



FREMONT UNION HIGH SCHOOL DISTRICT

Cupertino High School | Fremont High School | Homestead High School | Lynbrook High School | Monta Vista High School | Adult School

May 9, 2024

Via: *Electronic Submittal:* <https://csm.ca.gov/dropbox.shtml>

Gayle Miller, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814



Revised May 9, 2024

Re: Transitional Kindergarten Program, 23-TC-02

Position: Support

Dear Ms. Miller:

On behalf of the Fremont Union High School District, I am writing in support of the test claim: Transitional Kindergarten Program, 23-TC-02, which is tentatively scheduled to be considered by the Commission on State Mandates (Commission) at its November 22, 2024, hearing.

California is currently in the second year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make transitional kindergarten (TK) available to all children who will have their fourth birthday by September 1 of the school year. To assist with the implementation of UTK, the state funds TK average daily attendance by annually rebenching Proposition 98 with General Fund dollars to account for the newly eligible TK students. Over the past two fiscal years, the state has provided nearly \$1 billion in ongoing funding for the implementation of UTK. That annual cost is expected to grow to approximately \$2.7 billion when UTK is fully implemented in 2025-26.

While the state has highlighted its commitment to fund UTK, the funding distribution methodology that is being utilized leaves out community-funded (basic aid) school districts, which means that districts like ours do not receive funding for implementing TK. Although interpretations of current law vary, the state has clearly expressed that TK should be offered by all districts, making it an unfunded mandate for community-funded districts not receiving dollars to implement this new, full grade level.

The requirement for community-funded districts to implement UTK clearly meets the determination requirement of the state imposing a new program or higher level of service on LEAs. The state continues to maintain that implementation of UTK is an expectation of all school districts; however, the state is only providing funding for UTK to state-funded districts. The refusal of the state to provide funding for community-funded districts for UTK implementation, while at the same time maintaining that it is still an obligation to implement, constitutes an unfunded mandate by the state.

For these reasons, we strongly support the test claim filed by the Hope Elementary School District and the Sunnyvale School District. Without support from the Commission on this test claim, community-funded districts will be forced to take funding from other programs that currently serve students in order to implement this new grade.

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We implore that the Commission staff recommends the test claim to be approved and that Commission members approve the claim when it is heard this fall. Thank you.

A. Certification

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or based on information and belief and that I am authorized and competent to do so.

May 9, 2024



Christine Mallery, CBO/Associate Superintendent
Fremont Union High School District
589 West Fremont Avenue
Sunnyvale, CA 94087
(408) 522-2245
christine_mallery@fuhsd.org

cc: Members and Staff, Commission on State Mandates

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On May 31, 2024, I served the:

- **Current Mailing List dated May 29, 2024**
- **Dr. Diana Galindo-Roybal, Superintendent, Goleta Union High School District Comments on the Test Claim filed April 30, revised May 13, 2024**
- **Jason Vilorio, Superintendent, Laguna Beach Unified School District Comments on the Test Claim filed May 2, 2024 revised May 13, 2024**
- **Jeffrey Trader, Assistant Superintendent-CBO, Newport-Mesa Unified School District Comments on the Test Claim filed May 10, 2024 revised May 13, 2024**
- **Anne Hubbard, Superintendent, Hope School District Comments on the Test Claim filed May 3, 2024 revised May 10, 2024**
- **Autumn Noe, Classified Employee and Parent, Montecito Union School District Comments on the Test Claim filed May 1, 2024 revised May 10, 2024**
- **Anthony Ranii, Superintendent, Montecito Union School District Comments on the Test Claim filed May 1, 2024 revised May 10, 2024**
- **Robert Bravo, Superintendent, Campbell Union High School District Comments on the Test Claim filed April 30, 2024 revised May 9, 2024**
- **Jennifer Dudley, Superintendent-Principal, Fort Ross Elementary School District Comments on the Test Claim filed April 30, 2024 revised May 9, 2024**
- **Graham Clark, Superintendent, Fremont Union High School District Comments on the Test Claim filed May 2, 2024 revised May 9, 2024**
- **Christine Mallery, CBO-Associate Superintendent, Fremont Union High School District Comments on the Test Claim filed April 30, 2024 revised May 9, 2024**
- **Chris Vanden Heuvel, Superintendent, Healdsburg Unified School District Comments on the Test Claim filed April 30, 2024 revised May 9, 2024**
- **Amud Setlur, Trustee Portola Valley School District Comments on the Test Claim filed May 1, 2024 revised May 9, 2024**
- **Eric Prater, Superintendent, San Luis Coastal Unified School District Comments on the Test Claim filed May 3, 2024 revised May 9, 2024**

