

#9 Frequently Asked Questions Regarding Educators and Coronavirus/COVID-19 –Reduction in Force

My District has started sending notices out that jobs will be cut for next year. What is the law on layoffs, abolition of positions, and reduction in force? Do I have any options as a tenured teacher?

During the school year, educators are employed under a continuing contract.¹ The continuing contract means that during the school year, an educator in a public school can only be dismissed for cause and cannot be fired on the spot.

No teacher should ever resign out of fear of being fired on the spot. If an educator resigns, the educator could lose the right to seek unemployment benefits. **An educator should always consult with their local association leadership and/or [UniServ Coordinator](#) before making any employment decisions.**

At the end of the school year, non-tenured teachers can have their yearly contracts non-renewed for any reason if they are given written notice of the non-renewal by the Director of Schools.

Tenured teachers have earned legal rights that extend beyond the yearly school contract. They cannot be non-renewed at the end of a school year. Tennessee's tenure law protects teachers in that it specifies the grounds on which tenured teachers can be dismissed for cause. Cause must include one of these reasons: incompetency, neglect of duty, insubordination, inefficiency, and/or unprofessional conduct.²

Tenured teachers have certain due process rights (hearings before the school board, impartial hearing officer, etc.).³ These due process rights help to ensure that the grounds alleged satisfy legal requirements. In a nutshell, due process means that a tenured teacher cannot be fired on the spot at any time of the year.

When student enrollment declines or for other valid reasons, a school system may reduce the number of positions in its workforce. This reduction in force can include certified and non-certified positions.

A school district cannot eliminate a position under a reduction in force:

- only to turn around and rehire someone new for the same position
- solely for the reason of getting rid of a tenured teacher
- only to repost the same position immediately after the reduction in force
- only to eliminate a position, then post the same position under a different title or name.

When a tenured teacher's position has been subject to a reduction in force, any available positions open in the school district for which the teacher is qualified, should be filled by the tenured teacher.

No outside hires should take place during a reduction in force while tenured teachers are available and remain qualified for any open positions within a school district.

If there are not any open positions in a school district after a reduction in force, tenured teachers may be placed on a preferential rehire list until the teacher has been placed with a job or turns down four job offers from the school district.⁴ Recent evaluations will be a factor in filling open positions.

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¹ Tenn. Code Ann. §49-5-409

² Tenn. Code Ann. §49-5-501

³ Tenn. Code Ann. §49-5-512

⁴ Tenn. Code Ann. §49-5-511