

B258589

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION TWO**

BEATRIZ VERGARA,
a minor, by **Alicia Martinez, as her Guardian ad litem, et al.**
Plaintiffs and Respondents,

v.

STATE OF CALIFORNIA, et al.
Defendants and Appellants,

and

CALIFORNIA TEACHERS ASSOCIATION, et al.
Intervenors and Appellants.

On appeal from the August 27, 2014 Final Judgment of the Superior Court of the State of California in and for the County of Los Angeles (BC484642), Honorable Rolf M. Treu presiding.

COMBINED APPLICATION FOR LEAVE TO FILE A BRIEF AS AMICI CURIAE, AND [PROPOSED] AMICI CURIAE BRIEF, OF ADAM KUPPERSMITH, KAREN SYKES-ORPE, AND KATHERINE CZUJKO.

IN SUPPORT OF PLAINTIFFS AND RESPONDENTS BEATRIZ VERGARA, et al.

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CZUJKO.**

**IN SUPPORT OF PLAINTIFFS AND RESPONDENTS BEATRIZ
VERGARA, et al.**

TO THE HONORABLE PRESIDING JUSTICE ROBERT W. BOREN:

Pursuant to Rule 8.200(c) of the California Rules of Court, Adam Koppersmith, Karen Sykes-Orpe, and Katherine Czujko (collectively, “Amici”), request leave to file the accompanying amici curiae brief in support of Respondents Beatriz Vergara, *et al.*

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STATEMENT OF INTEREST OF AMICI

Amici are a group of high performing public-school teachers who are shielded by the statutes challenged in this appeal, but firmly believe that the education of students should come before job security for teachers. As public-school teachers in California, Amici are all directly affected by this Court's decision. Amici have witnessed the problems created by these statutes and believe that California students will directly benefit if this Court affirms the trial court's judgment.

Amicus Adam Koppersmith is a teacher in the Los Angeles Unified School District ("LAUSD"). Beginning in the Fall of 2015, Mr. Koppersmith will be teaching tenth-grade English at Huntington Park High School. He has been a public-school teacher for approximately seventeen years. For his entire teaching career, Mr. Koppersmith has taught English at underprivileged public schools like those at issue in this case. Most recently, he was a middle-school teacher at John Muir Middle School. Prior to moving to John Muir Middle School, he was a teacher at Henry Clay Middle School, which was one of the lowest performing public schools in the State of California. Mr. Koppersmith was named an LAUSD Teacher of the Year for 2012. He has also been honored as a California League of Middle Schools Outstanding Educator, and most recently by United Way as an inaugural recipient of their Inspirational Teacher Award in 2014. Amicus Koppersmith believes that the challenged statutes must be

reformed in order to provide under-served students with equal access to quality education.

Amicus Karen Sykes-Orpe is a teacher in LAUSD. Beginning in the Fall, 2015, she will be teaching seventh and eighth grade History, as well as Social Studies electives, at Westside Global Awareness Magnet, a Title 1 school. She has been a public-school teacher for approximately fourteen years and has previously taught at John Muir Middle School and Henry Clay Middle School. In 2010, Ms. Orpe was selected as an LAUSD Teacher of the Year. She has also earned several competitive educational grants, most recently the nationwide Fund For Teachers Fellowship in 2014. Amicus Orpe believes that the challenged statutes must be reformed in order to provide under-served students with equal access to quality education.

Amicus Katherine Czujko is a teacher at Hollenbeck Middle School, in LAUSD. She has been a public-school teacher for approximately six years. As a secondary science teacher, she currently teaches robotics and engineering elective courses. As a public-school teacher, Amicus Czujko has won numerous awards – she was named an 2013-2014 LAUSD Teacher of the Year; 2015 United Way Inspirational Teacher; and she is a Nationally Board Certified Teacher in Early Adolescent Science. Amicus Czujko believes that the challenged statutes must be reformed in order to provide under-served students with equal access to quality education.

