

TRIAL OFFER | 4 weeks for 99¢

Where the candidates for California governor stand on the state's biggest issues



The complete list of L.A. Times endorsements in the June 2018 California primary



Meet the candidates running to be California's next governor in Tuesday's primary



The Times Tue >

ADVERTISEMENT

EDITORIAL EDITORIALS

Must the courts improve California's schools?

By THE TIMES EDITORIAL BOARD and THE TIMES EDITORIAL BOARD
JUL 08, 2015 | 5:00 AM



TRIAL OFFER

SUPPORT QUALITY NEWS
4 weeks for 99¢

SAVE NOW



Nine California public school students sued the state to abolish its laws on teacher tenure, seniority and other protections. Above, the students with their lawyers in downtown L.A. on Jan. 27, 2014. (Nick Ut / Associated Press)



Lawsuits aren't the best way to improve schools. But sometimes they're the only way. A couple of cases in point: A lawsuit filed in 2000 on behalf of disadvantaged California students resulted in hundreds of millions of dollars in additional state money for textbooks for schools. Another, filed in 2014, forced the Los Angeles Unified School District to place students at Jefferson High in real classes rather than warehousing them in do-nothing study halls.

It shouldn't be the responsibility of the courts to compel basic changes in California's unreasonable teacher tenure and layoff rules. Yet Democratic lawmakers have once again shied away from passing common-sense measures to do so, sinking two GOP bills early on in the legislative process.

Which brings us to *Vergara vs. California*. A year ago, a lower court judge ruled for the plaintiffs in that case, agreeing that the state's laws on teacher firings, tenure and last-in-first-out layoffs harmed the quality of education to the point that they violated students' rights under the state Constitution. With the *Vergara* ruling under appeal, the Legislature could have taken steps to address the problem during the current session — but the Democrats who control both houses appear unwilling to do so unless and until the courts force them to.

The *Vergara* decision might well be overturned. The lower court judge based his opinion on estimates that 1% to 3% of teachers are ineffective at their jobs. It's unclear how he saw that small number — if it's even accurate — as harming the quality of education so horrifically that it's unconstitutional.

TRIAL OFFER

SUPPORT QUALITY NEWS
4 weeks for 99¢

SAVE NOW

But that shouldn't matter. Whether or not seniority and tenure rules violate the Constitution, they're still bad policies. In giving principals only 16 months to decide whether a new teacher should get tenure, California is out of step with most states. One of the bills simply would have given principals an extra year, allowing them more time to fully evaluate new teachers.



Right now, when schools must lay off teachers, seniority generally determines who stays and who goes. This has too often meant that excellent new teachers lost their jobs while underperforming teachers with more experience kept theirs. Seniority should play some role in layoffs, lest administrators decide to rid themselves of veterans just to save money, but a bill that would have preserved seniority as just one of several considerations struck the right balance. It too failed to pass.

Lawsuits have at times been disruptive and costly, and they tend to target one issue at a time without regard for the bigger picture. But the Democrat-controlled Legislature, which has long been too deferential to the wishes of the California Teachers Assn., has repeatedly failed to make sensible changes that would benefit students while remaining fair to teachers. It may take more court edicts for that to happen.

Follow the Opinion section on Twitter [@latimesopinion](#) and Facebook



PAID POST

What Is This?



Living with ulcerative colitis symptoms despite current treatment?

Watch videos of patients who've been there.

[SEE MORE](#)

Sponsored Content by **abbvie**

TRIAL OFFER

SUPPORT QUALITY NEWS
4 weeks for 99¢

SAVE NOW



Op-eds and editorials on the most important topics of the day.

ENTER YOUR EMAIL ADDRESS >

The Times Editorial Board



The Times' editorial board, in consultation with the publisher, determines the editorial positions of the organization. The editorial board opines on the important issues of the day – exhorting, explaining, deploring, mourning, applauding or championing, as the case may be. The board, which operates separately from the newsroom, proceeds on the presumption that serious, non-partisan, intellectually honest engagement with the world is a requirement of good citizenship.

ADVERTISEMENT

BE THE FIRST TO COMMENT

LATEST NEWS

Designer Kate Spade's death renews conversation about mental health awareness

18m



Russia conspiracies, custody battles: Claire Danes has had it tough on 'Homeland'

33m



Ethics, schmethics, America really needs to know why Scott Pruitt wanted a used Trump hotel mattress

43m



Bollywood filmmaker Uday Chopra seeks \$3.8 million for Hollywood Hills villa

43m



TRIAL OFFER

SUPPORT QUALITY NEWS
4 weeks for 99¢

SAVE NOW

LATEST EDITORIALS

The thankless task facing LAPD's new chief Michel Moore — updating police culture nationwide

4:15 AM



The Supreme Court squanders an opportunity for lasting justice in the wedding cake case

3:00 AM



Trump doesn't think he's above the law. He thinks he *is* the law

3:00 AM



The L.A. Times' recommendations in the June 5 election

JUN 4, 2018



A new report affirms what we already know: Easier access to guns means more violent deaths

JUN 4, 2018



FROM AROUND THE WEB

Sponsored Links by Taboola

U.S Cardiologist: I Urge Americans To Quit 3 Foods

Gundry MD

Which Travel Card Has The Most Valuable Miles?

Nerdwallet

I Finally Tried This New Electric Toothbrush

Cup of Jo | quip

Glendale Offers No Cost Solar to SCE Customers

The Solar Institute

Born Before 1985? California Will Pay Off Your Mortgage

Mortgage Quotes | Fetcharate

Google May Not Show You This, Enter Any Name

TruthFinder People Search Subscription

Identical Sisters Born In 2010 Have Grown Up To Become Most Beautiful Twins In The World

Give It Love

TRIAL OFFER

SUPPORT QUALITY NEWS
4 weeks for 99¢

SAVE NOW

ADVERTISEMENT

Sign up for our newsletters
Subscribe for unlimited
access

[About us](#)
[Contact us](#)
[Privacy policy](#)
[Terms](#)
[Site map](#)
[E-Newspaper](#)

[Corrections](#)
[Archives](#)
[Classifieds](#)
[Find a job](#)
[Shop](#)
[Advertising](#)



Copyright © 2018, Los Angeles Times

TRIAL OFFER

SUPPORT QUALITY NEWS
4 weeks for 99¢

SAVE NOW