

Students Matter

Defending students' rights through impact litigation

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Student Plaintiffs Petition California Supreme Court to Hear *Vergara v. California*

Vergara Presents High Court with Important Opportunity to Protect Equal Educational Opportunity for All California Students

LOS ANGELES — Today, the plaintiffs in the groundbreaking education equality lawsuit *Vergara v. California* filed a [petition for review](#) with the California Supreme Court, asking that Court to consider the constitutionality of California's teacher tenure, dismissal and layoff laws. In June 2014, the Los Angeles Superior Court issued a landmark decision finding that these pernicious laws handcuff school districts in their ability to make teacher employment decisions in students' best interests and trap thousands of grossly ineffective teachers within California's education system. This, in turn, causes severe and irreparable harm to students across California, particularly low-income students and students of color. On this basis, the Superior Court struck down the laws as unconstitutional under California's equal protection clause. Last month, however, the California Court of Appeal overturned the Superior Court's opinion, applying a flawed legal analysis that departs from long-standing California Supreme Court case law.

"The California Supreme Court has a proud history of protecting the educational opportunities of California schoolchildren," said **Theodore J. Boutros, Jr.**, lead counsel for the plaintiffs. "Time and time again, the Court has intervened when the State's laws and policies deprive our children, particularly our most vulnerable children, of their constitutional rights. The laws at issue in *Vergara* harm thousands of California students every year and are disastrous for low-income and minority communities. We are confident the Supreme Court will act to safeguard the children of this great State by granting review."

In their petition for review, the plaintiffs have asked the California Supreme Court to consider a number of critical legal questions that go to the heart of the equal protection clause of the California Constitution. If the Supreme Court agrees to hear the case, the plaintiffs will ask the court to strike down California's teacher tenure, dismissal and layoff laws as unconstitutional, restoring the judgment of the trial court.

Specifically, the *Vergara* plaintiffs have asked the Supreme Court to review the following questions:

- In a facial constitutional challenge based on the infringement of the fundamental right to basic educational equality, where the plaintiffs have proven that the laws in question impose significant and disproportionate harm on low-income and minority students, is such a showing sufficient to trigger review under the equal protection clause of the California Constitution?
- When a trial court, sitting as finder of fact, finds that a statute has a disparate adverse impact on low-income and minority children, disproportionately harming their educational opportunities as compared to their peers, is that factual finding entitled to deference on appeal?
- In a facial constitutional challenge based on the infringement of a fundamental right, where the plaintiffs have proven that the laws in question have a “real and appreciable” negative impact on the rights of a subset of Californians, is such a showing sufficient to trigger review under the equal protection clause of the California Constitution?

It is expected that the State of California, the California Teachers Association, and the California Federation of Teachers – all defendants or defendant intervenors in *Vergara* – will oppose plaintiffs’ petition for review. The California Supreme Court will likely rule on plaintiffs’ petition later this summer.

To read plaintiffs’ petition for review to the California Supreme Court, visit the [Students Matter website](#).

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A national nonprofit organization founded in 2011, Students Matter promotes access to quality public education through impact litigation, communications and advocacy. Learn more at studentsmatter.org.