



**RONALD BROWNSTEIN** POLITICAL CONNECTIONS

## Why *Vergara* Isn't Enough

*A California court struck down laws that put adults before kids in public schools. But that won't close the achievement gap.*

**E**DUCATION REFORM, which once united the parties, increasingly traps them in the cycle of polarization and paralysis that's crippling progress on almost everything else.

In Washington, the two sides are so divided that neither is seriously attempting to reauthorize the core federal education statute that lapsed in 2007. The seeming consensus around rigorous "Common Core" curriculum standards is collapsing as a stampede of Republican state leaders (joined by some Democrats) has renounced them.

So it was a throwback to an earlier generation of bipartisan educational collaboration when a chorus of left- and right-leaning reformers last week uniformly cheered a California court decision invalidating the state's laws for hiring, firing, and assigning teachers.

The *Vergara v. California* decision from a Los Angeles County Superior Court judge was a genuine earthquake that is likely to prompt litigation targeting laws in other states that make it too hard to fire under-performing teachers—and too likely that students who need help most are assigned the teachers least qualified to provide it. But it's a mistake to expect that eliminating those laws alone will close the achievement gaps still impeding low-income and minority students. The decision, in fact, should prompt greater debate about whether we are relying too heavily on schools to overcome social inequality.

The California rules that *Vergara* swept away show how public education, at its worst, prioritizes the needs of adults over children. California law allowed teachers to obtain tenure after only one and a half years at work, which one witness likened to requiring a marriage decision after one and a half dates. The statute requiring rote reliance on seniority in layoffs meant that better-performing younger teachers were regularly sacrificed to protect less-effective elders. Because of these and related policies, students in high-poverty Los Angeles schools were two-thirds more likely than their more-affluent counterparts to experience a teacher layoff, and 40 percent less likely to be assigned an English teacher rated as highly effective, according to studies by the Education Trust-West, which advocates for low-income students.

So no one who cares about expanding opportunity should mourn the laws *Vergara* overturned (at least pending appeal). Valerie Cuevas, Education Trust-West's interim executive director, correctly says that more cities should learn from districts like North Carolina's Charlotte-Mecklenburg, which sends its strongest teachers "to teach the toughest of the toughest." Under its "strategic staffing" initiative, that district has combined financial incentives and public acclaim to recruit its highest-rated principals and teachers to 27 of its previously

most-troubled schools. "Taking on tough assignments is very affirmed in our district," says Ann Clark, Charlotte's deputy superintendent.

But Clark quickly acknowledges that even this innovative system hasn't eliminated the district's achievement gaps. And in California, Education Trust's studies have found that "sizable percentages" of students taught by the highest-rated teachers don't improve their academic performance.

Those are but two of the many reminders that no single remedy can close the entrenched achievement gaps confronting low-income and minority students. Despite ceaseless waves of reform since the early 1990s, the white-black gap in eighth-grade reading has narrowed by only about one-seventh; Hispanics still significantly trail whites too. Low-income 9-year-olds lag slightly further behind more-affluent classmates in reading today than they did in 2004.

If anything, larger economic and social trends are compounding this challenge. Childhood poverty is both deepening (with 22 percent of kids living in poor families) and concentrating. Nearly half of public-school students now attend schools where a majority of their classmates qualify as low-income; in 2000, only 28 percent did so. Lopsided majorities of African-American and Hispanic students today attend majority-poor schools.

This intensifying isolation is requiring schools and teachers to overcome deeper inequities in community and family resources. Research from a recent University of Southern California conference on concentrated poverty found that the reading, math, and behavioral gaps between low- and higher-income students evident in eighth grade are almost fully apparent when they start *first* grade. And children whose parents hold college degrees remain much more likely to attend preschool than those whose parents don't.

These trends send the clear message that truly expanding opportunity for lower-income kids requires a comprehensive response that extends well beyond school reform. But that awareness doesn't absolve school systems from taking every possible step to maximize their effectiveness within the classroom. And that means subjecting more work rules that favor the system's adults over its kids to the exacting scrutiny that produced the powerful *Vergara* decision.

"If you want to achieve true equality of opportunity, there's only so much that government, even at its best, can do," acknowledges Bruce Reed, formerly the chief domestic policy adviser to President Clinton and now president of the Broad Foundation, which funds school-reform efforts. "But we are not anywhere close to where government is holding up its end of the bargain, and we shouldn't throw up our hands and say, 'This is just too hard.'" ♦