

StudentsMatter

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FOR IMMEDIATE RELEASE

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California Superior Court Sets Trial Date for Groundbreaking Education Reform Lawsuit *Bench Trial Set to Begin on January 27, 2014*

LOS ANGELES, CA — Today, the Los Angeles Superior Court set a trial date of January 27, 2014, for the landmark lawsuit *Vergara v. California*, which seeks to protect California students' constitutional right to an equal educational opportunity. The trial is expected to last 20 days.

Plaintiffs' lead co-counsel Theodore J. Boutrous welcomed the news, saying, " We are pleased that the court has set a trial date and we are looking forward to making our case in court. California's Supreme Court has long recognized that a child's right to education is a fundamental right guaranteed by the California Constitution, and has asserted that the state has the duty to intervene to stop substantial disparities in the quality and extent of availability of education opportunities. Yet in public schools across our state, school administrators are forced to knowingly place grossly ineffective teachers into classrooms year after year. Our case seeks to strike down legal impediments that prevent California schools from providing an effective education to all of their students."

Theodore B. Olson is lead co-counsel alongside Theodore J. Boutrous. Mr. Olson is a former U.S. Solicitor General who 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.

Vergara v. California was filed on May 14, 2012, on behalf of nine California public school students from districts around the state. The case challenges five statutes in the Education Code that prevent California's schools from providing an effective education to all of their students. The challenged statutes pertain to the

- **Permanent Employment Statutes** that effectively guarantee all teachers permanent employment after only 18 months on the job and minimal, cursory evaluations;
- **Dismissal Statutes** that create a nearly insurmountable set of obstacles for school administrators to dismiss a single ineffective teacher;

- and **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.

Vergara v. California is the first case sponsored by Students Matter, a national nonprofit organization dedicated to sponsoring impact litigation to promote access to quality public education.

“Students Matter is committed to protecting the rights of every child to an equal and quality education,” said Students Matter founder and education reform advocate Dave Welch. “We believe every student has the right to an effective teacher and the success of our society depends on it.”

Unlike many previous education lawsuits brought against the state, the *Vergara* case would affect all school districts in California. California currently ranks in the bottom five among states in student performance. According to the U.S. Department of Education, California’s public schools rank 46th in the nation in fourth-grade reading and 47th in the nation in eighth-grade math.

The *Vergara* Plaintiffs have received support from leading education experts and practitioners in California. The case is also supported by Superintendents of School Districts around California, including LAUSD Superintendent Dr. John Deasy; Sacramento City Unified School District Superintendent Jonathan Raymond; Oakland Unified School District Superintendent Dr. Tony Smith; and Santa Clara County Office of Education Superintendent Xavier de la Torre.

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