- **Dr. Jeanette Rodriguez-Chien, Superintendent, Sonoma Valley Unified School District Comments on the Test Claim filed May 1, 2024 revised May 9, 2024**
- **Michael Gallagher, Superintendent, Sunnyvale School District Comments on the Test Claim filed April 30, 2024 revised May 9, 2024**
- **Bree Valla, Superintendent-Principal, Vista Del Mar Union School District Comments on the Test Claim filed April 30, 2024 revised May 8, 2024**

Transitional Kindergarten Program, 23-TC-02

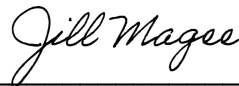
Statutes 2021, Chapter 44, Section 60 (AB 130);

Education Code Section 48000, Effective July 9, 2021

Hope Elementary School District and Sunnyvale School District, Claimants

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 31, 2024 at Sacramento, California.



Jill Magee

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 5/29/24

Claim Number: 23-TC-02

Matter: Transitional Kindergarten Program

Claimants: Hope Elementary School District
Sunnyvale School District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

Amber Alexander, *Department of Finance*

Education Systems Unit, 915 L Street, 7th Floor, Sacramento, Ca

Phone: (916) 445-0328

Amber.Alexander@dof.ca.gov

Michael Alferes, Fiscal and Policy Analyst, K-12, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95816

Phone: (916) 319-8332

michael.alferes@lao.ca.gov

Lindsay Alker, Certificated Teacher, *Montecito Union School District*

385 San Ysidro Road, Santa Barbara, CA 93108

Phone: (805) 969-3249

lalker@montecitou.org

Brooks Allen, Executive Director, *California State Board of Education (SBE)*

1430 N Street, Suite 5111, Sacramento, CA 95814

Phone: (916) 319-0708

BRAllen@cde.ca.gov

Jaime Allison, Certificated Teacher, *Montecito Union School District*

385 San Ysidro Road, Santa Barbara, CA 93108

Phone: (805) 969-3249

jallison@montecitou.org

Stacy Allison, Certificated Teacher, *Montecito Union School District*

385 San Ysidro Road, Santa Barbara, CA 93108

Phone: (805) 969-3249

sallison@montecitou.org

Virginia Alvarez, Chief Business Official, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
valvarez@montecitou.org

Mercy Anykia, *Hope School District*
748 Cieneguitas Road, Unit C, Santa Barbara, CA 93110
Phone: (785) 550-9998
anyikame@gmail.com

Lili Apgar, Specialist, *State Controller's Office*
Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 324-0254
lapgar@sco.ca.gov

Socorro Aquino, *State Controller's Office*
Division of Audits, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 322-7522
SAquino@sco.ca.gov

Kim Aragon, Employee, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
karagon@hopeschooldistrict.org

Tim Barker, Teacher, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
tbarker@hopeschooldistrict.org

Harmeet Barkschat, *Mandate Resource Services, LLC*
5325 Elkhorn Blvd. #307, Sacramento, CA 95842
Phone: (916) 727-1350
harmeet@comcast.net

Robert Bauer, Trustee, *Portola Valley School District*
4575 Alpine Road, Portola Valley, CA 94028
Phone: (650) 851-1777
rbauer@pvsd.net

Jammie Behrendt, Associate Superintendent, *Menlo Park City School District*
181 Encinal Ave, Atherton, CA 94027
Phone: (650) 321-7140
jbehrendt@mpcsd.org

Ginni Bella Navarre, Deputy Legislative Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8342
Ginni.Bella@lao.ca.gov

Daniel Berman, Parent, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
Dgcberman@gmail.com

Kimberly Berman, 6th Grade Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108

Phone: (805) 969-3249
kberman@montecitou.org

Ryan Blasena, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
rblasena@hopeschooldistrict.org

Mitchell Bragg, Board Member, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
mbragg@montecitou.org

Robert Bravo, Superintendent, *Campbell Union High School District*
3235 Union Ave, San Jose, CA 95124-2095
Phone: (408) 371-0960
rbravo@cuhsd.org

Mike Brown, *School Innovations & Advocacy*
5200 Golden Foothill Parkway, El Dorado Hills, CA 95762
Phone: (916) 669-5116
mikeb@sia-us.com

Nick Bruski, Principal, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
nbruski@montecitou.org

Guy Burdick, Consultant, *MGT Consulting*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 833-7775
gburdick@mgtconsulting.com

Shelby Burguan, Budget Manager, *City of Newport Beach*
100 Civic Center Drive, Newport Beach, CA 92660
Phone: (949) 644-3085
sburguan@newportbeachca.gov

Jennifer Burks, Superintendent, *Solana Beach School District*
309 North Rios Avenue, Solana Beach, CA 92075-1298
Phone: (858) 794-7100
jenniferburks@sbsd.net

