

NEWS RELEASE

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FOR IMMEDIATE RELEASE

Educators Appeal Deeply Flawed Vergara Ruling *Decision hurts students and hurts teachers*

LOS ANGELES — The California Teachers Association and the California Federation of Teachers filed opening briefs today in their appeal of Judge Rolf Treu's deeply flawed decision in *Vergara v. California*, a baseless lawsuit brought by corporate privatizers seeking 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 suit was never about helping students," said **CTA President Dean E. Vogel**. "As educators we believe every student has the right to a caring, qualified and committed teacher and that is why we are appealing the judge's misguided decision. He completely ignored all evidence demonstrating the laws challenged in this case help ensure students have quality and caring teachers in their classrooms, and did not consider the impact of a severe lack of funding and growth in poverty which are some of the most important factors impacting student achievement. Instead, he based his decision on unfounded arguments made by corporate reformers seeking to impose their political agendas on students and educators. Where are these people when it's time to support adequate funding for our students, peer assistance and review programs for struggling teachers, and lower class sizes that ensure our students get the one-on-one attention they need to succeed? That's what truly helps our students."

During two months of trial, the plaintiffs and their expensive attorneys failed to produce a single student who had ever been harmed by these laws, while teachers, principals, school board members, superintendents, and nationally recognized policy experts offered dozens of examples of how these laws have helped and continue to help millions of California students.

CFT President Joshua Pechthalt said, "Wealthy anti-union advocates like David Welch, the funder of this suit, are obscuring the real problems of public education, which are best addressed by restoring funding to programs that ensure student success. It is not coincidental that the law firm he retained is one of corporate America's leading anti-worker, anti-union firms. Public education has a crisis of retention for experienced and new teachers alike. We already lose fifty percent of new teachers before their fifth year. This is due to the difficulties of teaching in a severely underfunded system, and to the systematic attacks on teachers resulting in fewer young people enrolling in teacher education programs. These tough challenges are only compounded by this lawsuit. We need to support new teachers, help them to improve, and retain them. We need well-funded mentoring and teacher evaluation programs that help improve teacher practice and assist teachers that are struggling. It's a mistake to drive a reform agenda based on how educators are going to be fired. We can't fire our way to excellence. We are confident that when a fair and conscientious judge takes into account the evidence that Judge Treu paid no attention to, we will prevail in this appeal."

“The right to a fair dismissal process ensures that I can speak out on behalf of my students on issues like addressing school safety concerns or having adequate textbooks and supplies,” said **Erin Rosselli, 15-year kindergarten teacher and 2015 Teacher of the Year** from Orange County. “These laws ensure I won’t be fired or laid off for arbitrary reasons or in retribution for standing up for kids, and that school administrators do their jobs when it comes to observing and evaluating the work I do.”

The appeal targets numerous flaws in last year’s ruling, among them that there is no evidence the challenged laws have caused harm or inevitably would cause harm to anyone, that the court blatantly ignored evidence proving these laws improve the quality of public education in California, that the court intruded on an inherently legislative function, and that the student plaintiffs recruited to front the case have no standing to bring suit. Some of those students attend charter and pilot schools that aren’t even governed by these laws, and the teachers they did complain about in their testimony had very good evaluations; one was the Pasadena Unified School District Teacher of the Year. The suit was brought by Silicon Valley millionaire David Welch and supported by corporate special interests seeking to undermine the teaching profession and push their agenda on California public schools.

Gaby Ibarra, a fifth grade bilingual immersion teacher at Niemes Elementary School in the ABC Unified School District, said, “If I did not have the peace of mind that comes with knowing my job will still be there when I advocate for my students, my classroom, my school, and my community, it would not be possible to teach effectively. The laws protect best practices in the classroom. The lawsuit twists the real meaning of these laws. After a teacher passes her probation, “permanent status” just means the right to a fair due process hearing before dismissal. Everyone should have that right, and especially someone who can be vulnerable to political pressures as teachers have been so many times in the past.”

CFT and CTA were interveners in the case; the State of California is filing a separate appeal. More information on the case as well as background can be found [here](#) and [here](#).

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The 325,000-member CTA is affiliated with the 3.2 million-member National Education Association. The CFT is the statewide affiliate of the American Federation of Teachers, and represents faculty and school employees in public and private schools and colleges, from early childhood through higher education.