



Teacher Tenure/Continuing Contract Laws

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Summary Note: States address the issue of teacher dismissal in various ways. Some have eliminated the term tenure (i.e., **Colorado, New Mexico, South Dakota, Florida**); some have repealed tenure and tightened the due process timelines (i.e., **Oklahoma**); others have retained tenure provisions but streamlined the due process provisions (i.e., **Michigan, Connecticut**); and, one state (**Wisconsin**) has stipulated the collective bargaining process as the means of determining tenure policies at the local school district level.

Tenure: The first tenure law was enacted about 75 years ago in New Jersey. At that time, job protection was seen as necessary because of prevalent nepotism, political favoritism and arbitrary dismissals. Teacher tenure is, therefore, not a job guarantee but rather a job security device protecting against termination of employment in cases where there are not grounds for termination or where the teacher has no fair opportunity to present a defense. To gain tenure, teachers must generally complete a specified period of probationary employment, usually three years. The tenured teacher is assured notice, a statement of causes or reasons for termination, and a hearing before the school board, arbitrator, or specified person/group. The teacher can usually appeal the decision of the board or arbitrator. Tenure can be provided by law through a state statute or earned through a period of continuous contractual employment.

In general, schools have great latitude in deciding whether to grant initial tenure, as long as decisions are not discriminatory. Tenure decisions also must not be based on teachers' exercise of academic freedom. Performance evaluation, however, is not incompatible with the tenure system, although tenure laws have been weak in this respect and there is a widespread perception that tenured teachers are not subject to sufficiently critical evaluation. Some tenure statutes do not address performance evaluation at all, while others mandate evaluation criteria in substantial detail and make evaluation an integral part of the tenure system. When a teacher's performance is judged unsatisfactory, the teacher is given an opportunity to demonstrate improvement. Because tenure is a product of legislation, there is no legal obstacle preventing states from strengthening the evaluation component of tenure.

Tenure does not require continuing the employment of an incompetent teacher; all tenure laws provide for dismissal of incompetent or inefficient teachers.

While nineteen states continue to use the term "tenure" in legislation, most states have adopted new terms for procedural protection, such as continuing contract status.

Part I: Teacher Tenure/Continuing Contract Provisions

State	Required for Nonprobationary Status	Descriptors (terms used and statutory citations)	Hearing	Appeal Forum	Other	Last Known Revision
AL	3 + R (R = Teacher must return to begin the next school year or sign a contract committing to service in the next school year. Unless otherwise noted, all years listed as required for non-probationary status are academic years.)	<ul style="list-style-type: none"> • Tenure • Continuing service status ALA. CODE §§ 16-24-1 to 16-24-13	Hearing officer, at teacher's request	Alabama Court of Civil Appeals	Once continuing service status is obtained, teacher is entitled to protection under the Alabama teacher tenure law.	2004
AK	3 + R	<ul style="list-style-type: none"> • Employment and tenure • Teachers Tenure Act ALASKA STAT. §§ 14.20.095 to 14.20.215	Board of education, at teacher's request	Judicial review based on the administrative record in superior court	1996 changes allow for teachers to be laid-off for enrollment decreases or financial emergencies.	1999
AZ	3 + R	<ul style="list-style-type: none"> • Certified teacher (employed by the district for the major portion of three years) ARIZ. REV. STAT. §§ 15-536 to 15-551	Board of education, at teacher's request	Superior Court in the county where the teacher is employed	The governing board decides whether to hold the hearing or designate a hearing officer to hold the hearing, hear the evidence, prepare a record and issue a recommendation to the governing board for action. Legislative change in 1998 reduces time teachers are allowed to correct an "inadequacy in classroom performance" from a semester to not less than 85 days.	2003
AR	3 + R	<ul style="list-style-type: none"> • Teacher Fair Dismissal Act • Probationary teacher ARK. CODE ANN. §§ 6-17-1501 to 6-17-1510	District board of directors, at teacher's request	Circuit Court of the county where district is located	Statutes state this is not a teacher tenure law "in that it does not confer lifetime appointment nor prevent discharge of teachers for any cause which is not arbitrary, capricious, or discriminatory."	2005

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CA	2 + R for employees whose probationary period commenced during the 1983-84 fiscal year or any fiscal year thereafter	<ul style="list-style-type: none"> • Tenure • Continuing contract • Permanent status <p>CAL. EDUC. CODE §§ 44929.20 to 44988</p>	Commission on Professional Competence, at teacher's request	Superior Court	Variations for districts with fewer than 250 pupils in average daily attendance (ADA) and over 60,000 pupils in ADA. The Commission on Professional Competence consists of one member selected by employee, one member selected by the governing board (both of whom must be certified teachers with five years experience) and an administrative law judge.	2006
CO	3 + R	<ul style="list-style-type: none"> • Continuing contract • Probationary teacher <p>COLO. REV. STAT. §§ 22-63-201 to 22-63-206; 22-63-301 to 22-63-302</p>	Impartial hearing officer, at teacher's request. Hearing officer makes recommendation to district board which accepts or rejects findings.	Court of Appeals	Eliminated the term "tenure" and added "unsatisfactory performance" to list of reasons for termination/dismissal. Impartial hearing officer is selected by the teacher and district chief administrative officer. Legislative changes in 1998 reduced the number of allowed hearing days from 10 to six and provides for absorption of costs by the losing party in the appeals process.	2006
CT	30 months for those employed prior to 07/01/96; 40 months for those hired on or after 07/01/96	<ul style="list-style-type: none"> • Tenure <p>CONN. GEN. STAT. § 10-151</p>	Board of education or subcommittee of the board, at teacher's request, or impartial hearing officer or panel. Panel consists of three members: one chosen by superintendent, one by teacher and those two members choose a third. If they can't agree, selection is done with assistance of the American Arbitration Association. If no agreement is reached, a hearing is held before the board of education or subcommittee of the board.	Superior Court	Distinct timelines (i.e., hearing within 15 days of request; notice of non-renewal or termination must be followed within seven days with a list of reasons; teacher has 20 days to request hearing; and administrators who evaluate teachers must receive 15 hours of training every five years).	1995