Sharon Burns, Principal, *Menlo Park City School District*
181 Encinal Avenue, Atherton, CA 94027
Phone: (650) 326-5164
sburns@mpcsd.org

Edgar Cabral, Fiscal and Policy Analyst, K-12, *Legislative Analyst's Office*
925 L Street, Suite 100, Sacramento, CA 95816
Phone: (916) 319-8332
edgar.cabral@lao.ca.gov

Evelyn Calderon-Yee, Bureau Chief, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 324-5919
ECalderonYee@sco.ca.gov

Louann Carlomagno, Superintendent, *Hillsborough City School District*
300 El Cerrito Avenue, Hillsborough, CA 94010
Phone: (650) 342-5193
lcarlomagno@hcsdk8.org

Abby Carrington, 5th Grade Teacher, *Montecito Union School District*
1551 Myra Street, Carpinteria, CA 93013
Phone: (908) 812-1771
acarrington@montecitou.org

Veronica Causor-Lara, Manager, Internal Audit, *San Jose Unified School District*
855 Lenzen Avenue, San Jose, CA 95126
Phone: (408) 535-6000
vcausorlara@sjusd.org

Michael Chaix, Superintendent, *Cucamonga School District*
8776 Archibald Avenue, Rancho Cucamonga, CA 91730-4698
Phone: (909) 987-8942
mchaix@cuca.k12.ca.us

Carolyn Chow, Chief Business Officer, *Palo Alto Unified School District*
25 Churchill Ave, Palo Alto, CA 94036
Phone: (650) 329-3980
cchow@pausd.org

Carolyn Chu, Senior Fiscal and Policy Analyst, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8326
Carolyn.Chu@lao.ca.gov

Graham Clark, Superintendent, *Fremont Union High School District*
589 West Fremont Avenue, PO Box F, Sunnyvale, CA 94087
Phone: (408) 522-2201
graham_clark@fuhsd.org

Brian Clausen, Trustee, *San Luis Coastal Unified School District*
1500 Lizzie Street, San Luis Obispo, CA 93401
Phone: (805) 549-1202
bclausen@slcusd.org

Brooke Cloud, Montecito Union School District, *Certificated Teacher*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
bcloud@montecitou.org

Ronan Collver, Superintendent, *Brisbane School District*
1 Solano Street, Brisbane, CA 94005
Phone: (415) 467-0550
rcollver@brisbanesd.org

Kelly Cousineau, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
kellycousineau@gmail.com

Kim Crail, Board Vice President, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108

Phone: (805) 969-3249
kcrail@montecitou.org

Heidi Craine, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
hcraine@montecitou.org

Margaret Demauro, Finance Director, *Town of Apple Valley*
14955 Dale Evans Parkway, Apple Valley, CA 92307
Phone: (760) 240-7000
mdemauro@applevalley.org

Martina Dickerson, Staff Finance Budget Analyst, *Department of Finance*
Education, Department of Finance, Sacramento, CA 95814
Phone: (916) 445-0328
Martina.Dickerson@dof.ca.gov

John Doe, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
cornelas@montecitou.org

Andra Donovan, *San Diego Unified School District*
Legal Services Office, 4100 Normal Street, Room 2148, , San Diego, CA 92103
Phone: (619) 725-5630
adonovan@sandi.net

Jennifer Dudley, Superintendent - Principal, *Fort Ross Elementary School District*
30600 Seaview Road, Cazadero, CA 95421
Phone: (707) 847-3390
jdudley@fortrossschool.org

Matt Dunkle, Superintendent, *Forestville Union School District*
632 Highway 116, Forestville, CA 95436
Phone: (707) 887-2279
mdunkle@forestvilleusd.org

Jacqueline Duran, Board Member, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
jduran@montecitou.org

Theana Earls, Employee, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
tearls@hopeschooldistrict.org

Melissa Erickson, Certificated Teacher Education Specialist, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
merickson@montecitou.org

Cindy Everman, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
everman@cox.net

Meaghan Faulman, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
meg.faulman@gmail.com

Ben Faulman, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
benfaulman@yahoo.com

Donna Ferebee, *Department of Finance*
915 L Street, Suite 1280, Sacramento, CA 95814
Phone: (916) 445-8918
donna.ferebee@dof.ca.gov

Chris Ferguson, *Department of Finance*
Education Systems Unit, 915 L Street, 7th Floor, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-3274
Chris.Ferguson@dof.ca.gov

Marites Fermin, Chief Business Officer, *Menlo Park City School District*
181 Encinal Avenue, Atherton, CA 94027
Phone: (650) 321-7140
mfermin@mpcsd.org

Diana Galindo-Roybal, Superintendent, *Goleta Union School District*
401 North Fairview Avenue, Goleta, CA 93117
Phone: (805) 681-1200
droybal@gusd.us

