OVERVIEW

Students Matter is a national non-profit organization dedicated to sponsoring impact litigation to promote access to quality public education.

Students Matter pursues impact litigation

1) As an efficient response to legislative inaction perpetuating ineffective and unequal education systems;
2) To facilitate the enforcement of standards and laws that protect educational equality and students’ civil rights;
3) To defend students’ fundamental right to an equal opportunity to access quality education, a right only the courts can unequivocally establish and protect.

Students Matter chose to sponsor its first case, *Vergara v. California*, against the state of California because California public schools have fallen far behind the rest of the nation, both in academic achievement and in progress on education reform.

*Vergara v. California* seeks to strike down the outdated and harmful state laws keeping ineffective teachers in schools, repelling great teachers from the profession and jeopardizing the future of California’s students.

Students Matter will sponsor cases in states, starting with California, with poorly performing public schools statewide, legislatures that fail to protect students, and constitutions that guarantee rights for students.

TEAM

Students Matter founder David F. Welch currently serves as the Chief Strategy Officer for Infinera Corporation. Dr. Welch, a parent of three school-aged children, has been engaged with the reform of the public education system for more than a decade, primarily through his role as an investment partner at NewSchools Venture Fund.

Theodore B. Olson and Theodore J. Boutrous, both partners at Gibson, Dunn & Crutcher, head the legal team for Students Matter. A former U.S. Solicitor General, Mr. Olson has twice received the U.S. Department of Justice’s highest award for public service and leadership. Mr. Boutrous has been named one of the 100 best lawyers in California for seven consecutive years. Combined, Mr. Olson and Mr. Boutrous have argued 60 cases before the U.S. Supreme Court.

Griffin|Schein, a consulting company that builds campaigns to advance social causes, manages all communications, coalition-building and strategy for Students Matter.

The Students Matter Board of Directors provides strategic planning and vision to the organization.
FIRST CASE

Students Matter believes in the power of a good teacher. Research shows that quality teachers make the difference—not only in students’ academic performance but also in lifetime achievement. Having equal access to quality education means having equal access to quality teachers.

In California, current state laws force administrators to knowingly place grossly ineffective teachers in front of students each year. An ineffective teacher in any classroom creates an arbitrary, unjustifiable and unconstitutional inequality among students that we cannot allow to exist.

Nine California public school students from districts across the state filed Vergara v. California against the State of California, the California Department of Education and three school districts, in the California Superior Court for Los Angeles County.

The groundbreaking statewide lawsuit seeks to strike down the extreme and harmful state laws that protect an outdated and inflexible teacher retention and dismissal system. Collectively, these laws deprive students arbitrarily assigned to the classrooms of ineffective teachers of their fundamental and constitutionally guaranteed right to equal opportunity to access quality education. These laws have a devastating long-term impact on students, the teaching profession and the education system as a whole.

The case challenges five statutes of the Education Code:

- **The Permanent Employment Statutes**, which effectively guarantee all teachers permanent employment after only 18 months on the job and minimal, cursory evaluations;
- **The Dismissal Statutes**, which create a nearly insurmountable set of obstacles for school administrators to dismiss a single ineffective teacher; and
- **The Last-in, First Out Statute**, which forces school districts to make decisions about district-wide layoffs and subsequent reassignments based solely on teacher seniority, with no consideration for teacher effectiveness.

COMMUNICATIONS

The national Students Matter communications and advocacy campaign leverages the lawsuit as a platform to reframe the debate around education reform to focus on the rights’ of students.

Students Matter builds relationships with media, other education reform and civil rights advocacy organizations, and leaders in education, government and business, to simultaneously garner support for the lawsuit and advance the protection of students’ rights as the primary goal of the education reform movement.

CASE SUPPORTERS

Students Matter has amassed broad-based and bipartisan public support for Vergara v. California from educational experts, organizations and leaders. Organizations include: StudentsFirst, Parent Revolution, Alliance for a Better Community, California Charter Schools Association, Silicon Valley Leadership Group, GO Oakland Public Schools, and NewSchools Venture Fund, among others.

Public education leaders supporting our work include: Superintendents John Deasy of Los Angeles Unified, Tony Smith of Oakland Unified, Jonathan Raymond of Sacramento City Unified, and Xavier De La Torre of the Santa Clara County Office of Education.

studentsmatter.org
CONSTITUTIONAL CLAIMS

Longstanding California Supreme Court precedents guarantee students the fundamental right to have an equal opportunity to access quality education.

Teacher quality is the key determinant of educational effectiveness and has a profound impact on students’ lifetime achievement. A 20-year study of 2.5 million children in grades 3 through 8, released in January 2012, directly links teacher effectiveness to college attendance, earnings, and retirement savings (Raj Chetty, John N. Friedman and Jonah E. Rockoff, “The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood”).

Having equal access to quality education means having equal access to quality teachers. The laws entrenching grossly ineffective teachers in the system have a devastating long-term impact on the students’ arbitrarily assigned to those classrooms, violating children’s fundamental rights under the California Constitution.

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 and after only minimal and cursory evaluations—even though studies show that predicting a teacher’s effectiveness during the first three years of teaching is impossible.

According to the National Council on Teacher Quality, 97.5 percent of teachers in California “meet expectations” each year, rendering the gaining of tenure virtually automatic.

DISMISSAL STATUTES

The Dismissal Statutes create a nearly insurmountable set of obstacles for school administrators seeking to dismiss a tenured teacher found persistently ineffective. The process for attempting to dismiss a single teacher often takes several years and costs already cash-strapped districts millions of dollars.

According to the 2010 LA Weekly report “Dance of the Lemons,” the Los Angeles Unified School District (LAUSD) 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.

LAST-IN, FIRST-OUT (LIFO) LAYOFF STATUTE

The LIFO Statute forces districts to make district-wide layoff and subsequent reassignment decisions based on teacher seniority, even though research shows no correlation between seniority and teacher effectiveness. According to The New Teacher Project, only 13 to 15 percent of the teachers laid off in a seniority-based system would also be cut under a system based on teacher effectiveness.

Additionally, The Education Trust-West has found that because schools serving low-income and minority communities have higher numbers of newer teachers, schools in the highest-poverty quartile are almost 60 percent more likely to lose a teacher to layoffs than a school in the bottom-poverty quartile.

California’s teacher dismissal and retention laws exacerbate the inequalities already existing between low-poverty and high-poverty schools by restricting access to quality teachers, and thus quality education, from those students who need quality teachers the most.
“This lawsuit puts on much-needed pressure to break a political impasse around teacher effectiveness. No one is well-served when ineffective teachers are protected at the expense of students and good teachers.”

“The real tragedy is that some students have to go to the courts just to force lawmakers to change the laws that stand in the way of a decent education.”

“California's got problems, and in these times of budgetary woes it can be hard to focus on creative solutions beyond the merely monetary...So good for a group of passionate reformers who, in this time of fiscal trouble, have taken a bold step toward fixing a systemic problem in California’s schools: The outdated, merely self-serving teacher-protection laws we're saddled with.”

“It is a modern civil rights movement that recognizes that we are not going to get the change in the law from a legislature where money is the mother's milk of politics.”

“The teacher discipline and dismissal process is too costly and drawn out...It's time to level the playing field so districts can ensure children are safe and teachers are competent.”