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DE	3 (two years of which is in the employ of the terminating board)	<ul style="list-style-type: none"> • Procedures for the Termination of Services of Professional Employees DEL. CODE ANN. tit.14, §§ 1401 to 1420	Board of education, at teacher's request. The board may designate a hearing officer to conduct hearing.	Superior Court for the county in which the teacher was employed	Reasons for the intended termination of services must be included in the written termination notice to a teacher with three years of service.	2005
FL	3 + R	<ul style="list-style-type: none"> • Professional Service Contract • Continuing Contract • Probationary service FLA. STAT. ch. 120.68; 1012.22 to 1012.33	<p>Professional Service Contract (PSC) teachers may elect a hearing before the board of education or an administrative law judge.</p> <p>Continuing Contract (CC) teachers – board of education determines the forum for an administrative hearing.</p>	District Court of Appeals	Teachers employed before 7/1/84 are under continuing contract; teachers hired after 7/1/84 are under a professional service contract. Contract renews each year unless the superintendent charges the employee with unsatisfactory performance. Employee can request transfer for subsequent year of employment. During subsequent year, he/she is given assistance and in-service opportunities. He/she must be notified if deficiencies have been corrected by no later than six weeks before close of post-school conference period. If corrected, new contract issued. If not, the superintendent follows procedures not to offer new contract.	2006
GA	3 + R	<ul style="list-style-type: none"> • Annual contract • Continued employment GA. CODE ANN. §§ 20-2-211; 20-2-940 to 20-2-947	The board of education, at teacher's request. The board may designate a tribunal to conduct the hearing.	State board of education	If a tribunal is selected to hear the case, it shall consist of not less than three or more than five impartial persons with academic experience. Recommendations of the tribunal are submitted to the board, which renders the final decision.	2003

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HI	2	<ul style="list-style-type: none"> • Tenure Rights • Probationary period • Collective bargaining <p>HAW. REV. STAT. §§ 89-6 to 89-11; 302A-607 to 302A-609</p>	Determined by collective bargaining negotiations	Determined by collective bargaining negotiations	At or prior to the end of two years of probation, the department may extend the probationary period for more periods not to exceed a total of five years. Full-time, intern teaching periods served in the state are credited toward the probationary period. Collective bargaining rules allow for the negotiation of procedures governing dismissal and discipline of teachers.	2006
ID	3 + R	<ul style="list-style-type: none"> • Renewable contract <p>IDAHO CODE §§ 33-513; 33-515</p>	Required before the board of education	District court in the county where the district is located	Distinct timelines for due process. Teachers have right to automatic renewal of contract after third full year by giving written acceptance of renewal.	2006
IL	2 if hired before 01/01/98; 4 if hired on or after 01/01/98	<ul style="list-style-type: none"> • Contractual continued service <p>105 ILL. COMP. STAT. 5/10-22.4; 5/24-11 to 5/24-16</p>	Disinterested hearing officer at teacher's request	Trial court performs judicial review	Requires notice of "remediable charges" and remediation period. Cities over 500,000 have a three year probationary period.	2003
IN	2 + R for semi permanent teachers 5 + R for permanent teachers	<ul style="list-style-type: none"> • Indefinite contract • Permanent teacher • Semi permanent teacher <p>IND. CODE §§ 20-28-6-1 to 20-28-6-10; 20-28-7-1 to 20-28-7-15</p>	Governing body of school corporation at teacher's request (collective bargaining, if applicable, which requires the binding arbitration of teacher dismissal issues is also allowed)	Court of competent jurisdiction	Indefinite contracts have two levels: permanent and semi-permanent. Reasons for termination of semi-permanent teachers include, "the cancellation is in the best interest of the school corporation." All hearing and contract procedures are the same. Permanent teacher status is obtained after five years employment and contract for further service.	2007

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IA	3	<ul style="list-style-type: none"> • Probationary period IOWA CODE §§ 279.13 to 279.19	Board of education, at teacher's request in private hearing	Adjudicator (requested by teacher); District court of the county where the administrative office of the school district is located (requested by either party)	Collective bargaining agreements supersede statutory provisions concerning execution of teacher contracts and automatic renewal of contracts. In appeal, adjudicator is agreed upon between teacher and board.	2003
KS	3 + R	<ul style="list-style-type: none"> • Tenure • Continuing contract KAN. STAT. ANN. §§ 72-5445; 72-5411; 72-5437 to 72-5447	Hearing officer, at teacher's request	District court	Hearing officers are selected by teacher and district board from list provided by the commissioner of higher education. Local board of education may waive years of employment requirement for teachers employed in the district.	2005
KY	4 + R	<ul style="list-style-type: none"> • Tenure • Continuing service contract KY. REV. STAT. ANN. §§ 161.720 to 161.810	Chief state school officer appoints a tribunal, at teacher's request, consisting of one teacher, one administrator and one lay person; none of whom may be residents of the district in which the teacher was employed.	Circuit Court with jurisdiction over the school district	Continuing service contract: "a contract for the employment of a teacher which shall remain in full force and effect until the teacher resigns or retires, or until it is terminated or suspended as provided in KRS 161.790 and 161.800."	2006
LA	3	<ul style="list-style-type: none"> • Tenure • Probationary teacher LA. REV. STAT. ANN. §§ 17:441 to 17:443	Required before the board of education	Court of competent jurisdiction	Teacher must file appeal to the court of competent jurisdiction within one year of the board's findings.	2003
ME	2	<ul style="list-style-type: none"> • Continuing contract status ME. REV. STAT. ANN. tit. 20A §§ 13201 to 13202, 26 § 972	Board of education, at teacher's request	Superior Court	Initial contract after the probationary period is for two years. Contracts are automatically extended for one year in subsequent years. Collective bargaining rules allow for negotiation of just cause for dismissal or non-renewal of teachers who have served beyond probation.	1993

