

Los Angeles School District works with ACLU to deny teachers' seniority rights

John Andrews
2 February 2011

On January 21, Los Angeles Superior Court Judge William Highberger stripped teachers employed by the Los Angeles Unified School District (LAUSD) of certain seniority rights, allegedly to stanch the loss of young, quality teachers at inner-city schools. If the order is upheld on appeal, the LAUSD can lay off higher paid veteran teachers without regard to their years of service, in violation of collective bargaining provisions that have been in effect for decades.

The anti-seniority provision is the key to a settlement agreement in a class-action lawsuit filed against the LAUSD by the American Civil Liberties Union (ACLU) of Southern California and Public Counsel. Also representing the plaintiffs are lawyers from the California-based law firm of Morrison & Foerster LLP, which has deep ties to liberal politics and the Democratic Party. The Partnership for Los Angeles Schools, a non-profit corporation controlled by Los Angeles Mayor Antonio Villaraigosa, is another party to the settlement agreement.

The LAUSD is scheduled to mail "reduction in force" (RIF) notices, also known as "pink slips," by March 15. Last year, facing a \$400 million budget shortfall caused by the Obama administration's refusal to bail out state and local budgets bankrupted by the 2008 economic downturn, the LAUSD sent out 5,200 pink slips, although not all resulted in layoffs. The LAUSD, now facing an even larger budget shortfall, is expected to issue at least as many notices this year, and can now do so without regard to seniority.

While presenting their case as a defense of the constitutional rights of poorer students—by allowing the school system to retain more teachers in poorer districts—the ACLU, Public Counsel and the other plaintiffs entirely accept that education cuts must be implemented and that teachers should bear the brunt of

the attack. The case not only has as its premise the layoff of thousands of teachers, it rips up their seniority rights as well.

The plaintiffs take as given what both the Democratic and Republican parties adamantly defend: the mass appropriation of social wealth by a tiny financial aristocracy. The growth of inequality in the past period has been particularly evident in the LAUSD, where schools in increasingly impoverished working class areas have been economically devastated and beset with social problems. At the same time, there are more than a dozen billionaires living in Los Angeles, and dozens more who measure their wealth by the hundreds of millions.

Over the past several years, large numbers of veteran teachers have used seniority rights to secure positions at LAUSD campuses in more affluent areas, where working conditions are far superior, leaving a preponderance of the newer hires staffing the schools in lower-income areas, labeled "Target Schools" in the settlement because they are "under performing" and "difficult to staff."

After last year's pink slips were sent according to existing seniority rules, large numbers of staff received notices in dozens of working class areas, including more than half the teachers at the three middle schools—Gompers, Liechty and Markham—where the ACLU's class-action plaintiffs are enrolled.

The ACLU and Public Counsel claimed that their lawsuit "targeted the devastating impact of massive and disproportionate teacher layoffs on students' right to equal educational opportunity under the California Constitution" by protecting "students in up to 45 Targeted Schools in the unfortunate event of budget-based teacher layoffs." Dr. Michelle Fine, a professor at City University of New York, testified as an expert

witness for the plaintiff class that the settlement was “about distributing pain.”

Virtually every measure adopted by the LAUSD over the last several years, however, distributes pain onto the backs of the teachers, who have already lost salary increases and work days while trying to cope with growing class sizes and ever more difficult working conditions. Now their benefits and pensions are under relentless attack while bourgeois media outlets such as the *Los Angeles Times* scapegoat them for poor student performance.

The UTLA and its president A.J. Duffy bear responsibility for the position in which the teachers now find themselves. While it has opposed the court case, for the last decade the UTLA has allowed two-tiered contracts to be crammed down its members’ throats. Laying off veteran teachers, who make around \$80,000 per year—barely a living wage in the expensive Southern California region—can lead to substantial savings, as new hires earn only about \$45,000.

In 2009, the UTLA asked teachers to accept the conversion of 250 public schools into charter institutions, exempted from the collective bargaining agreement. Last March, the UTLA leadership throttled the teachers’ opposition to unpaid furlough days, arguing that such concessions were needed to stop layoffs.

For decades, the UTLA has subordinated the teachers’ struggle to Democratic politicians, such as Villaraigosa, a one-time UTLA organizer, who nevertheless denounced the UTLA last year as the “one unwavering roadblock to reform.”

“We cannot continue to automatically guarantee lifetime employment to all teachers,” Villaraigosa added, “nor can we make decisions about assignments, transfers and layoffs solely on the basis of seniority. Tenure and seniority must be reformed or we will be left with only one option: eliminating it entirely.”

The UTLA leadership has responded to these attacks by continuing to subordinate its membership to Democratic politicians—including incoming governor Jerry Brown—while engaging in various stunts such as one-day work stoppages and civil disobedience arrests.

These same Democratic Party politicians are now leading the attack on public education. In California, Brown is planning \$12.5 billion in cuts this year, including \$1.4 billion in higher education. He has

frozen K-12 education spending at intolerably low levels and has pledged cuts if voters do not pass a package of regressive taxes this summer.

At the federal level, the Obama administration has led the victimization of teachers, supporting mass firings at underfunded schools and promoting merit pay. In the Race to the Top program, the administration has pressured states to expand charter schools and attack public education in exchange for meager federal dollars.

In order to defend public education, teachers, educators, parents, and students must begin by rejecting the efforts, now led by Brown and Obama, to foist the burden of the state’s financial meltdown on the backs of working people, who did nothing to create the present situation.

The International Students for Social Equality calls on all students, teachers, and their many supporters, to fight against budget cuts and defend free, quality public education from kindergarten through graduate school. Through increasing taxes on the wealthy and nationalizing the major banks and corporations, billions can be freed up to hire new teachers, renovate schools, and make available the most advanced education techniques to all students. (See “Oppose Brown’s cuts in California! Education must be a social right!”)

The fight to protect and expand public education requires a new political perspective based on a complete break with the Democratic and Republican parties. A socialist strategy is needed, one which rejects not only the gutting of funding for education and social services, but also the economic system, capitalism, that subordinates everything to private profit and the wealth accumulation of a tiny elite.



To contact the WSWS and the Socialist Equality Party visit:

wsws.org/contact