Students Matter

Overview of Vergara v. California

Theodore B. Olson
Gibson, Dunn & Crutcher LLP

October 17, 2013
California Lags The Nation

California:

- **6 Million** Public School Students
- **12.5 %** of total students enrolled in U.S. public schools
- **47th** in the nation (eighth-grade math)
- **46th** in the nation (fourth-grade reading)

California schoolchildren have a constitutional right to “substantially equal opportunities for learning.”

*Serrano v. Priest* (Cal. 1976)

“What the State itself has broad responsibility to ensure basic educational equality.”

*Butt v. California* (Cal. 1992)
Teacher Effectiveness Matters

Cumulative Impact of Teacher Effectiveness on Student Achievement

Long-Term Effects:
- More likely to attend college
- Higher quality college
- Higher lifetime earnings
- Lower teenage pregnancy rates

Source: The Long-Term Impacts of Teachers by Raj Chetty, John N. Friedman, and Jonah E. Rockoff, 2011
August 2013 Poll: Parents of California School Children

In your opinion which of the following would have the most POSITIVE impact on the performance of California's public schools? (Choose 2)

- Higher pay for all teachers: 17%
- Awarding higher teacher pay based on student performance: 18%
- Removing bad teachers from the classroom: 43%
- Higher expectations for student achievement: 19%
- Shifting power from the state to local school boards: 15%
- More involvement from parents: 26%
- More opportunities for parents to choose their child's school: 15%
- More support from the community: 11%
- Something else [SPECIFY]: 2%

Percentage of Parents with School Children

Source: PACE USC Rossier Poll 2013 Graphic: LA School Report
Teacher Effectiveness Is Measurable

Actual vs. Predicted Student Achievement

But Teacher Effectiveness Is Ignored

**Permanent Employment**
Virtual guarantee of permanent employment after 18 months
Cal. Education Code section 44929.21(b)

**Dismissal**
Prohibitively expensive and time-consuming to dismiss ineffective teachers
Cal. Education Code sections 44934, 44938(b)(1) & (2), and 44944

**Seniority-Based Layoffs**
Last-In, First-Out (LIFO) seniority-based layoffs that ignore teacher effectiveness
Cal. Education Code section 44955
In your opinion, are there tenured teachers in your school who deliver poor instruction?

“Schools in the quartile with the highest percentage of minority students are **60 percent more likely** to lose a teacher to layoffs than a school in the quartile with the lowest percentage of minority students.”

<table>
<thead>
<tr>
<th>SCHOOL BY QUARTILE</th>
<th>ESTIMATED LAYOFFS FOR EVERY 100 TEACHERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Least Minority</td>
<td>8.1</td>
</tr>
<tr>
<td>2nd Quartile</td>
<td>9.3</td>
</tr>
<tr>
<td>3rd Quartile</td>
<td>11.8</td>
</tr>
<tr>
<td>Most Minority</td>
<td>12.9</td>
</tr>
</tbody>
</table>

“Students who are in classrooms with highly effective teachers are doing markedly better—statistically significantly better than students who are in classrooms with ineffective teachers.”

-Supt. John Deasy, Los Angeles Unified

“Our system needs an overhaul, and I am encouraged by the case, Vergara v. California, which seeks to overturn these outdated provisions that harm students.”

-Supt. Tony Smith, Oakland Unified

“The case [Vergara v. California] is supported by a diverse coalition of statewide education organizations. I, too, support the case.”

-Supt. Jonathan Raymond, Sacramento City Unified