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SB 933: The California Teacher Corps Act of 2016, Educating Educators

Nick McKinney

University of the Pacific, McGeorge School of Law

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SB 933: The California Teacher Corps Act of 2016, Educating Educators

Nick McKinney*

Code Sections Affected

Chapter 3.9 (commencing with § 44790) to Part 25 of Division 3 of Title 2 of the Education Code (new).
SB 933 (Allen), Held in Assembly Appropriations.

TABLE OF CONTENTS

I. INTRODUCTION.....	594
II. LEGAL BACKGROUND.....	595
A. <i>Proposition 98</i>	596
B. <i>Budget Act of 2013</i>	596
C. <i>Budget Act of 2015</i>	597
D. <i>Section 44325 of the California Education code</i>	597
E. <i>Vergara v. California</i>	597
III. SB 933	598
IV. ANALYSIS	599
A. <i>Curbing California’s Teacher Shortage Crisis with Qualified, Well-Prepared Teachers</i>	600
1. <i>The Current Credentialing Process for Teachers Makes It Difficult to Recruit and Retain Qualified Teachers</i>	600
2. <i>California Is Already Low in the Rankings for Education, and it is Bound to Worsen as the Shortage Increases Further</i>	601
B. <i>Other Similar Programs Are Showing High Rates of Success</i>	602
C. <i>While the Teacher Residency Program Has Received Overwhelming Support Throughout the State, Some are Worried it May Cost too Much and Not Do Enough</i>	604
1. <i>Spending Such a Large Amount is Frowned Upon In an Era of Trying to Preserve State Assets</i>	604
2. <i>It is challenging to Quantify the Retention Data, Making it Hard to Justify the Program and Further Track its Success</i>	605
D. <i>Aside from the Budget and Analysis Constraints, Some Are Saying this May Not Be Enough</i>	606
E. <i>In the End, the Timing Was Not Right, and the Budget Could Not Handle Adding this Expense</i>	606
V. CONCLUSION.....	607

I. INTRODUCTION

California is in the midst of the largest teacher shortage in recent history.¹ The Learning Policy Institute, based in Palo Alto, CA, released a study identifying teacher shortages all over the state, most notably in the areas of math, science, and special education.² Enrollment in California teacher preparation programs of any kind has declined by 76 percent since 2001.³ Together three state Senators, S. Pavely, S. Liu, and S. Allen, are attempted to curb the reduction of teachers in the state.⁴

The problem with the teacher shortage stems from a few main issues. The stringent state requirements to obtain a teaching credential, along with the ensuing costs, have made it difficult to pursue a career in teaching.⁵ Teachers who are unable to receive advanced training are often granted special credentials, or emergency credentials, which allow them to control a classroom without any prior experience while obtaining a masters or equivalent degree.⁶ This process removes the traditional training that occurs during teacher credentialing and is causing high turnover rates in many schools throughout the state.⁷ In order to recruit more teachers, districts that can afford it are offering bonuses to new teachers.⁸ Unfortunately, underfunded or geographically disadvantaged schools (high-need schools) are unable to keep up with the loss of teachers because they cannot afford the recruitment process, let alone the signing bonuses or housing stipends wealthier schools offer.⁹

The education system in California is on a downhill path; the Legislature and Governor are working to improve the system, while still hoping to maintain a

* J.D. Candidate, University of the Pacific, McGeorge School of Law, to be conferred 2018. To my friends and family who put up with daily legal discussions. And, to my wife, without whom I would not be able to survive law school. She puts up with long hours of studying, and late nights of bad food and little sleep. I can always look forward to relaxing with her and the dog after a long day at school and work.

1. *California State Senate Conference on California Teacher Shortage*, YOUTUBE (Feb. 2, 2016) <https://www.youtube.com/watch?feature=youtu.be&v=uGpVeld7PAI&app=desktop> (statement of State Senator Carol Liu) (transcript on file with *The University of the Pacific Law Review*).

2. *Id.*

3. *Id.*

4. *Id.*

5. *Infra* Part IV.A.1.

6. *Infra* Part IV.A.

7. *Infra*, Part IV.A.

8. Jill Tucker, *SF Offers Rare Signing Bonuses Amid Big Teacher Shortage*, S.F. CHRON. (Jul. 6, 2016), available at <http://www.sfchronicle.com/education/article/SF-offers-rare-signing-bonuses-amid-big-teacher-8344621.php> (on file with *The University of the Pacific Law Review*); see also, Diana Lambert, *Help Wanted: California School Districts Scramble to Hire Teachers*, SACRAMENTO BEE (Jan. 31, 2016), available at www.sacbee.com/news/local/education/article57396608.html (on file with *The University of the Pacific Law Review*).