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MD	2 or less (state board established)	<ul style="list-style-type: none"> • Tenure MD. CODE ANN., EDUC. §§ 6-201 through 6-203	Board of education, at teacher's request	State board of education	In seven counties and Baltimore the county board may have the hearing first heard by a hearing examiner.	2002
MA	3	<ul style="list-style-type: none"> • Tenure • Professional teacher status MASS. GEN. LAWS ch. 71 §§ 41 to 42	Teacher petitions commissioner, who in turn requests arbitration by the American Arbitration Association (AAA)	Decisions of arbitrator are subject to judicial review	The district superintendent, with the principal's recommendation, can award professional teacher status to any teacher who has served not less than one year in the principal's building.	2006
MI	4 if hired after 06/11/93; 2 if hired on or before 06/11/93	<ul style="list-style-type: none"> • Tenure • Teacher Tenure Act • Continuing contract MICH. COMP. LAWS §§ 38.81 to 38.104	Administrative law judge	State tenure commission; Court of Appeals	A teacher on continuing tenure that receives a less than satisfactory evaluation is given an individualized development plan from the school district. The state tenure commission consists of two teachers, one member of a school board, one member (not teacher or board member) and one superintendent.	2005
MN	3	<ul style="list-style-type: none"> • Continuing contract • Probationary period MINN. STAT. § 122A.40	Board of education or arbitrator, at teacher's request	Judicial review of board of education decision after hearing	A district-wide agreed upon process supersedes continuing contract. For immediate discharge, reasonable notice of remediable charges required.	2005
MS	Not specified	<ul style="list-style-type: none"> • Renewal contract MISS. CODE ANN. §§ 37-9-25; 37-9-59	Board of education, at teacher's request	Chancery Court where school board is located; State supreme court	School board has authority to enter into contracts with teachers, not to exceed three years, based on the number of years they have been employed (e.g. two years employed, up to two-year contract).	2001
MO	5 + R	<ul style="list-style-type: none"> • Teacher Tenure Act • Permanent teacher MO. REV. STAT. §§ 168.102 to 130	Board of education, at teacher's request	Circuit Court of county where district is located	Specific provisions which must be included in an indefinite contract are provided by statute.	2005

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MT	3 + R	<ul style="list-style-type: none"> • Tenure <p>MONT. CODE ANN. §§ 20-4-203 to 20-4-207</p>	Required before the board of trustees unless waived by teacher	County superintendent; district court of county where teacher was employed	If employment of tenured teacher is covered by a collective bargaining agreement, an appeal is sent to an arbitrator whose decision is final and binding.	1997
NE	3	<ul style="list-style-type: none"> • Tenure • Probationary certified employee <p>NEB. REV. STAT. §§ 79-824 to 79-833, 79-840-842</p>	Board of education, at teacher's request	Error proceedings in district court	Employee performance standards must reflect student achievement. Probationary teachers are observed once per semester. In a Class IV or V school district, a school board or certified employee may require that hearings be conducted by a hearing officer. School board makes decision based on hearing officer's findings.	2004
NV	2	<ul style="list-style-type: none"> • Probationary employees • Post-probationary employees <p>NEV. REV. STAT. §§ 391.311 to 391.3197</p>	Hearing officer, at teacher's request	District court	Contract negotiated by collective bargaining may supersede legislative provisions concerning dismissals. Hearing officers are Nevada attorneys whose decisions are final and binding on board and employee if agreed upon prior to hearing officer selection.	2005
NH	3	<ul style="list-style-type: none"> • Re-nominated or reelected <p>N.H. REV. STAT. ANN. §§ 189.13 to 189.14-d</p>	Board of education, at teacher's request	State board of education	Upon appeal to the state board of education, a hearing is required if requested by either party. Decisions by the state board are final and binding. State supreme court will hear appeals if board exceeds authority or acts illegally, unreasonably, arbitrarily or capriciously.	2005
NJ	3 + R	<ul style="list-style-type: none"> • Tenure <p>N.J. STAT. ANN. §§ 18A:6-10 to 18A:6-29; 18A:28-5</p>	Administrative law judge after review by state commissioners of education or person appointed by the commissioner	State board of education	If charge is inefficiency, state board of education must give employee 90-day period to correct the inefficiency. Teachers may also receive tenured status after three consecutive calendar years or shorter period fixed by the employing board.	1999

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NM	3	<ul style="list-style-type: none"> • Employment contracts <p>N.M. STAT. ANN. §§ 22-10A-21 to 22-10A-25</p>	Board of education, at teacher's request	Independent arbitrator	Arbitrator's decision binding on both parties. Arbitrator selected by board and employee or appointed by presiding judge. Contracts can be issued at school board's discretion for up to three years for teachers with over three years consecutive service. All employees are afforded a hearing if discharged prior to contract completion.	2003
NY	3	<ul style="list-style-type: none"> • Tenure <p>N.Y. EDUC. LAW §§ 3014; 3020 to 3020-a</p>	Hearing officer (arbitrator), at teacher's request	State Supreme Court	The teacher may elect to have disciplinary procedures conducted under statute or collective bargaining agreement. If charges against a teacher involve pedagogical incompetence, the teacher may elect to have a three-person panel (consisting of the hearing officer, one member selected by the board and one member selected by the employee) conduct the hearing.	2002
NC	4	<ul style="list-style-type: none"> • Career status <p>N.C. GEN. STAT. § 115C-325</p>	Private hearing by case manager or board of education, at teacher's request	Superior Court	The district superintendent and the employee may jointly agree on a case manager to hear case. Otherwise, the case manager is selected by the superintendent of public instruction. Legislation in 1998 reduced employee dismissal procedure timelines and requires certified staff in low-performing schools to submit to evaluations upon the recommendation of the principal of the school or assistance team. If the teacher fails two evaluations, dismissal procedures are initiated. If dismissal procedures are initiated, the staff member has a right to a hearing before the secretary's designees.	2005

