 35 percent student learning growth data and 15 percent other academic measures.

<sup>4</sup> The overall evaluation will consist of 50 percent student achievement growth data, made up of 35 percent student learning growth data and 15 percent other academic measures.

<sup>5</sup> At least 40 percent of the evaluation will consist of student growth data.

<sup>6</sup> Fifteen percent of the evaluation is based on evidence of student learning over time, and the remaining 5 percent is based on schoolwide student learning growth on statewide assessments.

**Table 2. Teacher Evaluation Systems: Components of Performance Evaluations  
Legislation Adopted by SREB States, 2010 to 2013**

State	Evaluations of Teachers in Subject Areas with State Assessments	Evaluations of Teachers in Subject Areas without State Assessments
Arkansas	<p>Beginning with the 2014-2015 school year, student achievement growth data will constitute 50 percent of teacher performance evaluations.</p> <p>The remainder of the evaluation process will consist of a pre- and post-observation conference, formal and informal classroom observation, and a review of student growth data or another assessment.</p>	<p>The state Department of Education will identify another measure to comprise 50 percent of these evaluations.</p>
Florida	<p>Fifty percent of a teacher’s evaluation consists of at least three years of student learning growth data — a formula that must consist of a student’s prior academic performance and other factors (attendance, disability status, or status as an English-language learner).</p> <p>Or, if a classroom teacher has less than three years of student performance data, his or her performance evaluation will consist of 40 percent student learning growth or achievement.</p> <p>Evaluations also will include classroom observations, plus professional and job responsibility information.</p>	<p>Non-classroom instructional personnel performance evaluations are based on student outcome data that reflect the actual contribution of the non-classroom personnel to the performance of the students assigned to the individual in his or her area of responsibility.</p>
Georgia	<p>The teacher evaluation system will use multiple, rigorous and transparent measures, prioritizing growth in student achievement. Student growth will count for at least 50 percent of the evaluation. The remainder of the teacher evaluation will include multiple additional measures, such as classroom observations and student perception data.</p>	<p>Growth in student achievement will be assessed through measures of student achievement growth developed at the school system level and approved by the state Department of Education. When sufficient data become available, student achievement growth will count for at least 50 percent of the evaluation.</p>
Kentucky	<p>The evaluation system will use multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district.</p>	
Louisiana	<p>Teacher evaluations include student growth data that count as 50 percent of a teacher’s evaluation and factors in conditions such as a student’s disability status, attendance, discipline, eligibility for free or reduced-price meals, and other information.</p>	<p>The state Board of Education is authorized to establish measures of student growth.</p>

**Table 2. Teacher Evaluation Systems: Components of Performance Evaluations  
Legislation Adopted by SREB States, 2010 to 2013**

State	Evaluations of Teachers in Subject Areas with State Assessments	Evaluations of Teachers in Subject Areas without State Assessments
Maryland	Effective in the 2013-2014 school year, the bill requires teacher performance evaluations to include student growth data as a significant factor of the total evaluation, as developed by the state Board of Education.	
Oklahoma	<p>Phases in the use of qualitative and quantitative measures in the evaluations of teachers and administrators over several school years and provides for a transition from qualitative measures (100 percent of the evaluation) to both qualitative and quantitative measures (each counting as 50 percent of the evaluation) by 2015-2016. Qualitative measures must comprise 100 percent of a first-year teacher’s evaluation.</p> <ul style="list-style-type: none"> <li>• For the 2013-2014 school year, qualitative components will compose 100 percent of teacher or administrator evaluations.</li> <li>• During the 2014-2015 school year, school districts, in addition to using qualitative measures for 100 percent of the evaluation, will incorporate quantitative measures in evaluations to establish baseline data.</li> <li>• Beginning in 2015-2016, school districts must fully implement the state teacher evaluation system, which will include both qualitative (50 percent) and quantitative (50 percent) measures.</li> </ul> <p>Qualitative measures are observable and measurable characteristics of personnel and classroom practices linked to student performance. Quantitative measures are student academic growth and other academic data.</p>	The evaluation will consist of an assessment using objective measures of teacher effectiveness, such as student performance on unit or end-of-year tests, with an emphasis on observed qualitative assessment measures and the teacher’s contribution to the overall academic growth of the school.

**Table 2. Teacher Evaluation Systems: Components of Performance Evaluations  
Legislation Adopted by SREB States, 2010 to 2013**

State	Evaluations of Teachers in Subject Areas with State Assessments	Evaluations of Teachers in Subject Areas without State Assessments
Tennessee	<p>Student achievement data comprises 50 percent of annual teacher evaluations — 35 percent based on student growth data from state assessments and 15 percent on other measures of student achievement.</p> <ul style="list-style-type: none"> <li>Teachers in the top three quintiles for student growth may choose to have student growth data comprise 50 percent of the evaluation, rather than selecting another achievement measurement for 15 percent of the evaluation.</li> </ul> <p>Other mandatory criteria for teacher performance evaluations include, at least, a review of prior evaluations, personal conferences and classroom observations.</p>	The state Department of Education has the authority to approve a different set of student growth measurements.
Virginia	<p>Under the system, created by the state Board of Education, at least 40 percent of a teacher’s evaluation is based on student learning growth data, which may include state assessment scores and other measures of learning and achievement.</p> <ul style="list-style-type: none"> <li>Student learning growth is defined as whether students: on average, fall below, meet or exceed an expected amount of growth based on a statewide average or reference base year on state assessments or additional assessments; maintain a proficient or advanced proficient performance level on state assessments; or make significant improvement within the below-basic or basic level of performance on reading or mathematics assessments.</li> </ul>	
West Virginia	Beginning with the 2013-2014 school year, 80 percent of a teacher’s evaluation will be based on the teacher’s performance relative to the state’s professional teaching standards, 15 percent on evidence of student learning, and 5 percent on schoolwide student academic growth on statewide assessments.	

