

Schoolhouse Shock!: California Court Finds Public Teacher Tenure Unconstitutional

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A Silicon Valley-based student advocacy group brought a lawsuit on behalf of nine students against the State of California and various other state agencies and officials and local public school districts, claiming that California's teacher tenure and dismissal laws make it almost impossible to terminate the employment of low-performing teachers. The group further claimed that because a disproportionate share of underperforming teachers are placed in schools having a majority of low-income or minority students, the inability to dismiss teachers violates the equal protection clause of the California constitution, because by preventing schools from being able to terminate underperforming teachers, minority and low-income students are being denied equal access to education. The state and teachers' groups opposed the lawsuit, arguing that the tenure rules are necessary to preserve academic freedom and attract talented individuals to a teaching profession that is generally low-paying.

On June 10, 2014, Los Angeles County Superior Court Judge Rolf Treu, after holding trial on the matter, ruled that California's public school teacher tenure and dismissal laws do violate the equal protection clause of the California constitution. The judge based his conclusion on the principle, established by both California and U.S. Supreme Court decisions, that students have a fundamental right to equality in the educational experience under the state and federal constitutions. The judge then found that the evidence established that ineffective teachers have a significant impact on the quality of students' education and that there are a significant number of grossly ineffective teachers currently active in California classrooms. The judge concluded that the evidence presented at trial proved that the challenged statutes "impose a real and appreciable impact on student's fundamental right to equality of education and [] impose a disproportionate burden on poor and minority students," and are therefore unconstitutional.

The California Teachers Association has said that it will appeal the decision, and therefore the decision will not be implemented, if at all, until after the appeals have been exhausted.

The decision, if it stands, could have wide-ranging impact on the way California hires and fires teachers. Because teachers could be fired much more easily, with less cost and less need to justify the termination, it is likely that

teachers will be terminated on a much more frequent basis. This, in turn, will no doubt lead to more lawsuits by individual teachers challenging their specific terminations.