

# StudentsMatter

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**FOR IMMEDIATE RELEASE**

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## **Court's Ruling Gives Groundbreaking Statewide Education Lawsuit The Go Ahead To Move Forward**

***Tentative Ruling in Vergara v. California Issued Nov. 8 and Adopted As Final After the Hearing***

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**LOS ANGELES, CA** — Today, the California Superior Court for Los Angeles County held its first hearing in *Vergara v. California*, an unprecedented lawsuit that seeks to strike down five statutes in the state's Education Code that violate the fundamental constitutional right of all California students to an equal educational opportunity. Yesterday, the court issued a tentative ruling in the case, overruling the demurrers of the State of California and Alum Rock Unified School District, and concluding that Plaintiffs' constitutional claims can move forward to trial. After the hearing, the court adopted the tentative ruling as final.

Students Matter, a non-profit organization founded to advance the recruitment, support and retention of effective teachers, is the sole sponsor of the *Vergara* case.

"This case is about the fundamental civil right of all California students to an equal and quality education, which is guaranteed by the equal protection provisions of the California Constitution," said Plaintiffs' lead co-counsel Theodore J. Boutros, Jr. "The California Constitution and the California Supreme Court have long acknowledged that 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. Grossly ineffective and underperforming teachers fail to advance these goals. Yet because of outdated statutes and powerful special interest groups, these teachers are allowed to remain in California's classrooms year after year causing grave harm to a portion of our students. It is striking that not one of the defendants in this case even pretends that these statutes serve the interests of students or enhance the quality of education."

Plaintiffs in the *Vergara* case, nine California children and their parents, are seeking to strike down state statutes that create substantial and unjustifiable disparities in the educational opportunities provided to similarly situated California students. These laws force school districts to offer permanent employment to nearly all new teachers without giving school districts the time needed to determine which teachers will be minimally effective, and then

impede school districts from dismissing the worst performing teachers. In addition, these laws force school districts to base retention decisions solely on seniority, very often resulting in the dismissal of effective teachers while leaving some of the very worst performing and grossly ineffective teachers in place (a practice known as “Last In First Out”).

Studies show that teachers have the greatest impact not only on students’ academic success, but also on students’ lifetime achievement. Students taught by effective teachers are more likely to attend college, attend higher-ranked colleges, earn higher salaries, reside in higher quality neighborhoods, save for retirement, and are less likely to have children during their teenage years. Conversely, students who are assigned to even a single grossly ineffective teacher can suffer lasting negative consequences, remaining stuck below grade level for years. And students taught by two or more grossly ineffective teachers in a row are unlikely ever to catch up to others at their grade level. A recent study demonstrated that replacing a grossly ineffective teacher with even an average teacher would increase students’ cumulative lifetime income by a total of \$1.4 million per classroom taught by that teacher.

“By failing to offer our students the best educational experience possible, and in fact, guaranteeing some students a sub-par education, we surrender the future of California as the nation’s leader in innovation and progress,” said Students Matter founder Dave Welch. “How can we expect our students to deliver excellence when the system that educates them values ineffective teachers over the fundamental interests of the *students* they are meant to serve?”

Unlike many previous education lawsuits brought against the state, the *Vergara* case would affect all school districts in California. California public schools currently rank 46th in the nation in fourth-grade reading and 47th in the nation in eighth-grade math. On average, over one-third of all African American/Black students and over one-fourth of all Hispanic students in California do not graduate high school. California currently ranks in the bottom five among states in student performance.

The *Vergara* lawsuit has received support from Los Angeles Unified School District Superintendent Dr. John Deasy, a named defendant in the case; Sacramento City Unified School District Superintendent Jonathan Raymond; Oakland Unified School District Superintendent Dr. Tony Smith, also a named defendant in the case; and Santa Clara County Office of Education Superintendent Xavier de la Torre.

“No parent wants to send their kid to school and wonder if he or she will finish the year a grade ahead or a grade behind,” said Jose Macias, father of *Vergara* plaintiff Julia Macias. “No parent wants to have their kid assigned to a terrific teacher only to see that teacher laid off three weeks into the year and replaced by a teacher who has more experience but who everyone knows isn’t effective.”

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*Students Matter is a 501(c)(3) organization founded to advance the recruitment, support and retention of effective teachers.*