

### **Professional teacher status and dismissal rights**

As a result of the Education Reform Act of 1993, the "tenure law" -- also known as the "fair dismissal law" -- was replaced with a statute saying that teachers who have completed three years of service in a district have "professional teacher status" and are entitled to the dismissal rights spelled out in the Education Reform Act. A superintendent, or a principal who has the approval of the superintendent, may dismiss a teacher with fewer than three years' service at the end of the school year, and that teacher has no right to appeal.

However, a teacher with professional teacher status does have the right to appeal, as well as these rights:

- Teachers can only be dismissed for "inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination, or failure on the part of the teacher to satisfy teacher performance standards" developed pursuant to the law, "or other just cause."
- The teacher must be given written notice of the intent to dismiss, as well as an explanation of the reasons for the dismissal, with supporting documentation.
- The teacher may request a meeting with the principal and/or superintendent within 10 school days after notice of intent to dismiss. At that meeting, the teacher may be represented and may present information. If, after that meeting, the intent to dismiss becomes a decision to dismiss, the teacher may request arbitration of the decision. The burden of proof in the arbitration proceeding is on the school district. The arbitrator can award reinstatement, lost pay, benefits and other relief.