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ND	Not specified	<ul style="list-style-type: none"> • Contracts <p>N.D. CENT. CODE §§ 15.1-15-01 to 15.1-15-12; 28-32-42</p>	Required before school board	District court	No tenure provisions exist. Dismissals are handled by the school board or through revocation of teacher's certificate by the education standards and practices board.	2005
OH	3	<ul style="list-style-type: none"> • Continuing service status • Limited contract <p>OHIO REV. CODE ANN. §§ 3319.08 to 3319.16</p>	Board of education or "referee," at teacher's request	Court of Common Pleas of the county where the largest portion of territory of the district is located	Limited contracts may be issued by the board of education for not greater than five years. Under certain circumstances, a teacher eligible for continuing service status may be placed on extended limited contract. In addition to time of service, teachers also must hold a professional, permanent or life teacher's certificate to qualify for continuing service status.	2003
OK	3	<ul style="list-style-type: none"> • Career teacher • Probationary teacher • Teacher Due Process Act 1990 <p>OKLA. STAT. tit 70, §§ 6-101.3; 6-101.20 to 6-101.30</p>	Required before the board of education	De novo trial – district court in county where school is located	School administrators who note poor performance or conduct in evaluations must admonish the teacher in writing and provide them with up to two months to improve the performance or conduct.	2006
OR	3 + R	<ul style="list-style-type: none"> • Accountability for Schools for the 21st Century Law • Contract teacher <p>OR. REV. STAT. §§ 342.805 to 342.934</p>	Hearing officer, at teacher's request, followed by fair dismissal appeals board	Court of Appeals on procedure; Appellate Court; Supreme Court	Contract teachers are employed by a school district under two-year contracts. Teachers may elect to pursue grievances through arbitration if agreed to by the district. Hearing officers or arbitrators are selected through lists retained by the employment relations board. State will reimburse boards for any appeal and dismissal costs. In forced layoffs, boards may use competency criteria rather than seniority.	2007

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PA	2 if hired prior to 06/30/96 3 if hired on or after 06/30/96	<ul style="list-style-type: none"> Tenure PA. STAT. ANN. tit. 24, §§ 11-1121 to 11-1133	Required before the board of education	Superintendent of public instruction	If an employee is to be dismissed for incompetence or unsatisfactory teaching performance, the employee must be rated under an approved rating system.	1996
RI	3	<ul style="list-style-type: none"> Tenure R.I. GEN. LAWS §§ 16-13-1 to 16-13-8	Board of education, at teacher's request	Department of elementary and secondary education; Superior court	A school committee may agree, in a collective bargaining agreement, to the arbitration of disputes arising out of the dismissal of a tenured teacher.	1997
SC	2	<ul style="list-style-type: none"> Teacher Employment and Dismissal Act Continuing contract level S.C. CODE ANN. §§ 59-25-40 to 59-25-530; 59-26-40	District board of trustees, at teacher's request	Court of Common Pleas of any county in which the major portion of district lies	All teachers are initially contracted with a one-year induction contract period. They then progress through either an annual contract level or provisional contract level. Teachers completing an annual level and evaluation process become eligible for continuing contract level.	2004
SD	3 + R	<ul style="list-style-type: none"> Non-renewal of contract S.D. CODIFIED LAWS §§ 13-43-6.1 to 13-43-6.6	Board of education, at teacher's request	State Circuit Court	School boards may elect not to renew a contract, without further process or reason, for teachers without a fourth consecutive term of employment. Collective bargaining agreements cannot supersede right to terminate or limit the protection afforded to teacher. If terminated for reduction in force, only written notice is required.	2005
TN	3 + R	<ul style="list-style-type: none"> Tenure TENN. CODE ANN. §§ 49-5-503, 49-5-511 to 513	Board of education, at teacher's request	Chancery Court of the county where teacher is employed; Appellate Court	Board may dismiss teachers as a result of decrease in enrollment or other good reason. Continuing contract law provides some protection to non-tenure teachers. Legislation in 2007 allows tenured teachers who are dismissed the right to a hearing before an impartial hearing officer with appeal of decisions to the board of education.	2007

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TX	3	<ul style="list-style-type: none"> • Probationary contract • Continuing contract • Term contract <p>TEX. EDUC. CODE §§ 21.102; 21.151 to 21.160; 21.201 to 21.213; 21.251; 21.307</p>	Hearing examiner, at teacher's request, then board or board subcommittee renders decision on hearing examiners recommendations.	Commissioner of education; District court in the county where the district's central administration is located, or, if both parties agree, the district court in Travis County	If the board of trustees determines it is unlikely that a teacher ending the probationary period will be offered continuing contract status, the teacher may be offered a probationary contract for a fourth year. Upon written notice of the proposed termination, discharge or non-renewal, a continuing contract teacher may elect to return to probationary status. Term contracts, not to exceed five years, may also be used after probationary status.	2005
UT	3 (at least part-time basis)	<ul style="list-style-type: none"> • Utah Orderly School Termination Procedures Act • Career employee <p>UTAH CODE ANN. §§ 53A-8-102 to 53A-8-107; 53A-3-411</p>	Board of education, at teacher's request, or board may appoint a hearing examiner to conduct hearing and delegate its authority to hearing examiner to make a decision which is binding	Appropriate court of law	Career employee: "an employee of a school district who has obtained a reasonable expectation of continued employment based upon an agreement with the employee or the employee's association, district practice or policy." A local board may enter into written employment contract for term not to exceed five years and nothing in the terms of the contract shall restrict the power of a board to terminate the contract for cause at any time.	2006
VT	2	<ul style="list-style-type: none"> • Non-probationary teacher • Probationary teacher <p>VT. STAT. ANN. tit. 16, § 1752</p>	Board of education, at teacher's request	Superior Court	All teachers have the right to a board hearing if contract is not renewed. Probationary teachers have no appeal to board's final decision. Probationary teachers must receive two written evaluations per year of probationary service or non-renewal of their contracts must also be for just and sufficient cause (same as for non-probationary teachers).	1997

