



Protecting Access to a High-Quality, Diverse Teacher Workforce:

How State-Level Layoff Policy Changed in Oregon

EDUCATORS FOR EXCELLENCE 2023

In May 2021, the state of Oregon passed [House Bill 2001](#), a consequential piece of legislation that added protections for teachers who have cultural and linguistic expertise from seniority-based layoffs—signifying a critical shift in policies to support a diverse, high-quality workforce across the state.

The [former state law](#) required districts to use seniority as the primary factor for making layoff decisions, while allowing districts to retain a less senior teacher if they had more competence or merit than the teacher with more seniority. The adjustments to the law from HB2001 added cultural and linguistic diversity as an additional, required consideration, thus ensuring that a broader range of criteria was taken into account.

To achieve this win, [Stand for Children Oregon](#) (Stand) launched a successful public advocacy campaign, focused attention on the state investment that had been made in diversifying the teaching force, developed key partnerships across the state, identified a legislative champion, and leveraged Oregon’s robust data systems. This combination elevated their campaign for changing layoff policies to value teachers with cultural or linguistic expertise.

Does this apply to my state or district context?

Background

Prior to 2022, Oregon state law required districts to use seniority to make layoff decisions, also known as last-in, first-out (LIFO); given this state requirement, modifying this criteria required policy change at the state rather than district level. If your state alternatively leaves this decision to local leaders, click [here](#) to read about how teachers approached changing district-level LIFO policy in Minneapolis.

Advocacy Approach

Stand for Children Oregon successfully organized and advocated at the state level for a policy change to seniority-based layoffs to exempt teachers with cultural or linguistic expertise.

Solution

The law now protects teachers with cultural or linguistic expertise from layoffs, defining it as:

- Speaking an in-district language (e.g. teachers who speak Spanish in a school where many students speak Spanish),
- Completing a teacher pathway program that has a focus of graduating culturally or linguistically diverse teachers, or
- Working at a school where 25% of the student population consists of students from a historically underserved background.

To learn more about the national landscape of seniority-based layoffs and whether your state requires them, visit SoAllStudentsThrive.org.

Local Context

Oregon, like most of the country, has a teacher workforce that is not representative of its students. Oregon falls below the national average, with only [12.2% of teachers identifying as ethnically diverse, while 40% of students do](#). Research shows that [all students](#), but [particularly students of color](#), benefit from having teachers of color at the front of the room. As a result, Oregon passed the [Student Success Act of 2019](#) to invest in diversifying their teacher workforce.

After this significant investment, Stand realized that the state's current seniority-based approach to making layoff decisions could significantly undermine the impact of the new act. As Oregon made headway in diversifying its workforce, if layoffs occurred, the newer teachers—and by extension, the teachers of color—would be let go first. With this in mind, they began to organize stakeholders and policymakers to modify the layoff approach.

public school student population. While this legislation acknowledged that a diverse teacher workforce is a critical component of a high-quality K-12 education system, 30 years later, the state had still not achieved the legislation's goal.



Furthering this commitment, the legislature passed the [Student Success Act of 2019](#), through which Oregon legislators allocated funding to teacher diversity through the [Educator Advancement Council](#), an innovative partnership aimed at helping Oregon place high-quality, well-supported, and culturally responsive educators in every classroom. This includes grant money for districts to develop “grow your own programs”; scholarships for racially, ethnically, and linguistically diverse candidates pursuing a teaching license; and racial justice learning centers to support ethnically and linguistically diverse candidates.

Key Conditions

A long-standing state-level commitment and investment to diversify the workforce

In 1991, with the passage of the [Minority Teacher Act](#), Oregon committed legislatively to narrowing the demographic gap between its teacher workforce and

Accurate data and research that highlights it

Oregon's efforts to advance teacher diversity were paying off, and the data showed it. Oregon's investments in a strong state data system provided clear

data on where teachers of color were teaching at the school and district level. The Educator Advancement Council publishes a yearly [Oregon Educator Equity report](#), providing a detailed analysis of Oregon data. The [2019 report](#) showed that the percentage of ethnically diverse teachers in the state had increased by 20% in the previous five years. The data systems and research articulated the importance of increasing public awareness and building the coalition of support to advocate for the change in state law.



