

Students Matter

Defending students' rights through impact litigation

Vergara v. California Press Kit

Plaintiffs' Motion in Opposition to State Defendants' and Intervenors' Motions for Summary Judgment

School Districts.....	2-7
Plaintiffs.....	8-11
Experts.....	12-15

School Districts

Districts across California are required to follow the procedures set forth in the Education Code and challenged by Plaintiffs in *Vergara v. California* when making teacher reelection, dismissal, and layoff decisions. The shared experience of the districts, as described in Plaintiffs' opposition to the motions for summary judgment filed by the State Defendants and the teachers' unions who intervened to defend the statutes, confirms that California's arcane and unconstitutional teacher tenure, dismissal and layoff laws result in the reelection and continued employment of grossly ineffective teachers who would otherwise be denied reelection, dismissed, or laid off.

The following document contains direct quotes from Plaintiffs' opposition to Defendants' and Intervenor's motions for summary judgment, highlighting information obtained through depositions of key witnesses and documents received during discovery.

The information below portrays the experiences of two of the largest school districts in the state, Los Angeles Unified School District (LAUSD) and Oakland Unified School District (OUSD), as well as a number of other school districts both large and small across the state, with the statutes challenged by Plaintiffs in *Vergara v. California*.

Using the annotation POMSJ (Plaintiffs' Opposition to the Motions for Summary Judgment) and the page number, we have cited the location in the opposition where you can find the quote.

Los Angeles Unified School District (LAUSD)

LAUSD is the second-largest school district in the United States, consisting roughly of 1,000 schools, 36,000 teachers, and 909,000 students—nearly 15% of the total number of students in the entire State. (POMSJ at 10:2-3.)

- Over a ten-year period, the CPC has authorized the dismissal of only eleven LAUSD teachers. (POMSJ at 11:12-13.)
- It takes, “at a minimum . . . four or five years” for LAUSD to dismiss a single permanent certificated teacher, sometimes much longer. (POMSJ at 11:6-7.)
- And it costs between \$284,932 and \$404,806 per teacher, with “exceptional cases” costing “millions.” (POMSJ at 11:9-10.)
- For example:
 - **Matthew Kim**, a former teacher at Grant High School in LAUSD, made inappropriate physical contact with his students, touching students' “intimate body parts” and asking “whether one of his students was a virgin.” The CPC found that the allegations against Mr. Kim warranted dismissal, but refused to allow LAUSD to dismiss Mr. Kim because he “was remorseful” and his conduct, while “certainly inappropriate,” was simply a “result of poor

judgment.” The district appealed and ultimately prevailed, **ten years and eight months** after the conduct took place and after incurring at least **\$1,648,302** in costs. (POMSJ at 18:16-22.)

- **Colleen Kolter**, a former teacher at Pinewood Elementary School in LAUSD, was consistently unable “to deliver instruction to students,” “expos[ed] herself in an inappropriate manner, appear[ed] on campus under the influence of a controlled substance, and ma[de] inappropriate comments . . . towards students.” The CPC ordered Ms. Kolter dismissed, but Ms. Kolter appealed to the Superior Court and Court of Appeal. The Court of Appeal finally affirmed Ms. Kolter’s dismissal, **five years and three months** after the first incident giving rise to her dismissal and after the district had incurred at least **\$307,586** in costs. (POMSJ at 18:23-28.)

Plaintiffs took the depositions of the following individuals as representatives for LAUSD:

- **John Deasy**: “It is a catastrophe for kids’ lives.” (POMSJ at 47:10-11)

Describing the evidence required to dismiss an ineffective teacher: “One year is too little evidence, two years as we have found in actual cases is too little evidence. So five years . . . have stuck; however, hundreds of youth” are affected in that time period. (POMSJ at 12:1-3.)

Describing reverse-seniority layoffs: “[T]he assumption you get better over time is simple not true.” (POMSJ at 12:21-22.)

Dr. Deasy is the current Superintendent of LAUSD. He has held this position for approximately three and a half years. Prior to this role, Dr. Deasy held superintendent positions for Prince Georges County School in Maryland, the Santa Monica-Malibu School District in Los Angeles County, and Coventry Public Schools in Rhode Island. Dr. Deasy also has experience as a principal and as a teacher.

