

Teacher (In)Competence: An Analysis and Comparison of the
Educational, Legal, and Practical Definitions

By

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ABSTRACT

Teacher incompetence and the identification of incompetent teachers have become major educational issues. With the implementation of No Child Left Behind (NCLB), every student is expected to be taught by a 'highly qualified' teacher. Although 'highly qualified' does not guarantee competent teaching, the two often go hand-in-hand. The purpose of this study is to identify, analyze and compare the definitions of teacher incompetence according to educational literature, case law, and Missouri school districts' evaluation documents.

The major emphasis within the educational literature was on the characteristics of a competent teacher. Some of the key traits of a competent teacher included effective classroom management skills, content knowledge in the subject(s) taught, effective instructional processes and use of assessments, and active participation in professional development.

Within the case law, findings of incompetence sufficient to support dismissal were generally based on a lack of classroom management skills, ineffective lesson delivery, poor communication with parents and students, non-compliance with school and district protocols, and the inability to make corrections when deficiencies in these areas were addressed.

The school district evaluation documents examined were from school districts in the Kansas City, Missouri metropolitan area. These Performance-Based Teacher Evaluation documents focused on teacher competence, rather than incompetence, mainly noting specific behaviors administrators were to look for during an evaluation. The expectations were very similar to those identified

within the educational literature and also included items such as creating an effective learning environment, a prepared and knowledgeable presentation of information, establishment of positive relationships within the education community, and involvement in professional development.

Although the three systems approached the topic of teacher competence in very different ways, many similarities and some differences were easily identified. This study suggests that there are six main qualities of a competent teacher: classroom management and the environment, lesson planning and preparation, content knowledge, instructional techniques, interpersonal relationships and communication skills, and professional development. A competent teacher displays strength in each of the above areas and an understanding on what is necessary to help students succeed.

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CHAPTER ONE THE IMPORTANCE OF TEACHER COMPETENCE

We don't have the right to be called professional – and we will never convince the public that we are unless we are prepared honestly to decide what constitutes competence in our profession and what constitutes incompetence and apply those definitions to our colleagues and ourselves. Albert Shanker, American Federation of Teachers President (Toch, 1991)

INTRODUCTION

Among the numerous demands of No Child Left Behind (NCLB) is the requirement that all teachers be 'highly qualified.' Although many take issue with some of the provisions within NCLB, it's difficult to disagree with the idea that every student deserves to be taught by a 'highly qualified' teacher, especially if the label of 'highly qualified' makes him or her a competent teacher.

Quality teaching is one of the most important factors that contribute to the success of a student. In fact, many consider good teaching a 'make-or-break it' factor when determining how well students learn. A 1996 study in Tennessee found that students who had good teachers three years in a row showed a considerable increase in their percentile rankings on state examinations, regardless of socioeconomic status (Education Commission of the States, 2004). In addition, Sanders and Rivers (1996) also found that students who were taught by an effective teacher for three successive years scored more than 50 points higher on standardized tests of math skills than peers of the same beginning aptitude taught by ineffective teachers for three successive years. In contrast,

students who had a series of ineffective teachers and began at the same percentile ranking showed a significant decline in rankings. Research by Wenglinsky (2002) suggests that the greatest influence on student achievement comes not from students' socioeconomic status but from teachers' classroom practices and professional development. Another study identified the comprehensive, focused efforts to improve the quality of teaching as a main reason for the compelling, consistent gains in student reading achievement that Connecticut and North Carolina have experienced over the past several years (Darling-Hammond, 2000). Despite all of this research on student achievement, the question remains, what exactly makes an effective, competent, or quality teacher?

Principals are aware of the importance of quality instruction, but when asked to identify incompetent teachers, administrators are often reluctant to take the time necessary, or to "name names", for fear of the repercussions or public humiliation. However, the newest version of the Elementary and Secondary Education Act, No Child Left Behind (ESEA, 2002) has brought the issue of 'highly qualified' teachers to the forefront, and is requiring administrators to identify all teachers who do not meet the mandated criteria independently devised by each of the 50 states. Although it's difficult to argue with the idea that every student deserves to be taught by a 'highly qualified' instructor, many argue that the criteria set by the federal government defining 'highly qualified' are nothing more than a paper trail or list of credentials (Southeast Center for Teaching Quality, 2004). The act does not ensure that *quality* teaching practices

are in place or that professional development is available, both of which are considered vitally important by researchers such as Darling-Hammond (2000) and Wenglinsky (2002).

One of the biggest loopholes within the highly qualified teacher provision was the High Objective Uniform State Standard of Evaluation (HOUSSE). HOUSSE gave states the power to decide for themselves what requirements were to be set forth for existing teachers to demonstrate mastery in the subjects they taught. Under this provision, teachers could demonstrate content knowledge “through some combination of experience, college coursework, professional development, or other state-determined measures” (The Education Trust, 2003, p. 2). These requirements were no more than technical hoops teachers had to jump through, using time that could have been better spent on students and their learning. The federal government did not announce acceptable minimum HOUSSE standards; leaving the norms to be set by each individual state. Many states demanded standards that allowed the greatest number of ‘highly qualified’ teachers as possible (Porter-Magee, 2004). The wide variation among the states when defining ‘highly qualified’ made it much easier to be ‘highly qualified’ in some states than others, and prohibited reciprocity and the chance to compare states. By 2006, the federal government “strongly encouraged states to eliminate the use of HOUSSE procedures to the extent practical” (Spellings, 2006, p.1). In this same policy letter, the Secretary of Education, Margaret Spellings, admitted that in many states, the HOUSSE standards focused on content knowledge that was weak and non-rigorous,

ultimately allowing teachers to teach in subject areas where they didn't really have subject-area competency (Spellings, 2006).

Teachers who are able to prove their content knowledge and receive full certification can be called 'highly qualified', but that does not necessarily make them highly effective. Within this framework of NCLB and the 'highly qualified' teacher, administrators have increasing responsibility to address ineffective teaching and marginal educators. In most cases, it is the administrator who will evaluate the competence of a teacher, often through the use of staff evaluations and observations. Evaluation is a formal process designed and put into practice by districts to meet state statutes and district policies. This process normally consists of two to three formative observations, as well as a summative conference and is used to assign teachers a rating at the end of each year. "The evaluation process is a place to ensure quality" (Berube & Dexter, 2006, p.11). Because so much of this responsibility falls on the administrator, it is essential that each administrator has a clear definition of 'competent' and also the skills required to maintain competency.

REVIEW OF LITERATURE

Initial research found that although the three areas (educational literature, case law, and district evaluation documents) are all concerned with providing highly qualified teachers for America's students, they go about identifying the characteristics in very different ways. Researchers and districts are interested in both teacher competence and incompetence, but spend a majority of their time looking for specific traits of a competent teacher. Researchers strive to develop

checklists or frameworks that lay out specific qualities that one hopes to find in high quality educators.

Districts then use the findings of these researchers to develop their evaluation systems, often turning the frameworks into their own checklist or rating system. The districts' focus on teacher competence makes sense, as one would of course hope to be able to focus more on highly qualified teachers than on just the few 'bad apples'.

Case law, on the other hand, focuses more on the traits that are lacking within competent teaching. In order to make an affirmative finding of teacher incompetence, the courts identify specific qualities of competence that are missing or explicit behaviors that are inappropriate.

Two elements often associated with the definition of incompetent are "inadequate" and "lacking the qualities needed for effective action" (www.webster.com). One of the few researchers who has focused on teaching incompetence is Edwin M. Bridges. According to Bridges (2004), "incompetence is a concept with no precise meaning" (p. 24) and the context of each situation is important. In the field of education, incompetence is most commonly thought of as the "failure to perform at a minimally acceptable level" (Wheeler & Haertel, 1993, p. 70). Alaska, one of the few states to officially define incompetence in a state statute, identifies it as "the inability or the unintentional failure to perform the teacher's customary teaching duties in a satisfactory manner" (Alaska Statute 14.20.180(a) Dismissal). It is important to note that while the legal definition of incompetence varies from state to state, it is almost always based on "grounds

relating to expertise as a teacher” (Imber & Van Geel, 2000, p. 358). In *Hicks v. Gayville-Volin School District* (2003), a middle school physical education and health teacher was dismissed because, despite being placed on an assistance plan three separate times, her teaching never improved and she continued to fail to meet expectations. Some specific behaviors that were continually practiced by the teacher at fault and deemed her incompetent included: “1.) Failure to meet the needs of the students, 2. Failure to follow the physical education plan of study, 3. Inability to successfully challenge students, 4. Failure to be prepared for all instructional duties, and 5. Inability to motivate herself in areas of deficiency to facilitate growth”. It is important to note that in order to dismiss a teacher for reasons of incompetence, most schools are required to identify multiple examples of incompetence or failures to meet contractual responsibilities (McGrath, 1993).

After reviewing the personnel decisions of the administrators whom he studied, Bridges (2004) noted that in most cases, incompetence appears to mean “persistent failure in one or more of the following respects:

1. failure to maintain discipline;
2. failure to treat students properly;
3. failure to impart subject matter effectively;
4. failure to accept teaching advice from superiors;
5. failure to demonstrate mastery of the subject matter being taught; and
6. failure to produce the intended or desired results in the classroom” (p. 5).

Teachers who are unable to perform their professional duties at an acceptable level and are dismissed usually fall under one of the above six criteria. Unfortunately, this process can take years and so these teachers have the potential to make a detrimental and lasting negative effect on hundreds of students. Although each of the above is cause for dismissal, the most common reason is the failure to maintain discipline. This has been the leading cause for termination within the field of education over the past 70 years (Bridges, 2004).

The ambiguity and lack of specific criteria in regards to teacher incompetence has led to varying statutes among the states and difficulty for administration to dismiss teachers for reasons of incompetence. Courts have also been hesitant to assign a specific meaning to “incompetence,” with many declaring that “incompetency must be measured against what is required of others performing similar duties and each case must be evaluated on its own facts” (*Schulz v. BOE*, 1982). Some courts have gone a step further and identified specific inabilities that contribute to incompetence. The Court of Appeals in Michigan acknowledged the following competencies (Wragg, et al., 2000):

1. “Knowledge of the subject;
2. Ability to impart it;
3. Manner and efficacy of discipline;
4. Rapport with parents and other teachers; and
5. Physical and mental ability to withstand the strain of teaching” (p. 34).

According to the court, failure in any of the above areas would qualify as incompetence.

Missouri statute requires school districts to implement a Performance-Based Teacher Evaluation program:

Teacher records, how maintained-evaluations, how performed and maintained. –The board of education of each school district shall maintain records showing periods of service, dates of appointment, and other necessary information for the enforcement of section 168.102 to 168.130. In addition, the board of education of each school district shall cause a comprehensive performance-based evaluation for each teacher employed by the district. Such evaluation shall be ongoing and of sufficient specificity and frequency to provide for demonstrated standards of competency and academic ability. All evaluations shall be maintained in the teacher's personnel file at the office of the board of education. A copy of each evaluation shall be provided to the teacher and appropriate administrator. The state department of elementary and secondary education shall provide suggested procedures for such an evaluation. (Personnel – Teachers and Others Board may terminate, grounds for; L. 1969 p.275 168.114, A.L. 1983 H.B. 38 & 783)

Within school districts' Performance-Based Teacher Evaluation (PBTE) documents, most offer their philosophy of evaluation and guiding principles that serve as a basis for the instrument. Initial examination of Kansas City metropolitan school districts' PBTE tools showed multiple lists of criteria, descriptors, and specific observable behaviors principals should look for when conducting an evaluation. Although these lists may implicitly define characteristics of a competent teacher, no PBTE specifically stated a definition competence.

In many districts around Missouri and throughout the country, observations and evaluations are seen as only that, an evaluative opportunity, rather than a chance to discuss professional and instructional development.

Bridges (1985) identified seven specific behaviors necessary for principals who effectively evaluate teaching competence:

1. The ability to describe and analyze what is happening in a classroom.
2. The ability to provide an unbiased rating of a teacher's performance.
3. The ability to diagnose the cause(s) for a teacher's poor performance.
4. The ability to prescribe remediation that is appropriate to the teacher's classroom deficiencies.
5. The ability to conduct conferences with teachers regarding their instructional performance.
6. The ability to document matters related to one through five.
7. Knowledge of the legal bases for evaluating and dismissing incompetent teachers.

The dismissal process in most states has proven to be burdensome, costly, and time-consuming (Trimble, et al., 2003). In 1994, Vander Weele found that in a New York school district, the average teacher dismissal hearing cost \$200,000 and required 476 days. Teacher unions hire lawyers ready to defend the rights of the teacher to remain on the job, as well as demand retribution (Trimble, et al., 2003). In his research, Bridges (2004) found that "teacher tenure and the administrator's desire to avoid conflict promote tolerant and protective responses [to incompetence] while parental complaints exert pressure on the administrator to confront the poor performer" (p. 14).

With quality teaching becoming such an important phenomenon, it makes sense that persons in the field of education have a clear definition of 'teaching

competence' and the attributes necessary to identify a competent teacher. The purpose of this study is to analyze and compare the definitions and beliefs of educational theorists, courts, and current school district evaluation tools (from the Kansas City, Missouri metropolitan area) regarding teacher incompetence.

METHODOLOGY

There is no generally agreed upon definition of teacher competence or incompetence. In an effort to address this lack of clarity, this descriptive study is designed around the following research questions:

1. What definitions of teacher incompetence are found in the educational research literature? What behaviors and traits do researchers view as indicative of incompetent teachers? Is there consistency in the way educational researchers conceive of teacher incompetency?
2. What definitions of teacher incompetence have the courts used? What behaviors and traits do the courts view as indicative of incompetent teachers? Is there consistency within and between states in how courts conceive of teacher incompetence?
3. What definitions of teacher incompetence are employed by school districts in the Kansas City, Missouri metropolitan area? What behaviors and traits do the school districts view as indicative of incompetent teachers?
4. What are the similarities and differences in the way educational research, courts, and school districts conceive of teacher

incompetence? What inconsistencies exist among the three groups?

In order to answer these questions, data was gathered from both primary and secondary sources, including educational research, court cases, and district evaluation documents. To address research question number one, the study reviewed the research about quality teaching and identified an empirical definition of incompetence within the literature. In order to define incompetence based on the educational research, literature focusing on teacher incompetency was researched. This research was found by using a variety of educational databases, including *Wilson OmniFile*, *Lexis Nexis*, and *Expanded Academic ASAP*. Because there is a lack of research regarding teacher incompetence, research on teacher competence was also read and analyzed and then the meaning of teacher incompetence was inferred. While reading, the researcher was interested in two things: 1) What experts in the field of education said about teacher competence; and 2) The consistencies and uniformities in what they said.

Reviewing case law based on the same topic then fulfilled research question number two. The law database *Westlaw* was used to obtain a list of all cases found under the search terms 'Grounds for Adverse Action: Classroom Performance, Incompetency' (West Key number 147.14). In an effort to gather a complete and contemporary view of what constitutes incompetence, judicial decisions made as early as 1990 were examined. Education is an ever-changing field and many cases brought before the courts prior to 1990 dealt with irrelevant

and outdated issues. There were four 455 cases available on *Westlaw* categorized under key number 147.14. *Lexis Nexis* was then used to obtain the complete judicial decision. After reviewing the judicial decisions, they were grouped according to similarities within the court's findings. When courts declared a finding of incompetence and allowed a school district to terminate the employee, the consistencies within the court and precedents set regarding the dismissal of a teacher for reasons of incompetence were examined. Specific behaviors the courts declared indicative of incompetent teaching were also noted.

Districts in Missouri are required by state statute 168.114 to create a Performance-Based Teacher Evaluation (PBTE) document. These documents are submitted to the state department of education for review and made available to certified employees within each district. Research question number three was answered by conducting a review of the PBTE documents from districts within the Kansas City metropolitan area. The Kansas City metropolitan area was defined as districts in the state of Missouri within a 30-mile radius of downtown Kansas City. In order to gather documents to review and analyze, each district's human resources department was contacted. Upon examination of these documents, a composite of attributes or skills on which teachers are rated was created. The skills that focused on identifying teacher incompetence and ways to improve these behaviors were then noted. The identification of any implicit definitions of teacher incompetence within those plans was also considered.