**THE ACCOMPANYING BRIEF WILL ASSIST THIS COURT IN
DECIDING THIS MATTER BY PRESENTING ANALYSIS FROM A
UNIQUE PERSPECTIVE AND WITH A DIFFERENT FOCUS
THAN THAT COVERED BY THE PARTIES**

The accompanying brief will assist the Court by providing an analysis of the challenged statutes from the perspective of effective teachers currently teaching in California public-schools. Amici contend that the challenged statutes do not meet the policy goals of the California Education Code, do not motivate the best applicants to join the teaching profession, and directly harm the education of California students – particularly poor and minority students. Amici do not focus on equal protection or Constitutional issues; rather, they focus on the actual effects that these statutes have on the profession and the importance of attracting and retaining quality teachers.

ADDITIONAL INFORMATION PURSUANT TO RULE 8.200 (c)(3)

No party or counsel for a party in this case authored the accompanying amici curiae brief, in whole or in part. No party or counsel for a party in this case made a monetary contribution intended to fund the preparation or submission of the accompanying amici curiae brief. No person or entity made a monetary contribution intended to fund the

preparation or submission of the accompanying amici curiae brief, other than the amici curiae, their members, or their counsel.

Dated: August 3, 2015

Respectfully submitted,

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**IN SUPPORT OF PLAINTIFFS AND RESPONDENTS BEATRIZ
VERGARA, et al.**

INTRODUCTION

Amici are a group of high performing teachers who are shielded by the statutes challenged in this appeal, but firmly believe that the education of students should come before job security for teachers. This case involves five statutes within the Education Code that: (1) provide that a California public-school teacher becomes a “permanent” employee after two years of employment;¹ (2) afford California public-school teachers

¹ Education Code § 44929.21(b).

greater protections from discipline and dismissal;² and (3) create a seniority-based layoff system³ (collectively, these statutes are the “Challenged Statutes”). Amici believe that these statutes – each statute individually and especially as a group – cause significant harm to the students of California and directly impact poor and minority students more than others.

Teachers cannot be measured by their years in the classroom. They gain the protection of the Challenged Statutes before their effectiveness can be adequately assessed and retain that protection regardless of performance. At the same time, teachers are laid off in reverse order of seniority no matter how well they do their jobs. The Challenged Statutes allow ineffective⁴ teachers to remain in the classroom, offer little motivation for hard work and improvement, place an unfair burden on effective teachers, and discourage the best new teachers from entering and remaining in the profession. Many organizations and individuals are committed to maintaining this status quo, but the system must be rebuilt with the true goals of education in mind.

² Education Code § 44934; §§ 44938(b)(1),(2); & § 44944.

³ Education Code § 44955.

⁴ Although the words and phrases “effective,” “ineffective,” and “grossly ineffective” are used herein, and although the definitions of some of these words and phrases as used at trial are referenced, their specific definitions are irrelevant for the purposes of this brief. Amici are focused on the broader concept that some teachers are more effective than others, and the benefits levied to an individual teacher by the Challenged Statutes are inverse to the effectiveness of that teacher.

The Challenged Statutes shield teachers at the expense of students, while doing little to attract good teachers to the profession. They motivate ineffective teachers – not effective teachers – to join the teaching profession, make it more difficult to dismiss ineffective teachers, demoralize effective teachers, and substantially reduce the quality of education in California public schools. As Bhavini Bakhta said at trial, “at the end of the day, it’s our school system and all the kids that suffer by having teacher effectiveness play no role whatsoever in layoffs, in placement. I mean, who gets burned at the end? It’s the kids.” (RT 2290:2-6 (Bakhta).)

Without the Challenged Statutes, California’s strong employee protection statutes will still protect teachers, but students will no longer be harmed by a system that puts the quality of their education second.

DISCUSSION

Section 33080 of the California Education Code provides that “[e]ach child is a unique person, with unique needs, and the purpose of the educational system of this state is to enable each child to develop all of his or her own potential.” A system that does not meet this goal not only fails to support the Legislative intent of the laws, but also does a disservice to the children it is designed to help.