9. LEARNING POL'Y INST., POLICY BRIEF: TEACHER RESIDENCIES BUILDING A HIGH-QUALITY, SUSTAINABLE WORKFORCE. Geographically disadvantaged schools are those that are located in places that are harder to staff because of their rural nature.

solid budget that can withstand potential future expenses.¹⁰ Correlating the successes of other improved education systems to specific programs, such as teacher residencies, has become a challenge.¹¹ All of these issues make it hard for the government to understand and invest in education programs when there is little room for risk in the budget.¹²

II. LEGAL BACKGROUND

The California education system provides instruction and support services to 6,000,000 students in grades K-12 throughout the state.¹³ After years of budget cuts and teacher layoffs, the state of California is ranked last in student-to-teacher ratios in the entire country.¹⁴ In an attempt to address the shortage, Senators—like Ben Allen—have also enacted legislation with the goal of improving education in California.¹⁵

While Senate Bill 933 (SB 933) did not have any direct effect on existing legislation, it did attempt to enhance legislation that already exists.¹⁶ With a rising economy in California, the Governor, Edmund G. Brown, and the legislature have been careful to extend funding, but have made education a priority.¹⁷ Since 2013, school districts have seen a steady annual budget, secured by the rights guaranteed in Proposition 98.¹⁸ Proposition 98 amended the California Constitution to guarantee a certain percentage of the budget is dedicated to education.¹⁹ In 2015, further budget adjustments were made to expand funding to new teachers, teachers in need of more training, and special education teachers.²⁰ Finally, in an attempt to recruit more teachers, Education Code Section 44325 extended the opportunity for qualified individuals to receive an intern teaching credential, which is a type of emergency teaching credential that allows them to manage a classroom while receiving their teaching certificate.²¹

10. *Infra* Part IV.

11. Interview with Tiffany Mok, Senior Policy Consultant and Senator Ben Allen, in Sacramento, CA (July 17, 2016) (notes on file with *The University of the Pacific Law Review*) [hereinafter Interview with Tiffany Mok].

12. *Infra* Part IV.

13. Edmund G. Brown, California 2015-2016 State Budget, 1, 11 (2015).

14. Senate Rules Committee, Committee Analyses of SB 933, 6 (June 1, 2016).

15. *Infra*, Part II.

16. *Infra*, Part III.

17. Brown, *supra* note 13, at 1.

18. *Infra* Part I.A.

19. Policy Brief: Proposition 98 Sets a Minimum Funding Guarantee for Education, EdSource (March 2009) (on file with *The University of the Pacific Law Review*).

20. *Infra* Part II.B.2 Significant Adjustments to Funding Allocation.

21. *Infra*, Part II.C.

A. *Proposition 98*

California voters passed Proposition 98 in 1988, amending the California Constitution and guaranteeing minimum funding amounts for K-12 schools.²² In 2013, voters adopted the Local Control Funding Formula (LCFF) as a part of the Proposition 98 general fund.²³

B. *Budget Act of 2013*

K-12 schools were the primary beneficiaries of the Budget Act of 2013.²⁴ Implemented as a part of the Budget Act of 2013, the LCFF contributed \$2.1 billion to be divided between school districts across the state.²⁵ The budget further allocated \$1.25 billion to pay for one-time costs of transitioning schools into the Common Core standards.²⁶ Another \$2 billion was allocated to reduce the amount of deferred payments made after the fiscal year.²⁷ All of this is in addition to the \$831 million that K-12 schools received through Proposition 39's energy efficiency grants.²⁸

Along with the funding allocation, the Legislature passed several bills to establish the LCFF.²⁹ The LCFF apportions funding based on the number and concentration of "unduplicated pupils," in an attempt to support those students.³⁰ An unduplicated pupil is a student whom one or more of the definitions included in Section 42238.01 of the Education Code apply.³¹ Students that meet this definition include pupils eligible for free or reduced price meals, foster youth, and English learners.³² The goal of this funding was to increase or improve services for unduplicated pupils compared to the services provided to all pupils in proportion to the increase in funds.³³ The legislation also provides a formula for school districts to determine the percentage by which services should increase.³⁴ The ultimate goal of the funding project is to allow school districts to increase or improve services for unduplicated pupils at a local level as opposed to a state

22. Brown, *supra* note 13, at 11.

23. *Id.*

24. Paul Warren, *California's State Budget: The Enacted 2013-14 Budget*, PUB. POL'Y INST. CAL., (July 2013), available at http://www.ppic.org/content/pubs/jtf/JTF_Budget0713JTF.pdf (on file with *The University of the Pacific Law Review*).

