

2021 Legislative Session Issue Brief

Layoff equity in education

One of the most significant problems facing schools across Minnesota is attracting and retaining teachers, especially educators of color.

But when layoffs occur, teachers of color are disproportionately impacted because early career educators tend to be more racially diverse than our teaching corps as a whole.

Education Minnesota's layoff equity legislation would allow schools to select up to 5 percent of staff who belong to underrepresented racial, ethnic or other cultural groups to be exempt from layoffs or non-renewals for one or two years. A committee of both union representatives and administrators would determine exempt staff by Feb. 1 each year.

The proposal must be agreed to by districts and local unions. It would not otherwise alter the seniority or continuing contract rights of other licensed educators within a local.

The change in law would allow a teacher who is still in their probationary period to receive an exemption from layoff. Under current law, teachers have a three-year probationary period before they can be granted tenure.

This doesn't mean Education Minnesota is backing away from due process protections. A written layoff procedure ensures a predictable and objective process in the event layoffs are necessary. It also protects teachers from arbitrary layoffs based on age, union activity or because they are at the higher end of the salary schedule.

Due process protections are an important protection for teachers of color who may experience retaliation for advocating for their students or teaching about persons from a protected class. Eliminating seniority altogether would do nothing to ensure that districts retain educators of color and would likely drive even more educators out of the profession.

Addressing the disproportionate impact of layoffs on staff of color is one small piece of a much bigger challenge of recruiting and retaining more educators of color. This is why Education Minnesota supports the Increase Teachers of Color Act, a comprehensive approach to building culturally responsive schools and ensuring students have access to effective and diverse teachers.

We also need to recognize the impact of decades of chronic underfunding in our schools. If the Minnesota Legislature funds our public schools properly, layoffs due to budget cuts will be unnecessary.

Updated: March 12, 2021

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