After reviewing the research and information from each of the three areas (educational literature, case law, and district evaluation systems), the components were cross-referenced in order to develop a collective definition of teacher incompetence and the characteristics of a quality teacher.

The potential usefulness of such a system goes beyond simple teacher evaluation. No Child Left Behind demands that every child be taught by a 'highly qualified' teacher. Beyond the basic requirements of a college degree and certification or licensure, it is up to the states to decide how teachers will demonstrate content knowledge in the subject they are teaching. This freedom across the states has led to ambiguous requirements and still no guarantee that a 'highly qualified' educator is actually a *quality* teacher. Pedagogical training and the ability to actually teach a curriculum aren't even mentioned in the mandates of No Child Left Behind, and yet, some people believe this ability is what makes the best teachers (Torff, 2005).

The definition and list of teacher characteristics developed combined the two counter components of quality teaching – content knowledge and pedagogical training. This list is intended to present the skills of a 'highly qualified' teacher who is actually able to effectively deliver curriculum to his or her students. This list has the potential to be used by not only administrators, but also state legislatures and courts. In an effort to solve the problems created by HOUSSSE, states can use the information to make their 'highly qualified' definition and data organized in a manner that allows for clarity and easy comparisons within states and across the nation. It is then their responsibility, along with

individual districts and schools, to provide the necessary classroom-related professional development to ensure that all teachers meet the state's standard of 'highly qualified', as well as the students' need for a quality teacher. The courts in most states have no real guidelines or statutes to follow when deciding whether or not a teacher should be fired based on incompetence. This list could be used as a guide for courts when evaluating cases based on teacher incompetence.

This study is set up in four major sections. The second chapter discusses the educational research on teacher competence and evaluative best practices. Although the intent of this research was to analyze teacher incompetence, the focus of the educational literature is on teacher competence. So, for research purposes, the information on teacher competence was synthesized and the definition of incompetence was inferred.

Chapter three focuses on the case law surrounding teacher dismissal for reasons of incompetence. More than 30 years of court cases were studied and then grouped according to the reason for dismissal. The 35 cases that met the desired research criteria were evaluated and the specific behaviors that were deemed incompetent were examined for further comparison. It is not the court's job to determine the competence of a teacher, they simply examine the evidence brought before them by school districts and then operationalize state law to decide if a school board's decision to dismiss a teacher was justified.

The fourth chapter is an empirical look at evaluation systems of school districts within the Kansas City metropolitan area. The districts' evaluation

systems, known as Performance-Based Teacher Evaluations (PBTE), provided the only information available regarding teacher competence. These documents were examples of school districts putting the research regarding effective teaching into practice.

The fifth and final chapter synthesizes the information gathered throughout the study. The conclusion takes the findings of the three components discussed and makes a recommendation regarding a streamlined definition of teacher competence.

CHAPTER TWO HOW EDUCATIONAL LITERATURE DEFINES TEACHER COMPETENCE

The school administrator plays the most important role in identifying and remediating incompetent teachers. Unfortunately, principals are often left with little to no training on the evaluation system, thus leaving them to develop their own list of characteristics of a competent educator. Districts who do provide standards or information regarding teacher quality often provide details that are subjective and left to principals' own interpretation. Once principals have defined competence and understand what they desire in a *quality* teacher, it is up to them to evaluate based on these criteria. It is essential that the principal remember that it is he or she, more than any other individual, who is responsible for the quality of education in a school (Youngblood, 1994).

Although most principals would like to spend a majority of their time working with teachers through instructional supervision and teacher evaluation, in reality, when it comes to time, supervision is often less of a priority than tasks such as administration of facilities, discipline, and pupil services coordination (Peterson, 2004). Because of time constraints and pressure to be involved in a multitude of activities, informal monitoring of instruction seems to be the latest trend in supervision. Administrators perform "walk-throughs" of classrooms and stop only for a brief moment, enough to get the general idea of the instruction. While formal evaluation is still used in most states, it seems to have become just another bureaucratic routine, having little effect on the actual quality of teaching and learning. Time and money are of the essence, and evaluation seems to be fighting a losing battle (Holland, 2004). Most district evaluation documents

discuss the process as an opportunity for professional growth and development. In fact, in many systems, professional development is supposed to be the most important component of the process. Unfortunately, in many districts, evaluators simply go through the motions, rush through the pre- and post-observation conference, and give little thought to the areas of improvement or discussions about professional growth.

Research shows that an estimated 2-20 percent of classroom teachers are considered incompetent, or at best marginal performers (Lavelly et al., 1992). Most studies suggest that 5 percent is the best approximation of incompetent teachers in classrooms (Bridges, 2004; Tucker, 1997) and many researchers use that estimate in calculations (Menuey, 2007). Although this may not seem like much, if 5 percent of America's teachers are incompetent, they've impacted more than two million students across the country and tarnished the reputation of teachers everywhere (Bridges, 1992). And yet, most national research has found that the termination rate (including both induced resignations and forced dismissals) among teachers is, on average, less than one percent in the United States (Bridges, 2004; Tucker, 1997). School administrators who fail to take action against struggling teachers may result in "decreased student achievement, low teacher morale, diminished confidence toward schools, teacher and administrator liability, and increased litigation" (McGrath, 2003, p. 30). According to a 1993 poll by the Consortium on Chicago School Research, more than two-thirds of Chicago principals would terminate 20 percent of their teachers if they could avoid the hearings (Vander Weele, 1994).

In 2009, The New Teacher Project published a disappointing report regarding teacher evaluation, the inconsistency, and the lack of identification of incompetent teachers (Weisberg, et al., 2009). This research included 12 urban districts in four states (Illinois, Colorado, Arkansas, and Ohio). All districts had a uniquely established performance evaluation system, but the findings were amazingly similar.

The report showed that districts are not just failing to identify ineffective teachers. The ratings assigned to teachers are also often inflated. Most school districts are failing to educate their students at the highest rate, and yet these same districts claim to employ teachers performing at the very highest rate. The New Teacher Project found that in the researched districts, most tenured teachers were rated at the highest possible point, either 'satisfactory' on a binary scale or 'outstanding' on a multipoint scale (Weisberg, et al., 2009). A 2007 study conducted by The New Teacher Project found that 87 percent of Chicago's 600 schools did not render a single 'unsatisfactory' teacher rating between 2003 and 2006. Of all the teacher evaluations conducted during those years, only three tenths of a percent produced 'unsatisfactory' ratings while 93 percent of the city's 25,000 teachers received top ratings of 'excellent' or 'superior' (New Teacher Project, 2007).

Many school districts use a binary evaluation rating system – teachers are simply 'satisfactory' or 'unsatisfactory'. Although a system with only two options may appear to make an evaluator's job easier, it leaves a lot of unanswered questions and provides very little specific information about the teacher's

performance. It may also lead evaluators to rate teachers as 'satisfactory' simply because the only other option is 'UNsatisfactory' which may imply teachers are incompetent, rather than just needs some improvement, and therefore leaves no middle ground. Ninety-nine percent of teachers rated with a binary evaluation rating system receive a 'satisfactory' rating (Weisberg, et al., 2009). That leaves less than one percent as unsatisfactory – school districts across the country dream of employing a staff that competent. Unfortunately, national averages and declining test scores across the country imply much lower numbers of competent instructors (Bridges, 2004).

The ratings of teachers within districts that use a broader range of ratings (three to five options) correlate more closely with the 5 percent estimate. In the study conducted by The New Teacher Project, 94 percent of teachers in the analyzed districts were rated in the top two tiers of the scale (Weisberg, et al., 2009). This research also included a survey of 15,176 teachers within 12 school districts. Results indicated that nearly 75 percent of the teachers did not receive any kind of specific professional growth indicators or feedback about how to better their job performance. Probationary teachers also revealed that they received little to no information regarding how to improve their performance. This same study reported that districts seldom took action against ineffective teachers and no probationary teachers were dismissed because of poor performance within a five-year period. Forty-one percent of administrators (evaluators) acknowledged that they've never non-renewed a probationary teacher for reasons concerning effectiveness in the classroom. It is highly unlikely that this

many human resources departments have never encountered any ineffective teachers and more plausible that it came down to other issues, such as the time or money required to remove the teacher.

So, the question remains, if there are so many incompetent teachers in our schools, why aren't they being identified? Bridges (1992) says that administrators tend to "manifest their tolerance and protection of the poor performer" (p. 27) in five different ways: 1) Treat classroom observation post-conferences as routine and often times, celebrations; 2) Cover their criticism with "double-talk"; 3) Administer exaggerated performance ratings; 4) Encourage the employee to resign or retire early; and 5) (rarely) Make a recommendation for dismissal.

It appears that when principals *do* encounter an incompetent teacher in their school, most hesitate to identify him or her as such. This tentativeness may be attributed to one of many factors. In Tucker's (1997) study regarding principals' responses to teacher incompetence, she identified six factors (other than the formal teacher evaluation components) that play into administrators' reluctance to act on teacher incompetence: 1) personal discomfort with confrontation; 2) lack of requisite skills for identification and assistance; 3) role conflict of assistance and summative judgment; 4) inadequate time; 5) lack of central office and school board support; and 6) lack of financial resources.

No Child Left Behind was designed in an effort to hold schools more accountable for student performance and teacher quality. Unfortunately, in an era of decreasing funds and increasing mandates and responsibilities, principals and

district-level administrators are often overwhelmed with the time and money any project may require and don't always take the time to consider what is best for the students. Ironically, it appears that the system put into place to improve the education organization seems to have instead added too much pressure and too many demands, therefore preventing principals from having the time necessary to document and dismiss incompetent teachers.

There is no question that effective teachers are an integral part of student success. In the ESEA Blueprint for Reform, the federal government's first attempt at revising NCLB, President Obama states,

Our goal must be to have a great teacher in every classroom and a great principal in every school. We know that from the moment students enter a school, the most important factor in their success is not the color of their skin or the income of their parents – it is the teacher standing at the front of the classroom. To ensure the success of our children, we must do better to recruit, develop, support, retain, and reward outstanding teachers in America's classrooms. (ESEA Blueprint for Reform, 2010, p. 1)

When tracking students over time, Wright, et al., (1997) found the most important contributor to student learning was the teacher and that students in classrooms managed by ineffective teachers made inadequate academic progress.

Researchers believe that students in classes with ineffective teachers persistently show the harmful effects of said teachers, even after experiencing effective teaching for consequent years (Sanders & Horn, 1998). The

importance of an effective teacher has been demonstrated in numerous studies. Students who are placed in the classroom of an effective teacher show more academic growth than students assigned to the least effective teachers (Gordon, et al., 2006; Hanusheck, 2009; Sanders & Rivers, 1996; Weisberg, et al., 2009). Students who have great teachers for several years in a row will be on a path for continued growth and success, while a student who is taught by a succession of less effective teachers may experience lasting academic challenges (Sanders & Rivers, 1996). According to Hanusheck (2009), “if a student had a good teacher as opposed to an average teacher for four or five years in a row, the increased learning would be sufficient to close entirely the average gap between a typical low-income student receiving a free or reduced-price lunch and the average student who is not receiving free or reduced-price lunches” (p. 6). The National Institute for Excellence in Teaching (2007) recently revealed that having effective teachers three years in a row can improve students’ tests scores as much as 50 percentile points above what they would gain with less effective teachers. “Teacher quality (as measured by teacher contributions toward student gains on tests) is the most important schooling factor when it comes to improving student achievement, and teacher quality is a highly variable commodity – some teachers are simply much better than others” (Goldhaber & Hansen, 2008, p. 1).

[U]ltimately, the success of U.S. public education depends upon the skills of the 3.1 million teachers managing classrooms in elementary and secondary schools around the country. Everything else – educational standards, testing, class size, and greater accountability – is background,

intended to support the crucial interactions between teachers and students. Without the right people standing in front of the classroom, school reform is a futile exercise. (Gordon, et al., 2006, p. 5)

No Child Left Behind brought the issue of quality teaching to the forefront with the requirement of a 'highly qualified' teacher in every classroom. Since the act was signed into law on January 8, 2002, school districts have been working to ensure the teachers within their schools are deemed 'highly qualified' by the state. The question remains, are the teachers who are labeled 'highly qualified' really *effective* educators? Many argue that the criteria set by the federal government defining 'highly qualified' are nothing more than a paper trail or list of credentials (Southeast Center for Teaching Quality, 2004). The act does not ensure that *quality* teaching practices are in place or that professional development is available, both of which are considered vitally important by researchers such as Darling-Hammond (2000) and Wenglinsky (2002).

Although still in the initial planning stages, the ESEA Blueprint for Reform (2010) takes the idea of a 'highly qualified' teacher one step further. The current NCLB provisions are being used throughout the revision process, but the Blueprint focuses more on data as evidence of quality instruction. This is measured by showing student growth. The Blueprint also requires states to develop definitions of 'effective teachers', 'effective principals', 'highly effective teachers', and 'highly effective principals'. The expectation is for states to base the definitions of these terms on student growth as well as other measures, like classroom observations of performance. The states have been instructed to

collaborate with teachers, administrators, and other stakeholders to create acceptable definitions.

According to No Child Left Behind, by the end of the 2005-2006 school year, all students were expected to learn in classrooms taught by a 'highly qualified' teacher in the core academic subjects. Although never explicitly stated, the document infers that a highly qualified teacher (based on the criteria discussed below) is, in fact, a competent one. No Child Left Behind insinuates that if all classrooms are staffed with a highly qualified teacher, then all students will learn. Core subjects, as defined by NCLB, include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography (Coble & Azordegan, 2003). Although initial deadlines have since passed, the NCLB language still dominates school requirements and needs. By October of 2005, this mandate had been lifted for states that were making a good-faith effort to ensure that a qualified teacher was leading every class (U.S. Department of Education, 2007). The document demanded that 'highly qualified' teachers meet each of the following three standards (Elementary & Secondary Education Act, 2002):

1. A college degree;
2. Full certification or licensure, which specifically does not include any certification or licensure that has been "waived on an emergency, temporary, or provisional basis"; and

3. Demonstrated content knowledge in the subject they're teaching, or in the case of elementary teachers, in at least verbal and mathematics ability. This demonstration can come in various forms:
- New elementary teachers must pass a state test of literacy and numeracy;
 - New secondary teachers must either pass a rigorous test in the subject area or have a college major;
 - Veteran teachers may pass the state test, have a college major, or demonstrate content knowledge through some other uniformly applied process designed by the state (High Objective Uniform State Standard of Evaluation). By 2007 all states had a revised and approved state Highly Qualified Teacher Plan in place (U.S. Department of Education, 2009).

A 'highly qualified' teacher in every classroom is a noble goal, and few would dare to disagree, but has the NCLB legislation and demands gotten us there, and is a 'highly qualified' teacher necessarily a competent instructor? The three standards within NCLB that deem educators 'highly qualified' or not have stimulated much conversation in schools and districts across the country. The first standard, a college degree, seems to be the most obvious and straightforward necessity, therefore making it the least controversial. Many, if not all people would agree that teachers should be expected to hold, at a minimum, a bachelor's degree (and many states require an eventual master's degree as well).

The issue of state certification and licensure is not quite as straightforward. No Child Left Behind appears to be deliberately vague on what it means by “state certification”, and therefore allows states to define their certification requirements independently (The Education Trust, 2003). This gives states the power to set the bar as high or low as they deem appropriate to meet the needs of their children. June VanderVeen of the National Education Association’s (NEA) Teacher Quality Department voiced a legitimate concern regarding this flexibility. VanderVeen fears that NCLB, “while appearing to raise standards, [NCLB] may actually prompt some states to ‘lower the bar’ when defining ‘highly qualified’.” In their desperate rush to hire much-needed staff, states could write their own, easier tests and/or set lower passing scores on established exams (NEA, 2003, p. 1). This flexibility also allows alternative certification programs, such as the American Board for the Certification of Teacher Excellence’s (ABCTE) *Passport to Teaching*, to provide the necessary certification requirements. This acceptance of alternative programs is especially frustrating for those who believe that pedagogical knowledge is essential because the law does not include a pedagogy requirement for certification. Ironically, in a time when federal education laws are requiring education programs to be “research-based”, alternative certification options, such as ABCTE, are still very experimental, with very little known scientific research to support its assertions (NEA, 2004). Goldhaber and Brewer (2000) researched the importance and impact of regular teacher certification and full licensure on student achievement. They found that math students of teachers with any kind of

certification (regular, probationary, emergency, or private school certification) outperformed those whose teachers had no certification or certification in another area.