Michael Gallagher, Superintendent, *Sunnyvale School District*
Claimant Contact
819 Iowa Ave, Sunnyvale, CA 94086
Phone: (408) 522-8200
michael.gallagher@sesd.org

Brianna Garcia, *Education Mandated Cost Network*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
briannag@sscal.com

Len Garfinkel, General Counsel, *California Department of Education*
1430 N Street, Sacramento, CA 95814
Phone: (916) 319-0860
lgarfinkel@cde.ca.gov

Don Geddis, Board Vice President, *Hillsborough City School District*
300 El Cerrito Avenue, Hillsborough, CA 94010
Phone: (650) 342-5193
don@dongeddis.com

Brett Geithman, Superintendent, *Larkspur-Corte Madera School District*
230 Doherty Drive, Larkspur, CA 94939
Phone: (415) 927-6960
bgeithman@lcmschools.org

Juliana Gmur, Acting Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814

Phone: (916) 323-3562
juliana.gmur@csm.ca.gov

Laura Godinez, Employee, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
lgodinez@hopeschooldistrict.org

Alyssa Gonzalez, K-6 Art Specialist Credentialed Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
agonzalez@montecitou.org

Larissa Graham, Parent, *Hope School District*
3903 Laguna Blanca Drive, Santa Barbara, CA 93110
Phone: (805) 302-4848
larissagraham10@gmail.com

Andree Grey, Superintendent, *Encinitas Union Elementary School District*
101 South Rancho Santa Fe Road, Encinitas, CA 92024-4308
Phone: (760) 944-4300
andree.grey@eusd.net

Kevin Grier, Superintendent, *Loma Prieta Joint Union School District*
23800 Summit Road, Los Gatos, CA 95033
Phone: (408) 353-1101
k.grier@lpjUSD.us

Richard Gross, Trustee, *Fort Ross Elementary School District*
30600 Seaview Road, Cazadero, CA 95421
Phone: (707) 847-3390
richardgross2@icloud.com

Heather Halsey, Executive Director, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
heather.halsey@csm.ca.gov

Gary Hanning, President, *Portola Valley School District*
Board of Trustees, 4575 Alpine Road, Portola Valley, CA 94028
Phone: (650) 851-1777
ghanning@pvsd.net

Mike Heffner, Superintendent-Principal, *Bonny Doon Union Elementary School District*
1492 Pine Flat Road, Santa Cruz, CA 95060
Phone: (831) 427-2300
mheffner@bduesd.org

Gabrielle Herbst, Employee, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
gherbst@hopeschooldistrict.org

Brian Hiefield, Teacher's Spouse, *Hope School District*
7700 Bradford Drive, Goleta, CA 93117
Phone: (805) 708-3087
jorgeman38@gmail.com

Eve Hinton, Trustee, *San Luis Coastal Unified School District*
1500 Lizzie Street, San Luis Obispo, CA 93401-3062
Phone: (805) 549-1202
ehinton@slcusd.org

Tiffany Hoang, Associate Accounting Analyst, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 323-1127
THoang@sco.ca.gov

Chris Hodges, Parent, *Hope School District*
3770 Lincolnwood Drive, Santa Barbara, CA 93110
Phone: (917) 849-9060
cphodges@gmail.com

An Huang Chen, Board Member, *Hillsborough City School District*
300 El Cerrito Avenue, Hillsborough, CA 94010
Phone: (650) 342-5193
anhuangchen12@gmail.com

Anne Hubbard, Superintendent, *Hope Elementary School District*
Claimant Contact
3970 La Colina Road, Suite #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
ahubbard@hopeschooldistrict.org

Meredyth Hudson, Assistant Superintendent of Business, *Campbell Union High School District*
3235 Union Ave, San Jose, CA 95124-2096
Phone: (408) 371-0960
MHudson@cuhdsd.org

Kyle Hyland, *School Services of California*
1121 L Street, Suite 1060, Sacramento, CA 95814
Phone: (916) 446-7517
KyleH@sscal.com

Rusty Ito, Vice Principal, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
rito@montecitou.org

Dmitri Jarocki, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
dmitrijarocki@gmail.com

Jason Jennings, Director, *Maximus Consulting*
Financial Services, 808 Moorefield Park Drive, Suite 205, Richmond, VA 23236
Phone: (804) 323-3535
SB90@maximus.com

Corey Josenhans, *Hope School District*
550 Apple Grove Lane, Santa Barbara, CA 93101
Phone: (805) 689-2913
cljosen75@gmail.com

Lilly Josenhans, *Hope School District*
550 Apple Grove Lane, Santa Barbara, CA 93101
Phone: (805) 698-3087
lillypinney@yahoo.com