A. TEACHER EFFECTIVENESS MATTERS.

No matter how “teacher effectiveness” is defined or calculated, research shows that there is a clear connection between teacher quality and student learning. The influence of effective teachers has a lasting, positive impact on students’ lives, and the positive effects of teacher quality accumulate over the years.⁵ Students who have effective teachers are more likely to go to college, less likely to have teenage pregnancies, and will earn more as adults than students who have ineffective teachers.⁶ (RT 1203:23-1204:3 (Chetty); RT 2713:11-15 (Kane).)

Conversely, ineffective teachers cause long-term damage to their students. At trial, the term “grossly ineffective” was used to describe teachers who are approximately in the bottom five percent with respect to performance among teachers. (RT 1110:5-12 (Chetty).) This is an extremely low standard, with many teachers falling into the category of

⁵ See Policy Studies Associates, *Teacher quality and student achievement: Research review*, Center for Public Education (2005), at <http://www.centerforpubliceducation.org/Main-Menu/Staffingstudents/Teacher-quality-and-student-achievement-At-a-glance/Teacher-quality-and-student-achievement-Research-review.html>;

See also, TNTP, *The Irreplaceables*, (2012) available for download at <http://tntp.org/publications/view/the-irreplaceables-understanding-the-real-retention-crisis>.

⁶ Raj Chetty, John N. Friedman, & Jonah E. Rockoff, *Measuring the Impacts of Teachers II: Teacher Value-Added and Student Outcomes in Adulthood*, American Economic Review (2014), available at <http://obs.rc.fas.harvard.edu/chetty/w19424.pdf>

“ineffective” without falling to the level of “grossly ineffective.” (RT 1117:1-24 (Chetty).)

Even one grossly ineffective teacher has an incredible reach. Just one year in the classroom of a grossly ineffective teacher affects the likelihood that each student will go to college, the neighborhood each student will live in as an adult, and student earnings later in life. (RT 1208:22-1211:10, 1223:20-1224:24 (Chetty).) At trial, Dr. Chetty demonstrated how, by replacing “grossly ineffective” teachers with teachers of average quality, the lifetime earnings of each student who would have been taught by a grossly ineffective teacher for one year are increased. (RT 1220:24-1221:4 (Chetty).)

Teachers have an even bigger impact on poor and minority students. The positive effects of “being taught by a highly effective teacher... were stronger for poor and minority students than for their white and affluent counterparts... [and] the achievement gains from having a highly effective teacher could be almost three times as large for African American students as for white students, even when comparing students who start with similar achievement levels.”⁷ Likewise, the negative impact of the statutes at issue

⁷ Policy Studies Associates, *Teacher quality and student achievement: Research review*, Center for Public Education (2005), at <http://www.centerforpubliceducation.org/Main-Menu/Staffingstudents/Teacher-quality-and-student-achievement-At-a-glance/Teacher-quality-and-student-achievement-Research-review.html>.

here are also concentrated among minority and low income students. (*See e.g.*, RT 1103:5-13 (Chetty).)

At trial, many teachers offered firsthand accounts of the ineffective teachers they worked with over the years and the impact those teachers had on students. Maggie Pulley described a teacher whose walls were decorated with misspelled words. (RT 3247:4-19 (Pulley).) She described another who terrorized her classroom of kindergarteners, leaving them afraid to participate in class – “this woman was a veteran teacher who had taught for 20-plus years and multiplying those 20 students by all those years... brings to light the damage that an ineffective teacher can create in students’ lives.” (RT 3250:27-3251:4 (Pulley).) Describing a two-hour observation of an experienced teacher who appeared “homeless” and “checked out,” Ms. Pulley said “so for [the] duration of the hour and a half, two hours that I was there, there was no direct instruction. Just a lot of busywork and paperwork and students just doing their own thing, which I think is a travesty because students can’t learn that way... You can’t learn by sitting and doing worksheets all day.” (RT 3246:11-18 (Pulley).)