The third standard, which requires all teachers (despite years of experience) to demonstrate subject matter mastery, is probably the most controversial. This requirement has prompted educators to rethink and redefine what it means to be 'qualified' to teach – is content area knowledge more important than the pedagogy and ability to actually 'teach' material? Rather than expecting teacher candidates to have basic classroom management and instruction skills before they enter their own classroom, NCLB allows administrators to hire subject-area experts who have little or no teaching experience or knowledge (Kaplan & Owings, 2002). No Child Left Behind's shift to alternative certification programs that include less pedagogy and student teaching experiences make this idea doubly disturbing to people within many education circles (Porter-Magee, 2004).

Goldhaber and Brewer (1996) found that a "teacher with a BA in mathematics or an MA in mathematics has a statistically significant positive impact on students' achievement relative to teachers with no advanced degrees or degrees in non-mathematics subjects" (p. 206). Similar results were found for teachers of science, but no similar evidence has been found for teachers of English or history (Goldhaber & Brewer, 1996). Goldhaber (2002) went on to say, "there is little research directly assessing the influence the pedagogical training has on student outcomes" (p. 54). Darling-Hammond (2000) also

supports this claim, defining a well-qualified teacher as one who has full certification, as well as a major in his or her field. Her analysis of the states suggests that “policies adopted by states regarding teacher education, licensing, hiring, and professional development may make an important difference in the qualifications and capacities that teachers bring to their work” (p 1). Although Darling-Hammond may still believe that teacher certification and content knowledge are important, her most recent papers suggest she’s beginning to rethink her ideas. In her article, *Recognizing and Developing Effective Teaching: What Policymakers Should Know and Do* (2010), Darling-Hammond says teacher qualifications “heighten the probability of effective teaching, but they don’t guarantee it” (p. 4).

In contrast, in a survey of New York State principals, Torff (2005) found that of the five factors contributing to ineffectiveness, 1) deficiencies in content knowledge; 2) deficiencies in lesson-planning skills; 3. deficiencies in lesson-implementation skills; 4) deficiencies in ability to establish rapport with students; and 5) deficiencies in classroom management skills, the four deficiencies in pedagogical knowledge were more frequently identified contributors to teacher ineffectiveness than a lack of content knowledge. According to Torff, a lack of “pedagogical knowledge is the main threat to teacher quality” (p.304).

This belief is seconded by Kaplan and Owings (2002) who believe “teachers who lack effective classroom management skills, regardless of how much subject matter they know, cannot create a classroom environment that supports student learning” (p. 29). A study conducted by McDiarmid and Wilson

(1991) noted that teachers with alternative certification and strong subject-matter knowledge struggled to integrate their content knowledge with effective teaching practices to allow for student learning.

Many researchers agree with the need for teachers to have a strong background in the subject they teach (Darling-Hammond, 2010; Goldhaber & Brewer, 1996; Goldhaber & Hansen, 2010; MET, 2010; NBPTS, 2010). Goldhaber & Brewer (1996) found a positive relationship between teachers' degrees and students' achievement in technical subjects (specifically math and science). As with many occupations in the professional realm, strong verbal and math skills are also important. In a study examining the relationship between student achievement and teacher scores on a basic literacy examination, Ferguson found that higher scoring teachers produced more significant gains in student achievement, as measured by the Iowa Test of Basic Skills (Ferguson, 1997). This general intelligence and ability helps to organize ideas and explain thinking – two important skills any teacher must acquire.

Researchers agree that there is definitely a relationship between a teacher's verbal ability and content knowledge and student achievement (Kaplan & Owings, 2002; Ferguson, 1997; Goldhaber & Brewer, 1996). A combination of these two ideas makes sense because as people become more familiar with information, they will become more comfortable with it. Teachers who are comfortable presenting information are probably better at it, making it easier for students to understand and therefore increasing student achievement. Content knowledge is obviously an essential part of teaching, but it is not the only thing

that makes a good teacher. Teachers must also have a strong understanding of *how* to teach the necessary content to a diverse group of learners. A pedagogical background is important to help teachers understand learners and their individual needs. This schema encourages teachers to understand how to support struggling learners or how to enrich the learning experiences of advanced students, as well as how to best respond to other student needs.

In fact, numerous researchers have determined that meeting the requirements of NCLB (bachelor's degree, state certification, and adequate content knowledge) does not predict or ensure that a teacher will be successful at increasing student learning (Goldhaber & Brewer, 2000; Hanushek, 1997; Toch & Rothman, 2008). The teacher attributes used by No Child Left Behind do not seem to be highly correlated with student achievement gains (Goldhaber & Anthony, 2004; Goldhaber & Brewer, 2000; Hanushek, 1997). In a recent policy brief for the *Partnership for Teacher Quality*, Darling-Hammond (2010) encouraged states to think more about teacher quality in terms of student achievement and performance-based standards.

Legislation leaves this responsibility up to individual states, districts, and schools. Unfortunately, many states do not take the time to outline what highly effective teaching looks like. The distinction between 'highly qualified' and competent teaching is one that everyone except the federal government seems to think is very important (Southeast Center for Quality Teaching, 2004). The U.S. Department of Education has chosen to focus on a teacher's content knowledge rather than a teacher's instructional practices. In contrast to this

opinion, many educators and administrators believe additional emphasis on skills, such as understanding the developmental stages of student learning, using multiple types of student assessment data, and revising instruction on a daily basis are essential to the success of a quality teacher (SECQT, 2004). “What makes the difference in student achievement is not just what you know, but also how well you convey what you know to students” (Kaplan & Owings, 2002, p. 23). A paper trail of licenses, certifications, and degrees do not guarantee strong, valuable instruction, nor do they ensure successful students. A quality teacher must have not only the education and content knowledge as demanded by No Child Left Behind, but also a true understanding of how to teach children, using any techniques necessary to make all students successful. Unfortunately, because education professionals and legislators have not adopted a uniform standard of competencies to measure teacher performance, incompetency as a cause for dismissal has been “repeatedly applied in an imprecise and inconsistent manner” (Roth, 1984, p. 851).

So, the question remains...if the requirements of No Child Left Behind don't necessarily guarantee an effective teacher, and the federal government is leaving the definition up to individual states, just what does guarantee effective teaching? How does the educational literature define competence in the classroom? Unfortunately, despite all the talk about teacher competence, no one has attempted to explicitly identify the qualities of a competent teacher and there really is very little literature that gets specific regarding these attributes. Many researchers seek to define teacher competence by looking at student

achievement, and then praise the teacher for his or her effectiveness based on student achievement gains. This circular approach proves effectively nothing in the end. This being said, there is little information regarding the specific qualities of a competent (effective/quality) teacher. According to the National Educational Association, the largest teacher union in the United States, good teachers have a unique combination of subject-area knowledge, pedagogical knowledge, and a professional teaching ability (NEA, 2010). Charlotte Danielson (2007), the creator of the renowned *Framework for Teaching* believes that competent teachers must have an understanding of the content they're expected to teach and pedagogical techniques to help them relay the information in a way that will engage and motivate students.

The federal government's latest attempt at encouraging school districts to improve the quality of teachers at all schools, as well as to create equality among all schools was the recent 'Race to the Top' grant competition. Within the application for these funds, an 'effective teacher' is defined as one whose "students achieve one grade level of academic growth on standardized tests" (2010, p. 1). A teacher is labeled 'highly qualified' if his or her students gain at least one and one-half grade levels.

Although these objective characteristics may make it easy to identify competent teachers, they have little connection to the more subjective and richer concepts that are found within the professional teaching standards created by organizations like the *National Board for Professional Teaching Standards* and adopted by many states. This bare-bones approach says nothing about the

teacher's ability to meet students' diverse needs, communicate effectively, or stimulate an interest in lifelong learning.

The pedagogical skills of teaching are what are difficult to define – how can one concretely describe what it takes to instruct a group of students from various backgrounds, with varying intelligence, and, sometimes, little or no support? According to Darling-Hammond (2010), “teaching quality refers to strong instruction that enables a wide range of students to learn. Such instruction meets the demands of the discipline, the goals of instruction, and the needs of students in a particular context” (p .3). The idea of meeting the needs of all students is one that is mentioned over and over again in the literature (Danielson, 2007; Darling-Hammond, 2010; NBPTS, 2010).

National Education Policy Center recently released a brief, ‘Getting Teacher Assessment Right: What Policymakers Can Learn from Research’. The authors break teacher assessment down into three categories: teacher quality, teacher performance, and teacher effectiveness (Hinchey, 2010). Although many tend to use these terms interchangeably (as I have done throughout this paper), these authors do a good job of distinguishing one from another. According to Hinchey (2010), teacher quality refers to a majority of the skills people deem necessary for a competent teacher, specifically characteristics that teachers bring into the classroom. This category includes things like a teacher's education and experience, credentials like those required by NCLB, both content knowledge and pedagogical skills, and an understanding of differentiated student needs. Teacher performance, on the other hand, refers to a teacher's behavior

and communication skills, both inside and outside the classroom. This category includes what a teacher can do and a teacher's ability to communicate with students and other stakeholders, collaboration with colleagues as well as other teacher activities outside the classroom. The final category, teacher effectiveness, focuses completely on student performance – student achievement, graduation rates, and student attitudes. A highly qualified and competent educator is one who encompasses the quality attributes from all three of the categories. School districts and their administrators must utilize a variety of strategies to truly evaluate a teacher in each of the three areas. One cannot simply look at student data and generalize the quality of instruction. Nor can an administrator make one observation of a classroom lesson and evaluate the teacher's effectiveness. The National Education Association recommends using multiple measures of teacher effectiveness. Some of the measures include student learning data and evidence of student growth, classroom observations and administrator evaluations, portfolios and lesson artifacts, and peer reviews or other collaborative feedback (NEA, 2010).

Goe, Bell, & Little (2008) researched and evaluated numerous discussions surrounding the topic of teacher effectiveness. After synthesizing the variety of information, the researchers established a five-point definition of teacher effectiveness. This information was then disseminated to teacher quality and effectiveness experts for review and suggestions. The final five-point definition is comprised of the following:

“1) Effective teachers have high expectations for all students and help students learn, as measured by value-added or other test-based growth measures, or by alternative measures.

2) Effective teachers contribute to positive academic, attitudinal, and social outcomes for students such as regular attendance, on-time promotion to the next grade, on-time graduation, self-efficacy, and cooperative behavior.

3) Effective teachers use diverse resources to plan and structure engaging learning opportunities; monitor student progress formatively, adapt instruction as needed; and evaluate learning using multiple sources of evidence.

4) Effective teachers contribute to the development of classrooms and schools that value diversity and civic-mindedness.

5) Effective teachers collaborate with other teachers, administrators, parents, and education professionals to ensure student success, particularly the success of students with special needs and those at high risk for failure” (p. 8).

James H. Stronge (2007), author of *Qualities of Effective Teachers* and professor at the College of William and Mary’s Educational Policy, Planning, and Leadership Area suggests that although there’s no single method for developing an effective teacher, there are characteristics that distinguish them from other teachers. According to his study, an effective teacher can be described as someone who cares deeply, recognizes complexity, communicates clearly, and serves conscientiously.

Effective teachers look beyond the curriculum and books and make an effort to care for the whole child. Effective teachers get to know their students as

individuals and work to understand the challenges that their students face on a daily basis. These teachers understand that there are many factors that impact student learning and they act as an encourager, with verbal support, written notes, and phone calls home, in an effort to make all students feel cared for (Stronge, 2007).

No one ever called teaching a simple profession. In fact, it may be one of the most complex jobs out there. Teachers are expected to “transfer knowledge so that learners acquire – even own – the knowledge and skills for themselves” (Stronge, 2007, p.101). In order to be effective, teachers must have adequate knowledge of their subject-area and pedagogy, as well as be familiar with his or her students and their needs. It is essential that teachers have a deep understanding of this complexity. Effective teachers take what they know to interact with students, make plans for managing an effective environment, and prepare for the different needs of all students.

Communication skills are an important part of success in any profession that requires interpersonal relationships. Teachers must clearly communicate expectations, encouragement, and content to all stakeholders within the education community – students and their families, administrators, colleagues, and community members. An effective teacher isn’t just an expert in his or her field, he’s an expert at relaying the information to students who may or may not be interested in it. Teaching requires hard work, even to complete just the minimum requirements. Effective teachers are willing to dedicate time and energy above and beyond the standard. This teacher makes an effort to

continually grow professionally, focusing on their own teaching as well as the goals within his or her building. The effective educator is a reflective practitioner who works to make improvements based on past experiences and the needs of his or her students (Stronge, 2007).

Danielson's (2007) *Framework for Teaching* is research-based and is aligned to the *Interstate New Teacher Assessment and Support Consortium* (INTASC) standards. The framework is grounded in the constructivist approach and "it assumes that the primary goal of education is for students to understand important concepts and to develop important cognitive skills, and that it is each teacher's responsibility, using the resources at hand, to accomplish these goals" (p. 17). The framework breaks down good teaching into four main domains – *Planning & Preparation, The Classroom Environment, Professional Responsibilities, and Instruction*. Each domain is further broken down into specific components. It is these components, according to Danielson, that all competent teachers rally to achieve during his or her daily interaction with students, colleagues, and members of the school community. When teachers work for a district that use the framework as an evaluation and self-reflection tool, they're striving to meet the needs of all students through implementing each of the components in their daily instruction.

A plethora of information is provided for teachers who are evaluated using the framework. Danielson has created a detailed rubric for every element (specific behavior) within each component. The rubrics are based on a four-point

rating system (unsatisfactory, basic, proficient, and distinguished). Within the rubric the rating of 'unsatisfactory' uses language such as 'minimal', 'poor', and 'unclear'. It's obvious that a teacher who receives an 'unsatisfactory' rating is struggling and because the components are broken down into such specific elements, he or she will most likely understand exactly what they need to do to improve. A 'distinguished' rating on the other hand, focuses on exemplary performance and often includes proactive behavior (like anticipation of student learning) and student leadership or choice. Districts who use the framework are evaluating the whole teacher and many of the areas where he or she may have an influence. The expectations are high and teachers know that although most would like to be 'distinguished', many will fall in the 'proficient' rating with room for improvement. The framework gives teachers a clear outline of expectations and makes setting specific goals for performance improvement easy.

<p>Domain 1: Planning & Preparation</p> <ul style="list-style-type: none"> • Demonstrating Knowledge of Content and Pedagogy • Knowledge of Students • Setting Instructional Outcomes • Demonstrating Knowledge of Resources • Designing Coherent Instruction • Designing Student Assessments 	<p>Domain 2: The Classroom Environment</p> <ul style="list-style-type: none"> • Creating an Environment of Respect & Rapport • Establishing a Culture for Learning • Managing Classroom Procedures • Managing Student Behavior • Organizing Physical Space
<p>Domain 3: Instruction</p> <ul style="list-style-type: none"> • Communicating with Students • Using Questioning & Discussion Techniques • Engaging Students in Learning • Using Assessment in Instruction • Demonstrating Flexibility & Responsiveness 	<p>Domain 4: Professional Responsibilities</p> <ul style="list-style-type: none"> • Reflecting on Teaching • Maintaining Accurate Records • Communicating with Families • Participating in a Professional Community • Growing & Developing Professionally • Showing Professionalism

(Danielson, 2007)

The latest recommendations for teacher reform focus on teacher education programs. The federal government recently proposed a teacher education program that focuses on the student outcomes (of new teachers) rather than the current system that provides no evaluation of new teacher effectiveness. In the proposed system, higher education programs would be judged based on the success of their students. Graduates and their principals would also complete a survey or gather qualitative evidence focusing on teacher preparation and whether new teachers possess the skills necessary to be successful in the classroom. Teacher licensure and certification requirements

would also shift, focusing more on a performance-based assessment or teacher evaluation. The higher education programs would also report information regarding teacher placement and retention – it would be important for the federal government to know if an institute’s graduates are being hired and if those new teachers remain in their positions (U.S. Dept. of Education, 2011).

