

ITEM 2
TEST CLAIM
PROPOSED DECISION

Education Code Section 48000

Statutes 2021, Chapter 44, Section 60 (AB 130), Effective July 9, 2021

Transitional Kindergarten

23-TC-02

Hope Elementary School District and Sunnyvale School District, Claimants

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*Commission on
State Mandates*

TC #: **23-TC-02**

TEST CLAIM FORM AND TEST CLAIM AMENDMENT FORM (Pursuant to Government Code section 17500 et seq. and Title 2, California Code of Regulations, section 1181.1 et seq.)

Section 1

Proposed Test Claim Title:

Transitional Kindergarten Program

Section 2

Local Government (Local Agency/School District) Name:

Hope Elementary School District

Name and Title of Claimant's Authorized Official pursuant to [CCR, tit.2, § 1183.1\(a\)\(1-5\)](#):

Ms. Anne Hubbard, Superintendent

Street Address, City, State, and Zip:

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

Telephone Number

(805)682-2564

Email Address

ahubbard@hopeschooldistrict.org

Section 3 – Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be sent to this representative. Any change in representation must be authorized by the claimant in writing, and e-filed with the Commission on State Mandates. ([CCR, tit.2, § 1183.1\(b\)\(1-5\)](#).)

Name and Title of Claimant Representative:

Arthur M. Palkowitz

Organization: Law Offices of Arthur M. Palkowitz

Street Address, City, State, Zip:

12807 Calle de la Siena, San Diego, CA 92130

Telephone Number

(858)2591055

Email Address

law@artpalk.onmicrosoft.com

Section 4 – Identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to [Government Code section 17553](#) and check for amendments to the section or regulations adopted to implement it:

Assembly Bill No. 130

Statutes 2021, Chapter 44, Sec. 60

Education Code § 48000

Effective Date: July 9, 2021

☒ Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: 01 / 22 / 2024

☐ A: Which is not later than 12 months (365 days) following [insert effective date] / / , the effective date of the statute(s) or executive order(s) pled; or

☒ B: Which is within 12 months (365 days) of [insert the date costs were *first* incurred to implement the alleged mandate] 07 / 01 / 2023, which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. *This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred.*

([Gov. Code § 17551\(c\)](#); [Cal. Code Regs., tit. 2, §§ 1183.1\(c\)](#) and [1187.5.](#))

Section 5 – Written Narrative:

☒ Includes a statement that actual or estimated costs exceed one thousand dollars (\$1,000). ([Gov. Code § 17564.](#))

☒ Includes all of the following elements for each statute or executive order alleged **pursuant to [Government Code section 17553\(b\)\(1\)](#)**:

☒ Identifies all sections of statutes or executive orders and the effective date and register number of regulations alleged to contain a mandate, including a detailed description of the *new* activities and costs that arise from the alleged mandate and the existing activities and costs that are *modified* by the alleged mandate;

☒ Identifies *actual* increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate;

☒ Identifies *actual or estimated* annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

☒ Contains a statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed;

Following FY: 2024 - 2025 Total Costs: \$10,000,000.00

☒ Identifies all dedicated funding sources for this program;

State: CA-None

Federal: None

Local agency's general purpose funds: Yes. General Funds

Other nonlocal agency funds: None

Fee authority to offset costs: None

☒ Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: None

☒ Identifies any legislatively determined mandates that are on, or that may be related to, the same statute or executive order: None

Section 6 – The Written Narrative Shall be Supported with Declarations Under Penalty of Perjury Pursuant to [Government Code Section 17553\(b\)\(2\)](#) and [California Code of Regulations, title 2, section 1187.5](#), as follows:

☒ Declarations of actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.

☒ Declarations identifying all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.

☒ Declarations describing new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections, or page numbers alleged to impose a reimbursable state-mandated program).

☐ If applicable, declarations describing the period of reimbursement and payments received for full reimbursement of costs for a legislatively determined mandate pursuant to [Government Code section 17573](#), and the authority to file a test claim pursuant to paragraph (1) of subdivision (c) of [Government Code section 17574](#).

☒ The declarations are signed under penalty of perjury, based on the declarant's personal knowledge, information, or belief, by persons who are authorized and competent to do so.

Section 7 – The Written Narrative Shall be Supported with Copies of the Following Documentation Pursuant to [Government Code section 17553\(b\)\(3\)](#) and [California Code of Regulations, title 2, § 1187.5](#):

☒ The test claim statute that includes the bill number, and/or executive order identified by its effective date and register number (if a regulation), alleged to impose or impact a mandate.

Pages TK 0028 to TK 0319.

☒ Relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate. Pages None to .

- ☒ Administrative decisions and court decisions cited in the narrative. (Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.) Pages None to _____.
- ☒ Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.)*
Pages TK 0020 to TK 0027.

Section 8 – TEST CLAIM CERTIFICATION Pursuant to [Government Code section 17553](#)

- ☒ The test claim form is signed and dated at the end of the document, under penalty of perjury by the eligible claimant, with the declaration that the test claim is true and complete to the best of the declarant's personal knowledge, information, or belief.

Read, sign, and date this section. Test claims that are not signed by authorized claimant officials pursuant to [California Code of Regulations, title 2, section 1183.1\(a\)\(1-5\)](#) will be returned as incomplete. In addition, please note that this form also serves to designate a claimant representative for the matter (if desired) and for that reason may only be signed by an authorized local government official as defined in [section 1183.1\(a\)\(1-5\)](#) of the Commission's regulations, and not by the representative.

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of [article XIII B, section 6 of the California Constitution](#) and [Government Code section 17514](#). I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission's regulations.
([Cal. Code Regs., tit.2, §§ 1183.1](#) and [1187.5](#).)

Anne Hubbard

Superintendent

Name of Authorized Local Government Official
pursuant to [Cal. Code Regs., tit.2, § 1183.1\(a\)\(1-5\)](#)

Print or Type Title

Anne Hubbard
Anne Hubbard (Apr 5, 2024 11:16 PDT)

Signature of Authorized Local Government Official
pursuant to [Cal. Code Regs., tit.2, § 1183.1\(a\)\(1-5\)](#)










Test Claim Form

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TC #:	23-TC-02

TEST CLAIM FORM AND TEST CLAIM AMENDMENT FORM (Pursuant to Government Code section 17500 et seq. and Title 2, California Code of Regulations, section 1181.1 et seq.)

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Proposed Test Claim Title:

Transitional Kindergarten Program

Section 2

Local Government (Local Agency/School District) Name:

Sunnyvale School District

Name and Title of Claimant's Authorized Official pursuant to [CCR, tit.2, § 1183.1\(a\)\(1-5\)](#):

Michael Gallagher, Superintendent

Street Address, City, State, and Zip:

819 W. Iowa Avenue, Sunnyvale, CA 94086

Telephone Number

(408)522-8200

Email Address

michael.gallagher@sesd.org

Section 3 – Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be sent to this representative. Any change in representation must be authorized by the claimant in writing, and e-filed with the Commission on State Mandates. ([CCR, tit.2, § 1183.1\(b\)\(1-5\)](#).)

Name and Title of Claimant Representative:

Arthur M. Palkowitz, Attorney

Organization: Law Offices of Arthur M. Palkowitz

Street Address, City, State, Zip:

12807 Calle de la Siena, San Diego, CA 92130

Telephone Number

8582591055

Email Address

law@artpalk.onmicrosoft.com

Section 4 – Identify all code sections (include statutes, chapters, and bill numbers; e.g., Penal Code section 2045, Statutes 2004, Chapter 54 [AB 290]), regulatory sections (include register number and effective date; e.g., California Code of Regulations, title 5, section 60100 (Register 1998, No. 44, effective 10/29/98), and other executive orders (include effective date) that impose the alleged mandate pursuant to [Government Code section 17553](#) and check for amendments to the section or regulations adopted to implement it:

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Effective Date: July 9, 2021

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([Gov. Code § 17551\(c\)](#); [Cal. Code Regs., tit. 2, §§ 1183.1\(c\)](#) and [1187.5.](#))

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Federal: None

Local agency's general purpose funds: Yes. General Funds

Other nonlocal agency funds: None

Fee authority to offset costs: None

☒ Identifies prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate: None

None

None

☒ Identifies any legislatively determined mandates that are on, or that may be related to, the same statute or executive order: None

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Pages TK 0028 to TK 0319.

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- ☒ Evidence to support any written representation of fact. *Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.)* Pages TK 0014 to TK 0019.

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This test claim alleges the existence of a reimbursable state-mandated program within the meaning of [article XIII B, section 6 of the California Constitution](#) and [Government Code section 17514](#). I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim is true and complete to the best of my own personal knowledge, information, or belief. All representations of fact are supported by documentary or testimonial evidence and are submitted in accordance with the Commission's regulations. ([Cal. Code Regs., tit.2, §§ 1183.1](#) and [1187.5](#).)

Michael Gallagher

Superintendent

Name of Authorized Local Government Official
pursuant to [Cal. Code Regs., tit.2, § 1183.1\(a\)\(1-5\)](#)

Print or Type Title

Michael Gallagher
Michael Gallagher (Apr 8, 2024 11:44 PDT)

Signature of Authorized Local Government Official
pursuant to [Cal. Code Regs., tit.2, § 1183.1\(a\)\(1-5\)](#)









Test Claim Form

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Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District; Hope Elementary School District
5. Written Narrative

**BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA**

Test Claim of:	No. CSM _____
	Transitional Kindergarten Program
	Assembly Bill No. 130
Sunnyvale School District;	Statutes 2021, Chapter 44, Sec. 60
Hope Elementary School District	Education Code § 48000
Claimants	Effective Date: July 9, 2021

I.

STATEMENT OF THE CLAIM

Sunnyvale School District and Hope Elementary School District (“Claimants”) test claim addresses amended Education Code § 48000 requiring schools in the State to provide and maintain Transitional Kindergarten (“TK”) programs pursuant to the requirements in Assembly Bill (A.B.) No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021. (pages 90-93.)

Among other requirements, the test claim statute requires a school district to guarantee in providing a new program or a higher level of service in maintaining a transitional kindergarten program as follows:

(E) In the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 *shall* be admitted to a transitional kindergarten program maintained by the school district or charter school. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), Effective Date: July 9, 2021.)

(F) In the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F), Effective Date: July 9, 2021.)

(G) In the 2025–26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 *shall* be admitted to a transitional kindergarten program maintained by the school district or charter school. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (G), Effective Date: July 9, 2021.)

g) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2021, one do all of the following:

- (1) Maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite.
- (2) Commencing with the 2022–23 school year, maintain an average of at least one adult for every 12 pupils for transitional kindergarten classrooms.

The requirements to provide a Transitional Kindergarten (TK) Program and maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite and an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite are mandated by the state on school districts. The California Supreme Court stated that claimants must be legally or practically compelled to perform an activity, and explained:

Legal compulsion occurs when a statute or executive action uses mandatory language that “‘require[s]’ or ‘command[s]’” a local entity to participate in a program or service. [citations omitted] [construing the term “mandates” in art. XIII B, § 6 to mean “‘orders’ or ‘commands’”].) Stated differently, legal compulsion is present when the local entity has a mandatory, legally enforceable duty to obey. According to Education Code section 75, “‘Shall’ is mandatory and ‘may’ is permissive.”

(Coast Community College Dist. v. Commission on State Mandates (2022) 13 Cal.5th. 800, 815; San Diego Unified School Dist. v. Commission on State Mandates (2004) 33 Cal.4th 859, 874.)

Claimants are legally or practically compelled to provide a Transitional Kindergarten (TK) Program based on the statute using mandatory language “shall” and that school districts require receipt of apportionment for pupil funding.

II. Basic Aid School Districts Denied Transitional Kindergarten Funding.

Claimants are a public school district as defined in Government Code § 17519. (“School district” means any school district, community college district, or county superintendent of schools.) In California, school districts receive funding through a formula known as the Local Control Funding Formula (LCFF). Under LCFF, each district receives a base grant per student, and additional funds are provided based on the specific needs of the students, such as low-income students, English learners, and foster youth. This funding system is intended to address the disparities in resources and opportunities among students.

Claimants, basic aid public school districts, allege the test claim statutes impose a reimbursable state mandated program within the meaning of Article XIII B, § 6 of the California Constitution for school districts under Article XIII B, Section 6 and Government Code § 17514. It was the intent of the Legislature in enacting the test claim statutes to require all school districts to provide in the 2023–2024 school year, a child who will have their fifth birthday between September 2 and April 2 a transitional kindergarten program maintained by the school district.

Claimants are a California basic aid school district. Basic Aid school districts receive property tax revenue instead of funding under the LCFF formula. Basic aid school districts did not receive funding from the state for pupils admitted to the Transitional Kindergarten program in fiscal year 2023-2024.

Transitional Kindergarten program is funded for school districts, excluding basic aid school districts, based on the same average daily attendance (ADA) calculation as all other students. If a school offers transitional kindergarten, it receives the same amount of funding from the State for each of those students as it does for its traditional kindergarteners.

This test claim is filed pursuant to Title 2, California Code of Regulations § 1183.1.

Claimants agree to file this test claim as a joint effort and claimants attest to all of the following in the test claim filing:

- (1) The claimants allege state-mandated costs result from the same statutes or executive order;
- (2) The claimants agree on all issues of the test claim; and
- (3) The claimants have designated one person to act as the sole representative for all claimants.

III. California Constitution requires the State to reimburse all public schools.

Article XIII B, Section 6 of the California Constitution states:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service.

The intent of Article XIII B, § 6 is to [p]reclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that article XIII A and XIII B impose. (*County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.) Thus, the subvention requirement of Section 6 is “directed to state-mandated increases in the services provided by [local government]...” (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.) Reimbursement under Article XIII B, Section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity. (*San Diego Unified School Dist. v. Commission on State Mandates*, (2004) 33 Cal.4th 859, 874.)

2. Under the first alternative test set forth by the California Supreme Court, a "new program or higher level of service" is established by "programs that carry out the governmental function of providing services to the public." (*San Diego Unified Sch. Dist. v. Comm'n on State*

Mandates, 33 Cal. 4th 859, 874 (2004) (quoting *County of Los Angeles v. State of California*(1987) 43 Cal.3d 46, 56).

3. Under the second alternative test set forth by the California Supreme Court, a "new program or higher level of service" is established by "laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state." (*San Diego Unified Sch. Dist. v. Comm'n on State Mandates*, 33 Cal. 4th 859, 874 (2004) (quoting *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56).

4. The mandated activity is a new law when compared with the legal requirements in effect immediately before the enactment of the test claim statute, and it increases the level of service provided to the public in enforcing a state policy. (*San Diego Unified School Dist.*, supra 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal 3d 830, 835.)

IV. The new program is mandated when the schools incur increased costs.

Government Code §17514 provides that [c]osts mandated by the state means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.

Government Code § 17564 provides that: [n]o claim shall be made pursuant to § 17551, 17561, or 17573, nor shall any payment be made on claims submitted pursuant to § 17551, or 17561, or pursuant to a legislative determination under § 17573, unless these claims exceed one thousand dollars.

Claimant alleges increased costs exceeds the \$1,000.00 minimum claim amount articulated in Government Code § 17564(a). Government Code § 17556(e) states that there are no costs mandated by the state, if additional revenue specifically intended to fund the costs of the

mandated activities, in an amount sufficient to fund the cost of the state-mandated activities, has been appropriated in a Budget Act or other bill.

There is no evidence that additional on-going revenue has been appropriated, specifically to fund the costs of the mandated activities in this test claim. Thus, Government Code § 17556(e) does not apply to deny this claim. Accordingly, the evidence in the record supports the finding that the claimant has incurred increased costs mandated by the state, pursuant to Government Code § 17514. However, to the extent a district receives any funding or grant funding and applies those funds to the mandated activities, those funds are required to be identified as offsetting revenue and deducted from the costs claimed by the district.

V. Commission on State Mandates has the authority to decide a test claim.

The Commission on State Mandates has the authority, pursuant to Government Code § 17551, subdivision (a), to hear and decide upon a claim by a local agency or school district that the local agency or school district is entitled to be reimbursed by the State for costs mandated by the State, as required by Section 6 of Article XIII B of the California Constitution. (*Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code § s 17551 and 17552.) The determination of whether a statute or executive order imposes a reimbursable state-mandated program is a question of law. (*County of San Diego v. State of California*, (1997) 15 Cal.4th 68,109.)

VI. A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021.

This test claim is filed within 365 days of the Claimants first incurring increased costs on July 1, 2023 for the new required activities in providing a transitional kindergarten program in 2023-2024 for a child who will have their fifth birthday between September 2 and April 2 that required additional teachers and additional non-teachers (classified employees). (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), Effective Date: July 9, 2021.)

VII. Claimant Sunnyvale first incurred in 2023-2024 increased costs for the activities required by A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021.

As a direct result of the new requirements of A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021 claimant Sunnyvale first incurred the following increased actual costs commencing on July 1, 2023 in the 2023–2024 school year:

1. In the 2023–2024 school year, a child who will have their fifth birthday between September 2 and April 2 *shall* be admitted to a transitional kindergarten program maintained by Sunnyvale requiring the following activities and costs. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), Effective Date: July 9, 2021.)

(i) In the 2023–2024 school year, Sunnyvale *shall* maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Sunnyvale first incurred increased actual costs on July 1, 2023 for an additional three teachers' salaries and benefits in the amount of \$1,016,124.42 for the period July 1, 2023 to December 31, 2023. For this activity Sunnyvale will incur increased estimated costs for an additional three teachers' salaries and benefits in the amount of \$1, 291,413.27 for the period January 1, 2024 to June 30, 2024. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(1), Effective Date: July 9, 2021.)

(ii) In the 2023–2024 school year, Sunnyvale *shall* maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this transitional kindergarten program requirement Sunnyvale first incurred increased actual costs on July 1, 2023 for salaries and benefits for an additional three classified (paraeducators) employees in the amount of \$386,034.05 for the period July 1, 2023 to December 31, 2023. For this activity Sunnyvale will incur increased estimated costs for an additional three classified (paraeducators) employees salaries and benefits in the amount of \$577,396.32 for the period January 1, 2024 to June 30, 2024. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(2), Effective Date: July 9, 2021.)¹

¹ Subsequent legislation delayed the implementation to maintain an average of at least one adult for every 10 pupils for transitional kindergarten classrooms, contingent upon an appropriation of funds for this purpose from

Claimant Sunnyvale School District has provided a declaration with supporting documents evidencing their increased actual and estimated costs in 2023-2024 to implement the mandate commenced on July 1, 2023.

VIII. Claimant Hope has incurred in 2023-2024 increased costs for the activities required by (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021.)

This test claim is filed within 365 days of Claimant Hope first incurring costs on July 1, 2023 to implement the transitional kindergarten program mandate. Claimants increased costs are for the new activities in providing a transitional kindergarten program in 2023-2024 for a child who will have their fifth birthday between September 2 and April 2 that required additional teachers and additional non-teachers (classified employees). (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), Effective Date: July 9, 2021.)

As a direct result of the new requirements of (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021) claimant Hope commencing on July 1, 2023 in the **2023–24** school year, incurred the following costs:

1. In the 2023–2024 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by Hope requiring the following activities and costs. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), Effective Date: July 9, 2021.)

(i) Hope shall maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Hope first incurred increased actual costs from July 1, 2023 to December 31, 2023 for two additional teachers' salaries and benefits in the amount \$142,006.58. The increased estimated costs from January 1, 2024 to June 30, 2024 for two additional teachers' salaries and benefits is in the amount of \$213,100.62. (Assembly Bill

commencing with the 2023–24 school year to commencing with the 2025–26 school year. (Senate Bill 114, Statutes 2022, Chapter 48, Sec. 47 Education Code § 48000, (C)(3)(A) (Effective Date: July 10, 2023.)

No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(1), Effective Date: July 9, 2021. (pages 90-93.)

(ii) Hope shall maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Hope first incurred increased actual costs from July 1, 2023 to December 31, 2023 for salaries and benefits for two additional classified employees in the amount of \$19,354.06. The increased estimated costs from January 1, 2024 to June 30, 2024 for two additional classified employees salaries and benefits is in the amount of \$21,240.08.² (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(2), Effective Date: July 9, 2021. (pages 90-93.)

Claimant Hope Elementary School District has provided a declaration with supporting documents evidencing their actual increased estimated costs for 2023-2024.

IX. The actual or estimated annual costs that will be incurred by claimant Sunnyvale to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.

As a direct result of the new requirements of A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F), Effective Date: July 9, 2021, claimant Sunnyvale will perform the following activities and will incur the estimated increased costs for **FY 2024-2025** as follows:

1. In the 2024–2025 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by Sunnyvale. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F), Effective Date: July 9, 2021.)

(i) In the 2024–2025 school year, Claimant Sunnyvale shall maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this transitional kindergarten program requirement Sunnyvale will incur increased estimated costs for

² Subsequent legislation delayed the implementation to maintain an average of at least one adult for every 10 pupils for transitional kindergarten classrooms, contingent upon an appropriation of funds for this purpose from commencing with the 2023–24 school year to commencing with the 2025–26 school year. (Senate Bill 114, Statutes 2022, Chapter 48, Sec. 47 Education Code § 48000, (C)(3)(A) (Effective Date: July 10, 2023.)

an additional three teachers' salaries and benefits in the amount \$514,320. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F)(g)(1), Effective Date: July 9, 2021.)

(ii) In the 2024–2025 school year, Claimant Sunnyvale shall maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this transitional kindergarten program requirement Sunnyvale will incur increased estimated costs for an additional three classified (paraeducators) employees' salaries and benefits in the amount \$162,018. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F)(g)(2), Effective Date: July 9, 2021.)

Claimant Sunnyvale School District has provided a declaration with supporting documents evidencing their estimated increased costs incurred for 2024-2025. Sunnyvale's general funds are projected to be the funding sources for the transitional kindergarten program costs in 2023-2024 and 2024-2025

X. The actual or estimated annual costs that will be incurred by the claimant Hope to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.

Claimant Hope will incur increased estimated costs for the activities required by A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F), Effective Date: July 9, 2021 for **FY 2024-2025** as follows:

The Transitional Kindergarten Program required that in the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by Hope. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F), Effective Date: July 9, 2021.)

(i) In the 2024–2025 school year, Claimant Hope shall maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Hope will incur increased estimated costs for an additional three and one-half teachers' salaries and benefits in the amount \$500,000.00. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F),(g)(1), Effective Date: July 9, 2021.)

(ii) In the 2024–2025 school year, Hope shall maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Hope will incur increased estimated costs for salaries and benefits for an additional three and one-half classified (non-teacher) employees in the amount of \$36,092.00 (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F),(g)(2), Effective Date: July 9, 2021.)

Claimant Hope Elementary School District has provided a declaration evidencing their estimated increased costs incurred for 2024-2025. Hope’s general funds are projected to be the funding sources for the transitional kindergarten program costs in 2023-2024 and 2024-2025.

XI. California Department of Education requires basic aid school districts to provide transitional kindergarten programs.

California Department of Education has stated school districts “operating a kindergarten program must offer TK for age-eligible children to attend.” (Transitional Kindergarten (TK) Program Information, #2.) (<https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#is-a-school-district-required-to-offer-tk-and-kindergarten-programs-updated-27-may-2022>.)

California Department of Education further stated:

Regardless if a district receives state revenues through the Local Control Funding Formula or is a basic aid district, if it offers kindergarten, then the expectation is that it also offers TK as TK is the first year of a two-year kindergarten program. Most districts are embracing TK because early learning is the most effective strategy to close the socioeconomic academic achievement gap and helps build a strong school community by connecting families to their local schools starting with 4-year-olds. (<https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#how-does-transitional-tk-affect-basic-aid-districts>.)

XII. A statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.

\$10,000,000.00.

XIII. Identification of all of the following funding sources available for this program.

The State 2023-2024 Budget provided \$597 million ongoing Proposition 98 General Fund to, excluding basic aid districts, in the 2023-24 school year, to support the transitional kindergarten. (<https://lao.ca.gov/Publications/Report/4682>) The State 2023-2024 Budget did not provide transitional kindergarten program funding for basic aid school districts.

(i) Dedicated state funds

Claimants are unaware at this time of any dedicated state funds available for the transitional kindergarten program for Basic Aid School Districts.

(ii) Dedicated federal funds

Claimants are unaware at this time of any dedicated federal funds available for the transitional kindergarten program for Basic Aid School Districts.

(iii) Other nonlocal agency funds

Claimants are unaware at this time of any other dedicated nonlocal agency funds available for the transitional kindergarten program for Basic Aid School Districts.

(iv) The local agency's general purpose funds.

Claimants are projected to be using their general purpose funds for the transitional kindergarten program.

(v) Fee authority to offset costs.

Claimants are unaware at this time of any fee authority available for the transitional kindergarten.

XIV. Identification of prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate.

Claimants are unaware at this time of any prior mandate determinations related to the transitional kindergarten program.

XV. Identification of a legislatively determined mandate pursuant to Government Code § 17573 that is on the same statute or executive order.

Claimants are unaware at this time of any legislatively determined mandate related to the transitional kindergarten.

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Declaration- Lori van Gogh, Chief Business Officer
Sunnyvale School District

SECTION NUMBER: 6
Heading: DECLARATION

I, Lori van Gogh, Chief Business Officer, Sunnyvale School District (“Sunnyvale” or “District”) declare as follows:

1. I commenced my employment with Sunnyvale on or about January 5, 2015 and I am currently employed with Sunnyvale.
2. I have personal knowledge of the actual and estimated costs incurred by the District for the Transitional Kindergarten (“TK”) Program, Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021. (pages 90-93.) The information contained in my declaration is from preparing and reviewing District business records, my personal knowledge, information, or belief pertaining to the Transitional Kindergarten Program.
3. In California, school districts receive funding through a formula known as the Local Control Funding Formula (LCFF). Under the LCFF, each district receives a base grant per student, and additional funds are provided based on the specific needs of the students, such as low-income students, English learners, and foster youth. This funding system is intended to address the disparities in resources and opportunities among students.
4. Sunnyvale is a California basic aid school district. Basic Aid school districts receive property tax revenue instead of funding under the LCFF formula. Basic aid school districts did not receive funding from the state for pupils admitted to the Transitional Kindergarten Program.
5. TK is funded for school districts based on the same average daily attendance (ADA) calculation as all other students. If a school offers transitional kindergarten, it receives the same amount of funding from the State for each of those students as it does for its traditional kindergarteners. Sunnyvale did not receive funding for the Transitional Kindergarten Program in FY 2023-2024.
6. Sunnyvale first incurred costs on July 1, 2023 for the Transitional Kindergarten Program requirements for the 2023–2024 school year as follows:
 - (i) The Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall maintain an average transitional

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Declaration- Lori van Gogh, Chief Business Officer
Sunnyvale School District

kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Sunnyvale first incurred increased actual costs on July 1, 2023 for an additional three teachers' salaries and benefits in the amount of \$1,016,124.42 for the period July 1, 2023 to December 31, 2023. For this activity Sunnyvale will incur increased estimated costs for an additional three teachers' salaries and benefits in the amount of \$1,291,413.27 for the period January 1, 2024 to June 30, 2024. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), (g)(1), Effective Date: July 9, 2021. (pages 90-93.)

- (ii) The Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Sunnyvale first incurred increased actual costs on July 1, 2023 for salaries and benefits for an additional three classified (paraeducators) employees in the amount of \$386,034.05 for the period July 1, 2023 to December 31, 2023. For this activity Sunnyvale will incur increased estimated costs for additional three classified (paraeducators) employees salaries and benefits in the amount of \$577,396.32 for the period January 1, 2024 to June 30, 2024. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(2), Effective Date: July 9, 2021.)

I have attached a document in support of Sunnyvale's Transitional Kindergarten Program actual and estimated costs incurred in 2023-2024.

- 7. Sunnyvale's Transitional Kindergarten increased estimated **2024-2025** costs are as follows:

(i) The Transitional Kindergarten Program required that in the 2024–25 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Sunnyvale will incur increased estimated costs for an additional three teachers' salaries and benefits in the amount \$514,320.00. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F)(g)(1), Effective Date: July 9, 2021.)

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Declaration- Lori van Gogh, Chief Business Officer
Sunnyvale School District

(ii) The Transitional Kindergarten Program required that in the 2024–25 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Sunnyvale will incur increased estimated costs for salaries and benefits for an additional three classified (paraeducators) employees in the amount of \$162,018.00. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F)(g)(2), Effective Date: July 9, 2021.)

I have attached documents in support of Sunnyvale’s Transitional Kindergarten Program increased estimated costs in 2024-2025.

Sunnyvale’s General funds are anticipated to be the funding sources for the Transitional Kindergarten Program costs in 2023-2024 and 2024-2025.

9. I am unaware of any local, state, or federal funds or fee authority that may be used to offset the increased costs that will be incurred by claimant to implement the alleged mandate, including direct and indirect costs.

10. The State 2023-2024 Budget provided \$597 million ongoing Proposition 98 General Fund to school districts, excluding basic aid districts, in the 2023-24 school year, for the transitional kindergarten program. (<https://lao.ca.gov/Publications/Report/4682>)

11. An estimate of the statewide cost basic aid school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed is the amount of \$10 Million.

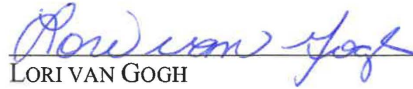
12. Sunnyvale agrees to file this test claim as a joint effort and attests to all of the following in the test claim filing:

- (1) Sunnyvale alleges state-mandated costs result from the same statute or executive order;
- (2) Sunnyvale agrees on all issues of the test claim; and
- (3) Sunnyvale has designated one person to act as the sole representative for all claimants.

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Declaration- Lori van Gogh, Chief Business Officer
Sunnyvale School District

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 information and belief and I am authorized and competent to do so.

Dated: January 10, 2024


LORI VAN GOGH
CHIEF BUSINESS OFFICER
SUNNYVALE SCHOOL DISTRICT

Position	Values		Sum of Total
	Sum of July- December Salary/Benefit	Sum of January- June Projected Salary/Benefit	
	Actuals	Cost	
TK Teacher	1,016,124.42	1,291,413.97	2,307,538.39
TK Para	386,034.05	577,396.32	963,430.37
Grand Total	1,402,158.47	1,868,810.29	3,270,968.76

Date Printed:

Sunnyvale School District Estimated Transitional Kindergarten Cost Detail

Teachers		2024-25 Estimated
Estimated Fully Burdened Classroom Teacher Cost-District		58,118,202.06
Estimated # of Certificated FTE-District		339.00
Average Cost per Teacher-District		171,440.12

Estimate Average 2024-25 Cost for 3 Teachers **514,320.00**

Paras		
Estimated Fully Burdened Classroom Para Cost-District		1483367.41
Estimated # of Para FTE-District		20.60
Average Cost per Para @ .75 FTE		54,006.10

Estimate Average 2024-25 Cost for 3 Paras **162,018.00**

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Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Section: 6 Declaration- Mike Thomson, Chief Business Official,
Hope Elementary School District

SECTION NUMBER: 6
Heading: DECLARATION

I, Mike Thomson, Chief Business Official, Business Office, Hope Elementary School District (“Hope” or “District”) declare as follows:

1. I commenced my employment with Hope on August 16, 2017 and I am currently employed with Hope.
2. I have personal knowledge of the actual and estimated costs incurred by the District for the Transitional Kindergarten (“TK”) program, Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021. (pages 90-93.) The information contained in my declaration is from preparing and reviewing District business records, my personal knowledge, information, or belief pertaining to the Transitional Kindergarten program.
3. In California, school districts receive funding through a formula known as the Local Control Funding Formula (LCFF). Under the LCFF, each district receives a base grant per student, and additional funds are provided based on the specific needs of the students, such as low-income students, English learners, and foster youth. This funding system is intended to address the disparities in resources and opportunities among students.
4. Hope is a California basic aid school district. Basic Aid school districts receive property tax revenue instead of funding under the LCFF formula. Basic aid school districts do not receive funding from the state for pupils admitted to the Transitional Kindergarten program.
5. TK is funded for school districts based on the same average daily attendance (ADA) calculation as all other students. If a school offers transitional kindergarten, it receives the same amount of funding from the State for each of those students as it does for its traditional kindergarteners. Hope did not receive funding for the transitional kindergarten program for FY 2023-2024.
6. Hope first incurred increased costs on July 1, 2023 for the Transitional Kindergarten Program requirements for the 2023–24 school year as follows:
 - (i) The Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall maintain an average transitional

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Section: 6 Declaration- Mike Thomson, Chief Business Official,
Hope Elementary School District

kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Hope first incurred increased actual costs from July 1, 2023 to December 31, 2023 for two additional teachers' salaries and benefits in the amount of \$142,006.58. The estimated increased costs from January 1, 2024 to June 30, 2024 for two additional teachers' salaries and benefits is in the amount of \$213,100.62. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(1), Effective Date: July 9, 2021. (pages 90-93.)

- (ii) The Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Hope first incurred increased actual costs from July 1, 2023 to December 31, 2023 for salaries and benefits for two additional classified employees in the amount of \$19,354.06. The estimated increased costs from January 1, 2024 to June 30, 2024 for two additional classified employees salaries and benefits is in the amount of \$21,240.08. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(2), Effective Date: July 9, 2021. (pages 90-93.)

I have personal knowledge of the attached documents in support of Hope's Transitional Kindergarten Program costs in 2023-2024 that includes increased actual and estimated costs for additional teachers and classified employees.

- 7. Hope's Transitional Kindergarten Program increased estimated costs for **2024-2025** are as follows:
 - (i) The Transitional Kindergarten Program required that in the 2024–2025 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Hope will incur increased estimated costs for three and one-half additional teachers' salaries and benefits in the amount of \$500,000.00. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F),(g)(1), Effective Date: July 9, 2021. (pages 90-93.)

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Section: 6 Declaration- Mike Thomson, Chief Business Official,
Hope Elementary School District

- (ii) The Transitional Kindergarten Program required that in the 2024–2025 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Hope will incur increased estimated costs for salaries and benefits for three and one-half classified employees in the amount of \$36,092. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F),(g)(2), Effective Date: July 9, 2021. (pages 90-93.)

8. Hope's General funds are anticipated to be the funding sources for the TK costs in 2023-2024 and 2024-2025.

9. The California 2023-2024 State Budget provided \$597 million ongoing Proposition 98 General Fund to school districts, excluding basic aid districts, in the 2023-24 school year, for the transitional kindergarten program. (<https://lao.ca.gov/Publications/Report/4682>)

10. I am unaware of any local, state, or federal funds or fee authority that may be used to offset the increased costs that will be incurred by Hope, a basic aid district, to implement the alleged mandate, including direct and indirect costs.

11. An estimate of the statewide cost basic aid school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed is the amount of \$10 Million.

12. I am unaware of any prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate.

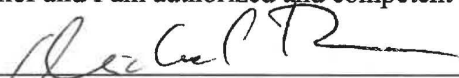
13. Hope agrees to file this test claim as a joint effort and Hope attests to all of the following in the test claim filing:

- (i) Hope alleges state-mandated costs result from the same statute or executive order;
- (ii) Hope agrees on all issues of the test claim; and
- (iii) Hope has designated one person to act as the sole representative for all claimants.

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Section: 6 Declaration- Mike Thomson, Chief Business Official,
Hope Elementary School District

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 information and belief and I am authorized and competent to do so.

Dated: March 26, 2024



MIKE THOMSON, CHIEF BUSINESS OFFICIAL
HOPE ELEMENTARY SCHOOL DISTRICT

Pay09a

Labor Distribution Summary

From 07/01/2023 through 12/31/2023											Fiscal Year 2023/24	
Name	(ID) SSN4	Earnings	STRS 3100	PERS 3200	SS/Medi 3300	H/W 3400	SUI 3500	WC 3600	Ret Bnfts 3700	Pers Red 3800	Othr Bens 3900	Total
Fund 01 - General, Object 1100 - TeachSal												
01-0000-0-1110-1000-1100-538-0000-UTKM, Unres, TeachSal, Instruction												
Kono, Sara	(000153)	42,415.60	8,101.36		559.47	4,993.75	19.28	341.84				56,431.30
01-0000-0-1110-1000-1100-546-0000-UTKM, Unres, TeachSal, Instruction												
Russell, E	(000250)	19,788.00	3,779.49		241.96	2,500.00	8.33	147.84				26,465.62
01-0000-0-1110-1000-1100-553-0000-UTKM, Unres, TeachSal, Instruction												
Seigel-Boe	(000259)	44,648.80	8,527.92		566.96	5,000.00	19.56	346.44				59,109.68
Totals for Fund 01 - General, Object 1100 - TeachSal												
		106,852.40		.00		12,493.75		836.12		.00		142,006.60
			20,408.77		1,368.39		47.17		.00		.00	
Fund 01 - General, Object 2120 - InstrAid												
01-9040-0-1110-1000-2120-538-0000-UTKM, OthrRstrctLocal, InstrAid, Instruction												
Jarocki, V	(000693)	5,308.68		1,416.34	406.13		2.65	47.03				7,180.83
01-9040-0-1110-1000-2120-546-0000-UTKM, OthrRstrctLocal, InstrAid, Instruction												
Quintero,	(000630)	3,931.08			155.28		1.96	34.83				4,123.15
01-9040-0-1110-1000-2120-553-0000-UTKM, OthrRstrctLocal, InstrAid, Instruction												
de Weerth,	(000498)	5,951.29		1,587.80	455.28		2.97	52.74				8,050.08
Totals for Fund 01 - General, Object 2120 - InstrAid												
		15,191.05		3,004.14		.00		134.60		.00		19,354.06
			.00		1,016.69		7.58		.00		.00	
Totals for Fund 01 - General												
		122,043.45		3,004.14		12,493.75		970.72		.00		161,360.66
			20,408.77		2,385.08		54.75		.00		.00	

Selection Grouped by Earnings Account - Sorted by Employee, Filtered by (Org = 12, Online Status = N, Fiscal Year = 2024, Starting Pay Date = 7/1/2023, Ending Pay Date = 12/31/2023, SSN4 = N, Object = 1-3, Unit = UTKM, Pg Brk Lvl =)

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012 - Hope School District

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From 07/01/2023 through 12/31/2023

Fiscal Year 2023/24

Org Summary											
Org	Earnings	STRS 3100	PERS 3200	SS/Medi 3300	H/W 3400	SUI 3500	WC 3600	Ret Bnfts 3700	Pers Red 3800	Othr Bens 3900	Total
012	122,043.45	20,408.77	3,004.14	2,385.08	12,493.75	54.75	970.72	.00	.00	.00	161,360.66

Selection Grouped by Earnings Account - Sorted by Employee, Filtered by (Org = 12, Online Status = N, Fiscal Year = 2024, Starting Pay Date = 7/1/2023,
Ending Pay Date = 12/31/2023, SSN4 = N, Object = 1-3, Unit = UTKM, Pg Brk Lvl =)

Pay09a

Labor Distribution Summary

From 01/01/2024 through 06/30/2024											Fiscal Year 2023/24	
Name	(ID) SSN4	Earnings	STRS 3100	PERS 3200	SS/Medi 3300	H/W 3400	SUI 3500	WC 3600	Ret Bnfts 3700	Pers Red 3800	Othr Bens 3900	Total
Fund 01 - General, Object 1100 - TeachSal												
01-0000-0-1110-1000-1100-538-0000-UTKM, Unres,TeachSal,Instruction												
Kono, Sara	(000153)	63,623.40	12,152.04		863.88	7,500.00	29.76	527.88				84,696.96
01-0000-0-1110-1000-1100-546-0000-UTKM, Unres,TeachSal,Instruction												
Russell, E	(000250)	29,682.00	5,669.22		362.94	3,750.00	12.48	221.76				39,698.40
01-0000-0-1110-1000-1100-553-0000-UTKM, Unres,TeachSal,Instruction												
Seigel-Boe	(000259)	66,973.20	12,791.88		875.22	7,500.00	30.18	534.78				88,705.26
Totals for Fund 01 - General, Object 1100 - TeachSal												
		160,278.60		.00		18,750.00		1,284.42		.00		213,100.62
			30,613.14		2,102.04		72.42		.00		.00	
Fund 01 - General, Object 2120 - InstrAid												
01-9040-0-1110-1000-2120-538-0000-UTKM, OthrRstrctLocal,InstrAid,Instruction												
Jarocki, V	(000693)	6,942.12		1,852.15	531.08		3.46	61.50				9,390.31
01-9040-0-1110-1000-2120-546-0000-UTKM, OthrRstrctLocal,InstrAid,Instruction												
Quintero,	(000630)	5,578.44			220.36		2.79	49.42				5,851.01
01-9040-0-1110-1000-2120-553-0000-UTKM, OthrRstrctLocal,InstrAid,Instruction												
de Weerth,	(000498)	8,810.18		2,350.56	673.99		4.39	78.06				11,917.18
Totals for Fund 01 - General, Object 2120 - InstrAid												
		21,330.74		4,202.71		.00		188.98		.00		27,158.50
			.00		1,425.43		10.64		.00		.00	
Totals for Fund 01 - General												
		181,609.34		4,202.71		18,750.00		1,473.40		.00		240,259.12
			30,613.14		3,527.47		83.06		.00		.00	

Selection Grouped by Earnings Account - Sorted by Employee, Filtered by (Org = 12, Online Status = N, Fiscal Year = 2024, Starting Pay Date = 1/1/2024, Ending Pay Date = 6/30/2024, SSN4 = N, Object = 1-3, Unit = UTKM, Pg Brk Lvl =)

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012 - Hope School District

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From 01/01/2024 through 06/30/2024

Fiscal Year 2023/24

Org Summary											
Org	Earnings	STRS 3100	PERS 3200	SS/Medi 3300	H/W 3400	SUI 3500	WC 3600	Ret Bnfts 3700	Pers Red 3800	Othr Bens 3900	Total
012	181,609.34	30,613.14	4,202.71	3,527.47	18,750.00	83.06	1,473.40	.00	.00	.00	240,259.12

Selection Grouped by Earnings Account - Sorted by Employee, Filtered by (Org = 12, Online Status = N, Fiscal Year = 2024, Starting Pay Date = 1/1/2024,
Ending Pay Date = 6/30/2024, SSN4 = N, Object = 1-3, Unit = UTKM, Pg Brk Lvl =)

Assembly Bill No. 130

CHAPTER 44

An act to amend Sections 1240, 1241, 1630, 8482.6, 8483, 8483.1, 11800, 14041.5, 14041.6, 14041.65, 17076.10, 17199.4, 17375, 32091, 35780, 41020, 41020.3, 41203.1, 42238.01, 42238.02, 42238.051, 42238.07, 43504, 43507, 43509, 43521, 43522, 43523, 43525, 44252, 44259, 44280, 44310, 44395, 44396, 44399.1, 44830, 45500, 46111, 46300, 46392, 47607, 47607.2, 47612.7, 48000, 51461, 51745, 51745.6, 51747, 51747.3, 51747.5, 51749, 51749.5, 51749.6, 52064, 52070, 52070.5, 53070, 53070.1, 53071, 53071.1, 53073, 53074, 53075, 53076, 53076.2, 56400, 56402, 56406, 56408, 56410, 56836.146, 56836.148, 56836.165, 56836.173, 56836.21, 56836.24, 56836.31, 56836.40, 60640, and 60810 of, to amend and repeal Section 49564 of, to amend, repeal, and add Section 45125.1 of, to add Sections 42238.022, 43504.5, 44415.5, 44417.5, 46120, 46393, 47607.4, 49501.5, 49564.3, 51745.5, 53076.1, 56411, 56836.045, and 56836.168 to, to add Article 13.2 (commencing with Section 8281.5) to Chapter 2 of Part 6 of Division 1 of Title 1 of, to add Article 1 (commencing with Section 41480), Article 2 (commencing with Section 41490), and Article 9 (commencing with Section 41590) to Chapter 3.2 of Part 24 of Division 3 of Title 2 of, to add Article 1.5 (commencing with Section 49418) to Chapter 9 of Part 27 of Division 4 of Title 2 of, to add Chapter 6 (commencing with Section 8900) to Part 6 of Division 1 of Title 1 of, to repeal Section 41204.2 of, and to repeal and add Section 56415 of, the Education Code, to amend Sections 7902.1, 7906, 7907, 7908, 16724.4, and 17581.6 of, and to add Section 7902.2 to, the Government Code, to amend Items 6100-001-0890 and 6100-158-0001 of Section 2.00 of the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020), and to amend Section 95 of Chapter 24 of the Statutes of 2020, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor July 9, 2021. Filed with Secretary of State July 9, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 130, Committee on Budget. Education finance: education omnibus budget trailer bill.

(1) Existing law places various requirements on county superintendents of schools and the Superintendent of Public Instruction in reviewing and determining whether a county office of education's adopted budget will allow the county office of education to meet its financial obligations during the fiscal year and, based on current forecasts, for 2 subsequent fiscal years.

This bill would revise certain requirements on county superintendents of schools and the Superintendent regarding determinations of fiscal distress

for county offices of education, and would require the Superintendent to provide a written notice of going concern determination to the county board of education and the county superintendent of schools under certain circumstances.

Existing law requires a county superintendent of schools to annually submit a report, at a regularly scheduled November board meeting, to the governing board of each school district in the county, the county board of education, and the county board of supervisors describing the state of schools in the county that meet specified criteria for low performance. Existing law requires the county superintendent of schools, or a designee of the county superintendent of schools, to visit those schools at least annually for purposes of developing that report, and requires at least 25% of those visits to be unannounced.

This bill, for the 2021–22 school year only, would require unannounced visits pursuant to those provisions to only be undertaken at the discretion of the county superintendent of schools in consultation with local health officials and in compliance with any orders or guidance issued by any local or state public health official, and would waive the 25% requirement if the county superintendent of schools, in consultation with local public health officials, determines that unannounced visits are unable to be conducted due to identified health and safety concerns.

(2) Existing law authorizes a school district or charter school to maintain a transitional kindergarten program. Existing law requires, in the 2014–15 school year and each school year thereafter, and as a condition of receipt of apportionments for pupils in a transitional kindergarten program, a child who will have their 5th birthday between September 2 and December 2, to be admitted to a transitional kindergarten program maintained by a school district or charter school. Existing law authorizes, for the 2015–16 school year and each school year thereafter, a school district or charter school to admit a child to a transitional kindergarten program who will have their 5th birthday after December 2 but during that same school year, as provided.

This bill would revise the timespans for those mandatory and optional admittance requirements to be phased in from the 2022–23 school year to the 2025–26 school year, as provided, at which time a school district or charter school, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, would be required to admit to a transitional kindergarten program maintained by the school district or charter school a child who will have their 4th birthday by September 1.

This bill would establish the California Prekindergarten Planning and Implementation Grant Program as a state early learning initiative with the goal of expanding access to classroom-based prekindergarten programs at local educational agencies, defined as school districts, county offices of education, and charter schools. The bill would appropriate \$300,000,000 from the General Fund to the State Department of Education for allocation to local educational agencies for grants for the 2021–22 fiscal year. The bill would require the Superintendent to allocate \$200,000,000 of that amount to local educational agencies as base grants, enrollment grants, and

supplemental grants for specified purposes. The bill would require the Superintendent to award \$100,000,000 in competitive grants to local educational agencies to increase the number of highly qualified teachers available to serve in specified capacities.

(3) This bill would enact the California Community School Partnership Act, and would appropriate \$2,836,660,000 from the General Fund to the Superintendent to administer the California Community Schools Partnership Program. The bill would require the Superintendent of Public Instruction to award grants on a competitive basis to qualifying entities, as defined, to support the establishment of new, and for the expansion or continuation of existing, community schools at local educational agencies, as provided, and to contract with local educational agencies to create a network of at least 5 regional technical assistance centers to provide support and assistance to local educational agencies and community schools.

(4) The After School Education and Safety Program Act of 2002 establishes the After School Education and Safety Program to serve pupils in kindergarten and grades 1 to 9, inclusive, at participating public elementary, middle, junior high, and charter schools. The act requires first priority enrollment to pupils who are identified by the program as homeless youth, as defined, and pupils who are identified by the program as being in foster care, and 2nd priority enrollment, for programs serving middle and junior high school pupils, to pupils who attend the program daily.

This bill would require pupils who are eligible for free or reduced-price meals to additionally receive first priority enrollment.

Existing law requires a program established under the act to charge family fees, requires a program that charges family fees to waive or reduce the cost of these fees for pupils who are eligible for free or reduced-price meals, and prohibits a program from charging a fee to a family for a child if the program knows that the child is a homeless youth or for a child who the program knows is in foster care.

This bill would instead require a program that charges family fees to waive the cost of these fees for pupils who are eligible for free or reduced-price meals, for a child who is a homeless youth, or for a child who the program knows is in foster care. The bill would also require a program that charges family fees to schedule fees on a sliding scale that considers family income and ability to pay.

(5) Existing law requires the Controller to draw warrants on the State Treasury throughout each year in specified amounts for purposes of apportioning funding to school districts, county offices of education, and charter schools. Existing law, commencing with the 2019–20 fiscal year, requires the warrants scheduled to be drawn in June to instead be drawn in July of the same calendar year.

This bill instead would amend that provision to no longer require that deferral to be conducted after the 2020–21 fiscal year.

Existing law, commencing with the 2020–21 fiscal year, requires specified amounts of warrants scheduled to be drawn in February to instead be drawn in November of the same calendar year, requires specified amounts of

warrants scheduled to be drawn in March to instead be drawn in October of the same calendar year, requires specified amounts of warrants scheduled to be drawn in April to instead be drawn in September of the same calendar year, and requires specified amounts of warrants scheduled to be drawn in May to instead be drawn in August of the same calendar year.

This bill instead would only require those deferrals to be conducted for the 2020–21 fiscal year. The bill would require warrants for principal apportionments for the months of February, March, and April of the 2020–21 fiscal year described above to instead be drawn in August 2021, as specified.

(6) The Leroy F. Greene School Facilities Act of 1998 (the Greene Act) requires the State Allocation Board to allocate to applicant school districts, as defined, prescribed per-unhoused-pupil state funding for the construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. Existing law authorizes the board to require an audit of expenditure reports submitted by a school district pursuant to the Greene Act and to require repayment of certain funds a school district failed to expend in accordance with the law. Existing law requires a school district to repay the funds within 60 days of the notice requiring repayment unless the board determines that repayment of the full liability within 60 days would constitute a severe financial hardship, as defined by the board, for the school district, in which case the board is required to approve a plan of equal annual payments over a period of up to 5 years.

This bill would expand the maximum time for repayment in the case of severe financial hardship from a period of up to 5 years to a period of up to 20 years. The bill would also expressly include the 2006 State School Facilities Fund and the 2016 State School Facilities Fund within those provisions.

(7) Existing law establishes the Full-Day Kindergarten Facilities Grant Program, under the administration of the State Allocation Board, to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing full-day kindergarten classrooms, as specified. For purposes of the program, existing law specifies that kindergarten includes transitional kindergarten. Commencing with the 2019–20 fiscal year, existing law makes the grant program contingent upon an appropriation by the Legislature.

This bill would change the name of this program to the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program and would expressly add providing California state preschool program and transitional kindergarten classrooms as another purpose of the grants. The bill would make county offices of education eligible to receive grants for preschool facilities under the program. The bill would prohibit a school district from using these funds to purchase or install portable classrooms, as defined. The bill would appropriate \$490,000,000 for the program for the 2021–22 fiscal year.

(8) Existing law requires a school district that has been organized for more than three years to be lapsed under certain conditions related to the

number of registered electors or average daily attendance of pupils in the school district. Existing law authorizes a school district to also be lapsed when there are no school facilities or sites on which to maintain any school in the school district.

This bill would revise the conditions and procedures for the required lapsation of a school district, would authorize a county board of education to defer the lapsation of a school district under certain conditions, and would additionally authorize a school district to be lapsed upon adoption of a resolution approved by a majority of the members of the governing board of the school district and written concurrence of the county superintendent of schools.

(9) For the 1990–91 fiscal year and each fiscal year thereafter, existing law requires that moneys to be applied by the state for the support of school districts, community college districts, and direct elementary and secondary level instructional services provided by the state be distributed in accordance with certain calculations governing the proration of those moneys among the 3 segments of public education. Existing law makes that provision inapplicable to the 1992–93 to 2020–21 fiscal years, inclusive.

This bill would also make that provision inapplicable to the 2021–22 fiscal year.

(10) The Classroom Instructional Improvement and Accountability Act, an initiative approved by the voters as Proposition 98 at the November 8, 1988, statewide general election, amended the California Constitution to, among other things, set forth a formula for computing the minimum amount of revenues that the state is required to appropriate for the support of school districts and community college districts based on one of 3 tests in any given fiscal year. Commencing with the 2021–22 fiscal year, existing law requires an appropriation to be made from the General Fund in the annual Budget Act for the support of elementary and secondary public schools and community colleges to supplement funding appropriated pursuant to Proposition 98 annually in an amount equal to 1.5% of total General Fund revenues, as calculated pursuant to Proposition 98, until the sum of the supplemental appropriations equals \$12,366,107,000.

This bill would repeal the latter provision requiring a supplemental appropriation.

(11) This bill would appropriate \$1,500,000,000 from the General Fund to the Superintendent for the Educator Effectiveness Block Grant, which the bill would establish, and would require the Superintendent to apportion those funds to school districts, county offices of education, charter schools, and the state special schools to provide professional learning for teachers, administrators, paraprofessionals who work with pupils, and classified staff that interact with pupils.

(12) This bill would appropriate \$50,000,000 from the General Fund to the Superintendent to apportion to the Orange County Department of Education to award no less than \$30,000,000 as grants to local educational agencies for the purpose of funding schoolwide and districtwide implementation of services or practices aligned to the Multi-tiered Systems

of Support framework. The bill would require the Superintendent to establish a process, in consultation with and subject to the approval of the executive director of the state board, to select a local educational agency, a local educational agency in partnership with an institution of higher education or nonprofit educational service provider, or a consortia, to partner with the Orange County Department of Education and the Butte County Office of Education to expand the state's capacity to support local educational agencies' implementation of social-emotional learning, trauma-informed practices, and culturally relevant, affirming, and sustaining practices, and would require no more than \$20,000,000 of the \$50,000,000 appropriation to be available for these purposes. To the extent the bill would impose additional duties on certain county offices of education, the bill would impose a state-mandated local program.

(13) This bill would appropriate \$547,513,000 from the General Fund to the Superintendent for purposes of the A–G Completion Improvement Grant Program, which the bill would establish, to provide additional supports to local educational agencies to help increase the number of California high school pupils, particularly unduplicated pupils, who graduate high school meeting the A–G subject matter requirements for admission to the University of California and the California State University. For the 2021–22 fiscal year, the bill would require the Superintendent to allocate \$300,000,000 as A–G Access Grants, and \$100,000,000 as A–G Success Grants to school districts, county offices of education, and charter schools meeting certain requirements to be used for activities that directly support pupil access to, and successful completion of, the A–G course requirements, as prescribed. For the 2021–22 fiscal year, the bill would require the Superintendent to allocate \$147,513,000 as A–G Learning Loss Mitigation Grants to be used to allow pupils who receive a grade of “D,” “F,” or “Fail” in an A–G approved course in the spring semester of 2020 or the 2020–21 school year to retake those A–G courses or to offer credit recovery opportunities to all pupils to ensure pupils are able to graduate high school on time, as prescribed. The bill would require the Superintendent to annually post on the department's internet website in an easily accessible location a list of each local educational agency's and each individual high school's A–G completion rate, as defined.

(14) Existing law establishes a public school financing system that requires state funding for county superintendents of schools, school districts, and charter schools to be calculated pursuant to a local control funding formula, as specified. Existing law requires funding pursuant to the local control funding formula to include, in addition to a base grant, supplemental and concentration grant add-ons that are based on the percentage of pupils who are English learners, foster youth, or eligible for free or reduced-price meals, as specified, served by the county superintendent of schools, school district, or charter school.

This bill, commencing with the 2021–22 fiscal year, would increase the amount of funding received for concentration grant add-ons for school districts and charter schools, as specified.

(15) Under existing law, the local control funding formula uses the numbers of pupils enrolled in a school district or a charter school who are eligible for free or reduced-price meals as part of the calculation of the apportionment of state funds to be received by that school district or charter school pursuant to the formula. Existing law defines “eligible for free or reduced-price meals” for these purposes. Existing law requires each school district and county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday.

This bill would adjust the definition of “eligible for free or reduced-price meals” to carry over the number of pupils at the school who were eligible for free or reduced-price meals from the school year in which the school applied to use a federal universal school meal provision, and to use each pupil’s eligibility status in the base year to report eligibility for up to each of the following 3 school years. The bill, commencing with the 2022–23 school year, would require a school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, or charter school to provide 2 nutritiously adequate school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil’s eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period. The bill would require the department to reimburse local educational agencies for all nonreimbursed expenses accrued in providing United States Department of Agriculture reimbursable meals, as specified. This provision would be operative only if the Legislature appropriates funds for its purposes. The bill would require the department to develop and adopt regulations to implement this provision, as specified. To the extent that this provision would impose new duties on local educational agencies, it would constitute a state-mandated local program.

(16) Existing law requires certain components of funding for county superintendents of schools, school districts, charter schools, and certain special education programs to be adjusted for inflation in each fiscal year, as specified. Existing law, notwithstanding those specified inflation adjustments, requires those inflation adjustments for the 2020–21 fiscal year to instead be zero.

This bill, when making those specified inflation adjustments for the 2021–22 fiscal year, would require those adjustments to be 2.7% and to be calculated by first assuming that the adjustments for the 2020–21 fiscal year were 2.31% instead of zero.

(17) Existing law requires the local control funding formula, in part, to be based on average daily attendance, as defined. Existing law specifies how to calculate the average daily attendance for school districts, and requires an adjustment for the calculation of average daily attendance for a sponsoring school district, as defined.

This bill would make the provisions requiring an adjustment for the calculation of average daily attendance for a sponsoring school district inapplicable to the 2021–22 fiscal year.

(18) Existing law requires, on or before March 31, 2014, the State Board of Education to adopt a template for use by school districts, county superintendents of schools, and charter schools for purposes of local control and accountability plans. Existing law requires the state board to adopt regulations that require a school district, county office of education, or charter school to increase or improve services for unduplicated pupils in proportion to the increase of funds apportioned on the basis of the number and concentration of unduplicated pupils, and requires a local control and accountability plan to include the specific actions and budgeted expenditures that contribute to the demonstration that this requirement is met.

This bill would require the state board's template to be revised, on or before January 1, 2022, to include a demonstration that the full proportionality obligation described above is being met annually through the listed actions and services, that each action's quantitative contribution toward the proportionality obligation as expenditures or its qualitative contribution as a percentage of increased or improved services for unduplicated pupils over and above the level of services provided to all pupils, and, for local educational agencies that receive concentration grant funding, that the additional funding received as a result of the increased concentration grant add-ons described in (14) above is being used to increase the number of credentialed staff, classified staff, or both of those, that provide direct services to pupils on certain school campuses. The bill would require, commencing with the local control and accountability plan and the annual update to the local control and accountability adopted on or before July 1, 2022, by each school district, county office of education, and charter school to include certain calculations relating to those actions and the actions that contribute to the demonstration that the above-described requirement is met. The bill would require the state board to, on or before November 30, 2021, adopt a one-time supplement template to the annual update to the 2021–22 local control and accountability plan to require certain information from local educational agencies relating to certain additional moneys received. By requiring local educational agencies to include additional information in a local control and accountability plan, the bill would impose a state-mandated local program.

(19) Existing law, for the 2020–21 school year, waives the minimum requirements for instructional minutes offered during the school year and authorizes a local educational agency to meet the minimum requirements for instructional minutes offered during a schoolday and for instructional days offered in the 2020–21 school year through in-person instruction or a combination of in-person instruction and distance learning, as provided. Existing law requires the Superintendent to withhold a portion of a local educational agency's funding apportionments for failing to offer the minimum number of instructional days in the 2020–21 school year and for noncompliance with documentation requirements of pupils participating in distance learning.

This bill would revise the calculations for the withholding of a local educational agency's funding apportionments for noncompliance with those

requirements, and would authorize the state board to waive certain fiscal penalties for a school district or charter school that fails to maintain the prescribed minimum number of instructional days for the school year if the school district or charter school adheres to certain requirements to make up lost instructional days.

(20) For the 2020–21 fiscal year, existing law appropriates \$6,557,443,000 from the General Fund to the Superintendent, of which \$4,557,443,000 would be apportioned to school districts, county offices of education, charter schools, and state special schools, as prescribed, and available for expenditure through August 31, 2022, for certain activities, including offering supplemental instruction and support. Existing law requires the remaining \$2,000,000,000 to be apportioned to school districts, county offices of education, and certain charter schools, and available for expenditure through August 31, 2022, if those local educational agencies, among other things, provide optional in-person instruction to certain pupil groups within prescribed timelines.

This bill instead would appropriate \$4,542,003,000 from the General Fund and \$2,015,440,000 from the Federal Trust Fund to the Superintendent for the above-described purpose. The bill would extend the expenditure period for state funds by 25 months, thereby making an appropriation, and would specify certain expenditure periods for federal funds. The bill would prohibit a charter school that has ceased operation on or before March 5, 2021, from being allocated funding pursuant to those provisions.

(21) Existing law requires the Commission on Teacher Credentialing, among other duties, to establish standards and procedures for the issuance and renewal of credentials, certificates, and permits. Existing law prohibits the commission from issuing initially a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language by passing the state basic skills proficiency test. Existing law exempts specified applicants from this basic skills proficiency test requirement. Existing law specifies the minimum requirements for the preliminary multiple or single subject teaching credential, including a subject matter competence requirement demonstrated by either completion of a subject matter program that has been approved by the commission or passage of a subject matter examination.

This bill would exempt from the basic skills proficiency test requirement an applicant who earns at least a letter grade of B in qualifying coursework, as defined, determined by a credential preparation program or the commission, as specified, to sufficiently serve as an indicator of proficiency in basic reading, writing, and mathematics skills in the English language. The bill would also exempt an applicant who has demonstrated proficiency in the basic skills through a combination of qualifying coursework, passage of components of the state basic skills proficiency test, and scores on certain tests.

This bill would authorize a candidate for the preliminary multiple or single subject teaching credential to demonstrate subject matter competence

by completing higher education coursework in the subject matters related to the content area of the credential, as provided. The bill would authorize a program of professional preparation to verify a candidate's subject matter competence in this manner and would authorize a candidate to demonstrate subject matter competence through a combination of a subject matter examination and higher education coursework in the subject matters related to the content area of the credential.

(22) Existing law establishes the National Board for Professional Teaching Standards Certification Incentive Program to award grants to teachers who, among other things, have attained certification from the National Board for Professional Teaching Standards. Under the program, a teacher attaining a national board certification is eligible for an award of up to \$20,000 if the teacher agrees to teach at a high-priority school, which is a school ranked at the bottom $\frac{1}{2}$ of all schools based on the Academic Performance Index rankings, for at least 4 years.

This bill, commencing July 1, 2021, would increase that award to up to \$25,000 and instead would require the teacher to agree to teach for 5 years at a high-priority school, which this bill would instead define as a school with 55% or more of its pupils classified as an English learner or foster youth, or eligible for a free or reduced-price meal. The bill, commencing July 1, 2021, would award a grant of \$2,500 to any teacher who initiates the process of pursuing a certification from the National Board for Professional Teaching Standards when teaching at a high-priority school. The bill would appropriate \$250,000,000 from the General Fund to the department for purposes of the program, as specified.

(23) Existing law appropriates \$75,000,000 from the General Fund to the commission to establish the Teacher Residency Grant Program, including \$50,000,000 to provide one-time competitive grants to develop new, or expand existing, teacher residency programs that recruit and support the preparation of special education teachers, and \$25,000,000 to provide one-time competitive grants to develop new, or expand existing, teacher residency programs that recruit and support the preparation of bilingual education, science, technology, engineering, or mathematics teachers, as provided.

This bill would appropriate \$350,000,000 from the General Fund to the commission for the Teacher Residency Grant Program for the commission to make one-time grants to develop new, or expand, strengthen, or improve access to existing, teacher residency programs that support designated shortage fields or local efforts to recruit, develop support systems for, provide outreach and communication strategies to, and retain a diverse teacher workforce that reflects a local educational agency community's diversity, as provided. The bill would require a candidate in a teacher residency program sponsored by a grant to agree in writing to serve in a school within the jurisdiction of the grant recipient that sponsored the candidate for at least 4 school years after completing an initial year of preparation and obtaining a preliminary teaching credential. If a candidate fails to earn a preliminary credential or complete the period of the placement, the bill

would require the candidate to reimburse the sponsoring grant recipient the amount of grant funding invested in the candidate's residency training, as provided.

(24) Existing law requires an employee of an entity that has a contract with a school district, county office of education, or charter school to provide specified services for the school, if that employee may have contact with pupils, to submit or have submitted their fingerprints to the Department of Justice to ascertain if that individual has been arrested or convicted of a crime and to notify the employer designated by the individual of that fact. Under existing law, these requirements do not apply to an entity providing those services to a local educational agency in an emergency or exceptional situation, or when the local educational agency determines that the employees of the entity will have limited contact with pupils. Existing law authorizes a local educational agency, on a case-by-case basis, as specified, to require an entity providing other schoolsite services to submit or have submitted its employee's fingerprints. Existing law authorizes the Department of Justice to forward a copy of the fingerprints to the Federal Bureau of Investigation to verify the record of previous arrests or convictions of the applicant. The Department of Justice is required to review the criminal record summary it obtains from the Federal Bureau of Investigation and notify the employer only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses which, if committed in California, would have been punishable as a violent or serious felony and is required to provide written notification to the contract employer only concerning whether an applicant for employment has any conviction or arrest pending final adjudication for any of those crimes.

Commencing January 1, 2022, this bill instead would require any entity that has a contract with a school district, county office of education, or charter school to ensure that any employee who interacts with pupils, outside of the immediate supervision and control of the pupil's parent or guardian or a school employee, has a certain valid criminal records summary. When the contracting entity performs the criminal background check, the bill would require it to immediately provide any subsequent arrest and conviction information it receives to any local educational agency that it is contracting with pursuant to the subsequent arrest service. The bill instead would authorize a local educational agency, on a case-by-case basis, to require an entity with whom it has a contract to comply with the requirements of these provisions for employees in addition to those described above. The bill instead would require the Department of Justice to forward a copy of the fingerprints to the Federal Bureau of Investigation to verify the record of previous arrests or convictions of the applicant. To the extent these provisions impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

(25) Existing law establishes the Classified School Employee Summer Assistance Program. Existing law authorizes local educational agencies to elect to participate in the program, and authorizes a classified employee of a participating local educational agency who meets specified requirements

to withhold an amount from the employee's monthly paycheck during the school year to be paid out during the summer recess period, as provided. Existing law authorizes a classified employee to be eligible to participate in the program if the classified employee is employed by the local educational agency in the employee's regular assignment for fewer than 11 months out of a 12-month period.

