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Students Matter Pulls Support for AB 934; Vehemently Opposes Shameful, Special-Interest-Backed Efforts to Water-Down Once Promising Legislation  

Backroom Deals Forced by Defenders of the Status Quo Gut Reasonable Legislative Compromise, Defy Public Support and Public Opinion  

SACRAMENTO — In a disappointing reversal, AB 934 — a bill introduced in April by Assembymember Susan Bonilla to address the broken teacher employment laws challenged by the landmark education equality lawsuit, Vergara v. California — has emerged in the California Senate Education Committee a mere shell of its former self. The bill, which initially sought to support effective teachers and prioritize quality in California’s public education system, now leaves in place the state’s quality-blind “Last In, First Out” layoff system, doubles down on an unconstitutional teacher tenure timeline that deprives administrators of the time needed to fairly evaluate probationary teachers and does nothing to streamline California’s arduous dismissal process that allows grossly ineffective teachers to remain in classrooms and deprive students of learning time.

The watered-down AB 934 fails to address the outdated statutes that have harmed California public school students and teachers by depriving students of the quality teaching they need to succeed, while pushing talented, passionate teachers out of the profession.

Ben Austin, policy and advocacy director for Students Matter, the national nonprofit sponsor of the Vergara lawsuit, issued the following statement in response to the gutted AB 934:

“When AB 934 was introduced, Ms. Bonilla’s bill drew praise from parents, educators, community leaders and newspaper editorial boards across the state, and represented an honest attempt to address the many issues raised by the Vergara case. Students Matter supported the bill as introduced, calling for the Senate Education Committee to use the committee hearing to strengthen — not weaken — the bill.

“That was then. Now, through a deal cut with powerful special interests, the bill abandons California’s six million public school students and hard-working public school teachers. Unfortunately, these are the backroom deals that California voters have become accustomed to, but wholly reject.

“It’s repugnant and a window into the cold political reality that plagues our current legislative process: Money wins; kids lose.
“The revised version of AB 934 is an insult to California’s public school students and hard-working teachers who were counting on leaders in Sacramento to drive meaningful, positive change, and it is offensive to voters across the state who expect our elected officials to serve the public, not powerful special interest groups and their lobbyists. California’s most powerful special interest group stripped the bill of all concrete measures to address the state’s absurd ‘Last In, First Out’ system for teacher layoffs and our broken educator evaluation system. The new bill also seeks to double down on California’s broken tenure system, which a California Superior Court already found unconstitutional. Any previously expressed support or endorsement — from editorial boards, education leaders, and members of the public — should be reconsidered given this attempt to bait-and-switch.

“California students and teachers deserve actual leadership on these issues, not politics as usual. Sacramento is broken, and the promise of equal educational access enshrined in California’s Constitution is being trampled under the weight of single-issue special interests. If the California Supreme Court is in any way debating whether it must step in to resolve these issues, they now have their mandate.”

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. In April, 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 is expected to rule on plaintiffs’ petition later this summer. To read plaintiffs’ petition for review, which was filed on May 24, 2016, visit studentsmatter.org.

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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.