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VA	3	<ul style="list-style-type: none"> Continuing contract status VA. CODE ANN. §§ 22.1-303; 22.1-307 to 22.1-314	Board of education or fact-finding panel, at teacher's request. Board retains final decision authority over recommendations of fact-finding panel and may hold second hearing.	Circuit Court	Fact-finding panel consists of three members: one appointed by teacher, one selected by superintendent and one impartial member selected by those two members. The impartial member serves as the hearing officer.	2006
WA	2	<ul style="list-style-type: none"> Continuing contract Provisional employee WASH. REV. CODE §§ 28A.405.200 to 28A.405.250; 28A.405.300 to 28A.405.380; 28A.405.470	Hearing officer, at teacher's request	Superior Court for the county in which the district is located; Appellate review	Mandatory termination if teacher's certification is subject to revocation upon guilty pleas or conviction of injury of child, sexual exploitation of child or promoting prostitution of child. The hearing officer is selected from a list of barred arbitrators by representatives of the district and the teacher. If there is no agreement on hearing officer, appointment is made by Superior Court judge. Legislation in 1997 added a 60-day probationary period for teachers evaluated as unsatisfactory in district evaluations. The probationary period does not affect the teacher's contract status, but failures to correct deficiencies during probation may be used as probable cause for non-renewal at the end of the school year.	2005
WV	3 + R	<ul style="list-style-type: none"> Continuing contract status W. VA. CODE §§ 18A-2-6 to 18A-2-8; 18-29-1 to 18-29-11	Board of education, at teacher's request	Hearing examiner hired by the education and state employees grievance board; Circuit Court of the county where grievance occurred	The state grievance procedures allow for a hearing before a hearing examiner selected by the education and state employees grievance board (three-member panel selected by the governor) if dismissed prior to contract expiration. A charge of "unsatisfactory performance" may not be made against a teacher except as a result of the employee performance evaluation process.	2001

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WI	Determined through collective bargaining agreements	<ul style="list-style-type: none"> • Non-renewal notice and procedure <p>Wis. STAT. § 118.22</p>	Private conference with the board of education, at teacher's request, after notice of consideration of non-renewal; may be modified through collective bargaining agreements	Determined through collective bargaining agreements	Tenure protection exists for teachers who obtained tenure in cities over 150,000 population (after three years of continuous service) and in counties over 500,000 population (after three years of continuous service and a contract renewal for fourth year) on or prior to December 21, 1995. Contract renewal for all other teachers is based on collective bargaining procedures.	1997
WY	3 + R	<ul style="list-style-type: none"> • Continuing contract <p>WYO. STAT. ANN. §§ 21-7-102 to 21-7-114</p>	Independent hearing officer, at teacher's request. Board of education reviews finding and recommendations and renders decision	District court in the judicial district where the school district is located.	Independent hearing officer selected by teacher and superintendent; if no agreement can be reached, hearing officer is appointed by district judge. Any board may designate a teacher as a continuing contract teacher at any time without regard to other provisions.	1998

Part II: Reasons for Termination/Dismissal

State	Reasons for Termination
Alabama ALA. CODE § 16-24-8	<ol style="list-style-type: none"> 1. Incompetence 2. Insubordination 3. Neglect of duty 4. Immorality 5. Justifiable decrease in the number of teaching positions or other good and just cause, but cancellation may not be made for political or personal reasons. 6. Failure to perform duties in a satisfactory manner
Alaska ALASKA STAT. §§ 14.20.170	<ol style="list-style-type: none"> 1. Incompetence, which is defined as the inability or the unintentional or intentional failure to perform the teacher's customary teaching duties in a satisfactory manner 2. Immorality, which is defined as the commission of an act which, under the laws of the state, constitutes a crime involving moral turpitude 3. Substantial noncompliance with school laws of the state, the regulations or by-laws of the department, the bylaws of the district or the written rules of the superintendent
Arizona ARIZ. REV. STAT. § 15-539	<ol style="list-style-type: none"> 1. Immoral conduct 2. Unprofessional conduct 3. Conduct in violation of the rules, regulations or policies of the governing board 4. Inadequacy of classroom performance 5. Good and just cause 6. Insubordination
Arkansas ARK. CODE ANN. §§ 6-17-1507, 6-17-1510	<ol style="list-style-type: none"> 1. Reduction in work force 2. Incompetent performance 3. Conduct that materially interferes with continued performance of teacher's duties 4. Repeated or material neglect of duty 5. Other just or reasonable cause
California CAL. EDUC. CODE § 44932	<ol style="list-style-type: none"> 1. Immoral or unprofessional conduct 2. Criminal syndicalism 3. Dishonesty 4. Unsatisfactory performance 5. Evident unfitness for service 6. Physical or mental condition unfitting him/her to instruct or associate with children 7. Persistent violation of or refusal to obey school laws of the state or reasonable regulations prescribed for the government of the public schools by the state board of education or by the governing board of the school district employing him or her. 8. Conviction of a felony or any crime involving moral turpitude 9. Advocating or teaching communism with intent to indoctrinate 10. Knowing membership by the employee in the Communist Party (although this provision has not been challenged in court, it is probably unconstitutional and thus, unenforceable) 11. Alcoholism or drug abuse that makes the employee unfit to instruct or associate with students.
Colorado COLO. REV. STAT. § 22-63-301	<ol style="list-style-type: none"> 1. Physical or mental disability 2. Incompetence 3. Neglect of duty 4. Immorality 5. Unsatisfactory performance 6. Insubordination 7. Conviction of a felony, the acceptance of a guilty plea, a plea of nolo contendere or a deferred sentence for a felony 8. Other good and just cause