Another highly regarded board of teaching standards is the *National Board for Professional Teaching Standards* (NBPTS), also known as *National Board Certification* (NBC). The mission of the NBPTS is to establish “high and rigorous standards for what teachers should know and be able to do, to certify teachers who meet those standards, and to advance other education reforms for the purpose of improving student learning in American schools” (Hakel, et al., 2008, p. 1). These standards are a viable attempt at creating national standards for teaching – standards that are measureable through the thorough certification process. The *National Board for Professional Teaching Standards* has a foundation based on five core propositions. The five propositions are described below (NBPTS, 2010).

Proposition 1: Teachers are Committed to Students and Their Learning

- NBCTs are dedicated to making knowledge accessible to all students. They believe all students can learn.
- They treat students equitably. They recognize the individual differences that distinguish their students from one another and they take account for these differences in their practice.
- NBCTs understand how students develop and learn.
- They respect the cultural and family differences students bring to their classroom.
- They are concerned with their students’ self-concept, their motivation and the effects of learning on peer relationships.
- NBCTs are also concerned with the development of character and civic responsibility.

Proposition 2: Teachers Know the Subjects They Teach and How to Teach Those Subjects to Students.

- NBCTs have mastery over the subject(s) they teach. They have a deep understanding of the history, structure and real-world applications of the subject.
- They have skill and experience in teaching it, and they are very familiar with the skills gaps and preconception students may bring to the subject.
- They are able to use diverse instructional strategies to teach for understanding.

Proposition 3: Teachers are Responsible for Managing and Monitoring Student Learning.

- NBCTs deliver effective instruction. They move fluently through a range of instructional techniques, keeping students motivated, engaged and focused.
- They know how to engage students to ensure a disciplined learning environment, and how to organize instruction to meet instructional goals.
- NBCTs know how to assess the progress of individual students as well as the class as a whole.
- They use multiple methods for measuring student growth and understanding, and they can clearly explain student performance to parents.

Proposition 4: Teachers Think Systematically about Their Practice and Learn from Experience.

- NBCTs model what it means to be an educated person – they read, they question, they create and they are willing to try new things.
- They are familiar with learning theories and instructional strategies and stay abreast of current issues in American education.
- They critically examine their practice on a regular basis to deepen knowledge, expand their repertoire of skills, and incorporate new findings into their practice.

Proposition 5: Teachers are Members of Learning Communities.

- NBCTs collaborate with others to improve student learning.
- They are leaders and actively know how to seek and build partnerships with community groups and businesses.
- They work with other professionals on instructional policy, curriculum development and staff development.
- They can evaluate school progress and the allocation of resources in order to meet state and local education objectives.
- They know how to work collaboratively with parents to engage them productively in the work of the school.

These standards are highly regarded throughout the education community and teachers who achieve this status are often rewarded with incentive pay by the employing district and high respect among colleagues. Teachers who go through the NBPTS application process must create a complex portfolio, record multiple hours of instruction and interaction with students, complete a rigorous assessment, and reflect on their practices. One of the most important components of the NBPTS is the reflective process teachers must go through while applying for the specialized certification.

The depth and complexity of National Board Certification (NBC) makes it difficult to achieve, but the research regarding its impact on teachers and their students shows that it's worth it. The National Research Council found that teachers with NBC do, in fact, produce greater student achievement, but the difference is small and slightly inconsistent (Hakel, et al., 2008). The process of pursuing National Board Certification is definitely a learning experience. Lustick and Sykes (2006) found that during the NBC process, teachers gained a considerable amount of information, most specifically in the areas of Scientific Inquiry and Assessment. Although the research may not show huge student gains, the professional growth NBC teachers experience throughout the certification process makes it all worth it.

A recent trend in the education world is identifying 'effective teachers' based on their students' performance. Proponents of these systems believe the most important factor in teacher quality is proof of student success. Of course everyone wants students to succeed and show growth on assessments, but

systems like these mention little about the teacher's instructional methods and how he or she was able to obtain these results. Although promoting student learning may definitely be a part of what makes a teacher successful, other teacher characteristics, like credentials, instructional techniques, and classroom management are also keys to the evaluation of a 'quality teacher'.

One of the most talked about methods for identifying effective teachers as defined by increased student achievement is the Value-Added Model (VAM). Value-Added Models "seek to isolate the contribution that teachers make toward student achievement gains on tests and are increasingly being considered as a potential tool for evaluating teacher performance" (Goldhaber & Hansen, 2008, p.1). Although it's been hard to agree on the best statistical approach, VAM methods seek to recognize the portion of each student's achievement growth that can be credited to the teacher. Rather than how well or poorly a student performs, VAM's focus on the actual growth of the students' learning. In order to determine a student's value-added score, the child's actual growth is compared to his or her expected growth. To ensure that no teachers are disadvantaged because of their student profiles, students' expected growth is determined by comparing the actual growth for similar students.

The *Teacher Advancement Program* (TAP) is a fairly new evaluation process that boasts more frequent observations, multiple evaluators (content-area teachers receive rigorous training before becoming part of the evaluation team), more collaboration and professional development, and some performance-based compensation. This system appears to have taken the best

attributes of the previously discussed systems to create a system of evaluation that gives teachers clear expectations, a variety of observations, and rewards for their service. The evaluations within this system are based on a long list of performance standards. The developers focused on research regarding teacher impact on student achievement, specifically behaviors in areas such as communication, delivery of material, higher-order thinking and questioning, classroom environment, lesson planning and pacing, and lesson objectives. When creating the TAP list of standards, developers also referred to national and state teacher standards organizations, such as *Interstate New Teacher Assessment and Support Consortium (INTASC)*, the *National Board for Professional Teacher Standards*, *California's Standards for the Teaching Profession*, and the *New Teacher Center's Developmental Continuum of Teacher Abilities* (Daley & Kim, 2010). Information gathered from Danielson's *Framework for Teaching* was also used to create the rubrics. Although administrators at the *National Institute for Excellence in Teaching* do not release the full book of TAP's standards and rubrics, a brief list of *TAP Skills, Knowledge, and Responsibilities Performance Standards and Domains* is below.

<p>Instruction</p> <ul style="list-style-type: none"> • Standards & Objectives* • Motivating Students* • Presenting Instructional Content* • Lesson Structure & Pacing* • Learning Activities & Materials* • Questioning* • Academic Feedback* • Grouping Students* • Teacher Content Knowledge* • Teacher Knowledge of Students* • Thinking* • Problem Solving* 	<p>Designing & Planning Instruction</p> <ul style="list-style-type: none"> • Instructional Plans* • Student Work* • Assessments*
<p>Learning Environment</p> <ul style="list-style-type: none"> • Expectations • Managing Student Behavior • Environment • Respectful Culture 	<p>Responsibilities</p> <ul style="list-style-type: none"> • Staff Development** • Instructional Supervision** • Mentoring** • Community Involvement** • School Responsibilities** • Growing & Developing Professional • Reflecting on Teaching

* "indicates criteria that are evaluated during classroom observations"

** "indicates criteria that are only applied to master and mentor teachers"

Daley & Kim, 2010

This new and innovative approach to teacher evaluation requires thinking outside the box and developing a system that strives to recognize and reward the very best teachers in a district and remove the incompetent ones. Within its first ten years, the TAP system has been used to evaluate more than 7,500 teachers and affected 85,000 students. The *National Institute for Excellence in Teaching* reported that TAP evaluators gave ratings below 'proficient' to about 20 percent of the almost 500 South Carolina teachers evaluated under TAP during the 2006-2007 school year (Toch & Rothman, 2008). This percentage is drastically higher than those teachers evaluated with traditional tools. Although no one likes to

hear there are that many teachers performing below proficient, it appears that the TAP system may be one of the few teacher evaluation systems that provides honest results. The mean instructional rubric score for TAP teachers nationwide is 3.5 out of 5, significantly different from the evaluation systems nationwide that rarely rate teachers below the top two categories (Daley & Kim, 2010).

As mentioned above, very little research comes right out and blatantly defines competence, and even less discusses the meaning of incompetence in terms of education. In a dissertation addressing teachers' perceptions of incompetence and the barriers to dismissal, Menuey (2005) discussed the following as observable behaviors that might label a teacher incompetent: poor classroom discipline, poor teaching and inappropriate curricular decisions, lack of subject mastery, and/or a teacher not getting along with students. Imber & Van Geel (2001) define incompetence as "grounds relating to expertise as a teacher" and believe it may include behaviors, such as lack of content knowledge, inability to teach the assigned curriculum, poor classroom management skills, and/or failure to develop interpersonal relationships with colleagues, administrators, and parents (p. 195). One common thread when discussing teachers labeled incompetent is the fact that he or she displayed a pattern of poor performance (Barnes, 2008; Bridges, 2004; Imber & Van Geel, 2001). In much of the literature reviewed, a teacher's frequent displays of poor performance and need for repeated interventions were a few of the most frequently discussed issues. Although the incompetent behavior may have included a variety of behaviors, the

multiple assistance plans and need for additional support from administrators and other support personnel never varied.

The research surrounding teacher competence is anything but definitive. Some of the research suggests focusing on a teacher's content knowledge and higher degrees. Others believe that a teacher's instructional techniques should be the focus of an evaluation. These researchers believe that a competent teacher uses a variety of methods to reach all learners, while differentiating each learning goal. Others believe a teacher's classroom management skills are the most important focus – teachers must establish a positive rapport with students and create a well-managed learning environment. Finally, there are those who believe the main indicator of teacher competence should rest with student performance. If a teacher is effective in the classroom, then his or her students should perform well on state assessments and show growth as learners.

It's not surprising that much of the evidence discussed is vague, as the topic is very subjective. Teaching is an art and competence is often seen in the eye of the beholder (evaluator). Differences of opinions are inevitable. There is no clear-cut description of what makes a teacher competent or incompetent. It would appear that a combination of all of the research discussed would make the most sense. A definition for good teaching, created based on the educational literature, should use the points of agreement within the research to build the framework.

CHAPTER THREE HOW CASE LAW DEFINES TEACHER COMPETENCE

Preliminary exploration of the court cases dealing with teacher dismissal for reasons of incompetence (Grounds for Adverse Action: Classroom Performance, Incompetence) found that most fell into one of four main categories: professional misconduct; failure to be prepared for instructional duties; inefficient effort to implement administrator's suggestions for improvement; and failure to maintain control in a classroom setting. A majority of the teachers dismissed for reasons of incompetence were placed on remediation plans and given multiple opportunities to improve their performance. In fact, in the many cases studied, no teacher was dismissed because of a single incident of incompetence. Most administrators or Boards of Education identified a pattern of incompetent behavior through observation, evaluation, parent complaints, and student information. In *Raitzik v. BOE of City of Chicago* (2005), the plaintiff was terminated after the 90-day remediation period in which she was provided with a mentor teacher, additional observations by the principal, other supplementary support, and still failed to make improvements. She had been accused of having chronic classroom management issues, having a weak rapport with students and communicating poorly with parents, as well as not motivating students or establishing positive learning expectations. The courts declared that the existence of sufficient cause is question for the Board of Education.

The courts may not substitute their judgment unless it is "arbitrary and unreasonable or unrelated to the requirements of service" (*Raitzik v. BOE of City of Chicago*, 2005). It is not the job of the courts to determine teacher

competency. Instead, they accept the administrator's or School Board's judgment and then must decide if that decision is justified for reasons of incompetence according to state law or unjustified because that's not how incompetence is defined.

Teachers have been dismissed for reasons of incompetency for many years. The courts have heard numerous cases of teachers fighting the dismissal, and often times, also fighting the label of incompetent. Because of this, it's been the court's responsibility to further clarify just what incompetent means, specifically within the realm of education.

Virginia is one of the few states that has a specific definition for incompetence. Virginia School Law 22.1-307 (2000) defines incompetence as "consistent failure to meet the endorsement requirements for the position or performance that is documented through evaluation to be consistently less than satisfactory".

The courts have defined incompetence as generically as "disqualification, inability or incapacity" which would also refer to a deficiency of legal qualifications and, in some cases, aptly describe a teacher who needs to be fired (*County Board of Education v. Oliver*, 1959). In *Conley v. Board of Education* (1956), it was determined that "a grossly inefficient person would be one whose efforts were failing, to an intolerable degree, to produce the effect intended or desired, that is, a manifestly incompetent or incapable person". The question this research hopes to answer is, just what are the specific "endorsed requirements" that make a teacher competent?

In order to identify case law regarding teacher dismissal for reasons of incompetence, the legal research system *Westlaw* was utilized. The West Key Number System was then used to search by keywords and categories that best fit the research questions. The following research trail was initiated:

345 SCHOOLS (Up to 10,000)

 345II Public Schools (Up to 10,000)

 345II Teachers (Up to 10,000)

 345II, 2 Adverse Personnel Actions (Up to 10,000)

 345147.8 Grounds for Adverse Action (3,063)

 345147.14 Classroom performance; incompetency (455)

After submitting the preceding research qualifiers, 455 court cases were identified. To make the research manageable, the researcher focused on cases since 1990. Education is an ever-changing field and I wanted the most recent notions of why districts are accusing teachers of incompetence and what the courts said. Of the 455 cases, 343 were automatically disqualified from this research because they took place prior to 1990. This left 112 cases to read and analyze. After reading the history and decision of each case, it was determined that only 35 cases met the criteria for the research. The excluded 77 cases were dismissed for a variety of reasons. Some of these cases actually concerned the dismissal of an administrator and it was decided to focus strictly on teachers. Many of the cases originally identified were based on teachers fighting dismissal because they believed it violated their constitutional amendment rights (such as free speech). After considering the research questions, it was decided that the focus of the research should be cases in which a teacher's instructional techniques were questioned. The last group of cases was dismissed because

the teachers involved were dismissed due to inappropriate behavior outside the school day or because of excessive force against a student. The intent of this study was to identify characteristics of teacher incompetence, as they relate to a teacher's instruction. Although many of the above mentioned behaviors may have had an effect on a teacher's effectiveness and ultimately made him or her incompetent, the issues in the disqualified cases were not focused on the teacher's instructional techniques and the actual characteristics of an incompetent teacher.

The 35 remaining cases were intensely analyzed and placed into categories based on the teacher in question's actions and the specifically stated or, in some cases, implied reasons for dismissal. All of the cases fell under the general realm of incompetence, but some were classified more specifically when focusing on the behaviors of misconduct. The categories created and the court cases that fell within each category are listed in the table below.

Category	Court Cases
Failure to Meet Student Needs	<i>Hicks v. Gayville-Volin School District, 2003</i>
Willful Neglect of Duty	<i>Hunt v. East Baton Rouge Parish School Bd, 2009</i>
	<i>Gordon v. Lafayette County School District, 2006</i>
	<i>Bellairs v. Beaverton School District, 2006</i>
	<i>Hellman v. Union School District, 2005</i>
	<i>Wise v. Bossier Parish School Board, 2003</i>
	<i>Coleman v. Orleans Parish School Board, 1997</i>
	<i>Kurey v. New York State School for the Deaf, 1996</i>
	<i>Jackson v. Sobol, 1991</i>
	<i>Burgess v. Ferguson Reorganized</i>

	<i>School District, 1991</i>
Unprofessional or Inappropriate Conduct	<i>Oleske v. Hilliard City School District BOE, 2001</i>
	<i>Johanson v. BOE of Lincoln County School District, 1999</i>
	<i>Collins v. Faith School District, 1998</i>
	<i>Baldrige v. Board of Trustees, Rosebud County School District, 1997</i>
	<i>Alabama State Tenure Committee v. Lee County BOE, 1991</i>
Failure to Enforce School Rules	<i>Walker v. Highlands County School Board, 2000</i>
Incompetence – Little Classroom Management	<i>Batyreva v. NYC Department of Education, 2008</i>
	<i>Raitzik v. BOE of City of Chicago, 2005</i>
	<i>Schaffert v. Lancaster County School District, 1998</i>
	<i>Childs v. Roane County Board Of Education, 1996</i>
	<i>Johnson v. Francis Howell R-3 Board of Education, 1994</i>
	<i>McKenzie v. Webster Parish School Board, 1992</i>
Incompetence – Ineffective Delivery of Lessons	<i>Brown v. Regional School District 13, 2004</i>
	<i>Sekor v. BOE of the Town of Ridgefield, 1997</i>
	<i>Nevels v. BOE of School Dist. Of Maplewood-Richmond Heights, 1991</i>
	<i>Jones v. NYC BOE, 1993</i>
	<i>In re Proposed Termination of Ames E. Johnson’s Teaching Contract w/Independent School Dist. #709, 1990</i>
Incompetence – Little Classroom Management & Ineffective Delivery of Lessons	<i>Young v. Palm Beach County School Bd., 2006</i>
	<i>Linstad v. Sitka School District, 1998</i>
	<i>Newcomb v. Humansville R-IV School District, 1995</i>
Inadequate Knowledge	<i>Davis v. BOE of City of Chicago, 1995</i>
	<i>Morris v. Illinois State BOE, 1990</i>
Student Contact	<i>Moore v. Charlotte-Mecklenburg Board Of Education, 2007</i>

	<i>Ketchersid v. Rhea County Board Of Education, 2005</i>
	<i>BOE of West Yuma School District v. Flaming, 1997</i>

The terms ‘incompetency’ and ‘inefficiency’ are used interchangeably throughout court documents. Black’s Law Dictionary defines ‘incompetency’ as the school board’s responsibility to demonstrate a “lack of ability, legal qualification or fitness to discharge the required duty” (p.472). ‘Incompetency’ and ‘inefficiency’ are not defined within the state of Missouri’s Teacher Tenure Act, but many cases have judicially defined the scope of these terms to mean the inability “to perform...professional teaching duties in a manner acceptable to the board” (*Artherton v. Board of Education of the School District of St. Joseph, 1988; Beck v. James, 1990*).

