



## FREMONT UNION HIGH SCHOOL DISTRICT

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

April 30, 2024

**RECEIVED**  
May 02, 2024  
**Commission on  
State Mandates**

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 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.

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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 cursive script that reads "Graham A. Clark".

Graham Clark  
Superintendent of Schools  
Fremont Union High 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 7, 2024, I served the:

- **Current Mailing List dated May 7, 2024**
- **Mike Heffner, Superintendent-Principal, Bonny Doon Union Elementary School District Comments on the Test Claim filed May 2, 2024**
- **Jill Vinson, Superintendent, Cardiff School District Comments on the Test Claim filed May 2, 2024**
- **Graham Clark, Superintendent, Fremont Union High School District Comments on the Test Claim filed May 2, 2024**
- **Matthew Morgan, Principal-Superintendent, Harmony Union School District Comments on the Test Claim filed May 2, 2024**
- **Jason Vilorio, Superintendent, Laguna Beach Unified School District Comments on the Test Claim filed May 2, 2024**
- **Lindsay Alker, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Jamie Allison, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Abby Carrington, Certificated Teacher, Montecito Union School District, Comments on the Test Claim filed May 2, 2024**
- **Heidi Craine, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **John Doe, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Jeffrey Linder, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Karen Luna, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Amelia Madden, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Rania Mather, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**

- **Katie Nimitarnun, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Holly Noble, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Vanessa Scarlett, Certificated Teacher, Montecito Union School District Comments on the Test Claim filed May 2, 2024**
- **Samantha Simon, Special Projects Facilitator, Montecito Union School District Comments on the Test Claim filed May 2, 2024**

*Transitional Kindergarten Program, 23-TC-02*

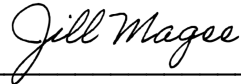
Statutes 2021, Chapter 44, Section 60 (AB 130);

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 7, 2024 at Sacramento, California.



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Jill Magee

Commission on State Mandates

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# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 5/7/24

**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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