



Teacher Employment Contract Policies

What are reduction-in-force determinations based on?

July 2020

This metric captures the factors schools and districts must utilize and the ones they may utilize. It also includes prohibited factors. Common factors include seniority and teacher evaluations. View the full 50-State Comparison: Teacher Employment Contract Policies [here](#).

STATE	WHAT ARE REDUCTION IN FORCE DETERMINATIONS BASED ON?	CITATION
Alabama	Reduction in force determinations are school district decisions primarily based on 'objective criteria.'	Ala. Code § 16-1-33
Alaska	Reduction in force determinations are based primarily on tenure status. A school district may place a tenured teacher on layoff status only after having given notice of nonretention to all nontenured teachers, with exceptions for districts in which there is no tenured teacher in the district who is qualified to replace the nontenured teacher.	Alaska Stat. Ann. § 14.20.177
Arizona	Not specified in state policy.	
Arkansas	Reduction in force determinations are school district decisions primarily based upon 'objective criteria for layoff and recall of employees.'	Ark. Code Ann. § 6-17-2407
California	Reduction in force determinations are based primarily on seniority. A permanent employee may not be terminated while a probationary employee, or employee with less seniority remains employed in an area the permanent employee is qualified to teach. Schools may deviate from seniority requirements if the district demonstrates a need for specific personnel, or a district is required to comply with constitutional provisions requiring equal protection. If the total per-pupil revenue limit does not increase by more than 2% in the state budget, then, if the governing board deems it necessary, they may dismiss both permanent and probationary employees.	Cal. Educ. Code § 44955-44957
Colorado	Reduction in force determinations are district-determined and must be based primarily on teacher performance, probationary and nonprobationary status and seniority. A district, in collaboration with the teachers' union, must develop policies to inform termination decisions in light of a reduction in force, which must be included in contracts between the local board of education and employees.	Colo. Rev. Stat. Ann. § 22-63-202

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Connecticut	Reduction in force determinations are based primarily on tenure status. A tenured teacher may be laid off if their position is eliminated and no other position exists for appointment. Determination of the contracts to be terminated must be made in accordance with either a provision for a layoff procedure agreed upon by the board of education and the employee's representative organization or in the absence of an agreement a written policy of the board of education.	Conn. Gen. Stat. Ann. § 10-151
Delaware	Not specified in state policy.	
District of Columbia	Not specified in state policy.	
Florida	Reduction in force determinations are based primarily on teacher performance evaluations. If workforce reduction is needed, a district school board must retain employees at a school or in the school district based upon educational program needs and the performance evaluations of employees within the affected program areas. A district school board may not prioritize retention of employees based upon seniority.	Fla. Stat. Ann. § 1012.33 Fla. Stat. Ann. § 1012.335 Fla. Stat. Ann. § 120.68
Georgia	Reduction in force determinations are based primarily on teacher performance. Length of service may not be the primary or sole determining factor when implementing reduction in force.	Ga. Code Ann. § 20-2-948
Hawaii	Reduction in force determinations are based primarily on seniority. Dismissals shall begin with those teachers with the least number of years of service.	Haw. Rev. Stat. Ann. § 302A-609
Idaho	Reduction in force determinations are made by the board of trustees, but may not be made solely based on seniority or contract status.	Idaho Code Ann. § 33-522A
Illinois	Reduction in force determinations are based primarily on performance evaluations and contractual continued service status. Teachers are placed into 4 groups and dismissed in order of grouping.	105 Ill. Comp. Stat. Ann. 5/24-12
Indiana	Reduction in force determinations are based primarily on teacher performance evaluations not seniority. In cases where teachers are placed in the same performance category, then years of experience, additional content area degrees and credit hours, and the academic needs of the school corporation may be considered.	IC 20-28-7.5-1
Iowa	Not specified in state policy.	
Kansas	Not specified in state policy.	
Kentucky	Reduction in force determinations must be based primarily on tenure status and seniority.	Ky. Rev. Stat. Ann. § 161.800
Louisiana	Reduction in force determinations must be based primarily on demand, performance, and effectiveness as determined by the performance evaluation program. No reduction in force policy may be based primarily on seniority or tenure.	La. Stat. Ann. § 17:81.4