25. *Id.*

26. *Id.*

27. *Id.*

28. *Id.*

29. CAL. EDUC. CODE §§ 15494–97 (West 2014).

30. CAL. EDUC. CODE § 15496 (West 2014).

31. Cal. Educ. Code § 15495 (West 2014).

32. *Id.*

33. CAL. EDUC. CODE § 15496.

34. *Id.*

level.³⁵ School Districts are using the LCFF to implement teacher education programs.³⁶ SB 933 was an attempt to legitimize and provide more funding for schools using this LCFF funding for hiring purposes as opposed to support purposes.³⁷

C. Budget Act of 2015

The 2015-2016 budget added significant adjustments to the funding Proposition 98 allocated.³⁸ The primary allocation change was adding \$6 billion to the general fund in order to continue the transition to LCFF.³⁹ Other additions include an incentive program for schools that establish Career Technical Education (CTE) programs (priority given to schools with unduplicated pupils), as well as a program to increase support for beginning teachers and teachers needing improvement.⁴⁰ Funding for technology and special education programs also received a slight bump from the prior budget.⁴¹

D. Section 44325 of the California Education code

Section 44325 of the Education Code established an intern program for qualified persons to teach in a classroom while obtaining their teaching credentials.⁴² In order to meet the criteria to receive a district intern credential, the applicant must: (1) have a bachelors degree; (2) successfully pass the state's basic skills proficiency test; (3) complete a subject matter examination or preparation program; and (4) pass an oral language test if seeking to teach in bilingual classes.⁴³

E. Vergara v. California

In *Vergara*, the plaintiffs alleged violations of their constitutional education rights claiming that statutes allowing for tenure programs, reduction in force, and setting forth dismissal requirements left certain students at a disadvantage.⁴⁴ The Court in *Vergara* acknowledged the Supreme Court of California's history of finding budget and finance issues related to the education system

35. *Id.*

36. Warren, *supra* note 24.

37. Interview with Tiffany Mok, *supra* note 11.

38. Brown, *supra* note 13, at 12.

39. *Id.*

40. *Id.*

41. *Id.*

42. CAL. EDUC. CODE § 44325 (West 2010).

43. CAL. EDUC. CODE § 44325(c) (West 2010).

44. *Vergara v. State of California*, 209 Cal.Rptr.3d 532 (2d Dist. 2016).

unconstitutional.⁴⁵ The court dismissed the plaintiff's case on the ground that implementation of these statutes had not harmed an identifiable group.⁴⁶

While the plaintiffs exposed problematic staffing decisions throughout the state, they did not create a link between the staffing decisions and harm to certain identifiable people.⁴⁷ This decision seems to establish a precedent that will solidify the law surrounding the rights of education, but the appeal has people concerned about the future of education legislation and challenges bills like SB 933, which attempt to solve education problems.⁴⁸ Nonetheless, SB 933 would have been a milestone in the Legislature's attempt to secure the constitutional right to education through well-educated teachers.⁴⁹

III. SB 933

SB 933 would have been formally known as The California Teacher Corps Act of 2016 and attempted to recognize the effects of a long-term teacher shortage throughout the state.⁵⁰ SB 933 attempted to establish requirements for the allocation of funding to provide mentorship and training to prospective teachers in high-need schools.⁵¹

SB 933 would have amended the Education Code to establish a teacher residency program.⁵² The teacher residency program would have provided mentor teaching opportunities to teacher candidates.⁵³ The goal of SB 933 was to prepare and place teacher candidates in high-need schools throughout the state.⁵⁴ SB 933 attempted to establish a \$60,000,000 one-time budget allocation for the State Superintendent of Public Instruction to distribute during the 2016–2017, 2017–2018, and 2018–2019 fiscal years.⁵⁵ SB 933 would have allowed local

45. *Id.* at 639–40. (noting the courts decisions in *Serrano v. Priest* 5 Cal.3d 584 (1971) and *Serrano v. Priest*, 18 Cal.3d 728 (1976)).