- **Justo Avila**: “[K]ids deserve the most effective, most qualified, highest quality teachers and the LIFO process doesn’t allow for that function to occur.” (POMSJ at 13:4-5.)

Mr. Avila is Deputy Chief Human Resources Officer for the Los Angeles Unified School District and has held this position approximately four years. Mr. Avila works with the Chief Human Resources Officer and handles any function that comes under the umbrella of certificated employees.

- **Vivan Ekchian**: “Since the current process slows down our ability to take performance cases successfully to dismissal, it does harm our ability to raise the teaching bar.” (POMSJ at 12:8-9.)

Ms. Ekchian is the Chief Human Resources Officer for LAUSD and has held this position for five years. Within her role, Ms. Ekchian supervises recruitment, selection and assignment of teachers, health and human services professionals and administrators. She also is responsible for the Offices of Employee Performance Accountability, Employee Relations and Certificated Performance Evaluation Support.

Oakland Unified School District (OUSD)

OUSD is a district located in Oakland, California composed of 136 schools, 2,652 teachers, and 46,472 students. (POMSJ at 13:8-9.)

- Dismissals in OUSD take more than two years to complete, even in the least controversial and best documented case. (POMSJ at 14:3-4.)
- And “the cost to prosecute [a dismissal action] is very high.” Attorney’s fees alone cost OUSD from \$100,000 to over \$400,000 per dismissal. (POMSJ at 14:6-8.)
- For example:
 - **Deborah Payne-Kelley**, a teacher who bounced around several OUSD schools over the course of several years, was notified of dismissal proceedings based on immoral conduct, unprofessional conduct, unsatisfactory performance, evident unfitness for service, and persistent violation of or refusal to obey school laws or reasonable regulations. The CPC *agreed* with OUSD that Ms. Payne-Kelley had “difficult and problematic” interactions with students and colleagues, “did not consistently create lesson plans,” “did not implement assigned curricula,” and “missed or refused to participate in meetings,” but nevertheless *refused* to authorize dismissal. After **more than two years** of trying to dismiss Ms. Payne-Kelley, OUSD was required to pay her attorneys’ fees, resulting in a total expense of **\$430,000** for an unsuccessful dismissal. (POMSJ at 19:1-8.)

Plaintiffs took the depositions of the following individuals as representatives for OUSD:

- **Tony Smith:** “[T]he levels of protection [provided by the Challenged Statutes] ensure that [teachers] continue to be employed, regardless of their effectiveness or their impact on children.” (POMSJ at 54:4-5.)

“[T]here’s no way to protect kids with the current statute.” (POMSJ at 16:6.)

“[K]ids...living in generational poverty...don’t have quality teachers, that is disproportionately affecting them.” (POMSJ at 20:22-23.)

“[L]ast in/first out, with no regard for impact or effect or effectiveness . . . disproportionately damages the education environment for our most high-need

kids.” (POMSJ at 21:2-4.)

“[Y]ou have parents and family members, caregivers, crying and pleading and begging. Please, please, please keep this teacher. You don’t understand what this year has been like for my child. This is one of the most extraordinary educators I’ve ever seen in my life. And they’re begging. And I can’t honor their request.” (POMSJ at 47:22-25.)

“[T]he long-term well-being of California is in jeopardy.” (POMSJ at 4:26-5:1.)

Dr. Smith is the former Superintendent of OUSD and has held this position for approximately four years. Prior to becoming Superintendent of OUSD, Dr. Smith served as Superintendent of Emery Unified School District and Deputy Superintendent for Instruction, Innovation, and Social Justice for San Francisco Unified School District.

- **Troy Christmas:** “I’ve had teachers personally say to me, ‘You can’t fire me. I’m going to retire here.’” (POMSJ at 15:21-22.)

“[I]t’s demoralizing to work extremely hard, to be deemed effective and then to be notified of a potential release, while the perception that a colleague who is not deemed effective is not . . . [T]here are teachers who have said, I’ve chosen to work for a charter school because I don’t have to worry about that; that if I’m good I get to stay.” (POMSJ at 16:9-13.)

