 Beatriz Vergara and Friends

1. Controversy rages on after closing arguments in the hottest teacher retention case in California history. Beatriz Vergara and eight classmates have sued the state of California, claiming that their educational opportunities have been severely damaged by a public education system that requires the last teacher hired to be the first teacher fired if layoffs are for any reason required. Los Angeles Superior Court Judge Rolf Treu has heard two solid months of testimony, and has 90 days from April 10 to review it all and render a verdict.

2. Part of the identified problem is tenure, or guaranteed job security, which takes six years to achieve in higher education, but only two years, or 16 months on an accelerated program, in K-12 schools. Teachers who make it through the annual March pink slip and August rehiring process to eventual tenure are then almost impossible to fire. Once tenured, teachers with seniority naturally gravitate toward districts and individual campuses where the families and neighborhoods are more supportive of education, even if such districts don’t pay as well as the rough ones.

3. As a former university professor, community college teacher and K-12 substitute teacher, I have experienced the different joys of teaching first hand. Sharing knowledge with articulate, well-rounded, heavily engaged Ivy League students in a seminar is one kind of thrill. Getting a boisterous, foul-mouthed, sometimes violent class of 40 failing high school seniors and juniors to write a coherent paragraph and win a chance to graduate by passing ninth-grade English is another. (This was remedial summer school, because I have only an emergency credential for public school; my advanced degrees and years of college teaching do not qualify me to teach children full time.) I was proud to get almost half of them through. Subbing for high school remedial math and ELL (English Language Learners) was just demoralizing, a day or week at a time in classes for which a permanent teacher could not be found, with an overwhelming atmosphere of contempt and hopelessness. I understand experienced teachers’ maneuverings to get teachable students; it is not laziness or a character flaw but rather a commitment to practice one’s profession.

4. So we are still left with the biggest problem we encountered years ago when I formed the State Assembly Select Committee on Low-Performing Schools: how to get good teachers to come to and stay in these troubled schools. We can’t offer “hardship” or what has jokingly been called “combat” pay, because that is discriminatory in a unionized setting. So we struggled to find something to incentivize them, and passed a law creating home mortgage subsidies. It has been phased out by State Teachers Retirement system in 2013, and teachers told me it wasn’t a large enough amount to help buy a California home anyway. As an incentive to persevere in a badly run school or district, it failed.

5. Much of Vergara vs California revolves around standards for evaluating teachers in order to determine which tenured teachers really should be let go to make room for newly trained and newly energized teachers who might be more successful in the classroom. Teachers rightfully oppose the use of nothing but standardized tests on the children as a tool to evaluate the teacher. So the sniping continues about peer review, principals who put on demands that union-powered teachers find harsh or discriminatory, about the unreasonable requirements of mentoring, about the lack of helpful supervision for new teachers, about qualified classroom teachers preferring to become resource specialists for higher pay and rotating positions, and on and on. But students are evaluated every day, and with the new Common Core standards, teachers are being coached for the new tests and the new curriculum students must learn to master. Everyone has to go back to school.

6. Maybe the question is not how the evaluating should be done, but who is best qualified to do the evaluating. My answer is simple: parents. Whether teachers like it or not, there are plenty of evaluations of their performance already out there. Families that value education always choose where to live by the school test scores and college acceptance rates in the area. And this is not an income inequality matter: less well-off parents who know their children will prosper from a better education do their utmost, to the point of material sacrifice, to get good teachers for their children. They may give up a larger apartment, dining out, a car, or even the second or third job in order to spend time supervising their children’s school work and communicating with their children’s teachers. Involved parents fight with fury to get their children into the good teachers’ classrooms and out of the bad ones. No one can be fooled into thinking that parents don’t have their own word-of-mouth Zagat guide to teachers. The ratings are pass/fail.

7. Parents can act if they assume the powers that many don’t know they have. One of the laws of economics is that competition improves the product. Parent ratings can’t be disputed by unions, testing corporations, textbook publishers, principals or school boards. The tired old argument that giving “the schools” more money will fix the failures has been proved wrong since the California state budget was first forced to be 40% dedicated to public education, back in 1988. In 2014 we have only succeeded in having the fifth highest-paid teachers and the 40th worst-scoring students out of the 50 states. Timid parents should be encouraged to be bold: use the Parent Trigger Law.

8. Failing schools, the ones that churn the new teachers in and out in one year and have the highest rates of tenured teacher absenteeism, should be recognized as academically bankrupt and turned over to the parents by the 50+1% petition to compete as public charter schools. Parents hire the principals and the teachers, unconstrained by union seniority and compensation, and students are not constrained by district boundaries. It’s very hard long-term, hands-on work for parents, and the charter does not get all the categorical funding that comes to the generic public schools, so good legal and financial management is critical to survival, but the rewards for direct involvement are phenomenal. Where I live Hayward Unified School District, the best high school, Leadership Public School, is just a cluster of portables that the savvy parents know about: the waiting list is hundreds long, and I have listened to the laments of college-hungry students who did not get in to this unadvertised public charter school. Meanwhile we homeowners see ever higher assessments for school construction bonds for lavish campuses where test scores do not improve. It’s not the building; it’s the teachers and the principals. Contractors do very well, but the districts that are impoverishing home and business owners are not even measuring to see if fancy new buildings bring about improvement in student performance.

9. Use of the Parent Trigger Law is not the only way to set up a charter school, but it does provide an existing campus if privately owned space is expensive and hard to find. School Districts can’t charge high rent to their own public charter schools, which are entitled to the same funding formula generic schools receive under the new Local Control Funding Formula (LCAFF) going into effect this school year. The requirements are easy to find in the California Education Code, and there are organizations such as the California Charter School Association <http://www.calcharters.org> that guide and advise. There are smart attorneys and smart accountants, and there are more and more smart parents with smart kids who are willing to jump into self-management for a better education. And there certainly are smart teachers willing to work hard for ambitious students. I think it’s called community organizing, and without a doubt it’s local control. The future for competitive education in California looks very good with Parent Choice for schools.

10. On the other hand there are parents who don’t care about their children’s education. This tiny minority is handicapped in one way or another, such as geographical separation, guardianship issues, emotional or substance abuse. These parents are not able to take control and do indeed depend upon the public schools for “babysitting.” This small percentage will always be present in our free society, but we can’t let their incapacity dictate a mere custodial quality of education for all. Besides, even children who are ignored at home can flourish if inspired by great teachers in a nurturing school environment. The bottom line in education is that the majority of parents care and can do. Now go to.