Angelo Joseph, Supervisor, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 740,
Sacramento, CA 95816
Phone: (916) 323-0706
AJoseph@sco.ca.gov

Meg Kailikole, Business Manager, *Mendocino Unified School District*
44141 Little Lake Road, Mendocino, CA 95460
Phone: (707) 937-5868
musdcbo@mcn.org

Christy Kelso, Hope School District, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
ckelso@me.com

Sarah Kempe-Mehl,
4559 Nueces Drive, Santa Barbara, CA 93110
Phone: (805) 680-3524
sarahkempemehl@gmail.com

Kerstin Kramer, Superintendent, Chief Learning Officer, *Tahoe Truckee Unified School District*
11603 Donner Pass Road, Truckee, CA 96161-4953
Phone: (530) 582-2550
kkramer@ttusd.org

Yvonne Kreck, Board President, *Alexander Valley Union School District*
8511 Highway 128, Healdsburg, CA 95448
Phone: (707) 433-1375
mreno@alexandervalleyusd.org

Claire Krock, Director of Curriculum and Instruction, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
claire.krock@peabodycharter.net

Jennifer Kuhn, Deputy, *Legislative Analyst's Office*
925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8332
Jennifer.kuhn@lao.ca.gov

Lisa Kurokawa, Bureau Chief for Audits, *State Controller's Office*
Compliance Audits Bureau, 3301 C Street, Suite 700, Sacramento, CA 95816
Phone: (916) 327-3138
lkurokawa@sco.ca.gov

Audin Leung, Student Leader, *Free the Period California*
1 Shield Ave, Pierce Co-op TB14, Davis, CA 95616
Phone: (415) 318-9343
freetheperiod.ca@gmail.com

Ryan Lewis, Superintendent, *Lake Elsinore Unified School District*
545 Chaney Street, Lake Elsinore, CA 92530

Phone: (951) 253-7000
Ryan.Lewis@leusd.k12.ca.us

Jeffrey Linder, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
jlinder@montecitou.org

Kristin Lindgren-Bruzzone, General Counsel, *California School Boards Association*
3251 Beacon Boulevard, West Sacramento, CA 95691
Phone: (916) 669-3243
klindgren-bruzzone@csba.org

Kristin Lindquist, Director of Special Education, *Hope School District*
3970 La Colina Road, Santa Barbara, CA 93110
Phone: (805) 682-2564
KLindquist@hopeschooldistrict.org

Diego Lopez, Consultant, *Senate Budget and Fiscal Review Committee*
1020 N Street, Room 502, Sacramento, CA 95814
Phone: (916) 651-4103
Diego.Lopez@sen.ca.gov

Yirong Lu, ESN Upper (Grade 4-6), *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
ylu@hopeschooldistrict.org

Everett Luc, Accounting Administrator I, Specialist, *State Controller's Office*
3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 323-0766
ELuc@sco.ca.gov

Irina Ludkovski, Parent and Community Member, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
i.m.ludkovski@gmail.com

Karen Luna, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
kluna@montecitou.org

Amelia Madden, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
amadden@montecitou.org

Jill Magee, Program Analyst, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
Jill.Magee@csm.ca.gov

Christine Mallery, CBO-Associate Superintendent, *Fremont Union High School District*
589 West Fremont Avenue, PO Box F, Sunnyvale, CA 94087
Phone: (408) 522-2245
christine_mallery@fuhisd.org

Darryl Mar, Manager, *State Controller's Office*
3301 C Street, Suite 740, Sacramento, CA 95816
Phone: (916) 323-0706
DMar@sco.ca.gov

Kim Marme, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
kmarme@hopeschooldistrict.org

Rania Mather, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
rmather@montecitou.org

Tina McKendell, *County of Los Angeles*
Auditor-Controller's Office, 500 West Temple Street, Room 603, Los Angeles, CA 90012
Phone: (213) 974-0324
tmckendell@auditor.lacounty.gov

Becca McNeese, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
bmneese@hopeschooldistrict.org

Michelle Mendoza, *MAXIMUS*
17310 Red Hill Avenue, Suite 340, Irvine, CA 95403
Phone: (949) 440-0845
michellemendoza@maximus.com

Nellie Meyer, Superintendent, *Mountain View Los Altos High School District*
1299 Bryant Avenue, Mountain View, CA 94040-4599
Phone: (650) 940-4650
nellie.meyer@mvla.net

Eric Monley, Interim Director of Fiscal Services, *San Jose Unified School District*
855 Lenzen Avenue, San Jose, CA 95126
Phone: (408) 535-6000
emonley@sjusd.org