Mr. Christmas is the Director of Labor Strategy for OUSD and has been employed by OUSD since July 2004. From 2006-2012, Mr. Christmas was the Director of Labor Management Employee Relations, and from 2005-2006, Mr. Christmas was the Executive Officer of Human Resources. Prior to 2005, Mr. Christmas worked for OUSD as a consultant.

- **Brigitte Marshall:** “[T]o make staffing determinations on the basis of something that has nothing to do with the best interests of children does not serve children well.” (POMSJ at 16:6-8.)

Ms. Marshall is the Associate Superintendent for Human Resources of Oakland Unified School District and has held this position since August of 2011. Prior to August 2011, she was the director of adult and career education and the director of the east bay regional occupational program for OUSD. Ms. Marshall was also a principal in OUSD for two and a half years.

Other California School Districts

According to the declarations of the current and former Superintendents listed below, submitted to the Court with Plaintiffs’ opposition to summary judgment, school districts

both large and small—from Sacramento City Unified to Emery Unified and everywhere in between—are beleaguered by the problem of grossly ineffective teachers, including teachers who have:

- “verbally harassed and bullied students,” “called students ‘dumb,’” and “played rented movies to the class every day.” (POMSJ at 17:5-6.)
- “[thrown] books at students,” “wor[n] see-through clothing to class,” and “had guns delivered to school property.” (POMSJ at 17:8-9.)
- “refused to change or update lesson plans” and “left students constantly unattended,” causing their students to be “classified as remedial and woefully underprepared compared to other students.” (POMSJ at 17:12-13.)

Superintendents across the state agree that the problem of grossly ineffective teachers stems from the Challenged Statutes: the Permanent Employment Statute does not provide districts with sufficient time to evaluate teacher effectiveness before making permanent employment decisions; dismissal actions under the Dismissal Statutes are prohibitively costly, burdensome, and unlikely to succeed; and the LIFO Statute requires districts to leave grossly ineffective teachers in place while laying off “exceptional teachers—true rising stars” during RIFs. (POMSJ at 17:14-19.)

- **Debra Lindo** has worked in the California public education system for 40 years. Currently, she is the superintendent of the Emery Unified School District in Emeryville, California. She has held this position for two years. Previously, Dr. Lindo was the Director of Secondary Instruction for Palo Alto Unified School District; the principal of Carlmont High School in the Sequoia Union High School District and Castlemont High School in the Oakland Unified School District; and a teacher at various schools in the Palo Alto, Oakland Unified, and San Diego Unified School districts.
- **Mark Greenfield** is the Superintendent of the Yreka Union High School District (YUHSD) in Yreka, California, which has an average daily attendance (ADA) of more than 250 students. Mr. Greenfield also holds a concurrent position as Superintendent of the Klamath River Union Elementary School District (KRUESD) in Horse Creek, California, which has an ADA of less than 250 Students. He has held these positions for seven and four years respectively. Prior to serving as superintendent, Mr. Greenfield was a principal at a traditional district school in Wasco, California. Mr. Greenfield’s experience provides invaluable comparison data regarding the ability to retain and dismiss teachers in districts with ADA of less than 250 students vs. districts with ADA of more than 250 students.
- **Rick Rogers** has worked in the California public education system for over 37 years and currently holds the position of Superintendent of the Oakley Union Elementary School District (OUESD) in Oakley, California. He has held this position for 11 years. Dr. Rogers has also served as OUESD’s Assistant Superintendent of Human Resources, the Assistant Superintendent of Human Resources for Mount Diablo

Unified School District, Assistant Superintendent for Personnel at Lincoln Unified School District and Assistant Superintendent for Personnel of Tracy Public Schools.

