

# The California teacher tenure ruling and the war against public education

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Los Angeles County Superior Court Judge Rolf Treu's ruling that long-standing job protection rights won by teachers are "unconstitutional" under California law marks a new stage in the war against public education in the United States.

At stake are both the basic rights of underpaid and overworked teachers, and the future of public education in the United States, an institution that goes back to the foundation of the American Republic.

The elimination of tenure is aimed, above all, at purging the public schools of more experienced teachers who oppose the continued financial starving of public education and diversion of resources to for-profit charter schools. They are to be replaced with lower-paid, less experienced instructors, who the corporate-backed "reformers" hope can be forced to work under the most miserable conditions.

The ruling class and its political representatives have moved quickly to declare the California ruling a milestone that sets a national precedent.

The Obama administration, which has fully embraced the agenda long associated with the most right-wing enemies of public education, immediately hailed the ruling. Referring to the students coaxed into lending their names to the *Vergara* case, US Secretary of Education Arne Duncan said, "The students who brought this lawsuit are, unfortunately, just nine out of millions of young people in America who are disadvantaged by laws, practices, and systems that fail to identify and support our best teachers and match them with our neediest students."

The court decision, Duncan said, "is a mandate to fix these problems" and an "opportunity for a progressive state with a tradition of innovation to build a new framework for the teaching profession." In a nod to the teachers unions, which have marched in lockstep with

the Obama administration's attack on public education, Duncan said he hoped the new framework to fire teachers would soon move "from the courtroom toward a collaborative process in California that is fair, thoughtful, practical and swift."

The claims by the Obama administration and other supporters of "education reform" to be defending the interests of children is a transparent fraud. The case, *Vergara, et al vs. State of California*, was funded by right-wing billionaires and corporate executives committed to "education reform"—a euphemism for the destruction of public education and a further opening of the \$500 billion "education market" to profiteers.

Just as the bankruptcy of Detroit has been used to open the floodgates to rob the pensions of public sector workers, the California case will be used to accelerate the wholesale privatization of schooling. At the same time, the ruling class is determined to strip young people of the right to education in order to keep them in ignorance and oppression.

With the "race to the top" program, Obama has gone even further in his attacks than his Republican predecessor, George Bush, whose notorious No Child Left Behind, co-authored by the late Democratic liberal icon Edward Kennedy, introduced the high-stakes testing regime that has been used to close "failing schools" and open charters.

Since taking office, President Obama has overseen the wiping out of 330,000 teaching and other school jobs, the closing of at least 4,000 schools and a doubling of the number of charter school students. New Orleans is now completely a charter school district, with Detroit not far behind. In the last few years alone, hundreds of schools have been closed in Washington, DC, Philadelphia, Chicago, and other cities. In addition to direct funding of charters, the government provides

tax breaks to encourage banks and hedge funds to invest in charter school construction.

These attacks have been supported by both big business parties, with Democrats among the most fervent advocates. The trade unions, speaking for the interests of a small layer of privileged executives, have followed along, hoping only to maintain their own role in overseeing the decimation of public education and teachers' rights. The teachers unions, which have issued their standard mealy-mouthed criticisms of the court ruling, have declared their support for the raft of anti-teacher measures demanded by the ruling class.

The attack on public education is part of a historic reversal in the social rights and conditions of the entire working class. Perhaps the most grotesque aspect of Judge Treu's ruling was his attempt to justify it by pointing to the US Supreme Court's ruling in the 1954 *Brown v. Board of Education* case. That landmark decision, which struck down racial segregation in Kansas public schools, ruled that under the Equal Protection Clause of the Fourteenth Amendment the government was responsible for providing public education to all children on equal terms.

According to the twisted logic of the plaintiffs and the Los Angeles judge, the tenure system, which protects California teachers and provides a modicum of job security, imposes "a disproportionate burden on poor and minority students" because they protect "grossly ineffective teachers" who are most likely to teach in low-income school districts.

In fact, *Brown v. Board of Education* was part of a more than century-long expansion of public schooling in the United States, which extended its reach to ever-wider layers of the population. While the legal right to education, regardless of socio-economic background, was recognized, its greater reach was only possible on the basis of the mass industrial and political struggles of the working class against child labor, racial oppression and social inequality—struggles in which teachers played a significant role.

The California case is aimed at wrenching back and reversing these achievements. Under conditions of the economic decline and unprecedented levels of social inequality, the corporate and financial elite sees the continued funding of public education—for a generation of young people who will be largely condemned to a future of unemployment, low-paying jobs and war—as

an intolerable burden on the accumulation of wealth and the preservation of the capitalist system.



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