

CLIENT NEWS BRIEF

Court of Appeal Reverses Trial Court Decision in *Vergara*; Upholds Certificated Dismissal, Tenure, and Layoff Statutes

Earlier today, the California Court of Appeal issued its decision in the closely watched case of *Vergara v. State of California* (April 14, 2016) 2016 Cal.App.Lexis 285, reversing a 2014 trial court's ruling that certain teacher employment laws are unconstitutional under the equal protection clause of the California Constitution.

In June 2014, Los Angeles Superior Court Judge Rolf M. Treu invalidated state laws governing the two-year track to permanent certificated employment status, the certificated dismissal process, and the requirement that certificated employees be laid off in reverse seniority order, also known as the "last-in, first-out" statute. In his ruling, Judge Treu determined that these laws resulted in a "significant number of grossly ineffective teachers currently active in California classrooms," and that "[s]ubstantial evidence presented makes it clear...that the [c]hallenged [s]tatutes disproportionately affect poor and/or minority students."

In reversing Judge Treu's decision, the Court of Appeal determined that the plaintiffs—nine California public school students—"failed to establish that the challenged statutes violate equal protection, primarily because they did not show that the statutes inevitably cause a certain group of students to receive an education inferior to the education received by other students." The court held that while the statutes "may lead to the hiring and retention of more ineffective teachers," it is administrators, not the statutes, who "ultimately determine where teachers within a district are assigned to teach...With no proper showing of a constitutional violation, the court is without power to strike down the challenged statutes."

The plaintiffs have already announced their plans to appeal the case to the California Supreme Court. We will continue to monitor the case and provide updates. For now, however, the current state laws governing teacher tenure, dismissal, and layoff remain unchanged. Keep in mind that the California Legislature passed significant changes to the statutes governing certificated dismissal following the trial court decision in 2014.

If you have any questions regarding the *Vergara* case, its impact on your school district, or the recent changes to the laws regarding certificated dismissal, please contact one of our [nine offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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