Amici agree with the anecdotal experiences of their peers, the research, and the witness testimony in this case. Like the experts and teachers who testified at trial, Amici have witnessed the impact of

ineffective teachers. Amici have worked hard to help students catch up due to ineffective teachers in lower grade levels, and they have watched their well-prepared students advance into the classrooms of ineffective teachers where the students were likely to fall behind again. Given the long-term impact that teachers leave on their students, the goal of attracting and retaining effective teachers is sound policy.

B. EXPERIENCE DOES NOT AUTOMATICALLY PRODUCE MORE EFFECTIVE TEACHERS.

It is clear that effective teachers make a large, positive impact in the lives of their students, and ineffective teachers have the power to put their students at an equally-great, lifelong disadvantage. With so much at stake, it is crucial to keep as many effective teachers in the classroom as possible while weeding out ineffective teachers. Unfortunately, the Challenged Statutes rest on a false premise – that experience automatically produces more effective teachers.

As in all professions, “there are some very effective new teachers and some quite ineffective teachers with far greater experience.”⁸ As useful

⁸ Donald Boyd; Hamilton Lankford, Susanna Loeb, & James Wyckoff, *Teacher Layoffs: An Empirical Illustration of Seniority v. Measures of Effectiveness*, The Urban Institute, National Center for the Analysis of Longitudinal Data in Education Research (CALDER), (2010) at <http://www.caldercenter.org/publications/teacher-layoffs-empirical-illustration-seniority-vs-measures-effectiveness>.

as it would be to have a clear, objective measure of quality, years in the classroom are not a reliable measure of effectiveness. In fact, “because many districts have redesigned human resource policies to place greater emphasis on the recruitment and retention of effective teachers, they may have hired disproportionately more effective teachers over the last several years than in prior years.”⁹

Supporting this assertion, a comparison between the results of seniority based layoffs and effectiveness based layoffs show that a different group of teachers would be targeted under each.¹⁰ It is undeniable that the current system results “in promising, inexperienced teachers losing their positions, while their ineffective, but more senior, peers continue to teach.”¹¹

In this case, multiple witnesses expressed similar concerns and testified that time in the classroom does not necessarily produce a better

⁹ *Ibid.*

¹⁰ Dan Goldhaber and Roddy Theobald, *Assessing the Determinants and Implications of Teacher Layoffs*, Center for Education Data & Research, University of Washington-Bothell, (2010) at <http://www.caldercenter.org/sites/default/files/1001496-Assessing-Teacher-Layoffs.pdf>.

¹¹ Donald Boyd, Hamilton Lankford, Susanna Loeb, & James Wyckoff, *Teacher Layoffs: An Empirical Illustration of Seniority v. Measures of Effectiveness*, The Urban Institute, National Center for the Analysis of Longitudinal Data in Education Research (CALDER), (2010) at <http://www.caldercenter.org/publications/teacher-layoffs-empirical-illustration-seniority-vs-measures-effectiveness>.

teacher. Many had observed new teachers who were more effective than long time teachers. Ms. Pulley testified that “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... it’s a constant process of innovating, evaluating, growing. And that’s what makes you a good teacher. I don’t think it’s just being in a classroom for ten years.” (RT 3243:9-21 (Pulley).) Another teacher explained that the policies at issue do “not work in the best interest of students because a teacher’s amount of years in the district does not dictate how effectively they teach kids.” (RT 1406:9-18 (Adam).)

Teachers can improve with experience, “but it’s not a guarantee. There are some people who are fantastic teachers who are veteran teachers... there is [sic] fantastic teachers who are new to the district and there are people who struggle who are new to the district and there are people who struggle who have been in the district for a long time.” (RT 2913:3-15 (Weaver).) Another teacher observed “the teacher’s seniority level had no bearing in and of itself on student achievement.” (RT 3674:3-9 (Melvoin).)