46. *Vergara*, 246 Cal.App.4th. at 646–48.

47. *Id.* at 651.

48. Joy Resmovits, California's Teacher Tenure Battle Is Reignited by Vergara Appeal and a New Bill, LA TIMES (May 25, 2016), available at <http://www.latimes.com/local/education/la-me-vergara-california-appeal-tenure-bill-394-20160525-snap-story.html> (on file with *The University of the Pacific Law Review*).

49. *See id.* (explaining the argument that laws resulting in a disproportionate number of ineffective teachers working in minority schools which SB 933 would have help prevent).

50. *California State Senate Conference on California Teacher Shortage*, YOUTUBE (Feb. 2, 2016), <https://www.youtube.com/watch?feature=youtu.be&v=uGpVeld7PAI&app=desktop> (transcript on file with *The University of the Pacific Law Review*) (statement of Senator Ben Allen) (Recognizing a teacher shortage that has become a growing issue throughout the State of California).

51. SB 933, 2016 Leg., 2015–2016 Sess. (Cal. 2016) (as amended on June 14, 2016, but not enacted).

52. *Id.*

53. *Id.*

54. *Id.* High-need schools is defined in Section 2102 of Part A of Title II of the federal Elementary and Secondary Education Act (Public Law 107-110).

55. *Id.* (defining local education agencies as school districts, county offices of education, charter schools, or charter management organizations).

education agencies to apply for a grant from the Superintendent of Public Instruction to use for the purpose of establishing a teacher residency program.⁵⁶ SB 933 defined the requirements for the teacher residency program, some of which included: (1) an opportunity to teach at least one-half time along side their teacher mentor; (2) instruction on teaching in a high-need school; and (3) it also established tuition assistance and a living stipend for the teacher candidates.⁵⁷

A teacher mentor under SB 933 would have been required to have at least three years of teaching experience, have taught in a high-need school, and have had a good record.⁵⁸ The teacher mentor would receive training and compensation for participation in the program.⁵⁹ SB 933 would have also given priority application status to educational agencies that have programs targeting chronic teacher shortages in the areas of special education and bilingual teachers.⁶⁰

IV. ANALYSIS

SB 933 would have established a teacher residency program that allowed teachers to get hands-on teaching experience with the oversight of a mentor while earning their teaching credential.⁶¹ Under the residency program, teacher residents would have received a stipend to defer costs, ultimately lowering the burden on students wishing to become teachers.⁶² Years of inadequate funding, layoffs, and frustration in the profession have caused teachers to retire or change professions.⁶³ This loss in teacher supply, coupled with higher costs of schooling and low recruiting numbers, exposed California to a teacher shortage that appears to be continuing down a bleak path into the near future.⁶⁴ SB 933 aimed to curb the education deficit by promoting high quality teaching in high-need school districts with the hopes of retaining teachers for the long term in positions throughout California.⁶⁵

56. *Id.* SB 933 defined local education agencies as school districts, county offices of education, charter schools, or charter management organizations. SB 933, 2016 Leg., 2015-2016 Sess. (Cal. 2016) (as amended on June 14, 2016, but not enacted).

57. SB 933, 2016 Leg., 2015-2016 Sess. (Cal. 2016) (as amended on June 14, 2016, but not enacted).

58. *Id.*

59. *Id.*

60. *Id.*

61. Karin Klein, *Far Too Many Teachers Aren't Fully Qualified*, SACRAMENTO BEE (Jun. 14, 2016), available at <http://www.sacbee.com/opinion/op-ed/article83516302.html> (on file with *The University of the Pacific Law Review*).

62. *Id.*

63. Lambert, *supra* note 8.

64. *Id.*

65. *Supra* Section III; SB 933, 2016 Leg., 2015-2016 Sess. (Cal. 2016) (as amended on June 14, 2016, but not enacted).