Jimmy Monreal, Assistant Superintendent of Business Services, *Santa Cruz City Schools District*
133 Mission Street, Ste. 100, Santa Cruz, CA 95060
Phone: (831) 429-3410
jmonreal@sccs.net

Lisa Monson, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
Lmonson@montecitou.org

Paige Moore, Business Manager, *Nevada City School District*
800 Hoover LN, Nevada City, CA 95959
Phone: (530) 265-1823
pmoore@ncsd.k12.ca.us

Matthew Morgan, Principal-Superintendent, *Harmony Union School District*
1935 Bohemian Highway, Occidental, CA 95465

Phone: (707) 874-1205
mmorgan@harmonyusd.org

Luis Mori-Quiroz, Parent, *Hope School District*
748 Cieneguitas Road, Unit C, Santa Barbara, CA 93110
Phone: (517) 410-3417
moriluis@gmail.com

Kimberley Morris Rosen, Trustee, *Portola Valley School District*
4575 Alpine Road, Portola Valley, CA 94028
Phone: (650) 851-1777
kimberley.morris@gmail.com

Jason Morse, Superintendent, *Mendocino Unified School District*
44141 Little Lake Road, Mendocino, CA 95460
Phone: (707) 937-5868
jmorse@mcn.org

Katie Moses, Architect,
695 Russell Way, Santa Barbara, CA 93110
Phone: (805) 451-5599
kkcorliss@yahoo.com

Marilyn Munoz, Senior Staff Counsel, *Department of Finance*
915 L Street, Sacramento, CA 95814
Phone: (916) 445-8918
Marilyn.Munoz@dof.ca.gov

Kris Munro, Superintendent, *Santa Cruz City Schools District*
133 Mission St, STE 100, Santa Cruz,, CA 95060
Phone: (831) 429-3410
kmunro@sccs.net

Melissa Ng, Staff Finance Budget Analyst, *Department of Finance*
Education, 915 L Street, 7th Floor, Sacramento, CA 95814
Phone: (916) 445-0328
Melissa.Ng@dof.ca.gov

Connie Ngo, Chief Business Official, *Portola Valley School District*
4575 Alpine Road, Portola Valley, CA 94028
Phone: (650) 851-1777
engo@pvsd.net

Michelle Nguyen, *Department of Finance*
Education Unit, 915 L Street, Sacramento, CA 95814
Phone: (916) 445-0328
Michelle.Nguyen@dof.ca.gov

Andy Nichols, *Nichols Consulting*
1857 44th Street, Sacramento, CA 95819
Phone: (916) 455-3939
andy@nichols-consulting.com

Katie Nimitarnun, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
knimitarnun@montecitou.org

Holly Noble, Certificated Teacher, *Montecito Union School District*

385 San Ysidro Road, Santa Barbara, CA 93108

Phone: (805) 969-3249

hnoble@montecitou.org

Autumn Noe, Classified Employee and Parent, *Montecito Union School District*

3950 Via Real SPC 165, Carpinteria, CA 93013

Phone: (805) 708-0607

autumnnoe@gmail.com

Susannah Osley, Board President, *Montecito Union School District*

385 San Ysidro Road, Santa Barbara, CA 93108

Phone: (805) 969-3249

sosley@montecitou.org

Arthur Palkowitz, *Law Offices of Arthur M. Palkowitz*

Claimant Representative

12807 Calle de la Siena, San Diego, CA 92130

Phone: (858) 259-1055

law@artpalk.onmicrosoft.com

Kirsten Pangilinan, Specialist, *State Controller's Office*

Local Reimbursements Section, 3301 C Street, Suite 740, Sacramento, CA 95816

Phone: (916) 322-2446

KPangilinan@sco.ca.gov

Jamie Poe, *Hope School District*

3970 La Colina Road, #14, Santa Barbara, CA 93110

Phone: (805) 682-2564

itsjamiepoe@gmail.com

Jayson Poe, *Hope School District*

3970 La Colina Road, #14, Santa Barbara, CA 93110

Phone: (805) 682-2564

jayson.poe@gmail.com

Eric Prater, Superintendent, *San Luis Coastal Unified School District*

1500 Lizzie Street, San Luis Obispo, CA 93401-3062

Phone: (805) 549-1202

eprater@slcusd.org

Anthony Ranii, Superintendent, *Montecito Union School District*

385 San Ysidro Road, Santa Barbara, CA 93108

Phone: (805) 969-3249

aranii@montecitou.org

Roberta Raper, Director of Finance, *City of West Sacramento*

1110 West Capitol Ave, West Sacramento, CA 95691

Phone: (916) 617-4509

robertar@cityofwestsacramento.org

Seth Reddy, *San Jose Unified School District*

855 Lenzen Avenue, San Jose, CA 95126

Phone: (408) 535-6000

sreddy@sjusd.org

Tim Reinauer, *Hope School District*

436 Foxen Drive, Santa Barbara, CA 93105

Phone: (805) 886-4017
TimReinauer@gmail.com

Sandra Reynolds, President, *Reynolds Consulting Group, Inc.*
P.O. Box 891359, Temecula, CA 92589-1359
Phone: (888) 202-9442
reginc19@gmail.com