These definitions are vague and give no real explanation as to what the ‘professional teaching duties’ are for educators. The expectations of a teacher’s duties fall on the school board. It is up to the board to establish the behaviors of teachers considered to be competent. This level of competency is traditionally determined through the implementation of an evaluation system by district administrators (or other evaluators). The board of education then has the responsibility of appraising the reliability of the administrator’s evaluation.

A few courts have ventured to provide a more specific, education-related, definition of competence. In *Ketchersid v. Rhea County Board of Education* (2005), a tenured 3rd grade teacher was deemed incompetent because of multiple reports of her striking or putting her hands on a student. Administration

believed this was incompetent behavior because someone with 24 years experience should be able to handle students in a more “professional, safe manner”. The court agreed and stated “incompetence means being incapable, lacking adequate power, capacity or ability to carry out the duties and responsibilities of the position. This may apply to physical, mental, educational, emotional, or other personal conditions. It may include lack of training or experience; evident unfitness for service; physical, mental or emotional condition making teacher unfit to instruct or associate with children; or inability to command respect from subordinates or to secure cooperation of those with whom the teacher must work” (*Ketchersid v. Rhea County Board of Education*, 2005).

In *Collins v. Faith School District #46-2* (1998), a tenured 4th grade teacher was dismissed after administration reported that he’d had an inappropriate discussion about homosexuality during a sex education class. Although the courts initially found in favor of the board of education and noted that a teacher’s termination for incompetence may be due to a single incident only if that incident is of such a magnitude that the teacher is permanently unable to perform his or her duties, the verdict was later reversed. The appeals court determined incompetence arises from habitual and on-going actions, not a single moment of poor judgment, and reversed the prior decision.

In many of the cases examined, the teachers in question received multiple warnings and opportunities to correct the identified problem behaviors. Dismissal of a teacher (especially a tenured one) is not an easy thing to accomplish and, in most cases, it was necessary for the evaluators to show numerous pieces of

evidence before proceeding with the dismissal. As also stated in the educational literature, the courts demand a pattern of misconduct and proof of the teacher's failure to meet the specific expectations.

The courts often hesitate to specifically define 'incompetence', other than to say it is a lack of the skills necessary to complete the expected duties. They do, however, point out specific behaviors that the teachers in question are lacking, or in some cases, behaviors that are considered inappropriate or incompetent. Some of these cases focus on the classroom environment, and most often, the lack of classroom management. McKenzie was a probationary high school teacher who was evaluated 16 times in three years. She was eventually dismissed because of failing to improve her classroom management and attitude, as well as lesson planning skills. The court stated, "effective teaching can not take place in an environment that isn't positively controlled, managed, and organized" (*McKenzie v. Webster Parish School Board*, 1992). In *Johnson v. Francis Howell R-3 Board of Education* (1994), one of the many deficiencies of the accused teacher was her failure to maintain classroom discipline. According to the evaluating principal, this tenured elementary teacher also had problems with individualized instruction and creating a positive learning environment, as well as poor communication skills. The board of education found her incompetent in three major areas: discipline, instruction, and communication.

A school district in Missouri had a laundry list of reasons for dismissing tenured elementary teacher Newcomb. Among other things, this teacher failed to

effectively use teaching techniques and strategies, kept an unorganized classroom, lacked a clearly outlined behavior management plan, and failed to form interpersonal relationships with students and parents. This teacher also lacked any sense of professional responsibility. Failing to keep a classroom environment that encourages student learning and to manage student behavior in a 'constructive' manner were specific reasons for her dismissal (*Newcomb v. Humansville R-IV School District*, 1995).

Other behaviors noted by the courts that revolve around a lack of classroom management include an inability to control a classroom (*Childs v. Roane County Board Of Education*, 1996). In this case, the tenured teacher required repeated support from administration and parents when disciplining students. Although inappropriate standards for classroom behavior was the primary reason for dismissal, Schaffert, a tenured teacher, also lacked proficient lesson planning and implementation skills, as well as effective communication skills (*Schaffert v. Lancaster County School District*, 1998). Linstad, a tenured special education teacher in Alaska, was given an improvement plan focusing on three main areas: student discipline, working relationships, and lesson planning. After multiple opportunities to show improvement, Linstad was dismissed due to lack of improvement and resistance to change. She was found incompetent because of deficient behavior management (*Linstad v. Sitka School District*, 1998). In one case, the courts decided, "ineffectiveness in the school system can be inferred by the chaotic nature of the classroom" (*Walker v. Highlands County School Board*, 2000). In this case, the teacher's misconduct impaired his

value in the school system. One court case, in which the school district followed a Uniform Discipline Code, stated that a teacher failed to “maintain reasonable conduct” within the classroom (inconsistent with the district’s Uniform Discipline Code) (*Raitzik v. BOE of City of Chicago*, 2005).

In some of the decisions analyzed, the districts have used inadequate lesson planning and instruction as a definition of incompetence. Most often, school boards accused teachers of generic behavior, such as failing to use appropriate teaching techniques, strategies, and skills and misusing instructional time (*Newcomb v. Humansville R-IV School District*, 1995; *Raitzik v. BOE of City of Chicago*, 2005; *Schaffert v. Lancaster County School District*, 1998). Although never the lone-identifying factor, poor communication skills and failure to demonstrate interpersonal relationships with students, families, and colleagues were also behaviors mentioned within some teacher dismissals (*In re Proposed Termination of Ames E. Johnson’s Teaching Contract with Independent School District No. 709*, 1990; *Newcomb v. Humansville R-IV School District*, 1995; *Raitzik v. BOE of City of Chicago*, 2005).

With No Child Left Behind and the intense focus on student performance, the state of Florida recently developed a new and daring approach to the identification of incompetent teachers and appropriate reasons for teacher dismissal. Teachers may no longer be terminated for poor professional performance in the classroom without the school board first considering the achievement of students within the class. According to Florida statute, annual teacher evaluations “must primarily use data and indicators of improvement in

student performance assessed annually” (Assessment Procedures and Criteria, 2010). The Florida Comprehensive Assessment Tests (FCAT) or other local assessments measure this student achievement where the FCAT is not available. According to *Young v. Palm Beach County School Board* (2006), “Student performance on annual tests must be the PRIMARY basis for teacher evaluation”.

Should an expectation like this spread across the country, the dismissal of teachers (and the evaluation processes) could drastically change. Student achievement is becoming more and more of a focus. The federal government’s new ESEA Blueprint for Reform draft encourages states to use student performance as an indicator of teacher quality. In all of the cases explored for this research, not a single teacher was dismissed because his or her students did not make enough gains on the state assessment. If the trend of focusing on student achievement continues, there could be a dramatic shift in case law and teachers may be dismissed for a lack of student learning rather than (or in addition to) incompetent teaching behaviors. One might think focusing on student achievement may simplify the notion of competence. Districts would simply have to provide assessment data to show a teacher’s inability to promote student progress. But I don’t believe it would really be that easy. In order to create a notion of equality for students and teachers, factors such as socio-economic status, race, gender, familial circumstances, educational background, and school resources would need to be considered.

Of the 35 cases studied, there were just three in which the courts found in favor of the teacher and reinstated employment. In *Alabama State Tenure Committee v. Lee County Board of Education* (1991), a teacher was dismissed because after receiving two DUI's, he lost his auto insurance and was no longer able to teach driver's education. The courts found in favor of the teacher because although he wasn't able to teach driver's education, he was qualified to teach a few other courses that were available at the time. The *Collins v. Faith School District #46* (1998) case was discussed earlier – this teacher was originally dismissed due to a single incident of inappropriate conduct. He facilitated what administrators considered inappropriate conversations about homosexuality during a sex education course. The appeals court found in favor of the teacher because incompetence must be demonstrated repeatedly. The third and final case that found a teacher to be competent after a school district had dismissed her for incompetence was *Young v. Palm Beach County School* (2006). In this case, the state required that student performance (or lack thereof) be the primary reason for dismissal and the district's original reasoning behind the dismissal was a classroom management issue.

The case law, just like the educational research, has a wide range of reasons within the definition of teacher competence or incompetence. The one consistency across all cases was the need for a pattern of misconduct or lack of skills. The teachers dismissed for reasons of incompetency were all given multiple opportunities to improve performance (and often times, an administrator or mentor teacher to help them through the process). Many of the teachers in

these cases were put on 90-day (or more) remediation plans and given an overabundance of assistance.

The courts made it clear, time and time again, that it is not their job to second-guess the judgment of a school district or their board of education. If a district or administrator believes a teacher to be incompetent, the court will review that information and then interpret the applicable state laws before making a decision.

In an effort to see the ‘big picture’ of the courts’ findings, the table below was created. There was a lot of overlap within the 32 cases in which the courts found in favor of the district (and reaffirmed the dismissal of the teacher). In many cases, teachers were dismissed for more than one area in need of improvement or misconduct.

Category	Specific behaviors
Incompetence: Delivery of Instruction	Inability to respond to suggestions and constructive criticism and a decline in classroom performance (<i>Brown v. Regional School District 13</i> , 2004).
	Serious instructional problems in two out of three teaching areas (<i>Sekor v. BOE of the Town of Ridgefield</i> , 1997).
	Inappropriate selection of subject matter/teaching techniques/activities (<i>Nevels v. BOE of School District of Maplewood-Richmond Heights</i> , 1991).
	Lesson plans unavailable and inaccurately graded students (<i>Jackson v. Sobol</i> , 1991).
	Failure to follow the physical education plan of study (<i>Hicks v. Gayville-Volin School Dist.</i> , 2003).
	Excessive failure rates, high number of transfer requests, inappropriate teaching methods (<i>In re Proposed Termination of Ames E. Johnson’s Teaching Contract with Independent School Dist. No 709</i> , 1990).
Incompetence: Management	Poor classroom management skills (<i>Batyreva v. NYC Department of Education</i> , 2008).
	No ability to maintain classroom order (<i>Ketchersid v.</i>

	<i>Rhea County Board Of Education, 2005)</i>
	Failure to establish positive learning expectations for students and to maintain reasonable conduct within the classroom, Inability to use sound professional judgment and to provide a safe, orderly, and nicely decorated learning environment (<i>Raitzik v. BOE of City of Chicago, 2005</i>).
	Inadequate preparation and failure to utilize properly structured and organized teaching methods (<i>Davis v. BOE of City of Chicago, 1995</i>).
	Inappropriate standards for classroom behavior, didn't organize students for instruction (<i>Schaffert v. Lancaster County School District, 1998</i>).
	Inability to control the classroom and maintain students grades; required administrator assistance to enforce discipline (<i>Childs v. Roane County Board Of Education, 1996</i>).
	Inefficient maintenance of discipline and failure to provide individualized attention to students (<i>Johnson v. Francis Howell R-3 Board of Education, 1994</i>).
	Learning environment wasn't positively controlled, managed, or organized (<i>McKenzie v. Webster Parish School Board, 1992</i>).
Incompetence: Management & Delivery of Instruction	Deficient student disciplining skills, building of relationships, and writing of lesson plans, Ineffectively dealt with behavior management problems (<i>Linstad v. Sitka School Dist., 1998</i>).
	Failed to demonstrate effective use of teaching techniques and to use instructional time effectively; Inability to motivate students and to organize the classroom environment to promote learning; Failed to manage behavior in constructive manner (<i>Newcomb v. Humansville R-IV School District, 1995</i>).
Willful Neglect of Duty	Multiple instances of tardiness (<i>Hunt v. East Baton Rouge Parish School Board, 2009</i>).
	Absence from the classroom, lack of respect for staff members, questionable emotional stability, and failure to follow teacher guidelines (including leaving students unsupervised) (<i>Gordon v. Lafayette County School District, 2006</i>).
	Angry with students, poor management of student grading system, & outbursts at faculty meetings (<i>Bellairs v. Beaverton School District, 2006</i>).
	Failure to comply with district special education

	paperwork requirements (missed deadlines, etc.) (<i>Hellman v. Union School District</i> , 2005).
	Referred students to the office in violation of school policy, refused to implement assistance plan (<i>Wise v. Bossier Arish School District</i> , 2003).
	Poor communication skills (<i>Kurey v. New York State School for the Deaf</i> , 1996).
	Left students in the classroom unsupervised (<i>Burgess v. Ferguson Reorganized School Dist.</i> , 1991)
	Ignored discipline procedures, refused to meet with parents, failed to send home progress reports, and entered principal's office without permission and altered personnel file (<i>Jackson v. Sobol</i> , 1991).
	Failure to follow attendance procedures (<i>Batyreva v. NYC Department of Education</i> , 2008).
	Failure to communicate with parents (<i>Johnson v. Francis Howell R-3 Board of Education</i> , 1994).
	Problems with communication (<i>Brown v. Regional School District 13</i> , 2004).
	Concerns relating to relationships with parents (<i>Nevels v. BOE of School District of Maplewood-Richmond Heights</i> , 1991).
	Poor relationships with students & parents (<i>In re Proposed Termination of Ames E. Johnson's Teaching Contract with Independent School Dist. No 709</i> , 1990).
Unprofessional/ Inappropriate Conduct	Told "patently offensive" jokes to students, used inappropriate language with students, and deliberately put down a fellow teacher in front of students (<i>Oleske v. Hilliard City School District BOE</i> , 2001).
	Allowed class to hide from student then proceeded to tie up student with extension cord, and referred to student as an 'idiot' (<i>Johanson v. BOE of Lincoln County School Dist., No. 1</i> , 1999).
	Use of profane language in the classroom (<i>Hunt v. East Baton Rouge Parish School Board</i> , 2009).
	Use of derogatory language (<i>Bellairs v. Beaverton School District</i> , 2006).
	Made inappropriate sexual jokes, flipped off students, and made gender-based remarks/innuendoes (<i>Baldrige v. Board of Trustees, Rosebud County School District No. 19</i> , 1997).

	Inappropriate use of profanity while teaching (<i>Moore v. Charlotte-Mecklenburg Board of Education, 2007</i>).
Student Contact	Inappropriate use of a ruler while teaching (<i>Moore v. Charlotte-Mecklenburg Board Of Education, 2007</i>).
	Placed hands on students' faces to get attention (<i>Ketchersid v. Rhea County Board Of Education, 2005</i>).
	Teacher intentionally hit/tapped student on the head with 3-foot wooden pointer (<i>BOE of West Yuma School District RJ-1, 1997</i>).
	Physically and verbally abused a student (<i>Johanson v. BOE of Lincoln County School Dist., No. 1, 1999</i>).
Failure to Meet Student Needs	Inability to successfully challenge students and to motivate herself in areas of deficiency to facility growth (<i>Hicks v. Gayville-Volin School Dist., 2003</i>).
Failure to Enforce School Rules	Failure to comply with and enforce policies of the school (<i>Walker v. Highlands County School Board, 2000</i>).
Inadequate Knowledge	Inadequate knowledge of course content (<i>Davis v. BOE of City of Chicago, 1995</i>).