A. *Curbing California's Teacher Shortage Crisis with Qualified, Well-Prepared Teachers*

The California Legislature has noticed that decades of policy have caused a crisis in California.⁶⁶ The supply of teachers in the state is at a 12-year low, and is expected to continue its downward trend.⁶⁷ The lack of teacher training prior to taking control of a classroom only exacerbates the problem.⁶⁸ The number of short-term and provisional teaching permits issued has nearly tripled in recent years, according to a report produced by the Learning Policy Institute.⁶⁹ These permits are given to teachers who are not yet fully qualified to teach, but are allowed to teach unsupervised on an emergency basis while earning their teaching credential.⁷⁰ Because of the high need for teachers, these permitted teachers are also typically assigned to high-need schools.⁷¹ Positions in primarily minority filled, underfunded, and special education classrooms are common placements for teachers with this type of emergency credential.⁷²

1. *The Current Credentialing Process for Teachers Makes It Difficult to Recruit and Retain Qualified Teachers*

Proper training and preparation provide a better transition into the teaching profession.⁷³ This results in better job satisfaction and, therefore, promotes teacher retention.⁷⁴ Unfortunately, the proper training in California requires more time and money than it does in other states.⁷⁵

Unlike most states, California requires a fifth year of college and often a master's degree to obtain a teaching credential.⁷⁶ In hopes of lowering the burden on potential teachers, Governor Brown proposed an additional \$10 million in the

66. Charles Taylor Kerchner, *California's Continuous Improvement Needs Political Muscle*, EDUC. WK. (May 16, 2016), http://blogs.edweek.org/edweek/on_california/2016/05/californias_continuous_improvement_needs_political_muscle.html (on file with *The University of the Pacific Law Review*) (noting, specifically, budget cuts and teacher layoffs following the recession in the early 2000s).

67. Klein, *supra* note 61.

68. *Id.*

69. *Id.*; see e.g., Lambert, *supra* note 8 (explaining the breakdown of various teaching credentials issued during the 2014-2015 school year).

70. Klein, *supra* note 61.

71. Linda Darling-Hammond & Steve Barr, Commentaries, *Teacher Residencies: A Long-Term Strategy to Solve California Teacher Shortages*, EDSOURCE (May 18, 2016), available at <https://edsources.org/2016/teacher-residencies-a-long-term-strategy-to-solve-california-teacher-shortages/564418> (on file with *The University of the Pacific Law Review*).

72. *Id.*

73. California State Senate Conference on California Teacher Shortage, *supra* note 50 (statement of Senator Ben Allen).

74. Policy Brief: Teacher Residencies Building a High-Quality, Sustainable Workforce, Learning Pol'y Inst (on file with *The University of the Pacific Law Review*).

75. Klein, *supra* note 61.

76. *Id.*

budget to assist universities in establishing “integrated” four-year undergraduate teacher credentialing programs,⁷⁷ but many say this is not enough.⁷⁸

Of the 7,000 students enrolled in teacher preparation programs at California State University campuses each year, only 203 are enrolled in these “integrated” programs.⁷⁹ This is a substantial decline from 10 years prior, which indicates the current level of participation in this program cannot be enough to satisfy the growing demand for qualified teachers throughout the state.⁸⁰ President and CEO of The Learning Policy Institute, Linda Darling-Hammond, echoed this concern stating, “strategies are also needed to attract people who decide to go into teaching after they have completed their undergraduate studies, or as a second career when they have already been in the workforce for several years.”⁸¹

The current credentialing requirements that mandate a master’s degree to qualify for a teaching credential can cost \$20,000 on top of the already high price of an undergraduate education.⁸² New teachers making an average annual salary of \$40,000 find it difficult to afford student loan payments and living expenses, which reduces the number of people willing to attempt teaching certification.⁸³

2. California Is Already Low in the Rankings for Education, and it is Bound to Worsen as the Shortage Increases Further

Ranked last in the nation for student teacher ratios, California is already on a steep decline in regard to the education it provides to students compared to other states.⁸⁴ Because of the shortage, school districts are taking drastic measures to fill their open positions.⁸⁵ With districts offering subsidized housing, signing bonuses, and many other perks to sign a contract, the incentives are in place to

77. *Id.*; Louis Freedberg & John Fensterwald, *Gov. Brown’s Push for More Undergraduates to Get Teaching Credentials*, EDSOURCE (May 19, 2016), available at <https://edsources.org/2016/gov-browns-push-for-more-undergraduates-to-get-teaching-credentials/564396> (on file with *The University of the Pacific Law Review*). A program that will follow much of the rest of the country which allows students to participate in education focused undergraduate coursework, and gain practical experience in the classroom during their final semester as an undergrad.

78. *Id.* This program will allocate \$250,000 subsidies to universities willing to add 4 year “integrated programs” to their teacher preparation; Klein, *supra* note 61.

