

Students Matter

Defending students' rights through impact litigation

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Students Matter Sponsors New Lawsuit to Enforce California Teacher Evaluation Law

***Jane Doe, et al. v. Antioch Unified School District, et al.* Identifies 13 California School Districts That Ignore Student Progress When Evaluating Teachers, In Violation Of State Law**

LOS ANGELES – Students Matter, the nonprofit organization that sponsored *Vergara v. California*, the historic educational equality lawsuit, today announced the filing of a new lawsuit against 13 California school districts that are in violation of the state's teacher evaluation law, the Stull Act. The plaintiffs in *Jane Doe, et al. v. Antioch Unified School District, et al.* ("*Doe v. Antioch*"), a group of California teachers, parents, and taxpayers, seek to ensure that all school districts comply with California law by taking students' standardized testing data into account when evaluating teacher performance, as required by the Stull Act.

Enacted in 1971, the Stull Act requires school districts to evaluate teacher performance by considering the progress of the teacher's students toward district and state academic standards, as measured by state-adopted standards-based tests. The law also requires school districts to consider:

- The teacher's instructional techniques and strategies;
- The teacher's adherence to curricular objectives; and
- The learning environment created by the teacher.

Unfortunately, some school districts in California, including the 13 districts identified in *Doe v. Antioch*, sign collective bargaining agreements that prevent them from complying with the Stull Act—prohibiting them from taking student test scores into account when evaluating teachers. *Doe v. Antioch* asks the court to rule that these districts' refusal to follow the Stull Act is unacceptable and must be stopped.

"The fact that good teachers are critical to student success is no longer up for debate," said Dave Welch, founder of Students Matter. "*Vergara* proved that a high-quality teacher is *the* most important school-based factor affecting student achievement and long-term outcomes. But if we want quality teachers in the classroom who will help our kids succeed, then we have to know whether teachers are actually achieving student learning, as the current law requires."

The filing of this lawsuit is a natural next step for Students Matter, which promotes the message

that our education system must prioritize *students'* best interests above all else. While *Vergara* highlighted the importance of teacher quality in the classroom and the need to reform California's teacher employment laws, *Doe v. Antioch* aims to rectify the failure of districts to comply with a basic threshold of accountability already demanded by law. Indeed, school districts already have access to standardized test data that they can use (and should be using) to inform important professional development and employment decisions. Enforcement of the Stull Act will force these districts to use this information in teacher evaluations—an important step to ensuring that all kids have equal educational opportunities, as demanded by the *Vergara* ruling.

“When parents entrust their children to our schools, they expect that we will do everything in our power to guarantee that they receive the best education possible, and that includes ensuring we have the best teachers in every classroom,” said Michael Hanson, superintendent of the Fresno Unified School District. “Teaching is the most important job in our society and that is why we can’t afford to have districts across the state turn a blind eye to established state law and fail to use measures of student progress, such as student test scores, as part of educator evaluation. When they do, huge opportunities for all are missed. There are thousands of committed educators who can and should be recognized for their excellent performance and also held up as models for struggling educators who need further support and professional development. Above all though, if student progress is not explicitly front and center in this conversation, we have lost sight of our primary purpose.”

Evidence presented in *Vergara* proved that students taught by ineffective teachers remain “stuck below grade level” for years to come and are less likely to succeed both inside and outside of school. Evidence also showed that replacing a highly 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.

“In *Vergara v. California*, we proved that teacher quality is the most important in-school factor affecting student success,” said Plaintiffs’ counsel Theodore J. Boutrous, Jr. of Gibson, Dunn & Crutcher LLP who, together with Marcellus A. McRae and Joshua S. Lipshutz, is leading the plaintiffs’ legal team. “Meaningful and reliable teacher evaluations are crucial to determining whether students are being taught by effective teachers. *Doe v. Antioch* seeks to ensure that school districts are utilizing all available information to determine the effectiveness of their teachers, as required by state law.”

The districts named as defendants in the lawsuit are: Antioch Unified School District, Chaffey Joint Union High School District, Chino Valley Unified School District, El Monte City School District, Fairfield-Suisun Unified School District, Fremont Union High School District, Inglewood Unified School District, Ontario-Montclair School District, Pittsburg Unified School District, Saddleback Valley Unified School District, San Ramon Valley Unified School District, Upland Unified School District, and Victor Elementary School District. Together, these 13 districts serve nearly 250,000 California public school students.

The complaint was filed in Contra Costa Superior Court. To read the complaint, click here: <http://studentsmatter.org/wp-content/uploads/2015/07/Doe-v.-Antioch-USD-Complaint-and-Exhibits.pdf>

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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.