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More States Requiring Use of Teacher Evaluations in Decisions about K-12 Tenure, Layoffs

DENVER – An increasing number of states are using teacher performance, as measured by evaluations, in key employment decisions about who gets – and keeps – tenure and who gets laid off.

A 50-state review of laws related to K-12 teacher tenure or non-probationary status also found a small but growing number of states attempting to eliminate continuing contracts for educators altogether.

The Education Commission of the States today released three short reports providing an overview of trends in state tenure laws since 2011, an examination of tenure and reduction-in-force policies and a look at teacher evaluations and decisions to grant or remove tenure.

The reports are based on an online database, also released today, that can be used to generate profiles of teacher tenure policies in individual states and to view 50-state reports. The database includes requirements in law for earning tenure and the circumstances under which tenure may be removed, as well as the primary criteria to be considered when teacher layoffs are deemed necessary.

"We see little evidence this trend toward greater use of evaluations will slow down," said ECS President Jeremy Anderson.

Among some of the highlights of the reports:

- Three states – Florida, Kansas and North Carolina – have attempted to eliminate tenure or are phasing it out. Florida and Idaho fit this category in 2011 but Idaho voters have since repealed that state’s law eliminating tenure.
- 16 states require the results of teacher performance evaluations be used in making decisions about granting tenure or non-probationary status. In 2011, that number was 10.
- Seven states have laws returning tenured or non-probationary teachers to probationary status if they receive ineffective ratings. Two states, Arizona and Louisiana, have joined this group since 2011. Five states – Colorado, Idaho, Indiana, Nevada and Tennessee – already had such laws.
- 11 states require school districts to consider performance in deciding which teachers to lay off when declining enrollments or economic factors necessitate reductions in force. Georgia, Louisiana and Maine are the most recent states making performance a primary consideration. In addition, Washington added this requirement in law effective 2015-16.
- 10 states explicitly prohibit the use of tenure or seniority as a primary factor in making lay-off decisions: Arizona, Florida, Georgia, Idaho, Michigan, Nevada, New Hampshire, Ohio, Utah and Virginia. In 2012, only five states had such prohibitions in law.

The Education Commission of the States was created by states, for states, in 1965. We track policy, translate research, provide unbiased advice and create opportunities for state policymakers to learn from one another.