79. Freedberg & Fensterwald, *supra* note 77.

80. *Id.*

81. *Id.*

82. Brooke Martell, *Teacher Shortage: Cal Poly, UCSB Work to Lure Teaching Credential Candidates*, KSBY (television broadcast May 12, 2016), available at <http://www.ksby.com/story/31963137/teacher-shortage-cal-poly-ucsb-work-to-lure-teaching-credential-candidates> (on file with *The University of the Pacific Law Review*).

83. *Id.*

84. Cal. Senate Rules Committee, *Analysis of SB 933*, at 6 (Jun. 1, 2016).

85. Lambert, *supra* note 8 (noting that school districts in the Bay Area have built subsidized housing for teachers, and that school districts around Sacramento have offered signing bonuses in order to fill the positions that remain empty).

recruit teachers.⁸⁶ It is not difficult to find an open position and get a job as a teacher in California, but the job alone is still not enough to attract the amount of teachers needed.⁸⁷

With such a high demand for teachers, school districts are unable to train their staff, provide support to new and struggling teachers, and set up programs to continue to educate their teachers.⁸⁸ This is causing a growing number of new teachers to be dissatisfied with their career, which makes retention an ever-present problem throughout the state.⁸⁹ Further, the price of replacement and recruiting costs districts money that could be used to fund teacher education.⁹⁰

Education experts suggest that a good way to end this trend of teacher attrition is to prepare teachers to enter a classroom fully before allowing them to have control of their own class.⁹¹ The problem then becomes finding an affordable way to train teachers in a high-quality manner, and then placing them in the best position possible to maintain a long-term career in a high-need school district.⁹² According to the California Commission on Teacher Credentialing, enrollment in teacher preparation programs across the state has declined from more than 75,000 in 2002 to 20,000 in 2014.⁹³

B. Other Similar Programs Are Showing High Rates of Success

Residency programs are not a novel practice in higher education.⁹⁴ Medical schools and other professional degree programs introduce students to the practice of the profession while in school so they are prepared when they enter the workforce.⁹⁵ Teacher residency programs are not a new or unheard of concept either.⁹⁶ Non-profit organizations have been working with local universities to credential teachers through residency programs for several years.⁹⁷

The California Teacher Corps Act was based on the practice of these private programs, as well as state programs like the one recently implemented in North Carolina.⁹⁸ According to Tiffany Mok, the senior policy consultant to Senator

86. *Id.*

87. *Id.*

88. *Id.*

89. *Id.*

90. Darling-Hammond & Barr, *supra* note 71.

91. *Id.*

92. *Id.*

93. Tricia Caspers, *Teachers in Demand: What the Educator Shortage Means for the Foothills*, AUBURN JOURNAL (Jun. 21, 2016), available at <http://www.auburnjournal.com/article/6/21/16/teachers-demand-what-educator-shortage-means-foothills> (on file with *The University of the Pacific Law Review*).

94. Policy Brief: Teacher Residencies Building a High-Quality, Sustainable Workforce, Learning Pol’y Inst. (on file with *The University of the Pacific Law Review*).

95. *Id.*

96. *Id.*

97. *Id.*

98. Interview with Tiffany Mok, *supra* note 11.

Ben Allen, the teacher residency program in North Carolina has been extremely successful for teachers and students in that state.⁹⁹ While the California program does not take all aspects of the North Carolina model, it does give a good background for the program, and can provide some good data to help correlate teacher residencies to retention.¹⁰⁰

There are at least 10 programs like North Carolina's teacher residency program in the state of California that are meeting critical hiring needs, according to a report by the Learning Policy Institute.¹⁰¹ One of the programs surveyed by the Learning Policy Institute, the San Francisco Teacher Residency (SFTR), has allowed college graduates who would normally be unable to teach due to financial instability the opportunity to earn a teaching credential at a much lower cost.¹⁰²

In recognition of the growing recruiting and retention problem, charter school organizations across the state began to use teacher residency programs to provide clinical training to new teachers.¹⁰³ Similar to a medical residency program, teachers apply to these private organizations that typically collaborate with local universities.¹⁰⁴ After acceptance, many of these teacher candidates apprentice alongside an expert teacher for an entire school year, sometimes two.¹⁰⁵ Following the apprenticeship, the teachers are ready to continue teaching in the same school.¹⁰⁶

These programs, like the one in San Francisco, are recruiting teachers in high-need areas, and retaining them for many years after.¹⁰⁷ As many as 80 percent of teachers who go through this program remain in the district for five years after the program concludes.¹⁰⁸ This significantly lowers the cost of replacing teachers, and promotes a more healthy work environment.¹⁰⁹ Compare this to the 38 percent of teachers remaining in the district who did not go through a residency program, and the program's success seems, almost impossibly, the perfect answer to a statewide problem.¹¹⁰