This bill would instead authorize a classified employee to be eligible to participate in the program if the classified employee is employed by the local educational agency in the employee's regular assignment for 11 months or fewer out of a 12-month period. The bill would also, for purposes of determining a classified employee's total months employed by the local educational agency, require the local educational agency to exclude any hours worked by the classified employee as a result of an extension of the academic school year, for specified school years, directly related to the COVID-19 pandemic, as provided. The bill would appropriate \$60,000,000 from the General Fund to the department for the program.

(26) Existing law generally prohibits a pupil in a kindergarten from being kept in school on any day for more than 4 hours excluding recesses, except as specified.

This bill would establish the Expanded Learning Opportunity Program, and would appropriate \$753,131,000 from the General Fund to the Superintendent for allocation to school districts and certain charter schools under the program. The bill would require the Superintendent to allocate moneys appropriated for purposes of the program to school districts and charter schools on a per unit basis of the school district or charter school's prior year reported kindergarten and grade 1 to 6, inclusive, classroom-based average daily attendance attributable to unduplicated pupils, as specified. The bill would require, as a condition of receipt of these funds, school districts and charter schools to offer to at least all unduplicated pupils in kindergarten and grades 1 to 6, inclusive, and to provide to at least 50% of unduplicated pupils enrolled in kindergarten and grades 1 to 6, inclusive, classroom-based instructional programs with expanded learning opportunity programs that provide access to no less than 9 hours of combined in-person instructional time and expanded learning opportunities, as defined, per instructional day on schooldays, and no less than 9 hours of expanded learning opportunities per day for at least 30 nonschooldays during intersessional periods. The bill would make an exception to the above-described prohibition for kindergarten pupils in expanded learning opportunity programs provided by school districts under these provisions.

(27) For purposes of state apportionments, if the average daily attendance of a school district, county office of education, or charter school during a fiscal year has been materially decreased during a fiscal year because of an emergency, and the fact of which is established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the local educational agency, existing law requires the Superintendent to estimate the average daily attendance in a manner that credits to the school district, county office of education, or charter school the total average daily

attendance that would have been credited had the emergency not occurred. Existing law requires the Superintendent to make specified calculations for purposes of state apportionments to a school district, county office of education, or charter school affected by a state of emergency declared by the Governor in November 2018. Existing law continuously appropriates the amounts necessary to provide those apportionments.

This bill would require the Superintendent to provide additional apportionments, as specified, for the 2021–22 fiscal year to certain school districts and charter schools affected by a state of emergency declared by the Governor in November 2018. The bill would require the Superintendent to make specified calculations for purposes of state apportionments to a school district or charter school for the 2021–22 fiscal year affected by a state of emergency declared by the Governor in September 2020. The bill would require a school district, county office of education, or charter school that submits an affidavit under certain provisions for an event occurring after September 1, 2021, to certify that it has a plan for which independent study will be offered to pupils that complies with certain requirements.

(28) The Charter Schools Act of 1992 authorizes the establishment and operation of charter schools. Existing law authorizes the governing board of a school district, a county board of education, or the State Board of Education to approve a petition for the establishment of a charter school, as specified. Existing law authorizes a chartering authority to renew the approval of a charter school petition under specified procedures. Existing law authorizes a charter to be granted by a chartering authority under designated provisions for a period not to exceed 5 years.

This bill, notwithstanding the renewal process and criteria effective July 1, 2021, would require all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, inclusive, to have their term extended by two years. The bill would revise criteria in provisions that require or prohibit the renewal of a charter school if the 2 consecutive years immediately preceding the renewal decision include the 2019–20 or 2020–21 school year.

Existing law prohibits, from January 1, 2020, to January 1, 2022, inclusive, the approval of a petition for the establishment of a new charter school offering nonclassroom-based instruction and funded as specified.

This bill would extend that prohibition by 3 years until January 1, 2025.

(29) Existing law requires, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, a school district or charter school to ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2021, met one of 3 designated criteria establishing qualification for the position.

This bill would delay until August 1, 2023, the deadline for a credentialed teacher first assigned to a transitional kindergarten classroom after July 1, 2015, to meet one of the designated criteria referenced above. The bill would additionally require, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, a school district or charter school to

maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite, and to maintain certain average adult-to-pupil ratios for transitional kindergarten classrooms.

(30) Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed by, and funded pursuant to, federal Medicaid program provisions. Existing law also provides that specified services provided by local educational agencies are covered Medi-Cal benefits and are reimbursable on a fee-for-service basis under the local educational agency Medi-Cal billing option.

This bill would require the State Department of Education to, no later than January 1, 2022, establish an Office of School-Based Health Programs for the purpose of assisting local educational agencies regarding the current health-related programs under the purview of the State Department of Education. The bill would require the office to, among other things, provide technical assistance, outreach, and informational materials to local educational agencies on allowable services and on the submission of claims. The bill would authorize the office to form, or participate in, advisory groups, as specified, and, to the extent necessary, would require the State Department of Health Care Services to make available to the office any information on other school-based dental, health, and mental health programs, and school-based health centers, that may receive Medi-Cal funding.

This bill would require the State Department of Education to, by January 1, 2022, appoint a state school nurse consultant to be housed within the office. The bill would require the state school nurse consultant to be a school nurse credentialed by the commission, as specified, who has a minimum of 5 years of experience in school health program management. The bill would require the state school nurse consultant to work with local educational agencies and school nurses to promote quality school nursing services and school health programs that address the broad health needs of pupils, among other responsibilities.

This bill would appropriate \$5,000,000 from the General Fund to the Superintendent for the School Health Demonstration Project, which the bill would establish within the office as a pilot project, to be administered by the department, in consultation with the State Department of Health Care Services, to expand comprehensive health and mental health services to public school pupils by providing training and support services to selected local educational agencies to secure ongoing Medi-Cal funding for those health and mental health services, as provided. The bill would require a local educational agency selected to serve as a pilot project participant to receive \$100,000 each year of the 2-year pilot project, to be used for contracting with one of 3 technical assistance teams selected by the Superintendent.

This bill would continuously appropriate \$250,000 each fiscal year from the General Fund to the State Department of Education to be awarded to a local educational agency to perform specified tasks for purposes of providing

guidance related to Medi-Cal billing and increasing local educational agencies' capacity to successfully submit claims through the Local Educational Agency Medi-Cal Billing Option Program.

(31) Existing law requires a school district or county superintendent of schools that has a very high poverty school, as defined, in its jurisdiction to, on or before September 1, 2018, apply to operate a federal universal meal service provision pursuant to specified federal law, and to begin providing breakfast and lunch free of charge through the universal meal service to all pupils at the very high poverty school upon state approval to operate that service. Under existing law, certain charter schools are considered very high poverty schools for purposes of these provisions, and the law requires those charter schools to comply with the requirements imposed on, and authorizes those charter schools to exercise the authority granted to, school districts and county superintendents of schools pursuant to these provisions.

This bill would make these provisions inoperative on July 1, 2022, and would repeal them as of January 1, 2023. The bill would require a school district or county superintendent of schools that has a high-poverty school, as defined, in its jurisdiction to, on or before June 30, 2022, apply to operate a federal universal meal service provision pursuant to specified federal law, and to begin providing breakfast and lunch free of charge through the universal meal service to all pupils at the high-poverty school upon state approval to operate that service. The bill would consider certain charter schools to be high-poverty schools for purposes of these provisions, and would require those charter schools to comply with the requirements imposed on, and would authorize to exercise the authority granted to, school districts and county superintendents of schools pursuant to these provisions. Because the bill would impose additional duties on school districts, county superintendents of schools, and charter schools, it would impose a state-mandated local program.

(32) Existing law authorizes a school district, charter school, or county office of education to provide an independent study program for, and independent study courses to, pupils enrolled in kindergarten and grades 1 to 12, inclusive, in accordance with prescribed conditions. Existing law prohibits a school district or county office of education from being eligible to receive apportionments for independent study by pupils unless the school district or county office has adopted written policies and implemented those policies in accordance with rules and regulations adopted by the Superintendent, as specified, including a requirement that a current written agreement with specified content for each independent study pupil is maintained on file.

This bill would revise and recast provisions relating to independent study programs and courses to, among other things, authorize independent study for a pupil whose health would be put at risk by in-person instruction, as determined by the parent or guardian, require a charter school to adopt and implement written policies related to independent study to be eligible to receive apportionments for independent study by pupils, impose additional

requirements for the contents of the required written agreement, authorize a written agreement to be signed using an electronic signature, and impose certain audit requirements. For the 2021–22 school year only, the bill would require the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils in accordance with specified requirements, unless waived as provided. By imposing additional duties on school districts and county offices of education, the bill would impose a state-mandated local program.

(33) Existing law prohibits a local educational agency, including, but not limited to, a charter school, from claiming state funding for the independent study of a pupil if the agency has provided any funds or other thing of value to the pupil or the pupil’s parent or guardian that the agency does not provide to pupils who attend regular classes or to their parents or guardians. Existing law prohibits a charter school from claiming state funding for the independent study of a pupil if the charter school has provided any funds or other thing of value to the pupil or the pupil’s parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district or to the pupil’s parent or guardian. Existing law authorizes school districts, charter schools, and county offices of education to claim apportionment credit for independent study only to the extent of the time value of pupil work product, as personally judged in each instance by a certificated teacher.

This bill would clarify that providing access to connectivity and local educational agency-owned devices adequate to participate in an independent study program or course and complete assigned work is not considered funds or other things of value for purposes of those provisions. For purposes of claiming apportionments, the bill would require a local educational agency to document daily participation for each pupil on each schoolday, in whole or in part, for which independent study is provided, and would require a pupil who does not participate in independent study on a schoolday to be documented as nonparticipatory for that schoolday. The bill would require a local educational agency to maintain written or computer-based evidence of pupil engagement.

(34) Existing law establishes the California Career Technical Education Incentive Grant Program, administered by the State Department of Education, with the purpose of encouraging, maintaining, and strengthening the delivery of high-quality career technical education programs. Existing law appropriates specified amounts for the program from the General Fund for the 2015–16, 2016–17, and 2017–18 fiscal years. Existing law provides, for the 2018–19 fiscal year and every fiscal year thereafter, that \$150,000,000 is made available for the program upon appropriation by the Legislature. Existing law specifies minimum eligibility requirements for grant applicants.

This bill would provide that, for the 2021–22 fiscal year and each fiscal year thereafter, \$300,000,000 would be made available to the department, upon appropriation by the Legislature in the Budget Act or another statute, for the program. The bill would make adjustments to program provisions

relating to eligibility requirements for grant applicants, and for ensuring compliance with program requirements.

(35) Existing law requires the department to award grants for the establishment of Family Empowerment Centers on Disability in 32 regions in the state to provide training and services to children and young adults with disabilities and their families. Existing law establishes a minimum base rate of \$150,000 for each center awarded a grant and requires a center that receives a grant to complete specified actions related to providing that training and those services. Existing law establishes a Family Empowerment and Disability Council composed of the executive directors of the centers and certain other members, and establishes a base amount of \$150,000 to be made available annually to the council.

This bill would revise and recast the provisions related to Family Empowerment Centers on Disability, including requiring the department to award grants by March 1, 2022, to applicants in those of the 32 regions in the state that do not have a center and to give priority to certain applicants, increasing the minimum base rate for each center awarded a grant from \$150,000 to \$246,000 commencing on July 1, 2021. The bill would also increase the base amount to be made available annually to the council from \$150,000 to \$246,000.

(36) Existing law provides for the calculation of apportionments to fund the provision of special education instruction and services for pupils who qualify for these programs. Existing law requires the Superintendent, for the 2021–22 fiscal year and each fiscal year thereafter, to calculate the amount of funding per unit of average daily attendance for each special education local plan area as either \$625 per unit of average daily attendance, as adjusted annually by a specified inflation factor, or the amount of funding per unit of average daily attendance the special education local plan area received in the 2019–20 fiscal year, whichever is greater.

This bill would revise those funding calculations to increase the amount of funding per unit of average daily attendance for each special education local plan area to be either \$715 per unit of average daily attendance, as adjusted annually by a specified inflation factor, or the amount of funding per unit of average daily attendance the special education local plan area received in the 2020–21 fiscal year, as adjusted annually by a specified inflation factor, whichever is greater. The bill would revise various other special education funding calculations and would make related clarifying and conforming changes.

(37) Existing law requires the Superintendent, commencing with the 2004–05 fiscal year and each fiscal year thereafter, to make certain calculations for, and the department to apportion certain amounts to, special education local plan areas, as provided, for children and youth residing in foster family homes, small family homes, foster family agencies, group homes, skilled nursing facilities, intermediate care facilities, and community care facilities. Existing law requires the department to calculate an out-of-home care funding amount for each special education local plan area, as provided, for each fiscal year.

This bill would require, for the 2021–22 fiscal year and each fiscal year thereafter, the Superintendent to instead calculate, and the department to apportion, certain amounts of funding generated by foster youth, short-term residential therapeutic program placements, and children and youth residing in community care facilities, intermediate care facilities, and skilled nursing facilities.

(38) Existing law establishes the special education early intervention preschool grant, which requires the Superintendent, in any year moneys are appropriated for this purpose, to allocate grant funding to school districts for preschool children with exceptional needs, as provided.

This bill would revise the allocation formula for the grant funding, and would require those moneys to be used to provide services and supports in inclusive settings that have been determined to improve school readiness and long-term outcomes for infants, toddlers, and preschool pupils from birth to 5 years of age, inclusive.

(39) The California Constitution prohibits the total annual appropriations subject to limitation of the state and each local government from exceeding the appropriations limit of the entity of government for the prior year, as adjusted. Existing law authorizes a school district, county superintendent of schools, or community college district to increase its appropriations limit pursuant to certain provisions, and requires any increase in a local jurisdiction's appropriations limit, in the fiscal year in which the change is made, to reduce the appropriations limit of the state by an equal amount.

If, in the 2021–22 fiscal year or any fiscal year thereafter, the appropriations limit for that fiscal year of a school district, community college district, or county superintendent of schools exceeds its proceeds of taxes, this bill would require the governing body of the school district or community college district, or the county superintendent of schools to decrease its appropriations limit to an amount equal to its proceeds of taxes, and would increase the appropriations limit of the state by an equal amount. The bill would also require these reductions to a local jurisdiction's appropriations limit and increase to the state's appropriations limit for the 2019–20 and 2020–21 fiscal years. If in the 2021–22 fiscal year or any fiscal year thereafter, the proceeds of taxes of a school district, community college district, or county superintendent of schools exceeds its appropriations limit, the bill would require the governing body of the school district or community college district, or the county superintendent of schools to increase its appropriations limit to an amount equal to its proceeds of taxes, and would decrease the appropriations limit of the state by an equal amount. To the extent these provisions impose additional duties on local educational agencies, the bill would impose a state-mandated local program.

(40) Existing law requires certain funds appropriated in the annual Budget Act for reimbursement for the cost of a new program or increased level of service of an existing program mandated by statute or executive order to be available as a block grant to school districts, charter schools, and county offices of education, to support specified state-mandated local programs. Existing law provides that a school district, charter school, or county office

of education that submits a letter requesting funding to the Superintendent and receives this block grant funding is not eligible to submit a claim for reimbursement for those specified mandated programs for the fiscal year in which the block grant funding is received.

This bill would add to the list of programs that are authorized for block grant funding in lieu of program-specific reimbursement to include requirements relating to feminine hygiene products in certain public school restrooms.

(41) The Budget Act of 2020 appropriates \$15,746,000 to allocate to each school district maintaining a secondary school or county superintendent of schools that offers adult education classes for adults in correctional facilities, as provided.

This bill would reduce that appropriation by \$7,746,000.

(42) Existing law establishes the California Assessment of Student Performance and Progress (CAASPP) for the assessment of certain elementary and secondary pupils and which is composed of: a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in grades 5, 8, and 10, measuring specified content standards; the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified; and the Early Assessment Program. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the CAASPP by the Superintendent, the state board, and affected local educational agencies.

This bill would require a local educational agency to administer, in person, subject to public health guidelines, an assessment in English language arts and in mathematics to all pupils who were in grades 3 to 8, inclusive, and grade 11 in the 2020–21 school year, designed to measure academic progress and performance that are aligned to the common core academic standards and would authorize the administration of a science test, as specified.

(43) Existing law requires the county superintendent of schools, if the governing board of a school district requests technical assistance, if a county superintendent of schools does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by the governing board of a school district, and for any school district or charter school for which one or more pupil subgroups meet certain criteria, to provide technical assistance, as provided. Existing law requires the Superintendent of Public Instruction to, if the Superintendent does not approve a local control and accountability plan or annual update to the local control and accountability plan approved by a county board of education, if the county board of education requests technical assistance, and for any county office of education for which one or more pupil subgroups meet certain criteria, to provide technical assistance, as provided.

This bill would expand the scope of technical assistance activities under those provisions to include an analysis of various pupil and school outcomes from the 2021–22 school year, the results of which would inform technical

assistance activities focused on building capacity to develop and implement actions and services responsive to pupil and community needs.

(44) Existing law requires the State Department of Education to develop and maintain the California School Dashboard for publicly reporting local educational agency performance data. Existing law prohibits the department from publishing the California School Dashboard in 2020 and from identifying a local educational agency during the 2020–21 school year for the technical assistance or intervention process based on the performance criteria used for the California School Dashboard.

This bill would, until December 2022, prohibit the department from publishing the California School Dashboard and identifying a local educational agency during the 2021–22 school year for the technical assistance or intervention process based on the performance criteria used for the California School Dashboard.

(45) This bill would appropriate \$125,000,000 from the General Fund to the Commission on Teacher Credentialing for the California Classified School Employee Teacher Credentialing Program.

(46) This bill would separately appropriate \$708,000 and \$36,966,000 from the General Fund to the department for allocation to the Fresno County Office of Education to continue to administer the statewide early math initiative established in a certain item of the Budget Act of 2018.

(47) This bill would appropriate \$5,000,000 from the General Fund to the department to provide professional development and resources to support local educational agencies offering new and expanded ethnic studies courses.

The bill would appropriate \$50,000,000 from the General Fund to the Superintendent for allocation to school districts, county offices of education, charter schools, and state special schools serving pupils in grades 9 to 12, inclusive, on a per-pupil basis to support the creation or expansion of ethnic studies course offerings. The bill would make the allocation of those funds contingent upon the enactment of Assembly Bill 101 of the 2021–22 Regular Session.

(48) This bill would appropriate \$6,000,000 from the General Fund to the Superintendent to augment an existing contract to perform certain activities relating to school climate surveys.

(49) This bill would appropriate \$3,100,000 from the General Fund to the department for the 2021–22 fiscal year for allocation to the Kern County superintendent of schools for the Kern County Office of Education and the County Office Fiscal Crisis and Management Assistance Team for the Standardized Account Code Structure system replacement project. Commencing with the 2022–23 fiscal year, the bill would continuously appropriate \$3,920,000 each fiscal year from the General Fund to the department for allocation to the Kern County superintendent of schools for the Kern County Office of Education and the County Office Fiscal Crisis and Management Assistance Team for maintenance and operation support for the Standardized Account Code Structure system.

(50) This bill would appropriate \$6,000,000 from the General Fund to the State Department of Education to be allocated by the Superintendent to

the Special Olympics of Northern and Southern California for specified purposes.

(51) This bill would appropriate \$150,000,000 from the General Fund to the department to allocate to local educational agencies, \$120,000,000 of which is to be used on kitchen infrastructure upgrades that will increase pupil access to, or improve the quality of, fresh and nutritious school meals, and \$30,000,000 of which is to be used for food service staff to receive training on promoting nutritious foods.

(52) This bill would appropriate \$86,416,000 from the General Fund to the Superintendent for apportionment to career technical education regional occupational centers or programs operated by a joint powers authority to be used for any purposes consistent with providing in-person instruction for any participating pupil.

(53) This bill would appropriate \$30,000,000 from the General Fund to the department to provide grants to county offices of education to operate an education-based foster youth services coordinating program to provide educational support for pupils in foster care. The bill would require \$5,000,000 of the \$30,000,000 appropriation to be used to provide direct services to improve postsecondary education enrollment and outcomes, including, but not limited to, postsecondary preparation and matriculation.

(54) This bill would appropriate \$25,000,000 from the General Fund to the department for purposes of the 21st Century School Leadership Academy.

(55) This bill would appropriate \$15,000,000 from the General Fund to the Commission on Teacher Credentialing for the Computer Science Supplementary Authorization Incentive Grant Program, which the bill would establish, as provided, for the purpose of providing one-time grants to local educational agencies to support the preparation of credentialed teachers to earn a supplementary authorization in computer science and provide instruction in computer science coursework in settings authorized by the underlying credential.

(56) This bill would appropriate \$15,000,000 from the General Fund to the Superintendent to designate a county office of education to identify and curate a repository of high-quality open educational resources for use by local educational agencies as part of the statewide system of support, as provided. To the extent this bill would impose obligations on the designated local educational agency, the bill would impose a state-mandated local program.

(57) This bill would appropriate \$10,000,000 from the General Fund to the Superintendent to generate and disseminate professional learning opportunities for educators in the areas of evidence-based literacy, intensive literacy interventions, and support of pupils' executive functioning skills, as specified.

(58) This bill would appropriate \$5,200,000 from the General Fund to the Controller for allocation to the department for the Broadband Infrastructure Grant Program to be expended for identified broadband connectivity solutions.

(59) This bill would require the Superintendent, commencing with the 2021–22 fiscal year, to add \$3,500,000 to the local control funding formula allocation for the San Francisco Unified School District, to be made available for the San Francisco Unified School District to contract with the Exploratorium in the City and County of San Francisco for purposes of supporting professional development and leadership training for education professionals, expanding access to quality science, technology, engineering, and mathematics learning opportunities, and supporting statewide implementation of the Next Generation Science Standards.

(60) This bill would appropriate \$2,402,000 from the General Fund to the Superintendent to support the creation of an online training on schoolsite and community resources focused on strategies to support LGBTQ+ pupils.

(61) This bill would appropriate \$10,500,000 from the Coronavirus Fiscal Recovery Fund to the Superintendent to be allocated to the California Interscholastic Federation (CIF) to be used to support the expenses associated with either the CIF State or ten CIF Section offices that have experienced significant revenue reductions in the 2020–21 fiscal year as a result of closures and cancellations due to the COVID-19 pandemic.

(62) The Community Redevelopment Law authorized the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies as of February 1, 2012, and provides for the designation of successor agencies, as defined. Existing law requires successor agencies to wind down the affairs of the dissolved redevelopment agencies. Existing law requires a successor agency to, among other things, continue to make payments due for enforceable obligations, remit unencumbered balances to the county auditor-controller for distribution, and dispose of assets, as directed.

This bill would, on or before June 30, 2022, appropriate an amount to be determined by the Director of Finance from the General Fund to the Superintendent in augmentation of a certain item in the Budget Act of 2021. The bill would make these funds available only to the extent that revenues distributed to local educational agencies for special education programs from successor agencies are less than the estimated amount determined by the Director of Finance. The bill would require, on or before June 30, 2022, the Director of Finance to determine if the revenues distributed to local educational agencies for special education programs from successor agencies exceed the estimated amount reflected in the Budget Act of 2021 and, if so, would require the Director of Finance to reduce the specified appropriation in the Budget Act of 2021 by the amount of that excess.

(63) This bill would appropriate \$6,000,000 from the General Fund to the Superintendent to allocate to the San Mateo County Office of Education to contract for the creation of free and open education resources on climate change and environmental justice and the integration of certain environmental principles and concepts.

(64) This bill would appropriate \$50,000,000 from the General Fund to the Superintendent to allocate to the California Collaborative for Educational Excellence to administer, in partnership with selected county offices of

education, evidence-based professional education for educators that can support learning acceleration, particularly in mathematics, literacy, and language development.

(65) This bill would appropriate \$80,000,000 from the General Fund to the Superintendent for apportionment to county offices of education in the 2021–22 fiscal year, as prescribed, to be used for any purposes consistent with providing in-person instruction.

(66) This bill would appropriate \$1,700,000 from the General Fund to the Commission on Teacher Credentialing to be transferred to the Tulare County Office of Education to continue to administer the California Center on Teaching Careers.

(67) This bill would appropriate \$2,000,000 from the General Fund to the Superintendent for allocation to the Marin County Office of Education to contract with nonprofit organizations with subject matter expertise in genocide and Holocaust education to perform certain activities relating to genocide and Holocaust education.

(68) Contingent upon the enactment of legislation during the 2021–22 Regular Session prescribing the process for the development of model curricula for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies, this bill would appropriate \$1,200,000 from the General Fund to the Superintendent to support the development of model curricula for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies.

(69) This bill would appropriate \$10,000,000 from the General Fund to the Superintendent for purposes of the Antibias Education Grant Program, which the bill would establish, for purposes of preventing, addressing, and eliminating racism and bias in all California public schools, and making all public schools inclusive and supportive of all people. The bill would require the Superintendent to award a minimum of 50 Antibias Education Grants to school districts, county offices of education, and charter schools meeting certain requirements to be used for training and resources to prevent and address bias or prejudice toward any group of people based on certain characteristics.

(70) This bill would appropriate \$10,000,000 from the General Fund to the Superintendent for purposes of the Dual Language Immersion Grant Program, which the bill would establish, to expand access to quality dual language learning and foster languages that English learners bring to California’s education system. The bill would require the department to award a minimum of 25 one-time Dual Language Immersion Grants over a period of 3 fiscal years to eligible entities to expand or establish dual language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language.

(71) This bill would require the Superintendent to add \$25,000,000 to the amount to be apportioned pursuant to the county local control funding formula to the Kern County Office of Education to contract with the Child

Mind Institute for the purposes of developing mental health and wellness instructional resources and trainings, as specified.

(72) This bill would appropriate \$100,000,000 from the General Fund to the Superintendent for allocation to special education local plan areas for the purpose of supporting member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities, as specified.

(73) This bill would appropriate \$450,000,000 from the General Fund to the Superintendent for allocation to special education local plan areas to be expended by special education local plan areas and their member local educational agencies for the purposes of providing learning recovery support to certain pupils, including individuals with exceptional needs.

(74) This bill would appropriate \$15,000,000 from the General Fund to the State Department of Education for allocation to the Riverside County Office of Education and the El Dorado County Office of Education in equal amounts in support of the Supporting Inclusive Practices project.

(75) This bill would appropriate \$250,000,000 from the General Fund to the State Allocation Board for deposit into the 2016 State School Facilities Fund for certain school new construction and modernization projects.

(76) This bill would appropriate \$2,000,000 from the General Fund to the Superintendent to, in consultation with the executive director of the State Board of Education, award grants to community-based organizations supporting local educational agencies with the implementation of high quality integrated academic, behavioral, and social-emotional learning practices.

(77) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(78) Certain funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(79) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 1240 of the Education Code is amended to read:

1240. The county superintendent of schools shall do all of the following:

(a) Superintend the schools of that county.

(b) Maintain responsibility for the fiscal oversight of each school district in that county pursuant to the authority granted by this code.

(c) (1) Visit and examine each school in the county at reasonable intervals to observe its operation and to learn of its problems. The county superintendent of schools annually may present a report of the state of the schools in the county, and of the county office of education, including, but not limited to, observations from visiting the schools, to the board of education and the board of supervisors of the county.

(2) (A) For fiscal years 2004–05 to 2006–07, inclusive, to the extent that funds are appropriated for purposes of this paragraph, the county superintendent, or their designee, annually shall submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under their jurisdiction, the county board of education of the county, and the board of supervisors of the county describing the state of the schools in the county or of the county office of education that are ranked in deciles 1 to 3, inclusive, of the 2003 base Academic Performance Index (API), as described in subdivision (b) of Section 17592.70, and shall include, among other things, observations from visiting the schools and determinations for each school regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies. As a condition for receipt of funds, the county superintendent, or their designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or their designee, already includes those details for each school.

(B) Commencing with the 2007–08 fiscal year, the county superintendent, or their designee, annually shall submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under their jurisdiction, the county board of education of the county, and the board of supervisors of the county describing the state of the schools in the county or of the county office of education that are ranked in deciles 1 to 3, inclusive, of the 2006 base API, pursuant to former Section 52056, as that section read on June 30, 2013. The annual report shall include the determinations for each school made by the county superintendent, or their designee, regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, and the county superintendent, or their designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or their designee, already includes those details with the same level of specificity that is otherwise required by this subdivision. For purposes of this section, schools ranked in deciles 1 to 3, inclusive, on the 2006 base API shall include schools determined by the department to meet either of the following:

- (i) The school meets all of the following criteria:
 - (I) Does not have a valid base API score for 2006.
 - (II) Is operating in fiscal year 2007–08 and was operating in fiscal year 2006–07 during the Standardized Testing and Reporting (STAR) Program testing period.

(III) Has a valid base API score for 2005 that was ranked in deciles 1 to 3, inclusive, in that year.

(ii) The school has an estimated base API score for 2006 that would be in deciles 1 to 3, inclusive.

(C) The department shall estimate an API score for any school meeting the criteria of subclauses (I) and (II) of clause (i) of subparagraph (B) and not meeting the criteria of subclause (III) of clause (i) of subparagraph (B), using available test scores and weighting or corrective factors it deems appropriate. The department shall post the API scores on its internet website on or before May 1.

(D) For purposes of this section, references to schools ranked in deciles 1 to 3, inclusive, on the 2006 base API shall exclude schools operated by county offices of education pursuant to Section 56140, as determined by the department.

(E) (i) Commencing with the 2010–11 fiscal year and every third year thereafter, the Superintendent shall identify a list of schools ranked in deciles 1 to 3, inclusive, of the API for which the county superintendent, or their designee, annually shall submit a report, at a regularly scheduled November board meeting, to the governing board of each school district under their jurisdiction, the county board of education of the county, and the board of supervisors of the county that describes the state of the schools in the county or of the county office of education that are ranked in deciles 1 to 3, inclusive, of the base API, as defined in clause (ii).

(ii) For the 2010–11 fiscal year, the list of schools ranked in deciles 1 to 3, inclusive, of the base API shall be updated using the criteria set forth in clauses (i) and (ii) of subparagraph (B), subparagraph (C), and subparagraph (D), as applied to the 2009 base API and thereafter shall be updated every third year using the criteria set forth in clauses (i) and (ii) of subparagraph (B), subparagraph (C), and subparagraph (D), as applied to the base API of the year preceding the third year consistent with clause (i).

(iii) The annual report shall include the determinations for each school made by the county superintendent, or their designee, regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, and the county superintendent, or their designee, shall use a standardized template to report the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies, unless the current annual report being used by the county superintendent, or their designee, already includes those details with the same level of specificity that is otherwise required by this subdivision.

(F) The county superintendent of the Counties of Alpine, Amador, Del Norte, Mariposa, Plumas, and Sierra, and the City and County of San Francisco shall contract with another county office of education or an independent auditor to conduct the required visits and make all reports required by this paragraph.

(G) On a quarterly basis, the county superintendent, or their designee, shall report the results of the visits and reviews conducted that quarter to the governing board of the school district at a regularly scheduled meeting

held in accordance with public notification requirements. The results of the visits and reviews shall include the determinations of the county superintendent, or their designee, for each school regarding the status of all of the circumstances listed in subparagraph (I) and teacher misassignments and teacher vacancies. If the county superintendent, or their designee, conducts no visits or reviews in a quarter, the quarterly report shall report that fact.

(H) The visits made pursuant to this paragraph shall be conducted at least annually and shall meet the following criteria:

- (i) Minimize disruption to the operation of the school.
- (ii) Be performed by individuals who meet the requirements of Section 45125.1.
- (iii) Consist of not less than 25 percent unannounced visits in each county. During unannounced visits in each county, the county superintendent shall not demand access to documents or specific school personnel. Unannounced visits shall only be used to observe the condition of school repair and maintenance, and the sufficiency of instructional materials, as defined by Section 60119.

(I) The priority objective of the visits made pursuant to this paragraph shall be to determine the status of all of the following circumstances:

- (i) Sufficient textbooks, as defined in Section 60119 and as specified in subdivision (i).
- (ii) The condition of a facility that poses an emergency or urgent threat to the health or safety of pupils or staff, as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72.
- (iii) The accuracy of data reported on the school accountability report card with respect to the availability of sufficient textbooks and instructional materials, as defined by Section 60119, and the safety, cleanliness, and adequacy of school facilities, including good repair, as required by Sections 17014, 17032.5, 17070.75, and 17089.

(J) The county superintendent may make the status determinations described in subparagraph (I) during a single visit or multiple visits. In determining whether to make a single visit or multiple visits for this purpose, the county superintendent shall take into consideration factors such as cost-effectiveness, disruption to the schoolsite, deadlines, and the availability of qualified reviewers.

(K) If the county superintendent determines that the condition of a facility poses an emergency or urgent threat to the health or safety of pupils or staff as described in school district policy or paragraph (1) of subdivision (c) of Section 17592.72, or is not in good repair, as specified in subdivision (d) of Section 17002 and required by Sections 17014, 17032.5, 17070.75, and 17089, the county superintendent, among other things, may do any of the following:

- (i) Return to the school to verify repairs.
- (ii) Prepare a report that specifically identifies and documents the areas or instances of noncompliance if the school district has not provided evidence of successful repairs within 30 days of the visit of the county superintendent

or, for major projects, has not provided evidence that the repairs will be conducted in a timely manner. The report may be provided to the governing board of the school district. If the report is provided to the school district, it shall be presented at a regularly scheduled meeting held in accordance with public notification requirements. The county superintendent shall post the report on the internet website of the county superintendent. The report shall be removed from the internet website when the county superintendent verifies the repairs have been completed.

(d) Distribute all laws, reports, circulars, instructions, and blanks that the county superintendent may receive for the use of the school officers.

(e) Annually, on or before September 15, present a report to the governing board of the school district and the Superintendent regarding the fiscal solvency of a school district with a disapproved budget, qualified interim certification, or a negative interim certification, or that is determined to be in a position of fiscal uncertainty pursuant to Section 42127.6.

(f) Keep in the office of the county superintendent the reports of the Superintendent.

(g) Keep a record of the official acts of the county superintendent and of all the proceedings of the county board of education, including a record of the standing, in each study, of all applicants for certificates who have been examined, which shall be open to the inspection of an applicant or an authorized agent of the applicant.

(h) Enforce the course of study.

(i) (1) Enforce the use of state textbooks and instructional materials and of high school textbooks and instructional materials regularly adopted by the proper authority in accordance with Section 51050.

(2) For purposes of this subdivision, sufficient textbooks or instructional materials has the same meaning as in subdivision (c) of Section 60119.

(3) (A) Commencing with the 2005–06 school year, if a school is ranked in any of deciles 1 to 3, inclusive, of the base API, as specified in paragraph (2) of subdivision (c), and not currently under review pursuant to a state or federal intervention program, the county superintendent specifically shall review that school at least annually as a priority school. A review conducted for purposes of this paragraph shall be completed by the fourth week of the school year. For the 2004–05 fiscal year only, the county superintendent shall make a diligent effort to conduct a visit to each school pursuant to this paragraph within 120 days of receipt of funds for this purpose.

(B) In order to facilitate the review of instructional materials before the fourth week of the school year, the county superintendent in a county with 200 or more schools that are ranked in any of deciles 1 to 3, inclusive, of the base API, as specified in paragraph (2) of subdivision (c), may use a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined in subdivision (c) of Section 60119. If a county superintendent elects to conduct written surveys of teachers, the county superintendent shall visit the schools surveyed within the same academic

year to verify the accuracy of the information reported on the surveys. If a county superintendent surveys teachers at a school in which the county superintendent has found sufficient textbooks and instructional materials for the previous two consecutive years and determines that the school does not have sufficient textbooks or instructional materials, the county superintendent shall, within 10 business days, provide a copy of the insufficiency report to the school district as set forth in paragraph (4).

(C) For purposes of this paragraph, “written surveys” may include paper and electronic or online surveys.

(4) If the county superintendent of schools determines that a school does not have sufficient textbooks or instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined by subdivision (c) of Section 60119, the county superintendent shall do all of the following:

(A) Prepare a report that specifically identifies and documents the areas or instances of noncompliance.

(B) Provide within five business days of the review, a copy of the report to the school district, as provided in subdivision (c), or, if applicable, provide a copy of the report to the school district within 10 business days pursuant to subparagraph (B) of paragraph (3).

(C) Provide the school district with the opportunity to remedy the deficiency. The county superintendent shall ensure the deficiency is remedied no later than the second month of the school term.

(D) If the deficiency is not remedied as required pursuant to subparagraph (C), the county superintendent shall request the department to purchase the textbooks or instructional materials necessary to comply with the sufficiency requirement of this subdivision. If the department purchases textbooks or instructional materials for the school district, the department shall issue a public statement at the first regularly scheduled meeting of the state board occurring immediately after the department receives the request of the county superintendent and that meets the applicable public notice requirements, indicating that the district superintendent and the governing board of the school district failed to provide pupils with sufficient textbooks or instructional materials as required by this subdivision. Before purchasing the textbooks or instructional materials, the department shall consult with the school district to determine which textbooks or instructional materials to purchase. The amount of funds necessary for the purchase of the textbooks and materials is a loan to the school district receiving the textbooks or instructional materials. Unless the school district repays the amount owed based upon an agreed-upon repayment schedule with the Superintendent, the Superintendent shall notify the Controller and the Controller shall deduct an amount equal to the total amount used to purchase the textbooks and materials from the next principal apportionment of the school district or from another apportionment of state funds.

(j) Preserve carefully all reports of school officers and teachers.

(k) Deliver to county superintendent’s successor, at the close of the county superintendent’s official term, all records, books, documents, and

papers belonging to the office, taking a receipt for them, which shall be filed with the department.

(l) (1) Submit two reports during the fiscal year to the county board of education in accordance with the following:

(A) The first report shall cover the financial and budgetary status of the county office of education for the period ending October 31. The second report shall cover the period ending January 31. Both reports shall be reviewed by the county board of education and approved by the county superintendent no later than 45 days after the close of the period being reported.

(B) As part of each report, the county superintendent shall certify in writing whether or not the county office of education is able to meet its financial obligations for the remainder of the fiscal year and, based on current forecasts, for two subsequent fiscal years. The certifications shall be classified as positive, qualified, or negative, pursuant to standards prescribed by the Superintendent, for purposes of determining subsequent state agency actions pursuant to Section 1240.1. For purposes of this subdivision, a negative certification shall be assigned to a county office of education that, based upon current projections, will not meet its financial obligations for the remainder of the fiscal year or for the subsequent fiscal year. A qualified certification shall be assigned to a county office of education that may not meet its financial obligations for the current fiscal year or two subsequent fiscal years. A positive certification shall be assigned to a county office of education that will meet its financial obligations for the current fiscal year and subsequent two fiscal years. In accordance with those standards, the Superintendent may reclassify a certification. If a county office of education receives a negative certification, the Superintendent, or the Superintendent's designee, may exercise the authority set forth in subdivision (d) of Section 1630. Copies of each certification, and of the report containing that certification, shall be sent to the Superintendent at the time the certification is submitted to the county board of education. Copies of each qualified or negative certification and the report containing that certification shall be sent to the Controller at the time the certification is submitted to the county board of education.

(i) For the 2011–12 fiscal year, notwithstanding any of the standards and criteria adopted by the state board pursuant to Section 33127, each county office of education budget shall project the same level of revenue per unit of average daily attendance as it received in the 2010–11 fiscal year and shall maintain staffing and program levels commensurate with that level.

(ii) For the 2011–12 fiscal year, the county superintendent shall not be required to certify in writing whether or not the county office of education is able to meet its financial obligations for the two subsequent fiscal years.

(iii) For the 2011–12 fiscal year, notwithstanding any of the standards and criteria adopted by the state board pursuant to Section 33127, the Superintendent, as a condition on approval of a county office of education budget, shall not require a county office of education to project a lower level of revenue per unit of average daily attendance than it received in the

2010–11 fiscal year nor require the county superintendent to certify in writing whether or not the county office of education is able to meet its financial obligations for the two subsequent fiscal years.

(2) All reports and certifications required under this subdivision shall be in a format or on forms prescribed by the Superintendent, and shall be based on standards and criteria for fiscal stability adopted by the state board pursuant to Section 33127. The reports and supporting data shall be made available by the county superintendent to an interested party upon request.

(3) This subdivision does not preclude the submission of additional budgetary or financial reports by the county superintendent to the county board of education or to the Superintendent.

(4) The county superintendent is not responsible for the fiscal oversight of the community colleges in the county, however, the county superintendent may perform financial services on behalf of those community colleges.

(5) A county office of education having a negative or qualified certification, or classified as qualified or negative by the Superintendent, shall continue to be classified as qualified or negative until the next report required under this subdivision is filed.

(m) If requested, act as agent for the purchase of supplies for the city and high school districts of that county.

(n) For purposes of Section 44421.5, report to the Commission on Teacher Credentialing the identity of a certificated person who knowingly and willingly reports false fiscal expenditure data relative to the conduct of an educational program. This requirement applies only if, in the course of normal duties, the county superintendent discovers information that gives the county superintendent reasonable cause to believe that false fiscal expenditure data relative to the conduct of an educational program has been reported.

(o) If any activities authorized pursuant to this section are found to be a state reimbursable mandate pursuant to Section 6 of Article XIII B of the California Constitution, funding provided for school districts and county offices of education pursuant to Sections 2574, 2575, 42238.02, and 42238.03 shall be used to directly offset any mandated costs.

SEC. 2. Section 1241 of the Education Code is amended to read:

1241. (a) Due to the COVID-19 pandemic, the provisions described in subdivision (b) are waived or modified, in accordance with this section, during the portion of the 2019–20 school year in which schools were closed due to the pandemic and during the 2020–21 school year.

(b) (1) The authorization pursuant to subparagraph (B) of paragraph (3) of subdivision (i) of Section 1240 for a county superintendent of schools in a county with 200 or more schools that are ranked in any of deciles 1 to 3, inclusive, of the base Academic Performance Index (API), to use a combination of visits and written surveys of teachers for the purpose of determining sufficiency of textbooks and instructional materials in accordance with subparagraph (A) of paragraph (1) of subdivision (a) of Section 60119 and as defined in subdivision (c) of Section 60119 is extended to every county superintendent of schools regardless of the number of schools

in the county that are ranked in any of deciles 1 to 3, inclusive, of the base API.

(2) For purposes of the annual report required pursuant to subparagraph (B) of paragraph (2) of subdivision (c) of Section 1240, a county superintendent of schools may rely on information obtained only through means other than a physical visit to the schoolsite, including school administrator or teacher surveys. However, the report shall include a justification indicating why a schoolsite visit was not conducted and an outline of plans to conduct a schoolsite visit as soon as possible, and the county superintendent of schools shall provide an updated report before July 1, 2021.

(3) The requirement in subparagraph (H) of paragraph (2) of subdivision (c) of Section 1240 that the county superintendent of schools annually conduct a visit of schools is waived for any school that does not offer in-person instruction, as defined in Section 43500, from March 2020 to June 2021, inclusive. This waiver applies only for the time during which the school does not provide in-person instruction, and the county superintendent of schools shall make a plan to visit all necessary schoolsites as soon as possible, which must be noted in the outline required pursuant to paragraph (2). If, following the resumption of in-person instruction, a county superintendent of schools is unable to visit a schoolsite in sufficient time to include the observations in the report required pursuant to subdivision (c) of Section 1240, any schoolsite not visited shall be prioritized for a visit as soon as possible during the following school year.

(4) The requirement in clause (iii) of subparagraph (H) of paragraph (2) of subdivision (c) of Section 1240 that 25 percent of the visits required by paragraph (2) of subdivision (c) of Section 1240 be unannounced is waived. An unannounced visit may be undertaken at the discretion of the county superintendent of schools in compliance with any orders or guidance issued by any local or state public health official.

(c) For the 2021–22 school year only, unannounced visits pursuant to clause (iii) of subparagraph (H) of paragraph (2) of subdivision (c) of Section 1240 shall only be undertaken at the discretion of the county superintendent of schools in consultation with local health officials and in compliance with any orders or guidance issued by any local or state public health official. The requirement in clause (iii) of subparagraph (H) of paragraph (2) of subdivision (c) of Section 1240 that 25 percent of the visits required by paragraph (2) of subdivision (c) of Section 1240 be unannounced shall be considered waived if the county superintendent of schools, in consultation with local public health officials, determines that unannounced visits are unable to be conducted due to identified health and safety concerns.

SEC. 3. Section 1630 of the Education Code is amended to read:

1630. (a) The Superintendent shall review and consider studies, reports, evaluations, or audits of the county office of education that contain evidence that the county office of education is demonstrating fiscal distress according to the standards and criteria developed pursuant to Section 33127, or that contain a finding by an external reviewer that the county office of education

is at moderate or high risk of intervention based on the most common indicators of school agencies needing intervention, as determined by the County Office Fiscal Crisis and Management Assistance Team. If those findings are made, the Superintendent shall investigate the financial condition of the county office of education and determine if the county office of education may be unable to meet its financial obligations for the current or two subsequent fiscal years, or should receive a qualified or negative interim financial certification pursuant to Section 1240.

(b) If at any time during the fiscal year the Superintendent determines that the county office of education may be unable to meet its financial obligations for the current or two subsequent fiscal years, or if the county office has a qualified certification pursuant to Section 1240, the Superintendent shall provide a written notice of going concern determination to the county board of education and the county superintendent of schools and the basis for the determination. The notification shall include the assumptions used in making the determination and shall be available to the public. The Superintendent shall do the following, as necessary, to ensure that the county office of education meets its financial obligations:

(1) Assign a fiscal expert, paid for by the Superintendent, to advise the county office of education on its financial problems.

(2) Conduct a study of the financial and budgetary conditions of the county office of education. If, in the course of this review, the Superintendent determines that their office requires analytical assistance or expertise that is not available through the county office, the Superintendent may employ, at the county office of education's expense, on a short-term basis, staff, including certified public accountants, to provide the assistance and expertise.

(3) Direct the county office of education to submit a financial projection of all fund and cash balances of the county office of education as of June 30 of the current year and subsequent fiscal years as the Superintendent requires.

(4) Require the county office of education to encumber all contracts and other obligations, to prepare appropriate cashflow analyses and monthly or quarterly budget revisions, and to appropriately record all receivables and payables.

(5) Direct the county office of education to submit a proposal for addressing the fiscal conditions that resulted in the determination that the county office of education may not be able to meet its financial obligations.

(6) Withhold compensation of the county board of education and the county superintendent of schools for failure to provide requested financial information.

(c) If, after taking the actions identified in subdivision (a), the Superintendent determines that a county office of education will be unable to meet its financial obligations for the current or subsequent fiscal year, the Superintendent shall notify the county board of education and the county superintendent of schools in writing of that determination and the basis for that determination. The notification shall include the assumptions used in making the determination and shall be available to the public.

(d) If the Superintendent makes the determination in subdivision (c), or if the county office of education has a negative certification pursuant to Section 1240, the Superintendent, shall, as necessary to enable the county office of education to meet its financial obligations, do one or more of the following:

(1) Develop and impose, in consultation with the county board of education and the county superintendent, a budget that will enable the county office of education to meet its financial obligations.

(2) Stay or rescind an action that is determined to be inconsistent with the ability of the county office of education to meet its obligations for the current or subsequent fiscal year and may, as necessary, appoint a fiscal adviser to perform some or all of the duties prescribed by this paragraph on the Superintendent's behalf. This includes actions up to the point that the subsequent year's budget is approved by the Superintendent. The Superintendent shall inform the county board of education in writing of the Superintendent's justification for an exercise of authority under this paragraph.

(3) Assist in developing, in consultation with the county board of education and the county superintendent of schools, a multiyear financial recovery plan that will enable the county office of education to meet its future obligations.

(4) Assist in developing, in consultation with the county board of education and the county superintendent, a budget for the subsequent fiscal year. If necessary, the Superintendent shall continue to work with the county board of education and the county superintendent until the budget for the subsequent year is adopted by the county board of education and approved by the Superintendent.

(e) Actions taken by the Superintendent pursuant to paragraph (1) or (2) of subdivision (d) shall be accompanied by a notification that includes the actions to be taken, the reasons for the actions, and the assumptions used to support the necessity for those actions. That notification shall be available to the public.

(f) This section does not authorize the Superintendent to abrogate a provision of a collective bargaining agreement that was entered into by a county office of education before the date upon which the Superintendent assumed authority pursuant to subdivision (d).

(g) The county office of education shall pay reasonable fees charged by the Superintendent for administrative expenses incurred pursuant to subdivision (d) or costs associated with improving the county office of education's financial management practices.

(h) Notwithstanding any other law, a county treasurer shall not honor a warrant when the Superintendent, as appropriate, has disapproved that warrant, or has disapproved the order on county office of education funds for which a warrant was prepared.

(i) For all purposes of errors and liability insurance policies, a fiscal expert appointed pursuant to this section shall be deemed to be an employee of the county office of education. The Superintendent may require that the

fiscal adviser be placed on the county office of education payroll for purposes of remuneration, benefits, and payroll deductions.

(j) If staff persons are hired pursuant to paragraph (2) of subdivision (b), the Superintendent may certify to the Controller an amount to be transferred to the department, from the funds that otherwise would be apportioned to the county office of education pursuant to Section 2574 or 2575, for the purpose of paying all costs incurred by that staff in performing their respective services. The Controller, upon receipt of that certification, shall transfer that amount.

(k) To facilitate the appointment of a county office of education fiscal officer and the employment of additional staff pursuant to paragraphs (1) and (2), respectively, of subdivision (b), for purposes of those paragraphs, the Superintendent is exempt from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code and Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

SEC. 4. Article 13.2 (commencing with Section 8281.5) is added to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, to read:

Article 13.2. California Prekindergarten Planning and Implementation Grant Program

8281.5. (a) The California Prekindergarten Planning and Implementation Grant Program is hereby established as a state early learning initiative with the goal of expanding access to classroom-based prekindergarten programs at local educational agencies.

(b) For the 2021–22 fiscal year, the sum of three hundred million dollars (\$300,000,000) is hereby appropriated from the General Fund to the department for allocation to local educational agencies for the California Prekindergarten Planning and Implementation Grant Program pursuant to this section. These funds shall be available for encumbrance until June 30, 2024.

(c) (1) Of the total amount appropriated under subdivision (b), the Superintendent shall allocate two hundred million dollars (\$200,000,000) in the 2021–22 fiscal year to local educational agencies as follows:

(A) A minimum base grant of one hundred thousand dollars (\$100,000) to all local educational agencies that operate kindergarten programs.

(B) A minimum base grant for each county office of education equal to 15 percent of the total allocation awarded to each local educational agency in their county pursuant to subparagraph (A) to support countywide planning and capacity building.

(C) Of the remaining funds after allocations under subparagraphs (A) and (B):

(i) Sixty percent shall be available as enrollment grants. These grants shall be allocated based on the local educational agency's proportional share

of total kindergarten enrollment for the 2019–20 fiscal year, as applied to the total amount of program funds available for the enrollment grant.

(ii) Forty percent shall be available as supplemental grants. These grants shall be allocated based on the local educational agency’s kindergarten enrollment for the 2019–20 fiscal year, multiplied by the local educational agency’s unduplicated pupil percentage. Funds for this purpose shall be distributed percent-to-total from funds available for the supplemental grant.

(2) Grant funds may be used for costs associated with creating or expanding California state preschool programs or transitional kindergarten programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the local educational agency, including Head Start programs, to ensure that high-quality options for prekindergarten education are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.

(3) Local educational agencies receiving grants pursuant to this subdivision shall do both of the following:

(A) Commit to providing program data to the department, as specified by the Superintendent, including, but not limited to, recipient information and participating in overall program evaluation.

(B) Develop a plan for consideration by the governing board or body at a public meeting on or before June 30, 2022, for how all children in the attendance area of the local educational agency will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the local educational agency’s expanding learning offerings, the After School Education and Safety Program, the California state preschool program, Head Start programs, and other community-based early learning and care programs.

(d) (1) Of the total amount appropriated under subdivision (b), the Superintendent shall award one hundred million dollars (\$100,000,000) in competitive grants to local educational agencies to increase the number of highly-qualified teachers available to serve California state preschool programs and transitional kindergarten pupils, and to provide California state preschool program, transitional kindergarten, and kindergarten teachers with training in providing instruction in inclusive classrooms, culturally responsive instruction, supporting dual language learners, enhancing social-emotional learning, implementing trauma-informed practices and restorative practices, and mitigating implicit biases to eliminate exclusionary discipline, pursuant to this section. These funds shall be available for encumbrance until June 30, 2024.

(2) The Superintendent shall develop and administer a process to award grants under paragraph (1), subject to approval of the executive director of the state board, on a competitive basis to local educational agencies. To apply for a grant, a local educational agency shall submit an application to the department describing how it will allocate funds and increase either the number of credentialed teachers meeting the requirements of subdivision

(g) of Section 48000, or the competencies of California state preschool programs, transitional kindergarten, and kindergarten teachers to enhance their ability to provide instruction in inclusive classrooms, provide culturally responsive instruction, support dual language learners, enhance social-emotional learning, implement trauma-informed and restorative practices, and mitigate implicit biases to eliminate exclusionary discipline.

(3) A local educational agency may apply on behalf of a consortium of providers within the local educational agency's program area, including California state preschool programs and Head Start programs operated by community-based organizations.

(4) An applicant shall demonstrate all of the following to be considered for a grant award:

(A) A need for preschool and transitional kindergarten or kindergarten professional development in a region.

(B) A need for preschool and transitional kindergarten teachers in a region.

(C) The presence of, or plan to create, inclusive classroom settings.

(D) The ability to connect the preschool, transitional kindergarten, or kindergarten program to before and after school programs and extended day services.

(E) A plan to integrate preschool, transitional kindergarten, and kindergarten professional development opportunities.

(F) A plan for recruiting new preschool, transitional kindergarten, or kindergarten teachers with experience in early learning and care settings and collaborating with institutions of higher education to ensure a qualified prekindergarten teacher pipeline.

(G) A plan for how principals and administrators overseeing the transitional kindergarten program, or other prekindergarten program, will receive training and professional development on the value and tenets of effective instruction for young children.

(5) In awarding grants under paragraph (1), the Superintendent shall establish a methodology that accounts for all of the following:

(A) The percentage of transitional kindergarten and kindergarten pupils eligible for free and reduced-price meals.

(B) The percentage of dual language learners that the local educational agency is serving or is planning to serve in a California state preschool program or transitional kindergarten program.

(C) The percentage of pupils with disabilities the local educational agency is serving or planning to serve in an inclusive California state preschool program or transitional kindergarten program.

(D) The percentage of pupils served, or planned to be served in full-day California state preschool, transitional kindergarten, or kindergarten programs offered by the local educational agency or community-based organizations.

(E) The extent to which applicants operate in an attendance area where a significant disproportionality of particular races or ethnicities, as described

in Section 1418(d) of Title 20 of the United States Code, has been identified in special education.

(F) The extent to which the local educational agency is located in an area that has more than three young children, three to five years of age, inclusive, for every licensed childcare slot.

(G) The extent to which applicants plan to partner with community-based California state preschool programs and Head Start programs in their program area to ensure those teachers have access to professional development along with teachers employed by the local educational agency.

(6) Grants awarded under paragraph (1) for professional development may be used for costs associated with the educational expenses of current and future California state preschool program, transitional kindergarten, and kindergarten professionals that support their attainment of required credentials, permits, or professional development in early childhood instruction or child development, including developing competencies in serving inclusive classrooms and dual language learners. Professional development grant funds shall be used for any of the following purposes:

(A) Tuition, supplies, and other related educational expenses.

(B) Transportation and childcare costs incurred as a result of attending classes.

(C) Substitute teacher pay for California state preschool program, transitional kindergarten, and kindergarten professionals that are currently working in a California state preschool program, transitional kindergarten, or kindergarten classroom.

(D) Stipends and professional development expenses, as determined by the Superintendent.

(E) Career, course, and professional development coaching, counseling, and navigation services.

(F) Linked courses, cohorts, or apprenticeship models.

(G) Training and professional development for principals and other administrators of transitional kindergarten, kindergarten, and grades 1 to 12, inclusive, on the value and tenets of effective instruction for young children.

(H) Other educational expenses, as determined by the Superintendent.

(7) Local educational agencies awarded funding pursuant to paragraph (1) may partner with local or online accredited institutions of higher education or local agencies that provide high-quality or credit-bearing trainings, or apprenticeship programs that integrate and embed higher education coursework with on-the-job training of professionals.

(8) Professional learning provided pursuant to this subdivision shall, as applicable, be aligned to the preschool learning foundations and academic standards pursuant to Sections 51226, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.8, and 60605.11, as those sections read on June 30, 2020, and former Section 60605.85, as that section read on June 30, 2014.

(9) Local educational agencies receiving grants under this subdivision shall commit to providing program data to the department, as specified by the Superintendent, including, but not necessarily limited to, recipient

information, including demographic information, educational progress, and the type of courses taken, and participating in overall program evaluation.

(10) The Superintendent shall provide a report to the Department of Finance and the appropriate policy and fiscal committees of the Legislature on or before October 1, 2024, on the expenditure of funds and relevant outcome data in order to evaluate the impact of the grants awarded under this subdivision.

(11) Notwithstanding any other law, on June 30, 2027, any unexpended funds of the amount awarded for purposes this subdivision shall revert to the General Fund.

(e) For purposes of this section, “local educational agency” means a school district, county office of education, or charter school.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (b) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 5. Section 8482.6 of the Education Code, as added by Section 10.2 of Chapter 470 of the Statutes of 2016, is amended to read:

8482.6. Every pupil attending a school operating a program pursuant to this article is eligible to participate in the program, subject to program capacity. A program established pursuant to this article may charge family fees. Programs that charge family fees shall waive the cost of these fees for pupils who are eligible for free or reduced-price meals, for a child that is a homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), or for a child who the program knows is in foster care. A program that charges family fees shall schedule fees on a sliding scale that considers family income and ability to pay.

SEC. 6. Section 8483 of the Education Code is amended to read:

8483. (a) (1) (A) (i) Every after school component of a program established pursuant to this article shall commence immediately upon the conclusion of the regular schoolday, and operate a minimum of 15 hours per week, and at least until 6 p.m. on every regular schoolday.

(ii) Notwithstanding clause (i), a program that operates at a schoolsite located in an area that has a population density of less than 11 persons per square mile may end operating hours not earlier than 5 p.m.

(B) Every after school component of the program shall establish a policy regarding reasonable early daily release of pupils from the program. For those programs or schoolsites operating in a community where the early release policy does not meet the unique needs of that community or school, or both, documented evidence may be submitted to the department for an exception and a request for approval of an alternative plan.

(2) It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program

every day during which pupils participate, except as allowed by the early release policy pursuant to subparagraph (B) of paragraph (1) of this section or paragraph (2) of subdivision (f) of Section 8483.76.

(3) In order to develop an age-appropriate after school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils.

(b) The administrators of a program established pursuant to this article may operate during any combination of summer, intersession, or vacation periods for a minimum of three hours per day for the regular school year pursuant to Section 8483.7.

(c) (1) Priority for enrollment of pupils in an after school program shall be as follows:

(A) First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), at the time that they apply for enrollment or at any time during the school year, to pupils who are identified by the program as being in foster care, and to pupils who are eligible for free or reduced-price meals.

(B) For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily.

(2) This subdivision does not require a program to verify, or a school district to disclose to an after school program, that a pupil applying for or participating in the program is a homeless youth, a foster youth, or eligible for free or reduced-price meals.

(3) This subdivision does not require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.

(d) A program shall inform the parent or caregiver of a pupil of the right of homeless children, foster children, and children eligible for free or reduced-price meals to receive priority enrollment and how to request priority enrollment.

(e) For purposes of identifying a pupil who is eligible for priority enrollment pursuant to subdivision (c), the administrators of a program shall allow self-certification of the pupil as a homeless youth, a foster youth, or eligible for free or reduced-price meals. Administrators of a program may also obtain this information through the school district liaison designated for homeless children if the school district has a waiver on file allowing for the release of this information.

SEC. 7. Section 8483.1 of the Education Code, as added by Section 11.2 of Chapter 470 of the Statutes of 2016, is amended to read:

8483.1. (a) (1) Every before school program component established pursuant to this article shall in no instance operate for less than one and one-half hours per regular schoolday. Every program shall establish a policy regarding reasonable late daily arrival of pupils to the program.

(2) (A) It is the intent of the Legislature that elementary school and middle school or junior high school pupils participate in the full day of the program every day during which pupils participate, except when arriving

late in accordance with the late arrival policy described in paragraph (1) or as reasonably necessary.

(B) A pupil who attends less than one-half of the daily program hours shall not be counted for purposes of attendance.

(3) In order to develop an age-appropriate before school program for pupils in middle school or junior high school, programs established pursuant to this article may implement a flexible attendance schedule for those pupils.

(b) The administrators of a before school program established pursuant to this article may operate during any combination of summer, intersession, or vacation periods for a minimum of two hours per day for the regular school year pursuant to Section 8483.75.

(c) Every before school program component established pursuant to this article shall offer a breakfast meal described in Section 49553 for all program participants.

(d) (1) Priority for enrollment of pupils in a before school program shall be as follows:

(A) First priority shall go to pupils who are identified by the program as homeless youth, as defined by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a), at the time that they apply for enrollment or at any time during the school year, to pupils who are identified by the program as being in foster care, and to pupils who are eligible for free or reduced-price meals.

(B) For programs serving middle and junior high school pupils, second priority shall go to pupils who attend daily.

(2) This subdivision does not require a program to verify, or a school district to disclose to a before school program, that a pupil applying for or participating in the program is a homeless youth, foster youth, or eligible for free or reduced-price meals.

(3) This subdivision does not require or authorize the disenrollment of a current participant in order to secure the enrollment of a pupil who has priority for enrollment.

(e) A program shall inform the parent or caregiver of a pupil of the right of homeless children, foster children, and children eligible for free or reduced-price meals to receive priority enrollment and how to request priority enrollment.

(f) For purposes of identifying a pupil who is eligible for priority enrollment pursuant to subdivision (d), the administrators of a program shall allow self-certification of the pupil as a homeless youth, a foster youth, or eligible for free or reduced-price meals. Administrators of a program may also obtain this information through the school district liaison designated for homeless children if the school district has a waiver on file allowing for the release of this information.

SEC. 8. Chapter 6 (commencing with Section 8900) is added to Part 6 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 6. CALIFORNIA COMMUNITY SCHOOLS PARTNERSHIP ACT

8900. This chapter shall be known, and may be cited, as the California Community Schools Partnership Act.

8901. For purposes of this chapter, the following definitions apply:

(a) “Community school” means a public school serving preschool, kindergarten, or any of grades 1 to 12, inclusive, with strong and intentional community partnerships ensuring pupil learning and whole child and family development, and specifically includes the following:

(1) Integrated supports services, including the coordination of trauma-informed health, mental health, and social services that ensure coordination and support with county and local educational agency resources and nongovernmental organizations, and early screening and intervention for learning and other needs.

(2) Family and community engagement, which may include home visits, home-school collaboration, culturally responsive community partnerships to strengthen family well-being and stability, and school climate surveys.

(3) Collaborative leadership and practices for educators and administrators, including professional development to transform school culture and climate, that centers on pupil learning and supports mental and behavioral health, trauma-informed care, social-emotional learning, restorative justice, and other key areas relating to pupil learning and whole child and family development.

(4) Extended learning time and opportunities, including before and after school care and summer programs.

(b) “Consortium” means two or more local educational agencies, or one or more local educational agencies and one or more cooperating agencies.

(c) “Cooperating agency” means a federal, state, or local agency or public or private nonprofit entity that agrees to offer support services at a schoolsite, an adjacent location, or virtually through a program implemented under this chapter.

(d) “Lead agency” means the department.

(e) “Local educational agency” means a school district, charter school, or county office of education.

(f) “Partner” means a private business, nonprofit, or foundation that provides financial assistance or otherwise assists a program operating under this chapter.

(g) “Qualifying entity” means an entity that is any of the following:

(1) A local educational agency that meets any of the following:

(A) Fifty percent or more of the enrolled pupils at the local educational agency are unduplicated pupils.

(B) The local educational agency has higher than state average dropout rates.

(C) The local educational agency has higher than state average rates of suspension and expulsion.

(D) The local educational agency has higher than state average rates of child homelessness, foster youth, or justice-involved youth.

(2) A school that is not within a local educational agency that satisfies any of the criteria in paragraph (1), but the school demonstrates two or more of the criteria in paragraph (1), and the school demonstrates other factors that warrant the school's consideration, including, but not limited to, fulfilling an exceptional need or providing service to a particular target population.

(3) A local educational agency or consortium, on behalf of one or more schools that are qualifying entities within the local educational agency or consortium.

(4) A county behavioral health agency that will operate the program in partnership with at least one local educational agency that is a qualifying entity.

(5) A federal Head Start or Early Head Start program or other government-funded early childhood program or agency that will operate the program in partnership with at least one local educational agency that is a qualifying entity.

(6) A childcare program or agency within a public institution of higher education that will operate the program in partnership with at least one local educational agency that is a qualifying entity.

(h) "Support services" includes case-managed health, mental health, social, and academic support services benefiting children and their families, and may include, but is not limited to, all of the following:

(1) Health care, including all of the following:

- (A) Immunizations.
- (B) Vision and hearing testing and services.
- (C) Dental services.
- (D) Physical examinations and diagnostic and referral services.
- (E) Prenatal care.

(2) Mental health services, including all of the following:

- (A) Primary prevention.
- (B) Crisis intervention.
- (C) Assessments and referrals.

(3) Trauma-informed mental health care, including substance abuse prevention, early intervention, and treatment services, including all of the following:

(A) Training for teachers, early educators, and school personnel in the detection of mental health problems, the impact of trauma and toxic stress, trauma-informed care and education, building resiliency, and helping pupils and families heal.

(B) Outreach, risk assessment, and education for pupils and families.

(C) Youth-focused substance use disorder prevention and treatment programs that are culturally and gender competent, trauma informed, and evidence based.

(4) Family support and parenting education, including child abuse prevention and parenting programs, such as home visits or, when in-person home visits are not possible, virtually conducted home visits.

(5) Academic support services, including tutoring, mentoring, employment, and community service internships, and in-service training for teachers and administrators.

(6) Counseling, including family counseling, peer-to-peer counseling, and suicide prevention.

(7) Services and counseling for children who experience violence, toxic stress, or adverse childhood experiences in their communities.

(8) Nutrition services to reduce food insecurity.

(9) Youth development services, including tutoring, mentoring, career development, and job placement.

(10) Case management services.

(11) Provision of onsite or virtual Medi-Cal eligibility workers, as allowed via telehealth pursuant to Section 1320b-5 of Title 42 of the United States Code.

(i) “Technical assistance” means a structure to deliver training and technical assistance to grantees using regional collaboratives and state, regional, and local technical assistance providers that have expertise in pupil and family engagement, school-community collaboration of service delivery and financing, the coordination and integration of support services, and multiindicator data collection and evaluation.

(j) “Unduplicated pupil” has the same meaning as defined in Section 42238.02.