Jeanette Rodriguez-Chien, Superintendent, *Sonoma Valley Unified School District*
17850 Railroad Avenue, Sonoma, CA 95476
Phone: (707) 935-4246
jchien@sonomaschools.org

Gregory Sackos, Superintendent, *Desert Center Unified School District*
1434 Kaiser Road, PO Box 6, Desert Center, CA 92239
Phone: (760) 895-8254
gregsackos@eaglemtnschool.com

Diane Satterthwaite, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
DSATT@HOPESCHOOLDISTRICT.ORG

Vanessa Scarlett, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
vscarlett@montecitou.org

Debra Schade, Board President, *Solana Beach School District*
309 North Rios Avenue, Solana Beach,, CA 92075-1298
Phone: (858) 794-7100
debraschade@sbsd.net

Cindy Sconce, Director, *MGT*
Performance Solutions Group, 3600 American River Drive, Suite 150, Sacramento, CA 95864
Phone: (916) 276-8807
csconce@mgtconsulting.com

Beth Scott, Employee, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
escott@hopeschooldistrict.org

Claudia Scott, Santa Barbara Citizen,
4822 La Gama Way, Santa Barbara, CA 93111
Phone: N/A
cscott@westmont.edu

Rena Seifts, Associate Superintendent, *Sonoma Valley Unified School District*
17850 Railroad Avenue, Sonoma, CA 95476
Phone: (707) 935-4246
rseifts@sonomaschools.org

Amod Setlur, Trustee, *Portola Valley School District*
4575 Alpine Road, Portola Valley, CA 94028
Phone: (650) 851-1777
asetlur@pvdsd.net

Camille Shelton, Chief Legal Counsel, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
camille.shelton@csm.ca.gov

Carla Shelton, *Commission on State Mandates*
980 9th Street, Suite 300, Sacramento, CA 95814
Phone: (916) 323-3562
carla.shelton@csm.ca.gov

Steve Shields, *Shields Consulting Group, Inc.*
1536 36th Street, Sacramento, CA 95816
Phone: (916) 454-7310
steve@shieldscg.com

Natalie Sidarous, Chief, *State Controller's Office*
Local Government Programs and Services Division, 3301 C Street, Suite 740, Sacramento, CA 95816
Phone: 916-445-8717
NSidarous@sco.ca.gov

Samantha Simon, Special Projects Facilitator, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
ssimon@montecitou.org

Vinita Singh, Director District Business Services, *Sequoia Union High School District*
480 James Avenue, Redwood City, CA 94062
Phone: (650) 369-1411
vsingh@seq.org

Thomas Skaff, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
skaffhelping.others@gmail.com

Michael Smallen, Trustee, *Fort Ross Elementary School District*
30600 Seaview Road, Cazadero, CA 95421
Phone: (707) 847-3390
mjrksmall@icloud.com

Jessica Smith, Board Member, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
jsmith@montecitou.org

Wesley Smith, Superintendent, *Newport-Mesa Unified School District*
2985 Bear Street, Costa Mesa, CA 92626
Phone: (714) 424-5070
wsmith@nmsud.us

Melissa Spink, Student Meals Program Coordinator, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
mspink@montecitou.org

Jestin St. Peter, Principal, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110

Phone: (805) 682-2564
jstpeter@hopeschooldistrict.org

Amy Steets, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
amy.steets@gmail.com

Chana Stewart, Director of the Early Learning Center, *Menlo Park City School District*
181 Encinal Ave, Atherton, CA 94027
Phone: (650) 321-7140
cstewart@mpcsd.org

Noah Stites-Hallett,
4559 Nueces Drive, Santa Barbara, CA 93110
Phone: (805) 680-3524
noah.stiteshallett@gmail.com

Christina Stokes, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
cstokes@montecitou.org

Katherine Strach, *Menlo Park City School District*
181 Encinal Ave, Atherton, CA 94027
Phone: (650) 321-7140
kstrach@mpcsd.org

Adrian Talley, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
atalley@hopeschooldistrict.org

Wyatt Talley, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
wyatttalley@me.com

Amy Tang-Paterno, Educational Fiscal Services Consultant, *California Department of Education*
Government Affairs, 1430 N Street, Suite 5602, Sacramento, CA 95814
Phone: (916) 322-6630
ATangPaterno@cde.ca.gov

