

Students Matter

Defending students' rights through impact litigation

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Superior Court Hears Arguments in Students Matter-Sponsored Teacher Evaluation Lawsuit *Doe v. Antioch*

Lawsuit Challenges 13 California School Districts with Collective Bargaining Agreements That Ignore Student Progress When Evaluating Teachers, In Violation of State Law

MARTINEZ, Calif. — The California Superior Court of Contra Costa County heard arguments today in the teacher evaluation lawsuit, [*Jane Doe, et al. v. Antioch Unified School District, et al. \(“Doe v. Antioch”\)*](#), in which a group of teachers, parents and taxpayers are seeking to force 13 California school districts serving nearly a quarter of a million public school students to comply with the Stull Act, California’s longstanding teacher evaluation law. The lawsuit, sponsored by Students Matter, the national nonprofit organization behind the groundbreaking *Vergara v. California* education equality litigation, seeks a writ of mandate to compel the 13 non-complying districts to finally follow state law by evaluating teachers based, in part, on the progress of their students toward local and state academic standards, as measured by State-mandated tests. Compliance will have a tremendous positive impact not only on the students attending school in these 13 districts, but also on the more than six million public school students statewide who depend on a California school system staffed by quality teachers.

“Every student deserves an education that prepares them for success in college and life,” said **Joshua Lipshutz, lead co-counsel** for the *Doe v. Antioch* plaintiffs. “We need effective teachers in every classroom, and we need meaningful teacher evaluations to ensure we are meeting that goal. In education, learning and quality instruction matter. That is why California law requires school district to evaluate teachers in part based on the student outcomes they achieve. All California school districts must comply with this common sense law.”

“Ensuring accountability in the classroom through evaluations that take into account student progress — as required by law — just makes sense. Without accountability, improvement to our education system is impossible,” added **lead co-counsel Marcellus McRae**. “As long as the Stull Act remains unenforced in some California school districts, California’s education system will fail to live up to its legally mandated promise of equal educational opportunity for all students.”

In court today, attorneys for the *Doe v. Antioch* Petitioners urged Judge Barry P. Goode of the Superior Court of Contra Costa County to enforce the Stull Act and ensure that 13 school districts located throughout California meaningfully evaluate public school teachers in accordance with the law. During the hearing, Petitioners presented a deck outlining their arguments before the court,

as well as evidence of non-compliance by each of the 13 Respondent districts. The full presentation can be found [here](#).

For more than four decades, the State of California has recognized the importance of evaluating teachers based in part on evidence of student learning and growth. Unfortunately, many school districts, often under pressure from local teachers unions, have used the collective bargaining process to roll back these critical accountability measures, in direct violation of the Stull Act. The 13 school district Respondents in this case have devised teacher evaluation systems that intentionally disregard valuable student achievement data that are accessible to them, choosing instead to remain ignorant as to the quality of the teachers in their schools.

First passed in 1971, and amended in 1999, the Stull Act requires school districts to evaluate teacher performance, at least in part, by considering the progress of the teacher's students toward district and state academic standards, as measured by state-adopted standards-based tests. In passing the law, the California Legislature concluded that there must be a nexus between pupil progress and teacher evaluations.

“California law is clear — all students deserve great teachers, and school districts have an obligation to meaningfully evaluate those teachers,” said **Dave Welch, founder of Students Matter**. “It’s not up to local districts and unions to pick and choose which laws are enforced and which laws are ignored. It’s time to take students’ rights to a quality public education off the bargaining table and start maintaining a standard of excellence so that every child, in every classroom, has the opportunity to learn and succeed.”

Over the last few years, the lack of compliance with California’s teacher evaluation laws has received growing attention. In February 2016, Assemblymember Shirley Weber, a longtime champion of education equality in the California Legislature, introduced [AB 2826](#), a bill aimed at refocusing teacher evaluations on student progress and ensuring that districts meaningfully evaluate educators based on multiple measures of academic growth and performance. The California Senate Education Committee unanimously approved Asm. Weber’s legislation on June 29, 2016.

Doe v. Antioch was filed on July 16, 2015. The districts named as Respondents and Defendants in *Doe v. Antioch* 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.

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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.