Part II: Reasons for Termination/Dismissal

State	Reasons for Termination
<p>Connecticut</p> <p>CONN. GEN. STAT. § 10-151(d)</p>	<ol style="list-style-type: none"> 1. Inefficiency or incompetence 2. Insubordination against reasonable rules of the board of education 3. Moral misconduct 4. Disability, as shown by competent medical evidence 5. Elimination of the position to which the teacher was appointed or loss of a position to another teacher 6. Other due and sufficient cause
<p>Delaware</p> <p>DEL. CODE ANN. tit. 14, § 1411</p>	<ol style="list-style-type: none"> 1. Immorality 2. Misconduct in office 3. Incompetence 4. Disloyalty 5. Neglect of duty 6. Willful and persistent insubordination 7. A reduction in the number of teachers required as a result of decreased enrollment or a decrease in educational services (allowed at school year end).
<p>Florida</p> <p>FLA. STAT. ch. 1012.33</p>	<ol style="list-style-type: none"> 1. Just cause (includes, but not limited to, misconduct in office, incompetence, gross insubordination, willful neglect of duty or conviction of a crime involving moral turpitude). 2. In addition, continuing contract teachers can be specifically removed for drunkenness and immorality.
<p>Georgia</p> <p>GA. CODE ANN. § 20-2-940</p>	<ol style="list-style-type: none"> 1. Incompetence 2. Insubordination 3. Willful neglect of duties 4. Immorality 5. Inciting, encouraging, or counseling students to violate any valid state law, municipal ordinance, or policy or rule of the local board of education 6. To reduce staff due to loss of students or cancellation of programs 7. Failure to secure and maintain necessary educational training 8. Any other good and sufficient cause
<p>Hawaii</p> <p>HAW. REV. STAT. § 302A-609</p>	<ol style="list-style-type: none"> 1. Inefficiency or immorality 2. Willful violations of policies and regulations of the department of education 3. Other good and just cause
<p>Idaho</p> <p>IDAHO CODE §§ 33-513, 33-515</p>	<ol style="list-style-type: none"> 1. Just and reasonable cause (material violation of any lawful rules or regulations of the board of trustees or of the state board of education, or for any conduct which could constitute grounds for revocation of teaching certificate)
<p>Illinois</p> <p>105 ILL. COMP. STAT. 5/10-22.4, 5/24-12</p>	<ol style="list-style-type: none"> 1. Incompetence 2. Cruelty 3. Negligence 4. Immorality 5. Failure to complete a one-year remediation plan with a "satisfactory" or better rating 6. Other sufficient cause 7. Decrease in the number of teachers employed in a district 8. Discontinuance of some particular type of teaching service

Part II: Reasons for Termination/Dismissal

State	Reasons for Termination
<p>Indiana</p> <p>IND. CODE § 20-28-7-1</p>	<ol style="list-style-type: none"> 1. Immorality 2. Insubordination, which means a willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation 3. Neglect of duty 4. Incompetence (semi-permanent teacher status reads: substantial inability to perform teaching duties) 5. Justifiable decrease in the number of teaching positions 6. A conviction for: <ul style="list-style-type: none"> • Rape, if the victim is less than 18 years of age • Criminal deviate conduct, if the victim is less than 18 years of age • Child molesting • Child exploitation • Vicarious sexual gratification • Child solicitation • Child seduction • Incest, if the victim is less than 18 years of age 7. Other good and just cause (semi-permanent teacher status also adds: the cancellation is in the best interest of the school corporation)
<p>Iowa</p> <p>IOWA CODE § 279.15</p>	<ol style="list-style-type: none"> 1. Just cause
<p>Kansas</p>	<p>No reasons for termination/dismissal specified</p>
<p>Kentucky</p> <p>KY. REV. STAT. ANN. § 161.790</p>	<ol style="list-style-type: none"> 1. Insubordination, including but not limited to violation of the school laws of the state or administrative regulations adopted by the Kentucky board of education, the Education Professional Standards Board, or lawful rules and regulations established by the local board of education for the operation of schools, or refusal to recognize or obey the authority of the superintendent, principal or any other supervisory personnel of the board in the performance of their duties 2. Immoral character or conduct unbecoming a teacher 3. Physical or mental disability 4. Inefficiency, incompetence or neglect of duty, when a written statement identifying the problems or difficulties has been furnished to the teacher or teachers involved
<p>Louisiana</p> <p>LA. REV. STAT. ANN. § 17:443</p>	<ol style="list-style-type: none"> 1. Willful neglect of duty 2. Immorality 3. Incompetence 4. Dishonesty 5. Of 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
<p>Maine</p> <p>ME. REV. STAT. ANN. tit. 20A, §§ 13201, 13202</p>	<ol style="list-style-type: none"> 1. Unfit to teach 2. Services not profitable to the school 3. Just cause
<p>Maryland</p> <p>MD. CODE ANN., Educ. § 6-202</p>	<ol style="list-style-type: none"> 1. Immorality 2. Misconduct in office, including knowingly failing to report suspected child abuse in violation of SS 5-704 of the Family Law Article 3. Insubordination 4. Incompetence 5. Willful neglect of duty

Part II: Reasons for Termination/Dismissal

State	Reasons for Termination
Massachusetts MASS. GEN. LAWS ch. 71 § 42	<ol style="list-style-type: none"> 1. Inefficiency 2. Incompetence 3. Incapacity 4. Conduct unbecoming a teacher 5. Insubordination 6. Failure on the part of the teacher to satisfy teacher performance standards 7. Other just cause
Michigan MICH. COMP. LAWS § 38.101	<ol style="list-style-type: none"> 1. Reasonable and just cause
Minnesota MINN. STAT. § 122A.40	<p>Year-end dismissal:</p> <ol style="list-style-type: none"> 1. Inefficiency 2. Discontinuance of position 3. Neglect of duty, or persistent violation of school laws, rules, regulations or directives 4. Lack of pupils 5. Conduct unbecoming a teacher that materially impairs the teacher's educational effectiveness 6. Financial limitations 7. Merger of classes caused by consolidation of districts 8. Other good and sufficient grounds rendering the teacher unfit to perform the teacher's duties <p>Immediate dismissal:</p> <ol style="list-style-type: none"> 1. Immoral conduct, insubordination, or conviction of a felony 2. Conduct unbecoming a teacher which requires the immediate removal of the teacher from classroom or other duties 3. Failure, without justifiable cause, to teach without first securing the written release of the school board 4. Gross inefficiency that the teacher has failed to correct after reasonable written notice 5. Willful neglect of duty 6. Continuing physical or mental disability subsequent to a 12-month leave of absence and inability to qualify for reinstatement
Mississippi MISS. CODE ANN. § 37-9-59	<ol style="list-style-type: none"> 1. Incompetence 2. Neglect of duty 3. Immoral conduct 4. Brutal treatment of a pupil 5. Other good cause
Missouri MO. REV. STAT. § 168.114	<ol style="list-style-type: none"> 1. Physical or mental condition unfitting him/her to instruct or associate with children 2. Immoral conduct 3. Incompetence, inefficiency or insubordination in the line of duty 4. Willful or persistent violation of, or failure to obey, the school laws of the state or the published regulations of the board of education of the school district employing him/her 5. Excessive or unreasonable absence from performance of duties 6. Conviction of a felony or a crime involving moral turpitude
Montana MONT. CODE ANN. § 20-4-203	<ol style="list-style-type: none"> 1. Good Cause