**Table 3. Teacher Evaluation Systems: Evaluation Categories, Performance Rating Designations and Additional Policies  
Legislation Adopted by SREB States, 2010 to 2013**

State	Evaluation Categories	Performance Rating Designations	Advisory Council/Committee and Additional Policies
Arkansas	Evaluators will rate teachers in four categories — planning and preparation, classroom environment, instruction and professional responsibilities. In addition, evaluations will include a written determination of the teacher’s performance level in each category and on the categories as a whole.	Evaluators will rate teachers according to four performance levels — “distinguished,” “proficient,” “basic” or “unsatisfactory.”	
Florida		Evaluators rate teacher performance as: “highly effective,” “effective,” “needs improvement/developing” or “unsatisfactory.”	
Georgia		Each teacher will receive one of four rating levels on his or her evaluation. The rating designations are: “exemplary,” “proficient,” “needs development” and “ineffective.”	
Kentucky		The evaluation system will have at least three performance levels.	
Louisiana			<ul style="list-style-type: none"> <li>• The state Board of Education created a 13-member Educator Evaluation Advisory Committee to develop the value-added model of the evaluation and identify measures of student growth for grades and subjects for which value-added data are not available.</li> <li>• The public has access to school-level student achievement growth data that do not reveal any specific employee information.</li> </ul>
Oklahoma		The evaluation system expands teacher performance ratings to: “superior,” “highly effective,” “effective,” “needs improvement” and “ineffective.”	House Bill 1267 of 2011 created the Teacher and Leader Effectiveness Commission to oversee and advise the newly created evaluation system until July 1, 2016.

**Table 3. Teacher Evaluation Systems: Evaluation Categories, Performance Rating Designations and Additional Policies  
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State	Evaluation Categories	Performance Rating Designations	Advisory Council/Committee and Additional Policies
Tennessee			The bills created an independent, 15-member teacher evaluation advisory committee to develop guidelines for annual teacher evaluations by July 1, 2011.
West Virginia			<p>The Center for Professional Development will help the state Board of Education develop written standards for evaluation.</p> <p>The Legislative Oversight Commission on Education Accountability must help the state Board review the progress of implementing the evaluation system and make any recommendations it considers necessary.</p>

**Table 4. Teacher Effectiveness Overview: Evaluation Frequency, Professional Development, Mentoring and Improvement Plans  
Legislation Adopted by SREB States from 2010 to 2013**

<b>State</b>	<b>Bill Number, Year</b>	<b>Frequency of Evaluations</b>	<b>Professional Development</b>	<b>Mentoring</b>	<b>Improvement Plans</b>
Arkansas	House Bill 2178, 2011	✓	✓	✓	✓
Florida	Senate Bill 736, 2011	✓			
Louisiana	House Bill 1033, 2010	✓	✓		✓
Maryland	House Bill 1263 and Senate Bill 899, 2010	✓	✓	✓	
North Carolina	Senate Bill 466, 2011				✓
Oklahoma	Senate Bill 426, 2013 Senate Bill 207, 2013	✓	✓		✓
Tennessee	House Bill 7010 and Senate Bill 7005, 2010	✓			
Virginia	House Bill 2151, 2013	✓			
West Virginia	House Bill 4236 and Senate Bill 372, 2012	✓	✓	✓	✓

**Table 5. Teacher Effectiveness: Evaluation Frequency, Professional Development and Mentoring  
Legislation Adopted by SREB States, 2010 to 2013**

State	Frequency of Evaluations	Professional Development	Mentoring
Arkansas	<ul style="list-style-type: none"> <li>Beginning with the 2014-2015 school year, public schools will conduct evaluations at least annually for beginning, probationary and intensive-support status teachers (those with a rating of “unsatisfactory” or “basic” in a majority of the evaluation categories). Currently, all teachers are evaluated annually (although there has not been any consistency in the frequency of evaluations statewide).</li> <li>For tenured teachers, schools will conduct evaluations once every three years.</li> </ul>	<ul style="list-style-type: none"> <li>The bill requires a teacher and evaluator to mold a professional learning plan that advances the teacher’s professional skills and that clearly links the teacher’s professional development activities and individual professional learning needs based on the performance evaluation.</li> <li>The plan requires at least half of a teacher’s state-mandated professional development hours be directly related to one or more of the following: the teacher’s content area, instructional strategies or areas needing improvement as identified by the evaluation.</li> </ul>	To increase teacher retention and student achievement, every teacher with less than one year of teaching experience will receive training and support through mentoring.
Florida	<ul style="list-style-type: none"> <li>The legislation requires at least two performance evaluations in the first year for newly hired teachers and an annual performance evaluation for all other teachers. Previously, all teachers were evaluated at least once a year.</li> <li>These additional evaluations will help beginning teachers understand the teaching standards and outcomes required by the local district and state, while also providing management with an opportunity to consistently communicate and provide professional support to these teachers.</li> </ul>		
Louisiana	<p>Currently, every teacher is required to have an annual evaluation.</p> <ul style="list-style-type: none"> <li>Prior to the 2011-2012 school year, evaluations were conducted once every three years for teachers with more than three years of experience. Probationary teachers were evaluated every year.</li> </ul>	<p>The bill institutes new professional development requirements for beginning teachers.</p> <ul style="list-style-type: none"> <li>Local school boards must provide beginning teachers with professional development opportunities during their first three years of employment to improve their teaching competencies.</li> <li>In addition, the local board must provide targeted professional development to address teaching deficiencies identified in the evaluation process.</li> </ul>	

**Table 5. Teacher Effectiveness: Evaluation Frequency, Professional Development and Mentoring  
Legislation Adopted by SREB States, 2010 to 2013**