The behaviors described throughout the table provide a clear picture, and specific examples, of incompetent teaching. School districts across the country believe the behaviors described in the table above constitute incompetence and the courts agree. Behaviors described in the category Incompetence: Delivery of Instruction include a lack of lesson plans, as well as lesson plans that don't follow district curriculum guidelines. Teachers are expected to use district-approved curriculum as a guide and some of the teachers dismissed failed to follow appropriate plans of study or used teaching methods deemed inappropriate by their supervisor. Some teachers dismissed had difficulty with grading and either inaccurately graded students or had excessively high failure rates.

The category Incompetence: Management is the most specific of those identified within the research. Nearly all of the teachers in these cases were

dismissed because of an inability to maintain classroom order or control. Some school districts mentioned more specific behaviors, such as failing to establish positive learning expectations for students, inefficient maintenance of discipline, and leading a learning environment that isn't positively controlled, managed, or organized.

The Willful Neglect of Duty category contains the most cases. This category is also the most vague and includes a broad realm of issues. Teachers who failed to supervise students or lacked communication skills (whether it was with fellow teachers, administrators, families, or students) were dismissed and deemed incompetent. Other behaviors included within this category were outbursts at faculty meetings, refusal to implement assistance plans, and violations of personnel rules.

The cases categorized as Student Contact all involve teachers using inappropriate force with students. Two of the teachers mentioned used rulers or pointers to reprimand students and another teacher used her hands to gain students' attention.

Just one case fit into each of the three remaining categories. In Failure to Meet Student Needs, a teacher who was unable to challenge students or motivate herself in areas of deficiency was deemed incompetent. The case within the Failure to Enforce School Rules category includes just one case in which the teacher did not enforce the general policies of the school. The final category, Inadequate Knowledge, includes just one case of a teacher with inadequate content knowledge.

CHAPTER FOUR HOW PERFORMANCE-BASED TEACHER EVALUATION DEFINES TEACHER COMPETENCE

The Missouri Legislature adopted a law requiring ongoing evaluations and professional development for teachers in 1983. It requires the Missouri Department of Elementary and Secondary Education to provide guidelines and suggestions for each school district's evaluation procedures. The state of Missouri insists that districts use a *Performance-Based Teacher Evaluation* system. "A performance-based teacher evaluation system supplies information and feedback regarding effective practice, offers a pathway for individual professional growth, allows a mechanism to nurture professional growth toward common goals and supports a learning community in which people are encouraged to improve and share insights in the profession" (MO PBTE, p. 2). According to the PBTE Executive Summary, the state advisory committee that worked to create the model felt it was important to develop an evaluation system that could be used to effectively assess teacher performance as well as encourage the professional development of teachers (MO PBTE). The creators of the Missouri PBTE believe that a system like theirs is "critical to improving teaching" and therefore, also improving student achievement (MO PBTE, p. 2).

School districts in Missouri are required to implement a teacher evaluation program that is comprehensive and performance-based. The board of education must maintain correct teacher records and document a performance-based teacher evaluation for all teachers in the district. These "evaluations shall be ongoing and of sufficient specificity and frequency to provide for demonstrated

standards of competence and academic ability” (Personnel – Teachers and Others, 1983, p. 275).

These requirements are to be ongoing for all teachers, regardless of experience or education background. The first priority of the state’s Performance-Based Teacher Evaluation (PBTE) system is the professional growth of teachers. Although most districts initially use classroom observations and evaluations to determine competency, the intent of the document is to encourage school districts to move beyond “concerns about competency and to focus on the more desirable goal of continual improvement and professional development so that we can ensure the academic success of each child who enters our schools today” (MO PBTE, p. i).

In an effort to provide consistent supporting documents, the state department of education went beyond simply providing suggested procedures, and instead created a document that models many aspects of the state-chosen system. According to state documents (MO PBTE p.1), this manual was created after reviewing research regarding best practice: Danielson, 1996; Glattorn, 1997; Peterson, 1995; & Manatt, 1994; and MoSTEP Standards, 1999 (MO PBTE). “The model represents the work of a state advisory committee to link Performance-Based Teacher Evaluation with the Missouri Show-Me Standards state assessments, individual professional development, teacher education standards, and ultimately, student success” (MO PBTE, p. 1). Although much of the contents of this evaluation system are still considered effective and many of

the best practices remained unchanged, most would consider Missouri's ten year-old PBTE tool outdated and in need of revisions and updating.

The extensive booklet offered to districts contains guidelines for creating a Performance-Based Teacher Evaluation system. Besides just presenting the guiding principles, this document provides information regarding all aspects of teacher evaluation:

- Teacher Evaluation & Professional Development
- Professional Development/Teacher Evaluation Cycles & Timelines
- Data Collection Forms
- Professional Plans
- Standards & Criteria for Performance-Based Teacher Evaluation
- Teacher Evaluation Criteria with Descriptors
- Lesson Plan Reviews & Reflection Sheets
- Professional Development Plans
- Multiple Evaluation Report Options (including scoring guides)

The ultimate goal of the teacher evaluation system adopted by the state of Missouri is to “evaluate teacher performance while encouraging professional growth” (MO PBTE p.1). The components of this evaluation system include:

- Both evaluative and professional development processes
- Self-directed professional development for teachers
- Clear criteria and standards, supporting the Show-Me Standards, student performance and assessment
- Clear procedures for the evaluation of performance
- An emphasis on training for both teachers and administrators; and
- A collaborative process which is necessary for the development of a learning community.

These components function as a linked system which provides evaluators with the information necessary to make reliable and valued judgments regarding teachers' abilities.

It is a belief of the Missouri Department of Elementary and Secondary Education that if an evaluation system focuses on improving teaching, student

knowledge and performance will also improve. The model “supplies information and feedback regarding effective practice, offers a pathway for individual professional growth, allows a mechanism to nurture professional growth toward common goals and supports a learning community in which people are encouraged to improve and share insights in the profession” (MO PBTE, p. 9). The Missouri Performance-Based Teacher Evaluation system defines teacher evaluation as “a system of feedback for teachers that is designed to measure their teaching competence” (MO PBTE, p. 4).

As a teacher in a Missouri school district, I experienced the state mandated evaluation system for seven years. Although the purpose of the PBTE is understood, the actual implementation depends on the district, and often times, even schools within a district. Although flattered, I was amazed to receive perfect evaluations, both formative and summative, my first year of teaching. Coming from a family of educators and having dedicated most of my free time to my classroom, I was probably an above average new teacher, but I was far from perfect. I continued to receive satisfactory ratings throughout my tenure as a teacher in Missouri. I remember hoping my summative conference would provide an opportunity to learn from my administrator and to reap some of his or her expertise. Instead, year in and year out, I was asked to sign on the dotted line, received a pat on the back and was told to keep up the good work. In fact, it wasn't until I moved out of state to a district that followed Danielson's (2007) framework that I was given any constructive criticism. The use of this model was the first time my evaluation was treated as an opportunity for true professional

growth. This system of evaluation and professional development encouraged extensive conversations with my administrator where we brainstormed new ideas and activities to implement within my classroom.

The discussion of a teacher's competence within the state's PBTE model is limited. Although competence, and the importance of measuring competence, is mentioned throughout the document, traits of a competent teacher are never explicitly defined. Instead, the state created a list of standards that teachers are expected to live up to. Considering the fact that a teacher's incompetency is grounds for dismissal, it's unfortunate that the state department of education didn't provide adequate information and support for this issue.

Teachers employed by a district in the state of Missouri are either probationary or permanent. A teacher is considered probationary until he or she has been employed by the same school district for at least five years. A teacher's employment is considered permanent and he or she becomes tenured after five successful years of employment by a district.

Although incompetence is grounds for dismissal of any teacher employed by a public school, the specific procedures and expectations vary. Many in the education field think of the dismissal of a permanent employee as nearly impossible. This process requires additional support and documentation, but it is, in fact, possible. If the administration has a clear definition of competence and the expectations of a teacher, is aware of the proper procedures to follow, and is willing to put forth the time and energy required, he or she is able to dismiss a tenured teacher.

Dismissal of a probationary teacher who performs unsatisfactorily is clearly described in Missouri state statutes (Personnel – Teachers and Others, 2010). If a board of education (BOE) believes a probationary teacher is incompetent, they must provide written documentation of the alleged deficiencies. The teacher then has 90 days to make improvements. If little or no improvement is made, the BOE may terminate employment immediately or at the end of the school year. Termination of a permanent employee is a bit more complicated. The board may dismiss a tenured teacher for one or more of the following reasons:

1) An indefinite contract with a permanent teacher shall not be terminated by the board of education of a school district except for one or more of the following causes:

- Physical or mental condition unfitting him to instruct or associate with children;
- Immoral conduct;
- Incompetency, inefficiency or insubordination in line of duty;
- 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;
- Excessive or unreasonable absence from performance of duties; or
- Conviction of a felony or a crime involving moral turpitude (168.114)

2) In determining the professional competency of, or efficiency, of a permanent teacher, consideration should be given to regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the school board (168.107)

Before beginning this research, 23 districts within the Kansas City metropolitan area were randomly selected from the Missouri Department of Elementary & Secondary Education's web site. For the purposes of this research, the Kansas City metropolitan area was defined as any community

within 30 miles of downtown Kansas City, Missouri. After the selection of districts, the contact information for each district's Director or Assistant Superintendent of Human Resources was gathered. Each contact was then emailed a letter soliciting the PBTE documents from his or her employing district (see Appendix B).

Of the 23 districts from which information was requested, 14 responded. Each of those 14 districts sent their Performance-Based Teacher Evaluation tool and 12 districts also sent their supporting documents. The tool usually included the district's evaluation timeline and the procedures for evaluating teachers (both probationary and tenured; usually in separate sections). Within this document, districts included teaching standards, criteria, and descriptors. Supporting documents included items, such as Professional Development Plan forms, Pre- and Post-observation Conference Forms, Reflection forms, both Formative and Summative Evaluation forms, and Professional Improvement Plans. In many cases, districts also included a glossary of PBTE terms. The focus of this research was the standards and criteria, and in some cases, definitions within the provided glossaries.

According to No Child Left Behind, a 'highly qualified' teacher has a college degree, full certification or licensure, and is able to demonstrate content knowledge in the subject he or she teaches (Elementary and Secondary Education Act, 2002). These guidelines are the basis for what the federal government considers quality teachers. Interestingly, the only requirement of these three mentioned in any of the evaluation documents is content knowledge.

The content knowledge expectation discussed in the Performance-Based Teacher Evaluations focuses more on a teacher's preparation for lessons than basic content knowledge. Although the government may have had students' best interests in mind when developing the criteria, it doesn't appear they used many district expectations to create the list.

The central focus of all of the district evaluation systems analyzed is student learning. All PBTE documents began with an introduction and purpose of the evaluation process. According to 100 percent of the districts studied, student success was the most important reason for teacher evaluation systems. In District A, "The purpose of the performance based development system...is to empower teachers to enhance students' development by improving the quality of instruction" (p. 1). District C claimed, "performance-based evaluation empowers educators to create a learning environment that enhances students' educational development" (p. 1). Other districts zeroed in on the impact teachers have on student learning and made statements such as, "A Performance-Based Teacher Evaluation System is critical to improving teaching, thus improving student knowledge and performance" (District D, p. 2) and, "the purpose of the performance-based teacher evaluation system is to enhance individual student achievement by maintaining and improving the quality of instruction" (District G, p. 5). Some districts were more concise, District F claimed that the purpose of a PBTE evaluation is to "facilitate and improve instruction that enhances student learning" (p. 2). "If our students are to perform well, it is essential that our

teachers perform well” (District I, p. 2). Or, quite simply, “The central focus in developing an evaluation system is to ensure student success” (District L, p. 2)

After sifting through pages of qualitative data, it was discovered that a majority of the districts chose to follow the provided state model very closely. The skeleton of most district documents mirrored that of the state’s model. The districts often started with their philosophy of evaluation and then provided guiding principles for the process. In this section, and many others that followed, most districts used the state’s phrases, or a slightly varied version, of the same information. The state’s philosophy was copied nearly verbatim by 50 percent of the school districts that provided their supporting documents. The six districts that wrote their own philosophy followed the state’s major points pretty closely, but rephrased them, or in some cases, varied the expectations. The Missouri philosophy states:

A performance-based teacher evaluation system is critical to improving teaching, thus improving student knowledge and performance. Performance-based teacher evaluation is intended to assist administrators and teachers in creating a learning environment in which students acquire and apply knowledge and skills.

A performance-based teacher evaluation system supplies information and feedback regarding effective practice, offers a pathway for individual professional growth, allows a mechanism to nurture professional growth toward common goals and supports a learning community in which people are encouraged to improve and share insights in the profession. (MO PBTE,

p. 9)

Although still similar, the greatest variations were within the district's standards and criteria for quality teaching. The documents included a multitude of information – most were more than 40 pages long – but there was very little information about what defines a competent or quality teacher. In fact, not a single district explicitly defined teaching competence or characteristics of a competent teacher. Instead, teachers were evaluated using various subjective standards and criteria or descriptors.

Each district outlined five to eight standards that competent teachers were expected to meet. Although the standards were meant to be both observable and definable, most sounded more subjective than objective. The Missouri Department of Education identified six major standards of competent teaching, each with two to five specific underlying criteria. The state's six standards include instructional processes, assessment of learning, planning and preparation for instruction, interpersonal relationships, professional development, and professional responsibilities.

In an effort to synthesize the data, a table was created outlining the state and Kansas City metropolitan school districts' PBTE standards (see Appendix A). Seven standards (the state's six standards and one other, classroom management) emerged as common among the PBTE plans. Because many districts used phrasing borrowed from, or similar to, the states model, the state standard is included in the descriptions below.

1. Planning & Preparation: “The teacher is prepared and knowledgeable of the content and effectively maintains students’ on-task behavior”

(MO PBTE, p. 15): This category could be considered the backbone of a good teacher, which is probably why 93 percent of the districts surveyed included something similar within their evaluation documents. It encompasses everything from a teacher’s content knowledge to his or her instructional preparation. Teacher preparedness is essential in a classroom where students are engaged and ready to learn. First and foremost, a teacher must know the content – then ins and outs of what they are teaching. District G requires that teachers have a “thorough knowledge of subject matter and a general knowledge of related fields” (p. 20). This doesn’t necessarily mean all teachers need degrees in their subject area, but it does require teachers to learn about whatever they’re teaching before they begin the lesson. Teachers may take additional courses, teach themselves new content, or seek assistance from a colleague. When planning lessons, a competent teacher uses the district’s standards, benchmarks, and objectives to guide his or her instruction and plans lessons that will intrigue their students. This requirement can be put quite simply, “the teacher demonstrates appropriate preparation for instruction” (District E, p. 3). Although some districts have a required lesson-planning format, many allow the teachers to organize and plan in a manner that is comfortable for them. This freedom allows teachers a chance to develop lessons in a way that works

for them, but it provides less information for the evaluator (because he or she may not be familiar with the teacher's lesson planning methods). Using a variety of resources when planning lessons is also an important part of this category. Quality teachers look beyond the textbooks and the provided curriculum and strive to use a variety of teaching methods to engage their learners. Teachers who meet this standard are also aware of the differences among their students and recognize these differences throughout instruction – “teacher chooses and implements appropriate methodology and varied instructional strategies that address the diversity of the learners” (District F, p. 14).

The evaluation of this standard would be based entirely on an administrator's observation of the classroom and possible exploration of the teacher's lesson plans. Judging a teacher's preparedness is difficult to do without seeing lesson plans and/or knowing the teacher well enough to understand actions – if the teacher is stumbling through the lesson is it because he or she is nervous because the administrator just walked in or is it because he or she doesn't have things in order?

