



association of california school administrators

what is vergara?

- Filed in 2012, Vergara vs. California is a lawsuit that alleges students' are being denied the right to effective teachers because of California laws dealing with teacher tenure, dismissal and seniority/layoffs.
- The suit alleges the assignment of students, often poor students or students of color, to grossly ineffective teachers violates the equal protection rights guaranteed by the California Constitution.
- Plaintiffs argued the probationary period for new teachers is far too short, and that once granted tenure it is much too difficult to remove an ineffective or grossly ineffective teacher.
- Plaintiffs argued that the cost, time and complexity of teacher dismissals under the existing statutes made it virtually impossible to fire a teacher for unsatisfactory performance.
- Layoffs based on reverse seniority were also shown to have a negative impact – during layoffs, often very skilled and motivated teachers are let go while other less effective teachers are retained.
- In June, 2014 a California Superior Court issued a preliminary decision finding that all of the statutes challenged by the plaintiffs were unconstitutional.
- Upon finalizing the ruling, the decision was appealed by Governor Jerry Brown and the Interveners (CTA and CFT).

member talking points:

- ACSA is speaking for administrators who must carry out the day-to-day process of providing effective educators to California's 6.2 million public school students.
- We want the courts to understand how these statutes impact what we do and how we guarantee an effective teacher is in front of every child.
- As they stand now, the statutes make it difficult to guarantee effective educators in California classrooms. The state law puts a roadblock in front of guaranteeing effective educators.
- Administrators must be better about conducting evaluations, but many reasons exist preventing the guarantee of effective educators. There is the investment of time, cost and burden of proof that must be honored through the process.
- Administrators also face collective bargaining. Guaranteeing effective educators through some evaluation process requires collaboration with unions. Teachers unions are not always willing to work together on a strong evaluation system.
- Every student deserves to have an effective teacher and every effective teacher deserves an effective colleague.
- We advocate for students. We are pro-teacher and support due process for all school employees. By taking this action, we're taking a leadership role in guaranteeing the rights of students.

office locations

sacramento

1029 J Street, Suite 500, Sacramento, CA 95814
Tel 916.444.3216 · 800.608.2272
Fax 916.444.3739

burlingame

1575 Bayshore Highway, Burlingame, CA 94010
Tel 550.692.4300 · 900.608.2272
Executive Office Fax: 650.692.1508
Educational Services Fax: 650.692.6858
Financial Services Fax: 650.259.1029
Member Services Fax: 650.652.7297

ontario

3602 Inland Empire Blvd., Suite A-230,
Ontario, CA 91764
Tel 909.484.7503 · 800.608.2272
Fax 909.484.7504

web site
www.acsa.org