

## Foes Differ on Impact Of California Teacher Tenure Law Standing

### Reject Appeal on Tenure

By RACHEL CISTO

The co-plaintiff of a lawsuit challenging New York's Teacher tenure and layoff procedures said Aug. 25 that she isn't troubled by the California Supreme Court's upholding that state's protections by refusing to hear an appeal of a lower appellate court's ruling.

The California Supreme Court decided in a 4-3 split not to reconsider *Vergara v. California*, a 2014 case that claimed the state's tenure laws protected ineffective Teachers, who were then pushed to lower-income schools, disproportionately affecting low-income and minority students.

### First Judge 'Shocked'

In his original ruling, California Superior Court Judge Rolf M. Treu said the process "shocked the conscience" and struck down the laws as unconstitutional.

But in April, the California Second District Court of Appeals overturned the ruling, and the state Supreme Court's decision not to hear the case means that decision stands.

Mona Davids, president and founder of the New York City Parents Union, said the ruling is "unfortunate, but not surprising."

Ms. Davids and the Parents Union filed a similar suit in July 2014, challenging the tenure and "last-in, first-out" layoffs laws that she said made it harder to remove ineffective Teachers and that require Teachers with the least seniority to be the first ones laid off when the need arises.

### Says Comparison Inapt

Unlike the plaintiffs in the

*Vergara* case, Ms. Davids said that her group hasn't challenged the Teacher-tenure process, and so it was like comparing apples and oranges.

"That's a huge difference that people don't talk about," she said. "We're all parents in the system who have been active in our school communities. We don't oppose giving Teachers tenure."

She said she thinks the *Vergara* ruling will have no bearing on her case.

"That was California, and **Continued on Page 7**



**MONA DAVIDS: Insists she's not worried.**

**ADAM ROSS: Union's legal position strengthened.**

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we're in New York. Our state constitutions are different," she said.

But Adam Ross, general counsel for the United Federation of Teachers, said the ruling could have a big impact because *Vergara* had been cited as legal precedent.

"They're really going to be the ones who suffer, because the only other case dealing with this just ended in our favor," he said.

The defendants—the UFT and the city's Department of Education among them— have asked an appeals-court judge to dismiss the case after Staten Island Supreme Court Justice Philip Minardo denied an earlier motion to dismiss.

Mr. Ross said the California Supreme Court's decision gives a little more weight to the defendants' motion for dismissal.

"It really reaffirms our position that this is not a legal question," he said, "but instead an attempt to lobby through the courts."

Mr. Ross said he expects oral arguments in the appeal to begin soon.

**ROLF TREU: His shock doesn't travel upward.**