

Students Matter

Defending students' rights through impact litigation

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Statement on Flawed Superior Court Ruling in Teacher Evaluation Lawsuit *Doe v. Antioch*

Students Matter Founder: Ruling Underscores Need for Governor Brown to Sign AB 2826

MARTINEZ, Calif. — Today, the California Superior Court of Contra Costa County issued a flawed ruling in the multi-school district teacher evaluation lawsuit, [*Jane Doe, et al. v. Antioch Unified School District, et al. \("Doe v. Antioch"\)*](#). Ignoring the clear and unambiguous language of the state's longstanding teacher evaluation law, the Stull Act, the court refused to compel school districts to take student test scores into account when evaluating teachers. Marcellus McRae and Joshua S. Lipshutz of Gibson, Dunn & Crutcher, lead counsel for the *Doe v. Antioch* petitioners — a group of California teachers, parents and concerned citizens — made the following statement in response to the Court's ruling:

"The goal of teaching is for students to learn. In order to evaluate whether a teacher is effective, school districts must evaluate whether that teacher's students are learning. As the Legislature recognized in passing the Stull Act, a teacher evaluation that ignores student learning is a farce that serves neither students nor teachers. Today's decision ignores this basic and indisputable logic and renders the Stull Act meaningless."

David F. Welch, founder of Students Matter, made the following statement:

"In passing the Stull Act, the California Legislature made clear that ensuring our students learn is the sole purpose of our state's education system. Yet compliance with this important law has been, until this point, illusory. Students' educational rights and the opportunity to learn are non-negotiable, and should never be on the bargaining table. If the Court will not enforce the Legislature's clear and unambiguous intent in the Stull Act, then their refusal underscores the need for Governor Brown to sign AB 2826, clarifying the measures of student progress that must be used in the evaluation of educators."

CASE BACKGROUND:

Doe v. Antioch, filed on July 16, 2015 and sponsored by Students Matter, the national nonprofit organization behind the groundbreaking *Vergara v. California* education equality litigation and the federal education opportunity lawsuit *Martinez v. Malloy*, sought a writ of mandate compelling 13

school districts serving 250,000 students to comply with the Stull Act. Each year, a significant number of school districts across California — including the 13 districts named in the case — refuse to evaluate teachers in accordance with state law by entering into collective bargaining agreements that explicitly prohibit consideration of student learning.

After the *Doe v. Antioch* litigation was filed, 9 of the 13 offending school districts—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, Saddleback Valley Unified School District, and Victor Elementary School District—changed their teacher evaluation policies, practices, and/or collective bargaining agreements in an attempt to comply with the law.

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.

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 Legislature passed the bill in August 2016, and it’s currently awaiting the Governor’s signature.

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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.