2. **Instructional Processes: “The teacher causes students to actively participate and be successful in the learning process” (MO PBTE, p. 15):** The main components of this standard focus on the active participation and success of students in the learning process. Considering the fact that student learning is at the forefront of all of the PBTE documents collected, it's surprising to note that only 86 percent of the

districts included this standard. Some districts also chose to include additional information about the enthusiasm for learning demonstrated by students. A teacher who causes his or her students to participate in class discussions is one who motivates and encourages students. This category is quite broad and includes a wide range of expectations. Often times, the success of a student depends on his or her learning style and level of comfort within a learning environment. It is up to the teacher to differentiate his or her instruction and to plan instruction that will engage all learners. District H notes that a master teacher “connects students’ prior knowledge, life experience, and interest with learning goals” (p. 2) while also “engaging students in problem solving, critical thinking, and other activities that make subject matter more meaningful” (p. 2). In order to present a lesson that makes students want to participate, teachers need to know their students – what will get them interested in this topic? What’s the best way to approach this learning objective without losing the attention of the students? Fostering “active participation and success in the learning process” (District I, p. 47) and “utilizing various levels of questioning and discussion techniques to promote critical and higher level thinking” (District A, p. 10) are recommended. The evaluation of the standards within this category could easily take place within a classroom observation. Observing student behavior and the teacher’s interaction with students will say a lot about their engagement and desire to learn.

Administrators could also take this opportunity to talk with students about their learning and interest in the tasks.

3. **Assessment: “The teacher uses various forms of assessment to monitor and manage student learning” (MO PBTE, p. 15):**

Assessment of student learning is at the crux of No Child Left Behind.

Districts are working to ensure that every child meets expectations by 2012, but only 79 percent of the districts studied evaluate a teacher’s use of the data collected. Analyzing the data from a variety of assessments gives teachers a clear picture of the students in a class – teachers should “use a variety of assessment tools, strategies, and approaches to monitor the effectiveness of instruction” (District N, p. 9). It’s imperative that teachers use both formal and informal assessments, including formative and summative tests. These assessments can be anything from anecdotal records and conferencing or observing, to authentic assessments and standardized tests. All of these tools and the data collected should be used to get to know the students and their individual needs and then to differentiate instruction. The criteria within this standard are well established and include items that are objective and easily observed by evaluators. The standard suggests teachers use a variety of continuous assessments, provide ongoing feedback to students and families, encourage students to self-assess, align assessments with the goals and objectives of the district curriculum, and use assessments that are appropriate – “teacher aligns the assessments with the goals,

objectives, and instructional strategies of the district curriculum guides” (District M, p. 29). In order to evaluate the standards within this category, administrators may use classroom observation or peruse the teacher’s assessment data. Many districts utilize common assessments and expect teachers to submit student results. It is up to the administrator to ask for informal assessment data or to look through a teacher’s anecdotal records or assessment notebook and to ensure the teacher is using the data as an indicator of student needs.

4. Classroom Environment & Management (no specific state standard):

Only 36 percent of the districts that submitted PBTE documents have a separate standard for the management of student behavior. The state model, as well as four of the districts studied, included assessment of the classroom environment, management of students, and/or keeping students on task in the first category of standards (preparation and planning). Classroom management can make or break a teacher and the expectations regarding it are pretty clear – “manage student behavior in an appropriate manner” (District G, p. 20) – unfortunately ‘appropriate’ is left open to interpretation. Although not mentioned in any of the NCLB requirements, and sometimes difficult to assess, good management of student behavior is imperative to student learning. Teachers are expected to “create a learning environment that is nurturing, interactive, and supportive” (District N, p. 10). Management of the classroom environment and the students includes things like keeping students on-task, handling

classroom disruptions in an effective manner, and following the school code for discipline. Evaluation of a teacher's classroom management skills could easily take place during either formal or informal observations. Management of students outside the classroom is also important and observing a teacher's behavior in the hallway or in passing may provide better information about a teacher's character than a formal observation (where the students may be prepped, etc.). It may simply take one walk-thru to note a teacher's control of classroom happenings or if he or she needs additional support.

- 5. Professional Responsibilities: "The teacher acts as a responsible professional in addressing the overall mission of the school district" (MO PBTE, p. 16):** Teachers, like most other professionals in the country, are held accountable for their actions and are required to meet certain expectations. Ninety-three percent of the districts surveyed believe a teacher's effort to meet these requirements should be evaluated. A responsible professional follows the rules and expectations of their employer (arrives at work on time, dresses according to the dress code, participates in faculty meetings, etc.). Teachers are expected to serve as representatives of the school district that employs them and to address the district mission in all that they do. Districts may look at this standard as simply as the teacher "follows the policies and procedures of the school district" (District K, p. 2) or elaborate more on the expectations and expect teachers to "contribute to the good of the school and district by sharing

responsibilities for committees, extra-curricular activities, and student management (District A, p. 11). Evaluation of this category will require the administrator to be aware of what is happening in and around the school. This is one of the few standards that could be observed or evaluated outside of the classroom. Watching a teacher's interactions at faculty meetings or committee meetings, as well as when interacting with families or other community members will say a lot about a teacher.

- 6. Interpersonal Relationships: “The teacher communicates and interacts in a professional manner with the school community” (MO PBTE, p. 16):** When evaluating this standard, an administrator would hope to find a teacher who communicates and engages in appropriate relationships with students, parents, community members, and staff. Building relationships with educational stakeholders is a very important part of being a good teacher and 79 percent of the districts analyzed evaluated a teacher's ability to do just that. “The teacher builds positive relationships with all members of the school community and demonstrates appreciation for diversity” (District N, p. 11). Teachers communicate with parents and administrators on a sometimes-daily basis – it's important for teachers to be aware of their audience and to choose the most appropriate method of communication – “teacher uses appropriate communication with students, parents, community, and staff” (District F, p. 15). Some ways for evaluators to check on these communication skills would be to informally observe teacher interactions at staff meetings,

conferences with parents, as well as discussions with students. Principals could also check out classroom blogs, read class newsletters, and have teachers turn in communication logs. Another expectation within this standard is that teachers use a variety of communication tools to relay information – in today’s quickly changing world, it’s essential that teachers utilize the latest technology in an effort to reach the most parents and/or community members. Teachers should not rely on one means of communicating information – it’s best to use a variety of tools. Emailing, blogging, newsletters, informal notes home, and phone calls are all tools that may be used to conveniently convey information. It’s essential that teachers choose the best tool for each circumstance. For example, notifying a parent of a discipline issue would probably be best communicated via phone, not an informal note or email.

7. **Professional Development: “The teacher keeps current on instructional knowledge and seeks and explores changes in teaching behaviors that will improve student performance” (MO PBTE, p. 16):**
- Ongoing professional development is an expectation in the education field. The fact that most salary schedules are based on years of experience and level of education prove that a majority of school districts believe the more education a teacher has, the more money they’re worth, and it’s surprising to note that only 50 percent of the districts studied included professional development as an evaluative standard. These districts believe “demonstrating a commitment to professional growth that supports the

district's vision, mission, and goals" (District C, p. 8) is essential. As discussed earlier, there's evidence to support both sides of the 'education = a better teacher' argument. What we do know, though, is that professional development is essential to good teaching. Recent research by Wei, et al. (2009) found that teachers who spent 14 hours or less on a single professional development topic showed no signs of improvement in student learning. Longer professional development programs (approximately 49 hours) around a single topic have resulted in statistically significant increases in student learning. Once they've obtained the information, it's up to the teacher to put it into action – "the teacher seeks and explores changes in teaching behavior that will improve student performance and keeps current on instructional knowledge" (District E, p. 3). The Professional Development Plan that all teachers are required to create provides a perfect venue for displaying professional growth.

The set-up of each district's rating scales varied. The state's examples provided two different scales – one three-point (with descriptors *meets expectations*, *progressing towards expectations*, and *does not meet expectations*) and one four-point scale that adds an *exceeds expectations* category for teacher behavior. Forty-three percent of the studied districts chose to use a three-point system with no notes of exceeding expectations. The other districts all included an opportunity for teachers to be given credit for going above and beyond the expectation. When serving on a district's PBTE committee, the

ideas surrounding a three- versus four-point rating system were discussed. Surprisingly, a majority of committee members (administrators and master teachers) were opposed to the four-point system. They felt that such a system would encourage competition among teachers rather than collaboration.

Although much of the district's PBTE tools focus on the processes and procedures of a teacher's evaluation, they do implicitly discuss the meaning of a competent teacher. The standards put forth by each district serve as the expectations for quality teaching. The number one priority in all districts researched is student learning. Most districts are looking for teachers who are able to effectively plan lessons that will engage students in the learning process in a variety of ways. These lessons should meet the needs of all students – considering previously collected data and records of student learning. Teachers are also expected to successfully manage their classroom – students should be on-task and discipline should be handled discreetly and effectively. Finally, teachers are expected to act professionally and communicate with all stakeholders in a variety of ways. All districts expect some level of professional development from their teachers. Whether it's pursuing a graduate degree or simply summer courses on the latest best practice, districts expect their teachers to continue to grow professionally.

CHAPTER FIVE COMPARING THE THREE DEFINITIONS

ANALYSIS OF DATA

Teacher competence is an issue of critical importance according to all the areas examined. The educational literature, case law, and Missouri school district evaluation systems approached competence and the identification of quality teachers in very different ways. The educational literature and Performance-Based Teacher Evaluation systems both discussed teacher competence and the characteristics of an effective or quality teacher, while the case law focused more on teacher incompetence or the behaviors that made a teacher unable to successfully perform his or her job. This is especially important when considering that any list of characteristics of a competent teacher, based on case law, would not really be complete. The list would encompass only the inferred traits based on behaviors or issues of misconduct that the courts have heard about in cases brought before them. The court's only opportunity to discuss teacher competence is when they oversee a trial in which a teacher is dismissed for reasons of incompetence or ineffectiveness. We know that a majority of teachers are competent and highly effective, but the courts have little reason to hear about these teachers and the traits they possess. Because of this, when creating a list of teaching qualities we hope competent teachers have, most information had to come from the educational literature and Professional-Based Teaching Evaluation documents.

Although the three groups identify quality teachers in a variety of ways, the characteristics of a competent teacher are essentially the same for all three

areas. When the basic requirements are laid out, the similarities among the educational research, district evaluation tools, and case law far outweigh the differences. The qualities of a competent teacher boil down to six main areas: classroom management and the environment, lesson planning and preparation, content knowledge, instructional techniques, interpersonal relationships and communication skills, and professional development.

The following table is a summary of the evidence from each of the three areas of research. The information researched in the educational literature and examples of Performance-Based Teacher Evaluation all focused on *competent* teaching. The case law discussed issues or examples of *incompetent* teaching. For the purposes of this table and all concluding thoughts, the court's traits of *competent* teaching had to be inferred based on their discussion of *incompetent* teaching.

Educational Literature	Case Law	Performance-Based Teacher Evaluation
Effective classroom management skills	Set appropriate standards for classroom behavior and maintain a positive learning environment	Create & maintain an effective learning environment
Content knowledge in the subjects taught	Adequate knowledge of course content	Prepared & knowledgeable of the content
Students show growth (through standardized tests or other methods)		
Use a variety of resources to plan lessons		
Collaborate with other educational professionals		
Make an effort to care for the <i>whole</i> child		
Communicate expectations, content, and encouragement to all stakeholders	Communicate clearly with students & parents	Builds positive relationships with members of the educational community
Set instructional outcomes & student goals	Use standards, benchmarks, & objectives, or plans of study to create lesson goals	Implements instructional processes that encourage student participation & learning
Actively participate in professional development and apply what is learned		Stays up to date on the latest instructional techniques
Reflective practitioners		
Assessments drive instruction – show what students know and need to learn	Challenge students – use assessments to know what they need to learn	A variety of assessments are used to monitor student learning
	Comply with district expectations & procedures	Acts as a responsible professional

Although the traits above come from different sources and the phrasing is sometimes different, there are definite agreements about the qualities of a

competent teacher. It seems that everyone would agree that a competent teacher has strong classroom management skills and he or she creates an environment that invites learning. Teachers with strong classroom management skills set high expectations and students within this class live up to them. This kind of teacher monitors behavior in a subtle fashion and he or she works hard to prevent the misbehaviors before they happen. The competent teacher has a strong grasp on the management of instructional groups – both small and large – and he or she is able to transition from one lesson to the next seamlessly. Students in a class led by such a competent teacher seem to know what to do next without much direction – they understand the routines and procedures and work hard to follow them. The respect between teacher and student is mutual and all parties work and care for each other in this culture of learning.

Lesson planning and preparation is a large component within the competent teacher and encompasses a wide range of skills. A competent teacher has extensive knowledge, not only of the content that he or she teaches, but also of pedagogical techniques. An effective teacher doesn't rely on a single pedagogical approach, but rather chooses the one that best fits the needs of his or her students from numerous options. These teachers know where to find the best resources for their class, whether it's through the school, district, community, or a professional organization. They're willing to do what it takes and go where they need to in order to gather the most comprehensive resources for their students. Competent teachers take an interest in their students – how and what they enjoy learning, individual student's skills and interests, and

development of their learning. Effective teachers recognize the value of knowing as much about a student as possible. Finally, a competent teacher plans lessons based on the district's standards and objectives for learning. These lessons are differentiated and provide a variety of information, presented in different ways, depending on student needs.

Competent teachers have the knowledge necessary to present clear and comprehensible lessons to students. These teachers not only know the content, but they know how to present it in a way that makes it easy to learn. Teachers do not necessarily need a degree in their content area, but they must make an effort to learn the ins and outs of what they're teaching before presenting the information.

Effective teachers begin a lesson with a clear and descriptive objective. As the teacher begins to teach, the students have an understanding of the content and they are connected to the content. These teachers have a giant 'bag of tricks' from which to pull their newest teaching idea – there's never a shortage of instructional approaches, as these teachers will do whatever it takes to connect with each and every student in the class. An important part of being a competent teacher is asking questions and encouraging students to think beyond the ordinary. These teachers use higher-order thinking skills to get students to think outside the box and to engage them in cognitive tasks. A competent teacher also uses a variety of assessments to gather information about the needs of his or her students. As information is gathered, the teacher adjusts plans based on what students know and still need to learn (according to the data

gathered by the assessment or anecdotal records). Although all of the above information is important, it is also essential that competent teachers be flexible. When the chance arises, these teachers seize the opportunity to enhance student learning and make the adjustments necessary to build on student interests or a random discussion.

A huge part of a teacher's job is to communicate, not only with students in his or her classroom, but also with parents, colleagues, and other stakeholders. A competent teacher provides information about the instructional program to families on a recurring basis. The format of this communication could include a class newsletter, phone calls, notes home, parent conferences, the use of social media, a class blog, among others. He or she also shares this information with administrators and other colleagues.

Building interpersonal relationships and participating in the professional community comes as second nature to many competent teachers. They form mutually supportive relationships with colleagues and share information to better the school and district. These teachers participate in school and district-wide functions or projects because they're a part of the community and they want to contribute to the success of that society. They're members of committees, and share their expertise with other professionals and also gain the knowledge of others.

Professional development is obviously an important part of a teacher's growth and development. The fact that many school districts base teacher pay on the hours of graduate school a teacher has obtained suggests that districts

believe it is an essential component of competent teaching. Competent teachers do more than just 'take classes' though. They seek out professional opportunities that relate to current best practices or student needs. These teachers also use action research to become more familiar with students and to reflect on their teaching practices. Effective teachers believe in what they do and strive to continue the learning process throughout their career.

CONCLUSIONS & IMPLICATIONS

The initial purpose of this study was to answer the following research questions:

1. What definitions of teacher incompetence are found in the educational research literature? What behaviors and traits do researchers view as indicative of incompetent teachers? Is there consistency in the way educational researchers conceive of teacher incompetency?
2. What definitions of teacher incompetence have the courts used? What behaviors and traits do the courts view as indicative of incompetent teachers? Is there consistency within and between states in how courts conceive of teacher incompetence?
3. What definitions of teacher incompetence are employed by school districts in the Kansas City, Missouri metropolitan area? What behaviors and traits do the school districts view as indicative of incompetent teachers?

4. What are the similarities and differences in the way educational research, courts, and school districts conceive of teacher incompetence? What inconsistencies exist among the three groups?

