



Newport-Mesa
Unified School District

BOARD OF EDUCATION
Ashley Anderson • Michelle Barto
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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

RECEIVED
May 16, 2024
Commission on
State Mandates

LATE FILING

Re: Transitional Kindergarten Program, 23-TC-02

Position: Support

Dear Ms. Miller:

On behalf of the Newport-Mesa Unified 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.

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.

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.

Date of Signing: May 9, 2024

A handwritten signature in black ink that reads "Michelle Barto". The signature is written in a cursive style and is positioned above a faint horizontal line.

Michelle Barto
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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 June 6, 2024, I served the:

- **Current Mailing List dated June 4, 2024**
- **Kim Berman, Certificated Teacher, Montecito Union School District Late Comments on the Test Claim filed May 29, 2024**
- **Gregory Dannis, Board Clerk, Hillsborough City School District Late Comments on the Test Claim filed May 20, 2024**
- **Kim Oliff, Board President, Hillsborough City School District Late Comments on the Test Claim filed May 20, 2024**
- **Kelly Osborne, Board Clerk, Laguna Beach Unified School District Late Comments on the Test Claim filed May 20, 2024**
- **Jan Vickers, Board President, Laguna Beach Unified School District Late Comments on the Test Claim filed May 20, 2024**
- **Danielle O'Brien, Principal, Menlo Park City School District Late Comments on the Test Claim filed May 20, 2024**
- **Ashley Anderson, Board Member, Newport-Mesa Unified School District Late Comments on the Test Claim filed May 16, 2024**
- **Michelle Barto, Board Member, Newport-Mesa Unified School District Late Comments on the Test Claim filed May 16, 2024**
- **Lisa Pearson, Board Member, Newport-Mesa Unified School District Late Comments on the Test Claim filed May 16, 2024**
- **Sharon Ofek, Superintendent, Carmel Unified School District Late Comments on the Test Claim filed May 14, 2024**
- **Tristan Brown, Legislative Director, CFT-A Union of Educators and Classified Professionals Late Comments on the Test Claim filed May 14, 2024**
- **Dr. Rebecca Westover, Chief Business Officer, Mountain View Whisman School District Late Comments on the Test Claim filed May 14, 2024**
- **Robert Banfield, Trustee, San Luis Coastal Unified School District Late Comments on the Test Claim filed May 14, 2024**
- **Mark Buchman, Trustee, San Luis Coastal Unified School District Late Comments on the Test Claim filed May 14, 2024**

- **Marilyn Rodger, Trustee, San Luis Coastal Unified School District Late Comments on the Test Claim filed May 14, 2024**
- **Ellen Sheffer, Board President, San Luis Coastal Unified School District Late Comments on the Test Claim filed May 14, 2024**
- **Chris Ungar, Trustee, San Luis Coastal Unified School District Late Comments on the Test Claim filed May 14, 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 June 6, 2024 at Sacramento, California.



Jill Magee

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 6/4/24

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.)

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