8902. (a) The Legislature finds and declares all of the following:

(1) The COVID-19 pandemic has continued to exacerbate conditions associated with poverty, including food insecurity, housing and employment instability, and inadequate health care.

(2) Community schools offer unique models to more efficiently and effectively provide trauma-informed integrated educational, health, and mental health services to pupils with a wide range of needs that have been affected by the COVID-19 pandemic.

(3) Additional investment in community schools that provide integrated pupil supports, community partnerships, and expanded learning opportunities will help address the trauma and loss of learning that have resulted from the COVID-19 pandemic.

(b) For the 2021–22 fiscal year, the sum of two billion eight hundred thirty-six million six hundred sixty thousand dollars (\$2,836,660,000) is hereby appropriated from the General Fund to the Superintendent to administer the California Community Schools Partnership Program, established by Section 117 of Chapter 24 of the Statutes of 2020, as amended by Section 63 of Chapter 110 of the Statutes of 2020, in the manner and for the purposes set forth in this section. These funds shall be available for encumbrance or expenditure until June 30, 2028. The funds shall be distributed as follows:

(1) At least two billion six hundred ninety-four million eight hundred twenty-seven thousand dollars (\$2,694,827,000) shall be allocated to establish new, and expand existing, community schools supported by local

educational agencies that help coordinate services and manage learning networks for these schools.

(2) Up to one hundred forty-one million eight hundred thirty-three thousand dollars (\$141,833,000) shall be allocated to contract with local educational agencies to create a network of at least five regional technical assistance centers, pursuant to subdivision (k), to provide support and assistance to local educational agencies and community schools through the 2027–28 school year. Regional technical assistance center responsibilities shall include both of the following:

(A) Outreach and technical assistance to potential applicants as needed before or after awarding a grant under the program.

(B) Development of community school resources, sharing of best practices, and data collection.

(c) On or before November 15, 2021, the Superintendent, with the approval of the state board, shall update as necessary, the application process and administration plan for the selection of grant recipients under the program. After November 15, 2021, the Superintendent shall update the state board on an annual basis regarding the administration of this chapter and present to the state board any proposed changes to the application process and administration plan.

(d) The Superintendent shall award, subject to the approval of the state board, grants on a competitive basis to qualifying entities for planning grants for new community schools, implementation grants for new community schools or for the expansion or continuation of existing community schools, and coordination grants to representative qualifying entities in northern, central, and southern California, and in urban, suburban, and rural areas.

(e) A qualifying entity seeking a grant under this chapter shall submit an application to the Superintendent at a time and in a manner, and with any appropriate information, as the Superintendent may reasonably require. Each grant application submitted shall include all of the following:

(1) A description and documentation of how the participating community and cooperating agencies have been and will be engaged in the community school model.

(2) A description of all of the programs and services to be provided at the schoolsite, at a site near or adjacent to the school, or virtually.

(3) A description of all direct and indirect resources to be used for the community school program, and the agencies responsible for the implementation of the program.

(4) Provisions for data collection and recordkeeping, including records of the population served, the components of the service, the outcomes of the service, and costs, including all of the following:

(A) Direct costs.

(B) Indirect costs.

(C) Costs to other agencies.

(D) Cost savings.

(f) The Superintendent shall prioritize grant funding to qualifying entities who meet all of the following:

(1) Serve pupils in schools or a partner school or schools in which at least 80 percent of the pupil population are unduplicated pupils.

(2) Demonstrate a need for expanded access to integrated services, including those disproportionately impacted by the COVID-19 pandemic.

(3) Involve pupils, parents, certificated and classified school staff, and cooperating agency personnel in the process of identifying the needs of pupils and families, and in the planning of support services to be offered.

(4) Commit to providing trauma-informed health, mental health, and social services for pupils within a multitiered system of support at or near the schoolsite, and partner with other schools, school districts, county agencies, or nongovernmental organizations.

(5) Commit to providing early care and education services for children from birth to five years of age, inclusive, through one or more local educational agencies or community-based organizations.

(6) Identify a cooperating agency collaboration process, including cosignatories, a mechanism for sharing governance, and for integrating or redirecting existing resources and other school support services.

(7) Identify a plan to sustain community school services after grant expiration, including by maximizing reimbursement for services from available sources, including, but not limited to, the Local Educational Agency Medi-Cal Billing Option Program, School-Based Medi-Cal Administrative Activities program, and reimbursable mental health specialty care services provided under the federal Early and Periodic Screening, Diagnosis and Treatment program (42 U.S.C. Sec. 1396d(a)(4)(B)).

(g) Of the amount identified in paragraph (1) of subdivision (b), at least 10 percent shall be available for planning grants of up to two hundred thousand (\$200,000) per qualifying entity, and shall be allocated in the 2021–22 and 2022–23 fiscal years, for up to a two-year planning grant period, for local educational agencies with no existing community schools. The planning grant may be used for any of the following purposes:

(1) Staffing costs for a community school coordinator.

(2) Conducting a comprehensive school and community needs and asset assessment, including, but not limited to, pupil and community demographics, school climate, integrated support services, expanded learning time, family and community engagement, new or existing partnerships with governmental entities or community-based organizations, and available funding sources.

(3) Grant application support, service billing development, and other administrative costs necessary to launch a community school model at scale.

(4) Partnership development and coordination support between the grantee and cooperating agencies.

(5) Providing training and support to local educational agency and cooperating agency personnel to develop best practices for integrating pupil supports.

(6) Preparing a community school implementation plan for submission to the governing board or body of the local educational agency and to the department.

(h) (1) Of the amount identified in paragraph (1) of subdivision (b), up to 70 percent shall be available for implementation grants to qualified entities of up to five hundred thousand dollars (\$500,000) annually for new community schools or for the expansion or continuation of existing community schools. New community schools shall be funded for a minimum of five years, upon submission to the department of a community school plan. The implementation grant may be used for any of the following purposes:

(A) Staffing, including, but not limited to, a community school coordinator, and contractor capacity.

(B) Coordinating and providing support services to pupils and families at or near community schools, including through childcare, expanded learning time before and after school, and during school intersessions.

(C) Providing training and support to local educational agency personnel, and partner agency personnel on integrating school-based pupil supports, social-emotional well-being, trauma-informed practices, and establishing sustainable community school funding sources.

(D) Designing and executing community stakeholder engagement strategies.

(E) Ongoing data collection and program evaluations.

(2) The Superintendent shall prioritize new community schools for implementation grants under paragraph (1) and those moneys shall supplement, not supplant, existing services and funds.

(i) (1) All planning and implementation grants awarded under subdivisions (g) and (h) shall be matched by the qualifying entity or its cooperating agencies with a local match equal to one-third of the grant amount. The local match shall be contributed in cash or as services or resources of comparable value, as determined by the department.

(2) The Superintendent shall reserve adequate funding pursuant to this section to preserve capacity for qualifying entities receiving planning grants pursuant to subdivision (g) to receive implementation grants pursuant to subdivision (h) at the end of their planning grant period, if all planning grant requirements are met.

(j) (1) Of the amount identified in paragraph (1) of subdivision (b), at least 20 percent shall be available for coordination grants to qualifying entities of up to one hundred thousand dollars (\$100,000) annually per site of an existing community school, and shall be allocated, beginning with the 2024–25 fiscal year, through the 2027–28 fiscal year.

(2) The funding under paragraph (1) shall supplement, not supplant, existing services and funds, and shall be used for ongoing coordination of services, management of the community school, and ongoing data collection and program evaluations.

(3) All coordination grants awarded under paragraph (1) shall be matched by the participating qualifying entity or its cooperating agencies with a local match equal to one dollar (\$1) for each dollar (\$1) of coordination grant funding received. The match shall be contributed in cash or as services or resources of comparable value, as determined by the department.

(k) Of the amount identified in paragraph (2) of subdivision (b), the Superintendent shall contract, subject to the approval of the state board, on a competitive basis with at least five local educational agencies to serve as regional technical assistance centers to provide technical assistance to grant recipients seeking to establish or expand community schools. Preference shall be given to local educational agencies that commit to partner with institutions of higher education or nonprofit community-based organizations. Technical assistance shall, to the extent practicable, be provided in consultation and collaboration with the statewide system of support established pursuant to Section 52059.5, and be made available to share best practices and assist both prospective applicants and grant recipients with tasks, including, but not limited to, all of the following:

(1) Conducting a comprehensive school and community needs and asset assessment.

(2) Improving authentic family and community engagement in the languages spoken in the community.

(3) Creating community partnerships.

(4) Developing sustainable funding sources.

(5) Coordinating services across child-serving agencies and schools.

(6) Accessing and combining funding for services from multiple revenue sources.

(l) Grant recipients and regional technical assistance centers shall commit to providing program and expenditure data to the department, as specified by the Superintendent, and participating in overall program evaluation.

(m) (1) The impact of the grant program in achieving the goals described in this section, including an evaluation of the effectiveness of the opportunities provided, shall be included in the comprehensive report that is required to be submitted on December 31, 2025, to the Governor and the appropriate policy and fiscal committees of the Legislature, pursuant to Section 117 of Chapter 110 of the Statutes of 2020.

(2) The Superintendent shall provide a comprehensive report, on December 31, 2027, to the Governor and the appropriate policy and fiscal committees of the Legislature on the impact of the grant program in achieving the goals described in this section, including an evaluation of the effectiveness of the opportunities provided.

(n) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (b) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 9. Section 11800 of the Education Code is amended to read:

11800. (a) (1) The K–12 High-Speed Network (K–12 HSN) is hereby established for purposes of enriching pupil educational experiences and

improving pupil academic performance by providing high-speed, high-bandwidth internet connectivity to the public school system, as defined by Section 6 of Article IX of the California Constitution.

(2) The California Education Network is hereby established, consisting of the California Research and Education Network (CalREN) and the K–12 HSN.

(b) The Superintendent shall collect the information necessary to measure the success of the K–12 HSN and ensure that the benefits of the K–12 HSN are maximized to the extent possible. The K–12 HSN shall provide critical services and functions for public primary and secondary local educational agencies, including, but not limited to, all of the following:

(1) Reliable and cost-effective internet service that, among other things, is sufficient to support videoconferencing and related independent study capabilities.

(2) Reliable and secure interconnectivity among public school entities offering kindergarten or any of grades 1 to 12, inclusive, in California, connection to higher education institutions of California, and connection to state and local agencies to facilitate efficient interaction, including transmission of data.

(3) Statewide coordination of network uses to benefit teaching and learning.

(c) The Superintendent shall use a competitive grant process to select a local educational agency to serve as the lead education agency to administer the K–12 HSN on behalf of the Superintendent.

(d) The Superintendent shall establish a K–12 HSN advisory board to be composed of all of the following members:

(1) The Superintendent or the Superintendent's designee.

(2) The county superintendent of schools of the lead education agency.

(3) A county superintendent of schools of a county with an average daily attendance of more than 60,000 pupils, appointed by the Superintendent. The member appointed pursuant to this paragraph shall serve a renewable two-year term.

(4) Three school district superintendents, appointed by the Superintendent. Members appointed pursuant to this paragraph shall represent school districts that are diverse as to geography and size, and that serve socioeconomically and culturally diverse pupil populations. Members appointed pursuant to this paragraph shall serve renewable two-year terms.

(5) Two county superintendents of schools appointed by the majority of the votes of all of the county superintendents of schools. Members appointed pursuant to this paragraph shall serve renewable two-year terms.

(6) Three schoolsite representatives, who shall include not less than two classroom teachers or instructional specialists. Members appointed pursuant to this paragraph shall serve renewable two-year terms.

(7) The president of the state board or the president's designee.

(e) The advisory board shall meet quarterly and shall recommend policy direction and broad operational guidance to the Superintendent and the lead education agency. The advisory board, in consultation with the lead

education agency, shall develop recommendations for measuring the success of the network, improving network oversight and monitoring, strengthening accountability, and optimizing the use of the K–12 HSN and its ability to improve education. The advisory board shall report its recommendations to the Legislature, the Governor, the Department of Finance, the president of the state board or the president’s designee, and the Legislative Analyst’s Office by March 1, 2007. It is the intent of the Legislature that the report identify and recommend specific annual performance measures that should be established to assess the effectiveness of the network.

(f) The duties of the lead education agency shall include all of the following:

(1) (A) Before expending any funds for planned network upgrade projects that exceed twenty-five thousand dollars (\$25,000) in cost, development of a methodology to determine and prioritize planned network upgrade projects, including the size and scope of any planned network upgrade project, which takes into consideration at least all of the following:

(i) Peak network usage to circuit capacity ratios.

(ii) Multiyear trends in network traffic, as follows:

(I) For projects that begin during the 2017–18 fiscal year, at least two years of trends in network traffic.

(II) For projects that begin during the 2018–19 fiscal year, at least three years of trends in network traffic.

(III) For projects that begin during the 2019–20 fiscal year, at least four years of trends in network traffic.

(IV) For projects that begin during the 2020–21 fiscal year or later, at least five years of trends in network traffic.

(iii) Eligibility for subsidies provided through the federal E-Rate program.

(iv) Competitive bidding results within a level of capacity upgrade and across all feasible levels of capacity upgrades.

(v) Actual expected usage projections and other input, as determined through formal communication with network site administrators.

(vi) Specific network performance measures, including the frequency, cause, location, and duration of network outages or interruptions.

(vii) Useful life of proposed equipment upgrades.

(B) The lead education agency shall submit its methodology to the department, the appropriate policy and fiscal committees of the Legislature, and the Department of Finance by December 15, 2017. Commencing with the 2017–18 fiscal year and in each fiscal year thereafter, the lead education agency shall use its methodology for all planned network upgrade projects that exceed twenty-five thousand dollars (\$25,000) in cost.

(2) Entering into appropriate contracts for the provision of high-speed, high-bandwidth internet connectivity, provided the contracts secure the necessary terms and conditions to adequately protect the interests of the state. Terms and conditions shall include, but are not limited to, all of the following:

(A) Development of comprehensive service level agreements.

(B) Protection of any ownership rights of intellectual property of the state that result due to participation of the state in the K-12 HSN.

(C) Appropriate protection of assets of the state acquired due to its participation in the K-12 HSN.

(D) Assurance that appropriate fee structures are in place.

(E) Assurance that any interest earned on funds of the state for this purpose are used solely to the benefit of the project.

(3) Development of an annual budget request for the K-12 HSN for submission to the department and the Department of Finance to be considered for the annual Budget Act.

(4) Development, in consultation with the advisory board established pursuant to subdivision (d), of specific goals and objectives for the program with appropriate reporting of success measures developed by the Superintendent pursuant to subdivision (b).

(5) Ongoing fiscal oversight of the program, including mechanisms to control statewide costs and exposure. To accomplish this objective, the lead education agency shall contract for an annual independent audit of the program. The independent auditor shall report the audit findings to the Superintendent, the Legislature, and the Department of Finance by December 15 of each year.

(6) Ongoing technical oversight of the program, including external evaluation and independent validation, where appropriate. To accomplish this objective, the lead education agency shall contract for an independent evaluation to be completed and provided to the Superintendent by March 1, 2009. The Superintendent shall report the results of the evaluation, including a response and recommendations to correct any adverse findings from the evaluation, to the Governor and the Legislature by April 30, 2009.

(7) (A) Administering grant programs to promote the most cost-effective manner for the completion of connectivity for all public schools of the state and cost-effective applications that meet instructional needs to the extent that funds are provided for these purposes in the annual Budget Act.

(B) Before the appropriation of any state funds for purposes of this paragraph, the lead education agency shall submit information justifying the need for additional grant funds, including, but not limited to, all of the following:

(i) The number of schools and school districts that are already connected.

(ii) The means by which the costs associated with connectivity were covered for schools and school districts that are already connected.

(iii) Obstacles to connection for those schools and school districts that are not yet connected.

(iv) Other local options and funding sources for purposes of connectivity and applications.

(g) The Superintendent shall apportion funds appropriated for the program in a given fiscal year in compliance with both of the following:

(1) Three-fourths of the total amount appropriated shall be apportioned by August 31.

(2) Up to one-fourth of the total amount appropriated shall be apportioned by January 31.

(h) The Superintendent may request data and other programmatic information from the lead education agency as needed to oversee the program.

SEC. 10. Section 14041.5 of the Education Code is amended to read:

14041.5. (a) Notwithstanding subdivision (a) of Section 14041, for the 2002–03 fiscal year to the 2013–14 fiscal year, inclusive, and for the 2019–20 to the 2020–21 fiscal year, inclusive, warrants for the principal apportionments for the month of June instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41335.

(b) Except as otherwise provided in this section, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the warrants drawn pursuant to subdivision (a) shall be deemed to be “General Fund revenues appropriated to school districts,” as defined in subdivision (c) of Section 41202 for the fiscal year in which the warrants are drawn and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the fiscal year in which the warrants are drawn.

(c) For the 2003–04 school year, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the following fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the 2004–05 fiscal year shall be seven hundred twenty-six million two hundred seventy thousand dollars (\$726,270,000). Any amount in excess of seven hundred twenty-six million two hundred seventy thousand dollars (\$726,270,000) that is apportioned in July of 2004 is deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the 2003–04 fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the 2003–04 fiscal year.

(d) For the 2004–05 school year to the 2007–08 school year, inclusive, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the following fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the following fiscal year shall be seven hundred fifteen

million one hundred eighteen thousand dollars (\$715,118,000). Any amount in excess of seven hundred fifteen million one hundred eighteen thousand dollars (\$715,118,000) that is apportioned in July of any year is deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the prior fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the prior fiscal year.

(e) For the 2008–09 school year to the 2013–14 school year, inclusive, the amount of apportionments for revenue limits computed pursuant to Section 42238 from any of the apportionments made pursuant to Section 14041 that are deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the following fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the following fiscal year shall be one billion one hundred one million six hundred fifty-five thousand dollars (\$1,101,655,000). Any amount in excess of one billion one hundred one million six hundred fifty-five thousand dollars (\$1,101,655,000) that is apportioned in July of any year is deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the prior fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the prior fiscal year.

(f) (1) (A) For the 2019–20 fiscal year, the amount of apportionments made pursuant to Section 14041 that are deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the 2020–21 fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year shall be one billion eight hundred fifty million three hundred seventy-seven thousand dollars (\$1,850,377,000). Any amount in excess of one billion eight hundred fifty million three hundred seventy-seven thousand dollars (\$1,850,377,000) that is apportioned in July 2020 is deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the 2019–20 fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the 2019–20 fiscal year.

(B) For the 2020–21 fiscal year, the amount of apportionments made pursuant to Section 14041 that are deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the 2021–22 fiscal year and included within the “total allocations to school districts and community college districts from General Fund

proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the 2021–22 fiscal year shall be two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000). Any amount in excess of two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000) that is apportioned in July 2021 is deemed “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 for the 2020–21 fiscal year and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

(2) For the 2019–20 fiscal year, the principal apportionment deferred from June to July pursuant to subdivision (a) shall be paid by the Controller no later than July 15, 2020.

SEC. 11. Section 14041.6 of the Education Code is amended to read:

14041.6. (a) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2008–09 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars (\$2,000,000,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(b) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2009–10 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars (\$2,000,000,000) instead shall be drawn in July of the same calendar year, and warrants for the month of April in the amount of six hundred seventy-eight million six hundred eleven thousand dollars (\$678,611,000) and for the month of May in the amount of one billion dollars (\$1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(c) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2010–11 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars (\$2,000,000,000), for the month of April in the amount of four hundred nineteen million twenty thousand dollars (\$419,020,000), for the month of May in the amount of eight hundred million dollars (\$800,000,000), and for the month of June in the amount of five hundred million dollars (\$500,000,000) instead shall be drawn in July of the same calendar year, and warrants for the month of April in the amount of six hundred seventy-eight million six hundred eleven thousand dollars (\$678,611,000) and for the month of May in the amount of one billion dollars (\$1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(d) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2011–12 fiscal year, warrants for the principal apportionments for the month of February in the amount of two billion dollars (\$2,000,000,000), for the month of April in the amount of four hundred nineteen million twenty thousand dollars (\$419,020,000), for the month of May in the amount of eight hundred million dollars (\$800,000,000), and for the month of June in the amount of five hundred million dollars (\$500,000,000) instead shall be

drawn in July of the same calendar year, and warrants for the month of March in the amount of one billion three hundred million dollars (\$1,300,000,000), for the month of April in the amount of one billion four hundred forty-two million four hundred five thousand dollars (\$1,442,405,000), and for the month of May in the amount of one billion dollars (\$1,000,000,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(e) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2012–13 fiscal year, warrants for the principal apportionments for the month of February in the amount of five hundred thirty-one million seven hundred twenty thousand dollars (\$531,720,000), for the month of April in the amount of five hundred ninety-four million seven hundred forty-eight thousand dollars (\$594,748,000), for the month of May in the amount of one billion nine hundred seventy-six million seven hundred one thousand dollars (\$1,976,701,000), and for the month of June in the amount of five hundred million dollars (\$500,000,000) instead shall be drawn in July of the same calendar year, and warrants for the month of March in the amount of one billion twenty-nine million four hundred ninety-three thousand dollars (\$1,029,493,000) and for the month of April in the amount of seven hundred sixty-three million seven hundred ninety-four thousand dollars (\$763,794,000) instead shall be drawn in August pursuant to the certification made pursuant to Section 41339.

(f) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2013–14 fiscal year, warrants for the principal apportionments for the month of April in the amount of nine hundred seventeen million five hundred forty-two thousand dollars (\$917,542,000), for the month of May in the amount of two billion one hundred fifty-two million four hundred thirty thousand dollars (\$2,152,430,000), and for the month of June in the amount of five hundred million dollars (\$500,000,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(g) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2013–14 fiscal year, warrants for the principal apportionments for the month of May in the amount of two hundred million dollars (\$200,000,000) and for the month of June in the amount of six hundred ninety-nine million four hundred seventy-three thousand dollars (\$699,473,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339. The Superintendent shall allocate this deferred amount and repayment to local educational agencies based on their proportionate share of funding appropriated to local educational agencies pursuant to Section 92 of Chapter 38 of the Statutes of 2012.

(h) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2014–15 fiscal year, warrants for the principal apportionments for the month of June in the amount of eight hundred ninety-seven million one hundred eighty-four thousand dollars (\$897,184,000) instead shall be drawn

in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(i) (1) (A) Except as provided in Section 14041.65 and notwithstanding subdivision (a) of Section 14041, or any other law, for the 2020–21 fiscal year, warrants for the principal apportionments for the month of February in the amount of one billion five hundred forty million three hundred three thousand dollars (\$1,540,303,000) shall instead be drawn in November of the same calendar year pursuant to the certification made pursuant to Section 41332.

(B) Except as provided in Section 14041.65 and notwithstanding subdivision (a) of Section 14041, or any other law, for the 2020–21 fiscal year, warrants for the principal apportionments for the month of March in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000) shall instead be drawn in October of the same calendar year pursuant to the certification made pursuant to Section 41332.

(C) Except as provided in Section 14041.65 and notwithstanding subdivision (a) of Section 14041, or any other law, for the 2020–21 fiscal year, warrants for the principal apportionments for the month of April in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000) shall instead be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41332.

(D) Notwithstanding subdivision (a) of Section 14041, or any other law, for the 2020–21 fiscal year, warrants for the principal apportionments for the month of May in the amount of two billion three hundred seventy-five million three hundred eight thousand dollars (\$2,375,308,000) shall instead be drawn in August of the same calendar year pursuant to the certification made pursuant to Section 41335.

(2) Pursuant to Section 8.28 of the Budget Act of 2020, if the Director of Finance determines that there are sufficient federal funds provided to the state for the 2020–21 fiscal year that may be used to offset the deferral of payments in the amount specified in Section 8.28 of the Budget Act of 2020, the Director of Finance shall reduce the amounts described in paragraph (1). In reducing these amounts, the Director of Finance shall first reduce the amounts deferred from any months occurring earliest in the 2020–21 fiscal year.

(j) Except as provided in subdivisions (c) and (e) of Section 41202, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the warrants drawn pursuant to subdivisions (a) to (i), inclusive, shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the fiscal year in which the warrants are drawn and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the fiscal year in which the warrants are drawn.

(k) Notwithstanding subdivision (j), for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, one billion five hundred ninety million four hundred forty-nine thousand dollars (\$1,590,449,000) of the warrants drawn in August of 2013 pursuant to subdivision (e) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2012–13 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2012–13 fiscal year.

(l) Notwithstanding subdivision (j) of this section and subdivision (e) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, one billion two hundred ninety-four million seven hundred twenty thousand dollars (\$1,294,720,000) of the warrants drawn in July 2014 pursuant to subdivisions (f) and (g) of this section and subdivision (e) of Section 14041.5 shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2012–13 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2012–13 fiscal year.

(m) Notwithstanding subdivision (j) of this section and subdivision (e) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, two billion seven hundred eighty million five hundred twenty-six thousand dollars (\$2,780,526,000) of the warrants drawn in July 2014 pursuant to subdivisions (f) and (g) of this section and subdivision (e) of Section 14041.5 shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2013–14 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2013–14 fiscal year.

(n) (1) Notwithstanding subdivision (j) of this section and subdivision (f) of Section 14041.5, for purposes of making the computations required by Section 8 of Article XVI of the California Constitution, eight billion forty-one million five hundred thirty-five thousand dollars (\$8,041,535,000) of the warrants drawn in the 2021–22 fiscal year pursuant to subdivision (i) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

(2) Notwithstanding subdivision (j) of this section and subdivision (f) of Section 14041.5, for purposes of making the computations required by

Section 8 of Article XVI of the California Constitution, six hundred twenty-four million six hundred ninety-two thousand dollars (\$624,692,000) of the warrants drawn in the 2021–22 fiscal year pursuant to subdivision (i) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the fiscal year in which the warrants are drawn, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the fiscal year in which the warrants are drawn.

SEC. 12. Section 14041.65 of the Education Code is amended to read:

14041.65. (a) Notwithstanding subdivision (a) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of February in the amount of twenty-four million seven hundred thousand dollars (\$24,700,000) instead shall be drawn in July of the same calendar year pursuant to the certification made pursuant to Section 41339.

(b) Notwithstanding subdivision (a) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of February in the amount of one billion four hundred five million five hundred thousand dollars (\$1,405,500,000) instead shall be drawn in August of the same calendar year pursuant to the certification made pursuant to Section 41339.

(c) Notwithstanding subdivision (a) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of February in the amount of five hundred sixty-nine million eight hundred thousand dollars (\$569,800,000) instead shall be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41339.

(d) Notwithstanding subdivision (c) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of April in the amount of four hundred nineteen million twenty thousand dollars (\$419,020,000) instead shall be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41339.

(e) Notwithstanding subdivision (c) of Section 14041.6, for the 2010–11 fiscal year only, warrants for the principal apportionments for the month of May in the amount of eight hundred million dollars (\$800,000,000) instead shall be drawn in September of the same calendar year pursuant to the certification made pursuant to Section 41339.

(f) Notwithstanding subparagraph (A) of paragraph (1) of subdivision (i) of Section 14041.6, for the 2020–21 fiscal year only, warrants for the principal apportionment for the month of February 2021 scheduled to be drawn in November 2021, shall instead be drawn in August 2021 pursuant to the certification made pursuant to Section 41332.

(g) Notwithstanding subparagraph (B) of paragraph (1) of subdivision (i) of Section 14041.6, for the 2020–21 fiscal year only, warrants for the principal apportionment for the month of March 2021 scheduled to be drawn

in October 2021, shall instead be drawn in August 2021 pursuant to the certification made pursuant to Section 41332.

(h) Notwithstanding subparagraph (C) of paragraph (1) of subdivision (i) of Section 14041.6, for the 2020–21 fiscal year only, warrants for the principal apportionment for the month of April 2021 scheduled to be drawn in September 2021, shall instead be drawn in August 2021 pursuant to the certification made pursuant to Section 41332.

SEC. 13. Section 17076.10 of the Education Code is amended to read:

17076.10. (a) A school district that receives any funds pursuant to this chapter shall submit a summary report of expenditure of state funds and of school district matching funds annually until all state funds and school district matching funds are expended, and shall then submit a final report to the board. The board may require an audit of these reports or other school district records to ensure that all funds received pursuant to this chapter are expended in accordance with program requirements.

(b) If the board finds that a participating school district has not made substantial progress towards increasing its pupil capacity or modernizing its facilities within 18 months of receiving any funding pursuant to this chapter, the board shall rescind the apportionment in an amount equal to the unexpended funds.

(c) (1) If the board, after the review of expenditures or audit has been conducted pursuant to subdivision (a), determines that a school district failed to expend funds in accordance with this chapter, the department shall notify the school district of the amount that must be repaid to the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as the case may be, within 60 days. If the school district fails to make the required payment within 60 days, the department shall notify the Controller and the school district in writing, and the Controller shall deduct an amount equal to the amount to be repaid by the school district under this subdivision, from the school district's next principal apportionment or apportionments of state funds to the school district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. Any amounts obtained by the Controller shall be deposited into the 1998 State School Facilities Fund, the 2002 State School Facilities Fund, the 2004 State School Facilities Fund, the 2006 State School Facilities Fund, or the 2016 State School Facilities Fund, as appropriate.

(2) Notwithstanding paragraph (1), if the board determines that repayment of the full liability within 60 days after the board action would constitute a severe financial hardship, as defined by the board, for the school district, the board shall approve a plan of equal annual payments over a period of up to 20 years. The plan shall include interest on each year's outstanding balance at the rate earned on the state's Pooled Money Investment Account during that year. The Controller shall withhold amounts, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution, pursuant to the plan.

(d) If a school district receives an apportionment, but has not met the criteria to have funds released pursuant to Section 17072.32 or 17074.15 within a period established by the board, but not to exceed 18 months, the board shall rescind the apportionment and deny the district's application.

SEC. 14. Section 17199.4 of the Education Code is amended to read:

17199.4. (a) Notwithstanding any other law, any participating party, in connection with securing financing or refinancing of projects, or working capital pursuant to this chapter, may, in accordance with this section, elect to provide for funding, in whole or in part, one or more of the following:

- (1) Payments on authority bonds.
- (2) Payments under credit enhancement or liquidity support agreements in connection with authority bonds.
- (3) Amounts pledged or assigned under one or more pledges or assignments to pay authority bonds or obligations under these credit enhancement or liquidity support agreements.
- (4) Payments to fund reserves available to pay any of the payments described in paragraphs (1), (2), and (3), exclusively until paid.
- (5) Fees and charges contemplated by the instruments of the authority, trustees, tender agents, remarketing agents, credit enhancement and liquidity support providers, and service providers.
- (6) Any other costs necessary or incidental to any financing or refinancing conducted under this chapter.

(b) The payments made pursuant to subdivision (a) may be in connection with a financing or refinancing benefiting the participating party itself, one or more other participating parties, or any combination of participating parties.

(c) To participate under this section, the participating party shall do all of the following:

- (1) Elect to participate by an action of its governing board taken in compliance with the rules of that board.
- (2) Provide written notice to the Controller, no later than the date of the issuance of the bonds or 60 days before the next payment, whichever is later, of all of the following:
 - (A) Its election to participate.
 - (B) A schedule of the payments subject to that election.
 - (C) The payee or payees of those payments, or the trustee or agent on their behalf to receive those payments.
 - (D) (i) Payment delivery instructions, which may be by wire transfer or other method approved by the Controller.
 - (ii) If the method of payment delivery is wire transfer, the participating party shall complete and submit the appropriate authorization form as prescribed by the Controller.

(d) The participating party may amend, supplement, or restate the notice required pursuant to paragraph (2) of subdivision (c) for any reason, including, but not necessarily limited to, providing for new or increased payments. The participating party shall certify in the notice and in any amendment, supplement, or restatement of the notice that each and every

payment reflected in the schedule is a payment described in subdivision (a) and the amounts scheduled do not exceed the actual or reasonably estimated payment obligations to be funded pursuant to this section. The participating party shall also represent in the notice that it is not submitting the notice for the purpose of accelerating a participating party's receipt of its apportionments. This section does not prohibit transfer by the recipient of an apportionment under this section to the participating party submitting the notice of the excess apportionment above the amount needed to fund actual payments where the excess resulted from erroneous estimation of scheduled payments or otherwise.

(e) Upon receipt of the notice required by paragraph (2) of subdivision (c), the Controller shall make an apportionment to the indicated recipient on the date, or during the period, shown in the schedule in accordance with all of the following:

(1) If the participating party requests transfers in full as scheduled, in the amount of the scheduled transfer or such lesser amount as is available from the sources described in subdivision (f).

(2) If the participating party does not request transfers in full as scheduled, in the amount of the anticipated deficiency for the purpose of making the required payment indicated in a written request of the participating party to the Controller and in the amount of the actual shortfall in payment indicated in a written request of the recipient or the participating party to the Controller or whatever lesser amount is available from the sources described in subdivision (f).

(3) To the extent funds available for an apportionment are insufficient to pay the amount set forth in a schedule in any period, the Controller shall, if and as requested in the notice, reschedule the payment of all or a portion of the deficiency to a subsequent period.

(4) In making apportionments under this section, the Controller may rely conclusively and without liability on any notice or request delivered under this section, including any notice of request delivered before January 1, 2015. The Controller may make, but is not obligated to make, apportionments not reflected on a notice or on an amended, supplemented, or restated notice delivered under this section that the Controller receives less than 20 days before when the apportionment would otherwise be required.

(f) The Controller shall make an apportionment under this section only from moneys designated for apportionment to the participating party delivering the notice, and only from one or more of the following:

(1) Any funding apportioned for purposes of revenue limits or the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03, to a school district or county office of education without regard to the specific funding source of the apportionment.

(2) Any funding apportioned for purposes of the charter school block grant or the local control funding formula pursuant to Section 42238.02, as implemented by Section 42238.03, to a charter school without regard to the specific funding source of the apportionment.

(3) Any funding apportioned for purposes of revenue limits or community college apportionments pursuant to Sections 84750.4 and 84750.5 to a community college district without regard to the specific funding source of the apportionment.

(g) (1) The amount apportioned for a participating party pursuant to this section shall be deemed to be an allocation to the participating party, and shall be included in the computation of allocation, limit, entitlement, or apportionment for the participating party.

(2) The participating party and its creditors do not have a claim to funds apportioned or anticipated to be apportioned by the Controller pursuant to this section.

(h) (1) The authority may require participation under this section under the terms of any financing or refinancing under this chapter to provide for one or more of the payments described in paragraphs (1) to (4), inclusive, of subdivision (a). The authority may impose limits on new participation under this section. The authority may require participating parties to apply to the authority for participation. If the authority limits participation under this section, the authority shall consider each of the following priorities in making participation available:

(A) First priority shall be given to participating parties that apply for funding for instructional classroom space under this chapter.

(B) Second priority shall be given to participating parties that apply for funding of modernization of instructional classroom space under this chapter.

(C) Third priority shall be given to participating parties that apply for funding under this chapter for any other eligible costs, as defined in Section 17173.

(2) The authority shall prioritize applications at appropriate intervals.

(3) A school district electing to participate under this section that has applied for revenue bond moneys for purposes of joint venture school facilities construction projects, pursuant to Article 5 (commencing with Section 17060) of Chapter 12, shall not be subject to the priorities set forth in paragraph (1).

(i) This section does not make the State of California liable for any payments within the meaning of Section 1 of Article XVI of the California Constitution.

(j) A school district that has a qualified or negative certification pursuant to Section 42131, or a county office of education that has a qualified or negative certification pursuant to Section 1240, may only participate under this section to intercept payments for short-term financings.

(k) This section does not obligate the State of California to make available the sources of apportionment under subdivision (f) in any amount or at any time or, except as provided in this section, to fund any payment described in this section. This subdivision is intended solely to clarify existing law.

SEC. 15. Section 17375 of the Education Code is amended to read:

17375. (a) (1) The California Preschool, Transitional Kindergarten and Full-Day Kindergarten Facilities Grant Program is hereby established, under the administration of the State Allocation Board pursuant to the requirements

of this section, to provide one-time grants to school districts to construct new school facilities or retrofit existing school facilities for the purpose of providing transitional kindergarten classrooms and full-day kindergarten classrooms pursuant to Section 8973, and for the construction of new preschool classrooms, the modernization of existing preschool classrooms, or the modernization of existing kindergarten and grade 1 to 12, inclusive, classrooms that would be converted to provide California state preschool programs operated by school districts on a public schoolsite, pursuant to this section.

(2) Moneys appropriated pursuant to this section shall be deposited in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, hereby created in the State Treasury, administered by the State Allocation Board.

(3) For the 2018–19 fiscal year, the sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section, as it read on December 31, 2020.

(4) (A) For the 2021–22 fiscal year, the sum of four hundred ninety million dollars (\$490,000,000) is hereby appropriated from the General Fund to the State Allocation Board to provide one-time grants as specified in this section.

(B) (i) Of the moneys allocated to a school district from the appropriation made pursuant to this paragraph, savings and interest achieved upon full completion of an approved project, and as a result of a school district's efficient and prudent expenditure of the moneys allocated, may be used for professional development or instructional materials to build capacity for the implementation of a California state preschool program, a transitional kindergarten program, a full-day kindergarten program, or high priority capital outlay purposes identified by the school district and in accordance with subdivision (f), associated regulations, and any accompanying grant agreement.

(ii) Notwithstanding any other law, for purposes of the funds appropriated in support of this paragraph only, a school district may retain and use savings and interest pursuant to clause (i) even if it receives financial hardship assistance pursuant to Section 17075.10.

(iii) Savings and interest retained by a school district shall be expended within one year of project completion or returned to the state as required by associated regulations and any accompanying grant agreement.

(5) New school facilities built pursuant to this section shall not be included in the eligibility determination used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10).

(b) (1) The State Allocation Board shall award grants to school districts that lack the facilities to provide transitional kindergarten or full-day kindergarten as required for eligibility pursuant to Sections 17071.25 and 17072.10, that lack facilities that satisfy the design requirements required for new kindergarten classrooms as specified in paragraph (2) of subdivision

(h) of Section 14030 of Title 5 of the California Code of Regulations, or that lack the facility capacity to increase California state preschool program services.

(2) Priority for grants shall be given to school districts that meet either of the following criteria:

(A) The school district is financially unable to contribute a portion of, or all of, the local matching share required pursuant to paragraph (3) for a project, and meets the requirements for financial hardship pursuant to Sections 17075.10 and 17075.15. For purposes of this section, paragraph (5) of subdivision (d) of Section 17075.15 shall not apply.

(B) (i) For school districts seeking a transitional kindergarten or full-day kindergarten facilities grant, the school district is located in an underserved community with a high population of pupils who are eligible for free or reduced-price meals pursuant to subdivision (a) of Section 42238.01.

(ii) For school districts seeking a preschool facilities grant, the school district is located in an underserved area, as defined in Section 8208, that is prioritized to receive funds for the California state preschool program according to the prioritization process described in Section 8236.

(3) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10 and as specified in paragraph (4), a school district that applies for a grant pursuant to this section for new construction shall provide 50 percent of the cost of the project, and a school district that applies for a grant pursuant to this section for a retrofit project shall provide 40 percent of the cost of the project.

(4) Except for school districts that meet the requirements for financial hardship pursuant to Section 17075.10, a school district shall provide 25 percent of the cost of the project, whether the project is for new construction or retrofit, if the school district does either of the following:

(A) Converts a part-day kindergarten program to a full-day kindergarten program. A school district that was awarded a grant from funds appropriated pursuant to paragraph (3) of subdivision (a) and met the requirements of this paragraph shall have its grant amount adjusted from funds appropriated pursuant to paragraph (4) of subdivision (a) to reflect the requirements of this paragraph.

(B) Commencing with the 2021–22 fiscal year, offers, or expands enrollment in, a California state preschool program or transitional kindergarten program.

(5) (A) A school district seeking a transitional kindergarten or full-day kindergarten facilities grant from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account shall provide the Office of Public School Construction with schoolsite enrollment data for the year in which its application is processed and the three immediately preceding years. The Office of Public School Construction shall use this data to verify the schoolsite's overall need for funding pursuant to this section based on the schoolsite's enrollment patterns. As part of this verification, the Office of Public School Construction, in consultation with

the State Department of Education, shall determine if the schoolsite's need for funding shall be limited to retrofit projects.

(B) For a school district seeking a new construction grant for preschool classrooms from moneys in the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, the school district shall demonstrate that its existing classrooms, including outdoor play areas and equipment, are insufficient to meet the needs of providing preschool, and that the school district's projected enrollment in the preschool program exceeds the current preschool program classroom capacity at the applicable schoolsite. A school district shall use both of the following to demonstrate enrollment for purposes of determining eligibility:

(i) The most recent childcare needs assessment conducted by its regional local planning council for preschool age children.

(ii) A current or future contract with the State Department of Education to operate a preschool program.

(c) The State Allocation Board shall disburse grant funds to school districts with approved applications for new construction or retrofit projects, to the extent funds are available for the state's applicable matching share, if the school district has provided its applicable local matching share, unless the school district meets the requirements for financial hardship pursuant to Section 17075.10, and upon certification by the school district that the school district has entered into a binding contract for completion of the approved project.

(d) The State Allocation Board shall allocate funds to school districts using the same maximum grant eligibility amounts that are used for purposes of the Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5 (commencing with Section 17070.10) of Part 10), as set forth in Sections 17072.10 and 17072.11 for new construction, and as set forth in Section 17074.10 for retrofit projects.

(e) As a condition of receiving grant funds pursuant to this section, and before the release of those funds, the school district shall do all of the following:

(1) Execute and submit a grant agreement consistent with the applicable sections of the grant agreement specified in Section 1859.90.4 of Title 2 of the California Code of Regulations.

(2) For a school district applying for grant funds for a transitional kindergarten facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to offer, or expand enrollment in, a transitional kindergarten program.

(3) For a school district applying for grant funds for a California state preschool program facilities project, pass a resolution at a public meeting of the governing board of the school district stating the school district's intent to expand enrollment in a preschool program and apply for expanded program service funding, and certify that the school district has or will apply for a contract to operate a preschool program before occupying the to-be-constructed or retrofitted facility.

(f) (1) A school district may use grant funds awarded for new construction on costs necessary to adequately house preschool, transitional kindergarten, and kindergarten pupils in an approved project, which shall include only the following:

(A) The costs of design, engineering, testing, inspections, plan checking, construction management, site acquisition and development, evaluation and response action costs relating to hazardous substances at a new or existing schoolsite, demolition, construction, landscaping, necessary utility costs, utility connections and other related fees, equipment including telecommunication equipment to increase school security, furnishings, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) The costs of acquiring an existing government-owned or privately owned building, or a privately financed school building, and the necessary costs of converting the government-owned or privately owned building for public school use.

(2) (A) A school district may use grant funds awarded for a retrofit project to retrofit an existing school facility to adequately house preschool, transitional kindergarten, and kindergarten pupils, which shall only include the costs of design, engineering, testing, inspection, plan checking, construction management, demolition, construction, necessary utility costs, utility connection and other related fees, the purchase and installation of air-conditioning equipment and insulation materials and related costs, furniture and equipment, including telecommunication equipment to increase school security, fire safety improvements, playground safety improvements, the identification, assessment, or abatement of hazardous asbestos, seismic safety improvements, the upgrading of electrical systems, and the wiring or cabling of classrooms in order to accommodate educational technology.

(B) Grant funds awarded for a retrofit project shall not be used for costs associated with acquisition and development of real property or for routine maintenance and repair.

(3) A school district shall not use funds to purchase or install portable classrooms. For purposes of this article, “portable classroom” means a classroom building of one or more stories that is designed and constructed to be relocatable and transportable over public streets, and for a single-story portable classroom, is designed and constructed for relocation without the separation of the roof or floor from the building and when measured at the most exterior walls, has a floor area that does not exceed 2,000 square feet.

(g) For a modernization grant pursuant to this article to retrofit an existing preschool classroom, including outdoor play areas and installed equipment, the applicable classroom shall comply with all of the following:

(1) The Field Act, as set forth in Article 3 (commencing with Section 17280) and Article 6 (commencing with Section 17365).

(2) The California Building Standards Code, as set forth in Title 24 of the California Code of Regulations.

(3) The regulations for early learning and care programs as set forth in Chapter 19 (commencing with Section 18000) of Division 1 of Title 5 of,

and Chapter 1 (commencing with Section 101151) of Division 12 of Title 22 of, the California Code of Regulations, as applicable.

(4) Written approval from the State Department of Education that the building plans comply with the standards set forth in Subchapter 1 (commencing with Section 14001) of Chapter 13 of Division 1 of Title 5 of the California Code of Regulations.

(h) The State Allocation Board may adopt regulations to implement this section. Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Title 2 of the Government Code). The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(i) Notwithstanding any other law, a school district shall be subject, with regard to this section, to an audit conducted pursuant to Section 41024.

(j) The Office of Public School Construction shall report to the Director of Finance, and shall post on its internet website, information regarding the use of grant funds that have been made available to school districts during each fiscal year grant funds are disbursed pursuant to this section. A final report shall also be issued after projects have been audited pursuant to Section 41024 and any savings have been spent or returned to the state.

(k) The Department of General Services may charge its administrative costs against the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Account, which shall be subject to the approval of the Department of Finance and which shall not exceed 2.5 percent of the account.

(l) Funds made available to school districts pursuant to this article shall supplement, not supplant, existing funds available for school facilities construction.

(m) For purposes of this section, the following definitions apply:

(1) “Kindergarten” includes transitional kindergarten, as defined in Section 48000.

(2) “Preschool classroom” means a preschool classroom used or proposed to be used for instructional purposes in a California state preschool program.

(3) “Preschool program” means a full-day California state preschool program pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6.

(4) “Schoolsite” or “site” means the project site for which the school district is applying for grants under this article.

(5) “School district” means as follows:

(A) For transitional kindergarten and full-day kindergarten facilities grants, “school district” means a school district.

(B) For preschool facilities grants, “school district” means a school district and county office of education.

SEC. 16. Section 32091 of the Education Code is amended to read:

32091. (a) (1) Every school district, county office of education, charter school, and private school maintaining kindergarten or any of grades 1 to

12, inclusive, shall notify the California Collaborative for Educational Excellence of the following information in a form and adhering to the procedures to be determined by the California Collaborative for Educational Excellence, in consultation with the executive director of the state board, on or before the second and fourth Monday of each month:

(A) The number of pupils enrolled by schoolsite and, if applicable, school district.

(B) For nonclassroom-based charter schools, the total number of pupils enrolled and the number of pupils attending each resource center, if any.

(C) The number of school employees who work onsite at a school by schoolsite and, if applicable, school district.

(D) (i) The number of pupils who have opted into independent study provided by the local educational agency.

(ii) How the local educational agency is meeting the daily or weekly synchronous requirement for pupils described in clause (i).

(iii) Actions the local educational agency is taking to encourage the transition of the pupils described in clause (i) to in-person instruction.

(E) The expanded learning opportunities provided to pupils.

(F) How the school is addressing the mental health and wellness needs of pupils.

(G) The supports and interventions the school is using to address the academic needs of pupils.

(H) The enrichment opportunities provided to pupils.

(I) The safety protocols the school is using to ensure the health and safety of pupils and staff.

(J) Any additional information requested by the California Collaborative for Educational Excellence, in consultation with the executive director of the state board.

(2) The California Collaborative for Educational Excellence, in consultation with the executive director of the state board, shall do all of the following:

(A) Develop the form and identify the procedures to be used for reporting information pursuant to this subdivision.

(B) Provide the form and procedures to local health officers, local educational agencies, and private schools.

(C) Post the form and procedures described in subparagraphs (A) and (B) on its internet website.

(D) Maintain a data report on its internet website, updated every two weeks with new educational entity-level and statewide aggregate data received by the California Collaborative for Educational Excellence pursuant to this section.

(E) Report all data related to this section on a monthly basis to the appropriate fiscal and policy committees of the Legislature.

(F) Provide technical assistance and support to local educational agencies in the submission of the data.

(G) Monitor data submitted and follow up with local educational agencies as needed to confirm data submission.

(H) Review and analyze data to ensure data quality and to identify trends.

(b) (1) Every local educational agency and private school offering in-person instruction for kindergarten or any of grades 1 to 12, inclusive, shall post a completed COVID-19 safety plan on its internet website home page. For a local educational agency or private school that is not offering in-person instruction as of March 5, 2021, but begins offering in-person instruction after March 5, 2021, the local educational agency or private school shall, at least five days before offering in-person instruction, post a completed COVID-19 safety plan on its internet website home page.

(2) At least five days before providing in-person instruction, a local educational agency in a county in the purple tier pursuant to the State Department of Public Health's Blueprint for a Safer Economy shall submit its COVID-19 safety plan to its local public health department and the State Department of Public Health pursuant to the COVID-19 industry sector guidance for schools and school-based programs. If the local public health department or the State Department of Public Health identifies a deficiency in the local educational agency's COVID-19 safety plan within the review period specified in the guidance, the local educational agency and its county office of education shall be notified of the deficiency by the local public health department or the State Department of Public Health. The local educational agency shall resolve the deficiency to the satisfaction of the local public health department or the State Department of Public Health before providing in-person instruction.

(3) For purposes of this subdivision, the COVID-19 safety plan shall consist of both of the following:

(A) The written COVID-19 prevention program required by subdivision (c) of Section 3205 of Title 8 of the California Code of Regulations, adopted by the Occupational Safety and Health Standards Board as part of COVID-19 Emergency Standards.

(B) The supplemental COVID-19 School Guidance Checklist approved by the State Department of Public Health as part of the COVID-19 industry sector guidance for schools and school-based programs, including descriptions of any planned periodic asymptomatic testing cadences for staff and pupils.

SEC. 17. Section 35780 of the Education Code is amended to read:

35780. (a) A school district that has been organized for more than three years shall be lapsed as provided in this article if the number of registered electors in the school district is less than six or if the average daily attendance of pupils in the school or schools maintained by the school district is less than six in kindergarten and grades 1 to 8, inclusive, or is less than 11 in grades 9 to 12, inclusive. The county board of education may defer the lapsation of the school district for one year upon adoption of a resolution approved by a majority of the members of the governing board of the school district and written concurrence of the county superintendent of schools. The county board of education shall make no more than three deferments for any school district.

(b) For a new district that has been unable to provide the school facilities necessary for instructional services by employees of the school district to all of the pupils who are residents of the school district after five years from the date that the reorganization became effective, the county committee on school district organization, upon direction from the state board, shall initiate lapsation procedures pursuant to Section 35783 or revert the reorganized district to its original status.

(c) A school district may also be lapsed when there are no school facilities or sites on which to maintain any school in the school district.

(d) A school district may also be lapsed upon adoption of a resolution approved by a majority of the members of the governing board of the school district and written concurrence of the county superintendent of schools.

SEC. 18. Section 41020 of the Education Code is amended to read:

41020. (a) It is the intent of the Legislature to encourage sound fiscal management practices among local educational agencies for the most efficient and effective use of public funds for the education of children in California by strengthening fiscal accountability at the school district, county, and state levels.

(b) (1) Not later than the first day of May of each fiscal year, each county superintendent of schools shall provide for an audit of all funds under their jurisdiction and control and the governing board of each local educational agency shall either provide for an audit of the books and accounts of the local educational agency, including an audit of income and expenditures by source of funds, or make arrangements with the county superintendent of schools having jurisdiction over the local educational agency to provide for that auditing.

(2) A contract to perform the audit of a local educational agency that has a disapproved budget or has received a negative certification on any budget or interim financial report during the current fiscal year or either of the two preceding fiscal years, or for which the county superintendent of schools has otherwise determined that a lack of going concern exists, is not valid unless approved by the responsible county superintendent of schools and the governing board of the local educational agency.

(3) If the governing board of a local educational agency has not provided for an audit of the books and accounts of the local educational agency by April 1, the county superintendent of schools having jurisdiction over the local educational agency shall provide for the audit of the local educational agency.

(4) An audit conducted pursuant to this section shall comply fully with the Government Auditing Standards issued by the Comptroller General of the United States.

(5) For purposes of this section, “local educational agency” does not include community colleges.

(c) Each audit conducted in accordance with this section shall include all funds of the local educational agency, including the student body and cafeteria funds and accounts and any other funds under the control or jurisdiction of the local educational agency. Each audit shall also include

an audit of pupil attendance procedures. Each audit shall include a determination of whether funds were expended pursuant to a local control and accountability plan or an approved annual update to a local control and accountability plan pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4.

(d) All audit reports for each fiscal year shall be developed and reported using a format established by the Controller after consultation with the Superintendent and the Director of Finance.

(e) (1) The cost of the audits provided for by the county superintendent of schools shall be paid from the county school service fund and the county superintendent of schools shall transfer the pro rata share of the cost chargeable to each school district from school district funds.

(2) The cost of the audit provided for by a governing board of a local educational agency shall be paid from local educational agency funds. The audit of the funds under the jurisdiction and control of the county superintendent of schools shall be paid from the county school service fund.

(f) (1) The audits shall be made by a certified public accountant or a public accountant, licensed by the California Board of Accountancy, and selected by the local educational agency, as applicable, from a directory of certified public accountants and public accountants deemed by the Controller as qualified to conduct audits of local educational agencies, which shall be published by the Controller not later than December 31 of each year.

(2) Commencing with the 2003–04 fiscal year and except as provided in subdivision (d) of Section 41320.1, it is unlawful for a public accounting firm to provide audit services to a local educational agency if the lead audit partner, or coordinating audit partner, having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local educational agency in each of the six previous fiscal years. The Education Audits Appeal Panel may waive this requirement if the panel finds that no otherwise eligible auditor is available to perform the audit.

(3) It is the intent of the Legislature that, notwithstanding paragraph (2), the rotation within public accounting firms conform to provisions of the federal Sarbanes-Oxley Act of 2002 (Public Law 107-204; 15 U.S.C. Sec. 7201 et seq.), and upon release of the report required by the act of the Comptroller General of the United States addressing the mandatory rotation of registered public accounting firms, the Legislature intends to reconsider paragraph (2). In determining which certified public accountants and public accountants shall be included in the directory, the Controller shall use the following criteria:

(A) The certified public accountants or public accountants shall be in good standing as certified by the Board of Accountancy.

(B) The certified public accountants or public accountants, as a result of a quality control review conducted by the Controller pursuant to Section 14504.2, shall not have been found to have conducted an audit in a manner constituting noncompliance with subdivision (a) of Section 14503.

(g) (1) The auditor's report shall include each of the following:

(A) A statement that the audit was conducted pursuant to standards and procedures developed in accordance with Chapter 3 (commencing with Section 14500) of Part 9 of Division 1 of Title 1.

(B) A summary of audit exceptions and management improvement recommendations.

(C) An evaluation by the auditor on whether there is substantial doubt about the ability of the local educational agency to continue as a going concern for a reasonable period of time. This evaluation shall be based on the Statement on Auditing Standards (SAS) No. 59, as issued by the AICPA regarding disclosure requirements relating to the ability of the entity to continue as a going concern.

(2) To the extent possible, a description of correction or plan of correction shall be incorporated in the audit report, describing the specific actions that are planned to be taken, or that have been taken, to correct the problem identified by the auditor. The descriptions of specific actions to be taken or that have been taken shall not solely consist of general comments such as “will implement,” “accepted the recommendation,” or “will discuss at a later date.”

(h) (1) Not later than December 15, a report of each local educational agency audit for the preceding fiscal year shall be filed with the county superintendent of schools of the county in which the local educational agency is located, the department, and the Controller. The Superintendent shall make any adjustments necessary in future apportionments of all state funds to correct any audit exceptions revealed by those audit reports.

(2) For the 2021–22 fiscal year, the report referenced in paragraph (1) shall instead be filed no later than January 31, 2022.

(i) (1) Commencing with the 2002–03 audit of local educational agencies pursuant to this section and subdivision (d) of Section 41320.1, each county superintendent of schools shall be responsible for reviewing the audit exceptions contained in an audit of a local educational agency under their jurisdiction related to attendance, inventory of equipment, internal control, and any miscellaneous items, and determining whether the exceptions have been either corrected or an acceptable plan of correction has been developed.

(2) Commencing with the 2004–05 audit of local educational agencies pursuant to this section and subdivision (d) of Section 41320.1, each county superintendent of schools shall include in the review of audit exceptions performed pursuant to this subdivision those audit exceptions related to use of instructional materials program funds, teacher misassignments pursuant to Section 44258.9, and information reported on the school accountability report card required pursuant to Section 33126, and shall determine whether the exceptions are either corrected or an acceptable plan of correction has been developed.

(j) Upon submission of the final audit report to the governing board of each local educational agency and subsequent receipt of the audit by the county superintendent of schools having jurisdiction over the local educational agency, the county office of education shall do all of the following:

(1) Review audit exceptions related to attendance, inventory of equipment, internal control, and other miscellaneous exceptions. Attendance exceptions or issues shall include, but not be limited to, those related to local control funding formula allocations pursuant to Section 42238.02, as implemented by Section 42238.03, and independent study.

(2) (A) If a description of the correction or plan of correction has not been provided as part of the audit required by this section, the county superintendent of schools shall notify the local educational agency and request the governing board of the local educational agency to provide to the county superintendent of schools a description of the corrections or plan of correction by March 15.

(B) For the 2021–22 fiscal year, the description of the corrections or plan of correction referenced in subparagraph (A) shall instead be filed no later than April 15, 2022.

(3) Review the description of correction or plan of correction and determine its adequacy. If the description of the correction or plan of correction is not adequate, the county superintendent of schools shall require the local educational agency to resubmit that portion of its response that is inadequate.

(k) (1) Each county superintendent of schools shall certify to the Superintendent and the Controller, not later than May 15, that the county superintendent of schools' staff has reviewed all audits of local educational agencies under the county superintendent of schools' jurisdiction for the prior fiscal year, that all exceptions that the county superintendent was required to review were reviewed, and that all of those exceptions, except as otherwise noted in the certification, have been corrected by the local educational agency or that an acceptable plan of correction has been submitted to the county superintendent of schools. In addition, the county superintendent shall identify, by local educational agency, any attendance-related audit exception or exceptions involving state funds, and require the local educational agency to which the audit exceptions were directed to submit appropriate reporting forms for processing by the Superintendent.

(2) For the 2021–22 fiscal year, the deadline for certification referenced in paragraph (1) shall instead be filed no later than June 15, 2022.

(l) In the audit of a local educational agency for a subsequent year, the auditor shall review the correction or plan or plans of correction submitted by the local educational agency to determine if the exceptions have been resolved. If an exception has not been resolved, the auditor shall immediately notify the appropriate county office of education and the department and restate the exception in the audit report. After receiving that notification, the department shall either consult with the local educational agency to resolve the exception or require the county superintendent of schools to follow up with the local educational agency.

(m) (1) The Superintendent is responsible for ensuring that local educational agencies have either corrected or developed plans of correction for any one or more of the following:

(A) All federal and state compliance audit exceptions identified in the audit.

(B) Exceptions that the county superintendent of schools certifies as of May 15 have not been corrected.

(C) Repeat audit exceptions that are not assigned to a county superintendent of schools to correct.

(2) In addition, the Superintendent is responsible for ensuring that county superintendents of schools and each county board of education that serves as the governing board of a local educational agency either correct all audit exceptions identified in the audits of county superintendents of schools and of the local educational agencies for which the county boards of education serve as the governing boards or develop acceptable plans of correction for those exceptions.

(3) The Superintendent shall report annually to the Controller on the Superintendent's actions to ensure that school districts, county superintendents of schools, and each county board of education that serves as the governing board of a school district have either corrected or developed plans of correction for any of the exceptions noted pursuant to paragraph (1).

(n) To facilitate correction of the exceptions identified by the audits issued pursuant to this section, the Controller shall require auditors to categorize audit exceptions in each audit report in a manner that will make it clear to both the county superintendent of schools and the Superintendent which exceptions they are responsible for ensuring the correction of by a local educational agency. In addition, the Controller annually shall select a sampling of county superintendents of schools, perform a followup of the audit resolution process of those county superintendents of schools, and report the results of that followup to the Superintendent and the county superintendents of schools that were reviewed.

(o) County superintendents of schools shall adjust subsequent local property tax requirements to correct audit exceptions relating to local educational agency tax rates and tax revenues.

(p) If a governing board or county superintendent of schools fails or is unable to make satisfactory arrangements for the audit pursuant to this section, the Controller shall make arrangements for the audit and the cost of the audit shall be paid from local educational agency funds or the county school service fund, as the case may be.

(q) Audits of regional occupational centers and programs are subject to this section.

(r) This section does not authorize examination of, or reports on, the curriculum used or provided for in any local educational agency.

(s) Notwithstanding any other law, a nonauditing, management, or other consulting service to be provided to a local educational agency by a certified public accounting firm while the certified public accounting firm is performing an audit of the agency pursuant to this section shall be in accord with Government Accounting Standards, Amendment No. 3, as published by the United States General Accounting Office.

SEC. 19. Section 41020.3 of the Education Code is amended to read:

41020.3. (a) By January 31 of each year, the governing body of each local educational agency shall review, at a public meeting, the annual audit of the local educational agency for the prior year, any audit exceptions identified in that audit, the recommendations or findings of any management letter issued by the auditor, and any description of correction or plans to correct any exceptions or management letter issue. This review shall be placed on the agenda of the meeting pursuant to Section 35145.

(b) During the 2021–22 fiscal year, the annual audit for the 2020–21 fiscal year and its relevant components, as identified pursuant to subdivision (a), shall instead be reviewed by February 28, 2022.

SEC. 20. Section 41203.1 of the Education Code is amended to read:

41203.1. (a) For the 1990–91 fiscal year and each fiscal year thereafter, allocations calculated pursuant to Section 41203 shall be distributed in accordance with calculations provided in this section. Notwithstanding Section 41203, and for purposes of this section, school districts, community college districts, and direct elementary and secondary level instructional services provided by the State of California shall be regarded as separate segments of public education, and each of these three segments of public education shall be entitled to receive respective shares of the amount calculated pursuant to Section 41203 as though the calculation made pursuant to subdivision (b) of Section 8 of Article XVI of the California Constitution were to be applied separately to each segment and the base year for purposes of this calculation under paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution were based on the 1989–90 fiscal year. Calculations made pursuant to this subdivision shall be made so that each segment of public education is entitled to the greater of the amounts calculated for that segment pursuant to paragraph (1) or (2) of subdivision (b) of Section 8 of Article XVI of the California Constitution.

(b) If the single calculation made pursuant to Section 41203 yields a guaranteed amount of funding that is less than the sum of the amounts calculated pursuant to subdivision (a), the amount calculated pursuant to Section 41203 shall be prorated for the three segments of public education.

(c) Notwithstanding any other law, this section does not apply to the 1992–93 to the 2021–22 fiscal years, inclusive.

SEC. 21. Section 41204.2 of the Education Code is repealed.

SEC. 22. Article 1 (commencing with Section 41480) is added to Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, to read:

Article 1. Educator Effectiveness Block Grant

41480. (a) (1) The sum of one billion five hundred million dollars (\$1,500,000,000) is hereby appropriated from the General Fund to the Superintendent for the Educator Effectiveness Block Grant. The Superintendent shall apportion these funds to school districts, county offices of education, charter schools, and the state special schools in an equal amount

per full-time equivalent certificated staff and classified staff, which shall not exceed the total certificated staff and classified staff count, respectively, for each eligible local educational agency, in the 2020–21 fiscal year. The Superintendent shall make the calculations pursuant to this section using the data submitted through the California Longitudinal Pupil Achievement Data System and classified staff data submitted through the California Basic Educational Data System as of October 2020.

(2) A school district, county office of education, charter school, or state special school may expend the funds received pursuant to this subdivision from the 2021–22 fiscal year to the 2025–26 fiscal year, inclusive. School districts, county offices of education, charter schools, and state special schools shall coordinate the use of any federal funds received under Title II of the federal Every Student Succeeds Act of 2015 (Public Law 114–95) to support teachers and administrators with the expenditure of funds received pursuant to this subdivision.

(b) A school district, county office of education, charter school, or state special school shall expend funds apportioned pursuant to this section to provide professional learning for teachers, administrators, paraprofessionals who work with pupils, and classified staff that interact with pupils, with a focus on any of the following areas:

(1) Coaching and mentoring of staff serving in an instructional setting and beginning teacher or administrator induction, including, but not limited to, coaching and mentoring solutions that address a local need for teachers that can serve all pupil populations with a focus on retaining teachers, and offering structured feedback and coaching systems organized around social-emotional learning, including, but not limited to, promoting teacher self-awareness, self-management, social awareness, relationships, and responsible decisionmaking skills, improving teacher attitudes and beliefs about one’s self and others, and supporting learning communities for educators to engage in a meaningful classroom teaching experience.

(2) Programs that lead to effective, standards-aligned instruction and improve instruction in literacy across all subject areas, including English language arts, history-social science, science, technology, engineering, mathematics, and computer science.

(3) Practices and strategies that reengage pupils and lead to accelerated learning.

(4) Strategies to implement social-emotional learning, trauma-informed practices, suicide prevention, access to mental health services, and other approaches that improve pupil well-being.

(5) Practices to create a positive school climate, including, but not limited to, restorative justice, training around implicit bias, providing positive behavioral supports, multitiered systems of support, transforming a schoolsite’s culture to one that values diverse cultural and ethnic backgrounds, and preventing discrimination, harassment, bullying, and intimidation based on actual or perceived characteristics, including disability, gender, gender identity, gender expression, language, nationality, race or ethnicity, religion, or sexual orientation.

(6) Strategies to improve inclusive practices, including, but not limited to, universal design for learning, best practices for early identification, and development of individualized education programs for individuals with exceptional needs.

(7) Instruction and education to support implementing effective language acquisition programs for English learners, which may include integrated language development within and across content areas, and building and strengthening capacity to increase bilingual and biliterate proficiency.

(8) New professional learning networks for educators not already engaged in an education-related professional learning network to support the requirements of subdivision (c).

(9) Instruction, education, and strategies to incorporate ethnic studies curricula adopted pursuant to Section 51226.7 into pupil instruction for grades 7 to 12, inclusive.

(10) Instruction, education, and strategies for certificated and classified educators in early childhood education, or childhood development.

(c) To ensure professional development meets educator and pupil needs, local educational agencies are encouraged to allow schoolsite and content staff to identify the topic or topics of professional learning. Professional learning provided pursuant to this section shall do both of the following:

(1) Be content focused, incorporate active learning, support collaboration, use models of effective practice, provide coaching and expert support, offer feedback and reflection, and be of sustained duration.

(2) As applicable, be aligned to the academic content standards adopted pursuant to Sections 51226, 60605, 60605.1, 60605.2, 60605.3, 60605.4, 60605.8, and 60605.11, and the model curriculum adopted pursuant to Section 51226.7, as those sections read on June 30, 2020, and former Section 60605.85, as that section read on June 30, 2014.

(d) As a condition of receiving funds apportioned pursuant to this section, a school district, county office of education, charter school, or state special school shall do both of the following:

(1) On or before December 30, 2021, develop and adopt a plan delineating the expenditure of funds apportioned pursuant to this section, including the professional development of teachers, administrators, paraprofessionals, and classified staff. The plan shall be presented in a public meeting of the governing board of the school district, county board of education, or governing body of the charter school, before its adoption in a subsequent public meeting.

