

FOR IMMEDIATE RELEASE  
Thursday, November 1, 2018, 12:01 AM

Contact  
Nicole Gerber  
National Council on Teacher Quality  
[ngerber@nctq.org](mailto:ngerber@nctq.org)  
202-393-0020, ext. 712

## MOST STATE LAWS SILENT ON DISMISSING TEACHERS WHO SIMPLY CANNOT TEACH

STATES LIST NUMEROUS REASONS WHY A TEACHER CAN BE DISMISSED,  
BUT IN 29 STATES, INEFFECTIVENESS IS NOT ONE OF THEM

**Washington, D.C.**— New analysis from the National Council on Teacher Quality (NCTQ) finds that a majority of states fail to specify teacher ineffectiveness as an explicit reason to dismiss a teacher. In [Walking the Tightrope: Teacher Effectiveness and Personnel Policies](#), NCTQ examines if states are achieving an appropriate balance of interests between teachers and students when it comes to difficult decisions regarding removing teachers from the classroom.

While all 50 states have explicit laws on the books enumerating the many reasons teachers can be dismissed (e.g. unprofessional or illegal behavior), 29 states fail to include reasons regarding ineffectiveness in the classroom. This means that states do not acknowledge that teachers can and should be dismissed for the simple reason that they do not teach well, creating a roadblock many dismissal attempts fail to surmount.

“Districts tend to reserve their energy and sparse resources to pursue dismissals that cannot be easily challenged in a court of law, such as when a teacher has committed a crime or come to school inebriated, and not even try to dismiss a math teacher who simply cannot teach math,” commented Kate Walsh, President of NCTQ. “This culture of tolerance does harm both to the health and reputation of the teaching profession, but more importantly to students. Students pay the highest price for inaction and state roadblocks.”

School districts’ overall dismissal rates (for any reason) are rarely made public and can be [difficult to verify](#). [National data](#) put the average number of tenured teacher dismissals for poor performance at one in 1,000. A recent investigation in [New York City](#), which has a tenured workforce of 58,000, found that in the 2015-2016 school year the district attempted to dismiss 406 teachers overall, but only 181 for reasons due to ineffectiveness. Far fewer of these dismissals were upheld. Similarly, research into teacher dismissals in [Atlanta](#) found that from 2011 to 2017, only 4 percent of all teacher dismissal cases mentioned teacher effectiveness or quality. These and [other examples](#) suggest that it may be a relatively common phenomenon among U.S. school districts that ineffective teachers are allowed to remain in classrooms.

“It seems counterintuitive to believe that a district would need to dismiss more teachers for the relatively rare event such as committing a crime than for just not being very good at their jobs. In any well-functioning organization, dismissals on grounds of ineffectiveness should naturally exceed dismissals for criminal behavior. The evidence to the contrary should at least raise some serious questions,” added Walsh.

Certainly U.S. school teachers recognize the problem. In a [recent survey](#), teachers reported that 12 percent of their colleagues are of unsatisfactory quality, a finding reiterating [previous surveys](#) of teacher opinion.

NCTQ’s analysis also examines state requirements on what districts must consider when laying off teachers. In a somewhat illogical twist, the findings demonstrate that fewer states require teacher effectiveness data to be used in layoff decisions than require these data to be used in dismissal decisions. In other words, there are eight states—Arizona, Connecticut, Delaware, Hawaii, New Jersey, New York, West Virginia, and Wyoming—where laws require ineffective teachers to be dismissed, but do not require ineffective teachers to be laid off first when districts must reduce their teacher workforce.

There are promising signs, however. Since 2011, 10 states have made changes in their dismissal laws, and eight states have changed their laws to explicitly require that layoff decisions consider evidence of

effectiveness. **Florida** is highlighted in the NCTQ analysis for the policy of not permitting teachers with unsatisfactory ratings to renew their contracts. **Colorado, Georgia,** and **Louisiana** are each acknowledged for layoff policies that prioritize keeping their best teachers.

[Read the report](#) to see the data for each state, promising state policies, and detailed policy recommendations.

###

To schedule an interview with NCTQ, please contact Nicole Gerber at (202) 393- 0020 ext. 712.

***About the National Council on Teacher Quality:***

*The National Council on Teacher Quality is a nonpartisan research and policy group, committed to modernizing the teaching profession and based on the belief that all children deserve effective teachers. We recognize that it is not teachers who bear responsibility for their profession's many challenges, but the institutions with the greatest authority and influence over teachers. More information about NCTQ can be found on our website, [www.nctq.org](http://www.nctq.org).*