

# StudentsMatter

## Vergara v. California | Legal Claims

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### The Case

- Nine California public school students in districts across the state filed *Vergara v. California*, a lawsuit against the State of California, the California Department of Education and three school districts, in the Los Angeles Superior Court.
- The case challenges provisions of the state education code pertaining to the guarantee of permanent employment after only minimal and cursory evaluations; bureaucratic procedures that make it prohibitively expensive and time-consuming to dismiss ineffective teachers; and Last-In First-Out (LIFO) seniority-based layoffs that ignore teacher effectiveness.
- **The nonprofit organization Students Matter is the sole sponsor of *Vergara v. California*.**

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### Civil Rights

- Under longstanding California Supreme Court precedents, Plaintiffs have a fundamental right to equal educational opportunity.
- As the California Supreme Court has acknowledged, our public education system is supposed to prepare schoolchildren to compete successfully in the economic marketplace and participate in the social, cultural and political activity of our society.
- Under well-established equal protection doctrine, **laws that have a real and appreciable impact on Plaintiffs' fundamental right to education are unconstitutional** unless they are narrowly tailored to serving a compelling state interest, which the laws at issue are not.

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### Harm to Students

- **Teacher quality is the key determinant of educational effectiveness and has a profound impact on students' lifetime achievement.**
- Students taught by effective teachers are more likely to attend college, attend higher-quality colleges, earn more, live in higher socioeconomic neighborhoods, and save more for retirement, and are less likely to have children during their teenage years.
- The presence of even a small number of grossly ineffective teachers in California's public schools has a devastating impact on students.
- **The problem is worse for students who attend schools that serve predominant-minority and lower-income populations** because those schools are staffed by a disproportionate share of grossly ineffective teachers.
- In some school districts, **students of color are two to three times more likely to have bottom-quartile teachers than their white and Asian peers.**

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## Vergara v. California | Harm of State Laws to Students

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### *Permanent Employment Statutes*

- The Permanent Employment Statutes force school administrators to make a decision about whether to offer a teacher “permanent employment,” or tenure, less than 18 months after a new teacher begins working.
- Studies show that it is impossible to predict a teacher’s effectiveness during the first three years of teaching.
- **More than 98 percent of new teachers are offered the benefits of permanent employment within 18 months of starting their teaching careers.**
- In a recent survey of teachers working in the Los Angeles Unified School District, **68 percent of teachers reported that there are grossly ineffective tenured teachers working in their schools.**

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### *Dismissal Statutes*

- The Dismissal Statutes provide “permanently employed” teachers with employment protections that far exceed those afforded other public employees.
- The Dismissal Statutes create a nearly insurmountable set of obstacles for school administrators seeking to dismiss an ineffective teacher, such that the process for attempting to dismiss a single teacher often takes several years and costs already cash-strapped districts millions of dollars.
- **The Los Angeles Unified School District spent \$3.5 million from 2000 to 2010 in efforts to dismiss just seven of the district’s 33,000 employees for inadequate classroom performance.**

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### *Last-In, First-Out Layoff Statute*

- The LIFO Statute provides that district-wide layoff decisions and subsequent reassignments must be based on teacher seniority, even though recent studies demonstrate that seniority is not an accurate measure of teacher effectiveness.
- In recent years, many California school districts have been forced to implement district-wide layoffs. Those layoffs, conducted in accordance with the LIFO Statute, resulted in the dismissal of top-performing teachers instead of more senior low-performing teachers.
- **In 2009, nearly 2,000 English teachers and 1,500 math teachers in the lowest quartile of teacher performance kept their jobs, while 20 percent of the English and math teachers laid off were in the top quartile of job performance.**
- A school in the highest-poverty quartile is 65 percent more likely to have a teacher laid off than a school in the lowest-poverty quartile.