



Vergara v. State of California Appeal **Talking Points**

5.1.15

Talking Points

- **As educators we believe every student has the right to a caring, qualified and committed teacher.** This is why we are appealing Judge Rolf Treu's misguided decision on a case that seeks to strike down statutes protecting teachers from arbitrary firings, providing transparency in layoff decisions, and supporting due process rights, all of which contribute to student success. This lawsuit was not about helping students, but yet another attempt by millionaires and corporate special interests to undermine the teaching profession and push their agenda on California public schools and students.
- **No one's rights should be taken away.** Students' rights are teachers' rights. Educators have earned professional due process rights and they need them to be able to advocate freely on behalf of their students. Having these rights also gives teachers the ability to speak out on behalf of their students over issues like safety, class sizes, and adequate supplies, or to teach about sometimes controversial national and world issues without fear of retribution. Stripping teachers of their due process rights will not improve student learning and will make it harder to attract and retain quality teachers in our classrooms.
- **This court blatantly ignored all evidence that demonstrates current laws improve the overall quality of public education in California.** In fact, testimony and research actually showed that experience enhances teacher effectiveness and increases student productivity at all grade levels and it helps to attract and retain quality educators to our classrooms. Educators made the case for why due process empowers them to be advocates for their students without fearing reprisal. Administrators testified that the two-year probationary period encourages principals to focus on evaluating and supporting teachers early and often, and that basing layoffs on experience is essential to preserving a collaborative teaching environment. There is nothing unconstitutional about these laws and the plaintiffs clearly failed to show harm to any student.
- **Current laws work.** Unfortunately, as seen in recent cases, many districts fail to act. School administrators have the responsibility to our students and communities to do their jobs and follow state laws which ensure student success. These laws ensure administrators don't end up keeping ineffective new teachers who show little to no improvement during the probationary period; allow them to deal with the unfortunate circumstance of layoffs due to budget cuts or declining enrollment; and ensure teachers

are granted due process rights and are not fired for arbitrary reasons. CTA has long supported streamlining the dismissal process and was instrumental in passing AB 215—policy that went into effect, Jan. 1, 2015 which clarifies current law to ensure educators who engage in egregious misconduct are immediately removed from the classroom, criminally charged and go through an expedited dismissal process.

- **This lawsuit has nothing to do with what’s best for kids.** *Vergara v. State of California* was brought by Students Matter, an organization created by Silicon Valley multimillionaire David Welch and a high-dollar private public relations firm to undermine the teaching profession and push their agenda on our public schools. Students Matter is supported by Michelle Rhee and Students First, former Parent Revolution Executive Director Ben Austin, Billionaire and school privatizer Eli Broad, former lawmaker Gloria Romero, and other corporate education reformers with an interest in privatizing public education and attacking teachers’ unions.

Current Law

- California’s **probationary law** gives a school administrator two years to determine if a teacher is effective or not. During those first two years a teacher can be fired for no reason at all. Prolonging the probationary period would not benefit students, and would have the unintended effect of keeping ineffective new teachers in classrooms longer.
- California’s **experience-based layoff system** is fair, objective, and the most efficient way for school districts to deal with the unfortunate circumstance of layoffs due to budget cuts or declining enrollment. Current law already allows districts to consider student needs and other factors when issuing layoffs. But switching to an “effectiveness”-based system based largely on student standardized test scores, as the plaintiffs advocated would turn what is now a fairly streamlined system into a logistical nightmare.
- California’s **due process in performance-based dismissal cases** helps ensure teachers are not fired for speaking out on behalf of students, or for teaching subjects some find controversial. They allow teachers facing dismissal to present their side of a case, and to have their case heard by objective third parties.