- **Jonathan Raymond** is the current Superintendent of the Sacramento City Unified School District, which is the twelfth largest school district in California and serves approximately 43,000 students in Sacramento, California. Mr. Raymond has served in this capacity for approximately four years. Prior to this position, Mr. Raymond served as the Chief Accountability Officer for Charlotte-Mecklenburg Schools in North Carolina.
- **Catherine Scott** is the current superintendent of the Southern Humboldt Unified School District, which covers 770 square miles in California's Humboldt and Mendocino counties. She has held this position for two years and has worked in the California public school system for 12 years. During those 12 years, Ms. Scott has also served as an assistant principal and principal of several small schools as well as assistant superintendent in Willits Unified School District.
- **William Bragg** is the former Superintendent of Cupertino Union School District in Cupertino, California. He was employed in this position for 10 years. Now retired, Dr. Bragg has 36 years of experience in the California public education system. Over the course of his career, Dr. Bragg has also served as an Assistant Superintendent for Curriculum and Personnel, an Assistant Superintendent for Personnel, a principal, and a classroom teacher.
- **Kenneth Noonan** was a teacher and administrator in the California public school system for 40 years. He spent 30 years as a superintendent in three K-12 school districts: Corcoran Unified School District, Gilroy Unified School District and Oceanside Unified School District. Previously, Mr. Noonan has served on the State Board of Education, including as president; on the Board of Directors of the Association of California School Administrators (ACSA); as the founding president of the California Association of Bilingual Educators (CABE); and as a founding member of the California Association of Latino Superintendents and Administrators (CALSA). He is also a member of the Board of Directors of ConnectEd in Berkeley, the President's Advisory Council at California State University San Marcos, and the Board of Directors of the Mira Costa College Foundation.
- **Susan Parks** worked in the California public school system for over 30 years. Before retiring, Dr. Parks served as Superintendent of the San Gabriel Unified School District for 5 years. Prior to that, she served as Superintendent of the Baldwin Park Unified School District and Deputy Superintendent of the Simi Valley Unified School District. Dr. Parks has also held positions as principal of Walnut Grove Elementary School, the Curriculum Director (K-12) and Assistant Superintendent of Education Services at Hollow Hills Fundamental Elementary School and as a teacher in LAUSD.

Plaintiffs

Plaintiffs are nine school-aged children with a diverse range of backgrounds and aspirations. They hail from cities and towns across the State, including Los Angeles, Pomona, San Jose, and Oakland. Some Plaintiffs attend elementary school, while others are in middle school and high school. Yet Plaintiffs share one important trait: like many other California schoolchildren (and their parents), they *all* fear the substantial risk that they will be assigned to one or more grossly ineffective teachers in the California public school system.

The following document contains summaries of their stories, pulled directly from Plaintiffs' opposition to Defendants' and Intervenors' motions for summary judgment, giving just a glimpse into the harm suffered by thousands of schoolchildren in California due to the State's arcane and unconstitutional teacher tenure, dismissal and layoff laws.

Using the annotation POMSJ (Plaintiffs' Opposition to the Motions for Summary Judgment) and the page and line numbers, we have cited the location in the opposition where you can find the quote.

Beatriz and Elizabeth

Beatriz, fifteen years old, and Elizabeth, sixteen years old, live with their mother, father, and four siblings in Pacoima, California. Their family is socio-economically disadvantaged and Hispanic. Beatriz and Elizabeth attend a traditional district school in Los Angeles Unified School District (LAUSD) and hope to attend college when they graduate. Although they have been taught by some teachers who have "inspired" them, they have also been taught by multiple grossly ineffective teachers. One of Beatriz's teachers, for example, consistently fell asleep during class and was utterly incapable of controlling his chaotic students. Another teacher referred to Beatriz, Elizabeth, and his other Latino students as "cholos" who would "never graduate" and would instead "clean houses for a living." This same teacher permitted his students to smoke marijuana during class and "never seemed to care" about the well-being of his students. In eighth grade, Elizabeth was taught by a grossly ineffective English teacher who lacked control over his class and whose students read only one chapter of one book over the course of the entire school year. Beatriz and Elizabeth suffered the consequences of their teachers' inadequacies, as Beatriz fell behind in math and Elizabeth's writing and analytical abilities deteriorated. The sisters struggled mightily to "catch up" and stay academically competitive with their peers. Yet despite their ambition, they fear that their shared dream of attending college is in jeopardy because of the grossly ineffective teachers that have held them back. They worry deeply that having another grossly ineffective teacher could put college out of reach for them entirely. (POMSJ at 24:1-23.)