(2) On or before September 30, 2026, report detailed expenditure information to the department, including, but not limited to, specific purchases made and the number of teachers, administrators, paraprofessional educators, or classified staff that received professional development. The department shall determine the format for this report.

(e) The department shall summarize the information reported pursuant to subdivision (d) and shall submit the summary to the appropriate budget subcommittees and policy committees of the Legislature and to the Department of Finance on or before November 30, 2026. The department

shall determine the format for this report to optimize its production within existing resources. The report shall be submitted in compliance with Section 9795 of the Government Code.

(f) Funding apportioned pursuant to this section is subject to the annual audits required by Section 41020.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 23. Article 2 (commencing with Section 41490) is added to Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, to read:

Article 2. Multitiered Systems of Support

41490. (a) For the 2021–22 fiscal year, the sum of fifty million dollars (\$50,000,000) is hereby appropriated from the General Fund to the Superintendent to apportion to the Orange County Department of Education in the manner, and for the purposes, set forth in this section. The Orange County Department of Education shall encumber or expend the funds apportioned pursuant to this subdivision on or before June 30, 2026.

(b) The Orange County Department of Education, in consultation with the Superintendent and the executive director of the state board, shall award no less than thirty million dollars (\$30,000,000) of the amount appropriated in subdivision (a) as grants to local educational agencies for the purpose of funding schoolwide and districtwide implementation of services or practices aligned to the Multi-Tiered Systems of Support framework developed under the “Scale Up MTSS Statewide” (SUMS) project. The grants shall be awarded to local educational agencies on or before December 15, 2021.

(1) Grant funds awarded to local educational agencies shall be used to support the implementation of high quality integrated academic, behavioral, and social-emotional learning practices in an integrated multitiered system of support at the schoolwide level, including, but not limited to, all of the following:

(A) Educator and leader training on the foundations of the California Multi-Tiered System of Support framework and practices, as developed by the SUMS project.

(B) Ongoing training and coaching support to schoolsite educators and leaders in deepening the implementation of high leverage practices for integrated academic, behavioral, and social-emotional learning across tiers throughout the school community.

(C) Ongoing training and support to school and local educational agency leaders in aligning practices, policies, and structures to create and sustain a schoolwide and agencywide integrated multitiered system of support.

(D) Establishing school- and local educational agency-level multitiered system of support teams to support implementation efforts.

(2) Grants shall be awarded with priority to local educational agencies serving a high number of unduplicated pupils, as defined in Section 42238.02, that have participated in local educational agency-level training to implement an integrated multitiered system of support.

(3) Local educational agencies receiving funds shall measure and report on implementation fidelity at least annually using the tools and resources developed by the SUMS project. Data shall be reported to the Orange County Department of Education in a form available to the public.

(4) (A) On or before September 30 of each fiscal year until the Orange County Department of Education has fully expended the funds allocated pursuant to this subdivision, the Orange County Department of Education shall submit an annual report to the Superintendent summarizing how it used the funds in the prior fiscal year. The Superintendent shall provide copies of these reports to the appropriate fiscal and policy committees of the Legislature, the Department of Finance, the state board, and the Legislative Analyst's Office.

(B) A report to be submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(c) (1) The Superintendent shall establish a process, in consultation with and subject to the approval of the executive director of the state board, to select a local educational agency, a local educational agency in partnership with an institution of higher education or nonprofit educational service provider, or a consortia, to partner with the Orange County Department of Education and the Butte County Office of Education to expand the state's capacity to support local educational agencies' implementation of social-emotional learning, trauma screening, trauma-informed practices, and culturally relevant, affirming, and sustaining practices. The selected entity, known as a partner entity, shall be selected on or before February 15, 2022. No more than twenty million dollars (\$20,000,000) of the amount appropriated in subdivision (a) is available for purposes of this subdivision.

(2) The partner entity shall have demonstrated expertise in developing and delivering high quality professional learning to educators in social-emotional learning, trauma-informed practices, and culturally relevant, affirming, and sustaining practices in a manner that aligns with local multitiered systems of support. The partner entity shall support the Orange County Department of Education and the Butte County Office of Education in offering high quality professional learning to educators and school leaders by performing all of the following functions:

(A) Creating, collecting, and curating resources for educators on social-emotional learning, trauma screening, trauma-informed practices, and culturally relevant, affirming, and sustaining practices.

(B) Providing ongoing training and support in the use of trauma screening tools and mental health service referrals, school climate surveys, and the use of tool and survey data.

(C) Providing grants to local educational agencies to support both of the following:

(i) Convening professional learning communities of educators and school leaders.

(ii) Providing ongoing training and coaching to educators and school leaders.

(3) In performing the work described in this subdivision, the partner entity, in partnership with the Orange County Department Education and the Butte County Office of Education, shall, to the extent practicable, leverage current research and work related to how educators and school leaders can best address the social-emotional needs of pupils, and consult with experts in the field on matters related to trauma screening and trauma-informed practices.

(4) For purposes of this subdivision, “high quality professional learning” shall include, but not be limited to, professional learning that is content-focused, incorporates active learning using adult learning theory, supports collaboration in job-embedded contexts, uses models and modeling of effective practices, provides coaching and expert support, and offers opportunities for feedback.

(d) A local educational agency that receives a grant pursuant to subdivision (b), or high quality professional learning pursuant to subdivision (c), shall, as a condition of receiving the grant or high quality professional learning, provide to the Orange County Department of Education, the Butte County Office of Education, and the department any available outcome data resulting from the practices implemented, and participate in overall program evaluation.

(e) The Orange County Department of Education may expend up to one million dollars (\$1,000,000) of the amount appropriated pursuant to subdivision (a) to support the administration of grants and provide support to the grantees pursuant to Department of Finance approval of an expenditure plan. The Orange County Department of Education shall not expend moneys pursuant to this subdivision sooner than 30 days after the Department of Finance provides written notification of the approval of the expenditure plan to the Joint Legislative Budget Committee.

(f) For purposes of this section, “local educational agency” means a school district, county office of education, or charter school.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 24. Article 9 (commencing with Section 41590) is added to Chapter 3.2 of Part 24 of Division 3 of Title 2 of the Education Code, to read:

Article 9. A–G Completion Improvement Grant Program

41590. (a) For the 2021–22 fiscal year, the sum of five hundred forty-seven million five hundred thirteen thousand dollars (\$547,513,000) is hereby appropriated from the General Fund to the Superintendent for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent to establish the A–G Completion Improvement Grant Program in the manner and for the purpose set forth in this section.

(b) The A–G Completion Improvement Grant Program is hereby established for the purpose of providing additional supports to local educational agencies to help increase the number of California high school pupils, particularly unduplicated pupils, who graduate from high school with A–G eligibility.

(c) (1) (A) For the 2021–22 fiscal year, the Superintendent shall allocate three hundred million dollars (\$300,000,000) of the sum appropriated pursuant to subdivision (a), in an equal amount per unduplicated pupil enrolled in grades 9 to 12, inclusive, for the 2020–21 fiscal year to each local educational agency that is identified by the department pursuant to subdivision (h) as having an overall A–G completion rate of less than 67 percent. A local educational agency that is otherwise eligible and is receiving concentration grant funding during the 2020–21 fiscal year shall receive a total allocation under this paragraph of not less than seventy-five thousand dollars (\$75,000). These funds are available for expenditure or encumbrance through the 2025–26 fiscal year.

(B) The allocation under this paragraph shall be known as an A–G Access Grant.

(2) (A) For the 2021–22 fiscal year, the Superintendent shall allocate one hundred million dollars (\$100,000,000) of the sum appropriated pursuant to subdivision (a), in an equal amount per unduplicated pupil enrolled in grades 9 to 12, inclusive, for the 2020–21 fiscal year to each local educational agency that is identified by the department pursuant to subdivision (h) as having an overall A–G completion rate of 67 percent or higher. A local educational agency that is otherwise eligible and is receiving concentration grant funding during the 2020–21 fiscal year shall receive a total allocation under this paragraph of not less than seventy-five thousand dollars (\$75,000). These funds are available for expenditure or encumbrance through the 2025–26 fiscal year.

(B) The allocation under this paragraph shall be known as an A–G Success Grant.

(d) (1) A–G Access Grants and A–G Success Grants shall be used for activities that directly support pupil access to, and successful completion of, the A–G course requirements. Eligible activities may include, but are not limited to, any of the following:

(A) Providing teachers, administrators, and counselors with professional development opportunities to improve the local educational agency's A–G completion rate.

(B) Developing comprehensive advising plans and pupil supports, including tutoring programs, to improve the local educational agency's A–G completion rate.

(C) Expanding access to coursework or other opportunities to satisfy A–G course requirements to all pupils, including, but not necessarily limited to, unduplicated pupils. These opportunities may include, but shall not be limited to, course development, course review, incorporating A–G course requirements into the local educational agency's graduation requirements, and new or expanded partnerships with other secondary or postsecondary educational institutions.

(D) Advanced Placement and International Baccalaureate fees for unduplicated pupils.

(2) The Legislature encourages local educational agencies to direct A–G Success Grant funds towards pupils in danger of not achieving a grade of “C” or better in A–G courses.

(e) (1) (A) For the 2021–22 fiscal year, the Superintendent shall allocate one hundred forty-seven million five hundred thirteen thousand dollars (\$147,513,000) of the sum appropriated pursuant to subdivision (a), in an equal amount per unduplicated pupil enrolled in grades 9 to 12, inclusive, for the 2020–21 fiscal year to each local educational agency. A local educational agency that is otherwise eligible and is receiving concentration grant funding during the 2020–21 fiscal year shall receive a total allocation under this paragraph of not less than seventy-five thousand dollars (\$75,000). These funds are available for expenditure or encumbrance through the 2025–26 fiscal year.

(B) The allocation under this subdivision shall be known as an A–G Learning Loss Mitigation Grant.

(2) (A) (i) A–G Learning Loss Mitigation Grants shall be used to allow pupils who receive a grade of “D,” “F,” or “Fail” in an A–G approved course in the spring semester of 2020 or the 2020–21 school year to retake those A–G courses.

(ii) The method of offering pupils the opportunity to retake courses provided in clause (i) shall be determined by the local educational agency.

(B) If sufficient funds are available after implementing subparagraph (A), a local educational agency may also use grant funds to offer credit recovery opportunities to all pupils to ensure pupils are able to graduate high school on time.

(f) A grant recipient shall develop a plan on or before January 1, 2022, describing how the funds received under this section will increase or improve services for unduplicated pupils to improve A–G eligibility, including information about the number of pupils identified for opportunities to retake courses pursuant to paragraph (2) of subdivision (e). The plan shall include information regarding how the plan and described services supplement, and do not supplant, those services identified in the school district's local control

and accountability plan required pursuant to Section 52060, the county superintendent of schools' local control and accountability plan required pursuant to Section 52066, or the charter school's local control and accountability plan required pursuant to Section 47605 or 47605.6 and Section 47606.5, and the local educational agency's learning recovery program plan adopted pursuant to Section 43522. The plan shall also include a description of the extent to which all pupils within the local educational agency, particularly unduplicated pupils, will have access to A–G courses approved by the University of California. In order to ensure community and stakeholder input, the plan shall be discussed at a regularly scheduled meeting by the governing board of the school district, county board of education, or governing body of the charter school and adopted at a subsequent regularly scheduled meeting.

(g) A grant recipient shall report to the Superintendent on or before December 31, 2023, on how they are measuring the impact of the funds received under this section on their A–G completion rate, as identified within their plan, and the outcomes based on those measurements. The department shall compile the information reported pursuant to this subdivision and submit a report to the appropriate policy and fiscal committees of the Legislature on or before April 30, 2024, and shall update the state board on the contents of that report at a regularly scheduled meeting of the state board. A grant recipient shall report to the Superintendent on or before August 31, 2026, on final outcomes that measure the impact of the funds received under this section on their A–G completion rate.

(h) The Superintendent shall annually post on the department's internet website in an easily accessible location a list of each local educational agency's and each individual high school's A–G completion rate.

(i) For purposes of this section, the following definitions apply:

(1) "A–G completion rate" means the percentage of pupils who have satisfied the A–G subject matter requirements for admission to the California State University and the University of California with a grade of "C" or better in each of the required courses upon graduation for the prior year.

(2) "A–G course" means a course that may be used to satisfy the A–G subject matter requirements for admission to the California State University and the University of California.

(3) "A–G eligibility" means the pupil has satisfied the A–G subject matter requirements for admission to the California State University and the University of California with a grade of "C" or better in each of the required courses.

(4) "Local educational agency" means a school district, county office of education, or charter school.

(5) "Unduplicated pupil" has the same meaning as in Sections 42238.01 and 42238.02.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the

2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 25. Section 42238.01 of the Education Code is amended to read:

42238.01. For purposes of Section 42238.02, the following definitions shall apply:

(a) “Eligible for free or reduced-price meals” means determined to meet federal income eligibility criteria, either through completing an application for the federal National School Lunch Program or through an alternative household income data collection form, or deemed to be categorically eligible for free or reduced-price meals under the federal National School Lunch Program, as described in Part 245 of Title 7 of the Code of Federal Regulations.

(1) (A) A school participating in a special assistance alternative authorized by Section 11(a)(1) of the federal Richard B. Russell National School Lunch Act (Public Law 113-79), including Provision 2, Provision 3, or the Community Eligibility Provision, may establish a base year for purposes of the local control funding formula by doing either of the following:

(i) Determining the pupils at the school who are eligible for free or reduced-price meals and using each pupil’s eligibility status in that base year to report eligibility for up to each of the following three school years.

(ii) Carrying over the number of pupils at the school who were eligible for free or reduced-price meals from the school year in which the school applied to use a federal universal school meal provision, and using each pupil’s eligibility status in the base year to report eligibility for up to each of the following three school years.

(B) The school may include between base year eligibility determinations, any newly enrolled pupils who are determined to be eligible for free or reduced-price meals or any current pupils found to be newly eligible for free or reduced-price meals as identified through a local or state direct certification match or another categorical designation.

(2) A school that uses the special assistance alternative shall maintain information on each pupil’s eligibility status and annually submit information on that status in the California Longitudinal Pupil Achievement Data System pursuant to paragraph (2) of subdivision (b) of Section 42238.02 or subparagraph (A) of paragraph (3) of subdivision (b) of Section 2574, as applicable.

(3) For a pupil who transfers to a school using a special assistance alternative and who is transferring between schools within the same school district, documentation supporting eligibility for that pupil for purposes of the local control funding formula may be transferred from the pupil’s old school to the pupil’s new school, as long as the documentation supporting eligibility for that pupil is less than four years old and is updated at least once every four years.

(4) To the extent permitted by federal law, a school may choose to establish a new base year for purposes of the federal National School Lunch Program at the same time the school establishes a new base year for purposes of the local control funding formula. A school may use federal National School Lunch Program application forms to collect household income data as permitted under the federal National School Lunch Program. If the use of federal National School Lunch Program application forms is not permitted, a school shall use alternative household income data collection forms.

(5) An alternative household income data collection form shall be confidential and shall not be shared by the school other than as necessary for purposes of determining funding allocations under the local control funding formula and for assessing the accountability of that funding. An alternative household income data collection form shall contain, at a minimum, all of the following information:

(A) Information sufficient to identify the pupil or pupils.

(B) Information sufficient to determine that the pupil or household meets federal income eligibility criteria sufficient to qualify for either a free or reduced-priced meal under the federal Richard B. Russell National School Lunch Act (Public Law 113-79).

(C) Certification that the information is true and correct by the pupil's adult household member.

(6) Paragraphs (1) and (3) are effective commencing with the 2014–15 fiscal year.

(b) “Foster youth” means any of the following:

(1) A child who is the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code, whether or not the child has been removed from their home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(2) A child who is the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code, has been removed from their home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code, and is in foster care as defined by subdivision (d) of Section 727.4 of the Welfare and Institutions Code.

(3) A nonminor under the transition jurisdiction of the juvenile court, as described in Section 450 of the Welfare and Institutions Code, who satisfies all of the following criteria:

(A) The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, and not more than 21 years of age, on or after January 1, 2014, and as described in Section 10103.5 of the Welfare and Institutions Code.

(B) The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to Section 10553.1 of the Welfare and Institutions Code.

(C) The nonminor is participating in a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act (42 U.S.C. Sec. 675), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), as described in Section 11403 of the Welfare and Institutions Code.

(4) (A) A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court's jurisdiction in accordance with the tribe's law, provided that the child would also meet one of the descriptions in Section 300 of the Welfare and Institutions Code describing when a child may be adjudged a dependent child of the juvenile court.

(B) This paragraph is effective no later than the 2020–21 fiscal year.

(c) “Pupils of limited English proficiency” means pupils who do not have the clearly developed English language skills of comprehension, speaking, reading, and writing necessary to receive instruction only in English at a level substantially equivalent to pupils of the same age or grade whose primary language is English. “English learner” shall have the same meaning as provided for in subdivision (a) of Section 306 and as “pupils of limited English proficiency.”

SEC. 26. Section 42238.02 of the Education Code is amended to read:

42238.02. (a) The amount computed pursuant to this section shall be known as the school district and charter school local control funding formula.

(b) (1) For purposes of this section “unduplicated pupil” means a pupil enrolled in a school district or a charter school who is either classified as an English learner, eligible for a free or reduced-price meal, or is a foster youth. A pupil shall be counted only once for purposes of this section if any of the following apply:

(A) The pupil is classified as an English learner and is eligible for a free or reduced-price meal.

(B) The pupil is classified as an English learner and is a foster youth.

(C) The pupil is eligible for a free or reduced-price meal and is classified as a foster youth.

(D) The pupil is classified as an English learner, is eligible for a free or reduced-price meal, and is a foster youth.

(2) Under procedures and timeframes established by the Superintendent, commencing with the 2013–14 fiscal year, a school district or charter school shall annually submit its enrolled free and reduced-price meal eligibility, foster youth, and English learner pupil-level records for enrolled pupils to the Superintendent using the California Longitudinal Pupil Achievement Data System.

(3) (A) Commencing with the 2013–14 fiscal year, a county office of education shall review and validate certified aggregate English learner, foster youth, and free or reduced-price meal eligible pupil data for school districts and charter schools under its jurisdiction to ensure the data is reported accurately. The Superintendent shall provide each county office of education with appropriate access to school district and charter school

data reports in the California Longitudinal Pupil Achievement Data System for purposes of ensuring data reporting accuracy.

(B) The Controller shall include the instructions necessary to enforce paragraph (2) in the audit guide required by Section 14502.1. The instructions shall include, but are not necessarily limited to, procedures for determining if the English learner, foster youth, and free or reduced-price meal eligible pupil counts are consistent with the school district's or charter school's English learner, foster youth, and free or reduced-price meal eligible pupil records.

(4) The Superintendent shall make the calculations pursuant to this section using the data submitted by local educational agencies, including charter schools, through the California Longitudinal Pupil Achievement Data System. Under timeframes and procedures established by the Superintendent, school districts and charter schools may review and revise their submitted data on English learner, foster youth, and free or reduced-price meal eligible pupil counts to ensure the accuracy of data reflected in the California Longitudinal Pupil Achievement Data System.

(5) The Superintendent shall annually compute the percentage of unduplicated pupils for each school district and charter school by dividing the enrollment of unduplicated pupils in a school district or charter school by the total enrollment in that school district or charter school pursuant to all of the following:

(A) For the 2013–14 fiscal year, divide the sum of unduplicated pupils for the 2013–14 fiscal year by the sum of the total pupil enrollment for the 2013–14 fiscal year.

(B) For the 2014–15 fiscal year, divide the sum of unduplicated pupils for the 2013–14 and 2014–15 fiscal years by the sum of the total pupil enrollment for the 2013–14 and 2014–15 fiscal years.

(C) For the 2015–16 fiscal year and each fiscal year thereafter, divide the sum of unduplicated pupils for the current fiscal year and the two prior fiscal years by the sum of the total pupil enrollment for the current fiscal year and the two prior fiscal years.

(D) (i) For purposes of the quotients determined pursuant to subparagraphs (B) and (C), the Superintendent shall use a school district's or charter school's enrollment of unduplicated pupils and total pupil enrollment in the 2014–15 fiscal year instead of the enrollment of unduplicated pupils and total pupil enrollment in the 2013–14 fiscal year if doing so would yield an overall greater percentage of unduplicated pupils.

(ii) It is the intent of the Legislature to review each school district and charter school's enrollment of unduplicated pupils for the 2013–14 and 2014–15 fiscal years and provide one-time funding, if necessary, for a school district or charter school with higher enrollment of unduplicated pupils in the 2014–15 fiscal year as compared to the 2013–14 fiscal year.

(E) (i) Notwithstanding any other law, for purposes of subparagraph (C), the unduplicated pupils and total pupil enrollment in prior fiscal years shall be the following:

(I) For a transferred charter school, the counts shall be equal to the counts reported for the original charter school.

(II) For an acquiring charter school, the counts shall be equal to the counts reported for the original charter school. This subclause shall become inoperative on July 1, 2023, unless its operation is extended by the Legislature.

(III) For the restructured portions of a divided charter school, the counts shall be zero.

(IV) For the remaining portion of a divided charter school, the counts shall be equal to the counts reported for the original charter school.

(ii) The definitions in Section 47654 apply for purposes of this subparagraph.

(6) Notwithstanding subdivision (a) of Section 14002, the data used to determine the percentage of unduplicated pupils shall be final once that data is no longer used in the current fiscal year calculation of the percentage of unduplicated pupils. This paragraph does not apply to a change that is the result of an audit exception, as described in paragraph (2) of subdivision (a) of Section 41341.

(c) Commencing with the 2013–14 fiscal year and each fiscal year thereafter, the Superintendent shall annually calculate a local control funding formula grant for each school district and charter school in the state pursuant to this section.

(d) The Superintendent shall compute a grade span adjusted base grant equal to the total of the following amounts:

(1) For the 2013–14 fiscal year, a base grant of:

(A) Six thousand eight hundred forty-five dollars (\$6,845) for average daily attendance in kindergarten and grades 1 to 3, inclusive.

(B) Six thousand nine hundred forty-seven dollars (\$6,947) for average daily attendance in grades 4 to 6, inclusive.

(C) Seven thousand one hundred fifty-four dollars (\$7,154) for average daily attendance in grades 7 and 8.

(D) Eight thousand two hundred eighty-nine dollars (\$8,289) for average daily attendance in grades 9 to 12, inclusive.

(2) In each year the grade span adjusted base grants in paragraph (1) shall be adjusted by the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

(3) (A) The Superintendent shall compute an additional adjustment to the kindergarten and grades 1 to 3, inclusive, base grant as adjusted for inflation pursuant to paragraph (2) equal to 10.4 percent. The additional

grant shall be calculated by multiplying the kindergarten and grades 1 to 3, inclusive, base grant, as adjusted by paragraph (2), by 10.4 percent.

(B) Until paragraph (4) of subdivision (b) of Section 42238.03 is effective, as a condition of the receipt of funds in this paragraph, a school district shall make progress toward maintaining an average class enrollment of not more than 24 pupils for each schoolsite in kindergarten and grades 1 to 3, inclusive, unless a collectively bargained alternative annual average class enrollment for each schoolsite in those grades is agreed to by the school district, pursuant to the following calculation:

(i) Determine a school district's average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, in the prior year. For the 2013–14 fiscal year, this amount shall be the average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, in the 2012–13 fiscal year.

(ii) Determine a school district's proportion of total need pursuant to paragraph (2) of subdivision (b) of Section 42238.03.

(iii) Determine the percentage of the need calculated in clause (ii) that is met by funding provided to the school district pursuant to paragraph (3) of subdivision (b) of Section 42238.03.

(iv) Determine the difference between the amount computed pursuant to clause (i) and an average class enrollment of not more than 24 pupils.

(v) Calculate a current year average class enrollment adjustment for each schoolsite for kindergarten and grades 1 to 3, inclusive, equal to the adjustment calculated in clause (iv) multiplied by the percentage determined pursuant to clause (iii).

(C) School districts that have an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of 24 pupils or less for each schoolsite in the 2012–13 fiscal year, shall be exempt from the requirements of subparagraph (B) so long as the school district continues to maintain an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of not more than 24 pupils, unless a collectively bargained alternative ratio is agreed to by the school district.

(D) Upon full implementation of the local control funding formula, as a condition of the receipt of funds in this paragraph, all school districts shall maintain an average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, of not more than 24 pupils for each schoolsite in kindergarten and grades 1 to 3, inclusive, unless a collectively bargained alternative ratio is agreed to by the school district.

(E) The average class enrollment requirement for each schoolsite for kindergarten and grades 1 to 3, inclusive, established pursuant to this paragraph shall not be subject to waiver by the state board pursuant to Section 33050 or by the Superintendent.

(F) The Controller shall include the instructions necessary to enforce this paragraph in the audit guide required by Section 14502.1. The instructions shall include, but are not necessarily limited to, procedures for determining if the average class enrollment for each schoolsite for kindergarten and grades 1 to 3, inclusive, exceeds 24 pupils, or an alternative average class

enrollment for each schoolsite pursuant to a collectively bargained alternative ratio. The procedures for determining average class enrollment for each schoolsite shall include criteria for employing sampling.

(4) The Superintendent shall compute an additional adjustment to the base grant for grades 9 to 12, inclusive, as adjusted for inflation pursuant to paragraph (2), equal to 2.6 percent. The additional grant shall be calculated by multiplying the base grant for grades 9 to 12, inclusive, as adjusted by paragraph (2), by 2.6 percent.

(e) The Superintendent shall compute a supplemental grant add-on equal to 20 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b). The supplemental grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 20 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in that school district or charter school. The supplemental grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

(f) (1) (A) The Superintendent shall compute a concentration grant add-on equal to 50 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district's or charter school's total enrollment. The concentration grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 50 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the total enrollment in that school district or charter school.

(B) Commencing with the 2021–22 fiscal year, the concentration grant add-on referenced in subparagraph (A) shall instead be equal to 65 percent of the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), for each school district's or charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district's or charter school's total enrollment. The concentration grant shall be calculated by multiplying the base grants as specified in subparagraphs (A) to (D), inclusive, of paragraph (1) of subdivision (d), as adjusted by paragraphs (2) to (4), inclusive, of subdivision (d), by 65 percent and by the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the total enrollment in that school district or charter school.

(2) (A) For a charter school physically located in only one school district, the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent used to calculate concentration grants shall not exceed the percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school district in which the charter school is physically located. For a charter school physically located in more than one school district, the charter school's percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent used to calculate concentration grants shall not exceed that of the school district with the highest percentage of unduplicated pupils calculated pursuant to paragraph (5) of subdivision (b) in excess of 55 percent of the school districts in which the charter school has a school facility. The concentration grant shall be expended in accordance with the regulations adopted pursuant to Section 42238.07.

(B) For purposes of this paragraph and subparagraph (A) of paragraph (1) of subdivision (f) of Section 42238.03, a charter school shall report its physical location to the department under timeframes established by the department. For a charter school authorized by a school district, the department shall include the authorizing school district in the department's determination of physical location. For a charter school authorized on appeal pursuant to subdivision (k) of Section 47605, the department shall include the school district that initially denied the petition in the department's determination of physical location. Notwithstanding subdivision (a) of Section 14002, the reported physical location of the charter school shall be considered final as of the second principal apportionment for that fiscal year, and, for purposes of this paragraph, the percentage of unduplicated pupils of the school district associated with the charter school pursuant to subparagraph (A) shall be considered final as of the second principal apportionment for that fiscal year.

(g) The Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of funding a school district or charter school received from funds allocated pursuant to the Targeted Instructional Improvement Block Grant program, as set forth in Article 6 (commencing with Section 41540) of Chapter 3.2, for the 2012–13 fiscal year, as that article read on January 1, 2013. A school district or charter school shall not receive a total funding amount from this add-on greater than the total amount of funding received by the school district or charter school from that program in the 2012–13 fiscal year. The amount computed pursuant to this subdivision shall reflect the reduction specified in paragraph (2) of subdivision (a) of Section 42238.03.

(h) (1) The Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of funding a school district or charter school received from funds allocated pursuant to the Home-to-School Transportation program, as set forth in former Article 2 (commencing with Section 39820) of Chapter 1 of Part 23.5, former Article 10 (commencing with Section

41850) of Chapter 5, and the Small School District Transportation program, as set forth in former Article 4.5 (commencing with Section 42290), as those articles read on January 1, 2013, for the 2012–13 fiscal year. A school district or charter school shall not receive a total funding amount from this add-on greater than the total amount received by the school district or charter school for those programs in the 2012–13 fiscal year. The amount computed pursuant to this subdivision shall reflect the reduction specified in paragraph (2) of subdivision (a) of Section 42238.03.

(2) If a home-to-school transportation joint powers agency, established pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code for purposes of providing pupil transportation, received an apportionment directly from the Superintendent from any of the funding sources specified in paragraph (1) for the 2012–13 fiscal year, the joint powers agency may identify the member local educational agencies and transfer entitlement to that funding to any of those member local educational agencies by reporting to the Superintendent, on or before September 30, 2015, the reassignment of a specified amount of the joint powers agency's 2012–13 fiscal year entitlement to the member local educational agency. Commencing with the 2015–16 fiscal year, the Superintendent shall compute an add-on to the total sum of a school district's or charter school's base, supplemental, and concentration grants equal to the amount of the entitlement to funding transferred by the joint powers agency to the member school district or charter school.

(i) (1) The sum of the local control funding formula rates computed pursuant to subdivisions (c) to (f), inclusive, shall be multiplied by:

(A) For school districts, the average daily attendance of the school district in the corresponding grade level ranges computed pursuant to Section 42238.05, excluding the average daily attendance computed pursuant to paragraph (2) of subdivision (a) of Section 42238.05 for purposes of the computation specified in subdivision (d).

(B) For charter schools, the total current year average daily attendance in the corresponding grade level ranges.

(2) The amount computed pursuant to Article 4 (commencing with Section 42280) shall be added to the amount computed pursuant to paragraphs (1) to (4), inclusive, of subdivision (d), as multiplied by subparagraph (A) or (B) of paragraph (1), as appropriate.

(j) The Superintendent shall adjust the sum of each school district's or charter school's amount determined in subdivisions (g) to (i), inclusive, pursuant to the calculation specified in Section 42238.03, less the sum of the following:

(1) (A) For school districts, the property tax revenue received pursuant to Chapter 3.5 (commencing with Section 75) and Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

(B) For charter schools, the in-lieu property tax amount provided to a charter school pursuant to Section 47635.

(2) The amount, if any, received pursuant to Part 18.5 (commencing with Section 38101) of Division 2 of the Revenue and Taxation Code.

(3) The amount, if any, received pursuant to Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code.

(4) Prior years' taxes and taxes on the unsecured roll.

(5) Fifty percent of the amount received pursuant to Section 41603.

(6) The amount, if any, received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code), less any amount received pursuant to Section 33401 or 33676 of the Health and Safety Code that is used for land acquisition, facility construction, reconstruction, or remodeling, or deferred maintenance and that is not an amount received pursuant to Section 33492.15, or paragraph (4) of subdivision (a) of Section 33607.5, or Section 33607.7 of the Health and Safety Code that is allocated exclusively for educational facilities.

(7) The amount, if any, received pursuant to Sections 34177, 34179.5, 34179.6, 34183, and 34188 of the Health and Safety Code.

(8) Revenue received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(k) A school district shall annually transfer to each of its charter schools funding in lieu of property taxes pursuant to Section 47635.

(l) (1) This section does not authorize a school district that receives funding on behalf of a charter school pursuant to Section 47651 to redirect this funding for another purpose unless otherwise authorized in law pursuant to paragraph (2) or pursuant to an agreement between the charter school and its chartering authority.

(2) A school district that received funding on behalf of a locally funded charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013, or a school district that was required to pass through funding to a conversion charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42606, as that section read on January 1, 2013, may annually redirect for another purpose a percentage of the amount of the funding received on behalf of that charter school. The percentage of funding that may be redirected shall be determined pursuant to the following computation:

(A) (i) Determine the sum of the need fulfilled for that charter school pursuant to paragraph (3) of subdivision (b) of Section 42238.03 in the then current fiscal year for the charter school.

(ii) Determine the sum of the need fulfilled in every fiscal year before the then current fiscal year pursuant to paragraph (3) of subdivision (b) of Section 42238.03 adjusted for changes in average daily attendance pursuant to paragraph (3) of subdivision (a) of Section 42238.03 for the charter school.

(iii) Subtract the amount computed pursuant to paragraphs (1) to (3), inclusive, of subdivision (a) of Section 42238.03 from the amount computed

for that charter school under the local control funding formula entitlement computed pursuant to subdivision (i) of this section.

(iv) Compute a percentage by dividing the sum of the amounts computed pursuant to clauses (i) and (ii) by the amount computed pursuant to clause (iii).

(B) Multiply the percentage computed pursuant to subparagraph (A) by the amount of funding the school district received on behalf of the charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013.

(C) The maximum amount that may be redirected shall be the lesser of the amount of funding the school district received on behalf of the charter school in the 2012–13 fiscal year pursuant to paragraph (2) of subdivision (b) of Section 42605, Section 42606, and subdivision (b) of Section 47634.1, as those sections read on January 1, 2013, or the amount computed pursuant to subparagraph (B).

(3) Commencing with the 2013–14 fiscal year, a school district operating one or more affiliated charter schools shall provide each affiliated charter school schoolsite with no less than the amount of funding the schoolsite received pursuant to the charter school block grant in the 2012–13 fiscal year.

(m) Any calculations in law that are used for purposes of determining if a local educational agency is an excess tax school entity or basic aid school district, including, but not limited to, this section and Sections 41544, 42238.03, 47632, 47660, 47663, 48310, and 48359.5, and Section 95 of the Revenue and Taxation Code, shall exclude the revenue received pursuant to subparagraph (B) of paragraph (3) of subdivision (e) of Section 36 of Article XIII of the California Constitution.

(n) The funds apportioned pursuant to this section and Section 42238.03 shall be available to implement the activities required pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4.

(o) A school district that does not receive an apportionment of state funds pursuant to this section, as implemented pursuant to Section 42238.03, excluding funds apportioned pursuant to the requirements of subparagraph (A) of paragraph (2) of subdivision (e) of Section 42238.03, shall be considered a “basic aid school district” or an “excess tax entity.”

SEC. 27. Section 42238.022 is added to the Education Code, to read:

42238.022. Notwithstanding any other law, for the 2021–22 fiscal year, the adjustments required pursuant to paragraph (4) of subdivision (a) of Section 2574, subparagraph (B) of paragraph (1) of subdivision (c) of Section 2574, subdivision (b) of Section 2575.1, paragraph (2) of subdivision (d) of Section 42238.02, and subdivision (b) of Section 42287 shall be 2.7 percent and shall be calculated by first assuming the adjustment referenced in Section 42238.021 is 2.31 percent instead of zero.

SEC. 28. Section 42238.051 of the Education Code is amended to read:

42238.051. (a) For purposes of paragraph (1) of subdivision (a) of Section 42238.05, a sponsoring school district's average daily attendance shall be computed as follows:

(1) Compute the sponsoring school district's regular average daily attendance in the current year, excluding the attendance of pupils in charter schools.

(2) (A) Compute the regular average daily attendance used to calculate the second principal apportionment of the school district for the prior year, excluding the attendance of pupils in charter schools.

(B) Compute the attendance of pupils who attended one or more noncharter schools of the school district between July 1, and the last day of the second period, inclusive, in the prior year, and who attended a charter school sponsored by the school district between July 1, and the last day of the second period, inclusive, in the current year. For purposes of this subparagraph, a pupil enrolled in a grade at a charter school sponsored by the school district shall not be counted if the school district does not offer classes for pupils enrolled in that grade. The amount of the attendance counted for any pupil for the purpose of this subparagraph shall not be greater than the attendance claimed for that pupil by the charter school in the current year.

(C) Compute the attendance of pupils who attended a charter school sponsored by the school district in the prior year and who attended one or more noncharter schools of the school district in the current year. The amount of the attendance counted for any pupil for the purpose of this subparagraph shall not be greater than the attendance claimed for that pupil by the school district in the current year.

(D) From the amount determined pursuant to subparagraph (B), subtract the amount determined pursuant to subparagraph (C). If the result is less than zero, the amount shall be deemed to be zero.

(E) The prior year average daily attendance determined pursuant to subparagraph (A) shall be reduced by the amount determined pursuant to subparagraph (D).

(3) To the greater of the amounts computed pursuant to paragraphs (1) and (2), add the regular average daily attendance in the current year of all pupils attending charter schools sponsored by the school district that are not funded through the charter schools local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03.

(b) For purposes of this section, a "sponsoring school district" shall mean a "sponsoring local educational agency," as defined in Section 47632, as that section read on January 1, 2013.

(c) Notwithstanding any other law, this section does not apply to the 2021–22 fiscal year.

SEC. 29. Section 42238.07 of the Education Code is amended to read:

42238.07. (a) On or before January 31, 2014, the state board shall adopt regulations that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections

2574, 2575, 42238.02, and 42238.03. The regulations shall include, but are not limited to, provisions that do all of the following:

(1) Require a school district, county office of education, or charter school to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school.

(2) Authorize a school district, county office of education, or charter school to use funds apportioned on the basis of the number of unduplicated pupils for schoolwide purposes, or, for school districts, districtwide purposes, for county offices of education, countywide purposes, or for charter schools, charterwide purposes, in a manner that is no more restrictive than the restrictions provided for in Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301, et seq.).

(b) The state board may adopt emergency regulations for purposes of this section.

(c) Commencing with the local control and accountability plan and the annual update to the local control and accountability adopted on or before July 1, 2022, each school district, county office of education, and charter school shall do both of the following:

(1) Annually calculate the total difference between the total budgeted expenditures on planned actions reported in the local control and accountability plan pursuant to paragraph (4) of subdivision (b) of Section 52064 and the total estimated actual expenditures for those actions reported in the local control and accountability plan pursuant to paragraph (7) of subdivision (b) of Section 52064.

(2) If the total budgeted expenditures on planned actions reported in the local control and accountability plan pursuant to paragraph (4) of subdivision (b) of Section 52064 is less than the estimate described in paragraph (5) of subdivision (b) of Section 52064, annually determine the total percentage point difference, if any, between the total planned quality improvements based on the planned specific actions reported in the local control and accountability plan pursuant to subparagraph (B) of paragraph (4) of subdivision (b) of Section 52064 and the total actual quality improvements for those actions reported in the local control and accountability plan pursuant to paragraph (7) of subdivision (b) of Section 52064.

(d) If the total estimated actual expenditures and the total actual quality improvements described in paragraphs (1) and (2) of subdivision (c) are less than the total budgeted expenditures and the total planned quality improvements described in paragraphs (1) and (2) of subdivision (c), and together these efforts are less than the total increase or improvement in services required by paragraph (1) of subdivision (a), all of the following requirements shall apply:

(1) The difference shall be expressed as an unused portion of the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils in the school district, county office of education, or charter school set forth in paragraph (1) of subdivision (a).

(2) The funds herein shall be expended only to implement specific actions that satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to the regulations adopted by the state board pursuant to subdivision (a).

(3) The local educational agency shall report the planned uses of the funds in its local control and accountability plan pursuant to Section 52064.

(e) The requirements in subdivision (d) are independent and additional to the requirement to increase or improve services for the ensuing fiscal year established in regulations adopted by the state board pursuant to subdivision (a).

SEC. 30. Section 43504 of the Education Code is amended to read:

43504. (a) The compulsory education requirements described in Section 48200 continue to apply for the 2020–21 school year.

(b) A local educational agency shall offer in-person instruction to the greatest extent possible.

(c) For the 2020–21 school year, for purposes of the requirement on school districts to offer 180 instructional days per school year pursuant to Section 46208 and the requirement on charter schools to offer 175 instructional days per school year pursuant to Section 11960 of Title 5 of the California Code of Regulations, an instructional day is a day in which all pupils are scheduled for the length of the day established by the governing board or body of the local educational agency in a classroom under the immediate supervision of a certificated employee or in distance learning that meets the minimum requirements described in this part. For purposes of this section, for charter schools, distance learning shall be provided by a certificated employee pursuant to the requirements of Sections 47605, 47605.4, and 47605.6.

(d) (1) Each local educational agency shall document daily participation for each pupil on each schoolday, in whole or in part, for which distance learning is provided. A pupil who does not participate in distance learning on a schoolday shall be documented as absent for that schoolday.

(2) For purposes of this section, daily participation may include, but is not limited to, evidence of participation in online activities, completion of regular assignments, completion of assessments, and contacts between employees of the local educational agency and pupils or parents or guardians.

(e) Each local educational agency shall ensure that a weekly engagement record is completed for each pupil documenting synchronous or asynchronous instruction for each whole or partial day of distance learning, verifying daily participation, and tracking assignments.

(f) (1) A pupil who does not participate daily in either in-person instruction pursuant to subdivision (b) or distance learning pursuant to subdivision (d) shall be deemed absent by the local educational agency. A local educational agency shall use documentation of the absence for purposes of reporting its chronic absenteeism rates in its local control and accountability plan.

(2) Each local educational agency shall develop written procedures for tiered reengagement strategies for all pupils who are absent from distance learning for more than three schooldays or 60 percent of the instructional days in a school week. These procedures shall include, but are not limited to, verification of current contact information for each enrolled pupil, daily notification to parents or guardians of absences, a plan for outreach from the school to determine pupil needs including connection with health and social services as necessary and, when feasible, transitioning the pupil to full-time in-person instruction.

(g) Each school shall regularly communicate with parents and guardians regarding a pupil's academic progress.

(h) The Controller shall include instructions necessary to enforce the requirements of this section in the 2020–21 audit guide required by Section 14502.1.

(i) (1) (A) For a school district or charter school that offers fewer than the instructional days required in subdivision (c), the Superintendent shall withhold from the local educational agency's local control funding formula grant apportionment for the prior year average daily attendance of each affected grade level, the sum of .0056 multiplied by that apportionment for each day less than what was required pursuant to this section.

(B) Notwithstanding subparagraph (A), the Superintendent shall proportionately reduce the amount of funding pursuant to subdivision (b) of Section 11960 of Title 5 of the California Code of Regulations for a charter school that has ceased operation during the 2020–21 school year if school was actually taught in the charter school on fewer than 175 calendar days during that school year.

(2) (A) For a school district or charter school that does not meet the requirements in subdivision (d), (e), or (f), the Superintendent shall withhold from the school district's or charter school's local control funding formula grant apportionment an amount equal to the total days out of compliance divided by the number of instructional days required to be offered, multiplied by the derived value of average daily attendance.

(B) For a county office of education that does not meet the requirements in subdivision (d), (e), or (f), the Superintendent shall withhold from the county office of education's local control funding formula grant apportionment an amount equal to the total days out of compliance divided by 175 multiplied by the derived value of average daily attendance.

(3) A local educational agency that provides distance learning shall not be penalized for instruction provided before September 1, 2020, that fails to meet the requirements of this section.

SEC. 31. Section 43504.5 is added to the Education Code, to read:

43504.5. (a) The state board may waive the fiscal penalties set forth in subparagraph (A) of paragraph (1) of subdivision (i) of Section 43504 for a school district or charter school that fails to maintain the prescribed minimum number of instructional days for the school year.

(b) For fiscal penalties incurred as a result of a shortfall on instructional days in the 2020–21 fiscal year, a waiver may only be granted pursuant to

subdivision (a) upon the condition that the school or schools in which the days were lost maintain days of instruction equal in number to those lost and in addition to the amount otherwise prescribed in this part for twice the number of years that it failed to maintain the prescribed minimum number of instructional days for the school year following the year commencing not later than the school year following the year in which the waiver was granted and continuing for each succeeding school year until the condition is satisfied. Days of instruction added in the 2021–22 fiscal year or later for the purpose of making up lost instructional days in the 2020–21 fiscal year shall be days on which all pupils are offered days of in-person instruction for the length of the schoolday under the immediate physical supervision and control of a certificated employee of the school district or charter school that failed to meet the prescribed minimum number of instructional days in the 2020–21 fiscal year. Compliance with the condition shall be specifically verified in the report of the annual audit of the school district or charter school for each year in which the additional days are to be maintained. If an audit report for a year in which the additional days are to be maintained does not verify that the time was provided, that finding shall be addressed as set forth in Section 41344.

(c) It is the intent of the Legislature that school districts and charter schools make every effort to make up any instructional days lost during the school year in which the loss occurred, rather than seeking a waiver under this section.

SEC. 32. Section 43507 of the Education Code is amended to read:

43507. Notwithstanding Sections 15498.1 and 15103 of Title 5 of the California Code of Regulations, for purposes of calculating the local control funding formula grade span adjustment pursuant to Section 42238.02 or the class size penalty pursuant to Sections 41376 and 41378, “class” may include instruction offered through distance learning or in-person instruction pursuant to this part.

SEC. 33. Section 43509 of the Education Code is amended to read:

43509. (a) (1) For the 2020–21 school year, the governing board of a school district, a county board of education, and the governing body of a charter school shall adopt both of the following:

(A) (i) By September 30, 2020, a learning continuity and attendance plan pursuant to this section.

(ii) For a school district, county office of education, or charter school impacted by natural disasters on September 30, 2020, the adoption date referenced in clause (i) shall instead be November 15, 2020, or 30 days after normal operations have resumed, whichever is later.

(B) By December 15, 2020, with the first interim report required pursuant to Sections 1240, 42131, and 47604.33, the local control funding formula budget overview for parents required pursuant to Section 52064.1.

(2) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to adopt a local control and accountability plan or an annual update to a local control and accountability plan pursuant to Article 4.5 (commencing

with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 or Section 47606.5 for the 2020–21 school year.

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall not be required to comply with paragraph (2) of Executive Order No. N-56-20.

(b) The governing board of a school district, a county board of education, and the governing body of a charter school shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, county office of education, or charter school, parents, and pupils in developing a learning continuity and attendance plan pursuant to this section. Specifically, engagement under this section shall include all of the following:

(1) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall solicit recommendations and comments of members of the public regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan.

(2) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall notify members of the public of the opportunity to submit written comments regarding the specific actions and expenditures proposed to be included in the learning continuity and attendance plan, using the most efficient method of notification possible. This paragraph does not require a school district, county board of education, or charter school to produce printed notices or to send notices by mail. The superintendent of a school district, a county superintendent of schools, and a charter school shall ensure that all written notifications related to the learning continuity and attendance plan are provided consistent with Section 48985.

(3) The superintendent of a school district and a county superintendent of schools shall present the learning continuity and attendance plan to the parent advisory committee and the English learner parent advisory committee established pursuant to Section 52063 separately for review and comment. The superintendent of a school district and a county superintendent of schools shall respond, in writing, to comments received from the parent advisory committee and the English learner parent advisory committee.

(4) The superintendent of a school district, a county superintendent of schools, and a charter school administrator shall present the learning continuity and attendance plan at a public hearing of the governing board of the school district, the county board of education, or the governing body of the charter school for review and comment by members of the public. The agenda for the public hearing shall be posted at least 72 hours before the public hearing and shall include the location where the learning continuity and attendance plan will be available for public inspection.

(5) (A) The governing board of a school district, a county board of education, and the governing body of a charter school shall adopt the learning continuity and attendance plan in a public meeting. This meeting shall be

held after, but not on the same day as, the public hearing held pursuant to paragraph (4).

(B) The governing board of a school district, a county board of education, and the governing body of a charter school shall provide options for remote participation in the public hearings required by paragraph (4) and subparagraph (A) and include efforts to solicit feedback pursuant to paragraphs (1), (2), and (3) to reach pupils, families, educators, and other stakeholders who do not have internet access, or who speak languages other than English.

(c) (1) Not later than five days after adoption of a learning continuity and attendance plan, the governing board of a school district shall file the learning continuity and attendance plan with the county superintendent of schools. The county superintendent of schools may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations. If a county superintendent of schools has jurisdiction over a single school district, the Superintendent shall perform the duties specified in this paragraph.

(2) Not later than five days after adoption of a learning continuity and attendance plan, the county board of education shall file the learning continuity and attendance plan with the Superintendent. The Superintendent may submit recommendations, in writing, for amendments to the learning continuity and attendance plan by October 30, 2020. The county board of education shall consider the recommendations submitted by the Superintendent in a public meeting within 15 days of receiving the recommendations.

(3) Not later than five days after adoption of a learning continuity and attendance plan, the governing body of a charter school shall file the learning continuity and attendance plan with its chartering authority and the county superintendent of schools, or only to the county superintendent of schools if the county board of education is the chartering authority.

(d) A learning continuity and attendance plan adopted pursuant to this section shall be posted consistent with the requirements of Sections 47606.5 and 52065.

(e) A learning continuity and attendance plan adopted by the governing board of a school district, a county board of education, or the governing body of a charter school shall address continuity of learning and include, for the school district, county office of education, or charter school and each school within the school district, county office of education, or charter school, all of the information specified in the template developed by the Superintendent pursuant to subdivision (f).

(f) On or before August 1, 2020, the Superintendent, in consultation with the executive director of the state board, shall develop a template for the learning continuity and attendance plan that includes, but is not limited to, all of the following:

(1) A description of how the school district, county office of education, or charter school will provide continuity of learning and address the impact of COVID-19 on pupils, staff, and the community in the following areas, and the specific actions and expenditures the school district, county office of education, or charter school anticipates taking to support its ability to address the impacts of COVID-19:

(A) In-person instructional offerings, and specifically, the actions the school district, county office of education, or charter school will take to offer classroom-based instruction whenever possible, particularly for pupils who have experienced significant learning loss due to school closures in the 2019–20 school year or are at greater risk of experiencing learning loss due to future school closures.

(B) Plans for a distance learning program, including all of the following:

(i) How the school district, county office of education, or charter school will provide continuity of instruction during the school year to ensure pupils have access to a full curriculum of substantially similar quality regardless of the method of delivery. This shall include a plan for curriculum and instructional resources that will ensure instructional continuity for pupils if a transition between in-person instruction and distance learning is necessary.

(ii) A plan for ensuring access to devices and connectivity for all pupils to support distance learning whenever it occurs.

(iii) How the school district, county office of education, or charter school will measure participation and assess pupil progress through live contacts and synchronous instructional minutes, and how the time value of pupil work will be measured.

(iv) What professional development and resources will be provided to staff to support the provision of distance learning, including technological support.

(v) To the extent that staff roles and responsibilities change because of COVID-19, what the new roles and responsibilities of affected staff will be.

(vi) What additional supports for pupils with unique needs will be provided, including for English learners, pupils with exceptional needs served across the full continuum of placements, pupils in foster care, and pupils who are experiencing homelessness during the period in which distance learning is provided.

(C) How the school district, county office of education, or charter school will address pupil learning loss that results from COVID-19 during the 2019–20 and 2020–21 school years, including all of the following:

(i) How the school district, county office of education, or charter school will assess pupils to measure pupil learning status, particularly in the areas of English language arts, English language development, and mathematics.

(ii) What actions and strategies the school district, county office of education, or charter school will use to address learning loss and accelerate learning progress for pupils, as needed, and how these strategies differ for pupils who are classified as English learners, are eligible for a free or reduced-price meal, or are foster youth, as those terms are defined in Section

42238.01, individuals with exceptional needs, pupils in foster care, and pupils who are experiencing homelessness.

(iii) How the effectiveness of the services or supports provided to address learning loss will be measured.

(D) How the school district, county office of education, or charter school will monitor and support the mental health and social and emotional well-being of pupils and staff during the school year.

(E) What professional development will be provided to staff, and what resources will be provided to pupils and staff to address trauma and other impacts of COVID-19 on the school community.

(F) Pupil engagement and outreach, including the procedures of the school district, county office of education, or charter school for tiered reengagement strategies for pupils who are absent from distance learning, and how the school district, county office of education, or charter school will provide outreach to pupils and their parents or guardians, including in languages other than English, when pupils are not meeting compulsory education requirements, or the school district, county office of education, or charter school determines the pupil is not engaging in instruction and is at risk of learning loss.

(G) School nutrition, including how the school district, county office of education, or charter school will provide meals for pupils who are eligible for free or reduced-price meals, as defined in Section 42238.01, for pupils participating in both in-person instruction and distance learning, as applicable and contingent upon the department receiving an approved waiver from the United States Department of Agriculture, for each day of the scheduled school year.

(2) For each of the areas described in paragraph (1), the learning continuity and attendance plan shall describe how federal and state funding included in the original or revised budget adopted by the governing board of a school district, a county board of education, or the governing body of a charter school is used to support the efforts described in the learning continuity and attendance plan, including federal and state funds provided for learning loss mitigation pursuant to Section 110 of Chapter 24 of the Statutes of 2020. If the actions and expenditures described in paragraph (1) are not included in the budget, the learning continuity and attendance plan shall reference how these expenditures will be included in the first interim report of the school district, county office of education, or charter school pursuant to Section 1240, 42131, or 47604.33.

(3) The learning continuity and attendance plan shall include a description of how the school district, county office of education, or charter school is increasing or improving services in proportion to funds generated on the basis of the number and concentration of unduplicated pupils under the local control funding formula pursuant to Sections 2574, 2575, 42238.02, and 42238.03 in the 2020–21 fiscal year pursuant to the regulations adopted by the state board pursuant to Section 42238.07.

(g) (1) Notwithstanding subdivision (e) of Section 52064.1, the template and instructions for the local control funding formula budget overview for

parents required pursuant to subdivision (a) shall be updated to reflect alignment with the learning continuity and attendance plan adopted pursuant to this section.

(2) By September 15, 2020, the template and instructions for the local control funding formula budget overview for parents shall be updated by the Superintendent, in consultation with the executive director of the state board, to do the following:

(A) Replace references to the local control and accountability plan with references to the learning continuity and attendance plan, where applicable.

(B) Specify the amount of federal funds allocated to the school district, county office of education, or charter school under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136).

(C) Replace the requirements of paragraphs (2) and (3) of subdivision (b) of Section 52064.1 with total budgeted expenditures and total budgeted expenditures that contribute to increased or improved services for unduplicated pupils in the learning continuity and attendance plan, respectively.

SEC. 34. Section 43521 of the Education Code is amended to read:

43521. (a) The sum of four billion five hundred forty-two million three thousand dollars (\$4,542,003,000) from the General Fund, and the sum of two billion fifteen million four hundred forty thousand dollars (\$2,015,440,000) from the Federal Trust Fund, are hereby appropriated to the Superintendent for apportionment in the 2020–21 fiscal year pursuant to this chapter. Funds apportioned to eligible local educational agencies from the Federal Trust Fund pursuant to this subdivision shall be used for costs dating back to March 13, 2020, and be consistent with the terms, tracking and reporting requirements, and period of fund availability in accordance with federal law for all of the following:

(1) Six hundred seventy million nine hundred sixty-three thousand dollars (\$670,963,000) from the Elementary and Secondary School Emergency Relief Fund pursuant to the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021, (Public Law 116-260) available for obligation through September 30, 2023, unless otherwise provided in federal law.

(2) One hundred fifty-three million nine hundred sixty-six thousand dollars (\$153,966,000) from the Governor’s Emergency Education Relief Fund pursuant to the federal Coronavirus Response and Relief Supplemental Appropriations Act, 2021, (Public Law 116-260) available for obligation through September 30, 2023, unless otherwise provided in federal law.

(3) Four hundred thirty-seven million sixty-seven thousand dollars (\$437,067,000) from the Elementary and Secondary School Emergency Relief Fund pursuant to the federal American Rescue Plan Act of 2021 (Public Law 117-2) available for obligation through September 30, 2024, unless otherwise provided in federal law. For the purposes of Section 2001(f)(4) of the federal American Rescue Plan Act of 2021 (Public Law 117-2), this constitutes the state’s reserve of funds for emergency needs.

(4) Seven hundred fifty-three million four hundred forty-four thousand (\$753,444,000) from the Elementary and Secondary School Emergency Relief Fund state level reservation to address learning loss, pursuant to the federal American Rescue Plan Act of 2021 (Public Law 117-2) available for obligation through September 30, 2024, unless otherwise provided in federal law. For the purposes of Section 2001(f)(1) of the federal American Rescue Plan Act of 2021 (Public Law 117-2), this constitutes the state's reserve of funds to carry out activities to address learning loss.

(b) Of the amount appropriated pursuant to subdivision (a), four billion five hundred fifty-seven million four hundred forty-three thousand dollars (\$4,557,443,000) shall be apportioned to local educational agencies and state special schools in the following manner:

(1) A local educational agency shall receive one thousand dollars (\$1,000) per homeless pupil enrolled in the 2020–21 fiscal year as reported in the California Longitudinal Pupil Achievement Data System as of the 2020–21 Fall 1 Submission.

(2) A state special school shall receive seven hundred twenty-five dollars (\$725) for each unit of average daily attendance as of the 2020–21 second principal apportionment certification. The average daily attendance for each state special school shall be deemed to be 97 percent of the enrollment as reported in the California Longitudinal Pupil Achievement Data System as of the 2020–21 Fall 1 Submission.

(3) (A) The funds remaining after the apportionments in paragraphs (1) and (2) shall be apportioned proportionally on the basis of a local educational agency's local control funding formula entitlement determined as of the 2020–21 second principal apportionment certification, pursuant to Sections 42238.02 and 42238.025, or subdivision (e) of Section 2574 or subdivision (a) of Section 2575, as applicable. For purposes of this paragraph, entitlements shall include apportionments allocated pursuant to Section 41544 and Article 7 (commencing with Section 48300) of Chapter 2 of Part 27.

(B) Consistent with Section 2576, a county office of education's local control funding formula entitlement for purposes of subparagraph (A) shall include funding that the Superintendent transferred to the county where a pupil is enrolled, equal to the amount calculated for the school district of residence pursuant to Section 42238.02 for each unit of average daily attendance credited to the school district of residence as of the 2020–21 second principal apportionment certification.

(c) (1) Of the amount appropriated pursuant to subdivision (a), two billion dollars (\$2,000,000,000) shall be apportioned to local educational agencies, excluding a charter school classified as a nonclassroom-based charter school as of the 2019–20 second principal apportionment certification pursuant to Section 47612.5, based on the apportionment methodology described in paragraph (3) of subdivision (b).

(2) (A) A local educational agency's apportionment of funds pursuant to paragraph (1) shall be reduced pursuant to subparagraph (B) if the local

educational agency does not provide in-person instruction pursuant to paragraph (3).

(B) (i) From April 1, 2021, to May 15, 2021, inclusive, a local educational agency's apportionment of funds pursuant to paragraph (1) shall be reduced by 1 percent for each day of instruction provided for in the school calendar that the local educational agency does not provide in-person instruction pursuant to paragraph (3), as identified in the school calendar adopted for the 2020–21 school year that is in effect on March 1, 2021.

(ii) If a local educational agency does not provide in-person instruction pursuant to paragraph (3) on or before May 15, 2021, it shall forfeit all funds apportioned pursuant to paragraph (1).

(iii) If a local educational agency does not offer continuous in-person instruction for pupils pursuant to subparagraphs (A) to (C), inclusive, of paragraph (3) from when it commences offering in-person instruction through the end of the scheduled 2020–21 school year, unless otherwise ordered by a state or local health officer, it shall forfeit all funds apportioned pursuant to paragraph (1). The scheduled school year is the adopted school calendar for the 2020–21 school year that is in effect on March 1, 2021.

(3) For purposes of this subdivision, a local educational agency shall be considered to be offering in-person instruction if it does at least all of the following:

(A) For a local educational agency in a county in the purple tier pursuant to the State Department of Public Health's Blueprint for a Safer Economy that is neither open nor eligible to open as defined in the COVID-19 industry sector guidance for schools and school-based programs, the local educational agency offers optional in-person instruction pursuant to the State Department of Public Health's Guidance Related to Cohorts to all pupils who are individuals with exceptional needs, if consistent with each pupil's individualized education program, and to all prioritized pupil groups described in paragraph (4), unless the number of pupils in the prioritized pupil groups seeking in-person instruction exceeds the practical capacity of a local educational agency to maintain health and safety pursuant to its COVID-19 safety plan, in which case the local educational agency may limit the number of pupils within the prioritized pupil groups that receive in-person instruction to its maximum practical capacity.

(B) For elementary schools, for kindergarten and grades 1 to 6, inclusive, as applicable, the following applies:

(i) For a local educational agency in a county in the purple tier pursuant to the State Department of Public Health's Blueprint for a Safer Economy, when eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to subparagraph (A), and to all pupils in kindergarten and grades 1 and 2.

(ii) When eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs to provide in-person instruction for kindergarten and grades 1 to 12, inclusive, the local educational agency

offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to clause (i), and to all pupils in grade 3 through the highest elementary school grade, up to grade 6, inclusive.

(C) For middle schools and high schools, for grades 6 to 12, inclusive, as applicable, when eligible pursuant to COVID-19 industry sector guidance for schools and school-based programs to provide in-person instruction for kindergarten and grades 1 to 12, inclusive, the local educational agency offers optional in-person instruction to all pupils required to be offered in-person instruction pursuant to subparagraph (A), and to all pupils in at least one full grade level.

(D) (i) Except as provided in clause (ii), for a local educational agency in a county in the purple tier pursuant to the State Department of Public Health’s Blueprint for a Safer Economy, the local educational agency conducts asymptomatic testing for staff and pupils participating in in-person instruction consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs.

(ii) The requirement in clause (i) does not apply if, on or before March 31, 2021, the local educational agency is providing in-person instruction or the governing board or body of the local educational agency has adopted a plan to provide in-person instruction and has publicly posted its COVID-19 safety plan on its internet website. A local educational agency in a county that moves from the purple tier into the red, orange, or yellow tier pursuant to the State Department of Public Health’s Blueprint for a Safer Economy, is not required to maintain asymptomatic testing for staff and pupils participating in in-person instruction consistent with the state-supported cadences set forth in the COVID-19 industry sector guidance for schools and school-based programs.

(4) For the purposes of this subdivision, “prioritized pupil groups” shall include all of the following:

(A) Pupils at risk for abuse, neglect, or exploitation.

(B) Homeless pupils.

(C) Foster youth.

(D) English learners.

(E) Pupils without access to a computing device, software, and high-speed internet necessary to participate in online instruction, as determined by the local educational agency.

(F) Disengaged pupils.

(5) On or before June 1, 2021, a local educational agency shall certify its compliance with paragraph (3) using a form the State Department of Education shall provide for this purpose. The State Department of Education shall make this form available publicly on its internet website on or before May 1, 2021.

(6) (A) The State Department of Education’s calculation of a local educational agency’s August 2021 apportionment of funds pursuant to subdivision (f) shall include a reduction equal to the amount of funds reduced pursuant to clause (i) of subparagraph (B) of paragraph (2) or forfeited pursuant to clause (ii) of subparagraph (B) of paragraph (2).

(B) Any funds reduced pursuant to clause (i) of subparagraph (B) of paragraph (2) or forfeited pursuant to clause (ii) of subparagraph (B) of paragraph (2) shall be redistributed in the calculations made pursuant to paragraph (1).

(d) A local educational agency receiving funds pursuant to this section shall comply with the requirements of Section 43503 for all pupils participating in distance learning, instructional time requirements pursuant to Section 43501 for the 2020–21 school year, and applicable instructional day requirements pursuant to Chapter 2 (commencing with Section 46100) of Part 26 of Division 4 for the 2021–22 school year.

(e) Within 15 days of March 5, 2021, the State Department of Education shall notify each local educational agency and state special school of its estimated apportionments under subdivisions (b) and (c), as applicable.

(f) (1) State funds apportioned to a local educational agency or state special school pursuant to this section shall be provided by the Controller to the local educational agency or state special school as follows:

(A) In May 2021, an amount equal to 50 percent of the amount determined under subdivision (e) for the local educational agency or state special school using 2020–21 first principal apportionment certification data and 2020–21 preliminary California Longitudinal Pupil Achievement Data System Fall 1 data.

(B) On or before December 31, 2021, the remaining amount of state funds owed under this section, after reductions pursuant to paragraph (6) of subdivision (c), to the local educational agency or state special school using 2020–21 second principal apportionment data and 2020–21 final California Longitudinal Pupil Achievement Data System Fall 1 data. If based on the final data, the amount paid by the Controller in May 2021 exceeds the amount of state funding owed to a local educational agency, the State Department of Education may offset the local educational agency's monthly principal apportionment payment to recover the overpayment of state funds.

(2) State funds apportioned to a local educational agency or state special school pursuant to this section shall be available for expenditure through September 30, 2024. Federal funds apportioned to a local educational agency or state special school pursuant to this section shall be available for expenditure pursuant to the period of fund availability specified in paragraphs (1) to (4), inclusive, of subdivision (a).

(g) Neither the funding conditions or other requirements established in this chapter or Article 8 (commencing with Section 32090) of Chapter 1 of Part 19 of Division 1 of Title 1, nor the issuance of any nonmandatory guidance by the State Department of Public Health shall be construed as creating or establishing an affirmative obligation for a local educational agency to revise its completed COVID-19 safety plan that is publicly posted on its internet website on or before March 31, 2021.

(h) Notwithstanding subdivisions (b) and (c), a charter school that has ceased operation on or before March 5, 2021, shall not be allocated funding pursuant to this section.

(i) For purposes of apportionments made pursuant to this section from federal funds described in paragraphs (1) to (4), inclusive, of subdivision (a), funding for a locally funded charter school shall be included in the apportionment of the chartering authority.

(j) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (a), one billion three hundred sixty-four million nine hundred thirty-one thousand dollars (\$1,364,931,000) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2019–20 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2019–20 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, of the amount appropriated from the General Fund in subdivision (a), three billion one hundred seventy-seven million seventy-two thousand dollars (\$3,177,072,000) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 35. Section 43522 of the Education Code is amended to read:

43522. (a) (1) A local educational agency receiving funds under subdivision (b) of Section 43521 shall implement a learning recovery program that, at a minimum, provides supplemental instruction, support for social and emotional well-being, and, to the maximum extent permissible under the guidelines of the United States Department of Agriculture, meals and snacks to, at a minimum, pupils who are eligible for free or reduced-price meals, English learners, foster youth, homeless pupils, pupils who are individuals with exceptional needs, pupils at risk of abuse, neglect, or exploitation, disengaged pupils, and pupils who are below grade level, including, but not limited to, those who did not enroll in kindergarten in the 2020–21 school year, credit-deficient pupils, high school pupils at risk of not graduating, and other pupils identified by certificated staff.

(2) Consistent with the plan created pursuant to subdivision (e), a local educational agency shall plan supplemental instruction and support in a tiered framework that bases universal, targeted, and intensive supports on pupils’ needs for academic, social-emotional, and other integrated pupil supports, and provides the services through a program of engaging learning experiences in a positive school climate.

