

Date Plaintiffs filed *Vergara v. California*: **May 14, 2012**

Duration of trial: **January 27, 2014 to March 27, 2014**

Days in court during trial: **33**

Plaintiffs: **9 public school students, representing 5 California school districts** (Beatriz Vergara, Elizabeth Vergara, Kate Elliott, Brandon DeBose, Jr., Julia Macias, Raylene Monterroza, Herschel Liss, Clara Grace Campbell, Daniella Martinez)

Challenged Statutes: **5**

- **Permanent Employment Statute:** The permanent employment statute forces administrators to either grant or deny permanent employment to teachers after an evaluation period of less than 16 months—before new teachers complete their beginner teacher induction program and before administrators are able to assess whether a teacher will be effective long-term.
- **Dismissal Statutes:** The process for dismissing a single teacher for poor performance involves a borderline infinite number of steps, requires years of documentation, costs hundreds of thousands of dollars and still, rarely ever works.
- **“Last-In, First-Out” (“LIFO”) Layoff Statute:** The “LIFO” statute forces school districts to base layoffs on seniority alone, prohibiting consideration of teachers’ performance in the classroom.

Attempts by Defendants to prevent a decision on the merits of the case: **5**

- **August 20, 2012:** State Defendants file demurrers, motions asking the Court to dismiss the case.
- **November 2012:** State Defendants appeal Court’s decision overruling demurrers.
- **September 27, 2013:** State Defendants and Teachers Unions file motions for summary judgment, asking the Court to rule on the case without a trial.
- **December 23, 2013:** State Defendants and Teachers Unions appeal Court’s decision denying summary judgment.
- **February 2014:** State Defendants and Teachers Unions file motions for judgment, asking the Court to rule on the case before the State Defendants and teachers unions present their defense of the Challenged Statutes.

Witnesses and deponents for Plaintiffs: **30**

School districts represented by Plaintiffs’ witnesses and deponents: **28 districts, comprising 22+ percent of students statewide**

**Plaintiffs’ witnesses (in order of appearance at trial):**

- **Dr. John Deasy:** Superintendent of Los Angeles Unified School District
- **Dr. Raj Chetty:** Professor of economics at Harvard University
- **Larissa Adam:** Principal in the Oakland Unified School District
- **Troy Christmas:** Director of labor relations for the Oakland Unified School District
- **Jonathan Raymond:** Former superintendent of Sacramento City Unified School District
- **Bhavini Bhakta:** Instructional coach and former teacher in the Arcadia Unified School District
- **William Kopenhagen:** Principal in San Francisco Unified School District
- **Mark Douglas:** Assistant superintendent of personnel services for Fullerton School District
- **Dr. Thomas Kane:** Professor of education and economics at the Harvard Graduate School of Education at Harvard University

- **Kareem Weaver:** Former principal in Oakland Unified School District and executive director of Bay Area New Leaders
- **Jonathan Moss:** Former teacher in Compton Unified School District
- **Maggie Pulley:** Teacher in Los Angeles Unified School District
- **Jose Macias:** Father of plaintiff Julia Macias, a middle school student in Los Angeles Unified School District
- **Brandon DeBose, Jr.:** Plaintiff and high school student in Oakland Unified School District
- **Beatriz Vergara:** Plaintiff and high school student in Los Angeles Unified School District
- **Elizabeth Vergara:** Plaintiff and high school student in Los Angeles Unified School District
- **Raylene Monterroza:** Plaintiff and high school student in Pasadena Unified School District
- **Nicholas Melvoin:** Former teacher in Los Angeles Unified School District
- **Dr. Daniel Goldhaber:** Director of the Center for Education Data & Research and a professor at the University of Washington, Bothell
- **Dr. Arun Ramanathan:** Former executive director of The Education Trust-West
- **Sandi Jacobs:** Vice president and managing director for state policy at the National Council on Teacher Quality
- **Frank Fekete:** Education law attorney in California
- **Dr. Anthony Smith:** Former superintendent of Oakland Unified School District
- **Dr. Eric Hanushek:** Professor of education and economics at Stanford University and a senior fellow at Stanford University's Hoover Institution

#### Long-term impacts of ineffective teachers:

- According to the testimony of Dr. Thomas Kane, a student assigned to a grossly ineffective math teacher in Los Angeles loses **11.73 months** of learning per year compared to a student assigned to a teacher of average effectiveness.
- According to the testimony of Dr. Thomas Kane, a student assigned to a grossly ineffective English Language Arts teacher in Los Angeles loses **9.54 months** of learning per year compared to a student assigned to a teacher of average effectiveness.
- According to the testimony of Dr. Raj Chetty, a student assigned to a grossly ineffective teacher loses **\$50,000** in potential lifetime earnings compared to a student assigned to a teacher of average effectiveness. A classroom of 28 children loses **\$1.4 million** in lifetime earnings.
- If only **3 percent** of California's **275,000 teachers** are grossly ineffective and each teaches only **25 students** per year, students lose **\$11.6 billion** in lifetime earnings each year.

#### Unequal access to effective teachers:

- According to the testimony of Dr. Thomas Kane, in Los Angeles Unified, African American students are **43 percent** more likely than white students to be taught by a teacher in the bottom 5 percent of effectiveness. Latino students are **68 percent** more likely to have a teacher in the bottom 5 percent of effectiveness.

#### Permanent Employment Statute:

- Under the current permanent employment statute, administrators have **less than 16 months** to assess the performance of new teachers before granting permanent employment.
- Number of states in the U.S. that require 3 or more years of experience before teachers can earn tenure: **41**
- Number of states in the U.S. that do not have tenure: **3** (Florida, North Carolina, Rhode Island)

## **Dismissal Statutes:**

- According to the testimony of Superintendent Dr. John Deasy, the Los Angeles Unified School District spends in excess of **\$250,000 to \$450,000** per performance-based dismissal.
- According to the testimony of Troy Christmas, the Oakland Unified School District spends approximately **\$50,000 to \$400,000** per dismissal action.
- According to the testimony of Los Angeles Unified School District's Chief Labor Negotiator Vivian Ekchian, the dismissal of a classified employee through the *Skelly* due process costs only **\$3,400**.
- Out of 275,000 teachers statewide, **2.2 teachers** are dismissed for unsatisfactory performance per year on average, which amounts to **0.0008 percent**.

## **"Last-in, First-Out" ("LIFO") Layoff Statute:**

- According to the testimony of Dr. Raj Chetty, per teacher laid off, students would gain **\$2.1 million** in lifetime earnings if California used effectiveness-based layoffs instead of seniority-based layoffs.
- Number of states in the U.S. that prohibit seniority from being the primary criterion considered in layoff decisions: **20** (Arizona, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Maine, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, Washington)

## **Major employment protections for all employees in California:**

- **U.S. Fair Employment Act**, created in 1941: First executive order to prohibit racial discrimination at work and promote equal opportunity
- **U.S. Civil Rights Act**, created in 1964: Outlaws major forms of discrimination against racial, ethnic, national and religious minorities, and women
- **California Equal Employment Opportunity Commission**, created in 1965: Enforces laws against workplace discrimination and investigates discrimination complaints
- **California Department of Fair Employment and Housing**, created in 1980: Protects employees against harassment and employment discrimination on the basis of age, ancestry, color, creed, denial of family and medical care leave, disability, marital status, medical condition, national origin, race, religion, sex, and orientation