

Students Matter

Defending students' rights through impact litigation

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Court Hears Highly Anticipated Testimony from First Plaintiff in *Vergara v. California*

Brandon DeBose, Jr.: “I want to go to college”; getting another bad teacher is “something that I can't afford.”

Former LAUSD Teacher Maggie Pulley: “I don't think that time spent as a teacher is what makes you an effective teacher. I think it's what you do with that time.”

Students Matter Releases [Video](#) Featuring Student Plaintiffs

LOS ANGELES – The education equality trial, *Vergara v. California*, began its third week this morning with compelling testimony from two educators, the father of a Plaintiff, and a Plaintiff.

Brandon DeBose, Jr., a high school senior from Oakland, provided highly-anticipated testimony on the impact that teachers have had on his education and development. Joe Macias (father of Plaintiff Julia Macias), Maggie Pulley (a former kindergarten teacher) and Bill Kappenhagen (a principal at a San Francisco school) joined Brandon in today's witness line-up.

Plaintiffs' lead co-counsel, Marcellus A. McRae, conducted the direct examination of Mr. Macias. Theane Evangelis and Enrique A. Monagas, also Plaintiffs' counsel, conducted the direct examinations of Mr. Debose and Ms. Pulley, respectively. Joshua Lipshutz, Plaintiffs' counsel, completed the redirect examination of Mr. Kappenhagen.

Vergara v. California recognizes the importance of teachers and seeks to safeguard the constitutional right of every student in California to equal educational opportunities. During the trial, Plaintiffs have presented evidence of the substantial harms imposed on students by California's permanent employment, dismissal, and seniority-based layoff laws. Today's testimony was the first time that one of the nine Plaintiffs has taken the stand.

Video from today's proceedings is available at the following link:

<http://vimeo.com/studentsmatter>

Testimony by Brandon DeBose, Jr.

Brandon DeBose, Jr., the first of four Plaintiffs scheduled to testify this week, took the stand today to speak about his experience with effective and ineffective teachers. Brandon, an African-American high school senior and accomplished athlete from Oakland, California, strives to attend college and ultimately to obtain a master's degree.

From the stand, Brandon spoke about the power of a good teacher, noting that "**[a] good teacher basically progresses you to your goals.**" He further testified that, as a student, he believes that ineffective teachers cause students to become discouraged and lose interest in their classes.

Brandon also spoke about an "extremely bad" teacher who taught him in the fifth grade:

"She was disrespectful and hurtful and I did not appreciate being in her class... She pulled me to the side and spoke negatively to me and told me I wouldn't amount to anything... Coming from someone who's supposed to teach you and has authority over you at the time, it feels like the truth, something you have to live with at the time."

During his testimony, Brandon testified about a second "extremely bad" teacher who taught him geometry. Specifically, Brandon described the ways in which this teacher made the classroom environment uninviting for learning:

"The windows were painted black and they were shut. It was really humid in the classroom, so kids would try to open the windows, but he would yell at them. The only fan in the classroom was the one he pointed only at himself... He would take roll for 10 to 15 minutes out of the 45 minutes we had to learn." He added that in this teacher's class, students had to "try to learn on [their] own and not everybody could do it."

The teacher had a significant impact on Brandon:

"It discouraged me from coming to class. It put me behind my peers... I want a fair chance to succeed...I was hurt because mentally I couldn't do anything about this teacher... As a teacher, you should always progress your students forward, not two steps back."

Near the end of his examination, Brandon testified as to why he became a Plaintiff in *Vergara v. California*, noting: "**I want to go to college; that's one of my goals. I have dealt with the harm of having bad teachers.**" Brandon then noted that he is afraid of getting another bad teacher because "**that's something that I can't afford.**"

Testimony by Joe Macias

Joe Macias, father of thirteen-year-old Plaintiff Julia Macias, testified about the impact of two

ineffective teachers on his daughter's self-esteem and education.

At the start of his testimony, Mr. Macias acknowledged that he believes schools are not solely responsible for a child's education: **"I think it's a partnership...I'm partly responsible and the school is partly responsible as well."**

Mr. Macias then went on to describe a grossly ineffective teacher who had a significant negative impact on his daughter's education. According to Mr. Macias, his daughter was afraid of going to the classroom with this teacher and even asked if she could be homeschooled. "She was demoralized, afraid to ask questions and intimidated in that classroom," Mr. Macias said.

In an effort to resolve the matter head-on, Mr. Macias and his wife met with Julia's teacher, who told them that "Julia just wasn't good in math" and that "there are students that are good in math, and students that are not...**she wrote off my daughter [as someone who] didn't have the capacity to learn.**" The response of Julia's teacher prompted Mr. Macias to meet with the school principal, who vowed to observe the class. Mr. Macias testified that the principal observed the class over a period of two weeks, stated that the teacher was the problem, not Julia, and ultimately recommended that Mr. Macias transfer Julia to another class.