State	Frequency of Evaluations	Professional Development	Mentoring
Maryland	Beginning or probationary teachers will continue to have evaluations at least once a year. Tenured teachers must receive an evaluation at least once a year.	If a beginning (or probationary) teacher does not qualify for tenure at any formal evaluation point, the bill requires that the teacher receive professional development and mentoring.	<p>Probationary teachers must have a mentor promptly assigned to them if they are not on track to qualify for tenure at any formal evaluation point. In addition, these teachers must receive additional professional development.</p> <ul style="list-style-type: none"> <li>• A local board can assign a mentor at any time during a beginning teacher’s employment.</li> <li>• The state Board must ensure that mentoring programs are effective, of high quality, geared toward the needs of the employee, and include observations and feedback.</li> </ul>
Oklahoma	<ul style="list-style-type: none"> <li>• All teachers will have annual evaluations.</li> <li>• Every probationary teacher must receive constructive feedback from the evaluation.</li> <li>• Career teachers rated as “superior” or “highly effective” will have evaluations once every two years.</li> </ul>	A teacher rated as “needs improvement” or “ineffective” will receive a comprehensive remediation plan and instructional coaching.	
Tennessee	<p>The bills require annual evaluations of all teachers.</p> <ul style="list-style-type: none"> <li>• Prior to the 2011-2012 school year, probationary teachers were evaluated at least once a year, according to state statutes. However, most probationary teachers were observed or were evaluated two to three times a year, based on state Board policy.</li> <li>• Tenured or experienced teachers were evaluated twice within a 10-year period.</li> </ul>		

**Table 5. Teacher Effectiveness: Evaluation Frequency, Professional Development and Mentoring  
Legislation Adopted by SREB States, 2010 to 2013**

State	Frequency of Evaluations	Professional Development	Mentoring
Virginia	<ul style="list-style-type: none"> <li>• Teachers must have a formal evaluation at least once every three years and more often if deemed necessary by the principal. Previously, teachers only were required to have an evaluation no less than once every three years.</li> <li>• Teachers also must participate in an informal evaluation during each year in which the teacher is not formally evaluated.</li> <li>• During the first year of a teacher’s probationary period, the teacher must be evaluated informally at least once during the first semester of the school year.</li> </ul>		
West Virginia	<p>Evaluations will be performed on frequent and consistent intervals.</p> <ul style="list-style-type: none"> <li>• For teachers with five or more years of experience who have not received an unsatisfactory rating, evaluations will be conducted no more than once every three years unless the principal determines an evaluation for a particular school employee is needed more frequently.</li> <li>• For teachers with five or more years of experience who have not received an unsatisfactory rating, an evaluation will be conducted or professional growth and development plan required only when the principal determines it is necessary or when a classroom teacher exercises the option of being evaluated at more frequent intervals.</li> </ul>	<p>Beginning on July 1, 2013, a local board must have a comprehensive plan for teacher improvement that was approved by the state Board of Education.</p>	<p>Beginning July 1, 2013, appropriations for beginning teacher mentors and any new appropriation made for this purpose will be expended by local boards only to accomplish the required activities.</p>

**Table 6. Teacher Effectiveness: Improvement Plans  
Legislation Adopted by SREB States, 2010 to 2013**

State	Bill Number, Year	Improvement Plans
Arkansas	House Bill 2178, 2011	<p><u>Appraisals</u></p> <ul style="list-style-type: none"> <li>The state will implement “interim teacher appraisals” to support teachers on an ongoing basis throughout the school year. An interim teacher appraisal is a form of evaluation (though not the evaluation required as part of the Teacher Excellence and Support System) that provides support for teaching practices and uses standards for teacher growth and performance that are consistent with the performance rating designations from teacher evaluations.</li> </ul> <p><u>Improvement Plan</u></p> <p>Teachers, who receive a rating of “unsatisfactory” in any one performance evaluation category, or “unsatisfactory” or “basic” in a majority of evaluation categories, will work under intensive-support status.</p>
Louisiana	House Bill 1033, 2010	<ul style="list-style-type: none"> <li>During the beginning of each evaluation period, a teacher and evaluator collaboratively must develop a professional growth plan, which is designed to assist each teacher in meeting effectiveness standards by addressing the social, developmental and emotional needs of students and maintaining a classroom environment that is conducive to learning.</li> <li>Any teacher who fails to meet performance effectiveness standards, set by the state Board, will participate in an intensive-assistance program designed to address the complexity of the teacher’s deficiencies. After completing the program, a teacher must receive a formal re-evaluation.</li> </ul>
North Carolina	Senate Bill 466, 2011	<p>Mandatory teacher improvement plans directly connect teacher evaluation results and dismissal. Mandatory improvement plans are designed to improve a teacher’s performance by highlighting the specific performance areas where substantial deficiencies lie and providing a set of strategies that will allow a teacher to satisfactorily resolve such deficiencies in a reasonable period of time.</p> <ul style="list-style-type: none"> <li>A teacher in a low-performing school who receives a performance evaluation rating of “below-proficient” or “unsatisfactory” must participate in a mandatory improvement plan.</li> <li>A teacher in a school that is not designated as low-performing may participate in a mandatory improvement plan if the teacher’s performance evaluation rating is “below-proficient” or “unsatisfactory” and if the superintendent determines that an individual, monitored or directed growth plan will not adequately address the deficiencies.</li> <li>Local boards that rehire dismissed teachers must develop an improvement plan to help the teacher progress.</li> </ul>
Oklahoma	Senate Bill 2033, 2010	<p>A teacher rated as “needs improvement” or “ineffective” on an annual performance evaluation must receive a comprehensive remediation plan and instructional coaching from the local school district.</p>
West Virginia	House Bill 4236, 2012	<p>A teacher whose performance is considered unsatisfactory will receive a written notice of the deficiencies and have an improvement plan developed by the local board. Provisions created by the state Board of Education will include written improvement plans when necessary to improve the performance of the professional personnel. The plan will specify what improvements are needed and clearly recommend improvements for additional education and training. The teacher will have up to 12 months to improve.</p>