Amici agree with the many witnesses who testified that experience does not determine effectiveness and that a different measure of teacher quality should be used.

**C. JOB SECURITY REGARDLESS OF PERFORMANCE DOES NOT
BENEFIT STUDENTS.**

There are two competing theories on how to further the goal of attracting and retaining effective teachers, and these theories no longer exist only in ideological or philosophical discussions, but have been illuminated by rigorous research, data, and witness testimony.

The theory set forth by Appellants is that the Challenged Statutes are necessary to attract and retain effective teachers. At trial, Professor Jesse Rothstein explained how the Challenged Statutes might attract individuals who could pursue higher salaries in other professions, hypothesizing that “if I think that there’s a probability that if I enter into this profession, I will be fired...I’m going to require some sort of compensation for that, to make me willing to enter the profession.” (RT 5916-17 (Rothstein).) He went on to explain that the Challenged Statutes make “the profession more attractive to prospective teachers, and... help[s] recruit effective teachers.” (RT 5944:13-18 (Rothstein).)

However, the competing theory has been proven out – these laws attract and protect ineffective teachers far more than they attract and retain effective teachers. At trial, Jonathan Moss testified that that these types of protections “encourage teachers to not set a high bar for themselves... they know that it really doesn’t matter if their students are learning at all.” (RT 2962:1-6 (Moss).)

And while Intervenor-Appellants correctly point out that districts are allowed to “skip” some junior teachers during reductions in force (Intervenor-Appellant Opening Brief p. 21), they also do not hesitate to drag districts through the courts to prevent those procedures from being applied. (See e.g., *California Teachers’ Association, et al. v. Governing Board of the Oxnard School District* (2011) 2011 Cal. App. Unpub. LEXIS 263, Case No. B222673.)¹²

**D. EFFECTIVE TEACHERS DON’T NEED – OR WANT – JOB
SECURITY AT THE EXPENSE OF THEIR STUDENTS.**

The Challenged Statutes are not a necessary incentive to recruit and retain effective teachers. Teachers consistently testified at trial that they, and others like them, teach because of an intrinsic desire to help students, and not because teaching offers job security.

Maggie Pulley testified that lack of dismissal protections had no effect on the ability of Larchmont Charter School to recruit or retain effective teachers. (RT 3238:1-14 (Pulley).) In addition, when asked why she became a teacher, Ms. Pulley explained that she “really liked working with children,” and “wanted a job that was meaningful.” (RT 3234:8-11, 16 (Pulley).

¹² This unpublished case is referenced only to show that Intervenor-Appellants have taken action against districts that have attempted to keep more junior teachers during layoffs by applying the “skipping” procedure.

She described her desire to give back to her community, saying, “I thought that, you know, having the excellent education I had and the skills I had, it would be a great fit to come back to my community and become a teacher.” (RT 3234:17-20 (Pulley)). She emphasized the lack of impact that dismissal protections and tenure had on her decision, saying “I was going into the profession just because I thought it would be a good fit and it felt like something that could be really meaningful...I wasn’t looking for a guaranteed position.” (RT 3235:18-22 (Pulley).)

Bhavini Bakhta described how she fell in love with teaching after completing two tutoring sessions for a college course, saying “I fell in love with that, with the kids and teaching.” (RT 2262:26-28, 2263:1-2 (Bakhta).) She testified that the Challenged Statutes had nothing to do with her decision to remain in the teaching profession for nine to ten years, because “they have no bearing on my ability to teach or expertise.” (RT 2263:22-28 (Bakhta).)

Lynda Nichols explained that she was inspired to join the teaching profession by one of her son’s middle school teachers, saying that this teacher’s impact on both gifted and struggling students “was really exciting,” and caused her to become “really enamored with education.” (RT 8494:8-23 (Nichols).)

