



Teacher Tenure

Laws governing tenure status

Education Commission of the States

www.ecs.org

700 Broadway, Suite 810 • Denver, CO 80203-3442 • 303.299.3600 • ecs@ecs.org

A closer look: Teacher evaluations and tenure decisions

By Jennifer Thomsen

May 2014

Teacher performance, as measured by evaluations, is increasingly being considered by states in employment decisions, including the awarding of tenure – and the removal of that status, according to a 50-state policy review by the Education Commission of the States.

This report, one of three based on ECS' 2014 review, identifies the states using the results of teacher evaluations in granting tenure. It also identifies the states with laws removing tenure status from teachers rated ineffective and returning them to probationary status.

[Find your state in the ECS database](#)

ECS' online database can be used to generate profiles of teacher tenure policies in individual states and to view 50-state reports. The database includes requirements for earning tenure, reductions in force and dismissal.

Related reports: [Overview of national trends in teacher tenure](#) and [A closer look: Teacher evaluations and reduction-in-force policies](#)

Key trends in tenure decisions

- 16 states have laws requiring districts to consider a teacher's rating on a performance evaluation in making a decision about whether to grant tenure: **Alaska, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Louisiana, Michigan, Nevada, New Jersey, Oklahoma, Rhode Island, Tennessee, Washington** and **Wyoming**.
- Seven states require districts to return non-probationary teachers to probationary status if they are rated "ineffective." This means these teachers lose the assurance that their contract will be renewed at the end of the school year. The seven states are **Arizona, Colorado, Idaho, Indiana, Louisiana, Nevada** and **Tennessee**.

State laws governing attainment of tenure or non-probationary status

To gain tenure, also known as continuing contract or non-probationary status, teachers must generally complete a specified period of probationary employment, usually three years. During the probationary period, teachers are not assured their annual contracts will be renewed. Non-probationary or tenured teachers' contracts, on the other hand, typically may be terminated only for cause. Tenured teachers are assured they will receive notice of nonrenewal or dismissal and a statement of causes or reasons for termination. They also may file an appeal and are allowed a hearing.

The following table identifies state requirements for earning non-probationary status and for returning non-probationary teachers to probationary status when their performance is deemed ineffective.

Understanding the table:

- “R” means the teacher must return to begin the next school year or sign a contract committing to service in the next school year.
- All years listed as required for non-probationary status are academic years.

State	Requirements for Earning Non-probationary Status	Provisions for Return to Probationary Status
Alabama	3 years of service + R	none
Alaska	3+R and an evaluation under the district's evaluation system stating that the teacher's performance meets the district performance standards	none
Arizona	3+R	A continuing teacher designated in the lowest performance classification for the current school year becomes a probationary teacher for the subsequent school year and remains a probationary teacher until the performance is designated in either of the two highest performance classifications.
Arkansas	3+R	none
California	2+R	none
Colorado	3 years of demonstrated effectiveness	A non-probationary teacher is returned to probationary status if he or she has two consecutive years of demonstrated ineffectiveness.
Connecticut	Effective July 1, 2014: 40 months Superintendents must consider effective practice, as informed by performance evaluations, in granting tenure.	none
Delaware	For teachers hired prior to the 2009-10 school year: 3, at least 2 of which are with the same board For teachers hired after the 2009-10 school year: 3+ at least 2 years of “satisfactory” ratings in the “student improvement” component of the teacher appraisal process within a 3-year period	none
District of Columbia	Not addressed in statute	none
Florida	For teachers hired prior to 7/1/2011:	none