**Table 7. Teacher Experience: Changes to Probationary Period  
Legislation Adopted by SREB States, 2010 to 2013**

State	Bill Number, Year	Implementation Date	Previous Probationary Period	Current Probationary Period
Delaware	Senate Bill 263, 2010	July 30, 2010	3 years	Must show 2 years of “satisfactory” student growth in a 3-year period
Florida	Senate Bill 736, 2011	July 1, 2011	3 years	1 year (All new hire teachers operate on annual contracts.)
Maryland	House Bill 1263 and Senate Bill 899, 2010	July 1, 2010	2 years	3 years
North Carolina	Senate Bill 402, 2013	July 1, 2013	3 years	1 year
Oklahoma	Senate Bill 2033, 2011	July 1, 2012	3 years	3 years if teacher is rated as “superior” or 4 years if teacher is rated as “effective” on teacher evaluation
Tennessee	House Bill 2012 and Senate Bill 1528, 2011	July 1, 2011	3 years	5 years and have a rating of “above expectations” or “significantly above expectations” during the last two years of the probationary period
South Carolina	House Bill 3028, 2012	July 1, 2012	1 year	Up to 3 years <sup>1</sup>
Virginia	House Bill 2151 and Senate Bill 1223, 2013	July 1, 2013	3 years	At least 3 years and up to 5 years <sup>2</sup>

<sup>1</sup> At the end of each year of the three-year induction period (or probationary period), the school district may employ the teacher under another induction (probationary) contract or an annual contract, or the school district may terminate the teacher’s contract.

<sup>2</sup> A teacher’s probationary period must last at least three years and, at the option of the local school board, up to five years in the same local school district before a teacher can earn a continuing contract (tenure).

**Table 8. Teacher Tenure Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

State	Bill Number, Year	Tenure Policies
Alabama	Senate Bill 310, 2011	<ul style="list-style-type: none"> <li>• Teachers will continue to serve three complete consecutive school years prior to earning tenure.</li> <li>• A teacher’s credible service is not transferable from one local school district to another, unless the school district that employs the teacher changes due to annexation, consolidation, school district formation or a similar reorganization.</li> <li>• A tenured teacher must inform the local board of his or her intent to terminate employment at least 30 days (down from 45 days) before the first day of the next school year. At any other time, a tenured teacher may terminate employment with a five-day written notice to the local board.</li> </ul>
Delaware	Senate Bill 263, 2010	<ul style="list-style-type: none"> <li>• To earn tenure, teachers must show at least two years of “satisfactory” student growth in a three-year period. Previously, teachers were considered “tenured” after only three years of service. Student growth is defined by the state Department of Education as the change in student achievement data for an individual student over time and may include other measures that are rigorous and comparable across classrooms, such as standardized test scores.</li> </ul>
Florida	Senate Bill 736, 2011	<ul style="list-style-type: none"> <li>• Eliminates tenure and requires annual renewal of teacher contracts, beginning with teachers hired after June 30, 2011. Probationary contracts may not be awarded more than once to the same employee.</li> <li>• The probationary period decreases from three years to one year.</li> <li>• To receive an annual contract, a teacher must meet three criteria:               <ul style="list-style-type: none"> <li>○ Hold an active teaching certificate.</li> <li>○ Have the recommendation of a local district administrator for an annual contract or contract renewal.</li> <li>○ Not have: two consecutive “unsatisfactory” annual performance evaluations, two “unsatisfactory” annual performance evaluations in three years, three consecutive “needs improvement” evaluations, or any combination of “needs improvement” and “unsatisfactory” annual evaluations in three years.</li> </ul> </li> </ul>
Louisiana	House Bill 974, 2012	<ul style="list-style-type: none"> <li>• A teacher may earn tenure only after receiving a “highly effective” performance rating for five years within a six-year period.</li> <li>• A tenured teacher who receives an “ineffective” rating will lose tenure immediately, but may regain tenure if the rating is successfully appealed or after once again receiving a rating of “highly effective” for five years within a six-year period.</li> </ul>
Maryland	House Bill 1263 and Senate Bill 899, 2010	<ul style="list-style-type: none"> <li>• For non-tenured teachers, the probationary period changed from two years to three years.</li> <li>• A teacher can retain tenure after moving to another school district in the state if, after one year of probationary employment in the new district, the teacher’s contract is renewed, provided that the final evaluation rating from the previous district was “satisfactory” or better and there was no break in service of longer than one year.</li> </ul>
North Carolina	Senate Bill 402, 2013	<ul style="list-style-type: none"> <li>• A teacher who has less than three years of service may receive a contract or contract renewal for a one-year term.</li> <li>• A teacher who has three or more years of service may receive a contract renewal for one, two or four years.               <ul style="list-style-type: none"> <li>○ The superintendent may recommend a contract term longer than one year, if a teacher has shown effectiveness as demonstrated by proficiency on the annual evaluation.</li> </ul> </li> </ul>