Part II: Reasons for Termination/Dismissal

State	Reasons for Termination
<p>Nebraska</p> <p>NEB. REV. STAT. §§ 79-824, 79-829</p>	<ol style="list-style-type: none"> 1. Upon cancellation, termination, revocation or suspension of a teacher's certificate, by the state board of education, or of the Nebraska administrative and supervisory certificate, or the Nebraska professional administrative and supervisory certificate of any certificated employee whose duties require such a certificate. 2. Incompetence (including but not limited to demonstrated deficiencies or shortcomings in knowledge of subject matter, or teaching or administrative skills) 3. Neglect of duty 4. Unprofessional conduct 5. Insubordination 6. Immorality 7. Physical or mental incapacity 8. Failure to give evidence of professional growth (only at year-end completion of contract) 9. Other conduct which interferes substantially with the continued performance of duties (only at year-end completion of contract) 10. Reduction in force (only at year-end completion of contract)
<p>Nevada</p> <p>NEV. REV. STAT. § 391.312</p>	<ol style="list-style-type: none"> 1. Inefficiency 2. Immorality 3. Insubordination 4. Unprofessional conduct 5. Neglect of duty 6. Physical or mental incapacity 7. A justifiable decrease in the number of positions due to decreased enrollment or district reorganization 8. Conviction of a felony or of a crime involving moral turpitude 9. Inadequate performance 10. Evident unfitness for service 11. Failure to comply with such reasonable requirements as a board may prescribe 12. Failure to show normal improvement and evidence of professional training and growth 13. Advocating overthrow of the Government of the United States or the State of Nevada by force, violence or other unlawful means, or the advocating of teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy 14. Any cause which constitutes grounds for the revocation of a teacher's license 15. Willful neglect or failure to observe and carry out the requirements of this title 16. Dishonesty 17. Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015 18. Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations 19. Intentionally using aversive intervention on a pupil with disabilities, including the use of physical and mechanical restraints.
<p>New Hampshire</p> <p>N.H. REV. STAT. ANN. § 189:13</p>	<ol style="list-style-type: none"> 1. Immorality 2. Has not satisfactorily maintained the competency standards established by the school district 3. Non-conformity to regulations prescribed
<p>New Jersey</p> <p>N.J. STAT. ANN. § 18A:6-10</p>	<ol style="list-style-type: none"> 1. Inefficiency 2. Incapacity 3. Unbecoming conduct 4. Other just cause
<p>New Mexico</p> <p>N.M. STAT. ANN. § 22-10A-24</p>	<p>Termination (at year-end contract expiration):</p> <ol style="list-style-type: none"> 1. Any reason the board deems sufficient for employees with less than three years of service 2. Just cause (a reason that is rationally related to an employee's competence or turpitude, or the proper performance of duties) for employees with over three years of service <p>Discharge (prior to expiration of current contract):</p> <ol style="list-style-type: none"> 1. Just cause, regardless of length of service

Part II: Reasons for Termination/Dismissal

State	Reasons for Termination
<p>New York</p> <p>N.Y. EDUC. LAW § 3014</p>	<ol style="list-style-type: none"> 1. Insubordination, immoral character or conduct unbecoming a teacher 2. Inefficiency, incompetence, physical or mental disability, or neglect of duty 3. Failure to maintain certification as required by statute and by regulations of the commissioner of education
<p>North Carolina</p> <p>N.C. GEN. STAT. § 115C-325(e)</p>	<ol style="list-style-type: none"> 1. Inadequate performance 2. Immorality 3. Insubordination 4. Neglect of duty 5. Physical or mental incapacity 6. Habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5, Chapter 90 of the General Statutes 7. Conviction of a felony or a crime involving moral turpitude 8. Advocating the overthrow of the government of the United States or the State of North Carolina by force, violence or other unlawful means 9. Failure to fulfill the duties and responsibilities imposed upon teachers by the General Statutes of this State 10. Failure to comply with such reasonable requirements as the board may prescribe 11. Any cause that constitutes grounds for the revocation of such career teacher's teaching certificate 12. A justifiable decrease in the number of positions due to district reorganization, decreased enrollment or decreased funding 13. Failure to maintain his/her certificate in a current status 14. Failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes 15. Providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry 16. For certain employees of lowest-performing schools, failing to pass a general knowledge test three times.
<p>North Dakota</p> <p>N.D. CENT. CODE §§ 15.1-15-05, 15.1-15-07</p>	<p>Non-renewal of contract:</p> <ol style="list-style-type: none"> 1. Originate from specific findings documented in the report of the individual's performance required by section 15.1-15-01 and relate to the individual's ability, competence and qualifications 2. Originate from the needs of the district in justifying a reduction in staff <p>Cause:</p> <ol style="list-style-type: none"> 1. Immoral conduct 2. Insubordination 3. Conduct unbecoming the position 4. Conviction of a felony 5. Failure to perform contracted duties without justification 6. Gross inefficiency that the individual has failed to correct after written notice 7. Continuing physical or mental disability that renders the individual unfit or unable to perform duties
<p>Ohio</p> <p>OHIO REV. CODE ANN. § 3319.16</p>	<ol style="list-style-type: none"> 1. Immorality 2. Willful and persistent violation of reasonable regulations of board policy 3. Gross inefficiency 4. Other good and just cause
<p>Oklahoma</p> <p>OKLA. STAT. tit. 70, § 6-101.22</p>	<ol style="list-style-type: none"> 1. Willful neglect of duty 2. Repeated negligence in performance of duty 3. Mental or physical abuse to a child 4. Incompetence 5. Instructional ineffectiveness 6. Unsatisfactory teaching performance 7. Commission of an act of moral turpitude. 8. Felony conviction unless pardon issued 9. Criminal sexual activity (sodomy) that impedes effectiveness of school duty performance 10. Sexual misconduct (soliciting or imposing of criminal sexual activity that impedes effectiveness of school duty performance) 11. Abandonment of contract