According to the research, the literature, courts, and school districts go about identifying teacher (in)competence in different ways. The main differences found among the three areas studied focused on issues that appear more current – those that deal with student assessments, use of resources, and collaboration. The importance of these attributes has grown in today's world of No Child Left Behind and the technical gains being made within schools. It is essential now, more than ever, that teachers work to show student growth and utilize technology to better their teaching styles. The traits deemed important by the educational literature were more specific and contained more information about caring for the whole child. The five areas not included in the case law or evaluation documents were 1) students show growth; 2) uses a variety of resources to plan lessons; 3) collaborates with other educational professionals; 4) makes an effort to care for the *whole* child; and 5) acts as a reflective practitioner. Based on the current focus on test scores and the proposed Blueprint for Reform, proof of student growth may become the focus of teacher evaluations rather than just a mentionable in the educational literature. The Blueprint for Reform suggests states base the definition of a highly qualified teacher on his or her student learning gains. It's quite possible that we could start to see a shift in the identification process of competent teachers. Instead of identifying

characteristics of effective teaching, districts may start analyzing student data and labeling teachers based on their students' success or learning gains. Florida was the first state to look at a lack of student growth as a cause for dismissal and the state of Wisconsin is now considering following their lead. Legislation regarding the firing of teachers based on student performance (or lack thereof) is currently being pushed through committee at the state legislature.

The educational literature suggests a competent teacher uses a variety of resources to plan lessons. One outside the field of education may not understand the importance of using resources, but keeping up with changing times and new curricular objectives require teachers to utilize the outside world. This means teachers are seeking new and innovative ideas to reach all learners, and in some cases, gathering information to share with students. Collaboration is another essential tool when attempting to keep up with the changing field of education. Other education professionals are frequently the best resources for teachers and the importance of sharing ideas and networking often goes unnoticed.

As most educators know, there is more to teaching than giving a lecture to a group of students. Quality teachers look beyond the textbook and get to know the students. They seek out information regarding more than the student's preferred learning style – they get to know the student as a person and care for the whole child. Although outsiders may not see the benefit of having a teacher with this trait, for many students it is the one trait that matters most. The relationships formed in a classroom are often what change a student's life or

pushes him or her beyond what they ever expected. The final attribute not recognized by the evaluation documents or case law is the hope that competent teachers be reflective practitioners. Although teachers may not necessarily need to reflect on their teaching to be a good teacher, they do need to reflect on their practices to become a better teacher. A highly qualified teacher should want to make improvements and in order to do that, he or she must reflect on his or her current practices and strive to implement the suggested best practices.

It's interesting to note that the one trait that both the case law and evaluation documents found important that wasn't mentioned in the literature focuses on professionalism and complying with district expectations and procedures. This implies that the literature focuses more on the students and what a competent teacher does to make them successful rather than a teacher who meets the standard of a good employee. Although acting as a responsible professional is important, it is what happens in the classroom that is most important.

The only component of a competent teacher that both the educational literature and teacher evaluations believed to be important that no court case mentioned was the need for teachers to actively participate in professional development. This isn't because the courts don't believe in teachers furthering their education and developing as professionals. This is a situation in which the courts would very rarely have the opportunity to hear about because in all of the case law studied, not a single teacher was dismissed because of stagnant professional growth or a lack of participation in professional development. As

mentioned earlier, the courts' opinion is based purely on the cases brought before them, so their knowledge of this trait and its importance would be slim. Actively participating in professional development is a large part of the education profession and it is expected that teachers utilize this time to keep up to date with the latest trends in education, as well as to make improvements in the areas necessary.

In a perfect world, teachers would meet all of the expectations discussed above, as well as have evidence to prove student performance gains after children spend a year in their classroom. The state of Missouri doesn't actually require perfection, just evidence of one working towards it. According to Missouri's Performance-Based Teacher Evaluation system, teachers are competent if they are at least developing in each of the standards (receive at least a two out of three rating on summative evaluations).

According to the case law, competency in all of the above areas isn't necessarily required. Teachers may fail to meet the expectations in one or more of the areas discussed, but he or she isn't incompetent until they've been given warnings, been placed on assistance plans, worked alongside a mentor, and still not made improvements within the 90-day remediation period. Teachers dismissed for reasons of incompetency must be repeat offenders – they must consistently fail to meet expectations. Even after all of this, teachers normally have a chance to appeal their dismissal, hence the involvement of the court. Is this current system of requiring notice and a chance of remediation really what is best for our students?

And then we have the question of student performance. With No Child Left Behind and the new Blueprint for Reform, there is an increased amount of pressure to show student learning gains. According to the latest proposed ESEA revisions, this pressure is only going to increase. The federal government is encouraging states to define teacher quality based on student performance and in some states, teachers (and their jobs) are being held accountable based on student learning gains. So, the question becomes, what if a teacher is proficient in all of the areas discussed above (classroom management and the environment, lesson planning and preparation, content knowledge, instructional techniques, interpersonal relationships and communication skills, and professional development), but his or her students are not making any learning gains? At what point does student performance get put ahead of teacher performance when evaluating the quality of the educator? Can a teacher display behaviors the court has deemed incompetent, such as poor communication skills, but still be a quality educator simply because his or her students are making learning gains? The answer to this is probably, yes. The key will be, does the teacher make an effort to improve those areas that are lacking and will he or she do what it takes to eventually show competency in all areas. Instances such as these would require specific inquiries, as the background information could vary greatly from one case to the next.

There is a large discrepancy in the supposed number of incompetent teachers and those who are actually identified as such. It was this discrepancy that led to the research questions of this study. Initially, it was believed that there

had to be inconsistencies in the three sectors' definitions of teacher incompetency – otherwise, why wouldn't more teachers be dismissed for incompetence? The underlying purpose of this research was to identify those inconsistencies and gather information to create a more uniform list of traits. This information could then be provided to administrators to use as a tool when evaluating teachers. As information was gathered, it became clear that there were not actually too many variations in what traits the educational literature, evaluation documents, and the courts believed characterized teacher incompetence.

The problem appears to actually be the inherent inability to identify teacher incompetence due to its ambiguity. The literature has its limits, is based on the perceptions and politics of its writers, and is left to interpretation of the reader. Much of the information within the research is subjective and the analysis of it may vary depending on the experience or education of the reader. The process of identifying an incompetent teacher, while using a Performance-Based Teacher Evaluation, is also subjective and somewhat ambiguous. Administrators who use the PBTE have received a variety of preparation, from a variety of universities, and strive to meet a variety of expectations (depending on the school district, the director of human resources, the board of education, etc.). The lack of consistent training leads to additional ambiguity and could easily cause an array of interpretations of the document and its procedures. The process of evaluating teachers is task-oriented and the decision to label

someone incompetent is initially left to one person – the administrator in charge of evaluations.

If we want to focus on effective teaching, one of the few things schools can actually control, and the need for quality teachers, we must do something about it. Ultimately, the judgment of teacher competence is wrapped up in just how competent the administrator (evaluator) is. If we're going to rely on administrators to make a judgment of competency, as most school districts do, then we must ensure they have the skills necessary. Administrators must be trained and have information regarding specific traits to look for during an evaluation. Does the administrator really know what a competent teacher looks like and the specific traits he or she should possess? And, is the administrator willing to take the time necessary to effectively evaluate every teacher in his or her building? School districts rely on administrators to utilize a teacher's probationary period (the first three years). During this time, administrators must provide teachers with the additional support necessary to be successful in the classroom. If, however, a teacher is unable to meet the standards of excellence, the evaluator must not be afraid to dismiss him or her. These probationary years are the only times in a teacher's career that he or she may be dismissed because of the essence of their incompetency. Once a teacher is tenured, the dismissal process becomes more complicated and rather than simply labeling a teacher incompetent, the system requires the accumulation of a multitude of evidence of incompetence, which often takes years to acquire.

A teacher's success truly lies in the hands of his or her administrator. It is up to the principal (in most cases) to provide an honest and clear evaluation, as well as the support necessary to encourage the teacher to develop professionally. In order for the administrator to evaluate effectively, he or she must receive training regarding best practices, the promotion of professional development, and the art of writing good evaluations. Chances are, most administrators have the basic skills necessary to do a decent evaluation, but with the other job stresses and strains, the evaluation system doesn't appear to be a priority. The problem with administrators is not that they are incapable of evaluating teachers, but more likely, that they just don't do it well because of a lack of effort or training and limited resources. Competent teachers are a vital part of a successful school system. Students rely on their teachers to provide them with the education necessary to become contributing members of society. It is up to school districts and their administrators to implement a thorough and effective evaluation process and to make sure teachers are aware of the skills required to be a competent teacher.

QUESTIONS FOR FURTHER STUDY

These findings are directional in nature and further research should be conducted. Evaluators may use the research as a basis for identifying competent teachers and providing constructive feedback in order for them to develop professionally. When comparing the beliefs of the literature, evaluation documents, and the courts, no glaring inconsistencies were found. If there aren't any major discrepancies among the research, then why aren't more teachers

identified as incompetent? Additional research regarding this contradiction should be done. In an effort to recognize additional issues with teacher evaluation programs and the difficult task of identifying competent teachers, the following questions should be explored:

1. What training regarding teacher evaluation is offered to administrators new to the field? Are evaluators trained to recognize teacher (in)competence?
2. In the Kansas City Metropolitan area, what percentage of teachers has been identified as incompetent or in need of improvement (with a PBTE)? Within this group of teachers, what evidence was gathered to prove incompetency?
3. A comparison of teachers evaluated by a system such as Danielson's Framework and those evaluated by Performance-Based Teacher Evaluations. What percentage of teachers has been identified as incompetent within each of the evaluative systems? How does the process of identifying these teachers vary within the different evaluation systems?
4. Does student performance (or lack thereof) honestly demonstrate teacher effectiveness? In cases where teachers were dismissed because of poor student performance, what other attributes of incompetence were present? Have teachers who demonstrate otherwise effective teaching practices in the classroom been dismissed because of a lack of student growth?

5. How can we identify the essence of an incompetent teacher without requiring the accumulation of years of evidence?

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Appendix A

District Evaluative Standards

a	Planning/ Prep	Instruction	Assessment	Environment	Professional Responsibility		
b		Instruction			Professional Responsibility	Interpersonal Relationships	
c	Instructional Preparation	Instructional Implemenation	Assessment		Professional Responsibility		
d	Instructional preparation, processes and classroom management	Students actively participate and are successful in the learning process.	Evaluation and feedback on student progress.		Professional Responsibility	Professional communication and interpersonal relations	Professional Development
e	The teacher is prepared and knowledgeable of the content and effectively maintains students' on-task behavior.	The teacher causes the student to actively participate and be successful in the learning program.	The teachers uses various forms of assessment to monitor and manage student learning.		The teacher acts as a responsible professional in addressing the overall mission of the school district.	The teacher communicates and interacts in a professional manner with the school community	The teacher seeks and explores changes in teaching behavior that will improve student performance and keeps current on instructional knowledge.
f	Instructional preparation, processes and classroom management	Students actively participate and are successful in the learning process.	Evaluation and feedback on student progress.	*see instructional prep	Professional Responsibility	Professional communication and interpersonal relations	Professional Development

g	Planning Skills AND Knowledge of content AND knowledge of child growth and development AND knowledge & use of resources	Instructional Skills		Classroom Management	Professional Responsibility	Human Relations Skills	Professional Development
h	understanding and organizing subject matter for student learning AND planning instruction & designing learning experiences for all students	Engaging and supporting all students in learning.	Assessing student learning	Creating and maintaining effective environments for student learning		interpersonal relationships	Developing as a professional educator
i	The teacher is prepared and knowledgeable of the content	The teacher fosters active participation and success in the learning process	the teacher uses various forms of assessment to monitor and manage student learning	The teacher exhibits effective classroom management skills. The teacher creates a safe and positive learning environment.	The teacher acts as a responsible professional in addressing the overall mission of the school district.	The teacher communicates and interacts in a professional manner with the school community	

<p>j</p>	<p>The teacher is prepared and knowledgeable of the content and demonstrates flexibility in meeting student needs. The students demonstrate knowledge of subject matter under the guidance of the teacher.</p>	<p>The teacher causes students to actively participate and be successful in the learning process by maintaining time on task and ensuring instructional time is used efficiently. Students demonstrate enthusiasm for learning activities.</p>	<p>The teacher works collaboratively with colleagues to design assessments. Uses various forms of assessment to monitor and evaluate student learning progress & performance. Data form assessments are used to plan for instruction</p>		<p>The teacher acts as a responsible professional in addressing the overall mission of the school district.</p>	<p>The teacher communicates and interacts in a professional manner with the internal and external school community. Parent participation is encouraged. Feedback on assignments is shared w/parents and students on a timely basis as determined by bldg/dept.</p>	<p>The teacher keeps current on instructional knowledge and seeks and explores changes in teaching behaviors that will improve student performance.</p>
<p>k</p>	<p>Instructional Leader</p>			<p>Classroom Management</p>	<p>Professional Responsibility</p>	<p>Interpersonal Relationships</p>	
<p>l</p>	<p>What do we want our students to learn?</p>	<p>what will we do when our students are not learning? What will we do when students have mastered the learning goals?</p>	<p>How will we know when our students are learning?</p>		<p>Professional Expectations</p>		

m	Instructional Preparation	Instructional Processes	Evaluation and feedback on student progress.		Professional Responsibility	Professional communication and interpersonal relations	Professional Development
n	The teacher delivers the district curriculum utilizing effective instructional strategies, appropriate district resources, and approved technology		The teacher uses various forms of assessment to monitor and evaluate student learning	The teacher creates an effective environment that results in positive student engagement within a learning community.	The teacher acts as a responsible professional in addressing the overall mission of the school district.	The teacher communicates and interacts in a professional manner with the school community	
State Model	The teacher is prepared and knowledgeable of the content and effectively maintains students' on-task behavior.	The teacher causes the student to actively participate and be successful in the learning process.	The teacher uses various forms of assessment to monitor and manage student learning		The teacher acts as a responsible professional in addressing the overall mission of the school district.	The teacher communicates and interacts in a professional manner with the school community	The teacher keeps current on instructional knowledge and seeks and explores changes in teaching behaviors that will improve student performance.

APPENDIX B

Dear Dr. X,

I am graduate student at the University of Kansas. I'm currently working on my doctoral dissertation entitled 'Teacher Incompetence: An Analysis and Comparison of the Educational, Legal, and Practical Definitions'. As I'm sure you'll agree, I believe quality teaching is one of the most important factors that contribute to the success of a student.

There is no generally agreed upon definition of teacher competence or incompetence. In an effort to address this lack of clarity, my study will analyze and compare the definitions and beliefs of educational theorists, courts, and school administrators regarding teacher incompetence. One section of my research will focus specifically on district teacher evaluation systems.

The questions I hope to answer are:

1. What definitions of teacher incompetence are employed by school districts in the Kansas City metropolitan area?
2. What behaviors and traits do the school districts view as indicative of incompetent teachers?

I am writing to request that you send me a copy of your teacher evaluation document for use in my research. After examining your and other districts' teacher evaluation documents, I will create a composite of what attributes or skills teachers are rated on and determine the percentage of teacher evaluation systems that are actually focused on identifying incompetence and ways to improve these behaviors. **Your district was randomly selected from the state's education directory and it is not my intention to critique your teacher evaluation system. I am simply looking for specific information regarding teacher competence or incompetence within your teacher evaluation document.**

Participation in this study is completely voluntary. If you choose to participate, please send me a copy of your district's teacher evaluation document. You may send this information in one of two ways – electronically to megholling@gmail.com or by US mail to 700 34th Place, West Des Moines, Iowa 50265. Your participation in this project will contribute to the ongoing research and insight into administrative practices. **If you agree to participate in this study, complete confidentiality will be guaranteed. The final work will contain no reference to you or your school district.** You may ask questions about the research at any time. Contact Megan Hollingsworth Ferchen at (515) 864-1632 or Dr. Michael Imber at (785) 864-9734 or mick@ku.edu with any questions or concerns.

Thank you for considering this request. I look forward to hearing from you.

Sincerely,
Megan Hollingsworth Ferchen
700 34th Place
West Des Moines, Iowa 50265