**Table 8. Teacher Tenure Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

Oklahoma	Senate Bill 2033, 2011	<ul style="list-style-type: none"> <li>• Probationary teachers must meet one of three performance rating choices to earn tenure:             <ul style="list-style-type: none"> <li>○ three consecutive school years in one school district and receive ratings of “superior” for at least two of the three school years, with no rating below “effective”;</li> <li>○ four consecutive years in one school district with an average rating of “effective” over the four-year period, with a rating of at least “effective” for the last two years of the period; or</li> <li>○ after petitioning the local superintendent, the teacher must receive petition approval from the local school board to earn tenure after four or more consecutive years of teaching.</li> </ul> </li> <li>• The legislation also redefines “probationary teacher” to mean either: those employed during the 2011-2012 school year who have not completed three years of service, or those hired after June 30, 2012, who have not met the requirements for tenure. Prior to July 1, 2012, probationary teachers were those who had not completed three consecutive years of service in one school district.</li> </ul>
Tennessee	House Bill 2012 and Senate Bill 1528, 2011	<ul style="list-style-type: none"> <li>• The probationary period increases from three years to five years.</li> <li>• To attain tenure, a teacher must complete a five-year probationary period and achieve a performance effectiveness rating of “above expectations” or “significantly above expectations” during the last two years of the probationary period.</li> <li>• A teacher must return to probationary status if, after attaining tenure, the teacher receives an evaluation rating of “below expectations” or “significantly below expectations” for two consecutive years. The teacher will remain in probationary status until receiving two consecutive years of “above expectations” or “significantly above expectations” evaluation ratings. After these two consecutive years of high performance, the teacher is again eligible for tenure.</li> <li>• A teacher who attains tenure and later resigns must serve a two-year probationary period upon reemployment by the same school system, unless the probationary period is waived by the local board of education at the request of the district superintendent. Once the teacher completes the probationary period, the teacher is eligible for tenure and must receive a recommendation from the district superintendent, either for tenure or nonrenewal.</li> </ul>

**Table 9. Teacher Dismissal and Grievance Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

<b>State</b>	<b>Dismissal Bill Number, Year</b>	<b>Grievance Bill Number, Year</b>
Alabama	Senate Bill 310, 2011	Senate Bill 310, 2011
Arkansas	House Bill 2178, 2011	
Florida	Senate Bill 736, 2011	
Georgia	House Bill 244, 2013	
Louisiana	House Bill 1033, 2010	House Bill 1033, 2010
	House Bill 974, 2012	
North Carolina	House Bill 1377, 2010	Senate Bill 962, 2009
	Senate Bill 466, 2011	
	Senate Bill 402, 2013	
Oklahoma	Senate Bill 2033, 2010	House Bill 1380, 2011
Tennessee	House Bill 2012 and Senate Bill 1528, 2011	House Bill 7010 and Senate Bill 7005, 2010
		House Bill 130 and Senate Bill 113, 2011
Texas	Senate Bill 8, 2011	
Virginia	House Bill 2151 and Senate Bill 1223, 2013	
West Virginia	House Bill 4236, 2012	

**Table 10. Teacher Dismissal Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

State	Dismissal Legislation
Alabama	<ul style="list-style-type: none"> <li>• For tenured teachers, the local superintendent may recommend termination by written notice. The notice must state the reasons for the proposed termination and contain a short statement of the facts showing that the termination was due to certain factors, including a decrease in the number of positions, insubordination, failure to perform duties in a satisfactory manner, or for another good and just cause.</li> <li>• With local board approval, a local superintendent may transfer or reassign a teacher, at any time, to any position, grade or work location within the same feeder system for which the teacher is qualified.</li> <li>• Tenured teachers may challenge a transfer or reassignment only under limited situations: reductions to compensation or benefits, changes to the length of the work or school year, and unavoidable workforce reductions beyond normal attrition due to decreased student enrollment or a shortage of revenues.</li> </ul>
Arkansas	<p>If a teacher fails to meet the necessary goals while in intensive support status, the evaluator will notify the local superintendent, who must recommend termination or nonrenewal of the teacher’s contract.</p>
Florida	<ul style="list-style-type: none"> <li>• Teachers who have two “unsatisfactory” performance evaluation ratings within a two- or three-year period, or who have three consecutive “needs improvement” or “unsatisfactory” evaluation ratings, will not receive an annual contract or a contract renewal (if hired before July 1, 2014).</li> <li>• Unless a teacher has a performance rating of “effective” or “highly effective,” a principal may refuse to accept the placement or transfer of the teacher into the school.</li> <li>• If workforce reduction becomes necessary, local districts are required to keep teachers based on educational program needs and performance evaluation ratings. Those teachers with the lowest performance evaluations will be the first released from their contracts.</li> <li>• Local boards may not prioritize teacher retention based on seniority.</li> </ul>
Georgia	<ul style="list-style-type: none"> <li>• Any licensed personnel who receive “ineffective” or “needs development” ratings on an annual evaluation within a five-year period will not have their licenses renewed, unless they demonstrate that the performance deficiency was addressed. School districts and charter schools must report all unsatisfactory, “ineffective” and “needs development” performance ratings to the state Professional Standards Commission.</li> <li>• School districts must base retention, promotion, compensation, dismissal and other staffing decisions primarily on the results of evaluations.</li> </ul>
Louisiana	<ul style="list-style-type: none"> <li>• House Bill 1033 has the following elements: <ul style="list-style-type: none"> <li>○ If a teacher’s evaluation results do not meet state Board performance effectiveness standards for three years, the state Board will not issue a certificate or renewal.</li> <li>○ A charter school governing body will terminate teachers found ineffective for three consecutive years.</li> <li>○ If a teacher is found ineffective after completing an intensive-assistance program and after undergoing a re-evaluation, the local board must initiate dismissal proceedings.</li> </ul> </li> <li>• House Bill 974 transfers the authority to hire, place and fire school personnel from local school boards to superintendents and school principals, and it transfers to superintendents the authority to make “reduction in force” decisions. <ul style="list-style-type: none"> <li>○ Superintendents and principals must base all employment-related decisions on performance, effectiveness and qualifications, not primarily tenure and seniority.</li> <li>○ A superintendent may terminate a tenured teacher for reasons that now include poor performance.</li> </ul> </li> </ul>