Key partnerships: Legislative champion and powerful coalition

This change in state teacher layoff law was not an isolated effort, but the result of collaboration, partnership, and advocacy on many levels and for a sustained amount of time. Oregon Speaker of the House [Tina Kotek](#), who is now governor of Oregon, served as a legislative champion for HB2001 by introducing it and advocating for it along the way. Additionally, a broad coalition of advocacy groups representing teachers, parents, and the community supported the bill. Stand wrote and distributed a letter

to all state representatives that encouraged support for the change. It argued that cultural and linguistic diversity encompassed a broad range of diversity—more than just a teacher’s ethnicity—including critical competencies like multilingualism. Stand not only consulted their own legal counsel, but also brought together legal counsel of the groups whose members would be most impacted by the legislation, including local and state teachers unions. The primary opposition to the bill was around the legality of the language; therefore, the legal engagement was paramount to proposing a bill that the legislature would pass.

Attention to public opinion

A year before the law was adopted, Stand started the public advocacy campaign to support this work. Then-Executive Director Toya Fick wrote an [op-ed](#) in the *Oregonian* to educate the public on the need for this legislation. Throughout the campaign, Stand created pressure on legislators by focusing resources and attention on public opinion. The concept of modifying LIFO resonated with the public. Stand made it clear that it was not that seniority could not be the defining requirement, but that the law needed to expand so that it was not the sole condition for layoffs. Through social media and newsletters to their supporters, Stand



continued to remind and reinforce to the public that seniority-based layoffs was not a policy that supported students, and to highlight the potential impact seniority-based layoffs could have in undermining significant state-level investments in teacher diversity. The public then advocated to their local legislators to vote yes on HB2001.

Final Bill

Echoing the importance of protecting previous state investments, the final bill, House Bill 2001, begins, “Whereas in 2019 the Legislative Assembly passed the Student Success Act and committed resources...” The final language of the law **requires a school district that is making reductions in educator staff positions to retain teachers with less seniority if release of the less senior teacher would result in a lesser proportion of teachers with cultural and linguistic expertise in the school. Districts must use either seniority or merit to determine whom to retain among those teachers who do not have cultural or linguistic expertise.**

The bill values a broad definition of diversity and the need for teachers to reflect their students, defining **cultural and linguistic expertise** as:

- Speaking an in-district language (e.g. teachers who speak Spanish in a school where many students speak Spanish),
- Completing a teacher pathway program that has a focus of graduating culturally or linguistically diverse teachers, or
- Working at a school where 25% of the student population consists of students from a historically underserved background.

How Advocacy Organizations Can Do This Type of Work in Their Communities

Advocacy groups need to support the public in understanding how and if state law mandates layoff decisions. The first step is to find out your state policy on teacher layoffs. Oregon provides one example of policy language that can be used to protect groups of teachers that are crucial to students having teachers who represent them. To start this work, advocates should identify the state level policy that needs to change, review it, and consider some of the following:

- Determine what factors—cultural or linguistic diversity, hard to staff schools and subject areas, grow your own programs, or something else—should be prioritized in your community
- Know and share the data—collect and uplift research around the investment in teachers of color at the state and local level
- If possible, begin to quantify the potential impact of declining student enrollment and shrinking budgets on the size of the teacher workforce
- Identify and engage a legislative champion
- Draft changes to state law utilizing state and district examples
- Engage legal support to review language
- Organize state and local partners to support in the work, including parent and teacher groups
- Contact advocates who have engaged in this work to align with others in these efforts—one way to do this is by joining E4E’s advocacy efforts.

Educators for Excellence is a teacher-led organization that ensures teachers have a leading voice in the policies that impact their students and profession. Visit [E4E.org](https://www.e4e.org) for more information on how to get involved in teacher advocacy in your area and if you have questions about advocacy efforts, please contact info@e4e.org.