Dismissed teachers file class action lawsuit against Los Angeles Unified School District

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A class action lawsuit involving approximately 2,000 teachers was filed last Friday against the Los Angeles Unified School District (LAUSD).

The lawsuit seeks damages arising out of the district's use of the so-called "teacher jail" system wherein teachers accused of various forms of professional misconduct are removed from the classroom and made to report to nondescript office buildings instead.

According to reports, teachers are given no access to the Internet, electronic devices and are forbidden from speaking to other teachers. The lawsuit alleges that teachers are never informed of the charges against them while in "teacher jail."

The suit also claims that the district regularly conducts witch hunts against veteran teachers in a transparent effort divest those teachers of their pensions and medical benefits. Hardly a week goes by without a new case of alleged misconduct by an LAUSD teacher being reported in the media.

According to the lawsuit, a total of $500,000 in pension and health benefits have been taken from the class of teachers as a result of the district's actions. The lawsuit seeks $1 billion in overall damages.

The lead plaintiff in the case is Rafe Esquith, a teacher with over 30 years experience whose dismissal last March received wide publicity. Esquith is the founder of the Hobart Shakespeareans, a group of elementary school students from predominately working class and ethnic minority backgrounds who put on Shakespeare's plays at least once a year.

The group has received the active support of renowned actors such as Ian McKellan, John Lithgow and Hal Holworth. Esquith has also received numerous grants and award throughout his LAUSD tenure.

Earlier this year, the district removed Esquith from his classroom over allegations that he told a joke to his classroom regarding nudity in Mark Twain's Huckleberry Finn. The district also allegedly seized more than $100,000 worth of materials from his classroom after the dismissal, including numerous books and musical instruments.

Esquith initially responded with a lawsuit against the district alleging defamation, intentional infliction of emotional distress, retaliation and age discrimination. That lawsuit has now been expanded to the current class action after numerous teachers contacted Esquith and his attorneys alleging similar misconduct by the district.

The district has responded to Esquith's legal actions by deepening its investigation into his activities both during his time as an LAUSD teacher and even beforehand. Although the California Commission on Teacher Credentialing rejected the district's allegations against him of abuse and misconduct for lack of evidence, the district is nonetheless claiming that Esquith should lose his right to teach.

Esquith was finally fired from his job shortly before his attorneys filed the class action suit. His attorneys also allege that the district is engaging in whistleblower retaliation against Esquith after he made claims of financial misconduct in relation to the district's controversial student iPad program.

The current lawsuit, while providing much needed exposure of the attack on public education, is politically limited. The attack on teachers' due process rights, for example, will not be stopped through an injunction or even outright elimination of "teacher jails." In fact, voices in the corporate media, and the teachers unions, including the United Teachers of Los Angeles, have been pushing for an end to the practice, precisely because they are seen as an insufficiently speedy

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method to remove veteran teachers.

In 2014, the Democratic-controlled State Assembly passed Bill 215, scaling back due process rights for teachers. The bill, which is now responsible for the loss of thousands of teachers' jobs, was backed by the California Teachers Association. The union had publicly acknowledged its role in both crafting the bill and insuring its passage.

It wrote on its web site: "CTA has been working with a coalition of education stakeholders and lawmakers to again craft a bill that would streamline the teacher dismissal process to keep students safe."

Under AB 215, the accused teacher has 30 days to respond to charges made against them. If they do not respond within 30 days, they are subject to immediate dismissal. Moreover, the bill's newly-created "Commission on Professional Excellence" convened to decide a given teacher's case is reduced from five to only three individuals.

Under the terms of the bill, all such hearings must be completed within a maximum of 7 months, substantially less time than those teachers subject to the "teacher jail" system.

AB 215 was also passed around the same time as the Vergara vs. California court ruling. That ruling found that the state's system for dismissing teachers was cost and time prohibitive and also claimed that tenure and seniority rights were unconstitutional.

The defense of teachers rights are inseparably bound up with the defense of public education as a whole. The drive against Los Angeles public school teachers is being spearheaded not simply by the district, but also by the billionaire-led education reform movement. An initiative was recently made public by the Eli and Edith Broad foundations to convert half of all LAUSD schools to privately run charter institutions within the next five years.

Not only do charter school teachers receive substantially less compensation than their public school counterparts, but they are often treated as mere at-will employees with no job protections whatsoever.

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