Vergara v. California: A smokescreen to hide the attack on education

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Since arguments began on January 27, the *Beatriz Vergara et al. v. the State of California* lawsuit has heard a plethora of testimony and allegations aimed at the dismantlement and privatization of public education. Duplicitously wielding racial discrimination charges, this billionaire-backed lawsuit seeks to demolish teachers' basic rights to democratic process and tenure.

The plaintiffs are a front for the pro-business organization Students Matter, which in turn receives its funds from several multibillionaires who want education to become a new center of profit (See "Billionaire-backed lawsuit tries to abolish California teacher tenure").

Under the claim that five state statutes and practices have a "disproportionate adverse effect on minority and economically disadvantaged students," the lawsuit seeks to destroy a number of fundamental, long-established rights for teachers. Their underlying motive is to be able to easily fire more senior, costlier teachers.

It seeks to eliminate the entire appeals process for teachers, as well as their tenure, so that teachers can be virtually fired at will.

In order to fire higher-paid experienced teachers, it targets the so-called "Last In, First Out" (LIFO) policy that says when cuts must be enforced, those who have most recently been hired receive a "pink slip," or layoff notice.

Los Angeles Unified School District (LAUSD) Superintendent John Deasy's testimony bluntly revealed the lawsuit's aims. He lamented that he could not fire the number of teachers that he had wanted to. "We who hire cannot make a judgment to fire," Deasy complained. Under his administration, the firing of tenured teachers increased tenfold in a single year.

Former Sacramento City Unified Superintendent Jonathan Raymond took the stand and described how his son's excellent young teacher was laid off due to budget cuts. Rather than denouncing crippling budget cuts as the culprit, Raymond declared that LIFO was chiefly at fault.

"I think a system that treats its best teachers this way, a system that doesn't serve children and families in the best way, in my humble opinion, is broken," said Raymond.

The system *is* broken, but for very different reasons. Years of budget cuts and reactionary policies, both at a federal and state level, have rendered it inadequate. Teachers are expected to have a meaningful and positive impact on students while class sizes are increasingly unmanageable with an inadequate number of books and basic supplies.

These social cuts are being used to pit teachers against teachers.

Bhavini Bhakta, a Los Angeles teacher, took the stand and lamented being laid off five times in nine years. "No matter how hard I worked, none of it mattered," she said, "All that mattered was my hiring date."

Nicholas Melvoin, a 2008 Harvard graduate and a former Teach for America teacher at Markham Middle School in Watts, claimed that teachers were more concerned for their job security than student achievement. While recognizing the destructive impact of layoffs in the years following the 2008 financial crisis, he testified for the plaintiffs, arguing that only effective teachers were dismissed.

Pink slips became painfully commonplace to all California state workers in the years immediately following the 2008 financial crisis. The rationale offered, agreed and echoed by the unions, was that there was no money for public education, while bankers

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were getting bailed out to the tune of hundreds of billions of dollars. Teachers protested both cuts and layoffs. In at least one case, the receipt of a pink slip was the direct cause of a worker's suicide .

The lawsuit presents the average teacher as a greedy, lazy, public leech, who seeks to selfishly sabotage the education of his or her students. The massive crisis of education is, according to their public speeches, the fault of the teachers.

The *Vergara* case uses racial politics to achieve its aim. Harvard professor of education and economics Thomas Kane presented the argument that a disproportionate number of ineffective teachers in LA Unified serve Latino and African-American students.

African-American award-winning teacher and principal, Kareem Weaver complained that "low-income students of color are the most vulnerable population." Speaking about his drug-addicted father, he broke into tears telling how external factors can "determine how you will engage with learning for the rest of your life."

Without questioning his intentions, the testimony of this teacher serves the interests of those attacking public education. Discrimination is intrinsic to capitalism, yet the essential, unbridgeable chasm in American society is one of class, not color or ethnicity.

Social inequality and the poverty of public education do not stem from racial discrimination, but from the massive, organized, attack on a student's right to an education—an attack which has gutted schools, compromised priorities and threatens to turn teaching into a low-paying and unstable profession.

Vergara is a confirmation of this. Billionaires like David Welch, Eli Broad and the Walton family are using identity and racial politics to implement systematic firing and the privatization of public education, measures which will affect workers and students regardless of their color, ethnicity, gender or sexual orientation. Meanwhile these wealthy Californian families will continue sending their children to expensive private schools.

There is a long history of using racial politics to attack teachers in the US. In 1968, under the guise of "community control," "Black value system" and "collective work and responsibility," the *Ocean Hill-Brownsville* case saw black nationalist groups, including the African-American Teachers Association (ATA) union, advance the demand that white teachers be fired and replaced by blacks. As a result, a total of 83 teachers were dismissed.

The unions involved, the California Teachers Association (CTA) and the California Federation of Teachers (CFT), support the argument behind teachers' firings, claiming that such provisions are already in effect through state law. They openly supported Assembly Bill 375, eventually vetoed by Governor Brown, which would effectively speed up and "streamline" the process of dismissing teachers.

Unions also provided crucial support to the Obama administration's attack on public education, extolling the virtues of Common Core education and promoting the draconian "Race To The Top" initiative.

In a similar fashion, the Chicago Teachers Union (CTU), in its 2012 strike, was instrumental in implementing the demands of the corporations by the hand of mayor Rahm Emanuel and the Obama administration. The union shut down the strike after nine days to contain its influence and supported the ongoing mass closures of schools. (See "Lessons of the Chicago teachers strike")

The infamous student test scores, standardized tests and other "value added models" of teacher accountability are not just unreliable, they are being used to facilitate teacher dismissals. Yet, the CTA has published its own plan for a more effective implementation of a teacher evaluation framework, essentially offering its services to the employer.

Like the plaintiff in the anti-teacher *Vergara* case, unions also support charter schools and education for profit. While promoting the full participation of all "stakeholders," the CTA seeks to maintain the management of these schools while ensuring the policing of teachers and school workers and paving the way to privatization.

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