(b) Specifically, funds received under subdivision (b) of Section 43521 shall be expended only for any of the following purposes:

(1) Notwithstanding Section 37202, instructional learning time in addition to what is required pursuant to Part 24.5 (commencing with Section 43500)

of Division 3 for the 2020–21 school year and Chapter 2 (commencing with Section 46100) of Part 26 of, or Chapter 3 (commencing with Section 47610) of Part 26.8 of, Division 4, and Section 300.106 of Title 34 of the Code of Federal Regulations for the 2021–22 and the 2022–23 school years by increasing the number of instructional days or minutes provided during the school year, providing summer school or intersessional instructional programs, or taking any other action that increases the amount of instructional time or services provided to pupils based on their learning needs.

(2) Accelerating progress to close learning gaps through the implementation, expansion, or enhancement of learning supports including, but not limited to, any of the following:

(A) Tutoring or other one-on-one or small group learning supports provided by certificated or classified staff.

(B) Learning recovery programs and materials designed to accelerate pupil academic proficiency, English language proficiency, or both.

(C) Educator training, for both certificated and classified staff, in accelerated learning strategies and effectively addressing learning gaps, including training in facilitating quality and engaging learning opportunities for all pupils.

(3) Integrated pupil supports to address other barriers to learning, such as the provision of health, counseling, or mental health services, access to school meal programs, before and after school programs, or programs to address pupil trauma and social-emotional learning, or referrals for support for family or pupil needs.

(4) Community learning hubs that provide pupils with access to technology, high-speed internet, and other academic supports.

(5) Supports for credit deficient pupils to complete graduation or grade promotion requirements and to increase or improve pupils' college eligibility.

(6) Additional academic services for pupils, such as diagnostic, progress monitoring, and benchmark assessments of pupil learning.

(7) Training for school staff on strategies, including trauma-informed practices, to engage pupils and families in addressing pupils' social-emotional health needs and academic needs.

(c) (1) Of the funds apportioned under paragraph (3) of subdivision (b) of Section 43521, a local educational agency shall use at least 10 percent of its apportionment to hire paraprofessionals to provide supplemental instruction and support through the duration of this program, with a priority for full-time paraprofessionals. Supplemental instruction and support shall be prioritized for English learners and pupils who are individuals with exceptional needs. It is the intent of the Legislature that a local educational agency prioritize rehiring paraprofessionals subject to layoff or release after the expiration of the protections included for classified employees in Section 94 of Chapter 24 of the Statutes of 2020, and further increasing the number of paraprofessional staff to meet the requirements of this subdivision.

(2) The department shall identify for each local educational agency the amount of funding received pursuant to paragraph (3) of subdivision (b) of Section 43521 that is required to be expended pursuant to this subdivision.

(3) Funds expended pursuant to this subdivision shall count towards meeting the minimum use of funds requirement described in paragraph (1) of subdivision (d).

(4) For purposes of this subdivision, “paraprofessional” has the same meaning as in subdivision (a) of Section 45330.

(d) (1) Of the funds apportioned under subdivision (b) of Section 43521, a local educational agency shall use at least 85 percent of its apportionment for expenditures related to providing in-person services allowable pursuant to subdivision (b).

(2) A local educational agency that has forfeited funding pursuant to clause (ii) or (iii) of subparagraph (B) of paragraph (2) of subdivision (c) of Section 43521 may expend up to 10 percent of funding received pursuant to subdivision (b) of Section 43521 in the 2020–21 school year to support school reopening for costs consistent with allowable uses under subdivision (f). Funds expended pursuant to this paragraph shall be considered “expenditures related to providing in-person services allowable pursuant to subdivision (b)” for purposes of paragraph (1).

(3) Of the funds apportioned under subdivision (b) of Section 43521, a local educational agency may expend up to 15 percent to increase or improve services for pupils participating in distance learning or to support activities intended to prepare a local educational agency for in-person instruction, before in-person instructional services are offered.

(e) (1) On or before June 1, 2021, the governing board or body of a local educational agency that receives funds under subdivision (b) of Section 43521 shall adopt at a public meeting a plan describing how the apportioned funds will be used in accordance with this section. Within 5 days of adoption, a school district shall submit the plan to its county office of education, a charter school shall submit its plan to its chartering authority, and a county office of education or a school district in a single-district county shall submit its plan to the department. A county office of education or a chartering authority shall send received plans to the Superintendent upon request. Local educational agencies shall provide an opportunity for parents and schoolsite staff to be involved in the development of the plan.

(2) (A) Within 21 days of March 5, 2021, the Superintendent, with the concurrence of the executive director of the state board, shall develop and post on the department’s internet website a template for the plan required pursuant to paragraph (1). The template shall include all of the following:

(i) A description of the local educational agency’s plan for assessing the needs of its pupils.

(ii) A description of the local educational agency’s plan for informing the parents and guardians of all of its pupils requiring learning recovery supports of the availability of these opportunities, including in parents’ and guardians’ primary languages pursuant to Section 48985.

(iii) A description of how the local educational agency involved parents and schoolsite staff, including classified and certificated staff, in the development of the plan.

(iv) A description of how the local educational agency has planned supplemental instruction and support pursuant to paragraph (2) of subdivision (a).

(v) The local educational agency's expenditure plan for funds received under subdivision (b) of Section 43521 and how they will be coordinated with funds received from the federal Elementary and Secondary School Emergency Relief Fund provided through the federal Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (Public Law 116-260) that were received by the local educational agency. The expenditure plan shall include an indication of how much of the apportioned funds the local educational agency will allocate and expend for each allowable purpose pursuant to this section, and shall reflect both estimated and actual expenditures. Actual expenditures shall be reported when they are available.

(B) The development of the template for the plan pursuant to subparagraph (A) shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(3) This subdivision does not preclude a local educational agency from receiving or expending funds apportioned under subdivision (b) of Section 43521 before the adoption of its plan pursuant to paragraph (1).

(f) Funds apportioned under subdivision (c) of Section 43521 may be used for any purpose consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, cleaning and disinfection, personal protective equipment, ventilation and other schoolsite upgrades necessary for health and safety, salaries for certificated or classified employees providing in-person instruction or services, and social and mental health support services provided in conjunction with in-person instruction.

(g) A local educational agency and state special school apportioned funds under Section 43521 shall ensure all services delivered to pupils who are individuals with exceptional needs are delivered in accordance with an applicable individualized education program.

(h) Local educational agencies are encouraged to engage, plan, and collaborate on program operation with community partners and expanded learning programs, and leverage existing behavioral health partnerships and Medi-Cal billing options, in the design and implementation of services provided under this section.

SEC. 36. Section 43523 of the Education Code is amended to read:

43523. (a) For 2021–22 fiscal year audits, the Controller shall include instructions in the audit guide required by Section 14502.1 that include procedures for determining all of the following for local educational agencies that receive apportionments under Section 43521:

(1) Compliance with clause (iii) of subparagraph (B) of paragraph (2) of subdivision (c) of Section 43521.

(2) Compliance with subdivisions (c), (d), and (e) of Section 43522.

(3) Compliance with submitting to the department the expenditure report required pursuant to subdivision (c).

(b) (1) For a local educational agency with audit findings of noncompliance pursuant to subdivision (c) of Section 43522, the Superintendent shall withhold from the local educational agency's principal apportionment an amount equal to the amount of expenditures from state funds that are noncompliant pursuant to subdivision (c) of Section 43522.

(2) For a local educational agency with audit findings of noncompliance pursuant to subdivision (d) of Section 43522, the Superintendent shall withhold from the local educational agency's principal apportionment an amount equal to the amount of expenditures from state funds that are noncompliant pursuant to subdivision (d) of Section 43522.

(c) Local educational agencies receiving apportionments under Section 43521 shall report final expenditures of those apportioned funds to the department by December 1, 2024, and the Superintendent shall initiate collection proceedings for unexpended funds. A local educational agency that does not submit the expenditure report shall forfeit all funds apportioned pursuant to Section 43521.

SEC. 37. Section 43525 of the Education Code is amended to read:

43525. This part shall become inoperative on June 30, 2025, and, as of January 1, 2026, is repealed.

SEC. 38. Section 44252 of the Education Code is amended to read:

44252. (a) (1) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(2) (A) The commission shall require an initial or renewal applicant who submits an initial or renewal application for the applicant's credential online, as part of the application process, to read and attest by electronic signature a statement that the applicant for the credential understands the duties imposed on a holder of a teaching credential or a services credential pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code), including, but not limited to, the duty of a holder of a teaching credential or a services credential to report to any police department, sheriff's department, county probation department authorized to receive reports, or county welfare department, whenever the credentialholder, in the credentialholder's professional capacity or within the scope of the credentialholder's employment, has knowledge of or observes a child whom the holder of a teaching credential or a services credential knows or reasonably suspects has been the victim of child abuse or neglect.

(B) The commission shall require an initial applicant who submits an application in paper form, as part of the application process, to read and attest by signature a statement that the applicant understands the duties imposed on a holder of a teaching credential or a services credential pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code), including, but not limited to, the duty of a holder of a teaching credential

or a services credential to report to any police department, sheriff's department, county probation department authorized to receive reports, or county welfare department, whenever the credentialholder, in the credentialholder's professional capacity or within the scope of the credentialholder's employment, has knowledge of or observes a child whom the holder of a teaching credential or a services credential knows or reasonably suspects has been the victim of child abuse or neglect.

(C) The statement described in subparagraphs (A) and (B) shall be substantially in the following form:

"As a documentholder authorized to work with children, it is part of my professional and ethical duty to report every instance of child abuse or neglect known or suspected to have occurred to a child with whom I have professional contact.

I understand that I must report immediately, or as soon as practicably possible, by telephone to a law enforcement agency or a child protective agency, and will send a written report and any evidence relating to the incident within 36 hours of becoming aware of the abuse or neglect of the child.

I understand that reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person is not a substitute for making a mandated report to a law enforcement agency or a child protective agency.

I understand that the reporting duties are individual and no supervisor or administrator may impede or inhibit my reporting duties.

I understand that once I submit a report, I am not required to disclose my identity to my employer.

I understand that my failure to report an instance of suspected child abuse or neglect as required by the Child Abuse and Neglect Reporting Act under Section 11166 of the Penal Code is a misdemeanor punishable by up to six months in jail or by a fine of one thousand dollars (\$1,000), or by both that imprisonment and fine.

I acknowledge and certify that as a documentholder, I will fulfill all the duties required of a mandated reporter."

(b) The commission shall not issue initially a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5 or 44252.7. The commission shall exempt the following persons from the basic skills proficiency test requirement:

(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.

(2) An applicant for an adult education designated subject credential for other than an academic subject.

(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills

proficiency examination administered by the state where the person is credentialed.

(4) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination that has been developed and administered by the school district offering that person employment, by cooperating school districts, or by the appropriate county office of education. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (h) of Section 44830. The applicant shall be granted a nonrenewable credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44252.5.

(5) An applicant for a childcare center permit or a permit authorizing service in a development center for the handicapped if the holder of the permit is not required to have a baccalaureate degree.

(6) The holder of a credential, permit, or certificate to teach, other than an emergency permit, who seeks an additional authorization to teach.

(7) An applicant for a credential to provide service in the health profession.

(8) An applicant who achieves scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT Test, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University.

(9) An applicant for an eminence credential to be issued pursuant to Section 44262.

(10) (A) An applicant who earns at least a letter grade of B in qualifying coursework determined by a credential preparation program, or determined by the commission for an applicant not enrolled in a California credential preparation program, to sufficiently serve as an indicator of proficiency in basic reading, writing, and mathematics skills in the English language. As used in this section, “qualifying coursework” means a course or courses taken at a regionally accredited institution of higher education for academic credit that applies toward the requirements for an associate’s degree, baccalaureate degree, or higher degree. Qualifying coursework does not include professional development or continuing education units, inservice training or workshops, or courses where credits do not apply toward the requirements for an associate’s degree, baccalaureate degree, or higher degree.

(B) (i) For purposes of subparagraph (A), the following courses are sufficient to serve as indicators of proficiency in basic reading, writing, and mathematics skills:

(I) For reading proficiency, a course in the subjects of critical thinking, literature, philosophy, reading, rhetoric, or textual analysis.

(II) For writing proficiency, a course in the subjects of composition, English, rhetoric, written communications, or writing.

(III) For mathematics proficiency, a course in the subjects of algebra, geometry, mathematics, quantitative reasoning, or statistics.

(ii) A course that does not fall within a subject described in clause (i) may serve as an alternative indicator of proficiency if the applicant provides documentation in writing from the registrar or relevant department chair of the regionally accredited institution of higher education where the course was taken that the course includes the study of subjects in reading, writing, or mathematics, as those terms are described in clause (i). A course that meets these standards may combine the study of reading and writing.

(C) Qualifying coursework shall be a semester-length course of at least three units or the equivalent number of quarter units.

(11) A credential preparation program may determine that an applicant has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language through a combination of qualifying coursework described in paragraph (10), passage of a component or components of the state basic skills proficiency test described in subdivision (d) of Section 44252.5, and scores described in paragraph (8).

(c) (1) The Superintendent shall adopt an appropriate state test to measure proficiency in these basic skills. In adopting the test, the Superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board shall be classroom teachers. The advisory board also shall include representatives of school boards, school administrators, parents, and postsecondary educational institutions.

(2) The Superintendent shall adopt a normed test that the Superintendent determines will sufficiently test basic skills for purposes of this section.

(3) The Superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to ensure the effective implementation of this section.

(d) This section does not require the holders of, or applicants for, a designated subjects special subjects credential to pass the state basic skills proficiency test unless the requirements for the specific credential required the possession of a baccalaureate degree. The governing board of a school district, the governing board of a consortium of school districts, or a governing board involved in a joint powers agreement that employs a holder of a designated subjects special subjects credential shall establish its own basic skills proficiency criteria for the holders of these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(e) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of

the public, including to persons who intend to enroll in teacher education programs.

(f) (1) Each applicant to an approved credential program, unless exempted by subdivision (b), shall take the state basic skills proficiency test in order to provide both the prospective applicant and the program with information regarding the proficiency level of the applicant. Test results shall be forwarded to each California postsecondary educational institution to which the applicant has applied. The program shall use test results to ensure that, upon admission, each applicant receives appropriate academic assistance necessary to pass the state basic skills proficiency test. Persons residing outside the state shall take the test no later than the second available administration following their enrollment in a credential program.

(2) It is the intent of the Legislature that applicants for admission to teacher preparation programs not be denied admission on the basis of state basic skills proficiency test results.

SEC. 39. Section 44259 of the Education Code is amended to read:

44259. (a) Except as provided in clauses (i) and (iii) of subparagraph (A) of paragraph (3) of subdivision (b), a program of professional preparation for multiple or single subject teaching credentials shall not include more than two years of full-time study of professional preparation.

(b) The minimum requirements for the preliminary multiple or single subject teaching credential are all of the following:

(1) A baccalaureate degree or higher degree from a regionally accredited institution of higher education. Except as provided in subdivision (c) of Section 44227, for single subject teaching credentials, the baccalaureate degree shall not be in professional education. The commission shall encourage regionally accredited institutions of higher education to offer undergraduate minors in education and special education to students who intend to become single subject credentialed teachers.

(2) Demonstration of basic skills proficiency pursuant to Section 44252.5.

(3) (A) Satisfactory completion of a program of professional preparation that has been accredited by the Committee on Accreditation on the basis of standards of program quality and effectiveness that have been adopted by the commission. In accordance with the commission's assessment and performance standards, a program shall include a teaching performance assessment as set forth in Section 44320.2 that is aligned with the California Standards for the Teaching Profession. The commission shall ensure that a candidate recommended for a credential or certificate has demonstrated satisfactory ability to assist pupils to meet or exceed academic content and performance standards for pupils adopted by the state board. Programs that meet this requirement for professional preparation shall include any of the following:

(i) Integrated programs of subject matter preparation and professional preparation pursuant to subdivision (a) of Section 44259.1.

(ii) Postbaccalaureate programs of professional preparation, pursuant to subdivision (d) of Section 44259.1.

(iii) Internship programs of professional preparation, pursuant to Section 44321, Article 7.5 (commencing with Section 44325), Article 11 (commencing with Section 44380), and Article 3 (commencing with Section 44450) of Chapter 3.

(iv) Degree programs offered pursuant to Article 5 (commencing with Section 78060) of Chapter 1 of Part 48 of Division 7 of Title 3.

(B) A program of professional preparation pursuant to subparagraph (A) shall provide experience that addresses all of the following:

(i) Health education, including study of nutrition, cardiopulmonary resuscitation, and the physiological and sociological effects of the abuse of alcohol, narcotics, and drugs and the use of tobacco. Training in cardiopulmonary resuscitation shall also meet the standards established by the American Heart Association or the American Red Cross.

(ii) Field experience in methods of delivering appropriate educational services to pupils with exceptional needs in regular education programs.

(iii) Advanced computer-based technology, including the uses of technology in educational settings.

(C) A program of professional preparation pursuant to subparagraph (A) for the multiple subject teaching credential shall also include the study of integrated methods of teaching language arts.

(4) Study of alternative methods of developing English language skills, including the study of reading as described in subparagraphs (A) and (B), among all pupils, including those for whom English is a second language, in accordance with the commission's standards of program quality and effectiveness. The study of reading shall meet the following requirements:

(A) Commencing January 1, 1997, satisfactory completion of comprehensive reading instruction that is research based and includes all of the following:

(i) The study of organized, systematic, explicit skills including phonemic awareness, direct, systematic, explicit phonics, and decoding skills.

(ii) A strong literature, language, and comprehension component with a balance of oral and written language.

(iii) Ongoing diagnostic techniques that inform teaching and assessment.

(iv) Early intervention techniques.

(v) Guided practice in a clinical setting.

(B) For purposes of this section, "direct, systematic, explicit phonics" means phonemic awareness, spelling patterns, the direct instruction of sound/symbol codes and practice in connected text, and the relationship of direct, systematic, explicit phonics to the components set forth in clauses (i) to (v), inclusive, of subparagraph (A).

(5) (A) Verification of subject matter competence, demonstrated through one of the following methods:

(i) Completion of a subject matter program approved by the commission on the basis of standards of program quality and effectiveness pursuant to Article 6 (commencing with Section 44310).

(ii) Passage of a subject matter examination pursuant to Article 5 (commencing with Section 44280).

(iii) Successful completion of coursework at one or more regionally accredited institutions of higher education that addresses each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282, as verified by a commission-approved program of professional preparation.

(iv) Successful completion of a baccalaureate or higher degree from a regionally accredited institution of higher education with the following, as applicable:

(I) For single subject credentials, a major in one of the subject areas in which the commission credentials candidates.

(II) For multiple subject credentials, a liberal studies major or other degree that includes coursework in the content areas pursuant to subdivision (b) of Section 44282.

(III) For education specialist credentials, either a major in one of the subject areas in which the commission credentials candidates or a liberal studies or other major that includes coursework in the content areas pursuant to subdivision (b) of Section 44282.

(v) Demonstration that the candidate, through a combination of the methods described in clauses (i), (ii), and (iii) in whole or in part, has met or exceeded each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282 for multiple and single subject credentials, or pursuant to Section 44265 for education specialist credentials.

(B) The commission shall ensure that subject matter standards and examinations are aligned with the academic content and performance standards for pupils adopted by the state board.

(6) Demonstration of a knowledge of the principles and provisions of the Constitution of the United States pursuant to Section 44335.

(7) Demonstration, in accordance with the commission's standards of program quality and effectiveness, of basic competency in the use of computers in the classroom as determined by one of the following:

(A) Successful completion of a commission-approved program or course.

(B) Successful passage of an assessment that is developed, approved, and administered by the commission.

(c) The minimum requirements for the clear multiple or single subject teaching credential shall include all of the following requirements:

(1) Possession of a valid preliminary teaching credential, as prescribed in subdivision (b), possession of a valid equivalent credential or certificate, or completion of equivalent requirements as determined by the commission.

(2) Except as provided in paragraph (3), completion of a program of beginning teacher induction, including either of the following:

(A) A program of beginning teacher induction that is provided by one or more local educational agencies and has been approved by the commission on the basis of initial review and periodic evaluations of the program in relation to appropriate standards of credential program quality and effectiveness that have been adopted by the commission pursuant to this subdivision. The program standards shall encourage innovation and

experimentation in the continuous preparation and induction of beginning teachers.

(B) A program of beginning teacher induction that is sponsored by a regionally accredited institution of higher education in cooperation with one or more local school districts, that addresses the individual professional needs of beginning teachers and meets the commission's standards of induction. The commission shall ensure that preparation and induction programs that qualify candidates for professional credentials extend and refine each beginning teacher's professional skills in relation to the California Standards for the Teaching Profession and the academic content and performance standards for pupils adopted by the state board.

(3) (A) If a candidate satisfies the requirements of subdivision (b) through completion of an accredited internship program of professional preparation, and if that internship program fulfills induction standards and is approved as set forth in this subdivision, the commission shall determine that the candidate has fulfilled the requirements of paragraph (2).

(B) If an approved induction program is verified as unavailable to a beginning teacher, the commission shall accept completion of an approved clear credential program after completion of a baccalaureate degree at a regionally accredited institution of higher education as fulfilling the requirements of paragraph (2). The commission shall adopt regulations to implement this subparagraph.

(d) The commission shall develop and implement standards of program quality and effectiveness that provide for the areas of application listed in clauses (i) to (iii), inclusive, of subparagraph (B) of paragraph (3) of subdivision (b), starting in professional preparation and continuing through induction.

(e) A credential that was issued before January 1, 1993, shall remain in force as long as it is valid under the laws and regulations that were in effect on the date it was issued. The commission shall not, by regulation, invalidate an otherwise valid credential, unless it issues to the holder of the credential, in substitution, a new credential authorized by another provision in this chapter that is no more restrictive than the credential for which it was substituted with respect to the kind of service authorized and the grades, classes, or types of schools in which it authorizes service.

(f) A credential program that is approved by the commission shall not deny an individual access to that program solely on the grounds that the individual obtained a teaching credential through completion of an internship program when that internship program has been accredited by the commission.

(g) Notwithstanding this section, persons who were performing teaching services as of January 1, 1999, pursuant to the language of this section that was in effect before that date, may continue to perform those services without complying with any requirements that may be added by the amendments adding this subdivision.

(h) Subparagraphs (A) and (B) of paragraph (4) of subdivision (b) do not apply to any person who, as of January 1, 1997, holds a multiple or

single subject teaching credential, or to any person enrolled in a program of professional preparation for a multiple or single subject teaching credential as of January 1, 1997, who subsequently completes that program. It is the intent of the Legislature that the requirements of subparagraphs (A) and (B) of paragraph (4) of subdivision (b) apply only to persons who enter a program of professional preparation on or after January 1, 1997.

SEC. 40. Section 44280 of the Education Code is amended to read:

44280. (a) The adequacy of subject matter preparation and the basis for assignment of certified personnel shall be determined by the successful demonstration of subject matter competence as set forth in paragraph (5) of subdivision (b) of Section 44259.

(b) For the purpose of determining the adequacy of subject matter knowledge of languages for which there are no adequate examinations, the commission may establish guidelines for accepting alternative assessments performed by organizations that are expert in the language and culture assessed.

SEC. 41. Section 44310 of the Education Code is amended to read:

44310. (a) The commission shall waive the subject matter examination requirement for graduates of a regionally accredited institution of higher education who successfully do any of the following:

(1) Complete a subject matter program approved by the commission on the basis of standards of program quality and effectiveness pursuant to this article.

(2) (A) Complete coursework at one or more regionally accredited institutions of higher education that addresses each of the domains of the subject matter requirements adopted by the commission in the content area of the credential pursuant to Section 44282.

(B) A program of professional preparation may review transcripts supplied by a candidate and confirm that each domain has been addressed.

(3) Address each of the domains of the subject matter requirements adopted by the commission in the content area of the credential being sought through a combination of examination subtests and coursework described in paragraph (2).

(b) The commission may require that the approved examination be taken by candidates, who are otherwise eligible for an examination waiver, for informational purposes only.

SEC. 42. Section 44395 of the Education Code is amended to read:

44395. (a) (1) The National Board for Professional Teaching Standards Certification Incentive Program is hereby established to award grants to school districts for the purpose of providing awards to teachers who are employed by school districts or charter schools, are assigned to teach in California public schools, and have attained or will attain certification from the National Board for Professional Teaching Standards. Awards shall be granted to the extent that funds have been appropriated for this purpose in the annual Budget Act.

(2) (A) Commencing July 1, 2021, any teacher who has attained certification from the National Board for Professional Teaching Standards

is eligible to receive an award of up to twenty-five thousand dollars (\$25,000) if the teacher agrees to teach at a high-priority school for at least five years. Teaching service before July 1, 2021, may not be counted towards satisfaction of this five-year commitment.

(B) Awards granted pursuant to this paragraph shall be disbursed in annual payments of five thousand dollars (\$5,000) over a five-year period. The annual payment shall be made upon completion of the school year, and upon approval of a district-certified application pursuant to the guidelines of subdivision (c) of Section 44396.

(3) (A) Commencing July 1, 2021, any teacher who initiates the process of pursuing a certification from the National Board for Professional Teaching Standards when teaching at a high priority school is eligible to receive an award of two thousand five hundred dollars (\$2,500).

(B) Awards granted pursuant to this paragraph shall be disbursed in two parts, 50 percent upon application for the funds, and fifty percent upon completion of a certification from the National Board for Professional Teaching Standards.

(C) A teacher who receives an award pursuant to this paragraph may still apply to receive funds under paragraph (2) after completion of a certification from the National Board for Professional Teaching Standards to the extent funds are available.

(b) The department shall administer the awards authorized by subdivision (a), and shall develop, in consultation with the Commission on Teacher Credentialing, certification and award information, criteria, procedures, and applications, all of which shall be submitted to the state board for approval. Amendments requested by the state board to that information, criteria, procedures, and applications shall be made before the dissemination of the material and the granting of any award under this article.

(c) The department shall distribute the materials described in subdivision (b) to school districts. Each school district is strongly encouraged to ensure that teachers employed by the district or by charter schools affiliated with the district are informed about the program and can acquire the necessary application and information materials.

(d) School districts are encouraged to provide for adequate release time and support for a teacher to complete the certification process. As a condition to providing that release time and support, a school district may require that a teacher serve in a mentor teacher capacity.

(e) For purposes of this article, the following definitions apply:

(1) “School district” means school district, county board of education, county superintendent of schools, a state operated program, including a special school, a regional occupational center or program operated by a joint powers authority or a county office of education, or an education program providing instruction in kindergarten or any of grades 1 to 12, inclusive, that is offered by a state agency, including the Department of Youth and Community Restoration and the State Department of Developmental Services.

(2) “High-priority school” means a school with 55 percent or more of its pupils being unduplicated pupils, as defined in subdivision (b) of Section 42238.02. This designation shall be determined as of the date of the agreement by the teacher described in paragraph (1) of subdivision (a).

SEC. 43. Section 44396 of the Education Code is amended to read:

44396. (a) (1) To the extent that funds are available for that purpose, a teacher who meets the criteria approved by the state board pursuant to subdivision (b) of Section 44395 is eligible and may apply for an award by following the procedures and instructions developed pursuant to that subdivision.

(2) A teacher who attained certification from the National Board for Professional Teaching Standards before January 1, 2021, and who was employed by a school district or charter school and assigned to teach in a California public school on the date of certification may apply for an award authorized pursuant to this article if the teacher meets all the other requirements for that award specified by this article. For awards pursuant to this subdivision, teaching service before July 1, 2021, may not be counted toward satisfaction of the teacher’s five-year agreement to teach in a high-priority school.

(b) Teachers shall submit their applications for an award authorized by this article to the school district employing them. Teachers employed by a charter school shall submit their application through the school district granting the school’s charter.

(c) The department shall approve applications submitted by school districts that meet the criteria established pursuant to subdivision (b) of Section 44395. To the extent funds are available, the department shall apportion funds to the appropriate school districts in the amount of the award authorized by Section 44395 for each approved application. The school district shall use funds apportioned to it pursuant to this subdivision to provide the amount of the award authorized by subdivision (a) of Section 44395 to each teacher whose application is approved.

SEC. 44. Section 44399.1 of the Education Code is amended to read:

44399.1. (a) The commission shall issue an authorization for an additional subject or for a new teaching credential type to the holder of a valid California multiple subject or single subject teaching credential, or eligible applicant, who has earned certification from the National Board for Professional Teaching Standards in the additional single subject content area or the new multiple subject or single subject teaching credential type.

(b) Notwithstanding subdivision (a), when there is no direct equivalence between the national certification and the California subject or credential type, the commission shall determine the subject or credential type or may require the applicant to qualify for a commission-approved determination of subject matter competence before issuance of the credential or authorization request. An applicant for a multiple subject teaching credential may also be required to qualify for a commission-approved determination of subject matter competence in order to comply with state subject matter requirements.

SEC. 45. Section 44415.5 is added to the Education Code, to read:

44415.5. (a) For purposes of this section, the following definitions apply for the Teacher Residency Grant Program:

(1) “Experienced mentor teacher” means an educator who meets all of the following requirements:

(A) Has at least three years of teaching experience and holds a clear credential in the subject in which the mentor teacher will be mentoring.

(B) Has a record of successful teaching as demonstrated, at a minimum, by satisfactory annual performance evaluations for the preceding three years.

(C) Receives specific training for the mentor teacher role, and engages in ongoing professional learning and networking with other mentors.

(D) Receives compensation, appropriate release time, or both, to serve as a mentor in the initial preparation or beginning teacher induction component of the teacher residency program.

(2) “Teacher residency program” is a grant applicant-based program that partners with one or more commission-approved teacher preparation programs offered by a regionally accredited institution of higher education in which a prospective teacher teaches at least one-half time alongside a teacher of record, who is designated as the experienced mentor teacher, for at least one full school year while engaging in initial preparation coursework.

(b) For the 2021–22 fiscal year, the sum of three hundred fifty million dollars (\$350,000,000) is hereby appropriated from the General Fund to the commission for the Teacher Residency Grant Program to support teacher residency programs that recruit and support the preparation of teachers pursuant to this section. This funding shall be available for encumbrance until June 30, 2026.

(c) (1) The commission shall make one-time grants to grant applicants to establish new teacher residency programs, or expand, strengthen, or improve access to existing teacher residency programs that support either of the following:

(A) Designated shortage fields, including special education, bilingual education, science, computer science, technology, engineering, mathematics, transitional kindergarten, or kindergarten, and any other fields identified by the commission based on an annual analysis of hiring and vacancy data.

(B) Local efforts to recruit, develop support systems for, provide outreach and communication strategies to, and retain a diverse teacher workforce that reflects a local educational agency community’s diversity.

(2) Grant recipients shall work with one or more commission-accredited teacher preparation programs and may work with other community partners or nonprofit organizations to develop and implement programs of preparation and mentoring for resident teachers who will be supported through program funds and subsequently employed by the sponsoring grant recipient.

(3) A grant applicant may consist of one or more, or any combination, of the following:

(A) A school district.

(B) A county office of education.

(C) A charter school.

(D) A regional occupational center or program operated by a joint powers authority or a county office of education.

(d) Grants allocated pursuant to subdivision (c) shall be up to twenty-five thousand dollars (\$25,000) per teacher candidate in the residency program of the jurisdiction of the grant recipient, matched by that grant recipient at a rate of 80 percent of the grant amount received per participant, as described in subdivision (f). Residents are also eligible for other forms of federal, state, and local educational agency financial assistance to support the cost of their preparation. Grant program funding shall be used for, but is not limited to, any of the following:

- (1) Teacher preparation costs.
- (2) Stipends for mentor teachers, including, but not limited to, housing stipends.
- (3) Residency program staff costs.
- (4) Mentoring and beginning teacher induction costs following initial preparation.

(e) A grant recipient shall not use more than 5 percent of a grant award for program administration costs.

(f) A grant recipient shall provide a match of grant funding in the form of one or both of the following:

(1) Eighty cents (\$0.80) for every one dollar (\$1) of grant funding received per participant, to be used in a manner consistent with allowable grant activities pursuant to subdivision (d).

(2) An in-kind match of program director personnel costs, mentor teacher personnel costs, or other personnel costs related to the Teacher Residency Grant Program, provided by the grant recipient.

(g) Grant recipients shall do all of the following:

(1) Ensure that candidates are prepared to earn a preliminary teaching credential that will authorize the candidate to teach either in a designated shortage field or in furtherance of subparagraph (B) of paragraph (1) of subdivision (c) upon completion of the program.

(2) Ensure that candidates are provided instruction in all of the following:

(A) Teaching the content area or areas in which the teacher will become certified to teach.

(B) Planning, curriculum development, and assessment.

(C) Learning and child development.

(D) Management of the classroom environment.

(E) Use of culturally responsive practices, supports for language development, and supports for serving pupils with disabilities.

(F) Professional responsibilities, including interaction with families and colleagues.

(3) Provide each candidate mentoring and beginning teacher induction support following the completion of the initial credential program necessary to obtain a clear credential and ongoing professional development and networking opportunities during the candidate's first years of teaching at no cost to the candidate.

(4) Prepare candidates to teach in a school within the jurisdiction of the grant recipient in which they will work and learn the instructional initiatives and curriculum of the grant recipient.

(5) Group teacher candidates in cohorts to facilitate professional collaboration among residents, and ensure candidates are enrolled in a teaching school or professional development program that is organized to support a high-quality teacher learning experience in a supportive work environment.

(h) To receive a grant, an applicant shall submit an application to the commission at a time, in a manner, and containing information prescribed by the commission.

(i) When selecting grant recipients, the commission shall do both of the following:

(1) Require applicants to demonstrate a need for teachers in one or more designated shortage fields or for the purposes described in subparagraph (B) of paragraph (1) of subdivision (c), and to propose to establish a new, or expand, strengthen, or improve access to an existing, teacher residency program that recruits, prepares, and supports teachers to teach in either one or more such fields or in furtherance of subparagraph (B) of paragraph (1) of subdivision (c) in a school within the jurisdiction of the sponsoring grant applicant.

(2) Give priority consideration to grant applicants who demonstrate a commitment to increasing diversity in the teaching workforce, have a higher percentage than other applicants of unduplicated pupils, as defined in Section 42238.02, and have one or more schools that exhibit one or both of the following characteristics:

(A) A school where 50 percent or more of the enrolled pupils are eligible for free or reduced-price meals.

(B) A school that is located in either a rural location or a densely populated region.

(j) A candidate in a teacher residency program sponsored by a grant provided pursuant to subdivision (c) shall agree in writing to serve in a school within the jurisdiction of the grant recipient that sponsored the candidate for a period of at least four school years beginning with the school year that begins after the candidate successfully completes the initial year of preparation and obtains a preliminary teaching credential. A candidate who fails to earn a preliminary credential or complete the period of the placement shall reimburse the sponsoring grant recipient the amount of grant funding invested in the candidate's residency training. The amount to be reimbursed shall be adjusted proportionately to reflect the service provided if the candidate taught at least one year, but less than four years, at a school within the jurisdiction of the sponsoring grant recipient. A candidate shall have five school years to complete the four-school-year teaching commitment.

(k) If a candidate is unable to complete a school year of teaching, that school year may still be counted toward the required four complete school years if any of the following occur:

- (1) The candidate has completed at least one-half of the school year.
 - (2) The employer deems the candidate to have fulfilled their contractual requirements for the school year for the purposes of salary increases, probationary or permanent status, and retirement.
 - (3) The candidate was not able to teach due to the financial circumstances of the sponsoring grant recipient, including a decision to not reelect the employee for the succeeding school year.
 - (4) The candidate has a condition covered under the federal Family and Medical Leave Act of 1993 (29 U.S.C. Sec. 2061 et seq.) or similar state law.
 - (5) The candidate was called or ordered to active duty status for more than 30 days as a member of a reserve component of the Armed Forces of the United States.
- (l) For purposes of administering the grant program pursuant to subdivision (c), the commission shall do all of the following:
- (1) Determine the number of grants to be awarded and the total amount awarded to each grant applicant.
 - (2) Require grant recipients to submit program and expenditure reports, as specified by the commission, as a condition of receiving grant funds.
 - (3) Annually review each grant recipient's program and expenditure reports to determine if any candidate has failed to meet their commitment pursuant to subdivision (j).
- (m) If the commission determines or is informed that a sponsored candidate failed to earn a preliminary credential or meet their commitment to teach pursuant to subdivision (j), the commission shall confirm with the grant recipient the applicable grant amount to be recovered from the candidate and the grant recipient. The amount to be recovered shall be adjusted proportionately to reflect the service provided if the candidate taught at least one year, but less than four years, at the sponsoring grant recipient.
- (n) Upon confirming the amount to be recovered from the grant recipient pursuant to subdivision (m), the commission shall notify the grant recipient of the amount to be repaid within 60 days. The grant recipient shall have 60 days from the date of the notification to make the required repayment to the commission. If the grant recipient fails to make the required payment within 60 days, the commission shall notify the Controller and the grant recipient of the failure to repay the amount owed. The Controller shall deduct an amount equal to the amount owed to the commission from the grant recipient's next principal apportionment or apportionments of state funds, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution. If the grant recipient is a regional occupational center or program operated by a joint powers authority that does not receive a principal apportionment or apportionments of state funds, or a consortia of local educational agencies, the commission shall notify the Controller of the local educational agency where the candidate taught and the Controller shall deduct the amount owed from the applicable local educational agency's next principal apportionment or apportionments of state funds, other than

basic aid apportionments required by Section 6 of Article IX of the California Constitution.

(o) An amount recovered by the commission or deducted by the Controller pursuant to subdivision (n) shall be deposited into the Proposition 98 Reversion Account.

(p) Grant recipients may recover from a sponsored candidate who fails to earn a preliminary credential or complete the period of placement the amount of grant funding invested in the candidate's residency training. The amount to be recovered shall be adjusted proportionately to reflect the service provided if the candidate taught at least one year, but less than four years, at a school within the jurisdiction of the sponsoring grant recipient.

(q) Grant recipients shall not charge a teacher resident a fee to participate in the Teacher Residency Grant Program.

(r) (1) Notwithstanding subdivision (c), the commission may allocate up to twenty-five million dollars (\$25,000,000) of the amount appropriated pursuant to subdivision (b) to capacity grants that shall be awarded on a competitive basis to local educational agencies or consortia, as designated pursuant to this section, partnering with regionally accredited institutions of higher education to expand, strengthen, improve access to, or create teacher residency programs that lead to more credentialed teachers to teach either in shortage fields or in furtherance of subparagraph (B) of paragraph (1) of subdivision (c).

(2) (A) The commission shall determine the number of capacity grants to be awarded and the amount of the applicable grants.

(B) Individual capacity grants shall not exceed two hundred fifty thousand dollars (\$250,000) per grant recipient.

(s) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (b) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 46. Section 44417.5 is added to the Education Code, to read:

44417.5. The commission shall conduct an evaluation of the Teacher Residency Grant Program described in Section 44415.5 to determine the effectiveness of this program in recruiting, developing support systems for, and retaining teachers prepared to teach either in commission-designated shortage areas or in furtherance of subparagraph (B) of paragraph (1) of subdivision (c) of Section 44415.5, and provide a report to the Department of Finance and the appropriate fiscal and policy committees of the Legislature on or before December 1, 2027.

SEC. 47. Section 44830 of the Education Code is amended to read:

44830. (a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications for those positions prescribed by law. It is contrary to the

public policy of this state for a person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) (1) The governing board of a school district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in the certificated person's credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or is exempt from the requirement by subdivision (c), (d), (e), (f), (g), (h), (i), (j), (k), or (l).

(A) The governing board of a school district, with the authorization of the commission, may administer the state basic skills proficiency test required under Sections 44252 and 44252.5.

(B) The Superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

(2) It is the intent of the Legislature that in effectively implementing this subdivision, the governing boards of school districts shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. The governing board of a school district shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by a person pursuant to Section 44252 satisfies the requirements of this subdivision.

(c) A certificated person is not required to take the state basic skills proficiency examination if the certificated person has taken and passed it at least once, achieved a passing score on any of the tests specified in subdivision (b) of Section 44252, or possessed a credential before the enactment of the statute that made the test a requirement.

(d) This section does not require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Division of Apprenticeship Standards of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) This section does not require the holder of a childcare permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) This section does not require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) This section does not require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test if that person does not teach in the public schools.

(h) This section does not require the holder of a designated subjects special subjects credential to pass the state basic skills proficiency test as a condition of employment unless the requirements for the specific credential require the possession of a baccalaureate degree. The governing board of a school district, the governing board of a consortium of school districts, or a governing board involved in a joint powers agreement that employs the holder of a designated subjects special subjects credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(i) This section does not require the holder of a preliminary or clear designated subjects career technical education teaching credential to pass the state basic skills proficiency test.

(j) This section does not require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(k) This section does not require a credential applicant who qualifies for an exemption described in paragraph (10) or (11) of subdivision (b) of Section 44252 to take the state basic skills proficiency test.

(l) Notwithstanding any other law, a school district or county office of education may hire certificated personnel who have not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall take the test at the earliest opportunity and may remain employed by the school district pending the receipt of the person's test results.

SEC. 48. Section 45125.1 of the Education Code is amended to read:

45125.1. (a) Except as provided in subdivisions (b) and (c), if the employees of any entity that has a contract with a school district, as defined in Section 41302.5, to provide any of the following services may have any contact with pupils, those employees shall submit or have submitted their fingerprints in a manner authorized by the Department of Justice together with a fee determined by the Department of Justice to be sufficient to reimburse the department for its costs incurred in processing the application:

- (1) School and classroom janitorial.
- (2) Schoolsite administrative.
- (3) Schoolsite grounds and landscape maintenance.
- (4) Pupil transportation.
- (5) Schoolsite food-related.

(b) This section does not apply to an entity providing any of the services listed in subdivision (a) to a school district in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

(c) This section does not apply to an entity providing any of the services listed in subdivision (a) to a school district when the school district determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee has limited contact with pupils, the school district shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If a school district has made this determination, the school district shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees.

(d) A school district may determine, on a case-by-case basis, to require an entity providing schoolsite services other than those listed in subdivision (a) or those described in Section 45125.2 and the entity's employees to comply with the requirements of this section, unless the school district determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee will have limited contact with pupils, the school district shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If a school district makes this determination, the school district shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees. If a school district requires an entity providing services other than those listed in subdivision (a) and its employees to comply with the requirements of this section, the Department of Justice shall comply with subdivision (e).

(e) (1) The Department of Justice shall ascertain whether the individual whose fingerprints were submitted to it pursuant to subdivision (a), (d), or (k) has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the Department of Justice. Upon implementation of an electronic fingerprinting system with terminals located statewide and managed by the Department of Justice, the Department of Justice shall ascertain the information required pursuant to this section within three working days. When the Department of Justice ascertains that an individual whose fingerprints were submitted to it pursuant to subdivision (a), (d), or (k) has a pending criminal proceeding for a felony as defined in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1, the Department of Justice shall notify the employer designated by the individual of that fact. The notification shall be delivered by telephone or email to the employer.

(2) The Department of Justice, at its discretion, may notify the school district in instances when the employee is defined as having a pending

criminal proceeding described in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1.

(3) The Department of Justice may forward one copy of the fingerprints to the Federal Bureau of Investigation to verify any record of previous arrests or convictions of the applicant. The Department of Justice shall review the criminal record summary it obtains from the Federal Bureau of Investigation and shall notify the employer only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses that, if committed in California, would have been punishable as a violent or serious felony. The Department of Justice shall not provide any specific offense information received from the Federal Bureau of Investigation. The Department of Justice shall provide written notification to the contract employer only concerning whether an applicant for employment has any conviction or arrest pending final adjudication for any of those crimes, as specified in Section 45122.1, but shall not provide any information identifying any offense for which an existing employee was convicted or has an arrest pending final adjudication.

(f) (1) An entity having a contract as described in subdivision (a) and an entity required to comply with this section pursuant to subdivision (d) shall not permit an employee to come in contact with pupils until the Department of Justice has ascertained that the employee has not been convicted of a felony as defined in Section 45122.1.

(2) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a felony if the employee has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(3) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a serious felony that is not also a violent felony if that employee can prove to the sentencing court of the offense in question, by clear and convincing evidence, that the employee has been rehabilitated for the purposes of schoolsite employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the school district in which the employee is a resident.

(g) An entity having a contract as described in subdivision (a) and an entity required to comply with this section pursuant to subdivision (d) shall certify in writing to the school district that neither the employer nor any of its employees who are required by this section to submit or have their fingerprints submitted to the Department of Justice and who may come in contact with pupils have been convicted of a felony as defined in Section 45122.1.

(h) An entity having a contract as described in subdivision (a) on September 30, 1997, and an entity required to comply with this section pursuant to subdivision (d) by a school district with which it has a contract on September 25, 1998, shall complete the requirements of this section within 90 days of the applicable date.

(i) For purposes of this section, a charter school shall be deemed to be a school district.

(j) Where reasonable access to the statewide electronic fingerprinting network is available, the Department of Justice may mandate electronic submission of the fingerprint cards and other information required by this section.

(k) (1) For purposes of this section, an individual operating as a sole proprietor of an entity that has a contract with a school district, as specified in subdivision (a), or an entity required to comply with this section pursuant to subdivision (d), shall be considered an employee of that entity.

(2) To protect the safety of any pupil that may come into contact with an employee of an entity that is a sole proprietorship and has a contract as described in subdivision (a), or is required to comply with this section pursuant to subdivision (d), a school district shall prepare and submit the employee's fingerprints to the Department of Justice, as described in subdivision (a).

(l) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 49. Section 45125.1 is added to the Education Code, to read:

45125.1. (a) Any entity that has a contract with a local educational agency shall ensure that any employee who interacts with pupils, outside of the immediate supervision and control of the pupil's parent or guardian or a school employee, has a valid criminal records summary as described in Section 44237. When the contracting entity performs the criminal background check, it shall immediately provide any subsequent arrest and conviction information it receives to any local educational agency that it is contracting with pursuant to the subsequent arrest service.

(b) This section does not apply to an entity providing services to a local educational agency, as described in subdivision (a), in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

(c) On a case-by-case basis, a local educational agency may require an entity with whom it has a contract to comply with the requirements of this section for employees in addition to those described in subdivision (a). The entity shall prepare and submit those employee's fingerprints to the Department of Justice, as described in subdivision (a).

(d) (1) The Department of Justice shall ascertain whether the individual whose fingerprints were submitted to it pursuant to subdivision (a), (c), or (h) has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the Department of Justice. Upon implementation of an electronic fingerprinting system with terminals located statewide and managed by the Department of Justice, the Department of Justice shall ascertain the information required pursuant to this section within three working days. When the Department of Justice ascertains that an individual whose fingerprints were submitted to it pursuant to subdivision (a), (c), or (h) has a pending criminal proceeding for a felony as defined in Section 45122.1 or has been convicted of a felony as defined in Section

45122.1, the Department of Justice shall notify the employer designated by the individual of that fact. The notification shall be delivered by telephone or email to the employer.

(2) The Department of Justice, at its discretion, may notify the local educational agencies in instances when the employee is defined as having a pending criminal proceeding described in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1.

(3) The Department of Justice shall forward one copy of the fingerprints to the Federal Bureau of Investigation to verify any record of previous arrests or convictions of the applicant. The Department of Justice shall review the criminal record summary it obtains from the Federal Bureau of Investigation and shall notify the employer only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses that, if committed in California, would have been punishable as a violent or serious felony. The Department of Justice shall not provide any specific offense information received from the Federal Bureau of Investigation. The Department of Justice shall provide written notification to the contract employer only concerning whether an applicant for employment has any conviction or arrest pending final adjudication for any of those crimes, as specified in Section 45122.1, but shall not provide any information identifying any offense for which an existing employee was convicted or has an arrest pending final adjudication.

(e) (1) An entity having a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c) shall not permit an employee to interact with pupils until the Department of Justice has ascertained that the employee has not been convicted of a felony as defined in Section 45122.1.

(2) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a felony if the employee has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(3) The prohibition in paragraph (1) does not apply to an employee solely on the basis that the employee has been convicted of a serious felony that is not also a violent felony if that employee can prove to the sentencing court of the offense in question, by clear and convincing evidence, that the employee has been rehabilitated for the purposes of schoolsite employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the local educational agency in which the employee is a resident.

(f) An entity having a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c) shall certify in writing to the local educational agency that neither the employer nor any of its employees who are required by this section to submit or have their fingerprints submitted to the Department of Justice and who may interact with pupils have been convicted of a felony as defined in Section 45122.1.

(g) Where reasonable access to the statewide electronic fingerprinting network is available, the Department of Justice may mandate electronic submission of the fingerprint cards and other information required by this section.

(h) (1) For purposes of this section, an individual operating as a sole proprietor of an entity that has a contract with a local educational agency, as described in subdivision (a), shall be considered an employee of that entity.

(2) To protect the safety of any pupil that may interact with an employee of an entity that is a sole proprietorship and has a contract as described in subdivision (a) or that is required to comply with this section for other employees pursuant to subdivision (c), a local educational agency shall prepare and submit the employee's fingerprints to the Department of Justice, as described in subdivision (a).

(i) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.

(j) This section shall become operative on January 1, 2022.

SEC. 50. Section 45500 of the Education Code is amended to read:

45500. (a) The Classified School Employee Summer Assistance Program is hereby established.

(b) The program shall provide a participating classified employee up to one dollar (\$1) for each one dollar (\$1) that the classified employee has elected to have withheld from the classified employee's monthly paychecks pursuant to this section.

(c) A local educational agency may elect to participate in the program. A participating local educational agency shall notify classified employees, by January 1 during a fiscal year in which moneys are appropriated for purposes of this section, that the local educational agency has elected to participate in the program for the next school year. Once a local educational agency elects to participate in the program and notifies classified employees pursuant to this subdivision, the local educational agency is prohibited from reversing its decision to participate in the program for the next school year beginning after the end of a fiscal year in which moneys are appropriated for purposes of this section.

(d) (1) A classified employee who elects to participate in the program shall notify the local educational agency, in writing, by March 1 during a fiscal year in which moneys are appropriated for purposes of this section, on a form developed by the department that the classified employee wishes to participate in the program for the applicable school year. The classified employee shall specify the amount to be withheld from their monthly paychecks during the applicable school year and whether they choose to have the amounts withheld paid out during the summer recess period in either one or two payments. A participating classified employee may elect to have up to 10 percent of the classified employee's monthly pay withheld during the applicable school year.

(2) A classified employee is eligible to participate in the program if the classified employee has been employed with the local educational agency

for at least one year at the time the classified employee elects to participate in the program.

(3) (A) A classified employee is eligible to participate in the program if the classified employee is employed by the local educational agency in the employee's regular assignment for 11 months or fewer out of a 12-month period. For purposes of determining a classified employee's total months employed by the local educational agency, the employing local educational agency shall exclude any hours worked by the classified employee outside of their regular assignment.

(B) For the 2020–21, 2021–22, and 2022–23 school years, for purposes of determining a classified employee's total months employed by the local educational agency, the employing local educational agency shall exclude any hours worked by the classified employee as a result of an extension of the academic school year directly related to the COVID-19 pandemic, if the hours are in addition to the employee's regular assignment and would prevent the employee from being eligible for this program.

(4) (A) A classified employee is not eligible to participate in the program if the classified employee's regular annual pay received directly from the local educational agency is more than sixty-two thousand four hundred dollars (\$62,400) for an entire school year at the time of enrollment. For purposes of determining a classified employee's regular annual pay received directly from the local educational agency, the employing local educational agency shall exclude any pay received by the classified employee during the previous summer recess period.

(B) For purposes of this section, "summer recess period" means the period that regular class sessions are not being held by a local educational agency during the months of June, July, and August. Pay earned by a classified employee with limited employment during the months of June, July, or August that is not for the summer session shall not be excluded pursuant to this paragraph.

(e) A local educational agency that elects to participate in the program shall notify the department in writing, by April 1 during a fiscal year in which moneys are appropriated for purposes of this section, on a form developed by the department that it has elected to participate in the program. The local educational agency shall specify the number of classified employees that have elected to participate in the program and the total estimated amount to be withheld from participating classified employee paychecks for the applicable school year.

(f) The department shall notify participating local educational agencies in writing, by May 1 during a fiscal year in which moneys are appropriated for purposes of this section, of the estimated amount of state match funding that a participating classified employee can expect to receive as a result of participating in the program. If the funding provided for purposes of this section is insufficient to provide one dollar (\$1) for each one dollar (\$1) that has been withheld from participating classified employee monthly paychecks, the department shall notify local educational agencies of the

expected prorated amount of state match funds that a participating classified employee can expect to receive as a result of participating in the program.

(g) Participating local educational agencies shall notify participating classified employees, by June 1 during a fiscal year in which moneys are appropriated for purposes of this section, the amount of estimated state match funds that a participating classified employee can expect to receive as a result of participating in the program. After receiving that notification, a classified employee may withdraw their election to participate in the program or reduce the amount to be withheld from their paycheck pursuant to paragraph (1) of subdivision (d) by notifying the employing local educational agency no later than 30 days after the start of school instruction for the applicable school year.

(h) The local educational agency shall deposit the amounts withheld from participating classified employee monthly paychecks in accordance with the choices made by each participating classified employee pursuant to subdivision (d) in a separate account.

(i) (1) A classified employee that separates from employment with a local educational agency during the applicable school year may request from the local educational agency any pay withheld from their paycheck pursuant to this section.

(2) A classified employee, due to economic or personal hardship, may request from the local educational agency any pay withheld from their paycheck pursuant to this section.

(3) A classified employee who requests any pay withheld by the local educational agency pursuant to paragraph (1) or (2) shall not be entitled to receive any state match funds provided pursuant to this section.

(j) Participating local educational agencies shall request payment from the department, on or before July 31 following the end of a school year during which the program was operative, on a form developed by the department, for the amount of classified employee pay withheld from the monthly paychecks of participating classified employees and placed in a separate account pursuant to subdivision (h).

(k) The department shall apportion funds to participating local educational agencies within 30 days of receiving a request for payment by the participating local educational agency pursuant to subdivision (j). The apportionment shall be determined for each local educational agency by the department on the basis of the amount that has been withheld from the monthly paychecks of participating classified employees and placed in a separate account pursuant to subdivision (h).

(l) If the total amount requested by participating local educational agencies exceeds the amount appropriated for purposes of this section, the department shall prorate the amount apportioned to participating local educational agencies accordingly, based on the amounts requested pursuant to subdivision (j).

(m) The participating local educational agency shall pay participating classified employees the amounts withheld in accordance with the classified employee's choices, plus the amount apportioned by the department that is

attributable to the amount withheld from that classified employee's paychecks during the applicable school year. This amount shall be paid to the participating classified employee during the summer recess period, in either one or two payments, in accordance with the classified employee's option pursuant to subdivision (d).

(n) The state match funding received by participating classified employees pursuant to this section shall not be considered compensation for purposes of determining retirement benefits for the California Public Employees' Retirement System or the California State Teachers' Retirement System.

(o) (1) For the 2019–20 fiscal year, the program shall be funded pursuant to Section 85 of Chapter 51 of the Statutes of 2019.

(2) For the 2020–21 fiscal year and each fiscal year thereafter, the operation of this section shall be contingent upon an appropriation in the annual Budget Act or another statute.

(p) For purposes of this section, the following definitions apply:

(1) "Local educational agency" means a school district or county office of education.

(2) "Program" means the Classified School Employee Summer Assistance Program.

(3) "Regular assignment" means a classified employee's employment during the academic school year, excluding the summer recess period.

SEC. 51. Section 46111 of the Education Code is amended to read:

46111. (a) (1) A pupil in a kindergarten shall not be kept in school in any day more than four hours excluding recesses except for pupils in Early Primary Programs, as set forth in Chapter 8 (commencing with Section 8970) of Part 6, and kindergarten pupils in expanded learning opportunity programs intended to supplement instructional time provided by a school district pursuant to Section 46120.

(2) A pupil in a kindergarten in a school operating on a program of multitrack year-round scheduling pursuant to subdivision (a) of Section 37670 may be kept in school on any day for 265 minutes of instruction, excluding recesses.

(b) This section shall not apply to the Pasadena Unified School District or counties of the third class as determined pursuant to Section 28024 of the Government Code, as it read on January 1, 1977.

(c) This section shall not apply to the San Bernardino Unified School District with regard to any pupil of that district who is determined by the principal of the school in which that pupil is enrolled, pursuant to testing, teacher recommendation, or both, to be developmentally and academically suited for the longer instructional day.

SEC. 52. Section 46120 is added to the Education Code, to read:

46120. (a) (1) It is the intent of the Legislature that all local educational agencies offer all unduplicated pupils in classroom-based instructional programs access to comprehensive after school and intersessional expanded learning opportunities.

(2) The Expanded Learning Opportunities Program is hereby established.

(b) (1) Commencing with the 2021–22 school year, as a condition of receipt of apportionment, local educational agencies that receive funds pursuant to subdivision (d) shall offer to at least all unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, and provide to at least 50 percent of enrolled unduplicated pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs. Commencing with the 2022–23 school year, as a condition of receipt of funds allocated pursuant to subparagraph (A) of paragraph (1) of subdivision (d), all local educational agencies shall offer to all pupils in classroom-based instructional programs in kindergarten and grades 1 to 6, inclusive, access to expanded learning opportunity programs, and shall ensure that access is provided to any pupil whose parent or guardian requests their placement in a program. Expanded learning opportunity programs shall include all of the following:

(A) On schooldays, as described in Section 46100 and Sections 46110 to 46119, inclusive, and days on which school is taught for the purpose of meeting the 175-instructional-day offering as described in Section 11960 of Title 5 of the California Code of Regulations, in-person before or after school expanded learning opportunities that, when added to daily instructional minutes, are no less than nine hours of combined instructional time and expanded learning opportunities per instructional day.

(B) For at least 30 nonschooldays, during intersessional periods, no less than nine hours of in-person expanded learning opportunities per day.

(2) Local educational agencies operating expanded learning opportunity programs pursuant to this section may operate a before school component of a program, an after school component of a program, or both the before and after school components of a program, on one or multiple schoolsites, and shall comply with subdivisions (c), (d), and (g) of Section 8482.3, including the development of a program plan based on all of the following:

(A) The department’s guidance.

(B) Section 8482.6.

(C) Paragraphs (1) to (9), inclusive, and paragraph (12) of subdivision (c) of Section 8483.3.

(D) Section 8483.4, except that programs serving transitional kindergarten or kindergarten pupils shall maintain a pupil-to-staff member ratio of no more than 10 to 1.

(3) Local educational agencies shall prioritize services provided pursuant to this section at schoolsites in the lowest income communities, as determined by prior year percentages of pupils eligible for free and reduced-price meals, while maximizing the number of schools and neighborhoods with expanded learning opportunities programs across their attendance area.

(4) Local educational agencies may serve all pupils, including elementary, middle, and secondary school pupils, in expanded learning opportunity programs provided pursuant to this section.

(5) Local educational agencies may charge pupil fees for expanded learning opportunity programs provided pursuant to this section, consistent with Section 8482.6.

(6) Local educational agencies are encouraged to collaborate with community-based organizations and childcare providers, especially those participating in state or federally subsidized childcare programs, to maximize the number of expanded learning opportunities programs offered across their attendance areas.

(7) This section does not limit parent choice in choosing a care provider or program for their child outside of the required instructional minutes provided during a schoolday. Pupil participation in an expanded learning opportunities program is optional. Children eligible for an expanded learning opportunities program may participate in, and generate reimbursement for, other state or federally subsidized childcare programs, pursuant to the statutes regulating those programs.

(c) A local educational agency shall be subject to the audit conducted pursuant to Section 41020 to determine compliance with subdivision (b).

(d) (1) The Superintendent shall allocate funding appropriated in Item 6100-110-0001 of the annual Budget Act and in subdivision (f), if applicable, in the following manner:

(A) For local educational agencies with a prior year local control funding formula unduplicated pupil percentage calculated pursuant to paragraph (5) of subdivision (b) of Section 42238.02 of greater than 80 percent, the amount of one thousand one hundred seventy dollars (\$1,170) per unit of the local educational agency's prior year reported kindergarten and grade 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage.

(B) For all other local educational agencies not receiving an allocation under subparagraph (A), the amount of funds remaining from the appropriations in Item 6100-110-0001 of the annual Budget Act and subdivision (f), if applicable, after the amount allocated pursuant to subparagraph (A), shall be allocated on a per-unit basis of the local educational agency's prior year reported kindergarten and grade 1 to 6, inclusive, classroom-based average daily attendance multiplied by the local educational agency's unduplicated pupil percentage.

(2) A local educational agency with prior year classroom-based average daily attendance in kindergarten and grades 1 to 6, inclusive, shall not receive funding pursuant to paragraph (1) of less than fifty thousand dollars (\$50,000).

(3) Funds provided to a local educational agency pursuant to paragraph (1) shall be used to support pupil access to expanded learning opportunity programs.

(4) A local educational agency receiving funding pursuant to subparagraph (A) of paragraph (1) shall be provided at least three years of funding pursuant to subparagraph (A) of paragraph (1) upon becoming eligible to receive funding pursuant to that subparagraph.

(5) It is the intent of the Legislature to increase rates for expanded learning opportunities in future years to two thousand five hundred dollars (\$2,500) per unduplicated pupil on a schedule to be determined each year in the annual Budget Act pursuant to the availability of funds, prioritizing increases based on the local control funding formula unduplicated pupil percentages calculated pursuant to paragraph (5) of subdivision (b) of Section 42238.02 for local educational agencies.

(e) For purposes of this section, the following definitions apply:

(1) “Expanded learning opportunities” has the same meaning as “expanded learning” is defined in Section 8482.1. “Expanded learning opportunities” does not mean an extension of instructional time, but rather, opportunities to engage pupils in enrichment, play, nutrition, and other developmentally appropriate activities.

(2) “Local educational agency” means a school district or charter school, excluding a charter school classified as a nonclassroom-based charter school pursuant to Sections 47612.5 and 47634.2.

(3) “Unduplicated pupil” has the same meaning as in Section 42238.02.

(f) For the 2021–22 fiscal year, the sum of seven hundred fifty-three million one hundred thirty-one thousand dollars (\$753,131,000) is hereby appropriated from the General Fund to the Superintendent for allocation for the Expanded Learning Opportunities Program in the manner and for the purpose set forth in this section.

(g) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (f) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

SEC. 53. Section 46300 of the Education Code is amended to read:

46300. (a) In computing average daily attendance of a school district or county office of education, there shall be included the attendance of pupils while engaged in educational activities required of those pupils and under the immediate supervision and control of an employee of the district or county office who possessed a valid certification document, registered as required by law.

(b) (1) For purposes of a work experience education program in a secondary school that meets the standards of the California State Plan for Career Technical Education, “immediate supervision,” in the context of off-campus work training stations, means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision.

(2) The pupil-teacher ratio in a work experience program shall not exceed 125 pupils per full-time equivalent certificated teacher coordinator. This ratio may be waived by the state board pursuant to Article 3 (commencing

with Section 33050) of Chapter 1 of Part 20 of Division 2 under criteria developed by the state board.

(3) A pupil enrolled in a work experience program shall not be credited with more than one day of attendance per calendar day, and shall be a full-time pupil enrolled in regular classes that meet the requirements of Section 46141 or 46144.

(c) (1) For purposes of the rehabilitative schools, classes, or programs described in Section 48917 that require immediate supervision, “immediate supervision” means that the person to whom the pupil is required to report for training, counseling, tutoring, or other prescribed activity shares the responsibility for the supervision of the pupils in the rehabilitative activities with certificated personnel of the district.

(2) A pupil enrolled in a rehabilitative school, class, or program shall not be credited with more than one day of attendance per calendar day.

(d) (1) For purposes of computing the average daily attendance of pupils engaged in the educational activities required of high school pupils who are also enrolled in a regional occupational center or regional occupational program, the school district shall receive proportional average daily attendance credit for those educational activities that are less than the minimum schoolday, pursuant to regulations adopted by the state board; however, none of that attendance shall be counted for purposes of computing attendance pursuant to Section 52324.

(2) A school district shall not receive proportional average daily attendance credit pursuant to this subdivision for a pupil in attendance for less than 145 minutes each day.

(3) The divisor for computing proportional average daily attendance pursuant to this subdivision is 240, except that, in the case of a pupil excused from physical education classes pursuant to Section 52316, the divisor is 180.

(4) Notwithstanding any other law, travel time of pupils to attend a regional occupational center or regional occupational program shall not be used in any manner in the computation of average daily attendance.

(e) (1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for three or more consecutive schooldays.

(2) A pupil participating in independent study shall not be credited with more than one day of attendance per calendar day.

(f) For purposes of cooperative career technical education programs and community classrooms described in Section 52372.1, “immediate supervision” means pupil participation in paid and unpaid on-the-job experiences, as outlined under a training agreement and individualized training plans wherein the supervisor of the training site and certificated school personnel share the responsibility for the supervision of on-the-job experiences.

(g) (1) In computing the average daily attendance of a school district, there shall be included the attendance of pupils in kindergarten after they have completed one school year in kindergarten or pupils in a transitional kindergarten program after they have completed one year in that program if one of the following conditions is met:

(A) The school district has on file for each of those pupils an agreement made pursuant to Section 48011, approved in form and content by the department and signed by the pupil's parent or guardian, that the pupil may continue in kindergarten for not more than one additional school year.

(B) The pupils participated in a transitional kindergarten program pursuant to subdivision (c) of Section 48000.

(2) A school district may not include for apportionment purposes the attendance of any pupil for more than two years in kindergarten or for more than two years in a combination of transitional kindergarten and kindergarten.

SEC. 54. Section 46392 of the Education Code is amended to read:

46392. (a) If the average daily attendance of a school district, county office of education, or charter school during a fiscal year has been materially decreased during a fiscal year because of any of the following, the fact shall be established to the satisfaction of the Superintendent by affidavits of the members of the governing board or body of the school district, county office of education, or charter school and the county superintendent of schools:

(1) Fire.

(2) Flood.

(3) Impassable roads.

(4) Epidemic.

(5) Earthquake.

(6) The imminence of a major safety hazard as determined by the local law enforcement agency.

(7) A strike involving transportation services to pupils provided by a nonschool entity.

(8) An order provided for in Section 41422.

(b) (1) In the event a state of emergency is declared by the Governor in a county, a decrease in average daily attendance in the county below the approximate total average daily attendance that would have been credited to a school district, county office of education, or charter school had the state of emergency not occurred shall be deemed material. The Superintendent shall determine the length of the period during which average daily attendance has been reduced by the state of emergency.

(2) The period determined by the Superintendent shall not extend into the next fiscal year following the declaration of the state of emergency by the Governor, except upon a showing by a school district, county office of education, or charter school, to the satisfaction of the Superintendent, that extending the period into the next fiscal year is essential to alleviate continued reductions in average daily attendance attributable to the state of emergency.

(3) Notwithstanding any other law, the Superintendent shall extend through the 2018–19 fiscal year the period during which it is essential to

alleviate continued reductions in average daily attendance attributable to a state of emergency declared by the Governor in October 2017, for a school district where no less than 5 percent of the residences within the school district or school district facilities were destroyed by the qualifying emergency.