Daniella

Daniella is a twelve year-old Mexican-American and economically disadvantaged student who lives in east San Jose, California, a primarily minority and low-income community. Daniella attended traditional district schools in San Jose, California, but was assigned to multiple grossly ineffective teachers who were unable or unwilling to teach Daniella how to read, write, or perform basic mathematical calculations. As a third grader who still could not read, Daniella “was broken as a student.” She felt isolated from her peers and fell further and further behind grade level in all subjects. In desperation, Daniella’s parents transferred Daniella midway through her third grade year to Rocketship Si Se Puede Academy, a public charter school in the Alum Rock Union Elementary School District. She began to thrive and even attained proficiency in her school subjects, a trend she has maintained at her current charter school. At the charter school, when Daniella and other students became concerned about an ineffective teacher, the teacher was swiftly replaced with a teacher that enabled the students to continue their academic progress. Daniella’s family would consider sending her back to a traditional district school—and may have no choice if she is denied admission to a charter high school—but based on their past experiences, they are horrified at the prospect that Daniella could again be assigned to a grossly ineffective teacher and that all of her hard-fought progress could be erased. (POMSJ at 24:24-25:15.)

Brandon

Brandon is a seventeen year-old student who lives with his mother and father in Oakland, California. Brandon and his family are African-American and, although his parents both work, they are economically disadvantaged. Brandon is an accomplished football player who hopes to attend college and someday obtain a master’s degree. But Brandon has been hindered by two grossly ineffective teachers who made him feel “destined for failure.” One teacher told Brandon that he “wouldn’t amount to anything” when he was only in the fifth grade. Another, Brandon’s tenth-grade geometry teacher, expected his students to learn math on their own and whittled away the lion’s share of class time taking attendance. Even though other teachers at Brandon’s school were acutely aware of that teacher’s ineffectiveness, and even warned Brandon to “be careful” in his class, the school could do nothing about it. During the period that Brandon was taught by this geometry teacher, Brandon’s math skills stagnated and his grade point average plummeted. Even though Brandon is in twelfth grade, he worries that the teachers to whom he has recently been assigned, or the teachers to whom he may be assigned in the future, could also be grossly ineffective, jeopardizing his ability to attend college. (POMSJ at 25:16-26:5.)

Julia

Julia is a thirteen year-old Hispanic student who lives in Reseda, California, with her mother, her father, and her younger sister. Julia—who dreams of attending Harvard Law School—has been taught by two grossly ineffective teachers in the traditional district

system. Julia's second-grade teacher repeatedly told Julia that she was "just not good at math," devastating Julia's confidence and causing Julia to cling to her parents when they would drop her off at school. She even asked her parents if she could be home-schooled to avoid her teacher's disparaging words. Julia's parents contacted the principal, who agreed that the teacher was a problem and advised them "to transfer [Julia] to another classroom." In sixth grade, Julia was assigned to a second grossly ineffective teacher who would lose her students' written assignments and even called some of her students "stupid." As a result, Julia's test scores plummeted and she again lost confidence in her own abilities. When Julia was taught by two wonderful teachers, they both received RIF notices. At one point, parents and teachers at Julia's school rallied "to save" one of her teachers, a teacher who was "caring, smart, and motivational," yet their efforts fell short and the teacher was laid off. Based on these experiences, Julia fears that she will again be taught by a grossly ineffective teacher who will destroy her confidence and academic progress. (POMSJ at 26:6-24.)

Clara Grace

Clara Grace is an eight year-old fourth-grade student who lives in Encino, California. Clara was taught by a highly effective teacher during kindergarten and first grade, a teacher who "got [her] students excited about learning" and was "universally liked by parents and students." When this "superstar" teacher received a RIF notice, the community was distressed that laying off "one of the best teachers" "did not make any sense." In stark contrast, Clara was taught by a grossly ineffective teacher during her second grade year who spent an inordinate amount of classroom time throwing parties rather than teaching. Clara's parents and the parents of other students in the class complained to the school principal, who advised them that her "hands were tied." Although Clara received good grades during second grade, she struggled with many of her subjects and—after she was assigned to an engaging and effective teacher in third grade—her standardized test scores skyrocketed from where they had been in second grade. Clara's family has not yet determined where Clara will attend middle school, but Clara and her family fear that she is a substantial risk of being taught by another grossly ineffective teacher if she decides to enroll in another traditional district school. (POMSJ at 27:1-16.)

