



Teacher Tenure

Reduction-in-Force Policies

Education Commission of the States

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A closer look: Teacher evaluations and reduction-in-force policies

By Jennifer Thomsen

May 2014

An increasing number of states are requiring teacher performance, as measured by evaluations, be considered when districts are conducting layoffs or reductions in force, according to a 50-state policy review by the Education Commission of the States.

ECS reviewed reduction-in-force policies in 2012 and recently created an online database, updating this information and making it more readily available. This report identifies the primary factor to be considered in each state's reduction-in-force policies and highlights states that prohibit the consideration of tenure or seniority in layoff decisions.

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

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

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

Key trends in reduction-in-force policies

- 37 states have laws that guide reduction-in-force decisions. In 2012, 36 states had such laws.
- 11 states require performance, as measured by teacher evaluations, be considered as a primary factor by districts making reductions in force: **Colorado, Florida, Georgia, Illinois, Indiana, Louisiana, Maine, Michigan, Oklahoma, Tennessee and Texas.** In addition, **Washington** has added this requirement in law effective 2015-16. In 2012, the total number was 10.
- 10 states explicitly prohibit the use of tenure or seniority in making decisions about layoffs: **Arizona, Florida, Georgia, Idaho, Michigan, Nevada, New Hampshire, Ohio, Utah and Virginia.** In 2012, only five states – AZ, FL, ID, MI and UT – had such prohibitions in law.

State laws governing reductions in force

School districts were forced to make tough decisions during the recent recession. Decreases in state K-12 funding and enrollment declines meant programs were cut and teachers were laid off. These challenges sometimes prompted debate about which factors to consider in deciding which teachers would go. Historically, these reductions were made using tenure or seniority as the deciding factor. However, ECS' policy review shows more states are including teacher performance as a primary factor in these decisions.

The following table identifies the primary factor to be considered when teachers are to be laid off, in addition to any secondary or tertiary factors that are to be used. It also shows which states explicitly prohibit the consideration of tenure or seniority in making layoff decisions.

State	Factors Considered/Prohibited			Notes
	Tenure	Seniority	Evaluation	
Alabama ALA. CODE §16-1-33				Must be based on “objective criteria”
Alaska ALASKA STAT. §14.20.177	Primary factor			
Arizona ARIZ. REV. STAT. §15-502	Prohibited	Prohibited		
Arkansas ARK. CODE ANN. §6-17-2407				Must be based on “objective criteria”
California CAL. EDUC. CODE §44955	Primary factor	Primary factor		
Colorado COLO. REV. STAT. §22-63-202	Secondary factor	Secondary factor	Primary factor	
Connecticut CONN. GEN. STAT. §10-151	Primary factor			
Delaware				Not addressed in statute
District of Columbia				Not addressed in statute
Florida FLA. STAT. ANN. §1012.33		Prohibited	Primary factor	
Georgia GA. CODE ANN. §20-2-948		Prohibited	Primary factor	
Hawaii HAW. REV. STAT. §302A-609		Primary factor		
Idaho IDAHO CODE §33-522A	Prohibited	Prohibited		
Illinois 105 Ill. Comp. Stat. 5/24-12			Primary factor	
Indiana IND. CODE §20-28-7.5-1; 20-28-9-1.5		Secondary factor	Primary factor	
Iowa				Not addressed in statute

State	Factors Considered/Prohibited			Notes
	Tenure	Seniority	Evaluation	
Kansas				Not addressed in statute
Kentucky KY. REV. STAT. ANN. §161.011; 161.800	Primary factor	Primary factor		
Louisiana LA. REV. STAT. ANN. §17:81.4			Primary factor	
Maine ME. REV. STAT. ANN. TIT. 20A§13201		May be included as a secondary factor	Primary factor	Order of layoff is a negotiable item under collective bargaining, but effectiveness must be primary factor, and other, secondary factors, including seniority, are allowed
Maryland				Not addressed in statute
Massachusetts MASS. GEN. LAWS CH. 71§42	Primary factor			
Michigan MICH. COMP. LAWS ANN. §380.1248	Prohibited	Prohibited	Primary factor	
Minnesota MINN. STAT. §122A.40	Primary factor	Primary factor		The school board is permitted to negotiate a RIF plan in collective bargaining agreement, but if they do not, tenure and seniority must be primary factors
Mississippi				Not addressed in statute
Missouri MO. REV. STAT. §168.124	Primary factor	Tertiary factor	Secondary factor	In metropolitan districts, tenure and seniority are primary and secondary factors
Montana				Not addressed in statute
Nebraska NEB. REV. STAT. §79-846	Primary factor			
Nevada NEV. REV. STAT. §288.151		Prohibited	Permitted as a factor, but not required	
New Hampshire N.H. REV. STAT. ANN. §189:14A		Prohibited		
New Jersey N.J. Stat. Ann. §18A:28-10		Primary factor		

State	Factors Considered/Prohibited			Notes
	Tenure	Seniority	Evaluation	
New Mexico				Not addressed in statute
New York N.Y. Educ. Law §3013		Primary factor		
North Carolina				Not addressed in statute
North Dakota				Not addressed in statute
Ohio OHIO REV. CODE ANN. §3319.17	Primary factor	Prohibited	Secondary factor	
Oklahoma OKLA. STAT. TIT. 70 §6-101.31			Primary factor	
Oregon OR. REV. STAT. §342.937		Primary factor		A district may retain a teacher with less seniority if they have determined that the teacher being retained has more “competence or merit”
Pennsylvania PA. STAT. ANN. TIT. 24 §11-1125.1		Primary factor		
Rhode Island R.I. GEN. LAWS §16-13-6		Primary factor		
South Carolina				Not addressed in statute
South Dakota				Not addressed in statute
Tennessee TENN. CODE ANN. §49-5-511			Primary factor	
Texas TEX. EDUC. CODE §21-157			Primary factor	
Utah Utah Code Ann. §53A-8-505		Prohibited	Permitted as a factor, but not required	
Vermont				Not addressed in statute
Virginia VA. CODE ANN. §22.1-304		Prohibited	Permitted as a factor, but not required	
Washington WASH. REV. CODE §28A.405.100			Beginning in 2015-16, required as one of multiple factors	
West Virginia		Primary		

State	Factors Considered/Prohibited			Notes
	Tenure	Seniority	Evaluation	
W. VA. CODE §18A-4-7A		factor		
Wisconsin Wis. STAT. §118.23		Primary factor		
Wyoming				Not addressed in statute

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Related reports:

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

[A closer look: Teacher evaluations and tenure decisions](#) by Jennifer Thomsen, May 2014

[Reduction-in-force policies](#) by Emily Workman, March 2012

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

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