**Table 10. Teacher Dismissal Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

State	Dismissal Legislation
North Carolina	<p>House Bill 1377 provides that a tenured teacher who is recommended for dismissal may resign without a written agreement from her school system superintendent. A teacher who resigns under this provision is considered to have voluntarily surrendered his teaching certificate for up to 45 days while the state Board of Education determines whether to suspend or revoke that certificate.</p> <p>Senate Bill 466 addresses the dismissal or demotion of teachers in low-performing schools and teachers in schools that are not low-performing. Although the procedures vary for inadequately performing teachers and for teachers in low-performing schools, the bill defines inadequate performance, establishes mandatory improvement plans, and institutes procedures for the dismissal of teachers whose performance does not satisfy their mandatory improvement plans.</p> <p>Senate Bill 402 amends Senate Bill 466 of 2011 relating to the dismissal or demotion of teachers. A local superintendent may recommend the dismissal or demotion of a teacher to the local board for 15 specific causes that include inadequate performance, failure to fulfill teaching responsibilities or a justifiable decrease in the number of positions in the district.</p> <p><u>Teachers in Low-Performing Schools</u></p> <ul style="list-style-type: none"> <li>• Conditions for dismissal of licensed personnel assigned to low-performing schools: <ul style="list-style-type: none"> <li>○ The state Board must dismiss a teacher when the school’s assistance team (assigned to low-performing schools or any other school requesting assistance by the state Board) evaluates such personnel as having inadequate performance on two consecutive evaluations.</li> <li>○ The state Board may dismiss a teacher when the state Board has failed to make satisfactory improvement and the school’s assistance team recommends dismissal for one or more causes.</li> <li>○ The state Board may dismiss licensed staff members who were engaged in a remediation plan but who, after one retest, failed to meet the general knowledge standard, which is substantial evidence of inadequate performance.</li> </ul> </li> <li>• A teacher in a low-performing school must participate in a mandatory improvement plan, or receive a dismissal or demotion recommendation, if the teacher obtains a “below-proficient” or “unsatisfactory” performance rating on her evaluation. If the teacher fails to achieve proficiency on any performance standard required for improvement in the plan, the superintendent must recommend the teacher’s dismissal or demotion.</li> </ul> <p><u>Teachers in Schools not Designated as Low-Performing</u></p> <ul style="list-style-type: none"> <li>• If the teacher fails to attain proficiency or to demonstrate sufficient improvement in the areas identified by the mandatory improvement plan, then the superintendent may recommend dismissal or demotion.</li> <li>• A superintendent may dismiss a teacher in a school not designated as low-performing without requiring the teacher to participate in a mandatory improvement plan.</li> </ul> <p><u>Other Provisions</u></p> <ul style="list-style-type: none"> <li>• A local board may rehire a teacher who was dismissed for any reason other than workforce reductions. The superintendent must develop a mandatory improvement plan for a re-hired teacher. If the teacher receives a “below-proficient” rating after completing the plan, the state Board of Education will begin the process of revoking the teacher’s license. If the teacher receives a “developing” rating, the teacher must raise his or her rating to proficient within one year or the state Board of Education must initiate the license revocation process.</li> </ul>

**Table 10. Teacher Dismissal Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

State	Dismissal Legislation
Oklahoma	<ul style="list-style-type: none"> <li>• The legislation requires the dismissal of a career teacher who receives an evaluation rating of “ineffective” for two consecutive school years.</li> <li>• School systems must dismiss a career teacher who receives a “needs improvement” or lower rating for three consecutive years, or who averages a rating below “effective” for a five-year period.</li> <li>• School systems must dismiss probationary teachers who have not attained career teacher status within four years or who were rated “ineffective” for two consecutive years.</li> <li>• In addition, schools identified by the state as underperforming may choose among four intervention models, which may include replacing a significant portion of the school’s staff or closing the school.</li> </ul>
Tennessee	<ul style="list-style-type: none"> <li>• The legislation requires that any tenured teacher (who acquired tenure after July 1, 2011) who receives two consecutive years of “below expectations” and “significantly below expectations” as the overall performance rating on evaluations will return to probationary status.</li> <li>• The teacher will remain in probationary status until receiving two consecutive years of “above expectations” or “significantly above expectations” on his or her evaluations. However, if the teacher is not granted tenure after the probationary period, the teacher’s contract will terminate.</li> <li>• After a workforce reduction (such as layoffs or position closures), a district superintendent must consider a dismissed tenured teacher’s most recent evaluations as a factor in determining whether to rehire the teacher to fill a position vacancy.</li> </ul>
Texas	<ul style="list-style-type: none"> <li>• The legislation provides that local school districts may dismiss probationary teachers 10 days prior to the end of an instructional term. Previously, districts were required to give probationary teachers at least 45 days’ notice of a dismissal decision.</li> <li>• The bill also allows districts to suspend a teacher without pay, pending termination or instead of termination for good cause.</li> <li>• In cases where a workforce reduction is necessary, a district may terminate tenured teacher contracts primarily based on teacher evaluations, rather than seniority.</li> </ul>
Virginia	<p>The legislation authorizes a local school board to dismiss (previously, dismiss or place on probation) a teacher for reasons that include incompetency, immorality, and noncompliance. The bills redefine “incompetency” to include one or more unsatisfactory performance evaluations. A local superintendent now may only recommend a teacher’s dismissal; previously, the superintendent could recommend dismissal or probation.</p> <p>The bills shorten the time that a teacher has to dispute a dismissal recommendation. A teacher may request a hearing within five business days (previously, 15 days) after receiving a written notice of a recommendation for dismissal. A local school board or an impartial hearing officer must set the hearing within 15 days (previously, 30 days) of the teacher’s request and give the teacher 5 days’ notice (previously, 15 days) of the time and place of the hearing. If an impartial hearing officer conducts the hearing, the officer must provide a written recommendation to the local school board within 10 business days after the hearing. These bills remove provisions related to any further hearings after the local board has made a decision on dismissal.</p> <p>The legislation also prohibits workforce reductions based solely on seniority.</p>
West Virginia	<p>If a teacher’s evaluation does not show satisfactory performance after completing an improvement plan, the evaluator may either make additional written recommendations or recommend dismissal.</p>