(c) The average daily attendance of the school district, county office of education, or charter school for the fiscal year shall be estimated by the Superintendent in a manner that credits to the school district, county office of education, or charter school for determining the apportionments to be made to the school district, county office of education, or charter school from the State School Fund approximately the total average daily attendance that would have been credited to the school district, county office of education, or charter school had the emergency not occurred or had the order not been issued.

(d) Notwithstanding any other law, for a school district or charter school physically located within a school district, where no less than 5 percent of the residences within the school district, or the school district's facilities, were destroyed as a result of a state of emergency that was declared by the Governor in November 2018, all of the following shall apply:

(1) (A) In the 2020–21 fiscal year, for school districts, the Superintendent shall calculate the difference between the school district's certified second principal apportionment local control funding formula entitlement pursuant to Section 42238.02 in the 2020–21 fiscal year and the 2019–20 fiscal year and, if there is a difference, allocate the amount of that difference to the school district.

(B) In the 2021–22 fiscal year, for school districts, the Superintendent shall allocate an amount equal to 25 percent of the difference calculated in subparagraph (A) to the school district.

(2) (A) In the 2019–20 and 2020–21 fiscal years, for charter schools, the Superintendent shall calculate the difference between the charter school's certified second principal apportionment local control funding formula entitlement pursuant to 42238.02 in the current year and each respective prior year and, if there is a difference, allocate the amount of that difference to the charter school.

(B) In the 2021–22 fiscal year, for charter schools that operate a minimum of 175 school days and report at least 75 percent of the total second period average daily attendance for the 2019–20 fiscal year, as described in Section 41601, the Superintendent shall allocate 25 percent of the difference calculated in subparagraph (A) to the charter school.

(3) For a county office of education funded pursuant to paragraph (1) of subdivision (g) of Section 2575 that has within the boundaries of the county school districts or charter schools affected pursuant to this subdivision and that has in the schools operated by the county office of education at least a 10-percent decrease in average daily attendance in the current fiscal year, in the 2019–20 and 2020–21 fiscal years, the Superintendent shall calculate the difference between the county office of education's alternative education grant entitlement certified at the annual principal apportionment pursuant

to Section 2574 in the current fiscal year and each respective prior fiscal year and, if there is a difference, allocate the amount of that difference to the county office of education.

(4) A school district may transfer funds received pursuant to paragraph (1) to the county office of education for the portion of the funds that represents pupils served by the county office of education who are funded through the school district's local control funding formula apportionment pursuant to Section 2576.

(5) In each fiscal year, the allocations pursuant to this subdivision shall be made to school districts and charter schools by the Superintendent as soon as practicable after the second principal apportionment and to county offices of education as soon as practicable after the annual principal apportionment. The allocations made shall be final. The Superintendent may provide a preliminary allocation of up to 50 percent no sooner than the first principal apportionment.

(6) (A) The amounts described in this subdivision shall be continuously appropriated from the General Fund to the Superintendent for these purposes.

(B) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by this subdivision shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which they are appropriated, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202.

(e) Notwithstanding any other law, for a school district or charter school physically located within a school district, where no less than 5 percent of the residences within the school district, or the school district's facilities, were destroyed as a result of a state of emergency that was declared by the Governor in September 2020, all of the following shall apply:

(1) For the 2021–22 fiscal year, for school districts, the Superintendent shall calculate the difference between the school district's certified annual principal apportionment local control funding formula revenues pursuant to Section 42238.02 in the 2021–22 fiscal year and the 2019–20 fiscal year, including local revenue, pursuant to subdivision (j) of Section 42238.02, and any additional funds received pursuant to subdivision (e) of Section 42238.03 in excess of the entitlement calculated pursuant to Section 42238.02 and 42238.03 and, if there is a difference, allocate the amount of that difference to the school district.

(2) For the 2021–22 fiscal year, for charter schools that operate a minimum of 175 school days and report at least 75 percent of the total second period average daily attendance for the 2019–20 fiscal year, as described in Section 41601, the Superintendent shall calculate the difference between the charter school's certified second principal apportionment local control funding formula revenues pursuant to Section 42238.02 in the 2021–22 fiscal year and the 2019–20 fiscal year, and, if there is a difference, allocate the amount of that difference to the charter school.

(3) School districts and charter schools shall notify the Superintendent of their eligibility pursuant to this subdivision by November 1, 2021, in the manner prescribed by the Superintendent.

(4) Preliminary allocations made pursuant to paragraph (1) shall be made to school districts by the Superintendent through the principal apportionment beginning with the 2021–22 fiscal year first principal apportionment certification and shall be made final as of the annual principal apportionment.

(5) Allocations pursuant to paragraph (2) shall be made to charter schools by the Superintendent as soon as practicable after the second principal apportionment and shall be made final as of the annual principal apportionment. The Superintendent may provide a preliminary allocation of up to 50 percent no sooner than the first principal apportionment.

(f) This section applies to any average daily attendance that occurs during any part of a school year.

SEC. 55. Section 46393 is added to the Education Code, immediately following Section 46392, to read:

46393. (a) For affidavits submitted to the Superintendent for events occurring after September 1, 2021, a school district, county office of education, or charter school that provides an affidavit to the Superintendent, pursuant to Section 41422 or subdivision (a) of Section 46392, shall certify that it has a plan for which independent study will be offered to pupils, pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of Division 4. The plan shall comply with all of the following:

(1) Apply to any pupil impacted by any of the conditions listed in subdivision (a) of Section 46392 within 10 days of a school closure.

(2) Require reopening in person as soon as possible once allowable under the direction of the city or county health officer.

(3) Notwithstanding subdivision (c) of Section 51745, include information regarding establishing independent study master agreements in a reasonable amount of time.

(b) Notwithstanding subdivision (a), the plan is not required to comply with subdivision (d), (e), or (f) of Section 51747.

(c) A copy of the plan shall accompany the affidavit provided to the Superintendent described in subdivision (a).

SEC. 56. Section 47607 of the Education Code is amended to read:

47607. (a) (1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.

(2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).

(3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.

(4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.

(5) The chartering authority may inspect or observe any part of the charter school at any time.

(b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

(c) (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(B) Notwithstanding subparagraph (A), if the two consecutive years immediately preceding the renewal decision include the 2019–20 or 2020–21 school year, the chartering authority shall not deny renewal for a charter school if either of the following apply for two of the most recent years for which state data is available preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(C) Notwithstanding subparagraphs (A) and (B), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.

(D) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.

(E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.

(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.

(3) For purposes of this section and Section 47607.2, “measurements of academic performance” means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.

(4) For purposes of this section and Section 47607.2, “subgroup” means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

(5) To qualify for renewal under clause (i) of subparagraph (A) or (B) of paragraph (2), subparagraph (A) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) or (B) of paragraph (2), subparagraph (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.

(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year.

(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school’s performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school’s performance on alternative metrics applicable to the

charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school's term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils.

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school's term, the charter school authorizer may request, and the department shall provide, the following aggregate data reflecting pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school's term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

(B) For each school year of the charter school's term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.

(C) For each school year of the charter school's term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.

(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.

(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as

documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:

(1) The corrective action proposed by the charter school has been unsuccessful.

(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

(f) A charter may be revoked by the chartering authority if the chartering authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any law.

(g) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(h) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school's reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

(i) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the

chartering authority under subdivision (h) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (h) are supported by substantial evidence.

(j) (1) If a county board of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence.

(k) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(l) During the pendency of an appeal filed under this section, a charter school whose revocation proceedings are based on paragraph (1) or (2) of subdivision (f) shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(m) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, all of the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.

(2) The charter school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter, shall be immediately reinstated or returned.

(n) A final decision of a revocation or appeal of a revocation pursuant to subdivision (f) shall be reported to the chartering authority, the county board of education, and the department.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

SEC. 57. Section 47607.2 of the Education Code, as amended by Section 45 of Chapter 24 of the Statutes of 2020, is amended to read:

47607.2. (a) (1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(2) Notwithstanding paragraph (1), if the two consecutive years immediately preceding the renewal decision include the 2019–20 or 2020–21 school year, the chartering authority shall not renew a charter if either of the following apply for two of the most recent years for which state data is available preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(3) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.

(4) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) or (2) only upon making both of the following written factual findings, specific to the particular petition, setting forth specific facts to support the findings:

(A) The charter school is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.

(B) There is clear and convincing evidence showing either of the following:

(i) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.

(ii) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(C) Clauses (i) and (ii) of subparagraph (B) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority until June 30, 2025, for a charter school pursuant

to this subdivision, operating on or before June 30, 2020, only for the charter school's next two subsequent renewals.

(6) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.

(b) (1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.

(3) In addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:

(A) The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school.

(B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(4) Subparagraphs (A) and (B) of paragraph (3) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority for the next two subsequent renewals until January 1, 2026, for a charter school pursuant to this paragraph.

(6) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance.

(7) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.

(c) (1) For purposes of this section, "verified data" means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes.

(2) By January 1, 2021, the state board shall establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose.

(3) No data sources other than those adopted by the state board pursuant to paragraph (2) shall be used as verified data.

(4) Notwithstanding paragraph (3), a charter school under consideration for renewal before the state board's adoption pursuant to paragraph (2) may present data consistent with this subdivision.

(5) Adoption of the criteria pursuant to this subdivision shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(6) The state board may adopt and make necessary revisions to the criteria in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(7) Upon adoption of a pupil-level academic growth measure for English language arts and mathematics, the state board may reconsider criteria adopted pursuant to this subdivision.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 58. Section 47607.4 is added to the Education Code, to read:

47607.4. Notwithstanding the renewal process and criteria established in Sections 47605.9, 47607, and 47607.2 or any other law, effective July 1, 2021, all charter schools whose term expires on or between January 1, 2022, and June 30, 2025, inclusive, shall have their term extended by two years.

SEC. 59. Section 47612.7 of the Education Code is amended to read:

47612.7. (a) Notwithstanding any other law and except as provided in subdivision (b), from January 1, 2020, to January 1, 2025, inclusive, the approval of a petition for the establishment of a new charter school, as defined in paragraph (2) of subdivision (e) of Section 47612.5, is prohibited.

(b) Subdivision (a) shall not apply to a nonclassroom-based charter school that was granted approval of its petition and providing educational services to pupils before October 1, 2019, under either of the following circumstances:

(1) If Assembly Bill 1507 of the 2019–20 Regular Session amends Section 47605.1 and becomes operative on January 1, 2020, and the charter school is required to submit a petition to the governing board of a school district or county board of education in an adjacent county in which its existing resource center is located in order to comply with Section 47605.1, as amended by Assembly Bill 1507 of the 2019–20 Regular Session, or to retain current program offerings or enrollment.

(2) If a charter school is required to submit a petition to a school district or county board of education in which a resource center is located in order to comply with the court decision in *Anderson Union High School District v. Shasta Secondary Home School* (2016) 4 Cal.App.5th 262, or other relevant court ruling, and the petition is necessary to retain current program offerings or enrollment.

(3) A charter school authorized by a different chartering authority pursuant to paragraphs (1) and (2) shall be regarded by the department as a continuing charter school for all purposes to the extent it does not conflict with federal law. In order to prevent any potential conflict with federal law, this paragraph does not apply to covered programs as identified in Section 8101(11) of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 7801) to the extent the affected charter school is the restructured portion of a divided charter school pursuant to Section 47654.

(c) Notwithstanding Section 33050 or any other law, the state board shall not waive the restrictions described in this section.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 60. Section 48000 of the Education Code is amended to read:

48000. (a) A child shall be admitted to a kindergarten maintained by the school district at the beginning of a school year, or at a later time in the same year, if the child will have their fifth birthday on or before one of the following dates:

- (1) December 2 of the 2011–12 school year.
- (2) November 1 of the 2012–13 school year.
- (3) October 1 of the 2013–14 school year.
- (4) September 1 of the 2014–15 school year and each school year thereafter.

(b) The governing board of the school district of a school district maintaining one or more kindergartens may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:

(1) The governing board of the school district determines that the admittance is in the best interests of the child.

(2) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(c) (1) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, as applicable, a school district or charter school shall ensure the following:

(A) In the 2012–13 school year, a child who will have their fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(B) In the 2013–14 school year, a child who will have their fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(C) From the 2014–15 school year to the 2021–22 school year, inclusive, a child who will have their fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(D) In the 2022–23 school year, a child who will have their fifth birthday between September 2 and February 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(E) In the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(F) In the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(G) In the 2025–26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(2) (A) In any school year, a school district or charter school may, at any time during a school year, admit a child to a transitional kindergarten program who will have their fifth birthday after the date specified for the applicable year in subparagraphs (A) to (F), inclusive, of paragraph (1) but during that same school year, with the approval of the parent or guardian, subject to the following conditions:

(i) The governing board of the school district or the governing body of the charter school determines that the admittance is in the best interests of the child.

(ii) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(B) Notwithstanding any other law, a pupil admitted to a transitional kindergarten program pursuant to subparagraph (A) shall not generate average daily attendance for purposes of Section 46300, or be included in the enrollment or unduplicated pupil count pursuant to Section 42238.02, until the pupil has attained the pupil's fifth birthday, regardless of when the pupil was admitted during the school year.

(d) For purposes of this section, "transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(e) A transitional kindergarten shall not be construed as a new program or higher level of service.

(f) It is the intent of the Legislature that transitional kindergarten curriculum be aligned to the California Preschool Learning Foundations developed by the department.

(g) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall do all of the following:

(1) Maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite.

(2) Commencing with the 2022–23 school year, maintain an average of at least one adult for every 12 pupils for transitional kindergarten classrooms.

(3) Commencing with the 2023–24 school year, and for each year thereafter, maintain an average of at least one adult for every 10 pupils for transitional kindergarten classrooms, contingent upon an appropriation of funds for this purpose.

(4) Ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2023, one of the following:

(A) At least 24 units in early childhood education, or childhood development, or both.

(B) As determined by the local educational agency employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in subparagraph (A).

(C) A child development teacher permit issued by the Commission on Teacher Credentialing.

(h) A school district or charter school may place four-year-old children, as defined in subdivision (aj) of Section 8208, enrolled in a California state preschool program into a transitional kindergarten program classroom. A school district or charter school that commingles children from both programs in the same classroom shall meet all of the requirements of the respective programs in which the children are enrolled, and the school district or charter school shall adhere to all of the following requirements, irrespective of the program in which the child is enrolled:

(1) An early childhood environment rating scale, as specified in Section 18281 of Title 5 of the California Code of Regulations, shall be completed for the classroom.

(2) All children enrolled for 10 or more hours per week shall be evaluated using the Desired Results Developmental Profile, as specified in Section 18272 of Title 5 of the California Code of Regulations.

(3) The classroom shall be taught by a teacher that holds a credential issued by the Commission on Teacher Credentialing in accordance with Section 44065 and subdivision (b) of Section 44256 and who meets the requirements set forth in subdivision (g).

(4) The classroom shall be in compliance with the adult-child ratio specified in subdivision (c) of Section 8264.8.

(5) Contractors of a school district or charter school commingling children enrolled in the California state preschool program with children enrolled in a transitional kindergarten program classroom shall report the services, revenues, and expenditures for the California state preschool program children in accordance with Section 18068 of Title 5 of the California Code of Regulations. Those contractors are not required to report services, revenues, and expenditures for the children in the transitional kindergarten program.

(i) Until July 1, 2019, a transitional kindergarten classroom that has in attendance children enrolled in a California state preschool program shall be licensed pursuant to Chapter 3.4 (commencing with Section 1596.70) of, and Chapter 3.5 (commencing with Section 1596.90) of, Division 2 of the Health and Safety Code.

(j) A school district or charter school that chooses to place California state preschool program children into a transitional kindergarten program classroom shall not also include children enrolled in transitional kindergarten for a second year or children enrolled in kindergarten in that classroom.

(k) A child's eligibility for transitional kindergarten enrollment under paragraph (1) or (2) of subdivision (c) shall not impact family eligibility for a preschool or childcare program, including, but not limited to, all of the following:

(1) A Head Start or Early Head Start program, as defined by the federal Head Start Act, as amended, (42 U.S.C. Sec. 9801 et seq.).

(2) A childcare center, family childcare home, or license-exempt provider serving children through an alternative payment program pursuant to Article 3 (commencing with Section 8220) of Chapter 2 of Part 6 of Division 1 of Title 1.

(3) A migrant childcare and development program serving children pursuant to Article 6 (commencing with Section 8230) of Chapter 2 of Part 6 of Division 1 of Title 1.

(4) A childcare center or family childcare home educational network serving children through a California state preschool program pursuant to Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of Division 1 of Title 1.

(5) A childcare center, family childcare home, or license-exempt provider serving children through a general childcare and development program pursuant to Article 8 (commencing with Section 8240) of Chapter 2 of Part 6 of Division 1 of Title 1.

(6) A family childcare home educational network serving children pursuant to Article 8.5 (commencing with Section 8245) of Chapter 2 of Part 6 of Division 1 of Title 1.

(7) Childcare and development services for children with special needs pursuant to Article 9 (commencing with Section 8250) of Chapter 2 of Part 6 of Division 1 of Title 1.

(8) A program serving children through a CalWORKs Stage 1, Stage 2, or Stage 3 program pursuant to Article 15.5 (commencing with Section 8350) of Chapter 2 of Part 6 of Division 1 of Title 1.

(l) The Superintendent shall authorize California state preschool program contracting agencies to offer wraparound childcare services for eligible children enrolled in an education program serving transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, if their families meet the requirements of subdivision (a) of Section 8263.

SEC. 61. Article 1.5 (commencing with Section 49418) is added to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 1.5. Office of School-Based Health Programs

49418. For purposes of this article, “office” means the Office of School-Based Health Programs established within the department that is dedicated to expanding access to school-based health programs pursuant to this article.

49419. (a) The department shall, no later than January 1, 2022, establish an Office of School-Based Health Programs for the purpose of assisting local educational agencies regarding the current health-related programs under the purview of the department. The scope of the office shall include collaborating with the State Department of Health Care Services and other departments and offices involved in the provision of school-based health

services. The scope of the office shall also include assisting local educational agencies with information on, and participation in, the following school-based health programs:

(1) The Administrative Claiming process described in Section 14132.47 of the Welfare and Institutions Code.

(2) The Local Educational Agency Medi-Cal Billing Option Program described in Section 14132.06 of the Welfare and Institutions Code.

(3) All other programs under the federal Early and Periodic Screening, Diagnostic, and Treatment services entitlement supporting the provision of health services to eligible pupils, including screening, diagnostic, and treatment services to prevent, identify, or address physical and behavioral health needs.

(4) Providing consultation and technical assistance to local educational agencies on school-based nursing and health services.

(5) Coordinating school health program activities with public health, social services, environmental, and local educational agencies, and other public and private entities.

(6) Participating in the development of policies, standards, and guidelines, interpreting updates, and disseminating policies, standards, guidelines, and procedures to enhance coordinated school health programs.

(7) Promoting quality assurance in school health services by initiating and coordinating a quality assurance program that includes needs assessment, data collection and analysis, and evidenced-based practices.

(8) Initiating, participating in, and using research studies related to a coordinated school health program, the health needs of children and youth, school nursing practice, and related issues.

(9) Additional school-based health efforts available to local educational agencies through the California Health and Human Services Agency and its offices and departments.

(b) The office shall advise the department on opportunities for effective coordination between health and education systems at the state, regional, and local levels to advance school-based health programs, and on strategies to leverage school-based Medi-Cal programs to sustain school-based health services.

(c) The office shall collaborate with the local educational agency selected to provide guidance around Medi-Cal billing pursuant to Section 49422.

(d) The office may provide technical assistance to local educational agencies on matters such as expanding services, simplifying the administration of school-based health programs, and increasing local educational agency participation in, and maximizing allowable federal financial participation in, the school-based health programs.

(e) The office shall assist in the development of the telehealth guidelines required pursuant to Section 49429.

(f) The office shall provide technical assistance, outreach, and informational materials to local educational agencies on allowable services and on the submission of claims. The office shall not otherwise provide informational materials related to the State Department of Health Care

Services' school-based health programs that have not been approved by the State Department of Health Care Services, as the State Department of Health Care Services is the sole state agency with authority from the federal Centers for Medicare and Medicaid Services to define allowable services and submit claims for federal matching funds.

(g) The office shall oversee the School Health Demonstration Project established pursuant to Section 49421.

(h) The office may form, or participate in, advisory groups for technical assistance and other purposes as deemed necessary.

(i) To the extent necessary, the State Department of Health Care Services shall make available to the office any information on other school-based dental, health, and mental health programs, and school-based health centers, that may receive Medi-Cal funding.

(j) (1) This section shall not prohibit the department from using an existing branch or division within the department to serve as the office, in lieu of establishing a new office, for purposes of implementing this section.

(2) This section shall not limit or modify Section 14132.06 of the Welfare and Institutions Code.

49420. (a) The department shall by January 1, 2022, appoint a state school nurse consultant to be housed within the office, as established pursuant to Section 49419. The state school nurse consultant shall be a school nurse with a services credential with a specialization in health for a school nurse issued by the Commission on Teacher Credentialing, who has a minimum of five years of experience in school health program management. The state school nurse consultant shall work with local educational agencies and school nurses to promote quality school nursing services and school health programs that address the broad health needs of pupils. The state school nurse consultant, in performing the duties of the position, shall collaborate with the State Department of Public Health, the State Department of Health Care Services, the Governor's Office of Emergency Services, and the Board of Registered Nursing.

(b) The state school nurse consultant shall be responsible for all of the following:

(1) Serving as a liaison and resource expert in school nursing and school health program areas for local, regional, state, and national school health care providers and policy setting groups.

(2) Monitoring, interpreting, synthesizing, and working to ensure that the office disseminates relevant information associated with changes in health, nursing, and medical care, school nursing practice, legislation, and legal issues that impact schools and the pupils they serve.

(3) Fostering and promoting staff development for school nurses, which may include planning and providing orientation, coordinating or providing educational offerings, and networking with universities and other providers of continuing education to meet identified needs.

(4) Participating in state-level public interagency partnerships and private partnerships with statewide stakeholders to foster a coordinated school

health program, representing school nurses in multidisciplinary collaborations.

49421. (a) The sum of five million dollars (\$5,000,000) is hereby appropriated from the General Fund to the Superintendent on a one-time basis for the School Health Demonstration Project. The School Health Demonstration Project is hereby established in the office as a pilot project to expand comprehensive health and mental health services to public school pupils by providing local educational agencies with intensive assistance and support to build the capacity for long-term sustainability by leveraging multiple revenue sources. For these purposes, the project is intended to provide training and technical assistance on the requirements for health care provider participation in the Medi-Cal program pursuant to Article 1.3 (commencing with Section 14043) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code to enable local educational agencies to participate in, contract with, and conduct billing and claiming in the Medi-Cal program through all of the following:

- (1) The Local Educational Agency Medi-Cal Billing Option Program.
- (2) The School-Based Medi-Cal Administrative Activities Program.
- (3) Contracting or entering into a memorandum of understanding with Medi-Cal managed care plans as a participating Medi-Cal managed care plan contracting provider.
- (4) Contracting with or entering into a memorandum of understanding with county mental health plans for specialty mental health services, such as through the Early and Periodic Screening, Diagnostic and Treatment Program.
- (5) Contracting with community-based providers to deliver health and mental health services to pupils in school through contracts with Medi-Cal managed care plans or county mental health plans.

(b) On or before January 1, 2022, the Superintendent, in consultation with the executive director of the state board and the State Department of Health Care Services, shall select up to three organizations to serve as technical assistance teams for purposes of the pilot project. Technical assistance teams selected to serve shall be a consortia that consists of one or more local educational agencies, county agencies, or community-based organizations with experience in general and special education mental health program and service development, school finance, health care, Medi-Cal managed care contracting and benefits, Medicaid billing, commercial health insurance, and data analysis. The technical assistance teams are intended to provide hands-on, intensive support for a two-year period to the local educational agencies selected to be pilot participants to create capacity for those local educational agencies to become self-sustaining by securing federal reimbursement and other revenue sources for health and mental health services provided to pupils. In selecting the technical assistance teams, consideration shall be given to demonstrated expertise, including, but not limited to, all of the following:

- (1) Knowledge of the process to submit claims through the Local Educational Agency Medi-Cal Billing Option Program, the School-Based

Medi-Cal Administrative Activities Program, and drawing down federal reimbursement for Medi-Cal services.

(2) The knowledge and capacity to provide direct, hands-on assistance and support to selected local educational agencies in securing federal reimbursement for health and mental health services provided to pupils, and identifying additional sources of funding through programs identified in subdivision (a).

(3) Experience working with the department, the State Department of Health Care Services, county health departments, county behavioral health departments, Medi-Cal managed care plans, private health care service plans and health insurers, and the Mental Health Services Oversight and Accountability Commission.

(4) Experience in the legally compliant development and sustainable funding of general and special education mental health programs and supports in public schools, including the Multi-Tiered System of Supports, positive behavioral interventions and supports services for children under the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), public school contracting requirements, and relevant state and federal privacy protections.

(c) On or before March 1, 2022, the department, in consultation with the State Department of Health Care Services, shall select up to 25 local educational agencies to serve as pilot participants for a period of two years. In selecting local educational agencies to serve as pilot participants, consideration shall be given to all of the following factors:

(1) Demonstrated need for health and mental health services for pupils.

(2) Commitment of the local educational agency's leadership to expand health and mental health services for all pupils through school-based services, school-connected services, or both.

(3) Willingness to reinvest increased reimbursements gained through the pilot project into direct health and mental health services for pupils.

(4) Unduplicated pupil count.

(5) Geographic diversity of the state.

(6) Mix of urban, suburban, and rural.

(d) A local educational agency selected to serve as a pilot participant pursuant to subdivision (c) shall receive up to one hundred thousand dollars (\$100,000) per year for each of the two years it participates in the pilot project. Funds shall be used for contracting with one of the technical assistance teams identified by the department pursuant to subdivision (b), and may also be used to address needs identified by the in-depth analysis conducted by the technical assistance provider.

(e) The technical assistance teams selected pursuant to subdivision (b) shall, under the direction of the department, work with each pilot participant to do all of the following:

(1) Conduct an analysis of all of the following related to the local educational agency:

(A) The need for health and mental health services for pupils.

(B) The current capacity within the local educational agency to meet those needs.

(C) Current participation in the programs identified in paragraphs (1) and (2) of subdivision (a).

(D) The barriers to participating in the programs identified in paragraphs (1) and (2) of subdivision (a).

(E) Any existing partnerships with county agencies or community-based agencies to provide health and mental health services to pupils.

(2) Work with local educational agency staff to establish or expand the expertise necessary to maximize federal reimbursement revenue through an analysis of past claims and review eligible school expenditures to ensure maximum usage of potential Medi-Cal reimbursements, including the Early and Periodic Screening, Diagnostic, and Treatment services provided to eligible pupils.

(3) Facilitate the exploration of opportunities to collaborate with county mental health plans, Medi-Cal managed care plans, and private health care service plans and health insurers to establish partnerships through memoranda of understanding or other means to coordinate the funding and provision of health and mental health services to pupils.

(4) Complete, and provide to the department, a final report at the conclusion of the pilot project with data on any increases in the level of health and mental health services provided to pupils in the local educational agency, any improved measurable outcomes for pupils, increased funding secured, plans for ongoing sustainability of health and mental health services beyond the pilot project period, and recommendations on maximizing federal reimbursement and other revenue sources to provide effective health and mental health services to pupils.

(f) (1) The department, in consultation with the State Department of Health Care Services, participating local educational agencies, and the technical assistance teams established pursuant to subdivision (b), shall prepare and submit to the relevant policy and fiscal committees of the Legislature on or before January 1, 2025, or six months after the final local educational agency has ended its service as a pilot participant, whichever comes first, a final report of the pilot programs established pursuant to this section. The report shall include, but not be limited to, all the following:

(A) Best practices developed by local educational agencies that ensure every pupil receives an uninterrupted continuum of effective care services.

(B) Program requirements and support services needed for the Local Educational Agency Medi-Cal Billing Option Program, the School-based Medi-Cal Administrative Activities Program, and medically necessary federal Early and Periodic Screening, Diagnostic, and Treatment benefits, to ensure ease of use and access for local educational agencies.

(C) Total dollars drawn down from federal sources by local educational agencies participating in the pilot project.

(D) The number of pupils receiving health and mental health services by participating local educational agencies throughout the course of the

pilot project, including breakdowns by subgroups, and measurable improved outcomes for those pupils.

(E) Recommendations for expanding the program statewide, including an estimate of the cost of fully funding an ongoing technical assistance and support program on a statewide basis.

(F) Strategies for working with the State Department of Health Care Services to coordinate, streamline, and prevent the duplication of Medi-Cal covered services.

(G) Recommendations on specific changes needed to state regulations or statute, the need for approval of amendments to the state Medicaid plan or federal waivers, changes to implementation of federal regulations, changes to state agency support and oversight, and associated staffing or funding needed to implement recommendations.

(2) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(g) The department, in consultation with the technical assistance teams, the State Department of Health Care Services, and the Mental Health Services Oversight and Accountability Commission, shall prepare materials for use by local educational agencies in developing the capacity to effectively secure sustainable funding for the delivery of comprehensive health and mental health services to pupils.

(h) The State Department of Health Care Services shall seek federal financial participation for the activities conducted pursuant to this section.

(i) The following definitions apply to this section:

(1) “County mental health plan” means an entity authorized pursuant to Article 5 (commencing with Section 14680) of Chapter 8.8 of Part 3 of Division 9 of the Welfare and Institutions Code.

(2) “Medi-Cal managed care plan” means an individual, organization, or entity that enters into a contract with the department to provide services to enrolled Medi-Cal beneficiaries pursuant to any of the following:

(A) Article 2.7 (commencing with Section 14087.3) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, excluding dental managed care programs developed pursuant to Section 14087.46 of the Welfare and Institutions Code.

(B) Article 2.8 (commencing with Section 14087.5), Article 2.81 (commencing with Section 14087.96), Article 2.82 (commencing with Section 14087.98), Article 2.9 (commencing with Section 14088), or Article 2.91 (commencing with Section 14089) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code.

(C) Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code, excluding dental managed care plans.

(D) Chapter 3 (commencing with Section 101675) of Part 4 of Division 101 of the Health and Safety Code.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the

2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for the 2020–21 fiscal year.

49422. (a) (1) On or before November 1, 2021, the State Department of Education shall establish a process to select, with approval from the executive director of the state board, a local educational agency to provide guidance around Medi-Cal billing and increase local educational agencies’ capacity to successfully submit claims through the Local Educational Agency Medi-Cal Billing Option Program. The local educational agency selected shall have demonstrated success in submitting claims through the Local Educational Agency Medi-Cal Billing Option Program and drawing down federal reimbursement for Medi-Cal services, and a willingness and capacity to perform the duties described in paragraph (2). The State Department of Health Care Services shall provide relevant data, including, but not limited to, the number of years participating in the program and cost reimbursement data for each local educational agency, in the form and manner requested by the State Department of Education and the executive director of the state board no later than August 31, 2021, to aid in the selection process. The State Department of Health Care Services shall assist the State Department of Education, as needed, with the selection process, including verifying information provided by local educational agencies regarding program participation during the selection process.

(2) The local educational agency selected pursuant to paragraph (1) shall do all of the following:

(A) Provide effective assistance and support to local educational agencies in securing federal reimbursement for services provided to Medi-Cal eligible pupils.

(B) Work in coordination and collaboration with expert lead agencies identified pursuant to Section 52073.1, special education resource leads identified pursuant to Section 52073.2, the State Department of Education, and the State Department of Health Care Services.

(C) Identify and disseminate information regarding existing resources, professional development activities, and other efforts currently available to assist local educational agencies in successfully submitting claims through the Local Educational Agency Medi-Cal Billing Option Program and drawing down federal reimbursement for Medi-Cal services.

(D) Upon request by the State Department of Education and the State Department of Health Care Services, develop new resources and activities designed to build capacity for local educational agencies to secure federal reimbursement for services provided to Medi-Cal eligible pupils.

(E) Serve as a point of contact for local educational agencies, and regularly participate and share the perspectives of local educational agencies in the Local Educational Agency Program Advisory Workgroup convened by the State Department of Health Care Services.

(F) Other duties, as prescribed by the State Department of Education, to enhance Medi-Cal services on schoolsites, increase access of care for pupils, and increase Medi-Cal reimbursement for local educational agencies.

(3) A local educational agency may partner as a consortium with other local educational agencies, institutions of higher education, nonprofit educational services providers, county mental health providers, or other local partners to submit a proposal to the State Department of Education to be considered for selection as the local educational agency pursuant to paragraph (1).

(b) (1) The term of a local educational agency selected pursuant to subdivision (a) shall not exceed five years.

(2) The selected local educational agency shall commit to providing program data to the State Department of Education, as specified by the Superintendent, to evaluate the effectiveness of the activities performed under paragraph (2) of subdivision (a).

(3) At the conclusion of the term of the selected local educational agency, the State Department of Education, with approval from the executive director of the state board, may renew the term of the selected local educational agency or select a new local educational agency in a manner consistent with subdivision (a).

(4) If a selected local educational agency requests that its term be renewed, it shall provide a description of the efforts it has made to carry out the duties described in paragraph (2) of subdivision (a), and before renewing the term, the State Department of Education shall evaluate the local educational agency's success in carrying out those duties.

(c) Notwithstanding Section 13340 of the Government Code, commencing with the 2021–22 fiscal year, each fiscal year the sum of two hundred fifty thousand dollars (\$250,000) shall be continuously appropriated, without regard to fiscal years, from the General Fund to the State Department of Education to be awarded to the local educational agency selected pursuant to this section.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (c) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the fiscal year in which they are appropriated, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for the fiscal year in which they are appropriated.

SEC. 62. Section 49501.5 is added to the Education Code, to read:

49501.5. (a) Notwithstanding any other provision of this chapter, commencing with the 2022–23 school year all of the following shall apply:

(1) A school district or county superintendent of schools maintaining kindergarten or any of grades 1 to 12, inclusive, shall provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded

free or reduced-price meal, with a maximum of one free meal for each meal service period, except for family daycare homes that shall be reimbursed for 75 percent of the meals served. The meals provided under this paragraph shall be nutritiously adequate meals that qualify for federal reimbursement.

(2) A charter school shall provide two school meals free of charge during each schoolday to any pupil who requests a meal without consideration of the pupil's eligibility for a federally funded free or reduced-price meal, with a maximum of one free meal for each meal service period. The meals provided under this paragraph shall be nutritiously adequate meals that qualify for federal reimbursement.

(3) (A) A local educational agency that has a reimbursable school breakfast program shall not charge any pupil enrolled in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, any amount for any breakfast served to that pupil through the program, and shall provide a breakfast free of charge to any pupil who requests one without consideration of the pupil's eligibility for a federally funded free or reduced-price meal. The meals provided free of charge pursuant to this paragraph shall be nutritiously adequate, and shall count toward the total of two school meals required to be provided each schoolday under paragraphs (1) and (2).

(B) As used in this paragraph, "school breakfast program" means the nonprofit breakfast program established by Section 4 of the federal Child Nutrition Act of 1966 (42 U.S.C. Sec. 1771 et seq.).

(4) The department shall reimburse local educational agencies that participate in the federal School Breakfast Program and National School Lunch Program for all nonreimbursed expenses accrued in providing United States Department of Agriculture reimbursable meals to pupils as described in subdivision (b).

(b) The amount of per-meal reimbursements provided under this section shall not exceed the difference between the sum of the amounts calculated from meals claimed based on the free combined breakfast and lunch reimbursement rates established by the United States Department of Agriculture and state meal contribution established in Section 49559, and the combined federal and state amounts reimbursed for reduced-price and paid meals claimed.

(c) For the 2021–22 school year, the twenty-four cents eighty-seven mills (\$0.2487) reimbursement per meal served, as specified in Provision 6 of Item 6100-203-0001 of the Budget Act of 2021, shall apply to all United States Department of Agriculture reimbursable meals served to pupils under the federal Seamless Summer Option, if eligible in accordance with federal regulations.

(d) The reimbursement required pursuant to this section shall be provided upon appropriation by the Legislature. This section shall not be operative until the Legislature has appropriated funds for purposes of this section.

(e) The department shall develop and adopt regulations as it deems necessary to implement this article, including regulations that authorize local educational agencies that administer a school lunch program under

the federal Richard B. Russell National School Lunch Act (Public Law 113-79) to release to appropriate officials administering the CalFresh and Medi-Cal programs information that is necessary to implement the purposes of this article, while protecting the privacy of pupils and their families.

SEC. 63. Section 49564 of the Education Code is amended to read:

49564. (a) For purposes of this section, a “very high poverty school” is a school that enrolls pupils in kindergarten or in any of grades 1 to 12, inclusive, and is eligible to receive the free federal reimbursement rate for all reimbursable school breakfasts and lunches served, pursuant to the Community Eligibility Provision in Section 1759a of Title 42 of the United States Code.

(b) (1) In order to provide pupils in very high poverty schools with optimal nutrition for learning and to ensure that schools receive the maximum federal meal reimbursement, a school district or a county superintendent of schools shall provide breakfast and lunch free of charge to all pupils at a very high poverty school pursuant to this section, except as provided in subdivision (c).

(2) On or before September 1, 2018, a school district or county superintendent of schools that has a very high poverty school in its jurisdiction shall apply to operate a federal universal meal service provision, which may include, but is not limited to, the Community Eligibility Provision or Provision 2, pursuant to Section 1759a of Title 42 of the United States Code.

(3) A school district or county superintendent of schools shall begin providing a universal meal service pursuant to Section 1759a of Title 42 of the United States Code to all pupils at a very high poverty school upon state approval to operate a universal meal service. A school district or county superintendent of schools may stop providing the universal meal service at a school if the school ceases to be a very high poverty school.

(c) The governing board of a school district or county office of education may adopt a resolution stating that it is unable to comply with, and demonstrating the reasons why it is unable to comply with, the requirements of this section due to fiscal hardship. The resolution shall be publicly noticed on at least two consecutive meeting agendas, on the first meeting agenda as an information item and on the second meeting agenda as an action item. If the resolution is approved by at least a majority of the governing board of the school district or county office of education, the school district or county office of education is exempt from the requirements of subdivision (b). The governing board of the school district or county office of education shall reconsider the resolution at least once every four years.

(d) For purposes of this section, a charter school shall be considered a very high poverty school only if it participates in the federal National School Lunch Program or the federal School Breakfast Program, or both, and meets the description in subdivision (a). A charter school that is a very high poverty school shall comply with the requirements specified in subdivision (b), and the governing body of such charter school may exercise the authority specified in subdivision (c).

(e) This section does not apply to a school district, county office of education, or charter school that is operating a universal meal service pursuant to Section 49564.3.

(f) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 64. Section 49564.3 is added to the Education Code, to read:

49564.3. (a) For purposes of this section, a “high-poverty school” is a school that enrolls pupils in kindergarten or in any of grades 1 to 12, inclusive, and is eligible to operate under the Community Eligibility Provision, pursuant to Section 1759a of Title 42 of the United States Code.

(b) (1) In order to provide pupils in high-poverty schools with optimal nutrition for learning and to ensure that schools receive the maximum federal meal reimbursement, a school district or a county superintendent of schools shall provide breakfast and lunch free of charge to all pupils at a high-poverty school pursuant to this section.

(2) On or before June 30, 2022, a school district or county superintendent of schools that has a high-poverty school in its jurisdiction shall apply to operate a federal universal meal service provision, which may include, but is not limited to, the Community Eligibility Provision or Provision 2, pursuant to Section 1759a of Title 42 of the United States Code.

(3) A school district or county superintendent of schools shall begin providing a universal meal service pursuant to Section 1759a of Title 42 of the United States Code to all pupils at a high-poverty school upon state approval to operate a universal meal service.

(c) The department shall provide technical assistance to school districts and county superintendents of schools for the purpose of maximizing the number of schools within each local educational agency to be eligible for the Community Eligibility Provision, pursuant to Section 1759a of Title 42 of the United States Code.

(d) For purposes of this section, a charter school shall be considered a high-poverty school only if it participates in the federal National School Lunch Program or the federal School Breakfast Program, or both, and meets the description in subdivision (a). A charter school that is a high-poverty school shall comply with the requirements specified in subdivision (b).

SEC. 65. Section 51461 of the Education Code is amended to read:

51461. (a) The State Seal of Biliteracy certifies attainment of a high level of proficiency by a graduating high school pupil in one or more languages, in addition to English, and certifies that the graduate meets all of the following criteria:

(1) Completion of all English language arts requirements for graduation with an overall grade point average of 2.0 or above in those classes.

(2) Passing the California Assessment of Student Performance and Progress for English language arts, or any successor test, administered in grade 11, at or above the “standard met” achievement level, or at the achievement level determined by the Superintendent for any successor test.

(3) Proficiency in one or more languages other than English, demonstrated through one of the following methods:

(A) Passing a world language Advanced Placement examination with a score of 3 or higher or an International Baccalaureate examination with a score of 4 or higher.

(B) Successful completion of a four-year high school course of study in a world language, attaining an overall grade point average of 3.0 or above in that course of study, and oral proficiency in the language comparable to that required pursuant to subparagraph (A).

(C) (i) If no Advanced Placement examination or off-the-shelf language test exists and the school district can certify to the Superintendent that the test meets the rigor of a four-year high school course of study in that world language, passing a school district language examination that, at a minimum, assesses speaking, reading, and writing in a language other than English at the proficient level or higher. If a school district offers a language examination in a language in which an Advanced Placement examination or off-the-shelf language test exists, the school district language examination shall be approved by the Superintendent for the purpose of determining proficiency in a language other than English.

(ii) Notwithstanding clause (i), a pupil who seeks to qualify for the State Seal of Biliteracy through a language that is not characterized by listening, speaking, or reading, or for which there is no written system, shall pass an assessment on the modalities that characterize communication in that language at the proficient level or higher.

(D) Passing the SAT II world language examination with a score of 600 or higher.

(b) If the primary language of a pupil in any of grades 9 to 12, inclusive, is other than English, the pupil shall do both of the following in order to qualify for the State Seal of Biliteracy:

(1) Attain the level demonstrating English language proficiency on the English Language Proficiency Assessments for California, or any successor English language proficiency assessment, in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive.

(2) Meet the requirements of subdivision (a).

(c) For languages in which an Advanced Placement test is not available, the Superintendent may provide a listing of equivalent summative tests that school districts may use in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). A school district may provide the Superintendent with a list of equivalent summative tests that the school district uses in place of an Advanced Placement test for purposes of subparagraph (A) of paragraph (3) of subdivision (a). The Superintendent may use lists received from school districts in developing the Superintendent's list of equivalent summative tests.

(d) Notwithstanding subdivisions (a) and (b), for those pupils on track to graduate in 2020 or 2021, who were unable to take the assessments identified in paragraph (1) of subdivision (b), or who did not receive a letter grade in English language arts to satisfy paragraph (1) of subdivision (a), the Superintendent may provide alternatives to demonstrating attainment of a high level of proficiency in one or more languages in addition to English.

For pupils who are on track to graduate in 2021 and were unable to take the assessment identified in paragraph (2) of subdivision (a), the Superintendent may waive the requirement to pass that assessment.

(e) For purposes of this article, “world language” has the same meaning as defined in Section 91.

(f) Notwithstanding subdivision (a), for those pupils on track to graduate in 2022 and who were unable to take the assessment identified in paragraph (2) of subdivision (a), the Superintendent may use the assessments identified in Section 121 of the act adding this subdivision to determine whether a pupil obtained the achievement level on a grade 11 English language arts assessment for the purposes of paragraph (2) of subdivision (a).

SEC. 66. Section 51745 of the Education Code is amended to read:

51745. (a) Commencing with the 1990–91 school year, a local educational agency may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. For the 2021–22 school year only, the governing board of a school district or a county office of education shall offer independent study to meet the educational needs of pupils. Educational opportunities offered through independent study may include, but shall not be limited to, the following:

(1) Special assignments extending the content of regular courses of instruction.

(2) Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.

(3) Individualized alternative education designed to teach the knowledge and skills of the core curriculum. Independent study shall not be provided as an alternative curriculum.

(4) Continuing and special study during travel.

(5) Volunteer community service activities and leadership opportunities that support and strengthen pupil achievement.

(6) Individualized study for a pupil whose health would be put at risk by in-person instruction, as determined by the parent or guardian of the pupil.

(b) Not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the department, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of their children shall not be counted within the 10 percent cap.

(c) An individual with exceptional needs, as defined in Section 56026, shall not participate in independent study, unless the pupil’s individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(d) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through independent study.

(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.

(f) The governing board of a school district or county office of education may meet the requirement to offer independent study for the 2021–22 school year by contracting with a county office of education or by entering into an interdistrict transfer agreement with another school district pursuant to Section 46600.

(g) The requirement to offer independent study for the 2021–22 school year may be waived for school districts by the county superintendent of schools in the county in which the school district is located and waived for county offices of education and school districts in single-district counties by the Superintendent if the school district or county office of education, as applicable, demonstrates both of the following:

(1) Offering independent study would create an unreasonable fiscal burden on the school district or county office of education due to low numbers of pupils participating or other extenuating circumstances.

(2) The governing board of the school district or county office of education does not have the option to enter into an interdistrict transfer agreement with another school district or to contract with a county office of education to provide an independent study option, as described in subdivision (f).

SEC. 67. Section 51745.5 is added to the Education Code, to read:

51745.5. For purposes of this article the following definitions apply:

(a) “Live interaction” means interaction between the pupil and local educational agency classified or certificated staff, and may include peers, provided for the purpose of maintaining school connectedness, including, but not limited to, wellness checks, progress monitoring, provision of services, and instruction. This interaction may take place in person, or in the form of internet or telephonic communication.

(b) “Local educational agency” means a school district, county office of education, or charter school.

(c) “Pupil-parent-educator conference” means a meeting involving, at a minimum, all parties who signed the pupil’s written independent study agreement pursuant to subdivision (g) of Section 51747 or the written learning agreement pursuant to subdivision (b) of Section 51749.6.

(d) “Synchronous instruction” means classroom-style instruction or designated small group or one-on-one instruction delivered in person, or in the form of internet or telephonic communications, and involving live two-way communication between the teacher and pupil. Synchronous instruction shall be provided by the teacher of record for that pupil pursuant to Section 51747.5.

SEC. 68. Section 51745.6 of the Education Code is amended to read:

51745.6. (a) (1) The ratio of average daily attendance for independent study pupils 18 years of age or less to school district full-time equivalent certificated employees responsible for independent study, calculated as specified by the department, shall not exceed the equivalent ratio of average daily attendance to full-time equivalent certificated employees providing instruction in other educational programs operated by the school district, unless a new higher or lower average daily attendance ratio for all other

educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio.

(2) The ratio of average daily attendance for independent study pupils 18 years of age or less to county office of education full-time equivalent certificated employees responsible for independent study, to be calculated in a manner prescribed by the department, shall not exceed the equivalent prior year ratio of average daily attendance to full-time equivalent certificated employees for all other educational programs operated by the high school or unified school district with the largest average daily attendance of pupils in that county or the collectively bargained alternative ratio used by that high school or unified school district in the prior year, unless a new higher or lower average daily attendance ratio for all other educational programs offered is negotiated in a collective bargaining agreement or a memorandum of understanding is entered into that indicates an existing collective bargaining agreement contains an alternative average daily attendance ratio. The computation of the ratios shall be performed annually by the reporting agency at the time of, and in connection with, the second principal apportionment report to the Superintendent.

(b) Only those units of average daily attendance for independent study that reflect a pupil-teacher ratio that does not exceed the ratios described in subdivision (a) shall be eligible for apportionment pursuant to Section 2575, for county offices of education, and Section 42238.05, for school districts. This section does not prevent a school district or county office of education from serving additional units of average daily attendance greater than the ratios described in subdivision (a), except that those additional units shall not be funded pursuant to Section 2575 or 42238.05, as applicable. If a school district, charter school, or county office of education has a memorandum of understanding to provide instruction in coordination with the school district, charter school, or county office of education at which a pupil is enrolled, the ratios that shall apply for purposes of this paragraph are the ratios for the local educational agency providing the independent study program to the pupil pursuant to Section 51749.5.

(c) The calculations performed for purposes of this section shall not include either of the following:

(1) The average daily attendance generated by special education pupils enrolled in special day classes on a full-time basis, or the teachers of those classes.

(2) The average daily attendance or teachers in necessary small schools that are eligible to receive funding pursuant to Article 4 (commencing with Section 42280) of Chapter 7 of Part 24 of Division 3.

(d) The applicable average-daily-attendance-to-certificated-employee ratios described in subdivision (a) may, in a charter school, be calculated by using a fixed average-daily-attendance-to-certificated-employee ratio of 25 to 1, or by using a ratio of less than 25 pupils per certificated employee. A new higher or lower ratio for all other educational programs offered by

a charter school may be negotiated in a collective bargaining agreement, or a memorandum of understanding indicating that an existing collective bargaining agreement contains an alternative average daily attendance ratio may be entered into by a charter school. All charter school pupils, regardless of age, shall be included in the applicable average-daily-attendance-to-certificated-employee ratio calculations.

(e) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the ratios included in this section, including fiscal penalties for noncompliance as described in this section.

SEC. 69. Section 51747 of the Education Code is amended to read:

51747. A local educational agency shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent, that include, but are not limited to, all of the following:

(a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.

(b) (1) The level of satisfactory educational progress and the number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether the pupil should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

(2) Satisfactory educational progress shall be determined based on all of the following indicators:

(A) The pupil's achievement and engagement in the independent study program, as indicated by the pupil's performance on applicable pupil-level measures of pupil achievement and pupil engagement set forth in paragraphs (4) and (5) of subdivision (d) of Section 52060.

(B) The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.

(C) Learning required concepts, as determined by the supervising teacher.

(D) Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.

(c) The provision of content aligned to grade level standards that is provided at a level of quality and intellectual challenge substantially equivalent to in-person instruction. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A–G admissions criteria.

(d) Procedures for tiered reengagement strategies for all pupils who are not generating attendance for more than three schooldays or 60 percent of

the instructional days in a school week, or who are in violation of the written agreement pursuant to subdivision (g). These procedures shall include, but are not necessarily limited to, all of the following:

- (1) Verification of current contact information for each enrolled pupil.
- (2) Notification to parents or guardians of lack of participation within one school day of the absence or lack of participation.
- (3) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary.
- (4) A clear standard for requiring a pupil-parent-educator conference to review a pupil's written agreement, and reconsider the independent study program's impact on the pupil's achievement and well-being, consistent with the policies adopted pursuant to paragraph (4) of subdivision (g).
- (e) (1) For pupils in transitional kindergarten and grades 1 to 3, inclusive, a plan to provide opportunities for daily synchronous instruction for all pupils throughout the school year.
- (2) For pupils in grades 4 to 8, inclusive, a plan to provide opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.
- (3) For pupils in grades 9 to 12, inclusive, a plan to provide opportunities for at least weekly synchronous instruction for all pupils throughout the school year.
- (f) A plan to transition pupils whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days.
- (g) A requirement that a current written agreement for each independent study pupil shall be maintained on file, including, but not limited to, all of the following:
 - (1) The manner, time, frequency, and place for submitting a pupil's assignments, for reporting the pupil's academic progress, and for communicating with a pupil's parent or guardian regarding a pupil's academic progress.
 - (2) The objectives and methods of study for the pupil's work, and the methods used to evaluate that work.
 - (3) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.
 - (4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.
 - (5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.

(6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.

(7) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

(8) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

(9) (A) Each written agreement shall be signed, before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

(B) Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file.

(C) For purposes of this section, an electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format (PDF), JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.

(D) Either an original document or an electronic file of the original document is allowable documentation for auditing purposes.

(E) Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the department, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.

(F) Notwithstanding subparagraph (A), for the 2021–22 school year only, a local educational agency shall obtain a signed written agreement for independent study from the pupil, or the pupil’s parent or legal guardian if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction. This subparagraph does not relieve a local educational agency from the obligation to comply with the requirements of this article, as amended by the act adding this subparagraph, upon commencement of instruction for a participating pupil in the 2021–22 school year.

(h) (1) For the 2021–22 school year only, school districts and county offices of education shall notify the parents and guardians of all enrolled pupils of their options to enroll their child in in-person instruction or independent study during the 2021–22 school year. This notice shall include written information on the local educational agency’s internet website, including, but not limited to, the right to request a pupil-parent-educator conference meeting before enrollment pursuant to this section, pupil rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study, and the synchronous and asynchronous instructional time that a pupil will have access to as part of independent study. If 15 percent or more of the pupils enrolled in a local educational agency that provides instruction in transitional kindergarten, kindergarten, or any of grades 1 to 12, inclusive, speak a single primary language other than English, as determined from the census data submitted to the department pursuant to Section 52164 in the preceding year, the written information shall, in addition to being written in English, be written in the primary language.

(2) Before signing a written agreement pursuant to this section, and upon the request of the parent or guardian of a pupil, the local educational agency shall conduct a phone, videoconference, or in-person pupil-parent-educator conference or other school meeting during which the pupil, parent or guardian, and, if requested by the pupil or parent, an education advocate, may ask questions about the educational options, including which curriculum offerings and nonacademic supports will be available to the pupil in independent study, before making the decision about enrollment or disenrollment in the various options for learning.

(i) Subdivisions (d), (e), and (f) shall not apply to pupils that participate in an independent study program for fewer than 15 schooldays in a school year.

(j) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the adoption of the policies required pursuant to this section, including loss of apportionment for independent study for local educational agencies found to be noncompliant, unless compliance verification for those policies is already included in the audit guide.

(k) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

SEC. 70. Section 51747.3 of the Education Code is amended to read:

51747.3. (a) Notwithstanding any other law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the local educational agency has provided any funds or other thing of value to the pupil or the pupil's parent or guardian that the local educational agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or the pupil's parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to the pupil's parent or guardian.

(b) Providing access to connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work, consistent with paragraph (3) of subdivision (g) of Section 51747, or to participate in an independent study course, as authorized in Section 51749.5, shall not be considered funds or other things of value for purposes of subdivision (a).

(c) Notwithstanding paragraph (1) of subdivision (e) of Section 47605 or any other law, community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

(d) The Superintendent shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.

(e) In conformity with Provisions 25 and 28 of Item 6110-101-001 of Section 2.00 of the Budget Act of 1992, this section applies to average daily attendance reported for apportionment purposes beginning July 1, 1992.

(f) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

SEC. 71. Section 51747.5 of the Education Code is amended to read:

51747.5. (a) The independent study by each pupil shall be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, shall be under the general supervision of an employee of the local educational agency who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law.

(b) A local educational agency may claim apportionment credit for independent study only to the extent of the time value of pupil work products,

as personally judged in each instance by a certificated teacher. It is the intent of the Legislature that teachers be given access to digital assignment tracking systems to reduce workload associated with evaluating and accounting for pupil work.

(c) A local educational agency shall document each pupil's participation in live interaction and synchronous instruction pursuant to Section 51747 on each schoolday, as applicable, in whole or in part, for which independent study is provided. A pupil who does not participate in independent study on a schoolday shall be documented as nonparticipatory for that schoolday.

(d) A local educational agency shall maintain written or computer-based evidence of pupil engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades.

(e) For purposes of this section, a local educational agency shall not be required to sign and date pupil work products when assessing the time value of pupil work products for apportionment purposes.

(f) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate compliance reviews for subdivisions (a) to (d), inclusive, unless compliance verification for those subdivisions is already included in the audit guide. Findings of noncompliance shall result in the loss of apportionment equal to the average daily attendance impacted by the noncompliance.

(g) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

SEC. 72. Section 51749 of the Education Code is amended to read:

51749. (a) The Superintendent, upon the next revision of the California Basic Educational Data System, or its equivalent, following July 1, 1990, shall include all data collection elements necessary to compile an annual statewide profile of pupils participating in independent study, including data on the number and percentage of pupils pursuing their coursework through independent study who successfully complete the requirements for a high school diploma.

(b) Commencing with the 2021–22 school year, the department shall include a required field in the California Longitudinal Pupil Achievement Data System for the collection of the number of pupils participating in independent study pursuant to this article for 15 or more schooldays.

SEC. 73. Section 51749.5 of the Education Code is amended to read:

51749.5. (a) Notwithstanding any other law, and commencing with the 2015–16 school year, a local educational agency may, for pupils enrolled in kindergarten and grades 1 to 12, inclusive, provide independent study courses pursuant to the following conditions:

(1) The governing board or body of the local educational agency adopts policies, at a public meeting, that comply with the requirements of this section and any applicable regulations adopted by the state board.

(2) A signed learning agreement is completed and on file pursuant to Section 51749.6.

(3) Courses are taught under the general supervision of certificated employees who hold the appropriate subject matter credential pursuant to Section 44300 or 44865, or subdivision (I) of Section 47605, and are employed by the local educational agency at which the pupil is enrolled, or by a local educational agency that has a memorandum of understanding to provide the instruction in coordination with the local educational agency at which the pupil is enrolled.

(4) (A) Courses are annually certified, by local educational agency governing board or body resolution, to be of the same rigor, educational quality, and intellectual challenge substantially equivalent to in-person instruction and equivalent classroom-based courses, and shall be aligned to all relevant local and state content standards. For high schools, this shall include access to all courses offered by the local educational agency for graduation and approved by the University of California or the California State University as creditable under the A-G admissions criteria.

(B) This certification shall, at a minimum, include the duration, number of equivalent daily instructional minutes for each schoolday that a pupil is enrolled, number of equivalent total instructional minutes, number of course credits for each course, and a plan as described in subparagraph (C). This information shall be consistent with that of equivalent classroom-based courses.

(C) (i) For pupils in transitional kindergarten and grades 1 to 3, inclusive, a plan to provide opportunities for daily synchronous instruction for all pupils throughout the school year.

(ii) For pupils in grades 4 to 8, inclusive, a plan to provide opportunities for both daily live interaction and at least weekly synchronous instruction for all pupils throughout the school year.

(iii) For pupils in grades 9 to 12, inclusive, a plan to provide opportunities for at least weekly synchronous instruction for all pupils throughout the school year.

(5) Pupils enrolled in courses authorized by this section shall meet the applicable age requirements established pursuant to Sections 46300.1, 46300.4, 47612, and 47612.1.

(6) Pupils enrolled in courses authorized by this section shall meet the applicable residency and enrollment requirements established pursuant to Sections 46300.2, 47612, 48204, and 51747.3.

(7) (A) An individual with exceptional needs, as defined in Section 56026, shall not participate in course-based independent study, unless the pupil's individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(B) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through course-based independent study.

(8) (A) Satisfactory educational progress shall be determined based on all of the following indicators:

(i) The pupil's achievement and engagement in the independent study program, as indicated by the pupil's performance on applicable pupil-level measures of pupil achievement and pupil engagement set forth in paragraphs (4) and (5) of subdivision (d) of Section 52060.

(ii) The completion of assignments, assessments, or other indicators that evidence that the pupil is working on assignments.

(iii) Learning required concepts, as determined by the supervising teacher.

(iv) Progressing toward successful completion of the course of study or individual course, as determined by the supervising teacher.

(B) If satisfactory educational progress in one or more courses is not being made, certificated employees providing instruction shall notify the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, and conduct an evaluation to determine whether it is in the best interest of the pupil to remain in the course or whether the pupil should be referred to an alternative program, which may include, but is not limited to, a regular school program. A written record of the findings of an evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

(C) Procedures for tiered reengagement strategies for all pupils who are not making satisfactory educational progress in one or more courses, or who are in violation of the written learning agreement pursuant to Section 51749.6. These procedures shall include, but are not necessarily limited to, all of the following:

(i) Verification of current contact information for each enrolled pupil.

(ii) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary.

(iii) A clear standard for requiring a pupil-parent-educator conference to review a pupil's written learning agreement, and reconsider the independent study course's impact on the pupil's achievement and well-being.

(D) Written or computer-based evidence of satisfactory educational progress, as described in subparagraph (A), shall be retained for each course and pupil. At a minimum, this evidence shall include a grade book or summary document that, for each course, lists all assignments, examinations, and associated grades.

(9) A plan to transition pupils whose families wish to return to in-person instruction from course-based independent study expeditiously, and, in no case, later than five instructional days.

(10) A proctor shall administer examinations.

(11) (A) Statewide testing results for pupils enrolled in any course authorized pursuant to this section shall be reported and assigned to the school or charter school at which the pupil is enrolled, and to any school district, charter school, or county office of education within which that school's or charter school's testing results are aggregated.

(B) Statewide testing results for pupils enrolled in a course or courses pursuant to this section shall be disaggregated for purposes of comparing the testing results of those pupils to the testing results of pupils enrolled in classroom-based courses.

(12) A pupil shall not be required to enroll in courses authorized by this section.

(13) The pupil-to-certificated-employee ratio limitations established pursuant to Section 51745.6 are applicable to courses authorized by this section.

(14) For each pupil, the combined equivalent daily instructional minutes for enrolled courses authorized by this section and enrolled courses authorized by all other laws and regulations shall meet the minimum instructional day requirements applicable to the local educational agency. Pupils enrolled in courses authorized by this section shall be offered the minimum annual total equivalent instructional minutes pursuant to Sections 46200 to 46208, inclusive, and Section 47612.5.

(15) Courses required for high school graduation or for admission to the University of California or California State University shall not be offered exclusively through independent study.

(16) A pupil participating in independent study shall not be assessed a fee prohibited by Section 49011.

(17) A pupil shall not be prohibited from participating in independent study solely on the basis that the pupil does not have the materials, equipment, or internet access that are necessary to participate in the independent study course.

(b) For purposes of computing average daily attendance for each pupil enrolled in one or more courses authorized by this section, the following computations shall apply:

(1) (A) For each schoolday, add the combined equivalent daily instructional minutes, as certified in paragraph (4) of subdivision (a), for courses authorized by this section in which the pupil is enrolled.

(B) For each schoolday, add the combined daily instructional minutes of courses authorized by all other laws and regulations in which the pupil is enrolled and for which the pupil meets applicable attendance requirements.

(C) For each schoolday, add the sum of subparagraphs (A) and (B).

(2) If subparagraph (C) of paragraph (1) meets applicable minimum schoolday requirements for each schoolday, and all other requirements in this section have been met, credit each schoolday that the pupil is demonstrating satisfactory educational progress pursuant to the requirements of this section, with up to one school day of attendance.

(3) (A) Using credited schoolday attendance pursuant to paragraph (2), calculate average daily attendance pursuant to Section 41601 or 47612, whichever is applicable, for each pupil.

(B) The average daily attendance computed pursuant to this subdivision shall not result in more than one unit of average daily attendance per pupil.

(4) Notwithstanding any other law, average daily attendance computed for pupils enrolled in courses authorized by this section shall not be credited with average daily attendance other than what is specified in this section.

(5) If more than 10 percent of the total average daily attendance of a local educational agency is claimed pursuant to this section, then the amount of average daily attendance for all pupils enrolled by that school district, charter school, or county office of education in courses authorized pursuant to this section that is in excess of 10 percent of the total average daily attendance for the local educational agency shall be reduced by either (A) the statewide average rate of absence for elementary school districts for kindergarten and grades 1 to 8, inclusive, or (B) the statewide average rate of absence for high school districts for grades 9 to 12, inclusive, as applicable, as calculated by the department for the prior fiscal year, with the resultant figures and ranges rounded to the nearest 10th.

(c) For purposes of this section, “equivalent total instructional minutes” means the same number of minutes as required for an equivalent classroom-based course.

(d) This section does not prohibit the right to collectively bargain any subject within the scope of representation pursuant to Section 3543.2 of the Government Code.

(e) (1) The Superintendent shall conduct an evaluation of independent study courses offered pursuant to this section and report the findings to the Legislature and the Director of Finance no later than September 1, 2019. The report shall, at a minimum, compare the academic performance of pupils in independent study with demographically similar pupils enrolled in equivalent classroom-based courses.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on September 1, 2023, pursuant to Section 10231.5 of the Government Code.

(3) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(f) Commencing with the 2021–22 fiscal year Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, the Controller shall incorporate verification of the ratios included in this section, including fiscal penalties for noncompliance as described in this section.

(g) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

SEC. 74. Section 51749.6 of the Education Code is amended to read:

51749.6. (a) Before enrolling a pupil in a course authorized by Section 51749.5, each local educational agency shall provide the pupil and, if the pupil is less than 18 years of age, the pupil’s parent or legal guardian, with a written learning agreement that includes all of the following:

(1) A summary of the policies and procedures adopted by the governing board or body of the local educational agency pursuant to Section 51749.5, as applicable.

(2) The duration of the enrolled course or courses, the duration of the learning agreement, and the number of course credits for each enrolled course consistent with the certifications adopted by the governing board or body of the local educational agency pursuant to Section 51749.5. The duration of a learning agreement shall not exceed a school year or span multiple school years.

(3) The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a pupil evaluation is required to determine whether the pupil should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program.

(4) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.

(5) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

(6) A statement that enrollment in a course authorized pursuant to Section 51749.5 is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through course-based independent study only if the pupil is offered the alternative of classroom instruction.

(7) The manner, time, frequency, and place for submitting a pupil's assignments, for reporting the pupil's academic progress, and for communicating with a pupil's parent or guardian regarding a pupil's academic progress.

(8) The objectives and methods of study for the pupil's work, and the methods used to evaluate that work.

(9) A statement of the adopted policies regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, the level of satisfactory educational progress, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in course-based independent study.

(10) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the learning agreement, to be earned by the pupil upon completion.

(b) (1) The learning agreement shall be signed, before the commencement of an independent study course, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated

employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph “caregiver” means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

(2) The signed learning agreement constitutes permission from a pupil’s parent or legal guardian, if the pupil is less than 18 years of age, for the pupil to receive instruction through course-based independent study.

(3) Either an original document or an electronic file of the original document is allowable documentation for auditing purposes.

(4) For purposes of this section, an electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format (PDF), JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.

(5) Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file.

(6) Written agreements may be signed using an electronic signature that complies with state and federal standards, as determined by the department, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of an electronic signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.

(7) Notwithstanding subparagraph (A), for the 2021–22 school year only, a local educational agency shall obtain a signed written agreement for independent study from the pupil, or the pupil’s parent or legal guardian if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of the independent study course, and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction. This subparagraph does not relieve a local educational agency from the obligation to comply with the requirements of this article, as amended by the act adding this paragraph, upon commencement of instruction for a participating pupil in the 2021–22 school year.

SEC. 75. Section 52064 of the Education Code is amended to read:

52064. (a) On or before March 31, 2014, the state board shall adopt a template for a local control and accountability plan and an annual update to the local control and accountability plan for the following purposes:

(1) For use by school districts to meet the requirements of Sections 52060 to 52063, inclusive.

(2) For use by county superintendents of schools to meet the requirements of Sections 52066 to 52069, inclusive.

(3) For use by charter schools to meet the requirements of Section 47606.5.

(b) On or before January 31, 2022, the template adopted by the state board shall require the inclusion of all of the following information:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605, subparagraph (A) of paragraph (5) of subdivision (b) of Section 47605.6, subdivision (d) of Section 52060, or subdivision (d) of Section 52066, as applicable, and for any additional local priorities identified by the governing board of the school district, the county board of education, or in the charter school petition. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in subdivision (a) of Section 52052.

