

News Release

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FOR IMMEDIATE RELEASE

California Educators Appeal Decision in Meritless Vergara Lawsuit *CTA and CFT Cite Numerous Severe Flaws in Judge's Ruling, Hurts Students*

LOS ANGELES —The California Teachers Association and the California Federation of Teachers on behalf of their more than 400,000 members filed a notice of appeal today asking that Judge Rolf M. Treu's ruling in *Vergara v. State of California* be reversed in its entirety. Stating that Judge Treu's decision striking down five California Education Code provisions "is without support in law or fact," the appeal says that Treu's reversible errors are "too numerous to list."

The notice of appeal notes that the court's blanket ruling invalidating the five California Education Code provisions at issue is entirely baseless. The evidence at trial overwhelmingly showed that these statutes promote and support important public interests like attracting and retaining qualified teachers for California public schools while providing objective, fair, and transparent procedures in the event of economic layoffs. They also protect teachers from dismissal for arbitrary or improper reasons, and are not the cause of any constitutional harm to California students, including the nine plaintiffs. In fact, it was demonstrated that these very statutes are routinely and efficiently applied by school districts throughout the state. Ultimately, the interest of students, teachers, parents and the general public are directly harmed by the Superior Court's sweeping statewide ruling.

"All along it's been clear to us that this lawsuit is baseless, meritless, and masterminded by self-interested individuals with corporate education reform agendas that are veiled by a proclamation of student interest," said CTA President Dean E. Vogel. "We work with these kids every day and know best what they need to succeed. So we stand up for them in our schools, our communities, in the legislature and in our nation's capital even if it's not the most popular stance. And the very statutes challenged here are the ones that allow us to fight for our students and their needs without reprisal of those in power."

"The people behind this suit have no education expertise and the case has been backed by a Who's Who of corporate agenda school 'reformers' and school privatization advocates. Instead of focusing on the real issues facing our schools, they have chosen to ignore those actual problems and instead to scapegoat teachers. Fortunately, the evidence in this case is so strong we are confident of our case on appeal."

Among key points in the appeal notice is the fact that none of the nine student plaintiffs in this case would be entitled to statewide injunctive relief even if they had standing and if their charges had merit, or even if they had sued the proper parties—the school districts responsible for implementing the challenged statutes.

"The Vergara ruling makes clear that Judge Treu failed to engage the evidence presented in court by education experts and school superintendents who testified that teacher rights are not impediments to well-run schools and districts," said CFT President Joshua Pechthalt. "Instead he issued a blanket decision to scuttle these important statutes, absent the kind of compelling evidence that should be the standard for changing state law."

“He also failed to take into account the impact of underfunding, poverty, growing inequality, and lack of decent jobs in the communities surrounding our schools—in other words, the most important factors affecting student achievement. Taking the easy route of blaming teachers for the conditions they work in, this ruling doesn't address any of the real solutions to problems facing public education, solutions such as adequate funding, peer assistance and review programs for struggling teachers, and lower class sizes. We look forward to a higher court taking these factors into account, and understanding the importance of due process rights for teachers in supporting quality public education in California.”

CFT and CTA follow Governor Jerry Brown in submitting an appeal, and it is expected that State Superintendent Tom Torlakson will soon do the same. Legal experts across the country have expressed strong skepticism at Judge Treu’s ruling, with many predicting it will be overturned.

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 California Federation of Teachers is the statewide affiliate of the American Federation of Teachers, and represents more than 100,000 faculty and school employees in public and private schools and colleges, from early childhood through higher education.