State	Requirements for Earning Non-probationary Status	Provisions for Return to Probationary Status
	<p>3+R</p> <p>For teachers hired after 7/1/2011: 1+R</p> <p>After successful completion of 1-year probationary contract, a teacher is placed on annual contract. District board may choose not to award an annual contract without cause. An annual contract may be awarded only if the employee has not received:</p> <ul style="list-style-type: none"> • two consecutive “unsatisfactory” ratings on annual performance evaluations • two “unsatisfactory” ratings on annual performance evaluations in a 3-year period • three consecutive “needs improvement” ratings on annual performance evaluations • a combination of “needs Improvement” and “unsatisfactory” ratings <p>Because all teachers are awarded an annual contract regardless of probationary status, Florida has essentially eliminated tenure.</p>	
Georgia	3+R	none
Hawaii	1	none
Idaho	3+R	<p>When the work of a non-probationary teacher is found to be unsatisfactory, the board establishes a period of probation not less than eight weeks. After the probationary period, the board may retain, immediately discharge, discharge on termination of current contract, or re-employ at the end of the current contract. The probation period does not affect renewable contract status.</p>
Illinois	<p>For teachers employed prior to the implementation of the teacher evaluation system: 4+R</p> <p>For probationary teachers appointed</p>	none

State	Requirements for Earning Non-probationary Status	Provisions for Return to Probationary Status
	<p>after the implementation of the teacher evaluation system:</p> <ul style="list-style-type: none"> • 4+R if the teacher receives a rating of at least "proficient" in the last school term and rating of at least "proficient" in either the 2nd or 3rd school term • 3+R if the teacher receives three consecutive "excellent" ratings in first three years of full-time service • 2+R if the teacher receives two consecutive "excellent" ratings in the current district, the teacher previously earned contractual continued service in another district in the state and voluntarily left the former district or was released due to a reduction in force in the school term immediately before starting in new district, and was rated at least "proficient" in two most recent annual or biennial evaluations from prior school district 	
Indiana	<p>For teachers under contract prior to 7/2011: 5+R</p> <p>For teachers who were not under contract prior to 7/2012: A rating of "effective" or "highly effective," or a combination of both, for at least 3 years in a 5-year or shorter period</p>	<p>A professional teacher with a rating of "ineffective" is considered probationary, but is not subject to the cancellation if his or her contract unless the teacher receives another "ineffective" rating the following year or the contract cancellation is due to reduction in force or the teacher receives two consecutive "improvement necessary" ratings.</p>
Iowa	<p>3</p> <p>The board may extend the probationary period for an additional year with the consent of the teacher.</p>	<p>none</p>
Kansas	<p>3+R</p> <p>The state board may waive, at any time, the years of employment requirements for any teachers employed at a state school.</p>	<p>none</p>

State	Requirements for Earning Non-probationary Status	Provisions for Return to Probationary Status
Kentucky	4+R	none
Louisiana	For teachers who acquired tenure prior to 9/1/2012: 3 Effective 7/1/2012: A rating of "highly effective" for 5 years in a 6-year period	A teacher rated "ineffective" loses tenure. The teacher may reacquire tenure if the "ineffective" rating is reversed pursuant to the grievance procedure or if the teacher receives a rating of "highly effective" for 5 years in a 6-year period.
Maine	3	none
Maryland	3	none
Massachusetts	3	none
Michigan	5+ rating of "effective" or "highly effective" on three most recent annual performance evaluations; or 4+ rating of "highly effective" on three consecutive annual performance evaluations	none
Minnesota	3	none
Mississippi	2 in a Mississippi district and 1+ in current district	none
Missouri	5+R	none
Montana	3+R	none
Nebraska	3	none
Nevada	3+ rating of "satisfactory" for two consecutive years and receiving an offer for year 4	A post-probationary teacher whose performance is rated below average for two consecutive years is returned to probationary status.
New Hampshire	Prior to 7/1/2011: 3 consecutive years in any district in the state including two consecutive years in current district Effective 7/1/2011: 5 consecutive years in any district in the state including three consecutive years in current district	none
New Jersey	For teachers hired prior to 8/6/2012: 3+R Beginning in the 2012-13 school year: 4+R In addition, a teacher must complete a district mentorship program during the initial year of employment and receive a	none