(2) A description of the specific actions the school district, county office of education, or charter school will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1). The specific actions shall not supersede the provisions of existing local collective bargaining agreements, if any, within the jurisdiction of the school district, county office of education, or charter school.

(3) One or more summary tables listing and describing the budgeted expenditures for the ensuing fiscal year implementing each specific action included in the local control and accountability plan, including expenditures and specific actions for the ensuing fiscal year that will serve unduplicated pupils, as defined in Section 42238.02, and pupils redesignated as fluent English proficient. The summary table or tables shall include both of the following:

(A) The total overall expenditures for all specific actions included in the local control and accountability plan, broken down by personnel and nonpersonnel expenditures.

(B) The subtotals of expenditures for each specific action included in the local control and accountability plan broken down into the following categories:

(i) Funds apportioned under the local control funding formula pursuant to Section 42238.02.

(ii) All other state funds.

(iii) All local funds.

(iv) All federal funds.

(4) One or more summary tables listing and describing all the specific actions and budgeted expenditures in paragraph (3) that contribute to the demonstration that the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07, grouped as follows:

(A) Specific actions and budgeted expenditures provided to all pupils on a districtwide, countywide, or charterwide basis.

(B) Specific actions and budgeted expenditures that are targeted only to one or more unduplicated pupil subgroups. For these specific actions, the description shall specify the unduplicated pupil subgroup or subgroups that are targeted by each specific action and, if not provided at all schools, the school or schools where the specific action is provided.

(C) Only for school districts and county offices of education that operate more than one schoolsite, specific actions and budgeted expenditures provided to all pupils on a schoolwide basis, but only at schools serving certain grade spans or only at one or more schools. For these specific actions, the description shall specify the school or schools at which the specific action is provided.

(5) An estimate of the funds to be apportioned in the ensuing fiscal year on the basis of the number and concentration of unduplicated pupils and calculation of the percent the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.

(6) (A) A demonstration that the school district, county office of education, or charter school will increase or improve services for unduplicated pupils in the ensuing fiscal year in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07.

(B) As part of the demonstration required by subparagraph (A), the summary tables required by paragraph (4) shall demonstrate both of the following:

(i) That the full proportionality obligation referenced in paragraph (1) of subdivision (a) of Section 42238.07 is being met annually through the listed actions and services.

(ii) Each action's quantitative contribution toward the proportionality obligation as expenditures or its qualitative contribution as a percentage of increased or improved services for unduplicated pupils over and above the level of services provided to all pupils, consistent with the regulations adopted by the state board pursuant to Section 42238.07.

(7) A review of the progress toward the goals included in the existing local control and accountability plan, a review of any changes in the applicability of the goals, an assessment of the effectiveness of the specific actions described in the existing local control and accountability plan toward achieving the goals, a description of changes to the specific actions and related expenditures or quality improvements the school district, county office of education, or charter school will make as a result of the review and assessment, and an update on progress implementing the specific actions in the current fiscal year, including estimated actual expenditures for the specific actions and actual quality improvements.

(8) (A) The calculations required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07.

(B) If applicable to the school district, county office of education, or charter school pursuant to subdivision (d) of Section 42238.07, a description of the specific actions and related expenditures to be implemented using the funds specified in that paragraph, including a demonstration that the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.

(9) A plan summary that includes general information about the school district, county office of education, or charter school and highlights of the local control and accountability plan and annual update to the local control and accountability plan, including reflections on annual performance on the California School Dashboard authorized in Section 52064.5 and other local data.

(10) A summary of the stakeholder engagement process and how stakeholder engagement influenced the development of the adopted local control and accountability plan and annual update to the local control and accountability plan.

(11) For local educational agencies that receive concentration grant funding pursuant to Section 42238.02, a demonstration that the additional funding received as a result of the increased concentration grant add-on percent specified in subparagraph (B) of paragraph (1) of subdivision (f) of Section 42238.02 will be used to increase the number of credentialed staff, classified staff, or both of those, that provide direct services to pupils, including custodial staff, on school campuses with greater than 55-percent unduplicated pupil enrollment in the prior year as compared to the staff-to-pupil ratios at schools within the local educational agency with an unduplicated pupil enrollment in the prior year of 55 percent or less, if any.

(c) If possible, the templates identified in paragraph (2) of subdivision (a) for use by county superintendents of schools shall allow a county superintendent of schools to develop a single local control and accountability plan that would also satisfy the requirements of Section 48926.

(d) (1) The template for the local control and accountability plan and annual update to the local control and accountability plan shall, to the greatest extent practicable, use language that is understandable and accessible to parents. The state board shall include instructions for school districts, county offices of education, and charter schools to complete the local control and accountability plan and annual update to the local control and accountability plan consistent with the requirements of this section. The state board may include more technical language in the instructions.

(2) Except as provided in paragraph (3), the state board shall not require school districts, county offices of education, or charter schools to provide any information in addition to the information required pursuant to subdivision (b).

(3) The state board may require the inclusion of additional information in the template in order to meet requirements of federal law.

(e) (1) The process of developing and annually updating the local control and accountability plan should support school districts, county offices of education, and charter schools in comprehensive strategic planning, accountability, and improvement across the state priorities and any locally identified priorities through meaningful engagement with local stakeholders.

(2) In developing the template for the local control and accountability plan and annual update to the local control and accountability plan, the state board shall ensure that school districts, county offices of education, and charter schools track and report their progress annually on all state priorities, including the applicable metrics specified within each state priority and, for charter schools, in accordance with Section 47606.5.

(3) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools should prioritize the focus of the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan within one or more state priorities. The instructions shall further specify that school districts, county offices of education, and charter schools should consider their performance on the state and local indicators, including their locally collected and reported data for the local indicators, that are included in the California School Dashboard authorized in Section 52064.5 in determining whether and how to prioritize the goals, specific actions, and related expenditures included within the local control and accountability plan and annual update to the local control and accountability plan.

(4) The instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that have a numerically significant English learner pupil subgroup shall include specific actions in the local control and accountability plan related to, at a minimum, the language acquisition programs, as defined in Section 306, provided to pupils and professional development activities specific to English learners.

(5) On or before January 31, 2022, the instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that school districts, county offices of education, and charter schools that meet the criteria to receive technical assistance pursuant to Section 47607, 47607.2, 52071, or 52071.5, as applicable, based on the performance of the same pupil subgroup or subgroups for three or more consecutive years shall include a goal in the local control and accountability plan focused on improving the performance of the pupil subgroup or subgroups.

(6) (A) On or before January 31, 2022, the instructions developed by the state board pursuant to paragraph (1) of subdivision (d) shall specify that, for any school district or county office of education with a school that meets the criteria described in subparagraph (B), the school district or county office of education shall include a goal in the local control and accountability

plan focused on addressing the disparities in performance at the school or schools compared to the school district or county office of education as a whole.

(B) The requirement described in subparagraph (A) shall apply for any local educational agency with two or more schools if, for two consecutive years, a school receives the two lowest performance levels on all but one of the state indicators for which the school receives performance levels on the California School Dashboard pursuant to subdivision (d) of Section 52064.5 and the performance of the local educational agency for all pupils is at least one performance level higher on all of those indicators.

(f) (1) Except as provided in subdivision (g), the state board shall adopt the template pursuant to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may adopt emergency regulations for purposes of implementing this section. The adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare.

(2) Notwithstanding paragraph (1), the state board may adopt or revise the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code). When adopting the template pursuant to the requirements of the Bagley-Keene Open Meeting Act, the state board shall present the template at a regular meeting and may only take action to adopt the template at a subsequent regular meeting. This paragraph shall become inoperative on January 31, 2019.

(g) Notwithstanding subdivision (f), revisions of the template for the local control and accountability plan and annual update to the local control and accountability plan necessary to implement Assembly Bill 1808 and Assembly Bill 1840 of the 2017–18 Regular Session, legislation passed during the 2019–20 Regular Session, or Assembly Bill 130 of the 2021–22 Regular Session shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The state board may make necessary revisions to the template in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(h) Revisions to a template shall be approved by the state board by January 31 before the fiscal year during which the template is to be used by a school district, county superintendent of schools, or charter school.

(i) In developing the template, the state board shall take steps to minimize duplication of effort at the local level to the greatest extent possible. The adoption of a template or evaluation rubric by the state board shall not create a requirement for a governing board of a school district, a county board of education, or a governing body of a charter school to submit a local control and accountability plan to the state board, unless otherwise required by federal law. The Superintendent shall not require a local control and

accountability plan to be submitted by a governing board of a school district or the governing body of a charter school to the state board. The state board may adopt a template or evaluation rubric that would authorize a school district or a charter school to submit to the state board only the sections of the local control and accountability plan required by federal law.

(j) Notwithstanding any other law, the templates developed by the state board pursuant to this section, as it read on June 30, 2018, shall continue in effect until the state board adopts a new template pursuant to subdivision (b) on or before January 31, 2020, except that the state board may adopt revisions to those templates pursuant to subdivision (g) that are necessary to implement Assembly Bill 1808 of the 2017–18 Regular Session or meet federal requirements.

SEC. 76. Section 52070 of the Education Code is amended to read:

52070. (a) Not later than five days after adoption of a local control and accountability plan or annual update to a local control and accountability plan, the governing board of a school district shall file the local control and accountability plan or annual update to the local control and accountability plan with the county superintendent of schools.

(b) On or before August 15 of each year, the county superintendent of schools may seek clarification, in writing, from the governing board of a school district about the contents of the local control and accountability plan or annual update to the local control and accountability plan. Within 15 days the governing board of a school district shall respond, in writing, to requests for clarification.

(c) Within 15 days of receiving the response from the governing board of the school district, the county superintendent of schools may submit recommendations, in writing, for amendments to the local control and accountability plan or annual update to the local control and accountability plan. The governing board of a school district shall consider the recommendations submitted by the county superintendent of schools in a public meeting within 15 days of receiving the recommendations.

(d) The county superintendent of schools shall approve a local control and accountability plan or annual update to a local control and accountability plan on or before October 8, if the county superintendent of schools determines all of the following:

(1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064 and follows any instructions or directions for completing the template that are adopted by the state board, including, but not limited to, all of the following requirements:

(A) If applicable to the school district, the local control and accountability plan includes one or more specific actions consistent with the instructions developed by the state board pursuant to paragraph (4) of subdivision (e) of Section 52064.

(B) If applicable to the school district, the local control and accountability plan includes a goal consistent with the instructions developed by the state board pursuant to paragraph (5) of subdivision (e) of Section 52064.

(C) If applicable to the school district, the local control and accountability plan includes a goal consistent with the instructions developed by the state board pursuant to paragraph (6) of subdivision (e) of Section 52064.

(D) Each specific action identified as contributing to the demonstration that the school district will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07, subdivisions (c), (d), and (e) of Section 42238.07, and any applicable instructions developed by the state board pursuant to paragraph (1) of subdivision (d) of Section 52064, provided on a schoolwide or districtwide basis is supported by the required description.

(E) If applicable to the school district, the local control and accountability plan includes a description of the specific action or actions that improve services for unduplicated pupils, meets the requirements of subparagraph (D), and demonstrates how the degree of improvement in services is sufficient to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, as required by subparagraph (B) of paragraph (6) of subdivision (b) of Section 52064.

(2) The budget for the applicable fiscal year adopted by the governing board of the school district includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the governing board of the school district, based on the projections of the costs included in the plan.

(3) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 for funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 42238.02 and 42238.03, and any applicable instructions for the local control and accountability plan developed by the state board pursuant to paragraph (1) of subdivision (d) of Section 52064, including, but not limited to, the requirement that any specific action provided on a schoolwide or districtwide basis is supported by the required description.

(4) The local control and accountability plan includes the calculations required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07 and, if applicable to the school district pursuant to subdivision (d) of Section 42238.07, includes a description of the planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.

(e) If a county superintendent of schools has jurisdiction over a single school district, the Superintendent shall perform the duties specified in this section.

SEC. 77. Section 52070.5 of the Education Code is amended to read:

52070.5. (a) Not later than five days after adoption of a local control and accountability plan or annual update to a local control and accountability plan, the county board of education shall file the local control and accountability plan or annual update to the local control and accountability plan with the Superintendent.

(b) On or before August 15 of each year, the Superintendent may seek clarification, in writing, from the county board of education about the contents of the local control and accountability plan or annual update to the local control and accountability plan. Within 15 days the county board of education shall respond, in writing, to requests for clarification.

(c) Within 15 days of receiving the response from the county board of education, the Superintendent may submit recommendations, in writing, for amendments to the local control and accountability plan or annual update to the local control and accountability plan. The county board of education shall consider the recommendations submitted by the Superintendent in a public meeting within 15 days of receiving the recommendations.

(d) The Superintendent shall approve a local control and accountability plan or annual update to a local control and accountability plan on or before October 8, if the Superintendent determines all of the following:

(1) The local control and accountability plan or annual update to the local control and accountability plan adheres to the template adopted by the state board pursuant to Section 52064 and follows any instructions or directions for completing the template that are adopted by the state board, including, but not limited to, all of the following requirements:

(A) If applicable to the county office of education, the local control and accountability plan includes one or more specific actions consistent with the instructions developed by the state board pursuant to paragraph (4) of subdivision (e) of Section 52064.

(B) If applicable to the county office of education, the local control and accountability plan includes a goal consistent with the instructions developed by the state board pursuant to paragraph (5) of subdivision (e) of Section 52064.

(C) If applicable to the county office of education, the local control and accountability plan includes a goal consistent with the instructions developed by the state board pursuant to paragraph (6) of subdivision (e) of Section 52064.

(D) Each specific action identified as contributing to the demonstration that the county office of education will increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, consistent with regulations adopted by the state board pursuant to Section 42238.07, subdivisions (c), (d), and (e) of Section 42238.07, and any applicable instructions developed by the state board pursuant to paragraph (1) of subdivision (d) of Section 52064, provided on a schoolwide or countywide basis is supported by the required description.

(E) If applicable to the county office of education, the local control and accountability plan includes a description of the specific action or actions

that improve services for unduplicated pupils, meets the requirements of subparagraph (D), and demonstrates how the degree of improvement in services is sufficient to satisfy the requirement to increase or improve services for unduplicated pupils in proportion to the increase in funds apportioned on the basis of the number and concentration of unduplicated pupils, as required by subparagraph (B) of paragraph (6) of subdivision (b) of Section 52064.

(2) The budget for the applicable fiscal year adopted by the county board of education includes expenditures sufficient to implement the specific actions and strategies included in the local control and accountability plan adopted by the county board of education, based on the projections of the costs included in the plan.

(3) The local control and accountability plan or annual update to the local control and accountability plan adheres to the expenditure requirements adopted pursuant to Section 42238.07 for funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Sections 2574 and 2575, and any applicable instructions for the local control and accountability plan developed by the state board pursuant to paragraph (1) of subdivision (d) of Section 52064, including, but not limited to, the requirement that any specific action provided on a schoolwide or countywide basis is supported by the required description.

(4) The local control and accountability plan includes the calculations required by paragraphs (1) and (2) of subdivision (c) of Section 42238.07 and, if applicable to the county office of education pursuant to subdivision (d) of Section 42238.07, includes a description of the planned uses of the specified funds and a description of how the planned uses of those funds satisfy the requirements for specific actions to be considered as contributing toward meeting the increased or improved services requirement pursuant to regulations adopted by the state board pursuant to Section 42238.07.

SEC. 78. Section 53070 of the Education Code is amended to read:

53070. (a) The California Career Technical Education Incentive Grant Program is hereby established as a state education, economic, and workforce development initiative with the goal of providing pupils in kindergarten and grades 1 to 12, inclusive, with the knowledge and skills necessary to transition to employment and postsecondary education. The purpose of the competitive program is to encourage, maintain, and strengthen the delivery of high-quality career technical education programs.

(b) The following amounts are hereby appropriated to the department from the General Fund for the program established pursuant to this chapter:

(1) For the 2015–16 fiscal year, four hundred million dollars (\$400,000,000).

(2) For the 2016–17 fiscal year, three hundred million dollars (\$300,000,000).

(3) For the 2017–18 fiscal year, two hundred million dollars (\$200,000,000).

(c) For the 2018–19 fiscal year to the 2020–21 fiscal year, inclusive, one hundred fifty million dollars (\$150,000,000) shall be made available to the

department, upon appropriation by the Legislature in the annual Budget Act or another statute, for the program established pursuant to this chapter.

(d) For the 2021–22 fiscal year and each fiscal year thereafter, three hundred million dollars (\$300,000,000) shall be made available to the department, upon appropriation by the Legislature in the annual Budget Act or another statute, for the program established pursuant to this chapter.

(e) Of the amounts appropriated pursuant to subdivisions (b), (c), and (d), 4 percent is designated for applicants with average daily attendance of less than or equal to 140, 8 percent is designated for applicants with average daily attendance of more than 140 and less than or equal to 550, and 88 percent is designated for applicants with average daily attendance of more than 550, unless otherwise determined by the Superintendent in collaboration with the executive director of the state board. For purposes of this section, average daily attendance shall be those figures that are reported at the time of the second principal apportionment for the previous fiscal year for pupils in grades 7 to 12, inclusive. For any applicant consisting of more than one school district, county office of education, charter school, or regional occupational center or program (ROCP) operated by a joint powers authority or county office of education, or of any combination of those entities, the sum of the average daily attendance for each of the constituent entities shall be used for purposes of this subdivision.

SEC. 79. Section 53070.1 of the Education Code is amended to read:

53070.1. (a) Commencing July 1, 2018, before awarding any grants under the program, the department shall report to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor on how it will determine that an applicant has met the minimum eligibility standards of the program. This report shall include, but not necessarily be limited to, all of the following:

(1) The components that need to be contained in the written commitment required to meet the requirements of subdivision (b) of Section 53071 and the process that will be used to determine if a grant recipient has upheld the agreement.

(2) The process that will be used to determine that an applicant, or an applicant's career technical education program, meets all of the minimum eligibility standards specified in subdivision (c) of Section 53071, including, but not necessarily limited to, all of the following:

(A) The components that need to be contained in the written agreements required to meet the requirements of paragraphs (4) and (5) of subdivision (c) of Section 53071 and the process that will be used to verify that the partnerships are ongoing and structural.

(B) The process for determining that programs reflect regional or local labor market demands and focus on current or emerging high-skill, high-wage, or high-demand occupations.

(C) The process for determining that programs are informed by the regional plan developed by their Strong Workforce Program consortium and in effect during the period for which the grant is awarded.

(D) The mechanisms that will be used by the department to collect and report data submitted pursuant to paragraph (11) of subdivision (c) of Section 53071.

(E) The process that will be used by the department to verify that an applicant receiving a renewal grant includes career technical education programs in its local control and accountability plan and annual update.

(b) Before awarding grants under the program for the 2021–22 fiscal year, the department shall submit an updated report, as outlined in subdivision (a), detailing the process they will use to determine and verify that an applicant meets the minimum eligibility standards of the program. Annually thereafter, the department shall notify the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor of any changes to the updated information reported pursuant to this subdivision.

(c) Before awarding grants for the 2018–19 fiscal year only, the Superintendent shall provide the Department of Finance and the appropriate policy and fiscal committees of the Legislature with the outcome measures from the California Career Pathways Trust Program that were required to be reported by December 1, 2016, pursuant to Section 86 of Chapter 48 of the Statutes of 2013, but that were excluded from the report submitted in November 2017, including all of the following:

- (1) The number and rate of school or program graduates.
- (2) The number of persons attaining certificates, transfer readiness, and enrollment in postsecondary educational institutions.
- (3) The number of persons transitioning to appropriate employment, apprenticeships, or job training.

SEC. 80. Section 53071 of the Education Code is amended to read:

53071. The department shall administer this program as a competitive grant program. An applicant shall demonstrate all of the following to be considered for a grant award:

(a) (1) A proportional dollar-for-dollar match as follows for any funding that an applicant is determined to be eligible to receive under the allocation formula established pursuant to Section 53076:

(A) For the fiscal year beginning July 1, 2015, one dollar (\$1) for every one dollar (\$1) received from this program.

(B) For the fiscal year beginning July 1, 2016, one dollar and fifty cents (\$1.50) for every one dollar (\$1) received from this program.

(C) For the fiscal year beginning July 1, 2017, two dollars (\$2) for every one dollar (\$1) received from this program.

(D) (i) For the fiscal year beginning July 1, 2018, and each fiscal year thereafter, two dollars (\$2) for every one dollar (\$1) received from this program.

(ii) Beginning July 1, 2021, the proportional dollar-for-dollar match shall be encumbered in the fiscal year for which an applicant is applying to receive a grant under the program.

(2) In the event an applicant is unable to fully match the amount of funding that the allocation formula determines that they are eligible to

receive, the applicant's award shall be reduced to the amount necessary for the applicant to meet the requirements of this subdivision. Under no circumstances shall an applicant be awarded an amount higher than the amount that the allocation formula determines them to be eligible to receive under the program.

(3) That local match may include funding from school district and charter school local control funding formula apportionments pursuant to Section 42238.02, the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V) (Public Law 115-224), the California Partnership Academies, the Agricultural Career Technical Education Incentive Grant, or any other allowable source except as provided in paragraph (4).

(4) That local match shall not include funding from the K–12 component of the Strong Workforce Program established pursuant to Section 88827, or the Career Technical Education Facilities Program established pursuant to Section 17078.72.

(5) An applicant's matching funds shall be used to support the program or programs for which the applicant was awarded a grant.

(b) A three-year plan for continued financial and administrative support of career technical education programs that demonstrates a financial commitment of no less than the amount expended on those programs in the previous fiscal year. The plan, at a minimum, shall include the identification of available funding within an applicant's current or projected budget to continue to support career technical education programs and a written commitment to do so. If an applicant consisting of more than one school district, county office of education, charter school, or regional occupational center or program operated by a joint powers authority or county office of education, or any combination of these entities, is applying for grant funding from this program, identification of available funding and a written commitment shall be demonstrated by each participating constituent entity.

(c) The applicant, or the applicant's career technical education program, as applicable, meets all of the following minimum eligibility standards:

(1) Offers high quality curriculum and instruction aligned with the California Career Technical Education Model Curriculum Standards, including, but not limited to, providing a coherent sequence of career technical education courses that enable pupils to transition to postsecondary education programs that lead to a career pathway or attain employment or industry certification upon graduation from high school, including programs that integrate academic and career technical education and that offer the opportunity for participants to prepare for postsecondary enrollment and to earn postsecondary credits through Advanced Placement courses, International Baccalaureate courses, or by formal agreement with a postsecondary partner to provide dual enrollment opportunities.

(2) Provides pupils with quality career exploration, guidance, and a continuum of work-based learning opportunities aligned with academic coursework, which may include paid internships.

(3) Provides pupil support services, including counseling and leadership development, to address pupils' social, emotional, career, and academic needs.

(4) Provides for system alignment, coherence, and articulation, including ongoing and structural regional or local partnerships with postsecondary educational institutions, documented through formal written agreements allowing for dual enrollment opportunities.

(5) Forms ongoing and meaningful industry and labor partnerships, evidenced by written agreements and through participation on advisory committees and collaboration with business and labor organizations to provide opportunities for pupils to gain access to preapprenticeships, internships, industry certifications, and work-based learning opportunities as well as opportunities for industry to provide input to the career technical education programs and curriculum.

(6) Provides opportunities for pupils to participate in after school, extended day, and out-of-school internships, competitions, leadership development opportunities, career and technical education student organizations, and other work-based learning opportunities.

(7) Reflects regional or local labor market demands, and focuses on current or emerging high-skill, high-wage, or high-demand occupations, and is informed by the regional plan of the local Strong Workforce Program consortium.

(8) Leads to an industry-recognized credential or certificate, or appropriate postsecondary education or training, employment, or a postsecondary degree.

(9) Is staffed by skilled teachers or faculty, and provides professional development opportunities for any teachers or faculty members supporting pupils in those programs.

(10) Provides opportunities for pupils who are individuals with exceptional needs to participate in all programs.

(11) (A) Reports data to the Superintendent, no later than November 1 of each fiscal year, as a program participation requirement, to allow for an evaluation of the program.

(B) Data reported pursuant to this paragraph shall include, but not be limited to, the quality indicators described in the California State Plan for Career Technical Education required by the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V), and each of the following metrics:

(i) The high school graduation rate.

(ii) The number of pupils completing career technical education coursework.

(iii) The number of pupils meeting academic and career-readiness standards as defined in the College/Career Indicator associated with the California School Dashboard.

(iv) The number of pupils obtaining an industry-recognized credential, certificate, license, or other measure of technical skill attainment.

(v) The number of former pupils employed and the types of businesses in which they are employed.

- (vi) The number of former pupils enrolled in each of the following:
 - (I) A postsecondary educational institution.
 - (II) A state apprenticeship program.
 - (III) A form of job training other than a state apprenticeship program.
 - (C) No later than November 30 of each fiscal year, the California Workforce Pathways Joint Advisory Committee, established pursuant to Section 12053, shall review the data metrics specified in subparagraph (B) and make recommendations to the Department of Finance, the Governor, and the appropriate policy and fiscal committees of the Legislature as to both of the following topics:
 - (i) Whether these data metrics remain the most appropriate metrics to measure and evaluate program outcomes for both new and renewal applicants.
 - (ii) Whether other metrics should be included.
 - (D) The department shall make the data reported pursuant to subparagraph (B) available to the office of the Chancellor of the California Community Colleges, in the manner and form requested by the office of the Chancellor of the California Community Colleges, on or before December 30 of each fiscal year to ensure that data is included in the California Community Colleges LaunchBoard data platform.
- SEC. 81. Section 53071.1 of the Education Code is amended to read:
- 53071.1. (a) Commencing July 1, 2019, as part of the application process, the department shall ask applicants to indicate whether they have received a grant under the K–12 component of the Strong Workforce Program.
- (b) On or before June 30 of each fiscal year, the department shall work with the office of the Chancellor of the California Community Colleges to produce a list of grant recipients that receive funding under this program as well as through the K–12 component of the Strong Workforce Program in the fiscal year, including the grant amounts awarded through each program and the purpose for which each grant was awarded, and share the list with the California Workforce Pathways Joint Advisory Committee, established pursuant to Section 12053.
- SEC. 82. Section 53073 of the Education Code is amended to read:
53073. (a) An applicant receiving a grant from this program in a prior fiscal year shall be eligible to apply to receive a renewal grant if the applicant’s career technical education program meets the requirements specified in Section 53071, and, to the extent practicable, has been evaluated and deemed successful by the Superintendent, in collaboration with the executive director of the state board, based on the metrics specified in paragraph (1) of subdivision (b).
- (b) (1) The department, in collaboration with the executive director of the state board, shall determine reporting requirements and renewal grant eligibility using metrics identified pursuant to paragraph (11) of subdivision (c) of Section 53071.
- (2) If an applicant for a renewal grant is subject to the requirements of Sections 52060 and 52061, Sections 52066 and 52067, or Section 47606.5,

the inclusion of career technical education programs in the applicant's local control and accountability plan and annual update shall be required to be eligible for a renewal grant.

SEC. 83. Section 53074 of the Education Code is amended to read:

53074. The department shall consult with the executive director of the state board and entities having career technical education expertise, including, but not necessarily limited to, the Chancellor of the California Community Colleges, state workforce investment organizations, and organizations representing business in the development of the request for grant applications and in the consideration of grant applications under this chapter. The department shall annually submit its list of recommended new and renewal grant recipients to the state board for review and approval before making annual grant awards. At least 30 days before submitting the list of recommended new and renewal grant recipients to the state board for review and approval, the department shall make the information specified in subdivision (a) of Section 53076 public.

SEC. 84. Section 53075 of the Education Code is amended to read:

53075. (a) When determining proposed grant recipients, the department, in consultation with the executive director of the state board, shall do both of the following:

(1) Give positive consideration to each of the following characteristics in an applicant:

- (A) Serving unduplicated pupils, as defined in Section 42238.02.
- (B) Serving pupil subgroups that have higher than average dropout rates as identified by the Superintendent.
- (C) Located in an area of the state with a high unemployment rate.
- (D) Offer an existing high-quality regional-based career technical education program as a joint powers agency or county office of education.

(2) Give positive consideration to programs to the extent they do any of the following:

- (A) Successfully leverage one or both of the following:
 - (i) Existing structures, requirements, and resources of the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V) (Public Law 115-224), California Partnership Academies, or Agricultural Career Technical Education Incentive Grants.
 - (ii) Contributions from industry, labor, and philanthropic sources.
- (B) Engage in regional collaboration with postsecondary educational institutions, including the Strong Workforce Program consortium operating in their respective geographic areas, or other local educational agencies to align career pathway instruction with postsecondary program requirements. This shall include, but not be limited to, pathway programs provided under an adopted California and Career Access Pathways partnership agreement pursuant to Section 76004.
- (C) Make significant investment in career technical education infrastructure, equipment, and facilities.
- (D) Operate within rural school districts.

(b) When determining grant recipients, the department, in consultation with the executive director of the state board, shall give greatest weight to the applicant characteristics included in paragraph (1) of subdivision (a).

(c) Grant recipients are encouraged to use funds provided for in subdivision (d) of Section 53070 to create high school programs that provide career-themed coursework with articulated pathways to postsecondary education, including programs established through a College and Career Access Pathways partnership agreement pursuant to Section 76004, and to develop pathway programs that lead into careers that are in high demand in the state.

SEC. 85. Section 53076 of the Education Code is amended to read:

53076. For purposes of administering the program established by this chapter, the Superintendent shall do all of the following:

(a) Determine, in collaboration with the executive director of the state board, and make public on a preliminary basis at least 30 days before a regularly scheduled meeting of the state board, the allocation formula, specific funding amounts, the purposes for which grant funds may be used, allowable and nonallowable expenditures, and the number of grants to be awarded. The information specified in this subdivision shall also be provided in writing to the appropriate policy and fiscal committees of the Legislature, the Department of Finance, and the Governor within 30 days following final approval of the state board.

(b) Distribute funding on a multiyear schedule, establish a process for monitoring the use of the funding, and, if necessary, cease distribution of funding and recover previously distributed funding in the case of a recipient's failure to report the specified data to the Superintendent or comply with a grant prerequisite or minimum standard.

(c) Annually review grant recipients' expenditures on career technical education programs for purposes of determining if the grant recipients have met the dollar-for-dollar match requirement specified in subdivision (a) of Section 53071. If, pursuant to Section 53076.1, an auditor determines that a grant recipient failed to meet the matching funds requirement, the Superintendent shall reduce the following year's grant allocation in an amount equal to the unmet portion of the match requirement, if applicable. The reduction shall not reduce the grant recipient's match requirement for the year in which the Superintendent reduces the allocation. If a grant recipient with an audit finding pursuant to Section 53076.1 does not have an allocation in the subsequent year to reduce, the department shall require the recipient to return the unmatched funds identified in the audit finding.

(d) Require grant recipients to submit program reports pursuant to paragraph (11) of subdivision (c) of Section 53071.

(e) Manage the grant process, collect pertinent data, and undertake statewide program improvement activities.

(f) Promote the success of K-12 career technical education programs through statewide activities to improve and administer the program, including by facilitating system, program, and data alignment at the state and regional levels, facilitating the development and delivery of professional development

training modules, and supporting school districts in meeting their college indicator and career indicator targets.

(g) Ensure that the department fulfills the reporting requirements in Section 53076.5.

SEC. 86. Section 53076.1 is added to the Education Code, to read:

53076.1. The Controller shall include instructions in the audit guide required by Section 14502.1 that include procedures for determining that a grant recipient has met the dollar-for-dollar match requirements specified in subdivision (a) of Section 53071. The processes identified in subdivision (d) of Section 41344 or subdivision (d) of Section 41344.1 shall not apply to this audit procedure.

SEC. 87. Section 53076.2 of the Education Code is amended to read:

53076.2. On or before January 31, 2024, and on or before January 31 every five years thereafter, the department shall submit to the Department of Finance, the Governor, and the appropriate policy and fiscal committees of the Legislature a report evaluating the progress that local educational agencies have made, pursuant to Section 88828 and this chapter, with respect to all of the following:

(a) Expanding the availability, and supporting the ongoing provision, of high-quality, industry-valued career technical education and workforce development opportunities.

(b) Improving coordination and alignment with postsecondary educational institutions and workforce agencies and programs.

(c) Closing equity gaps in program access and completion, to the extent possible.

SEC. 88. Section 56400 of the Education Code is amended to read:

56400. It is the intent of the Legislature, through enactment of this chapter and as required by state and federal law, to do all of the following:

(a) Ensure that children and young adults with disabilities are provided a free and appropriate public education in the least restrictive environment possible in accordance with their needs and capabilities and applicable federal and state law and regulations.

(b) Ensure that children and young adults with disabilities receive the necessary educational support and services they need to complete their education with the skills they need to meaningfully participate in their communities.

(c) Offer parents and families of children and young adults with disabilities access to accurate information, specialized training, and peer-to-peer support in their communities in a linguistically and culturally affirming manner.

(d) Ensure that parents and families of children and young adults with disabilities are full participants in their child's education, school reform, and comprehensive systems change efforts.

(e) Build upon existing local and regional service delivery systems to improve, expand, and offer coordinated technical assistance to the network of existing resources available for parents and families of children and young adults with disabilities.

SEC. 89. Section 56402 of the Education Code is amended to read:

56402. (a) The department shall award grants to establish Family Empowerment Centers on Disability. In the first year of operation, the department shall award these grants no later than February 15, 2002. In subsequent years, to the extent funding is available, the department shall award these grants no later than February 15 of that year, except as specified in paragraph (1) of subdivision (b).

(b) (1) The department shall, by March 1, 2022, award grants to establish new Family Empowerment Centers on Disability in the regions in the state established under the Early Start Family Resource Centers that do not have a Family Empowerment Center on Disability.

(2) In making awards pursuant to this subdivision, the Superintendent shall give priority to applicants that are able to ensure continuity of support for families transitioning from services under Part C to Part B of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), either because the applicant operates a program of family support for parents of children with disabilities up to three years of age, or the applicant works in close partnership with an organization that does so, and shall take into consideration the capacity of applicants to carry out the activities specified in Section 56408.

(c) Once funding is secured, and annually until all centers are established, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature documenting progress in establishing new centers pursuant to this section.

(d) The department shall develop the grant application, with advice from stakeholders, including parents and family members of children with disabilities, adults with disabilities, the Advisory Commission on Special Education, and representatives of community agencies serving children and adults with disabilities.

(e) The sum of twenty-five thousand dollars (\$25,000) shall be made available to the department, from the funds appropriated for purposes of this chapter, for the purpose of securing an outside contractor to develop a request for proposal, disseminate the proposal, empanel readers to evaluate the proposals, and cover other costs related to this process.

SEC. 90. Section 56406 of the Education Code is amended to read:

56406. (a) The department shall issue requests for proposals, select grantees, and award grants pursuant to this chapter. Grants awarded to Family Empowerment Centers on Disability by the department shall be based upon a formula that does both of the following:

(1) Establishes a minimum base rate of one hundred fifty thousand dollars (\$150,000) for each center to provide the basic services pursuant to this chapter and serve parents and families of children and young adults 3 to 18 years of age, inclusive, and young adults 19 to 22 years of age, inclusive, who had an individualized education program before their 18th birthday.

(2) Establishes an allocation mechanism that is determined according to school enrollment of the region served.

(b) Commencing on July 1, 2021, grants awarded to Family Empowerment Centers on Disability by the department shall be based upon a formula that does both of the following:

(1) Establishes a minimum base rate of two hundred forty-six thousand dollars (\$246,000) for each center to provide the basic services pursuant to this chapter and serve parents and families of children and young adults 3 to 18 years of age, inclusive, and young adults 19 to 22 years of age, inclusive, who had an individualized education program before their 18th birthday.

(2) Establishes an allocation mechanism that is determined according to school enrollment of the region served.

(c) The department shall give positive consideration to applicants proposing to establish new Family Empowerment Centers on Disability to serve regions that have high concentrations of pupils who qualify for free or reduced-price meals.

(d) Each grant applicant shall demonstrate all of the following:

(1) Knowledge of the needs of underserved parents and families of children and young adults with disabilities in the area to be served will be effectively met.

(2) The ability to conduct effective community engagement to assess family needs on a regular basis.

(3) Expertise in providing effective training and information to parents and families to meet their identified needs.

(4) How services will be delivered in a manner that accomplishes all of the following:

(A) All families have access to services regardless of cultural, linguistic, geographical, socioeconomic, or other similar barriers.

(B) Services are provided in accordance with families' linguistic and cultural preferences and needs.

(C) Services are coordinated with the existing family support organizations within the region, including, but not limited to, Early Start Family Resource Centers, or other organizations that provide family support for parents of children with disabilities up to three years of age.

(D) Promotes positive parent and professional collaboration with local educational agencies, special education local plan areas, and other community agencies.

SEC. 91. Section 56408 of the Education Code is amended to read:

56408. (a) As a condition of receipt of funds, each Family Empowerment Center on Disability that receives assistance under this chapter and serves the parents and families of children and young adults 3 to 18 years of age, inclusive, and young adults 19 to 22 years of age, inclusive, who had an individualized education program before their 18th birthday shall do all of the following:

(1) Provide training and information that meets the training and information needs of parents and families of children and young adults with disabilities living in the area served by the center, particularly those families and individuals who have been underserved.

(2) Work with community-based organizations, including community advisory committees established pursuant to Article 7 (commencing with Section 56190) of Chapter 2, parent advisory committees of one or more local educational agencies in their service region established pursuant to Sections 52063 and 52069, and state and local agencies serving children with disabilities.

(3) Train and support parents and families of children and young adults with disabilities to do all of the following:

(A) Better understand the nature of their children's disabilities and their children's educational and developmental needs, including the benefits of inclusion in a least restrictive educational environment.

(B) Participate in activities to address disparities in opportunities and improve outcomes for children and young adults with disabilities.

(C) Advocate for the child's needs in a manner that promotes alternative forms of dispute resolution and positive relationships between parents and professionals.

(4) Support parents with how to access language access support, including interpretation and translation of written materials, that is additional to language access support required to be provided by local educational agencies.

(5) Support parents in navigating referrals for services, such as support for pupil and family needs, respite services, physical and mental health services, and other necessary services depending on family circumstances.

(6) Assist parents in accessing support through other programs, such as the Foster Youth Services Coordinating Program and programs administered by the State Department of Developmental Services and the Department of Rehabilitation.

(7) Support parents in communicating effectively with personnel responsible for providing special education, early intervention, and related services.

(8) Serve as a resource to parents and families in decisionmaking processes and the development of individualized education programs.

(9) Provide parents appropriate information regarding the range of options, programs, services, and resources available to assist children and young adults with disabilities and their families.

(10) Subject to the availability of resources and upon parental request, attend individualized education program development meetings that include parents and personnel responsible for assessing pupil eligibility for special education and early intervention services.

(11) Submit data annually, in accordance with the data template established by the department pursuant to subdivision (b) of Section 56411, no later than a date selected by the Superintendent. The Superintendent shall select this date by June 30, 2022.

(b) (1) Following the initial awarding of a grant to a Family Empowerment Center on Disability, the department shall assess the center's eligibility for continued funding, at a minimum, as follows:

(A) For a Family Empowerment Center on Disability established during or after the 2020–21 fiscal year, the department shall assess the center’s eligibility every five years after the center is established.

(B) For a Family Empowerment Center on Disability established before the 2020–21 fiscal year, the department shall assess the center’s eligibility during the 2023–24 fiscal year and every five years thereafter.

(2) Assessments conducted pursuant to this subdivision shall be based on a Family Empowerment Center on Disability’s demonstrated ability to meet the requirements of subdivision (a).

SEC. 92. Section 56410 of the Education Code is amended to read:

56410. A statewide Family Empowerment and Disability Council, composed of the executive directors for the Family Empowerment Centers on Disability, shall be established. Membership on the Family Empowerment and Disability Council may also include the executive director or representative from the Early Start Family Resource Centers, funded by the State Department of Developmental Services, and from the parent centers funded by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.). The department shall contract with an outside entity experienced with developing a statewide technical assistance disability network to facilitate the council. A base amount of two hundred forty-six thousand dollars (\$246,000) shall be made available, from the annual appropriation made for the Family Empowerment Centers on Disability, to support the work of the council. The Family Empowerment and Disability Council shall, at a minimum, do all of the following:

(a) Provide central coordination of training and information dissemination, content, and materials for Family Empowerment Centers on Disability to ensure parents across the state have equitable access to training and information.

(b) Develop a technical assistance system and activities to support continuous improvement of the Family Empowerment Centers on Disability in accordance with a plan developed in conjunction with the directors of the Family Empowerment Centers on Disability.

(c) Ensure that an outside entity provides assistance in developing a statewide technical assistance disability network, and performs an annual, independent evaluation of the effectiveness of the services provided by Family Empowerment Centers on Disability that shall include, but is not limited to, an evaluation of the data points listed in subdivision (b) of Section 56411. The goal shall be to improve center management, parental satisfaction with the services received, and the quality and effectiveness of services delivered.

(d) Assist each center to build its capacity to serve its geographic region.

(e) Conduct media outreach and other public education efforts to promote the goals of the Family Empowerment Centers on Disability.

(f) Support and participate with the department in activities aligned with improvement activities within the statewide system of support established pursuant to Section 52059.5.

SEC. 93. Section 56411 is added to the Education Code, to read:

56411. (a) The department, on or before June 30, 2022, shall develop or update a uniform and coordinated tracking and data collection system, and establish or update outcome-based evaluation procedures and processes, for use by Family Empowerment Centers on Disability to demonstrate the centers' ability to meet the requirements of Section 56408. The tracking and data collection system shall not be duplicative of, and shall interface with, existing special education data systems.

(b) The department, on or before June 30, 2022, shall develop a data collection template for use by Family Empowerment Centers on Disability that shall include, but is not limited to, all of the following:

(1) The number of parent and family trainings provided by the center, including, but not limited to, trainings on individualized education programs and least restrictive educational environments.

(2) The number of individualized education program meetings attended by personnel of a center.

(3) The disability categories of children and young adults served by the center.

(4) Demographic information of parents and pupils served by the center, including, but not limited to, the pupil's disability, the pupil's free or reduced-price meal eligibility, English learner classification, and the parent's primary language.

(5) The nature of disagreements between parents and schools or school districts, and the manner in which these disagreements were resolved with the assistance of the center.

(6) Measures of parental satisfaction with services provided by the center collected in a standardized format across centers to allow for comparable survey results.

(c) The department shall provide guidance to Family Empowerment Centers on Disability on how to define and report data for purposes of this section.

(d) The department shall consult with the Family Empowerment and Disability Council on the development of the data collection template.

SEC. 94. Section 56415 of the Education Code is repealed.

SEC. 95. Section 56415 is added to the Education Code, to read:

56415. On or before June 30, 2023, the department shall do both of the following:

(a) Inform parents of children with disabilities of the availability of Family Empowerment Centers on Disability services by including in its notice of procedural safeguards information on the purpose of the centers and the web address of its internet website that lists contact information for the centers.

(b) Include the information described in subdivision (a) on all of the department's translated versions of its notice of procedural safeguards and on a sample notice of procedural safeguards that it shall maintain on its internet website.

SEC. 96. Section 56836.045 is added to the Education Code, immediately following Section 56836.04, to read:

56836.045. For the 2022–23 fiscal year, the Superintendent shall only make the computations described in Sections 56836.14, 56836.142, 56836.144, 56836.146, 56836.148, and 56836.15 upon receiving a joint notification from the Director of Finance, or the director’s designee, and the chairperson and vice chairperson of the Joint Legislative Budget Committee, or their designees, that a bill providing for appropriations related to the budget bill, within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, that is identified in the Budget Act of 2022 makes statutory changes designed to improve the academic outcomes of individuals with exceptional needs. These statutory changes may include, but are not limited to, all of the following topics:

(a) Clarification of the roles of local educational agencies and special education local plan areas in the delivery of special education services and supports for pupils with disabilities, including improved alignment between special education and general education program development, budgeting and continuous improvement, in a manner that aligns with the statewide system of support.

(b) Statutory changes to the existing funding allocations for special education to improve services and supports to pupils with disabilities.

(c) Expansion of early intervention and inclusive practices to ensure that every individual with exceptional needs has access to learn in the least restrictive environment, as appropriate.

(d) Additional statutory changes that may result from the examinations into special education services and supports as authorized in Section 50 of Chapter 51 of the Statutes of 2019, and Provisions 23, 24, and 25 in Schedule (2) of Item 6100-001-0890 of Chapter 6 of the Statutes of 2020.

SEC. 97. Section 56836.146 of the Education Code is amended to read:

56836.146. (a) For the 2020–21 fiscal year, the Superintendent shall determine the amount of funding per unit of average daily attendance for each special education local plan area, which shall be the greater of the following:

(1) Six hundred twenty-five dollars (\$625) per unit of average daily attendance.

(2) The amount of funding per unit of average daily attendance calculated in the 2019–20 fiscal year pursuant to Section 56836.08 for the special education local plan area.

(b) For the 2021–22 fiscal year, the Superintendent shall determine the amount of funding per unit of average daily attendance for each special education local plan area, which shall be the greater of the following:

(1) Seven hundred fifteen dollars (\$715) per unit of average daily attendance.

(2) The amount of funding per unit of average daily attendance calculated in the 2020–21 fiscal year pursuant to paragraph (2) of subdivision (a), adjusted by the inflation factor described in Section 56836.142, and shall also include the inflation factor of 2.31 percent instead of zero as described in Section 56836.142 for the 2020–21 fiscal year.

(c) Commencing with the 2022–23 fiscal year and for each fiscal year thereafter, the Superintendent shall determine the amount of funding per unit of average daily attendance for each special education local plan area, which shall be the greater of the following:

(1) For the 2022–23 fiscal year, the amount of funding per unit of average daily attendance calculated for the 2021–22 fiscal year pursuant to paragraph (1) of subdivision (b), adjusted by the inflation factor described in Section 56836.142. For each fiscal year thereafter, the amount of funding per unit of average daily attendance calculated for the prior fiscal year pursuant to this paragraph, adjusted each year by the inflation factor described in Section 56836.142.

(2) The amount of funding per unit of average daily attendance calculated for the prior fiscal year pursuant to paragraph (2) of subdivision (b).

(d) For purposes of calculating the amount of funding per unit of average daily attendance for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the Superintendent shall make the following computations:

(1) For the 2020–21 fiscal year, increase the amount of funding per unit of average daily attendance computed for that special education local plan area for the 2019–20 fiscal year pursuant to Section 56836.10 by 13 percent and then multiply by the inflation factor described in Section 56836.142 for the 2020–21 fiscal year.

(2) For the 2021–22 fiscal year, increase the amount of funding per unit of average daily attendance computed for that special education local plan area for the 2020–21 fiscal year by 10 percent, and then adjust that amount by the inflation factor described in Section 56836.142 for the 2021–22 fiscal year, and then adjust that amount by the inflation factor of 2.31 percent instead of zero as described in Section 56836.142 for the 2020–21 fiscal year.

(3) For the 2022–23 fiscal year and for each fiscal year thereafter, the amount of funding per unit of average daily attendance computed for that special education local plan area for the prior fiscal year shall be adjusted by the inflation factor described in Section 56836.142 for the current fiscal year.

SEC. 98. Section 56836.148 of the Education Code is amended to read:

56836.148. (a) For the 2020–21 fiscal year, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (a) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(b) For the 2021–22 fiscal year, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (b) of Section 56836.146

by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(c) Commencing with the 2022–23 fiscal year and for each fiscal year thereafter, the Superintendent shall determine the base grant funding for each special education local plan area by multiplying the amount funded per unit of average daily attendance for each special education local plan area computed in subdivision (c) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144 for the corresponding special education local plan area.

(d) For purposes of calculating the base funding for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, the Superintendent shall make the following computations:

(1) For the 2020–21 fiscal year, multiply the amount of funding per unit of average daily attendance computed in paragraph (1) of subdivision (d) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144.

(2) For the 2021–22 fiscal year, multiply the amount of funding per unit of average daily attendance computed in paragraph (2) of subdivision (d) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144.

(3) Commencing with the 2022–23 fiscal year and for each fiscal year thereafter, multiple the amount of funding per unit of average daily attendance computed in paragraph (3) of subdivision (d) of Section 56836.146 by the funded average daily attendance computed in Section 56836.144.

SEC. 99. Section 56836.165 of the Education Code is amended to read:

56836.165. (a) For the 2004–05 to 2020–21 fiscal years, inclusive, the Superintendent shall calculate for each special education local plan area an amount based on (1) the number of children and youth residing in foster family homes, small family homes, and foster family agencies, (2) the licensed capacity of group homes licensed by the State Department of Social Services, and (3) the number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities or intermediate care facilities licensed by the State Department of Health Care Services and the number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services.

(b) The department shall assign each facility described in paragraphs (1), (2), and (3) of subdivision (a) a severity rating. The severity ratings shall be on a scale from 1 to 14, inclusive. Foster family homes and small family homes shall be assigned a severity rating of 1. Foster family agencies shall be assigned a severity rating of 2. Facilities described in paragraph (2) of subdivision (a) shall be assigned the same severity rating as its State Department of Social Services rate classification level. For facilities described in paragraph (3) of subdivision (a), skilled nursing facilities shall

be assigned a severity rating of 14, intermediate care facilities shall be assigned a severity rating of 11, and community care facilities shall be assigned a severity rating of 8.

(c) (1) The department shall establish a “bed allowance” for each severity level. For the 2004–05 fiscal year, the bed allowance shall be calculated as described in paragraph (2). For the 2005–06 fiscal year and each fiscal year thereafter, the department shall increase the bed allowance by the inflation adjustment computed pursuant to Section 42238.1. The department shall not establish a bed allowance for any facility described in paragraphs (2) and (3) of subdivision (a) if it is not licensed by the State Department of Social Services or the State Department of Health Care Services.

(2) (A) The bed allowance for severity level 1 shall be five hundred two dollars (\$502).

(B) The bed allowance for severity level 2 shall be six hundred ten dollars (\$610).

(C) The bed allowance for severity level 3 shall be one thousand four hundred thirty-four dollars (\$1,434).

(D) The bed allowance for severity level 4 shall be one thousand six hundred forty-nine dollars (\$1,649).

(E) The bed allowance for severity level 5 shall be one thousand eight hundred sixty-five dollars (\$1,865).

(F) The bed allowance for severity level 6 shall be two thousand eighty dollars (\$2,080).

(G) The bed allowance for severity level 7 shall be two thousand two hundred ninety-five dollars (\$2,295).

(H) The bed allowance for severity level 8 shall be two thousand five hundred ten dollars (\$2,510).

(I) The bed allowance for severity level 9 shall be five thousand four hundred fifty-one dollars (\$5,451).

(J) The bed allowance for severity level 10 shall be five thousand eight hundred eighty-one dollars (\$5,881).

(K) The bed allowance for severity level 11 shall be nine thousand four hundred sixty-seven dollars (\$9,467).

(L) The bed allowance for severity level 12 shall be thirteen thousand four hundred eighty-three dollars (\$13,483).

(M) The bed allowance for severity level 13 shall be fourteen thousand three hundred forty-three dollars (\$14,343).

(N) The bed allowance for severity level 14 shall be twenty thousand eighty-one dollars (\$20,081).

(d) (1) For each fiscal year, the department shall calculate an out-of-home care funding amount for each special education local plan area as the sum of the amounts computed pursuant to paragraphs (2), (3), and (4). The State Department of Social Services and the State Department of Developmental Services shall provide the State Department of Education with the residential counts identified in paragraphs (2), (3), and (4).

(2) The number of children and youth residing on April 1 in foster family homes, small family homes, and foster family agencies located in each special education local plan area multiplied by the appropriate bed allowance.

(3) The capacity on April 1 of each group home licensed by the State Department of Social Services located in each special education local plan area multiplied by the appropriate bed allowance.

(4) The number on April 1 of children and youth (A) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities and intermediate care facilities licensed by the State Department of Health Care Services located in each special education local plan area multiplied by the appropriate bed allowance, and (B) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services located in each special education local plan area multiplied by the appropriate bed allowance.

(5) Notwithstanding subdivision (b) and paragraphs (2) and (3), for purposes of the out-of-home care funding amount for group homes, foster family homes, small family homes, and foster family agencies for the 2017–18 to 2020–21 fiscal years, inclusive, the Superintendent shall use the data received from the State Department of Social Services that was used for the funding for the 2016–17 fiscal year.

(e) In determining the amount of the first principal apportionment for a fiscal year pursuant to Section 41332, the Superintendent shall continue to apportion funds from Section A of the State School Fund to each special education local plan area equal to the amount apportioned at the advance apportionment pursuant to Section 41330 for that fiscal year.

(f) Notwithstanding subdivision (b) and paragraph (3) of subdivision (d), for purposes of the 2016–17 fiscal year funding for group homes, the Superintendent shall use the rate classification levels as they existed on December 31, 2016, and the capacity of each group home licensed by the State Department of Social Services located in each special education local plan area on December 31, 2016.

SEC. 100. Section 56836.168 is added to the Education Code, to read:

56836.168. (a) For the 2021–22 fiscal year and each fiscal year thereafter, the Superintendent shall calculate for each special education local plan area an amount based on the sum of all of the following amounts:

(1) (A) The amount of funding generated by all foster youth. This amount shall be calculated as the sum of cumulative enrollment for foster youth 3 to 21 years of age, inclusive, as defined in subdivision (b) of Section 42238.01, multiplied by the rate described in subparagraph (B). Cumulative enrollment shall be calculated at the local educational agency reporting level and use data produced by the California Longitudinal Pupil Achievement Data System pursuant to Section 60900. For purposes of this subparagraph, “local educational agency” means a school district, county office of education, or charter school.

(B) For the 2021–22 fiscal year, the rate shall be one thousand five hundred nine dollars (\$1,509). For each fiscal year thereafter, the rate shall

be the amount calculated for the prior fiscal year pursuant to this paragraph, adjusted each year by the inflation factor described in Section 56836.142.

(2) (A) The amount of funding generated by short-term residential therapeutic program placements. This amount shall be calculated as the average daily population at short-term residential therapeutic programs located within the boundaries of the special education local plan area, which shall include the average daily population at short-term residential therapeutic programs that open or close in the middle of a fiscal year, multiplied by the rate described in subparagraph (B).

(B) For the 2021–22 fiscal year, the rate shall be fourteen thousand six hundred three dollars (\$14,603). For each fiscal year thereafter, the rate shall be the amount calculated for the prior fiscal year pursuant to this paragraph, adjusted each year by the inflation factor described in Section 56836.142.

(3) The amount of funding generated by children and youth placed by the State Department of Developmental Services, calculated as follows:

(A) For the 2021–22 fiscal year, the sum of all of the following amounts:

(i) The number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services multiplied by a rate of three thousand three hundred fifty-eight dollars (\$3,358).

(ii) The number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in intermediate care facilities licensed by the State Department of Health Care Services multiplied by a rate of twelve thousand six hundred sixty-eight dollars (\$12,668).

(iii) The number of children and youth 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities licensed by the State Department of Health Care Services multiplied by a rate of twenty-six thousand eight hundred seventy-four dollars (\$26,874).

(B) For each fiscal year following the 2021–22 fiscal year, the sum of the amounts described in clauses (i) to (iii), inclusive, of subparagraph (A), except that the rates used to calculate those amounts shall be the rates calculated for the prior fiscal year, adjusted each year by the inflation factor described in Section 56836.142.

(b) For each charter school deemed a local educational agency for purposes of special education, only an amount equal to the amount computed pursuant to paragraph (1) of subdivision (a) shall be apportioned by the Superintendent.

(c) For each fiscal year, the State Department of Social Services and the State Department of Developmental Services shall provide the department with the appropriate data identified in subdivision (a), as follows:

(1) The average daily population for foster youth 3 to 21 years of age, inclusive, at short-term residential therapeutic programs.

(2) The number on April 1 of children and youth (A) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in skilled nursing facilities and intermediate care facilities licensed by the State Department of Health Care Services, and (B) 3 to 21 years of age, inclusive, referred by the State Department of Developmental Services who are residing in community care facilities licensed by the State Department of Social Services.

(d) In determining the amount of the first and second principal apportionment for a fiscal year pursuant to Section 41332, the Superintendent shall continue to apportion funds from Section A of the State School Fund to each special education local plan area based on the amount apportioned in the prior fiscal year.

(e) For purposes of this section, the following definitions apply:

(1) “Foster youth” has the same meaning as defined in Section 42238.01.

(2) “Short-term residential therapeutic program” has the same meaning as defined in Section 11400 of the Welfare and Institutions Code or Section 1502 of the Health and Safety Code.

SEC. 101. Section 56836.173 of the Education Code is amended to read:

56836.173. (a) For the fiscal years 2004–05 to 2006–07, inclusive, the department shall apportion to each special education local plan area the amount determined as follows:

(1) For the 2004–05 and 2005–06 fiscal years, the amount apportioned shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area is less than or equal to the amount a special education local plan area received pursuant to former Sections 56836.16 and 56836.17 for the 2002–03 fiscal year, the special education local plan area shall receive the same amount it received for the 2002–03 fiscal year. For purposes of this section, the amount of funding received by a special education local plan area for the 2002–03 fiscal year shall be based on the annual recertification of the 2002–03 fiscal year, as certified by the department in July of 2004.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2002–03 fiscal year plus the amount calculated in subparagraph (C).

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for the special education local plan area and the amount received for the 2002–03 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2002–03 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(2) For the 2006–07 fiscal year, the amount apportioned shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area for the 2006–07 fiscal year is less than or equal to the amount a special education local plan area received for the 2005–06 fiscal year, the special education local plan area shall receive the same amount it received for the 2005–06 fiscal year less 20 percent of the difference between the amount received for the 2005–06 fiscal year and the out-of-home care funding amount computed for the 2006–07 fiscal year.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2005–06 fiscal year.

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for that special education local plan area and the amount received for the 2005–06 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2005–06 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(b) (1) Commencing with the 2007–08 fiscal year, both of the following shall apply:

(A) To the extent that funds are available pursuant to subclause (II) of clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.2 of the Revenue and Taxation Code or subclause (II) of clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.3 of the Revenue and Taxation Code, or both, not more than 50 percent of the amount determined in this subdivision for the applicable fiscal year shall be apportioned by the auditor of the county containing the applicable county Educational Revenue Augmentation Fund to the special education local plan area.

(B) The remaining 50 percent of the amount determined in this subdivision for the applicable fiscal year, or more if the applicable county Educational Revenue Augmentation Fund does not have sufficient funds to cover the entire percentage pursuant to subparagraph (A), shall be apportioned by the department to the special education local plan area.

(2) For the 2007–08 fiscal year, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area for the 2007–08 fiscal year is less than or equal to the amount a special education local plan area received for the 2006–07 fiscal year, the special education local plan area shall receive the same amount it received for the 2006–07 fiscal year less 25 percent of the difference between the amount received for the 2006–07 fiscal year and the out-of-home care funding amount computed for the 2007–08 fiscal year.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2006–07 fiscal year.

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for that special education local plan area and the amount received for the 2006–07 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2006–07 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(3) For the 2008–09 fiscal year, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area for the 2008–09 fiscal year is less than or equal to the amount a special education local plan area received for the 2007–08 fiscal year, the special education local plan area shall receive the same amount it received for the 2007–08 fiscal year less 33 percent of the difference between the amount received for the 2007–08 fiscal year and the out-of-home care funding amount computed for the 2008–09 fiscal year.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2007–08 fiscal year.

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for that special education local plan area and the amount received for the 2007–08 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2007–08 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(4) For the 2009–10 fiscal year, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be as follows:

(A) If the out-of-home care funding amount calculated for a special education local plan area for the 2009–10 fiscal year is less than or equal to the amount a special education local plan area received for the 2008–09 fiscal year, the special education local plan area shall receive the same amount it received for the 2008–09 fiscal year less 50 percent of the difference between the amount received for the 2008–09 fiscal year and the out-of-home care funding amount computed for the 2009–10 fiscal year.

(B) For special education local plan areas other than those funded through subparagraph (A), special education local plan areas shall receive the amount received for the 2008–09 fiscal year.

(C) For special education local plan areas other than those funded through subparagraph (A), each special education local plan area shall also receive the difference between the out-of-home care funding amount for that special education local plan area and the amount received for the 2008–09 fiscal year for that special education local plan area divided by the sum of the difference between the out-of-home care funding amount and the amount received in the 2008–09 fiscal year for all special education local plan areas multiplied by the amount of funds provided for Section 56836.165 in the annual Budget Act that has not been allocated in subparagraph (A) or (B).

(5) For the 2010–11 to 2020–21 fiscal years, inclusive, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be equal to the amount calculated pursuant to Section 56836.165. If the sum of the amounts calculated pursuant to Section 56836.165 for all special education local plan areas exceeds the Budget Act appropriation for this purpose, the department shall apply proportionate reductions to all special education local plan areas.

(6) For the 2021–22 fiscal year and each fiscal year thereafter, the total amount apportioned to a special education local plan area pursuant to the formula established in paragraph (1) shall be equal to the amount calculated pursuant to subdivision (a) of Section 56836.168. If the sum of the amounts calculated pursuant to Section 56836.168 for all special education local plan areas exceeds the annual Budget Act appropriation for this purpose, the department shall apply proportionate reductions to all special education local plan areas. If the annual Budget Act appropriation for this purpose exceeds the sum of the amounts calculated pursuant to Section 56836.168 for all special education local plan areas, any remaining funding shall be allocated in proportion to each special local plan area's share of that sum calculated pursuant to subdivision (a) of Section 56836.168.

(c) A county Educational Revenue Augmentation Fund shall not be required to provide funding for special education programs funded pursuant to this section based on clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.2 of the Revenue and Taxation Code, or clause (i) of subparagraph (B) of paragraph (4) of subdivision (d) of Section 97.3 of the Revenue and Taxation Code, or both, for a fiscal year before the 2007–08 fiscal year that it has not already provided for these programs before the start of the 2007–08 fiscal year.

SEC. 102. Section 56836.21 of the Education Code is amended to read:

56836.21. (a) The department shall administer an extraordinary cost pool to protect special education local plan areas from the extraordinary costs associated with single placements as described in subdivision (d). Funds shall be appropriated for this purpose in the annual Budget Act. Special education local plan areas shall be eligible for reimbursement from this pool in accordance with this section.

(b) The threshold amount for claims under this section shall be the lesser of the following:

(1) (A) Through the 2019–20 fiscal year, one percent of the allocation calculated pursuant to Section 56836.08 for the special education local plan

area for the current fiscal year for any special education local plan area that meets the criteria in Section 56212.

(B) For the 2020–21 fiscal year and each fiscal year thereafter, one percent of the allocation calculated pursuant to Section 56836.08 for the special education local plan area for the 2019–20 fiscal year for any special education local plan area that met the criteria in Section 56212 for the 2019–20 fiscal year.

(2) The department shall calculate the average cost of a nonpublic, nonsectarian school placement in the 1997–98 fiscal year. This amount shall be multiplied by 2.5, then by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, to obtain the alternative threshold amount for claims in the 1998–99 fiscal year. For the 2021–22 fiscal year, the alternative threshold amount shall be the alternative threshold amount for the prior fiscal year multiplied by one plus the inflation factor computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02, and shall also include the inflation factor of 2.31 percent instead of zero as described in Section 56836.142 for the 2020–21 fiscal year. For the 2022–23 fiscal year and for each fiscal year thereafter, the alternative threshold amount shall be the alternative threshold amount for the prior fiscal year multiplied by one plus the inflation factor computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(c) Special education local plan areas are eligible to submit claims for costs exceeding the threshold amount on forms developed by the department. All claims for a fiscal year shall be submitted by October 30 following the close of the fiscal year. If the total amount claimed by special education local plan areas exceeds the amount appropriated, the claims shall be prorated.

(d) Special education local plan areas are eligible to submit claims for the costs of nonpublic, nonsectarian school placements in excess of those in existence in the 1997–98 fiscal year and the costs of special education and related services for pupils who reside in licensed children’s institutions.

SEC. 103. Section 56836.24 of the Education Code is amended to read:

56836.24. (a) Commencing with the 2018–19 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations to determine the amount of funding for the purposes specified in Section 56836.23 for apportionment to each special education local plan area for the fiscal year in which the computation is made:

(1) For the 2018–19 fiscal year, the Superintendent shall make the following computations:

(A) Compute the statewide average for program specialists and regionalized services, excluding the amount computed for the special education local plan area identified as the Los Angeles County Juvenile Court and Community School/Division of Alternative Education Special Education Local Plan Area, for the 2012–13 fiscal year.

(B) Multiply the computed amount in subparagraph (A) by one plus the inflation factor for the 2013–14 to 2017–18 fiscal years, inclusive, computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(C) Multiply the amount computed in subparagraph (B) by one plus the inflation factor for the 2018–19 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(D) Multiply the amount computed in subparagraph (C) by the number of units of average daily attendance upon which funding is based pursuant to subdivision (d) of Section 56836.10 for the special education local plan area.

(2) For the 2019–20 fiscal year, the Superintendent shall make the following computations:

(A) Multiply the 2018–19 fiscal year statewide average amount by one plus the inflation factor for the 2019–20 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area.

(3) For the 2020–21 fiscal year, the Superintendent shall make the following computations:

(A) Multiply the 2019–20 fiscal year statewide average amount by one plus the inflation factor for the 2020–21 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area for the 2019–20 fiscal year.

(4) For the 2021–22 fiscal year, the Superintendent shall make the following computations:

(A) Multiply the 2020–21 fiscal year statewide average amount by one plus the inflation factor for the 2021–22 fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02, and include the inflation factor of 2.31 percent instead of zero as described in Section 56836.142 for the 2020–21 fiscal year.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of Section 56836.08 for the special education local plan area for the 2019–20 fiscal year.

(5) For the 2022–23 fiscal year and each fiscal year thereafter, the Superintendent shall make the following computations:

(A) Multiply the prior year fiscal year statewide average amount by one plus the inflation factor for the current fiscal year computed pursuant to paragraph (2) of subdivision (d) of Section 42238.02.

(B) Multiply the amount computed in subparagraph (A) by the number of units of average daily attendance upon which funding is based pursuant to clause (i) of subparagraph (B) of paragraph (3) of subdivision (b) of

Section 56836.08 for the special education local plan area for the 2019–20 fiscal year.

(b) For purposes of this section, a special education local plan area that only includes charter schools shall be apportioned by the Superintendent for each unit of average daily attendance reported pursuant to subdivision (a) of Section 56836.06 for the 2019–20 fiscal year.

SEC. 104. Section 56836.31 of the Education Code is amended to read:

56836.31. (a) To accomplish the activities set forth in Section 56836.23, supplemental funds shall be apportioned to special education local plan areas that are designated as necessary small special education local plan areas in accordance with Section 56212 and that report fewer than 15,000 units of average daily attendance.