Sarah Tellez, Assistant Superintendent of Educational Services, *Los Gatos Union School District*
17010 Roberts Road, Los Gatos, CA 95032
Phone: (408) 335-2000
stellez@lgusd.org

Jolene Tollenaar, *MGT Consulting Group*
2251 Harvard Street, Suite 134, Sacramento, CA 95815
Phone: (916) 243-8913
jolenetollenaar@gmail.com

Tristin Tracy, *Hope School District*
3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
tjt805@yahoo.com

Jeffrey Trader, Assistant Superintendent, Chief Business Official, *Newport-Mesa Unified School District*

2985 Bear Street, Costa Mesa, CA 92626
Phone: (714) 424-5003
jtrader@nmusd.us

Linda Trigueiro, Certificated Teacher, *Montecito Union School District*

385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
ltrigueiro@montecitou.org

Janet Tufts, Superintendent, *Howell Mountain Elementary School District*

525 White Cottage Rd. N., Angwin, CA 94508
Phone: (707) 965-2423
jtufts@hmesd.org

Brian Uhler, Principal Fiscal & Policy Analyst, *Legislative Analyst's Office*

925 L Street, Suite 1000, Sacramento, CA 95814
Phone: (916) 319-8328
Brian.Uhler@LAO.CA.GOV

Bree Valla, Superintendent-Principal, *Vista Del Mar Union School District*

Vista de las Cruces School, 9467 San Julian Rd., Gaviota, CA 93117
Phone: (805) 686-1880
bvalla@vdmusd.org

Chris Vanden Heuvel, Superintendent, *Healdsburg Unified School District*

1028 Prince Street, Healdsburg, CA 95448
Phone: (707) 431-3488
cvandenheuvel@husd.com

Kay Vang, Chief Business Official, *St. Helena Unified School District*

465 Main Street, St. Helena, CA 94575
Phone: (707) 967-2704
kvang@sthelenaunified.org

Jason Viloría, Superintendent, *Laguna Beach Unified School District*

550 Blumont Street, Laguna Beach, CA 92651
Phone: (949) 497-7700
jviloria@lbusd.org

Jill Vinson, Superintendent, *Cardiff School District*

1888 Montgomery Ave, Cardiff by the Sea, CA 92007
Phone: (760) 632-5890
jill.vinson@cardiffschools.com

Gilbert Wai, Board Member, *Hillsborough City School District*

300 El Cerrito Avenue, Hillsborough, CA 94010
Phone: (650) 342-5193
the3wais@gmail.com

Julie Walsmith, Employee, *Hope School District*

3970 La Colina Road, #14, Santa Barbara, CA 93110
Phone: (805) 682-2564
jwalsmith@hopeschooldistrict.org

Adam Whelen, Director of Public Works, *City of Anderson*

1887 Howard St., Anderson, CA 96007

Phone: (530) 378-6640
awhelen@ci.anderson.ca.us

Selina Wimmel, School Office Assistant, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
swimmel@montecitou.org

Colleen Winchester, Senior Deputy City Attorney, *City of San Jose*
200 East Santa Clara Street, 16th Floor, San Jose, CA 95113
Phone: (408) 535-1987
Colleen.Winchester@sanjoseca.gov

Leisa Winston, Superintendent, *Huntington Beach City School District*
8750 Dorsett Drive, Huntington Beach, CA 92646
Phone: (714) 964-8888
lwinston@hbcsd.us

Jacqueline Wong-Hernandez, Deputy Executive Director for Legislative Affairs, *California State Association of Counties (CSAC)*
1100 K Street, Sacramento, CA 95814
Phone: (916) 650-8104
jwong-hernandez@counties.org

Elisa Wynne, Staff Director, *Senate Budget & Fiscal Review Committee*
California State Senate, State Capitol Room 5019, Sacramento, CA 95814
Phone: (916) 651-4103
elisa.wynne@sen.ca.gov

Bruce Yonehiro, Chief Counsel, *California Department of Education*
1430 N Street, Sacramento, CA 95814-5901
Phone: (916) 319-0860
BYonehiro@cde.ca.gov

Roberta Zarea, Superintendent, *Portola Valley School District*
4575 Alpine Road, Portola Valley, CA 94028
Phone: (650) 851-1777
rzarea@pvsd.net

Ron Zecher, Certificated Teacher, *Montecito Union School District*
385 San Ysidro Road, Santa Barbara, CA 93108
Phone: (805) 969-3249
rzecher@montecitou.org

Helmholt Zinser-Watkins, Associate Governmental Program Analyst, *State Controller's Office*
Local Government Programs and Services Division, Bureau of Payments, 3301 C Street, Suite 700,
Sacramento, CA 95816
Phone: (916) 324-7876
HZinser-watkins@sco.ca.gov