State	Requirements for Earning Non-probationary Status	Provisions for Return to Probationary Status
	rating of “effective” or “highly effective” in two annual summative evaluations within the first three years of employment after the initial year of employment.	
New Mexico	3	none
New York	3	none
North Carolina	<p>Prior to 8/1/2013: 4</p> <p>After 8/1/2013: Career status is phased out over a 5-year period and all teachers are employed on contract. Contracts or contract renewals for teachers employed three or more years may be for one, two, or four school years. The superintendent may recommend a teacher for a contract term of longer than one year only if the teacher has shown effectiveness as demonstrated by proficiency on the teacher evaluation instrument. Local boards have the option to approve the superintendent's recommendation, to not approve the recommendation, or to offer a teacher a renewed contract for a term different from that recommended by the superintendent.</p>	none
North Dakota	Not addressed in statute.	none
Ohio	3	none
Oklahoma	<p>For teachers employed prior to full implementation of the teacher evaluation system: 3</p> <p>For teachers first employed after full implementation of the teacher evaluation system either:</p> <ul style="list-style-type: none"> • 3+ “superior” rating for at least two of the three years, with no rating below “effective;” or • 4+ has averaged a rating of at least “effective,” with at least an “effective” rating for the last two years; or 	none

State	Requirements for Earning Non-probationary Status	Provisions for Return to Probationary Status
	<ul style="list-style-type: none"> 4+ principal petition and superintendent and school board approval. 	
Oregon	3+R	none
Pennsylvania	3	none
Rhode Island	3 with 3 ratings of “effective” or higher or 3 with at least one rating of “developing” or higher with proof of completion of professional development based on the teacher’s evaluation results for each “developing” or “ineffective” rating received.	none
South Carolina	2	none
South Dakota	3+R	none
Tennessee	5 or not less than 45 months within a 7-year period as probationary teacher, the last two as a regular teacher (not interim) and ratings of “above expectations” or “significantly above expectations” during the last two years of probation+ R. Board must grant tenure.	Tenured teachers who have two consecutive years of overall performance “below expectations” or “significantly below expectations” may lose tenure status until they have completed two consecutive years of “above” or “significantly above” expectations.
Texas	3	none
Utah	3 A school district may extend provisional status for up to two additional consecutive years in accordance with a written policy adopted by the district school board that specifies the circumstances under which an employee's provisional status may be extended.	none
Vermont	2	none
Virginia	At least 3 years, or, at the discretion of the board, up to 5 years	none
Washington	3, except that an employee who receives an evaluation rating below level 2 on the four-level rating system during the third year of employment remains subject to nonrenewal until he or she receives a level 2 rating. The superintendent may make a determination to remove an employee from provisional status if he or she has	none

State	Requirements for Earning Non-probationary Status	Provisions for Return to Probationary Status
	received one of the top two evaluation ratings during the second year of employment	
West Virginia	3+R	none
Wisconsin	3+R	none
Wyoming	3+R and satisfactory performance evaluations	none

Report author **Jennifer Thomsen** is an ECS policy analyst. She can be reached at jthomsen@ecs.org.

Related reports:

[Overview of national trends in teacher tenure](#) by Jennifer Thomsen, May 2014

[A closer look: Teacher evaluations and reduction-in-force policies](#) by Jennifer Thomsen, May 2014

About ECS:

[The Education Commission of the States](#) was created by states, for states, in 1965 to work with governors, legislators, chief state school officers, higher education officials and other leaders across all areas of education, from pre-K to college and the workforce. We track policy, translate research, provide nonpartisan advice and create opportunities for state policymakers to learn from one another.

The conclusions presented in this report are those of ECS, which receives the majority of its funding from the member states it serves. State policymakers seeking additional information on this topic should contact author Jennifer Thomsen at jthomsen@ecs.org. As part of the services ECS provides to states, staff members are available for consultation and to serve as third-party experts in legislative hearings.

© 2014 by the Education Commission of the States (ECS). All rights reserved.

ECS is the only nationwide, nonpartisan interstate compact devoted to education.

ECS encourages its readers to share our information with others. To request permission to reprint or excerpt some of our material, please contact the ECS Information Clearinghouse at 303.299.3675 or e-mail ecs@ecs.org.

Equipping Education Leaders, Advancing Ideas