**Table 11. Teacher Grievance Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

State	Grievance Legislation
Alabama	<ul style="list-style-type: none"> <li>• If recommended for dismissal, a tenured teacher may file a written request for a hearing from the local board within 15 days of receiving the written termination notice. The teacher must receive a hearing in 30 to 60 days from the date of the termination notice, instead of the previous 20- to 30-day period. If the local board decides to dismiss the teacher, the teacher may appeal to the state superintendent within 15 days of the termination notification.</li> <li>• The state superintendent will refer the appeal to the executive director of the state bar association, who will serve as the administrator of the hearing officer selection process. The selected hearing officer will come from a panel of five retired state dispute-resolution judges. (Previously, appeals were handled by independent federal arbitrators.)</li> <li>• The legislation extends the maximum suspension period to 20 days and allows the superintendent to suspend the teacher either with or without pay. If a tenured teacher is suspended without pay for longer than 20 days, the teacher may challenge the suspension, using the termination hearing and appeals process. Previously, a local superintendent (with approval from the local board) could suspend an Alabama teacher without pay for seven days.</li> <li>• During the hearing process, a suspended or terminated tenured teacher may continue to receive compensation and benefits until a final ruling is reached by the hearing officer or 75 calendar days have elapsed, whichever occurs first. But in cases of termination based on an act of moral turpitude, immorality, abandonment of job, incarceration or neglect of duty, the teacher will not receive any compensation or benefits. Previously, the teacher continued to receive compensation.</li> </ul>
Louisiana	<ul style="list-style-type: none"> <li>• The state Board must develop and adopt grievance procedures for any teacher aggrieved by the results of a local board’s teacher evaluation.</li> <li>• At a minimum, the process must ensure:               <ul style="list-style-type: none"> <li>○ that the teacher receives a copy of the evaluation, the evaluators’ data recording forms and any related documentation;</li> <li>○ that the teacher receives due process, including representation in all aspects of the evaluation grievance process; and,</li> <li>○ that the local board administers the evaluation in a fair, objective and consistent manner and complies with all rules and regulations adopted by the state Board.</li> </ul> </li> </ul>
North Carolina	<ul style="list-style-type: none"> <li>• By June 1, a local superintendent must notify a teacher in writing of his/her decision not to renew the teacher’s contract. The local board must notify the teacher of its intent not to renew the teacher’s contract by June 15. Within 10 days of receiving the superintendent’s recommendation, the teacher may request a hearing before the local board.</li> <li>• A superintendent who recommends dismissal or demotion of a teacher must notify the teacher in writing and meet with the teacher to provide notice of the charges, an explanation of the basis for charges and an opportunity to respond. The teacher may request a hearing before the local board within 14 days after receiving the superintendent’s notice. A teacher who was dismissed or demoted, has received a disciplinary suspension without pay, or has requested and participated in a hearing may request an appeal to the superior court (on one or more of six grounds) within 30 days of notification of the local board’s final decision.</li> <li>• After a dismissal recommendation, a teacher who chooses to resign without the written agreement of the superintendent consequently will have: his/her resignation reported to the state Board by the superintendent; consented to placement of the dismissal notice in his/her personnel file and release of the report to the state Board of his/her resignation to prospective employers (upon request); and voluntarily surrendered his/her license pending a state Board investigation. A teacher who is not recommended for dismissal may resign without the consent of the superintendent as long as the teacher has given 30 days’ notice. If the teacher does not give 30 days’ notice, then the local board may request that the state Board revoke the teacher’s license for the remainder of the school year.</li> <li>• A teacher who is assigned to a low-performing school and recommended for dismissal may request a hearing before a panel of three members of the state Board within 30 days of dismissal. The teacher may appeal the panel’s decision to the state Board.</li> </ul>
Oklahoma	<p>The legislation ends the practice of “trial de novo” — a teacher’s right to appeal to a district court after a school board’s final ruling to terminate the teacher. The elimination of this procedure allows a local school district to terminate a teacher without an appeals process.</p>

**Table 11. Teacher Grievance Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

State	Grievance Legislation
Tennessee	<p>Due to the passage of House Bill 7010 and Senate Bill 7005, all tenured teachers may demand an impartial hearing on suspension or dismissal charges, as well as appeal the hearing decision. Previously, local boards of education conducted hearings to suspend or dismiss tenured teachers, except in metro Nashville and Memphis, where impartial third-party officials conduct these hearings.</p> <p>Tennessee is the first SREB state to modify its collective bargaining structure. House Bill 130 and Senate Bill 113 replace teachers and local boards of education collective bargaining negotiations with collaborative conferencing between local boards of education and representatives of the teachers' choice.</p> <ul style="list-style-type: none"> <li>• Collaborative conferencing is defined as the process by which representatives of the local board and teachers meet to confer, consult and discuss, and to exchange information, opinions and proposals on matters relating to the terms and conditions of teacher service, using the principles and techniques of interest-based, collaborative problem-solving.</li> </ul> <p><u>Procedures for Collaborative Conferencing</u></p> <ul style="list-style-type: none"> <li>• Annually on January 1, the two parties may collaboratively conference on matters previously negotiated (which include salaries, insurance, working conditions, leave and fringe benefits), except student discipline.</li> <li>• Certain subjects are prohibited from conference discussions, including differentiated and other incentive pay plans, evaluations, staffing decisions and employee assignments. Previous law did not have any prohibitions.</li> <li>• Tennessee district superintendents are permitted to communicate with teachers about any subject relevant to the operation of the school system, including matters under collaborative conferencing.</li> <li>• If the majority of teachers vote to collaboratively conference, they will select seven to 11 teacher representatives by December 1 from either or both of the following categories: teacher organizations or representatives unaffiliated with an organization. However, only those professional organizations receiving 15 percent or more of votes from teachers are entitled to represent teachers. Similarly, 15 percent or more of all teachers may vote to have unaffiliated representatives at the conference. In both cases, the number of representatives from each category selected based on each organization's and unaffiliated representative's proportional share of votes from all teachers.</li> <li>• The local board will have an equal number of representatives from management (such as principals, assistant principals and supervisors). Both groups of representatives will serve on the collaborative conferencing panel for three-year terms, or more frequently if desired and agreed to by teachers and local board.</li> <li>• If an agreement is reached, the parties will jointly prepare a memorandum of understanding, which the local board may approve for up to a three-year period. Once approved, the memorandum is binding.</li> <li>• Absent an agreement and memorandum of understanding, the board is authorized to address those specific terms and conditions of employment through board policy.</li> <li>• Mediation and arbitration are eliminated, and strikes are prohibited. (Collective bargaining did not allow these actions, either.)</li> </ul>