99. *Id.*

100. *Id.*

101. Policy Brief: Teacher Residencies in California, *supra* note 94.

102. Richard A. Carranza, Opinion, *California Teacher Corps Would Attract New Talent To Schools*, S.F. CHRON. (May 25, 2016), available at <http://www.sfchronicle.com/opinion/openforum/article/California-Teacher-Corps-would-attract-new-talent-7945344.php> (on file with *The University of the Pacific Law Review*).

103. Darling-Hammond & Barr, *supra* note 71.

104. *Id.*

105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. Darling-Hammond & Barr, *supra* note 71.

110. *Id.*

Unfortunately, these programs are not taking place where they are needed most—in the high-need schools.¹¹¹ Instead, it is primarily charter schools that already have the funding in place to implement these programs that take advantage of its potential.¹¹² This is where the state comes in—to provide funding for these programs in schools that are understaffed in locations.

C. While the Teacher Residency Program Has Received Overwhelming Support Throughout the State, Some are Worried it May Cost too Much and Not Do Enough

There were no official opponents of the California Teacher Corps Act.¹¹³ Given this lack of challenge, there was little worry that it would at least make it to the Governor's desk, although it was unclear what would happen there.¹¹⁴ The problems with SB 933 came primarily with budgetary issues and concerns about quantifying the benefits of the program.¹¹⁵ Given Governor Edmond Brown's history of being tight with the budget and the need to correlate the program's success to the amount being spent, it was difficult to justify implementing and continuing the program for a long period of time.¹¹⁶

1. Spending Such a Large Amount is Frowned Upon In an Era of Trying to Preserve State Assets

The biggest concern with the bill's success is not opposition to the contents and principle of the bill, but its impact on the state budget.¹¹⁷ The budget's strict tie to the state's financial obligations, such as pensions, health care programs, and other services, set the backdrop for concerns with adding any extra spending to the budget.¹¹⁸ Because these programs are similar to insurance programs and have not yet paid out, but carry an obligation to pay, they hold some uncertainty for the government—making the creation of a rainy day fund necessary.¹¹⁹

The number of Californians enrolling in state health care services is also higher than expected, and the minimum wage is set to increase to \$15 per hour, which will increase the state payroll costs, all leaving the budget in a teeter-totter

111. *Id.*

112. *Id.*

113. Interview with Tiffany Mok, *supra* note 11.

114. *Id.*

115. *Supra*, Part IV.C.

116. *Supra*, Part IV.C.

117. Interview with Tiffany Mok, *supra* note 11.

118. Off. of the Controller, Comprehensive Annual Financial Report, Fiscal Year 2015, at iii (2016).

119. *Id.*

like balance.¹²⁰ In an attempt to leave his successor in a better position than when he took office, Governor Brown has been consistently vocal about his priority to continue deposits into a “rainy day savings account” as opposed to funding new commitments and programs around the state.¹²¹

While the State Controller’s Office reports California’s economy is the eighth largest in the world,¹²² there is still a large deficit to worry about.¹²³ A \$175 billion deficit tied primarily to unfunded, employee-related programs justifies Governor Brown’s hesitation to spend more than is absolutely necessary.¹²⁴

But people like Linda Darling-Hammond and Steve Barr are not convinced that the state could not fund the program through external means as well.¹²⁵ In their article for EdSource, Ms. Darling-Hammond and Mr. Barr point out that a program such as the teacher residency program proposed by Senator Allen could take advantage of federal funding that is available for programs such as AmeriCorps, which is linked to the Higher Education Act and the more prevalent Every Student Succeeds Act (ESSA).¹²⁶

2. *It is challenging to Quantify the Retention Data, Making it Hard to Justify the Program and Further Track its Success*

When it comes to spending large amounts of money, the Governor’s office is intent on seeing the correlation between the money spent and the program’s success.¹²⁷ Narrowing a program’s success to one specific act or set of acts is difficult when there are so many forces at play.¹²⁸ Things like federal funding, the economy, other state programs, and changes in the demands of the profession are all factors that affect the success of the education system in California.¹²⁹ While programs like this have had success in other states, and even localities in California, it is challenging to quantify the impact of this specific program on the state education system as a whole.¹³⁰ To continue to justify the program’s

120. Jessica Calefati & Paul Rogers, *California Budget: Slight Slump Leads Gov. Jerry Brown to Shrink Spending Plan*, THE MERCURY NEWS (May 13, 2016), available at <http://www.mercurynews.com/2016/05/13/california-budget-slight-slump-leads-gov-jerry-brown-to-shrink-spending-plan/> (on file with *The University of the Pacific Law Review*).

