



RECEIVED
April 30, 2024
**Commission on
State Mandates**

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Michael Gallagher, Ed.D.

Board of Education
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Via: Electronic Submittal: <https://csm.ca.gov/dropbox.shtml>

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

Re: Transitional Kindergarten Program, 23-TC-02

Position: Support

Dear Ms. Miller:

On behalf of the Sunnyvale 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Gallagher", with a long horizontal flourish extending to the right.

Michael Gallagher, Ed.D.
Superintendent
Sunnyvale School District

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 3, 2024, I served the:

- **Current Mailing List dated May 2, 2024**
- **Robert Bravo, Superintendent, Campbell Union High School District Comments on the Test Claim filed April 30, 2024**
- **Jennifer Dudley, Superintendent-Principal Fort Ross Elementary School District Comments on the Test Claim filed April 30, 2024**
- **Christine Mallery, CBO Associate Superintendent, Fremont Union High School District Comments on the Test Claim filed April 30, 2024**
- **Dr. Diana Galindo-Roybal, Superintendent, Goleta Union School District Comments on the Test Claim filed April 30, 2024**
- **Chris Vanden Heuvel, Superintendent, Healdsburg Unified School District Comments on the Test Claim filed April 30, 2024**
- **Brett Geithman, Superintendent, Larkspur-Corte Madera School District Comments on the Test Claim filed April 30, 2024**
- **Sarah Tellez, Assistant Superintendent, Los Gatos Union School District Comments on the Test Claim filed April 30, 2024**
- **Paige Moore, Business Manager, Nevada City School District Comments on the Test Claim filed April 30, 2024**
- **Gary Hanning, President, Board of Trustees, Portola Valley School District Comments on the Test Claim filed April 30, 2024**
- **Connie Ngo, Chief Business Official, Portola Valley School District Comments on the Test Claim filed April 30, 2024**
- **Kimberley Morris Rosen, Trustee, Portola Valley School District Comments on the Test Claim filed April 30, 2024**
- **Roberta Zarea, Superintendent, Portola Valley School District Comments on the Test Claim filed April 30, 2024**
- **Kris Munro, Superintendent, Santa Cruz City School District Comments on the Test Claim filed April 30, 2024**
- **Rena Seifts, Associate Superintendent, Sonoma Valley Unified School District Comments on the Test Claim filed April 30, 2024**

- **Kay Vang, Chief Business Official, St. Helena Unified School District
Comments on the Test Claim filed April 30, 2024**
- **Michael Gallagher, Superintendent, Sunnyvale School District
Comments on the Test Claim filed April 30, 2024**
- **Bree Valla, Superintendent-Principal, Vista Del Mar Union School
District Comments on the Test Claim filed April 30, 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 3, 2024 at Sacramento, California.



Jill Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 5/2/24

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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