**Table 12. Teacher Performance Pay Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

State	Bill Number, Year	Performance Pay Legislation
Florida	Senate Bill 736, 2011	<p>Senate Bill 736 creates a new performance pay program wherein districts will develop two salary schedules: a “grandfathered” salary schedule and a performance salary schedule. Districts are prohibited from using advanced degrees in setting salaries, unless the advanced degree is in the individual’s area of certification.</p> <ul style="list-style-type: none"> <li>• Instructional personnel hired before July 1, 2014, may participate in the grandfathered schedule, which will base a portion of each employee’s compensation on performance and also will provide differentiated pay based on district factors.</li> <li>• Under the performance salary schedule, teachers hired after June 30, 2014, and previously employed teachers who choose to opt into this new salary schedule will receive performance salary adjustments only if they earn teacher evaluation ratings of “highly effective” or “effective.” <ul style="list-style-type: none"> <li>○ Employees receiving a rating other than “highly effective” or “effective” will not receive a salary adjustment.</li> <li>○ Performance salary adjustments for teachers with “highly effective” evaluation ratings will exceed the highest salary adjustments under the grandfathered salary schedule.</li> <li>○ In addition, teachers compensated under the performance salary schedule can earn salary supplements for teaching in Title I schools, underperforming schools and critical shortage areas, and for taking on additional academic responsibilities.</li> </ul> </li> </ul>
Georgia	House Bill 280, 2009	<ul style="list-style-type: none"> <li>• The legislation creates an incentive pay program to ease the shortage of math and science teachers.</li> <li>• Allows new, fully certified secondary math and science teachers to begin at the salary level of a fifth-year teacher (roughly \$4,000 above the pay of other beginning teachers).</li> <li>• The program also provides an annual \$1,000 bonus to elementary grade teachers who have a math or science state endorsement.</li> </ul>
Maryland	House Bill 1263, 2010	<p>The legislation requires the state Board of Education to establish a program to support locally negotiated incentives for highly effective teachers who teach in certain low-performing schools, Title I schools, and schools with the highest proportion of students eligible for free and reduced-price meals.</p>
Mississippi	Senate Bill 2658, 2013	<p>The legislation establishes a pilot Performance-Based Compensation System in four school districts. The compensation system for instructional personnel and school administrators will contain, among other performance data items, a qualitative measure of teacher effectiveness and a quantitative measure of student performance and learning growth. In 2015-2016, the state Department will develop proposed legislation based on pilot results for statewide implementation of the compensation system.</p>
North Carolina	2012-2013 budget proviso language, 2012	<p>The Excellent Public Schools Act permits local boards of education to develop performance pay plans that provide bonuses or increases in base salary to teachers who meet certain performance criteria, such as growth in student achievement or assignment in a hard-to-staff school or subject area.</p>

**Table 12. Teacher Performance Pay Legislation  
Legislation Adopted by SREB States, 2010 to 2013**

State	Bill Number, Year	Performance Pay Legislation
Oklahoma	Senate Bill 2033, 2010	<ul style="list-style-type: none"> <li>• Local school districts may implement new types of performance pay plans that reward teachers for increasing student and school achievement, as measured by a locally adopted evaluation system.</li> <li>• Teachers achieving either a “superior” or “highly effective” evaluation rating, as well as grade-level, subject-area or school-level performance success, will receive an annual incentive award.</li> <li>• Local districts may develop incentive pay systems that reward teaching: in critical-shortage areas; in underperforming schools, in the science, technology, engineering and math subject areas; and in “hard-to-staff” schools.</li> </ul>
	House Bill 2302, 2010	Revamps the Academic Achievement Award program to award bonuses of \$250 to \$2,000 to specific certified employees at certain high-achieving schools based on a three-year performance average. Previously, the program allowed the top four schools with high achievement in specific categories to receive an award of up to \$3,000.
Virginia	House Bill 1500, 2011	<ul style="list-style-type: none"> <li>• The Virginia Performance-Pay Incentives Initiative awards teachers in schools deemed as “hard to staff” with up to \$5,000 in incentive payments, and it awards exemplary-rated teachers in participating schools receiving federal School Improvement Grants with up to \$3,000 in incentive payments.</li> <li>• A school must implement the Performance Standards and Teacher Evaluation System and meet at least four of eight eligibility requirements to participate in the program. These requirements are related to specific factors, including average attendance rates, accredited with warning, one or more inexperienced teachers (with less than a year of teaching experience) in a critical-shortage area, and the percentage of teachers with provisional licenses.</li> </ul>

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