Herschel

Herschel, ten years old, also lives in Encino, California and attends school with Clara Grace. Herschel's family has not yet determined where he will attend middle school and is considering Gaspar de Portola Middle School, a traditional district school that has a predominately minority and socio-economically disadvantaged student population. Herschel has been fortunate thus far and has not been assigned to a grossly ineffective teacher; however, Herschel's older brother was taught by a grossly ineffective teacher in a traditional district school in LAUSD, and Herschel and his family are aware of Clara's experiences with a grossly ineffective teacher. They also have witnessed effective teachers receive RIF notices. As a result, Herschel fears that he will be taught by a grossly ineffective teacher if he remains in a traditional district school. (POMSJ at 27:17-28:5.)

Raylene

Raylene, an Hispanic, socio-economically disadvantaged fifteen-year old student, lives in Pomona, California. She loves to read novels and write stories, and aspires to study English in college. In order to reach that goal, Raylene has taken multiple courses at a private school for gifted students during her summer breaks. She currently attends a charter high school and previously attended traditional district schools in the Pasadena Unified School District and the Long Beach Unified School District. Raylene was unfortunate enough to have been taught by three grossly ineffective teachers while at traditional district schools. Her fifth-grade teacher, for example, often spoke about personal and inappropriate subjects to her elementary-school class and once threw an overhead projector in the direction of her students out of anger. During middle school, Raylene's physical education teacher wasted large portions of the class, "ignored" his students, and told them they would not "amount to anything" and would "end up in jail." And in high school, Raylene was assigned to a grossly ineffective teacher who lacked any ability to control her classroom. Raylene has been taught by effective teachers as well, but at least one of those teachers received a RIF notice and was laid off because of his lack of seniority. Raylene would like to return to a traditional district high school that her friends attend, but she fears she would be assigned to yet another grossly ineffective teacher. (POMSJ at 28:6-24.)

Kate

Kate lives in San Carlos, California and is a senior at a traditional district high school in the Sequoia Unified High School District. Kate is an avid participant in extracurricular activities, hopes to attend Stanford University, and envisions that she may someday become an architect. The majority of Kate's teachers have been effective, yet she was assigned to a grossly ineffective science teacher during middle school. Rather than engaging and challenging the students, her teacher wasted classes playing YouTube videos, instituting "coloring time" for her eighth-grade students, and playing with the classroom pets. The teacher even delegated her teaching duties to other eighth-grade students. And when Kate expressed her frustrations with the principal and other teachers at her school, she learned that school officials were already well aware of her teacher's deficiencies. Because of this teacher, Kate fell behind in science and spent considerable time and effort trying to catch up. As she prepares to attend college at a high-caliber university, Kate fears—based on previous experience—that one or more of the teachers that might teach her this year will be grossly ineffective, and that she will enter college at a competitive disadvantage as a result. (POMSJ at 28:25-29-23.)

Experts

Decades of research confirm what students and parents have long known: the effectiveness of teachers is a key determinant of the quality of education that students receive and students' long-term success.

The following document contains direct quotes from Plaintiffs' opposition to Defendants' and Intervenors' motions for summary judgment, highlighting information from the declarations of key expert witnesses and research reports.

Using the annotation POMSJ (Plaintiffs' Opposition to the Motions for Summary Judgment) and the page and line numbers, we have cited the location in the opposition where you can find the quote.

Eric Hanushek

Erik Hanushek is the Paul and Jean Hanna Senior Fellow at Stanford University's Hoover Institution, as well as a Professor (by courtesy) of Education and Economics at Stanford University. He is the Chairman of the Executive Board of the Texas Schools Project at the University of Texas at Dallas, a Senior Research Fellow at the Cecil and Ida Green Center for the Study of Science and Society at the University of Texas at Dallas, and a Member of the Koret Task Force on K-12 Education at the Hoover Institution. He is a Research Associate at the National Bureau of Economic Research, and a Member of the Management Team of the Center for Analysis of Longitudinal Data in Education Research (CALDER). Prior to joining the Hoover Institution, he was a Professor of Economics and Political Science at the University of Rochester from 1978 to 2000. Dr. Hanushek also served in the U.S. Air Force from 1965-74. He received a B.S. in Economics from the U.S. Air Force Academy and a Ph.D. in Economics from the Massachusetts Institute of Technology. He is a member of several learned societies, such as the American Economic Association, the American Education Finance Association, the Association for Public Policy Analysis and Management, the Econometric Society, the Society of Labor Economists, the American Educational Research Association, and the International Institute of Public Finance. He is a Fellow of the International Academy of Education, the Society of Labor Economists, and the American Educational Research Association, and a Member of the National Academy of Education. Dr. Hanushek has published more than twenty books, including four volumes of the Handbook of the Economics of Education, and over two hundred articles in the education field.