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Maine	Reduction in force must be based on terms negotiated by the school board and the bargaining agent. The criteria may include the teacher's effectiveness rating and seniority as factors.	Me. Rev. Stat. tit. 20-A, § 13201
Maryland	Not specified in state policy.	
Massachusetts	Reduction in force must be primarily based on tenure status. A teacher with professional teacher status cannot be laid off pursuant to a reduction in force or reorganization if there is a teacher without professional status for whose position the covered employee is currently certified.	Mass. Gen. Laws Ann. ch. 71, § 42
Michigan	Reduction in force must be primarily based on teacher performance. Length of service or tenure status cannot be a factor in a reduction in force unless the decision involves two or more employees and all other factors distinguishing those employees from each other are equal, then length of service or tenure status may be considered as a tiebreaker.	Mich. Comp. Laws Ann. § 380.1248
Minnesota	Reduction in force must be based on a plan negotiated by the school board and the bargaining representative of the teacher.	Minn. Stat. Ann. § 122A.40
Mississippi	Not specified in state policy.	
Missouri	Reduction in force must be primarily be based on tenure. For metropolitan districts: The board of education, upon recommendation of the superintendent of schools, may cause the necessary number of teachers, beginning with those serving probationary periods, to be placed on leave of absence without pay, but only in the inverse order of their appointment. For other districts: No permanent teacher can be placed on leave of absence while probationary teachers are retained in positions for which a permanent teacher is qualified. Permanent teachers must be retained on the basis of performance-based evaluations and seniority within their field of specialization.	Mo. Ann. Stat. § 168.221
Montana	Not specified in state policy.	
Nebraska	Reduction in force determinations must be based primarily on tenure status. If employee evaluation is to be included as a criterion, specific criteria such as frequency of evaluation, evaluation forms, and number and length of classroom observations must be included as part of the reduction in force policy.	Neb. Rev. Stat. Ann. § 79-846
Nevada	Reduction in force determinations must be based primarily on performance of the teacher under the statewide performance evaluation system. The board may also consider criminal records and disciplinary records and actions if additional reduction are required. The board may consider national board certification status, and type of licensure and degree held by the employee. Seniority may be considered the other factors have been considered.	Nev. Rev. Stat. Ann. § 288.151

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New Hampshire	The reduction in force cannot be solely based on seniority.	N.H. Rev. Stat. Ann. § 189:14-a
New Jersey	Reduction in force determinations must be based primarily on seniority.	N.J. Stat. Ann. § 18A:28-10 N.J. Stat. Ann. § 18A:28-12
New Mexico	Not specified in state policy.	
New York	Reduction in force determinations must be primarily based on tenure and seniority.	N.Y. Educ. Law § 3013
North Carolina	Reduction in force determinations must be based primarily on teacher work performance and evaluations. The school board must adopt policy that considers factors such as less essential, duplication, job responsibilities and opportunities for combine work function for decisions relating to a reduction in force.	N.C. Gen. Stat. Ann. § 115C-325.4
North Dakota	Not specified in state policy.	
Ohio	Reduction in force determinations must be based primarily on tenure status. Reduction in force determinations may not be based on seniority, unless teachers have comparable evaluations.	Ohio Rev. Code Ann. § 3319.17
Oklahoma	Reduction in force determinations must be based primarily on teacher performance evaluations.	Okla. Stat. Ann. tit. 70, § 6-101.31
Oregon	Reduction in force determinations must be based primarily on seniority. If a school district wants to retain a teacher with less seniority as a contract teacher, the district must prove that the teacher with less seniority has more competence or merit to justify the decision.	Or. Rev. Stat. Ann. § 342.934
Pennsylvania	Reduction in force determinations must be based primarily on teacher performance evaluations. School districts are prohibited from using compensation in reduction in force decisions. A local school board must approve a reduction in force by a majority vote.	24 Pa. Stat. Ann. § 11-1124 24 Pa. Stat. Ann. § 11-1125.1
Puerto Rico	Not specified in state policy.	
Rhode Island	Reduction in force determinations must be based primarily on seniority. Suspension of teachers must be in the inverse order of their employment unless it is necessary to retain certain teachers of technical subjects whose places cannot be filled by teachers of earlier appointment.	16 R.I. Gen. Laws Ann. § 16-13-6
South Carolina	Not specified in state policy.	
South Dakota	Not specified in state policy.	
Tennessee	Reduction in force determinations must be based primarily on teacher performance evaluations.	Tenn. Code Ann. § 49-5-511
Texas	Reduction in force determinations must be based primarily on teacher performance evaluations.	Tex. Educ. Code Ann. § 21.157

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Utah	Reduction in force determinations are made by a school district and may consider teacher performance evaluations or school personnel needs. The use of seniority is prohibited.	Utah Code Ann. § 53G-11-516
Vermont	Not specified in state policy.	
Virginia	Reduction in force determinations are made by local school boards, but the criteria must include teacher performance evaluations. The use of seniority as the sole factor is prohibited.	Va. Code Ann. § 22.1-304
Washington	Reduction in force determination criteria may be determined through collective bargaining agreements, but teacher performance evaluations must be used as one factor.	Wash. Rev. Code Ann. § 28A.405.100
West Virginia	Reduction in force determinations are determined by county board policy. The county board policy must consider: <ul style="list-style-type: none"> - Less than satisfactory performance evaluations - Seniority - Appropriate certifications and licenses - Teaching experience - Amount of course work and degree level - Academic achievement - National Board certification - Specialized training - Past performance evaluations - Other measures and indicators. <p>Salary is prohibited from consideration in reduction in force determinations.</p>	W. Va. Code Ann. § 18A-4-7a
Wisconsin	Statute indicates that seniority is the sole determining factor for teachers hired prior to December 21, 1995.	Wis. Stat. Ann. § 118.23
Wyoming	Not specified in state policy.	