Part II: Reasons for Termination/Dismissal

State	Reasons for Termination
<p>Oregon</p> <p>OR. REV. STAT. § 342.865</p>	<ol style="list-style-type: none"> 1. Inefficiency 2. Immorality 3. Insubordination 4. Neglect of duty, including duties specified by written rule 5. Physical or mental incapacity 6. Conviction of a felony or of a crime according to the provisions of ORS 342.143 7. Inadequate performance 8. Failure to comply with such reasonable requirements as the board may prescribe to show normal improvement and evidence of professional training and growth 9. Any cause which constitutes grounds for the revocation of such contract teacher's teaching license.
<p>Pennsylvania</p> <p>PA. STAT. ANN. tit. 24, § 11-1122</p>	<ol style="list-style-type: none"> 1. Immorality 2. Incompetence 3. Unsatisfactory teaching performance based on two consecutive ratings of the employee's teaching performance that are to include classroom observations, not less than four months apart, in which the employee's performance is rated as unsatisfactory. 4. Intemperance 5. Cruelty 6. Persistent negligence in the performance of duties 7. Willful neglect of duties 8. Physical or mental disability as documented by competent medical evidence, which after reasonable accommodation of such disability as required by law substantially interferes with the employee's ability to perform the essential functions of his/her employment 9. Advocating of or participating in un-American or subversive doctrines 10. Conviction of a felony or acceptance of a guilty plea or nolo contendere therefore 11. Persistent and willful violation of or failure to comply with the school laws of the commonwealth
<p>Rhode Island</p> <p>R.I. GEN. LAWS § 16-13-3</p>	<ol style="list-style-type: none"> 1. Good and just cause
<p>South Carolina</p> <p>S.C. CODE ANN. § 59-25-160</p>	<ol style="list-style-type: none"> 1. Fails, or is incompetent, to give instruction in accordance with the directions of superintendent, or who shall otherwise manifest an evident unfitness for teaching 2. Persistent neglect of duty 3. Willful violation of rules and regulations of district board of trustees 4. Drunkenness 5. Conviction of a violation of the laws of this state or the United States 6. Gross immorality 7. Dishonesty 8. Illegal use, sale or possession of drugs or narcotics
<p>South Dakota</p> <p>S.D. CODIFIED LAWS § 13-43-6.1</p>	<p>Just cause, including:</p> <ol style="list-style-type: none"> 1. Poor performance 2. Incompetence 3. Gross immorality 4. Unprofessional conduct 5. Insubordination 6. Neglect of duty 7. Violation of any policy or regulation of the school district 8. Breach of contract
<p>Tennessee</p> <p>TENN. CODE ANN. § 49-5-501</p>	<ol style="list-style-type: none"> 1. Incompetence 2. Inefficiency 3. Neglect of duty 4. Unprofessional conduct 5. Insubordination

Part II: Reasons for Termination/Dismissal

State	Reasons for Termination
<p>Texas</p> <p>TEX. EDUC. CODE Ann. § 21.154</p>	<ol style="list-style-type: none"> 1. Necessary reduction of personnel by the school district (such reductions shall be made in the reverse order of seniority in the specific teaching fields) 2. For good cause as determined by the local school board, good cause being the failure of a teacher to meet the accepted standards of conduct for the profession as generally recognized and applied in similarly situated school districts throughout Texas.
<p>Utah</p> <p>UTAH CODE ANN. § 53A-8-104</p>	<p>The district shall provide employees with a written statement of the causes under which a contract shall not be renewed, under which a contract of each class of personnel shall not be renewed and under which a contract can be otherwise terminated during the contract term.</p> <p>Grounds for revocation of a teaching certificate:</p> <ol style="list-style-type: none"> 1. Behavior exhibiting unfitness for duty through immoral, unprofessional or incompetent conduct 2. Committing any other violation of standards of ethical conduct, performance or professional competence
<p>Vermont</p> <p>VT. STAT. ANN. tit. 16, § 1752</p>	<p>For non-renewal of contract:</p> <ol style="list-style-type: none"> 1. Non-probationary teacher: Just and sufficient cause 2. Probationary teacher: Any reason other than those prohibited by law <p>For dismissal (all teachers):</p> <ol style="list-style-type: none"> 1. Incompetence 2. Conduct unbecoming a teacher 3. Failure to attend to duties 4. Failure to carry out reasonable orders and directions of the superintendent and school board
<p>Virginia</p> <p>VA. CODE ANN. § 22.1-307</p>	<ol style="list-style-type: none"> 1. Incompetence 2. Immorality 3. Noncompliance with school laws and regulations 4. Disability as shown by competent medical evidence when in compliance with federal law 5. Conviction of a felony or a crime of moral turpitude 6. Other good and just cause
<p>Washington</p> <p>WASH. REV. CODE § 28A.405.210</p>	<ol style="list-style-type: none"> 1. Sufficient cause(s)
<p>West Virginia</p> <p>W. VA. CODE § 18A-2-8</p>	<ol style="list-style-type: none"> 1. Immorality 2. Incompetence 3. Cruelty 4. Insubordination 5. Intemperance 6. Willful neglect of duty 7. Unsatisfactory performance 8. Conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge
<p>Wisconsin</p> <p>WIS. STAT. 118.22</p>	<ol style="list-style-type: none"> 1. Determined through collective bargaining agreements
<p>Wyoming</p> <p>WYO. STAT. ANN. § 21-7-110</p>	<ol style="list-style-type: none"> 1. Incompetence 2. Neglect of duty 3. Immorality 4. Insubordination 5. Unsatisfactory performance 6. Any other good or just cause

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