- Simply put, effective teachers are “the most important in-school factor” influencing student achievement. (POMSJ at 4:5-6.)
- The disparity between effective and ineffective teachers is dramatic. Whereas the very best teachers are able to achieve a *year and a half* of student academic growth in a single school year, grossly ineffective teachers—those in the bottom five to ten percent of their profession—achieve student growth of no more than *half of a year*. (POMSJ at 4:19-22.)

- For example, researchers have calculated that grossly ineffective teachers lower academic growth by at least 0.2 standard deviations compared to teachers at the median level of effectiveness. (POMSJ at 19:13-15.)
- Stated differently, students taught for a single year by a teacher in the bottom five to ten percent of teacher effectiveness miss out on *at least* half a year of academic growth, falling significantly behind their peers. (POMSJ at 19:16-18.)
- Students assigned to two or more grossly ineffective teachers in a row are unlikely ever to catch up to their peers or perform at grade level. (POMSJ at 19:18-19.)
- And the devastating effects of grossly ineffective teachers last beyond grade school, lowering the students' college attendance rates and lifetime earnings. Indeed, 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. (POMSJ at 19:20-20-1.)
- Not only are students more likely to succeed in school when they are taught by effective teachers; teacher effectiveness "has substantial impacts on a broad range of [student] outcomes" outside of school, including the likelihood that a child will attend university, the quality of the university, the child's future earnings, the likelihood of her becoming pregnant as a teenager, the quality of the neighborhood in which she will live, and the amount she will save for retirement. (POMSJ at 3:20-24.)

Laura Preston

Laura Preston is a Legislative Advocate for the Association of California School Administrators (ACSA). ACSA is a statewide association comprised of over 15,000 educational leaders with a wide variety of jobs within the education field. ACSA members are from all types of school districts and county offices of education. ACSA members include, but are not limited to, superintendents, assistant/deputy superintendents, directors of human resources and curriculum and instruction, chief business officials, principals, classified leaders, adult education administrators, career technical education administrators, special education leaders, and alternative education administrators. A major focus of Ms. Preston's work for ACSA involves employer/employee relations on behalf of administrators in school districts and county offices throughout the State of California. Ms. Preston has a B.A. in Public Administration from California Polytechnic University.

- [D]espite the well-recognized defects in the Challenged Statutes, legislative efforts to reform the statutes consistently fail.
- Indeed, Intervenor [(the California Teachers Association and the California Federation of Teachers)]—in a transparent effort to render this action moot and foreclose judicial review of the Dismissal Statutes—recently endorsed AB 375, a bill that was rushed through the California legislature just days before Intervenor's summary judgment motion was due to be filed, which would have made it *more* difficult to dismiss grossly ineffective teachers. (POMSJ at 23:3-7.)

Arun Ramanathan

Arun Ramanathan is the Executive Director of Education Trust-West (ETW). ETW is a statewide educational policy, research, and advocacy organization dedicated to exposing and forever closing the opportunity and achievement gaps that separate students of color and low-income students from other youth. One of ETW's core beliefs is that school leaders and highly effective teachers play the most important roles in closing the opportunity and achievement gaps. ETW's work focuses on advocating for reforms in three critical areas. First, ensure access to effective teachers for every student. Second, support access to and success in college and career, from K-12 through higher education. Third, ensure adequate and equitable funding for all students. ETW's goal is to drive a state and national conversation about how our educational system can better serve all students. Prior to joining ETW, Dr. Ramanathan was the chief student services officer for the San Diego Unified School District (SDUSD). During his tenure at SDUSD, he reorganized and streamlined both student services and special education services, focusing his work on producing significant gains in student achievement and closing the achievement gap between disabled and non-disabled students. Dr. Ramanathan also served as the special assistant for three superintendents at SDUSD and as the Executive Director for Government Relations at SDUSD. Prior to joining SDUSD, Dr. Ramanathan was a research director, general and special education teacher and a paraprofessional in New England and California, and a Volunteer in Service to America in rural Appalachia. Dr. Ramanathan received a B.A. from Dartmouth College, a M.Ed. from Boston College, and an Ed.D. from Harvard Graduate School of Education.