121. *Id.*

122. Off. of the Controller, *Comprehensive Annual Financial Report, Fiscal Year 2015*, at vi (2016).

123. *Id.* at 5.

124. *Id.*

125. See Darling-Hammond & Barr, *supra* note 71 (stating that California can take advantage of federal funding as well).

126. *Id.*

127. Interview with Tiffany Mok, *supra* note 11.

128. *Id.*

129. *Id.*

130. *Id.*

funding, its creators needed to devise a strategy to quantify the effect SB 933 would have had on the statewide shortage.¹³¹

D. Aside from the Budget and Analysis Constraints, Some Are Saying this May Not Be Enough

While many say that the issues the California Teacher Corps Act and its counterparts addressed would have helped to solve the problem, others claim that it did not do enough.¹³² In his article in *Education Week*, Charles Kerchner suggests that school districts need help getting the LCFF program right.¹³³ For education reform to really work, the individual districts not only need good teachers, but also must understand proper use of all resources available to them.¹³⁴ This goes back to the quantification of value that is placed on the program as a whole.¹³⁵

The primary problem with the critique is that LCFF funding provides resources for most school districts.¹³⁶ But the local control and application of the funding to the school district may make it a more effective way to quantify results.¹³⁷ The fact that LCFF funding is used to promote retention and training, as opposed to education programs, also impacts quantification of the residency program.¹³⁸

E. In the End, the Timing Was Not Right, and the Budget Could Not Handle Adding this Expense

While there was generally overwhelming support for the substance of SB 933, the funding was just not made available.¹³⁹ When the Assembly Appropriations Committee released its analysis of the bill on June 29, 2016, the budget had already been approved and was awaiting the Governor's signature.¹⁴⁰ The California Department of Education also indicated they would not be able to allocate funds for the program during the 2016–2017 fiscal year, which would push the program back a year.¹⁴¹ Given the timing of the budget and the inability

131. See Interview with Tiffany Mok, *supra* note 11 (noting that it is challenging to convince the governor's office that the benefits of the bill are quantifiable).

132. See generally Kerchner, *supra* note 66 (suggesting other things necessary for lasting education reform).

133. *Id.*

134. *Id.*

135. *Supra* Part IV.C.2.

136. *Supra* Part II.B.

137. See *supra* Part II.B (discussing the many factors that go into assessing funding under the LCFF).

138. *Supra* Part IV.C.2.

139. Cal. Assembly Appropriations Committee Analysis of SB 933, at 2 (Jun. 29, 2016).

140. *Id.*

141. *Id.*

to allocate extra funding for this program, it did not pass the Assembly Appropriations Committee.¹⁴²

V. CONCLUSION

The California Teacher Corps Act of 2016 had the potential to be a game changer in the world of education in California.¹⁴³ It gave school districts an opportunity to work with the government to implement a program that would recruit and retain long-term, highly qualified teachers.¹⁴⁴ With the number of teachers declining in schools throughout the state, the government recognizes the need to implement a program that will make credentialing easier and more affordable for aspiring teachers.¹⁴⁵

A teetering budget also hangs in the balance.¹⁴⁶ Debts that have yet to be paid out, and commitments that are not yet fulfilled, leave the Governor with the task of explaining every expense.¹⁴⁷ The desire to continue improving California's economic situation makes justifying a \$60 million program difficult.¹⁴⁸ Most Californians recognize the importance of an improved, high quality, long lasting education system, but in order for the Governor to fund these education programs, the quantifiable benefits of a program need to outweigh its costs.¹⁴⁹ As the legislature continues to push for education reform, and the executive branch faces data supporting the need for good teacher training and resource management, funding will grow for the education system in California.¹⁵⁰

142. *Id.*

143. *Supra* Part IV.

144. *Supra* Part III.

145. *Supra* Part IV.A.

146. *Supra* Part IV.C.1.

147. *Supra* Part IV.C.1.

148. *Supra* Part IV.C.1.

149. *Supra* Part IV.C.1.

150. *Supra* Part IV.C.1.