After transferring Julia to a different second grade teacher's classroom, Mr. Macias observed that Julia **"was no longer afraid being in the classroom, she was no longer afraid of going to school, was no longer anxious, she was returning to the child that I knew that enjoyed school and enjoyed her friends."**

Testimony by Bill Kappenhagen

Today's proceedings began with the completion of testimony by Bill Kappenhagen, the principal of the Phillip and Sala Burton Academic High School in San Francisco. During his testimony, which began last Tuesday, Mr. Kappenhagen shared his experiences working with ineffective teachers both as a principal and as a former teacher.

Mr. Kappenhagen also testified about the importance of having quality teachers teaching in lower-income schools, saying:

"When a student from a lower income family has an ineffective teacher, it puts their life trajectory on hold or even backwards."

During today's redirect examination, Mr. Kappenhagen reiterated the points that he made in his testimony last Tuesday. In addition, Mr. Kappenhagen testified about having regrets regarding his decision to grant tenure to a particular teacher, noting that he would have acted differently if he had had more time to make the decision.

Testimony by Maggie Pulley

Following Mr. Kappenhagen, Maggie Pulley, a former kindergarten teacher at a traditional public

school in the Los Angeles Unified School District (LAUSD), provided impassioned testimony about her experience teaching with and observing ineffective teachers.

Ms. Pulley began her career working at Los Angeles Elementary School in LAUSD. After working in the traditional public school for 3 years, Ms. Pulley decided to work at Larchmont Charter School.

When asked why she left a traditional district school and gave up her statutory job protections, Ms. Pulley responded: **“I left, like I said because I wanted a different teaching environment. I didn’t want to be in an environment with teachers that just kind of phoned it in, and were just going through the motions. I wanted to be in an environment that was exciting, creative and collaborative. There was really no interplay between me and my colleagues at Los Angeles Elementary. It was like, go in your room, shut the door, do whatever you do, and I wanted to be challenged more than that. I wanted to grow. And, I really wanted to have a hand in creating curriculum and not just administering a curriculum that had been given to me in a box.”**

In response to whether the “Last-in, First-out” (LIFO) statute played a role in her remaining a teacher, Ms. Pulley responded: **“If anything, as a new teacher it was kind of discouraging to know that no matter how hard I was working and no matter how effective I was, that if my school were to have layoffs I was going to be gone. I was going to be cut. That was something that kind of always loomed over my head and I knew that that was a reality that I might have to face.”**

When asked about the notion that teachers have little or no impact on the performance of students with out-of-classroom challenges such as poverty and crime, Ms. Pulley made her position clear saying, **“I think that’s pretty absurd. I strongly disagree with that statement. If that were the case then I think academic achievement would be 100% correlated with a student’s background, and no student growing up in poverty or with adverse conditions would be able to succeed, and that’s not the case. I mean in my own school, at Larchmont, we had amazing gains with students who were living in poverty, coming in with English not as their first language, not ideal family situations. And, we got them to a point where they were achieving just as well as any other student. And there are other schools--all over the city, all over the state--that are doing amazing things with students who come from a less than ideal background. So, I reject that completely.”**

Look Ahead: Tomorrow’s Witnesses

Tomorrow, Plaintiffs will call **Beatriz Vergara** and **Elizabeth Vergara** to the stand. Beatriz, a high school sophomore from Pacoima, California, is the named Plaintiff in *Vergara v. California*. She and her sister, Elizabeth, attend a traditional district school in LAUSD and hope to attend college when they graduate.

After Beatriz and Elizabeth Vergara testify, Plaintiffs expect to call **Melanie Courtright**, Senior Vice President of Client Services in the Americas at Research Now, a digital data collection provider. Research Now conducted a survey that Plaintiffs intend to admit into evidence.

Plaintiffs also expect to call Plaintiff **Raylene Monterroza** to the stand. Raylene is a fifteen year-old

student who attended traditional district schools in the Pasadena Unified School District and the Long Beach Unified School District.

In addition, Plaintiffs expect to examine **Nick Melvoin**, a former LAUSD teacher who was laid off under the LIFO Statute.

Finally, Plaintiffs expect to begin the direct examination of **Dan Goldhaber**, a Research Professor of Interdisciplinary Arts and Sciences and an Adjunct Research Professor in the Department of Economics at the University of Washington, Bothell.

Media will have access to a pooled camera to record tomorrow's proceedings.

With student Plaintiffs beginning their testimony today and tomorrow, Students Matter has released a video that includes all nine Plaintiffs. To view the video, visit:

<https://vimeo.com/86161776>



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Students Matter is a national nonprofit organization dedicated to sponsoring impact litigation to promote access to quality public education. Learn more at studentsmatter.org.