- There is no question that the next round of RIFs (like all previous rounds) will have a disproportionate adverse effect on schools serving predominantly poor and minority schoolchildren, where teachers with lower seniority are congregated. (POMSJ at 51:2-5.)
- The unrefuted evidence corroborates Plaintiffs' contention: "a low-income student [in LAUSD] is more than twice as likely to have [an ineffective] teacher for English-Language Arts ('ELA'), and 66 percent more likely to have [an ineffective] teacher for math, than a student from a relatively more affluent background." (POMSJ at 55:14-18.)
- And "a Latino or African-American student [in LAUSD] is over three times as likely to have [an ineffective] teacher for ELA, and nearly two times as likely to be assigned to [an ineffective] teacher for math." (POMSJ at 55:18-20.)
- Indeed, experts agree that teachers can "dramatically accelerate or impede the academic performance" of their students. (POMSJ at 3:18-19.)
- [L]ow-income and minority students lose a higher percentage of their teachers when seniority-based RIFs occur. "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." (POMSJ at 20:26-21:1.)
- In recent years, a handful of districts—including San Francisco Unified School District and Sacramento City Unified School District—have attempted to invoke LIFO Statute subsection (d)(1) to implement RIF layoffs in ways that take into

consideration the best interests of their students. Administrative law judges and courts reviewing the districts' layoffs, however, have rejected the districts' efforts to invoke subsection (d)(1) in that manner. (POMSJ at 9:8-12.)

Kevin Reed

Kevin Reed currently is the Vice Chancellor-Legal Affairs at the University of California Los Angeles, and Associate General Counsel of the University of California. He was the General Counsel of Los Angeles Unified School District (LAUSD) from 2003 to 2008, and a partner at the law firm of Strumwasser & Wocher LLP in Santa Monica, California from 1996 to 2004. For six years, he also served as the managing attorney for the western regional office of the NAACP Legal Defense and Education Fund, Inc. in Los Angeles, California. He received a B.A. from the University of Virginia and a J.D. from Harvard Law School. He is a member of the California, Massachusetts, and New York state bars. As the General Counsel of LAUSD from 2004 to 2008, Mr. Reed's responsibilities included directing LAUSD's legal affairs, representing LAUSD in various types of litigation (including teacher dismissal hearings), overseeing legal work of 40 outside law firm and 40 in-house attorneys, and negotiating collective bargaining agreements with LAUSD's eleven employee units. Specifically, his job responsibilities included providing legal advice on LAUSD's decisions as to whether to grant permanent status to a probationary teacher, whether to attempt to dismiss a certificated teacher with permanent status, and whether and how to conduct district-wide reductions in force (RIFs).

Dan Goldhaber

Dan Goldhaber is the Director of the Center for Education Data & Research, and a Research Professor in Interdisciplinary Arts and Sciences at the University of Washington Bothell. He is the co-editor of *Education Finance and Policy*, and previously served as an elected member of the Alexandria City School Board in Alexandria, Virginia from 1997 to 2002, and as an Associate Editor of *Economics of Education Review*. Dr. Goldhaber received a B.A. in Economics from the University of Vermont and a M.S. and Ph.D. in Labor Economics from Cornell University. His work primarily focuses on issues of educational productivity and reform at the K-12 level, the broad array of human capital policies that influence the composition, distribution, and quality of teachers in the workforce, and connections between students' K-12 experiences and postsecondary outcomes. His research has been regularly published in leading peer-reviewed economic and education journals, and my research has been covered in more widely accessible media outlets such as NPR, the *New York Times*, the *Washington Post*, *USA Today*, and *Education Week*.

###