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Dear California Colleague,

I am writing to share my views with you about one of the most significant legal opinions in decades affirming the right of all children in California to receive a quality education.

As you might have seen, Los Angeles Superior Court Judge Rolf M. Treu ruled decisively on June 10th for the plaintiffs in *Vergara v. California*. *Vergara*, brought on behalf of several high school students and their families, challenged state policies on tenure, dismissal and layoffs that leave low-income and minority students with the least effective teachers.

I strongly support the plaintiffs and the decision in this case and I believe California must take the opportunity provided by this decision to develop modern teacher policies.

Courts have long served as arbiters of equity in our nation, from *Brown v. Board of Education* and *Serrano v. Priest* in education policy to *Hollingsworth v. Perry*, which brought down California's Proposition 8. In fact, *Vergara* was brought by the same attorneys that successfully challenged the constitutionality of Proposition 8 in the U.S. Supreme Court.

The evidence in the case was compelling and the ruling clear. If you have not yet read the decision, I urge you to do so before making any determinations on the merits of the case and decision. The rhetoric in the media does not mirror the facts of the case or what the court found.

The Court found what we all know to be true – that teachers are the most important factor in a student's educational success. The Court found, however, that the laws in question were in conflict with upholding students' right to equal protection and their educational success, particularly for poor and minority students. The decision stated that:

“Plaintiffs have proven, by a preponderance of evidence, that the Challenged Statutes impose a real and appreciable impact on students' fundamental right to equality of education and that they impose a disproportionate burden on poor and minority students.”

As you all know, for 40 years I have fought for the rights of workers to organize and collectively bargain and I have defended appropriate and necessary job protections and the overall importance of unions in our economy and our society. However, I cannot support policies designed to protect workers, in this case teachers, when such policies undermine the civil rights of students to access an equal education. No one should defend such policies.

Neither the case nor the decision in *Vergara* was about eliminating due process rights or tenure policies and I have no interest in eliminating those rights or policies. In fact, Judge True's decision said as much:

“This Court is confident that the independent judiciary of this state is no less dedicated to the protection of reasonable due process rights of teachers than it is to protecting the rights of children to constitutionally mandated equal educational opportunities.”

What is needed are tenure policies that serve as meaningful gate-keepers for who is allowed to teach California's students. And we must alter other arbitrary measures for teacher retention and dismissal, such as seniority and LIFO, so that they are no longer blind to teacher effectiveness.

California does not have to embrace policies that pit teacher hiring and dismissal policies against equal protection of students. Other states have hiring, tenure, and dismissal policies that do not lead to systemic inequities in teacher quality in schools. The current set of laws in California must change, though, to achieve the same goal. As was made clear by the Court, the state cannot defend its students' right to equity in education with the current set of laws in place.

The set of laws under scrutiny in *Vergara* are certainly not the only barriers to equity, opportunity and excellence in California public schools. However, they are undeniably impactful barriers to equity and student learning. Barriers to equity must be removed in any form, no matter how politically uncomfortable or difficult it proves to do so.

Now, California must take the opportunity provided by the decision in *Vergara* to develop teacher talent practices, starting with pre-service training, that respond to a modern education system and the changed occurring in the state today. Educator preparation programs play a critical role in the quality of teachers entering California public schools and must be part of any efforts to re-think teacher practice and policy in the state. Teacher education must prepare teachers for the schools they are entering today and work in partnership with school districts. Prep programs must have high standards for who enters and graduates from their programs. And California should establish higher standards for who is allowed to enter the teaching profession.

Once in schools, teachers must be provided with the opportunity to be creative and respond to the needs and learning styles of their students. Teachers should be recognized for their talents and efforts and provided with targeted support, including guidance from mentor teachers. Teachers should be given time to collaborate, as well as offered growth and leadership opportunities in their schools and districts. And teachers need evaluation systems that allow them to continue to grow, while staying focused on whether students are learning.

I cannot predict what will happen next with *Vergara* or the laws and policies in question. I do know, however, that students, particularly poor and minority students, are not being equitably educated under the state's current system. **And it is my hope that all stakeholders in California will come together behind a system that puts students and their needs first while also supporting the people who are their most important advocates, their teachers.**

Sincerely,

George Miller

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