Nicholas Melvoin described his experience working at a camp for homeless children, saying that he became committed to educational

equality after realizing that those children didn't have the same opportunities he had. (RT 3668:3-18 (Melvoin).) He explained, "I got into teaching because of this civil rights issue, and I wanted to be a foot soldier in this movement, and so I was there to work on behalf of my students, and that was the only factor guiding my decision." (RT 3670:1-5 (Melvoin).) He testified that, to the extent that he was aware of the Challenged Statutes, they were not a factor in his decision to become a teacher. (RT 3669:18-27 (Melvoin).)

Kareem Weaver testified that he "always wanted to be a teacher." (RT 2930:4 (Weaver).) He went on to describe a turning point in his own childhood, and he explained that he viewed teaching as an opportunity to "give more students that kind of chance." (RT 2931:1-3 (Weaver).)

Jonathan Moss testified that he "became a teacher because [he] wanted to teach," explaining, "I wanted to impact my students. I knew that I was becoming a teacher because my students needed me. It had nothing to do with job protection. It was because I wanted to provide a service to those that...didn't have opportunities that I had growing up." (RT 2954:3-9 (Moss).) He saw the greatest opportunity to help in low income school districts, saying "I could see they needed great teachers and I wanted to be one." (RT 2952:19-21 (Moss).)

This was a recurring theme at trial: Teachers pursue careers in education because they love teaching and want to make an impact on

students. These sentiments were echoed by *nearly every teacher who testified*; not solely by Plaintiffs' witnesses, but by numerous Defense witnesses as well.

Shannan Brown, testified that she fell in love with teaching while serving as a long term substitute. In that position, she "had the opportunity to see students making meaning of seemingly disconnected facts from U.S. History, taking the situations and apply it to their own lives, and get really passionate about learning." (RT 7406:8-14 (Brown).) Said Ms. Brown "I fell in love with teaching, and I wanted to be a part of supporting students in that way." (RT 7406:15-16 (Brown).)

Christine McLaughlin testified that she always wanted to be a teacher, and training responsibilities at her non-profit job led her to pursue that dream. Said Ms. McLaughlin, "I really did love teaching and training and had gifts for that... there is just something exciting to me about helping a child or even an adult learn something new. It's just an exciting process for me to be involved in that." (RT 5823:1-8 (McLaughlin).) She went on to describe an inspiring teacher from her own past who challenged her and made her "see how awesome it would be to have an impact on someone's life like that." (RT 5823:19-20 (McLaughlin).)

Danette Brown described her experience teaching English abroad, saying "it was there that I discovered a passion and a love for education." (RT 7005:7-11 (Brown).) Ms. Brown said "I knew that teaching was for

me, and I immediately returned and enrolled [in a teaching program.]” (RT 7005:12-17 (Brown).)

Anthony Mize testified that his motivation to become a teacher was based on a desire to make the world better, saying “I wanted to make a positive impact on the world around me, my community, better the world for my children.” (RT 7737:1-3 (Mize).)

These motivations are universal for teachers. An examination of research from several countries, not only the United States, supports the testimony at trial. Research finds that tenure has decreased over time as a motivation for entering the teaching profession, while “altruism still seems to rank high.”¹³ Supporting the testimony of teachers at trial and the experience of Amici, “job satisfaction was ranked higher than both salary and job security.”¹⁴

Amici, who have all won awards for their teaching effectiveness, agree with their colleagues that the Challenged Statutes did not motivate them to become teachers. Further, the Challenged Statutes directly lead to a loss of effective teachers.

¹³ Don Alexander, David Chant & Bernard Cox, *What Motivates People to Become Teachers?* (1994) Australian Journal of Teacher Education, Volume 19, issue 2, page 40.

¹⁴ *Ibid.*

**E. EFFECTIVE TEACHERS ARE DEMORALIZED BY A SYSTEM
BURDENED BY INEFFECTIVE TEACHERS.**

Dr. John Deasy confirmed that, during layoffs, LAUSD has had to lay off teachers who were performing well and were achieving gains in student learning while retaining teachers who were not successful. (RT 657:28, 658:1-3 (Deasy).) Several witnesses, including Kareem Weaver, testified that it is nearly impossible to remove a tenured teacher, no matter how poorly that teacher performs. (RT 2945-2948 (Weaver).) Dismissal of a tenured teacher requires “mountains of paperwork, months of hearings and hundreds of hours of a principal’s time...with no guarantee that the district will back the request or that the teacher will actually be fired even if the principal diligently follows every step of the process.”¹⁵

Amici, and the many other great teachers like them, struggle with the effects of a system that does not reward hard work and good results. At trial, Dr. Deasy confirmed that teachers feel burdened and discouraged by their ineffective peers, saying “Teachers will say they harm the morale of the profession, their desire to remain in the school or in the profession.” (RT 620:4-10 (Deasy).) Nicholas Melvoin cited seniority-based layoffs as a factor in his decision to leave teaching altogether. (RT 3679:15-24

¹⁵ TNTP, *The Irreplaceables*, (2012) available for download at <http://tntp.org/publications/view/the-irreplaceables-understanding-the-real-retention-crisis>

(Melvoin).) Jonathan Moss explained that, when he received a RIF notice in spite of his good performance and hard work, he “felt undervalued,” saying, “I stayed long hours, I was extremely committed to my students, I loved my students, I was a leader on campus and none of this mattered. The district wasn’t excited about me as much as I was excited about my students in remaining a teacher.” (RT 2965:12-19 (Moss).)

Larissa Adam described the effect of layoff notices as very negative, describing how “students were incredibly stressed by the fact that the majority of their teachers had received these preliminary notices. Our parents were incredibly anxious....For teachers it was incredibly demoralizing. They felt unappreciated. And all of our energy as teachers, parents, kids went towards organizing as a community to try to overturn these... notices rather than being able to focus on learning that spring.” (RT 1404:5-26 (Adam).) This causes significant harm to the quality of education and directly harms the students in the short and long term. (RT 1406:12-18 (Adam).)

Many teachers testified that they left teaching positions due to the negative atmosphere created by their ineffective and unmotivated colleagues, and some testified that they left teaching altogether. Said one teacher, “I left Los Angeles Elementary because I wanted a different type of environment for my teaching. At that school there were ineffective and

mediocre teachers. Teachers just kind of showed up and went through the motions.” (RT 3233:20-24 (Pulley).)

In the long-run, the Challenged Statutes cause far more harm than benefit to student education. Rather than creating a sense of stability and job security, they have the opposite effect. (*See*, RT 764 (Deasy).) Because effective teachers join the profession to make a difference, yet find themselves burdened by the retention of ineffective teachers, effective teachers are demoralized and often leave the profession permanently.

CONCLUSION

At trial, many teachers eloquently expressed the problems with the Challenged Statutes and the damage that this system is doing to students and the teaching profession as a whole. Their position may be unpopular among their colleagues, but Amici strongly believe that there will be a substantial increase in the overall quality of teachers if the Challenged Statutes are dismantled. More importantly, Amici believe that the students of California – particularly those in predominantly poor or minority districts – will greatly benefit if this Court affirms the trial court’s judgment.

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Dated: August 3, 2015

Respectfully submitted,

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CERTIFICATE OF WORD COUNT

Pursuant to rule 8.204(c)(1) of the California Rules of Court, I hereby certify that this brief contains 5,273 words, including footnotes, the cover, the tables of contents and authorities, and the application and its cover. In making this certification, I have relied on the word count of the computer program used to prepare the brief.

Dated: August 3, 2015



AARON SHECHET

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 years and am not a party to the within action. I am employed by Chandler & Shechet, LLP and my address is 1844 Bagley Ave., Los Angeles, CA 90035.

On September 14, 2015 I served the foregoing document(s) described as a true copy of:

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IN SUPPORT OF PLAINTIFFS AND RESPONDENTS BEATRIZ VERGARA, et al.

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Aaron Shechet

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