(b) For the 2013–14 fiscal year to the 2017–18 fiscal year, inclusive, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Calculate the difference between the number of units of average daily attendance reported for the necessary small special education local plan area for the current fiscal year and 15,000 units of average daily attendance.

(2) Multiply the difference calculated in paragraph (1) by the rate calculated in subdivision (c).

(c) For the 2013–14 fiscal year, the supplemental rate per unit of average daily attendance shall be fifteen dollars (\$15). For the 2014–15 fiscal year and each fiscal year thereafter, the supplemental rate per unit of average daily attendance shall be fifteen dollars (\$15) multiplied by one plus the inflation factor computed pursuant to subdivision (b) of Section 42238.1 for the current fiscal year.

(d) For the 2018–19 and 2019–20 fiscal years, the Superintendent shall allocate the supplemental amount described in subdivision (a) based on the following computations:

(1) Calculate the difference between the number of units of average daily attendance determined pursuant to Section 56836.24 for the necessary small special education local plan area and 15,000 units of average daily attendance.

(2) For the 2018–19 fiscal year, the supplemental rate per unit of average daily attendance shall be the rate computed pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 56836.24. For the 2019–20 fiscal year, the supplemental rate per unit of average daily attendance shall be the rate computed pursuant to subparagraph (A) of paragraph (2) of subdivision (a) of Section 56836.24.

(3) Multiply the difference calculated in paragraph (1) by the rate calculated in paragraph (2).

(e) For the 2020–21 fiscal year, the Superintendent shall allocate the supplemental amount described in subdivision (a) by taking the difference calculated pursuant to paragraph (1) of subdivision (d) for the 2019–20 fiscal year and multiplying it by the supplemental rate per unit of average daily attendance computed pursuant to subparagraph (A) of paragraph (3) of subdivision (a) of Section 56836.24.

(f) For the 2021–22 fiscal year, the Superintendent shall allocate the supplemental amount described in subdivision (a) by taking the difference calculated pursuant to paragraph (1) of subdivision (d) for the 2019–20 fiscal year and multiplying it by the supplemental rate per unit of average daily attendance computed pursuant to subparagraph (A) of paragraph (4) of subdivision (a) of Section 56836.24.

(g) For the 2022–23 fiscal year and each fiscal year thereafter, the Superintendent shall allocate the supplemental amount described in subdivision (a) by taking the difference calculated pursuant to paragraph (1) of subdivision (d) for the 2019–20 fiscal year and multiplying it by the supplemental rate per unit of average daily attendance computed pursuant to subparagraph (A) of paragraph (5) of subdivision (a) of Section 56836.24.

SEC. 105. Section 56836.40 of the Education Code is amended to read:

56836.40. (a) For any fiscal year in which moneys are appropriated for purposes of this section, the Superintendent shall make the following computations to determine the amount of funding for each school district for the special education early intervention preschool grant:

(1) For each school district, determine the total number of pupils in grade 1 with exceptional needs residing in that school district using Fall 1 Census special education data.

(2) The sum of the totals determined pursuant to paragraph (1) is the “total statewide number of preschool children with exceptional needs” for the applicable fiscal year.

(3) Calculate a per pupil special education early intervention preschool grant by dividing the amount appropriated in the annual Budget Act for purposes of this section by the total statewide number of preschool children with exceptional needs calculated in paragraph (2).

(4) Calculate the special education early intervention preschool grant for each school district by multiplying the per pupil grant calculated in paragraph (3) by the total number calculated in paragraph (1) for the school district.

(5) The Superintendent shall allocate the amount of funds calculated for each school district in paragraph (4) to the applicable school district.

(b) The funds allocated pursuant to this section shall supplement existing special education resources currently required to be provided pursuant to federal and state law and promote a targeted focus on services and supports being offered in inclusive settings, to the extent practicable.

(c) Funding allocated to school districts under this section shall be used to provide services and supports in inclusive settings that have been determined to improve school readiness and long-term outcomes for infants, toddlers, and preschool pupils from birth to five years of age, inclusive, including, but not limited to, all of the following:

(1) Early intervention services, including preschool and supportive services for children from birth to five years of age, inclusive, who are not meeting age-appropriate developmental milestones and are at risk for being identified as eligible for special education and related services. This may include children who received individualized family support plan services but did not qualify for an individualized education program, and children

who have not received an individualized family support plan nor an individualized education program.

(2) One-time programs, services, or resources for preschool children with exceptional needs that may not be medically or educationally necessary or required by an individualized education program or in an individualized family support plan, but which the school district has determined will have a positive impact on a young child.

(3) Strategies to improve pupil outcomes as identified through the state system of support, including inclusive educational programming that ensures a pupil's right to placement in the least restrictive educational environment.

(4) Wraparound services for preschool children with exceptional needs not required by federal or state law.

(5) Expansion of inclusive practices to ensure that preschool children with exceptional needs have access to learn in the least restrictive environment.

(6) Professional development for preschool teachers, administrators, and paraprofessionals on evidence-based strategies to build capacity to serve preschool children with exceptional needs in more inclusive settings. This professional development may also include training for teachers, administrators, and paraprofessionals on the development of physical, social, emotional, and academic skills and on developing appropriate individualized education programs for preschool children with exceptional needs that ensure access to a free, appropriate public education in the least restrictive environment.

(d) For purposes of this section, the following definitions shall apply:

(1) "Preschool child with exceptional needs" means a child between three and five years of age, inclusive, who has been identified as an individual with exceptional needs, as defined in Section 56026, and is receiving individualized education program services, except those enrolled in kindergarten or a transitional kindergarten program.

(2) "Transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(3) "Wraparound services" means integrated services and supports that address a child's holistic needs, including, but not limited to, academic, health, and social services.

SEC. 106. Section 60640 of the Education Code is amended to read:

60640. (a) There is hereby established the California Assessment of Student Performance and Progress, to be known as the CAASPP.

(b) Commencing with the 2013–14 school year, the CAASPP shall be composed of all of the following:

(1) (A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board.

(B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and

to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2) (A) Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).

(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to former Section 60605.85, as that section read on June 30, 2014, regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

- (i) Grades 3 to 5, inclusive.
- (ii) Grades 6 to 9, inclusive.
- (iii) Grades 10 to 12, inclusive.

(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).

(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.

(5) (A) A local educational agency may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, to pupils who are identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive, until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to subparagraph (E).

(B) If a local educational agency chooses to administer a primary language assessment to pupils identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive, pursuant to subparagraph (A), it shall notify the department in a manner to be determined by the department and the costs shall be paid by the state and included as part of the testing contract, and the department shall provide the local educational agency a per pupil apportionment for administering the assessment pursuant to subdivision (I).

(C) The Superintendent shall consult with stakeholders, including assessment and English learner experts, to determine the content and purpose

of a stand-alone language arts summative assessment in primary languages other than English that aligns with the English language arts content standards. The Superintendent shall consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Biliteracy and accountability. It is the intent of the Legislature that an assessment developed pursuant to this section be included in the state accountability system.

(D) The Superintendent shall report and make recommendations to the state board at a regularly scheduled public meeting no sooner than one year after the first full administration of the consortium computer-adaptive assessments in English language arts and mathematics summative assessments in grades 3 to 8, inclusive, and grade 11, regarding an implementation timeline and estimated costs of a stand-alone language arts summative assessment in primary languages other than English.

(E) The Superintendent shall develop, and the state board shall adopt, a primary language assessment. The Superintendent shall administer this assessment no later than the 2016–17 school year.

(F) This paragraph shall be operative only to the extent that funding is provided in the annual Budget Act or another statute for the purpose of this section.

(c) No later than March 1, 2016, the Superintendent shall submit to the state board recommendations on expanding the CAASPP to include additional assessments, for consideration at a regularly scheduled public meeting. The Superintendent shall also submit these recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with all of the following:

(1) In consultation with stakeholders, including, but not necessarily limited to, California teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, the Superintendent shall make recommendations regarding assessments, including the grade level, content, and type of assessment. These recommendations shall take into consideration the assessments already administered or planned pursuant to subdivision (b). The Superintendent shall consider the use of consortium-developed assessments, various item types, computer-based testing, and a timeline for implementation.

(2) The recommendations shall consider assessments in subjects, including, but not necessarily limited to, history-social science, technology, visual and performing arts, and other subjects as appropriate, as well as English language arts, mathematics, and science assessments to augment the assessments required under subdivision (b), and the use of various assessment options, including, but not necessarily limited to, computer-based tests, locally scored performance tasks, and portfolios.

(3) The recommendations shall include the use of an assessment calendar that would schedule the assessments identified pursuant to paragraph (2) over several years, the use of matrix sampling, if appropriate, and the use of population sampling.

(4) The recommendations shall include a timeline for test development, and shall include cost estimates for subject areas, as appropriate.

(5) Upon approval by the state board and the appropriation of funding for this purpose, the Superintendent shall develop and administer approved assessments. The state board shall approve test blueprints, achievement level descriptors, testing periods, performance standards, and a reporting plan for each approved assessment.

(6) The Superintendent shall convene an advisory panel, consisting of, but not necessarily limited to, secondary teachers, school administrators, school board members, parents, a student chosen from among the two finalists who were not appointed by the Governor to serve as the student member on the state board pursuant to Section 33000.5, representatives of a dropout recovery charter school operating pursuant to subdivision (f) of Section 47605.1, measurement experts, and individuals with expertise in assessing English learners and pupils with disabilities, to provide recommendations to the Superintendent on the continuation of the high school exit examination, described in Chapter 9 (commencing with Section 60850), and on alternative pathways to satisfy the high school graduation requirements pursuant to Sections 51224.5 and 51225.3.

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the CAASPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this subdivision shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

(e) The Superintendent shall make available a paper and pencil version of any computer-based CAASPP assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.

(f) (1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). These assessments shall include the use of accessibility resources, as may be determined by the department, and those determinations shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in English language arts. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year. The testing period established by the state board shall take into consideration the need of local educational agencies to provide makeup days for pupils who were absent

during testing, as well as the need to schedule testing on electronic computing devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund local educational agency participation in one or more tests per participant. Funds for this purpose shall be used to allow for maximum participation in the field tests across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With the approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).

(h) As feasible, the CAASPP field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The CAASPP field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

(i) The governing board of a school district may administer achievement tests in grades other than those required by this section as it deems appropriate.

(j) Subject to the approval of the state board, the department may make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either nonlimited English proficient or redesignated fluent English proficient until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph (5) of subdivision (b). The cost for the assessment shall be the same for all local educational agencies and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that elects to administer a primary language assessment pursuant to this subdivision shall do so at its own expense and shall enter into an agreement for that purpose with the state testing contractor, subject to the approval of the department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate

accommodations in administration, where necessary, and the individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(l) (1) The Superintendent shall apportion funds appropriated for these purposes to local educational agencies to enable them to meet the requirements of subdivisions (b) and (c).

(A) For the CAASPP field tests administered in the 2013–14 school year or later school years, the Superintendent shall apportion funds to local educational agencies if funds are specifically provided for this purpose in the annual Budget Act.

(B) The Superintendent shall apportion funds to local educational agencies to enable them to administer assessments used to satisfy the voluntary Early Assessment Program in the 2013–14 school year pursuant to paragraph (4) of subdivision (b).

(2) The state board annually shall establish the amount of funding to be apportioned to local educational agencies for each test administered and annually shall establish the amount that each contractor shall be paid for each test administered under the contracts required pursuant to Section 60643. The amounts to be paid to the contractors shall be determined by considering the cost estimates submitted by each contractor each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to local educational agencies for compliance with the requirements of subdivisions (b) and (c). The state board shall take into account changes to local educational agency test administration activities under the CAASPP, including, but not limited to, the number and type of tests administered and changes in computerized test registration and administration procedures, when establishing the amount of funding to be apportioned to local educational agencies for each test administered.

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(m) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (l), and the payments made to the contractors under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the

“total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for that fiscal year.

(n) As a condition to receiving an apportionment pursuant to subdivision (l), a local educational agency shall report to the Superintendent all of the following:

(1) The pupils enrolled in the local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).

(2) The pupils to whom an achievement test was administered pursuant to subdivisions (b) and (c) in the local educational agency.

(3) The pupils in paragraph (1) who were exempted from the test pursuant to this section.

(o) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the CAASPP, including, but not necessarily limited to, the grade 11 consortium summative assessments in English language arts and mathematics, for academic credit, placement, or admissions processes.

(p) Subject to the availability of funds in the annual Budget Act for this purpose, and exclusive of the consortium assessments, the Superintendent, with the approval of the state board, annually shall release to the public test items from the achievement tests pursuant to Section 60642.5 administered in previous years. Where feasible and practicable, the minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

(q) On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the CAASPP assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 107. Section 60810 of the Education Code is amended to read:

60810. (a) (1) The Superintendent shall review existing assessments that assess the English language development of pupils whose primary language is a language other than English. The assessment for initial identification and the summative assessment shall include, but not be limited to, an assessment of achievement of these pupils in English reading, speaking, and written skills. The Superintendent shall determine which assessments, if any, meet the requirements of subdivisions (b) to (f), inclusive. If any existing assessment or series of assessments meets these

criteria, the Superintendent, with approval of the state board, shall report to the Legislature on its findings and recommendations.

(2) If no suitable assessment exists, the Superintendent shall explore the option of a collaborative effort with other states to develop an assessment or series of assessments and share assessment development costs. If no suitable assessment exists, the Superintendent, with the approval of the state board, shall either release a request for proposals for the development of an assessment or series of assessments that meets the criteria of subdivisions (b) to (f), inclusive, contract to modify an existing assessment or series of assessments so that it will meet the requirements of subdivisions (b) to (f), inclusive, or amend the contract authorized pursuant to Section 60643 so that an assessment or a series of assessments are developed or modified to meet the requirements of subdivisions (b) to (f), inclusive. The state board shall approve assessment blueprints, assessment performance descriptors, and performance-level cut scores based on standard settings.

(3) The Superintendent shall apportion funds appropriated to enable school districts to meet the requirements of subdivisions (c) and (e). The state board shall establish the amount of funding to be apportioned per assessment administered, based on a review of the cost per assessment for initial identification and summative assessment purposes.

(4) An adjustment to the amount of funding to be apportioned per assessment is not valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per assessment shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(b) (1) The assessment or series of assessments developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. These assessments shall include the use of accessibility resources, as may be determined by the department, and those determinations shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. Six months after the results of three administrations are collected, but no later than June 30, 2013, the department shall report to the Legislature on the administration of the kindergarten and grade 1 early literacy assessment results, as well as on the administrative process, in order to determine whether reauthorization of the early literacy assessment is appropriate.

(2) In the development and administration of the assessment for pupils in kindergarten and grade 1, the department shall minimize any additional assessment time, to the extent possible. To the extent that it is technically possible, items that are used to assess listening and speaking shall be used to measure early literacy skills. The department shall ensure that the assessment and procedures for its administration are age and developmentally appropriate. Age and developmentally appropriate procedures for administration may include, but are not limited to, one-on-one administration, a small group setting, and orally responding or circling a response to a question.

(3) The assessment for initial identification developed or acquired pursuant to subdivision (a) shall have sufficient range to identify if the pupil is an English learner, as defined by Section 306.

(c) The assessment for initial identification shall meet all of the following requirements:

(1) Have psychometric properties of reliability and validity deemed adequate by technical experts.

(2) Be capable of administration to pupils with any primary language other than English.

(3) Be capable of administration by classroom teachers.

(4) Not discriminate on the basis of race, ethnicity, or gender.

(5) Be aligned with the standards for English language development adopted by the state board pursuant to Section 60811.3, as it read on June 30, 2013.

(6) Be age and developmentally appropriate for pupils.

(d) The assessment for initial identification shall be used to identify pupils who are limited English proficient.

(e) The summative assessment shall meet all of the following requirements:

(1) Provide sufficient information about pupils at each grade level to determine levels of proficiency ranging from no English proficiency to fluent English proficiency with at least two intermediate levels.

(2) Yield scores that allow comparison of the growth of a pupil over time, that may be tied to readiness for various instructional options, and that may be aggregated for use in the evaluation of program effectiveness.

(3) Have psychometric properties of reliability and validity deemed adequate by technical experts.

(4) Be capable of administration to pupils with any primary language other than English.

(5) Be capable of administration by classroom teachers.

(6) Not discriminate on the basis of race, ethnicity, or gender.

(7) Be aligned with the standards for English language development adopted by the state board pursuant to Section 60811.3, as it read on June 30, 2013.

(8) Be age and developmentally appropriate for pupils.

(f) The summative assessment shall be used for both of the following purposes:

(1) To identify the level of English language proficiency of pupils who are limited English proficient.

(2) To assess the progress of limited-English-proficient pupils in acquiring the skills of listening, reading, speaking, and writing in English.

(g) (1) A pupil in any of grades 3 to 12, inclusive, shall not be required to retake those portions of the assessment that measure English language skills for which the pupil has previously tested as advanced within each appropriate grade span, as determined by the department in accordance with paragraph (8) of subdivision (e).

(2) Notwithstanding paragraph (1), a pupil in any of grades 10 to 12, inclusive, shall not be required to retake those portions of the assessment that measure English language skills for which the pupil has previously tested as early advanced or advanced.

(3) This subdivision shall not be implemented unless and until the department receives written documentation from the United States Department of Education that implementation is permitted by federal law.

(h) (1) The Superintendent shall not administer an assessment for initial identification or a summative assessment pursuant to this section until both assessments are developed and adopted by the state board.

(2) The Superintendent shall report to the appropriate policy committees of the Legislature when the assessments are ready for their initial administration.

SEC. 108. Section 7902.1 of the Government Code is amended to read:

7902.1. (a) (1) If, beginning with the 1980–81 fiscal year or any fiscal year thereafter, the proceeds of taxes of a school district, community college district, or county superintendent of schools, exceed its appropriations limit determined pursuant to Section 7902 for that fiscal year, the governing body of the school district or community college district, or the county superintendent of schools, shall increase its appropriations limit to an amount equal to its proceeds of taxes.

(2) Any increase in a local jurisdiction's appropriations limit pursuant to this section shall, in the fiscal year in which the change is made, reduce the appropriations limit of the state by an equal amount.

(b) (1) If, in the 2021–22 fiscal year or any fiscal year thereafter, the appropriations limit determined pursuant to Section 7902 for that fiscal year of a school district, community college district, or county superintendent of schools exceeds its proceeds of taxes, the governing board of the school district or community college district, or the county superintendent of schools, shall decrease its appropriations limit to an amount equal to its proceeds of taxes.

(2) Any decrease in a local jurisdiction's appropriations limit pursuant to this section shall increase the appropriations limit of the state by an equal amount.

SEC. 109. Section 7902.2 is added to the Government Code, to read:

7902.2. (a) For the 2019–20 and 2020–21 fiscal years only, if the appropriations limit determined pursuant to Section 7902 of a school district, community college district, or county superintendent of schools, exceeds

its proceeds of taxes, the appropriations limit shall be decreased to the proceeds of taxes for that school district, community college district, or county superintendent of schools.

(b) The Superintendent of Public Instruction shall notify the governing board of affected school districts and county superintendents of schools of the amounts reduced pursuant to subdivision (a). The notification shall be made at a time and in a manner determined by the Superintendent of Public Instruction.

(c) The Chancellor of the California Community Colleges shall notify the governing board of affected community college districts of the amounts reduced pursuant to subdivision (a). The notification shall be made at a time and in a manner determined by the Chancellor of the California Community Colleges.

(d) Any decrease in a local jurisdiction's appropriations limit pursuant to this section shall increase the appropriations limit of the state by an equal amount.

SEC. 110. Section 7906 of the Government Code is amended to read:

7906. For school districts:

(a) (1) For the 1980–81 to 2012–13 fiscal years, inclusive, “ADA” means a school district’s second principal apportionment units of average daily attendance as determined pursuant to Section 42238.5 of the Education Code, including average daily attendance in summer school, regional occupational centers and programs, and apprenticeship programs, and excluding average daily attendance in adult education programs. All other units of average daily attendance including, but not limited to, special day classes for special education pupils, shall be included.

(A) For purposes of this subdivision, the average daily attendance of apprenticeship programs shall be determined pursuant to Section 79149.1 or 79149.3 of the Education Code.

(B) For the 2008–09 to 2012–13 fiscal years, inclusive, the average daily attendance of public school districts, including county superintendents of schools, serving kindergarten and grades 1 to 12, inclusive, or any part thereof, shall include the same amount of average daily attendance for classes for supplemental instruction and regional occupational centers and programs that was used for purposes of this section for the 2007–08 fiscal year.

(2) For the 2013–14 fiscal year and each fiscal year thereafter, “ADA” means a school district’s second principal apportionment units of average daily attendance, as determined pursuant to Section 42238.05 of the Education Code.

(b) “Foundation program level” means:

(1) For the 1978–79 fiscal year, one thousand two hundred forty-one dollars (\$1,241) for elementary school districts, one thousand three hundred twenty-two dollars (\$1,322) for unified school districts, and one thousand four hundred twenty-seven dollars (\$1,427) for high school districts.

(2) For the 1979–80 fiscal year to the 1986–87 fiscal year, inclusive, the levels specified in paragraph (1) increased by the lesser of the change in

cost of living or California per capita personal income for the preceding calendar year.

(3) For the 1986–87 fiscal year, the levels specified in paragraph (2) increased by one hundred eighty dollars (\$180) for elementary school districts, one hundred ninety-one dollars (\$191) for unified school districts, and two hundred seven dollars (\$207) for high school districts.

(4) For the 1987–88 fiscal year, the levels specified in paragraph (3) increased by the lesser of the change in cost of living or California per capita personal income for the preceding calendar year.

(5) For the 1988–89 fiscal year and each fiscal year thereafter, the foundation program level shall be the appropriations limit of the school district for the current fiscal year, plus amounts paid for any nonreimbursed court or federal mandates imposed on or after November 6, 1979, less the sum of the following:

(A) Interest earned on the proceeds of taxes during the current fiscal year.

(B) The 50 percent of miscellaneous funds received during the current fiscal year that are from the proceeds of taxes.

(C) Locally voted taxes received during the current fiscal year, such as parcel taxes or square foot taxes, unless for voter-approved bonded debt.

(D) Any other local proceeds of taxes received during the current fiscal year, other than local taxes that offset state aid, such as excess bond revenues transferred to a school district’s general fund pursuant to Section 15234 of the Education Code.

(c) “Proceeds of taxes” shall be deemed to include subventions received from the state only if those subventions are for one of the following purposes:

(1) Basic aid subventions of one hundred twenty dollars (\$120) per ADA.

(2) (A) Additional apportionments that, when added to the school district’s local revenues, do not exceed the foundation program level for that school district. In no case shall subventions received from the state for reimbursement of state mandates in accordance with Section 6 of Article XIII B of the California Constitution or Section 17561, or for reimbursement of court or federal mandates imposed on or after November 6, 1979, be considered “proceeds of taxes” for purposes of this section.

(B) A school district’s local revenues for purposes of subparagraph (A) are the amounts that offset state aid, as follows:

(i) For the 1980–81 to 2012–13 fiscal years, inclusive, as defined in Section 42238 of the Education Code.

(ii) For the 2013–14 fiscal year and each fiscal year thereafter, as defined in subdivision (j) of Section 42238.02 of the Education Code.

(d) Proceeds of taxes for a fiscal year shall not include any proceeds of taxes within the school district’s beginning balance or reserve, unless those funds were not appropriated in a prior fiscal year. Funds that were appropriated to a reserve or other fund referenced in Section 5 of Article XIII B of the California Constitution shall be deemed to be appropriated for the purpose of this paragraph.

(e) The remainder of the state apportionments shall not be considered proceeds of taxes for a school district, and shall be considered appropriations subject to the state's limit.

(f) Each school district shall report to the Superintendent of Public Instruction and to the Director of Finance at least annually its appropriations limit, its appropriations subject to limitation, the amount of its state aid apportionments and subventions included within the proceeds of taxes of the school district, amounts excluded from its appropriations limit, and any increase or decrease to its appropriations limit pursuant to Section 7902.1, at a time and in a manner prescribed by the Superintendent of Public Instruction and approved by the Director of Finance.

(g) For the 1988–89 fiscal year and each fiscal year thereafter, paragraph (2) of subdivision (c) shall not be construed as requiring the amount determined pursuant to subdivision (b) to be multiplied by the amount determined pursuant to subdivision (a) for purposes of determining the amount of state aid included in school district “proceeds of taxes” for purposes of this section.

SEC. 111. Section 7907 of the Government Code is amended to read:

7907. For county superintendents of schools:

(a) (1) For the 1978–79 to 2012–13 fiscal years, inclusive, “proceeds of taxes” shall be deemed to include subventions received from the state only if those subventions are received for one or more of the following programs:

(A) Educational services provided directly to pupils, including, but not limited to, the services described in subdivision (c) of Section 1981 of, Sections 1904, 2550.2, 2551.3, 8152, 48633, 52570, and 58804 of, and Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of Division 4 of Title 2 of, the Education Code.

(B) Support services provided to school districts, including, but not limited to, the services described in subdivision (b) of Section 2550 of, and Sections 1510, 2509, 2551, 2554, and 2555 of, the Education Code.

(C) Direct services provided to school districts, as described in subdivision (a) of Section 2550 of the Education Code.

(2) For the 2013–14 fiscal year and each fiscal year thereafter, “proceeds of taxes” shall be deemed to include subventions received from the state only if those subventions are received for one or more of the following programs:

(A) The alternative education grant described in Section 2574 of the Education Code.

(B) The operations grant described in Section 2574 of the Education Code.

(C) The add-on amount described in subdivision (e) of Section 2574 of the Education Code and any amounts added either pursuant to calculations in Sections 2575 of the Education Code or added to the calculations in Section 2575 of the Education Code.

(b) For programs identified in subparagraph (A) of paragraph (1) of subdivision (a), an amount shall be calculated equal to the appropriations made for those programs from the proceeds of taxes for the 1978–79 fiscal

year, adjusted for the 1979–80 and 1980–81 fiscal years by the lesser of the change in cost of living or change in California per capita personal income applicable to each year and by the percentage change in average daily attendance in those programs for the 1979–80 and 1980–81 fiscal years.

(c) For all other programs operated by the county superintendent of schools, including, but not limited to, the programs identified in subparagraphs (B) and (C) of paragraph (1) of subdivision (a), an amount shall be calculated equal to the appropriations made for those programs from the proceeds of taxes for the 1978–79 fiscal year, adjusted for the 1979–80 and 1980–81 fiscal years by the lesser of the change in cost of living or change in California per capita personal income for each year and by the percentage change in population, as defined by subdivision (d) of Section 7901, for all the school districts in the county for the 1979–80 and 1980–81 fiscal years. The “percentage change in population” for the program identified in subparagraph (C) of paragraph (1) of subdivision (a) shall be, for purposes of this subdivision, the percentage change in direct services average daily attendance as calculated pursuant to subdivision (a) of Section 2550 of the Education Code.

(d) The sum of the amounts calculated in subdivisions (b) and (c) shall be the appropriations limit for the county superintendent for the 1980–81 fiscal year.

(e) For the 1981–82 fiscal year and each fiscal year thereafter, the appropriations limit for the prior year shall be adjusted by the appropriate average daily attendance and the lesser of the change in cost of living or California per capita personal income.

(f) For the 1981–82 fiscal year to the 1987–88 fiscal years, inclusive, state apportionments to county superintendents in excess of the amounts in subdivision (d) or (e) shall not be considered proceeds of taxes for a county superintendent of schools.

(g) For the 1988–89 fiscal year and each fiscal year thereafter, the state apportionments to county superintendents that shall be considered “proceeds of taxes” for a county superintendent of schools shall be equal to the lesser of the following:

(1) The total amount of state apportionments received for that fiscal year, excluding amounts paid for reimbursement of state mandates in accordance with Section 6 of Article XIII B of the California Constitution or Section 17561, or for reimbursement of court or federal mandates imposed on or after November 6, 1979.

(2) The appropriations limit for the county superintendent for that fiscal year, less the sum of all of the following:

(A) Interest earned on the proceeds of taxes during the current fiscal year.

(B) The 50 percent of miscellaneous funds received during the current fiscal year that are from the proceeds of taxes.

(C) Locally voted taxes received during the current year, such as parcel taxes or square foot taxes, other than for voter-approved bonded debt.

(D) Any other local proceeds of taxes received during the current year, such as excess bond revenues transferred to a school district's general fund pursuant to Section 15234 of the Education Code.

(E) Local proceeds of taxes received during the current fiscal year that offset state aid.

(3) Amounts paid for court or federal mandates shall be excluded from the appropriations limit.

(h) Each county superintendent of schools shall report to the Superintendent of Public Instruction and to the Director of Finance at least annually its appropriations limit, its appropriations subject to limitation, the amount of its state aid apportionments and subventions included within the proceeds of taxes of the county superintendents of schools, amounts excluded from its appropriations limit, and any increase or decrease to its appropriations limit pursuant to Section 7902.1, at a time and in a manner prescribed by the Superintendent of Public Instruction and approved by the Director of Finance.

SEC. 112. Section 7908 of the Government Code is amended to read:

7908. For community college districts:

(a) As used in this section, "ADA" means the annual average daily attendance reported for students attending the community college district during the fiscal year.

(b) "Proceeds of taxes" shall be deemed to include subventions from the state, including special purpose apportionments, but excluding subventions received from the state for reimbursement of state mandates in accordance with Section 6 of Article XIII B of the California Constitution or Section 17561, or for reimbursement of court or federal mandates imposed on or after November 6, 1979, only if those subventions, when added to the community college district's local resources, as defined in items (2) and (3) of subdivision (a) of Section 84904 of the Education Code, do not exceed:

(1) For the 1978–79 fiscal year, the lesser of the statewide average revenues or the actual revenues received per ADA, as defined in paragraph (1) of subdivision (c) of Section 84700 of the Education Code, multiplied by the ADA in the community college district for the 1978–79 fiscal year.

(2) For the 1979–80 to the 1987–88 fiscal years, inclusive, the amount specified in paragraph (1) adjusted by the lesser of the change in cost of living or California per capita personal income for the preceding calendar year and the percentage change in the community college district's ADA for that fiscal year.

(3) For the 1988–89 fiscal year and each fiscal year thereafter, the appropriations limit of that community college district, plus amounts paid for any nonreimbursed court or federal mandates imposed on or after November 6, 1979, less the sum of the following:

(A) Interest earned on the proceeds of taxes during the current fiscal year.

(B) The 50 percent of miscellaneous funds received during the current fiscal year that are from the proceeds of taxes.

(C) Locally voted taxes received during the current fiscal year, such as parcel taxes or square foot taxes, unless for voter-approved bonded debt.

(D) Any other local proceeds of taxes received during the current fiscal year, other than local taxes which count towards the revenue limit, such as excess bond revenues transferred to a community college district's general fund pursuant to Section 15234.

(c) Each community college district shall report to the Chancellor of the California Community Colleges and to the Director of Finance at least annually its appropriations limit, its appropriations subject to limitation, the amount of its state aid apportionments and subventions included within the proceeds of taxes of the community college district, amounts excluded from the appropriations limit, and any increase or decrease to its appropriations limit pursuant to Section 7902.1, at a time and in a manner prescribed by the Chancellor of the California Community Colleges and approved by the Director of Finance.

SEC. 113. Section 16724.4 of the Government Code is amended to read: 16724.4. Any state bond measure approved by the voters on or after January 1, 2004, shall be subject to an annual reporting process, as follows:

(a) The head of the lead state agency administering the bond proceeds shall report to the Legislature and the Department of Finance no later than January 1, 2005, or the January 1 of the second year following the enactment of the bond measure, whichever is later, and at least once a year thereafter. The annual report shall contain all of the following:

(1) A list of all projects and their geographical location that have been funded or are required or authorized to receive funds.

(2) The amount of funds allocated on each project.

(3) The status of any project required or authorized to be funded.

(b) Costs of the report may be included in the cost of administering the bond measure unless the measure specifically prohibits those expenses.

(c) If the head of the lead state agency administering the bond proceeds has developed and continuously maintains an alternative digital method of providing all the information required pursuant to subdivision (a), such as a publicly available data display on the agency's internet website or the state's open data portal, an annual notification to the Legislature and the Department of Finance that includes specific instructions to locate the information may meet the annual reporting process requirements of this section.

SEC. 114. Section 17581.6 of the Government Code is amended to read:

17581.6. (a) Funding apportioned pursuant to this section shall constitute reimbursement pursuant to Section 6 of Article XIII B of the California Constitution for the performance of any state mandates included in the statutes and executive orders identified in subdivision (f).

(b) Any school district, county office of education, or charter school may elect to receive block grant funding pursuant to this section.

(c) (1) (A) A school district, county office of education, or charter school that elects to receive block grant funding pursuant to this section in a given

fiscal year shall submit a letter requesting funding to the Superintendent of Public Instruction on or before August 30 of that fiscal year.

(B) A charter school regarded as a continuing charter school pursuant to subparagraph (E) of paragraph (5) of subdivision (a) of Section 47605 of the Education Code, subparagraph (B) of paragraph (5) of subdivision (c) of Section 47605.1 of the Education Code, subdivision (d) of Section 47605.9 of the Education Code, or paragraph (3) of subdivision (b) of Section 47612.7 of the Education Code, shall do all of the following in the first year the charter school is affected by an action to restructure:

(i) Provide timely notification to the Superintendent of Public Instruction pursuant to Section 47653 of the Education Code.

(ii) Submit a letter requesting funding on or before August 30 of the fiscal year for which funding is requested pursuant to subparagraph (A) or 30 days after the charter school is assigned a number by the State Board of Education pursuant to Section 47602 of the Education Code, whichever is later.

(iii) As applicable, provide to the Superintendent of Public Instruction the prior year average daily attendance attributable to each restructured charter school to be used in the calculation of funding. The charter school shall provide data in a format prescribed by the Superintendent of Public Instruction. The total average daily attendance attributable to the restructured charter school or schools pursuant to this clause shall not exceed the total prior year average daily attendance of the original charter school. The definitions in Section 47654 of the Education Code apply for purposes of this subparagraph.

(2) (A) The Superintendent of Public Instruction shall, in the month of November of each year, apportion block grant funding appropriated pursuant to Item 6100-296-0001 of Section 2.00 of the annual Budget Act to all school districts, county offices of education, and charter schools that submitted letters requesting funding in that fiscal year according to the provisions of that item, except as provided in subparagraph (B).

(B) In the first year that a charter school is affected by an action to restructure pursuant to Section 47654 of the Education Code, the Superintendent of Public Instruction may apportion funds after November of that fiscal year to a charter school that is eligible for funding pursuant to subparagraph (B) of paragraph (1) and that has submitted a letter requesting funding after August 30 of that fiscal year.

(3) A school district or county office of education that receives block grant funding pursuant to this section shall not be eligible to submit claims to the Controller for reimbursement pursuant to Section 17560 for any costs of any state mandates included in the statutes and executive orders identified in subdivision (f) incurred in the same fiscal year during which the school district or county office of education received funding pursuant to this section.

(d) Commencing with the 2017–18 fiscal year, the per unit average daily attendance funding rates specified in the provisions of Item 6100-296-0001 of the annual Budget Act shall be adjusted annually by the percentage change

in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the third quarter of the prior fiscal year. This percentage change shall be determined using the latest data available as of May 10 of the preceding fiscal year compared with the annual average value of the same deflator for the 12-month period ending in the third quarter of the second preceding fiscal year, using the latest data available as of May 10 of the preceding fiscal year, as reported by the Department of Finance.

(e) Block grant funding apportioned pursuant to this section is subject to annual financial and compliance audits required by Section 41020 of the Education Code.

(f) Block grant funding apportioned pursuant to this section is specifically intended to fund the costs of the following programs and activities:

(1) Agency Fee Arrangements (00-TC-17 and 01-TC-14; Chapter 893 of the Statutes of 2000 and Chapter 805 of the Statutes of 2001).

(2) AIDS Instruction and AIDS Prevention Instruction (CSM 4422, 99-TC-07, and 00-TC-01; Chapter 818 of the Statutes of 1991; and Chapter 403 of the Statutes of 1998).

(3) Cal Grant: Opt-Out Notice and Grade Point Average Submission (16-TC-02; Chapter 679 of the Statutes of 2014 and Chapter 82 of the Statutes of 2016).

(4) California Assessment of Student Performance and Progress (CAASPP) (14-TC-01 and 14-TC-04; Chapter 489 of the Statutes of 2013; and Chapter 32 of the Statutes of 2014).

(5) California State Teachers' Retirement System (CalSTRS) Service Credit (02-TC-19; Chapter 603 of the Statutes of 1994; Chapters 383, 634, and 680 of the Statutes of 1996; Chapter 838 of the Statutes of 1997; Chapter 965 of the Statutes of 1998; Chapter 939 of the Statutes of 1999; and Chapter 1021 of the Statutes of 2000).

(6) Caregiver Affidavits (CSM 4497; Chapter 98 of the Statutes of 1994).

(7) Charter Schools I, II, and III (CSM 4437, 99-TC-03, and 99-TC-14; Chapter 781 of the Statutes of 1992; Chapters 34 and 673 of the Statutes of 1998; Chapter 34 of the Statutes of 1998; and Chapter 78 of the Statutes of 1999).

(8) Charter Schools IV (03-TC-03; Chapter 1058 of the Statutes of 2002).

(9) Child Abuse and Neglect Reporting (01-TC-21; Chapters 640 and 1459 of the Statutes of 1987; Chapter 132 of the Statutes of 1991; Chapter 459 of the Statutes of 1992; Chapter 311 of the Statutes of 1998; Chapter 916 of the Statutes of 2000; and Chapters 133 and 754 of the Statutes of 2001).

(10) Collective Bargaining (CSM 4425; Chapter 961 of the Statutes of 1975).

(11) Comprehensive School Safety Plans (98-TC-01 and 99-TC-10; Chapter 736 of the Statutes of 1997; Chapter 996 of the Statutes of 1999; and Chapter 828 of the Statutes of 2003).

(12) Consolidation of Annual Parent Notification/Schoolsite Discipline Rules/Alternative Schools (CSM 4488, CSM 4461, 99-TC-09, 00-TC-12, 97-TC-24, CSM 4453, CSM 4474, CSM 4462; Chapter 448 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 975 of the Statutes of 1980; Chapter 469 of the Statutes of 1981; Chapter 459 of the Statutes of 1985; Chapters 87 and 97 of the Statutes of 1986; Chapter 1452 of the Statutes of 1987; Chapters 65 and 1284 of the Statutes of 1988; Chapter 213 of the Statutes of 1989; Chapters 10 and 403 of the Statutes of 1990; Chapter 906 of the Statutes of 1992; Chapter 1296 of the Statutes of 1993; Chapter 929 of the Statutes of 1997; Chapters 846 and 1031 of the Statutes of 1998; Chapter 1 of the Statutes of 1999, First Extraordinary Session; Chapter 73 of the Statutes of 2000; Chapter 650 of the Statutes of 2003; Chapter 895 of the Statutes of 2004; and Chapter 677 of the Statutes of 2005).

(13) Consolidation of Law Enforcement Agency Notification and Missing Children Reports (CSM 4505; Chapter 1117 of the Statutes of 1989 and 01-TC-09; Chapter 249 of the Statutes of 1986; and Chapter 832 of the Statutes of 1999).

(14) Consolidation of Notification to Teachers: Pupils Subject to Suspension or Expulsion I and II, and Pupil Discipline Records (00-TC-10 and 00-TC-11; Chapter 345 of the Statutes of 2000).

(15) Consolidated Suspensions, Expulsions, and Expulsion Appeals (96-358-03, 03A, 98-TC-22, 01-TC-18, 98-TC-23, 97-TC-09; Chapters 972 and 974 of the Statutes of 1995; Chapters 915, 937, and 1052 of the Statutes of 1996; Chapter 637 of the Statutes of 1997; Chapter 489 of the Statutes of 1998; Chapter 332 of the Statutes of 1999; Chapter 147 of the Statutes of 2000; and Chapter 116 of the Statutes of 2001) (CSM 4455; Chapter 1253 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; Chapter 318 of the Statutes of 1982; Chapter 498 of the Statutes of 1983; Chapter 622 of the Statutes of 1984; Chapter 942 of the Statutes of 1987; Chapter 1231 of the Statutes of 1990; Chapter 152 of the Statutes of 1992; Chapters 1255, 1256, and 1257 of the Statutes of 1993; and Chapter 146 of the Statutes of 1994) (CSM 4456; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; Chapter 73 of the Statutes of 1980; Chapter 498 of the Statutes of 1983; Chapter 856 of the Statutes of 1985; and Chapter 134 of the Statutes of 1987) (CSM 4463; Chapter 1253 of the Statutes of 1975; Chapter 965 of the Statutes of 1977; Chapter 668 of the Statutes of 1978; and Chapter 498 of the Statutes of 1983).

(16) County Office of Education Fiscal Accountability Reporting (97-TC-20; Chapters 917 and 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the Statutes of 1988; Chapter 1372 of the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of 1995).

(17) Criminal Background Checks (97-TC-16; Chapters 588 and 589 of the Statutes of 1997).

(18) Criminal Background Checks II (00-TC-05; Chapters 594 and 840 of the Statutes of 1998; and Chapter 78 of the Statutes of 1999).

(19) Developer Fees (02-TC-42; Chapter 955 of the Statutes of 1977; Chapter 282 of the Statutes of 1979; Chapter 1354 of the Statutes of 1980; Chapter 201 of the Statutes of 1981; Chapter 923 of the Statutes of 1982; Chapter 1254 of the Statutes of 1983; Chapter 1062 of the Statutes of 1984; Chapter 1498 of the Statutes of 1985; Chapters 136 and 887 of the Statutes of 1986; and Chapter 1228 of the Statutes of 1994).

(20) Differential Pay and Reemployment (99-TC-02; Chapter 30 of the Statutes of 1998).

(21) Expulsion of Pupil: Transcript Cost for Appeals (SMAS; Chapter 1253 of the Statutes of 1975).

(22) Financial and Compliance Audits (CSM 4498 and CSM 4498-A; Chapter 36 of the Statutes of 1977).

(23) Graduation Requirements (CSM 4181; Chapter 498 of the Statutes of 1983).

(24) Habitual Truants (CSM 4487 and CSM 4487-A; Chapter 1184 of the Statutes of 1975).

(25) Immunization Records (SB 90-120; Chapter 1176 of the Statutes of 1977).

(26) Immunization Records—Mumps, Rubella, and Hepatitis B (98-TC-05; 14-MR-04; Chapter 325 of the Statutes of 1978; Chapter 435 of the Statutes of 1979; Chapter 472 of the Statutes of 1982; Chapter 984 of the Statutes of 1991; Chapter 1300 of the Statutes of 1992; Chapter 1172 of the Statutes of 1994; Chapters 291 and 415 of the Statutes of 1995; Chapter 1023 of the Statutes of 1996; and Chapters 855 and 882 of the Statutes of 1997; and Chapter 434 of the Statutes of 2010).

(27) Immunization Records—Pertussis (11-TC-02; Chapter 434 of the Statutes of 2010).

(28) Interdistrict Attendance Permits (CSM 4442; Chapters 172 and 742 of the Statutes of 1986; Chapter 853 of the Statutes of 1989; Chapter 10 of the Statutes of 1990; and Chapter 120 of the Statutes of 1992).

(29) Intradistrict Attendance (CSM 4454; Chapters 161 and 915 of the Statutes of 1993).

(30) Juvenile Court Notices II (CSM 4475; Chapters 1011 and 1423 of the Statutes of 1984; Chapter 1019 of the Statutes of 1994; and Chapter 71 of the Statutes of 1995).

(31) Notification of Truancy (CSM 4133; Chapter 498 of the Statutes of 1983; Chapter 1023 of the Statutes of 1994; and Chapter 19 of the Statutes of 1995).

(32) Parental Involvement Programs (03-TC-16; Chapter 1400 of the Statutes of 1990; Chapters 864 and 1031 of the Statutes of 1998; and Chapter 1037 of the Statutes of 2002).

(33) Physical Performance Tests (96-365-01; Chapter 975 of the Statutes of 1995).

(34) Prevailing Wage Rate (01-TC-28; Chapter 1249 of the Statutes of 1978).

(35) Public Contracts (02-TC-35; Chapter 1073 of the Statutes of 1985; Chapter 1408 of the Statutes of 1988; Chapter 330 of the Statutes of 1989; Chapter 1414 of the Statutes of 1990; Chapter 321 of the Statutes of 1990; Chapter 799 of the Statutes of 1992; and Chapter 726 of the Statutes of 1994).

(36) Public School Restrooms: Feminine Hygiene Products (18-TC-01; Chapter 687 of the Statutes of 2017).

(37) Pupil Health Screenings (CSM 4440; Chapter 1208 of the Statutes of 1976; Chapter 373 of the Statutes of 1991; and Chapter 750 of the Statutes of 1992).

(38) Pupil Promotion and Retention (98-TC-19; Chapter 100 of the Statutes of 1981; Chapter 1388 of the Statutes of 1982; Chapter 498 of the Statutes of 1983; Chapter 1263 of the Statutes of 1990; and Chapters 742 and 743 of the Statutes of 1998).

(39) Pupil Safety Notices (02-TC-13; Chapter 498 of the Statutes of 1983; Chapter 482 of the Statutes of 1984; Chapter 948 of the Statutes of 1984; Chapter 196 of the Statutes of 1986; Chapter 332 of the Statutes of 1986; Chapter 445 of the Statutes of 1992; Chapter 1317 of the Statutes of 1992; Chapter 589 of the Statutes of 1993; Chapter 1172 of the Statutes of 1994; Chapter 1023 of the Statutes of 1996; and Chapter 492 of the Statutes of 2000).

(40) Race to the Top (10-TC-06; Chapters 2 and 3 of the Statutes of 2009).

(41) School Accountability Report Cards (97-TC-21, 00-TC-09, 00-TC-13, and 02-TC-32; Chapter 918 of the Statutes of 1997; Chapter 912 of the Statutes of 1997; Chapter 824 of the Statutes of 1994; Chapter 1031 of the Statutes of 1993; Chapter 759 of the Statutes of 1992; and Chapter 1463 of the Statutes of 1989).

(42) School District Fiscal Accountability Reporting (97-TC-19; Chapter 100 of the Statutes of 1981; Chapter 185 of the Statutes of 1985; Chapter 1150 of the Statutes of 1986; Chapters 917 and 1452 of the Statutes of 1987; Chapters 1461 and 1462 of the Statutes of 1988; Chapter 525 of the Statutes of 1990; Chapter 1213 of the Statutes of 1991; Chapter 323 of the Statutes of 1992; Chapters 923 and 924 of the Statutes of 1993; Chapters 650 and 1002 of the Statutes of 1994; and Chapter 525 of the Statutes of 1995).

(43) School District Reorganization (98-TC-24; Chapter 1192 of the Statutes of 1980; and Chapter 1186 of the Statutes of 1994).

(44) Student Records (02-TC-34; Chapter 593 of the Statutes of 1989; Chapter 561 of the Statutes of 1993; Chapter 311 of the Statutes of 1998; and Chapter 67 of the Statutes of 2000).

(45) The Stull Act (98-TC-25; Chapter 498 of the Statutes of 1983; and Chapter 4 of the Statutes of 1999).

(46) Threats Against Peace Officers (CSM 96-365-02; Chapter 1249 of the Statutes of 1992; and Chapter 666 of the Statutes of 1995).

(47) Training for School Employee Mandated Reporters (14-TC-02; Chapter 797 of the Statutes of 2014).

(48) Uniform Complaint Procedures (03-TC-02; Chapter 1117 of the Statutes of 1982; Chapter 1514 of the Statutes of 1988; and Chapter 914 of the Statutes of 1998).

(49) Williams Case Implementation I, II, and III (05-TC-04, 07-TC-06, and 08-TC-01; Chapters 900, 902, and 903 of the Statutes of 2004; Chapter 118 of the Statutes of 2005; Chapter 704 of the Statutes of 2006; and Chapter 526 of the Statutes of 2007).

(g) Notwithstanding Section 10231.5, on or before November 1 of each fiscal year, the Superintendent of Public Instruction shall produce a report that indicates the total amount of block grant funding each school district, county office of education, and charter school received in that fiscal year pursuant to this section. Funding apportioned pursuant to subparagraph (B) of paragraph (2) of subdivision (c) shall be excluded from this reporting requirement. The Superintendent of Public Instruction shall provide this report to the appropriate fiscal and policy committees of the Legislature, the Controller, the Department of Finance, and the Legislative Analyst's Office.

SEC. 115. Item 6100-001-0890 of Section 2.00 of the Budget Act of 2020, as amended by Section 24 of Chapter 14 of the Statutes of 2021, is amended to read:

- 6100-001-0890—For support of State Department of Education,
payable from the Federal Trust Fund..... 217,257,000
Schedule:
(1) 5205010-Curriculum Services..... 141,903,000
(2) 5210066-Special Program Support..... 75,354,000
Provisions:
1. The funds appropriated in this item include federal Perkins V Act funds for the current fiscal year to be transferred to community colleges by means of interagency agreements. These funds shall be used by community colleges for the administration of career technical education programs.
2. Of the funds appropriated in this item, \$96,000 is available to the Advisory Commission on Special Education for the in-state travel and operational expenses of the commissioners and the secretary to the commission.
3. Of the funds appropriated in this item, \$318,000 shall be used to provide training in culturally nonbiased assessment and specialized language skills to special education teachers.
4. (a) Of the funds appropriated in this item, at least \$11,765,000 is from the federal Child Care and Development Fund and is available for support of childcare services. Of the federal funds in this item, at least \$1,533,000 is for 13.0 positions to

address compliance monitoring and overpayments, which may contribute to early detection of fraud. All federally subsidized childcare agencies shall be audited pursuant to federal regulations per Part 98 of Title 45 of the Code of Federal Regulations. The State Department of Education (SDE) shall provide information to the Legislature and Department of Finance each year that quantifies by program provider-by-provider level data, including instances and amounts of overpayments and fraud, as documented by the SDE's compliance monitoring efforts for the prior fiscal year. Additionally, the SDE shall provide a copy of any federal reports submitted regarding improper payments and fraud to the Legislature and the Department of Finance.

- (b) As a condition of receiving the resources specified in subdivision (a), every alternative payment agency and subsidized general childcare agency shall be audited each year using sufficient sampling of provider records of the following: (1) family fee determinations, (2) income eligibility, (3) rate limits, and (4) basis for hours of care, to determine compliance rates, any instances of misallocation of resources, and the amount of funds expected to be recovered from instances of both potential fraud and overpayment when no intent to defraud is suspected. This information shall be contained in a separate report for each provider, with a single statewide summary report annually submitted to the Governor and the Legislature no later than April 15.
- 5. Of the funds appropriated in this item, \$16,834,000 is for dispute resolution services, including mediation and fair hearing services, provided through contract for the special education programs. The State Department of Education shall ensure the quarterly reports that the contractor submits on the results of its dispute resolution services reflect year-to-date data and final yearend data, includes the same information as required by Section 56504.4 of the Education Code, and includes the following information:
 - (a) The total number of cases won by each side.
 - (b) The number of issues decided in favor of each side in split decisions.
 - (c) The number of cases in which schools and parents were represented by attorneys.

- (d) The number of requests for due process initiated by parents that were dismissed for insufficiency.
 - (e) The number of pupils of color who accessed the system.
 - (f) The number of non-English-speaking people who used the system.
 - (g) The length of each hearing.
 - (h) The number of hearing requests initiated by parents.
 - (i) The number of hearing requests initiated by school districts.
 - (j) The school district of each parent-initiated request for due process.
 - (k) The issues, within special education, that generated due process hearing requests during the quarter.
 - (l) The disabilities that generated due process hearing requests during the quarter.
 - (m) The age groups (preschool, primary, junior high, high school) that generated hearing requests.
 - (n) The number of requests received during the quarter.
 - (o) The number of hearing decisions that were appealed to a court during the quarter.
 - (p) The number of cases that were completely resolved in mediation by agreement.
 - (q) The number of cases that were completely resolved in a mandatory resolution session.
6. Of the funds appropriated in this item, \$443,000 is for 3.0 positions within the State Department of Education for increased monitoring associated with educationally related mental health services, including out-of-home residential services for emotionally disturbed pupils, required by an individualized education program pursuant to the federal Individuals with Disabilities Education Improvement Act of 2004 (20 U.S.C. Sec. 1400 et seq.).
 7. Of the funds appropriated in this item, at least \$2,506,000 shall be available for the administration of 21st Century Community Learning Centers programs.
 8. Of the funds appropriated in this item, \$308,000 is available from federal Title II funds for an interagency agreement with the Commission on Teacher Credentialing to support teacher misassignment monitoring activities.
 9. Of the funds appropriated in this item, up to \$945,000 is available from federal Title II funds to support Title

II-related priorities identified in the California State Plan adopted by the State Board of Education pursuant to the federal Elementary and Secondary Education Act as amended by the federal Every Student Succeeds Act (P.L. 114-95).

10. Of the funds appropriated in this item, \$6,636,000 is for the California Longitudinal Pupil Achievement Data System (CALPADS), which is to meet the requirements of the federal Elementary and Secondary Education Act (ESEA) and Chapter 1002 of the Statutes of 2002. These funds are payable from the Federal Trust Fund to the State Department of Education (SDE). Of this amount, \$5,641,000 is federal Title I, Part B funds and \$995,000 is federal Title II funds. These funds are provided for the following purposes: \$3,254,000 for systems housing and maintenance; \$908,000 for costs associated with necessary system activities; \$790,000 for SDE staff; and \$710,000 for various other costs, including hardware and software costs, indirect charges, Department of General Services charges, and operating expenses and equipment. As a further condition of receiving these funds, the SDE shall not add additional data elements to CALPADS, require local educational agencies to use the data collected through the CALPADS for any purpose, or otherwise expand or enhance the system beyond the data elements and functionalities that are identified in the most current approved Feasibility Study and Special Project Reports and the CALPADS Data Guide v4.1. In addition, \$974,000 is for SDE data management staff responsible for fulfilling certain federal requirements not directly associated with CALPADS.
11. Of the funds appropriated in this item, \$800,000 of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) funds is available for the State Department of Education to provide oversight and technical assistance for local educational agencies as the responsibility for overseeing educationally related mental health services transitions from county mental health agencies to special education local plan areas and to develop resources and provide technical assistance to local educational agencies for implementation of the federally required State Systemic Improvement Plan.
12. Of the funds appropriated in this item, at least \$501,000 federal Title I, Part C, Migrant Education funds and 3.0 positions are provided for oversight and

coordination of the State Parent Advisory Council, identification of qualifying program participants, and collecting and linking student data.

13. Of the funds appropriated in this item, up to \$639,000 in federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) funds shall be available to the State Department of Education for warehouse costs related to providing accessible instructional materials to local educational agencies.
14. Of the funds appropriated in this item, \$1,470,000 shall be available to support local Early Head Start services under the Early Head Start—Child Care Partnership Grant, consistent with the plan approved by the Department of Finance. This funding is available on a limited-term basis until June 30, 2024.
15. Of the funds appropriated in this item, \$625,000 is available for 5.0 existing positions to establish and support a litigation unit within the State Department of Education’s Special Education Division.
16. Of the amount provided in Schedule (1), \$381,000 is available for 2.0 existing positions in the Improvement and Accountability Division to support the work of the State Department of Education, the California Collaborative for Educational Excellence, lead county offices of education, and stakeholders to inform the work of agencies within the statewide system of support pursuant to paragraph (2) of subdivision (a) of Section 52073 of the Education Code.
17. Of the funds appropriated in this item, \$138,000 in federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) funds is provided for 1.0 position to fulfill reporting requirements on the use of behavioral restraints and seclusion, pursuant to Chapter 998 of the Statutes of 2018.
18. Of the funds appropriated in this item, \$150,000 in federal Title II funds and 1.0 position is available for the State Department of Education to administer the 21st Century California School Leadership Academy, in consultation with the executive director of the State Board of Education and in collaboration with the California Collaborative on Education Excellence.
19. Of the funds appropriated in this item, \$1,032,000, of which \$420,000 is one-time carryover, is available to support training, technical assistance, and oversight of selected local educational agencies receiving the Project Advancing Wellness and Resilience in Educa-

tion Grants. This funding is available on a limited-term basis until June 30, 2024.

20. Of the amount appropriated in this item, \$460,000 in carryover is available in the 2020–21 fiscal year to provide state-level support on school safety and violence prevention.
21. Of the funds appropriated in this item, \$1,639,000 shall be reserved for the professional development of private school teachers and administrators as required by Title II of the federal Every Student Succeeds Act (20 U.S.C. Sec. 6601 et seq.). This amount reflects the availability of \$1,209,000 ongoing federal Title II funds and \$430,000 ongoing federal Title IV funds.
22. Of the funds appropriated in this item, \$207,000 and 1.5 positions are available for homeless student coordinators.
23. Of the funds appropriated in Schedule (1), \$350,000 federal Individuals with Disabilities Act funds shall be allocated to a county office of education selected by the executive director of the State Board of Education for the purpose of convening a workgroup that will design a state standardized individualized education program template, and to develop and design an addendum to the state standardized template to address special education service delivery in a distance learning environment, including developing best practices for distance learning for students with exceptional needs.
 - (a) The workgroup shall include, but not be limited to, representatives of the State Department of Education, the Department of Rehabilitation, the State Department of Developmental Services, local educational agencies, special education local plan areas, legislative staff, and relevant state and national policy experts. The workgroup shall do all of the following:
 - (1) Examine and make recommendations regarding the following matters: ensuring the individualized education program development and periodic review processes are designed to improve student outcomes by capturing student strengths and needs, and informing learning strategies that support instruction aligned to state standards.
 - (2) Design a state standardized individualized education program template that provides

- information about student strengths, needs, and learning strategies.
- (3) Support transition planning with early learning and postsecondary options.
 - (4) Assess the feasibility of a web-based statewide individualized education program system to house a statewide template.
 - (5) Design a state standardized addendum to the individualized education program that addresses distance learning modifications and adaptations to the IEP necessitated by a state or local emergency, including best practices recommendations.
- (b) To the extent practicable, the workgroup shall leverage findings from the Interagency Cooperation workgroup to strengthen Part C to Part B transitions, established pursuant to Section 56477 of the Education Code.
 - (c) On or before October 1, 2021, the selected local educational agency shall provide a report prepared with the non-governmental organization, which includes recommendations of the areas identified in subdivision (a), to the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, the Superintendent of Public Instruction, and the Director of Finance.
 - (d) The amount appropriated for purposes of this provision shall be available for encumbrance or expenditure until June 30, 2022.
24. Of the funds appropriated in Schedule (1), \$500,000 federal Individuals with Disabilities Education Act funds shall be available for the Superintendent of Public Instruction to, in consultation with and subject to the approval of the executive director of the State Board of Education, commission a study with a California postsecondary educational institution or a non-governmental research institution that examines special education governance and accountability in the manner and for the purposes set forth in this provision.
- (a) The study shall include, but not be limited to, an examination of the state's current governance and accountability structures for students with exceptional needs, ages 3 to 21, inclusive, and recommendations regarding improvements in the following areas:

- (1) Delivering special education services and supports in the least restrictive environment.
 - (2) Improving student outcomes, including those measured by state and federal accountability systems.
 - (3) Ensuring an equitable distribution of special education supports and services to local educational agencies.
 - (4) Ensuring transparency in decision-making and distribution of state special education funding.
 - (5) Ensuring parent family and community input in local decision-making.
 - (6) Ensuring that small local educational agencies have access to fiscal and administrative resources necessary to serve pupils with exceptional needs.
 - (7) Aligning state and federal accountability, compliance, and support systems as related to pupils with disabilities.
 - (8) Identifying strategies and challenges for funding and supports in the current model and any recommended models.
- (b) On or before October 1, 2021, the Superintendent of Public Instruction shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, and the Director of Finance with a report that details the results of the study in the areas specified in subdivision (a).
- (c) The postsecondary educational institution or non-governmental research institution shall convene an advisory group composed, at a minimum, of a representative of the department, the state board, the Department of Finance, the Legislative Analyst's Office, legislative staff of each house of the Legislature and, a local educational agency, a charter school, a county office of education, a special education local plan area, a community advisory committee, a family empowerment center, a representative of a postsecondary institution or research organization who has expertise in special education governance or accountability, a non-governmental organization that advocates for pupils with exceptional needs, an education

- specialist, and a parent of a pupil with exceptional needs.
- (d) The amount appropriated for purposes of this provision shall be available for encumbrance or expenditure until June 30, 2022.
25. Of the funds appropriated in Schedule (1), \$250,000 federal Individuals with Disabilities Act funds shall be allocated to a county office of education selected by the executive director of the State Board of Education for the purpose of convening a workgroup that will examine and propose alternative pathways to a high school diploma for students with disabilities.
- (a) The workgroup shall include, but not be limited to, representatives of the State Department of Education, the Department of Rehabilitation, the State Department of Developmental Services, local educational agencies, special education local plan areas, legislative staff, and relevant state and national policy experts. The workgroup shall examine and develop recommendations regarding the following matters:
 - (1) Studying existing and developing new alternate pathways for students with disabilities to access the core curriculum in order to satisfy the requirements for a high school diploma.
 - (2) Developing an alternate diploma aligned to the state's alternate achievement standards for students with significant cognitive disabilities, consistent with federal law.
 - (3) Other related matters necessary to meet the purpose set forth in this provision.
 - (b) On or before October 1, 2021, the local educational agency shall provide the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, the Superintendent of Public Instruction, and the Director of Finance a report prepared with the non-governmental organization of recommendations in the areas identified in subdivision (a).
 - (c) The amount appropriated for purposes of this provision shall be available for encumbrance or expenditure until June 30, 2022.
27. Of the funds appropriated in this item, \$387,000 carry-over is available on a one-time basis for the administration of the Immediate Aid to Restart School Opera-

- tions Grant program and to support long-term recovery efforts of local educational agencies affected by the Camp Fire in the Counties of Butte and Shasta in 2018.
28. Of the funds appropriated in this item, \$1,612,000 one-time federal carryover is available for the professional development of private school teachers and administrators as required by Title II of the federal Every Student Succeeds Act (20 U.S.C. Sec 6601 et seq.). This amount reflects the availability of \$1,181,000 one-time federal Title II funds and \$431,000 one-time federal Title IV funds.
 29. Of the funds appropriated in this item, \$442,000 federal Title IV funds is available to support administration and compliance monitoring of the federal Title IV grant activities and review of local control accountability plan federal addenda.
 30. Of the funds appropriated in this item, \$250,000 one-time federal Title III carryover is available to develop a standardized English learner reclassification teacher observation protocol pursuant to Section 313.3 of the Education Code.
 31. Of the funds appropriated in this item, \$340,000 and 1.0 position are available for the administration of the Comprehensive Literacy State Development Grant.
 32. Of the funds appropriated in Schedule (1), \$15,000,000 shall be allocated by the Superintendent of Public Instruction to the California Student Aid Commission to support grants to special education teachers through the Golden State Teacher Grant Program. The amount appropriated for purposes of this provision shall be available for encumbrance or expenditure until June 30, 2023.
 33. Of the funds appropriated in this item, \$88,000 one-time federal Disaster Relief Act funds is available to support grant activities for the federal Supplemental Appropriations for Disaster Relief Act of 2019.
 34. Of the funds appropriated in Schedule (2), \$9,259,000 is available one time for a statewide data system for early education that will include a unique child identifier across all state-funded childcare and development programs. Notwithstanding subdivision (a) of Section 1.80, these funds are available for encumbrance until June 30, 2023.
 35. Of the funds appropriated in Schedule (2), \$28,000 is available one time to support Head Start Collaboration program activities.

SEC. 116. Item 6100-158-0001 of Section 2.00 of the Budget Act of 2020 is amended to read:

6100-158-0001—For local assistance, State Department of Education (Proposition 98), in lieu of the amount that otherwise would be appropriated pursuant to Section 41841.5 of the Education Code for Adults in Correctional Facilities..... 8,000,000

Schedule:

(1) 5200163-Adults in Correctional Facilities Program..... 8,000,000

Provisions:

1. Notwithstanding Section 41841.5 of the Education Code, or any other provision of law, all of the following shall apply:

(a) The amount appropriated in this item and any amount allocated for this program in this act shall be the only funds available for allocation by the Superintendent of Public Instruction to school districts or county offices of education for the Adults in Correctional Facilities Program.

(b) The amount appropriated in this item shall be allocated based upon 2019–20 rather than 2020–21 expenditures.

(c) Funding distributed to each local educational agency (LEA) for reimbursement of services provided in the 2019–20 fiscal year for the Adults in Correctional Facilities Program shall be limited to the amount received by the agency for services provided in the 2018–19 fiscal year, increased by the percentage change determined and provided pursuant to paragraph (2) of subdivision (d) of Section 42238.02 of the Education Code for the 2019–20 fiscal year. Funding shall be reduced or eliminated, as appropriate, for any LEA that reduces or eliminates services provided under this program in the 2019–20 fiscal year, as compared to the level of services provided in the 2018–19 fiscal year. Any funds remaining as a result of those decreased levels of service shall be allocated to provide support for new programs in accordance with Section 41841.8 of the Education Code.

(d) Funding appropriated in this item for growth in average daily attendance (ADA) first shall be allocated to programs that are funded for 20 units

or less of ADA, up to a maximum of 20 additional units of ADA per program.

SEC. 117. Section 95 of Chapter 24 of the Statutes of 2020, as amended by Section 57 of Chapter 110 of the Statutes of 2020, is amended to read:

Sec. 95. (a) For purposes of the annual update to the local control and accountability plan for the 2021–22 school year required pursuant to Sections 47606.5, 52061, and 52066 of the Education Code, the school district, county office of education, or charter school shall include the actions and expenditures included in the learning continuity and attendance plan adopted pursuant to Section 43509 of the Education Code and the local control and accountability plan adopted for the 2019–20 school year.

(b) Notwithstanding Section 52061, the Superintendent of Public Instruction, in consultation with the executive director of the State Board of Education, shall revise the template for the annual update to the local control and accountability plan before January 31, 2021, to reflect the inclusion of the learning continuity and attendance plan in the 2021–22 annual update.

SEC. 118. The Commission on Teacher Credentialing may convene a group of stakeholders to assess how current transitional kindergarten credentialing requirements are being implemented and align with the recently released Master Plan for Early Learning and Care.

SEC. 119. Expenditures of moneys appropriated pursuant to Section 313 of Division M of the federal Coronavirus Response and Relief Supplemental Appropriations Act (Public Law 116-260) and Section 2001 of the federal American Rescue Plan Act (Public Law 117-2) shall not be considered school district or county office of education general fund expenditures for purposes of Section 17070.75 of the Education Code. This section supplements and does not supersede Section 16 of Chapter 413 of the Statutes of 2019, Section 99 of Chapter 24 of the Statutes of 2020, or Section 72 of Chapter 110 of the Statutes of 2020.

SEC. 120. (a) (1) The requirements of subdivision (a) of Section 44225 of, paragraph (3) of subdivision (b) of Section 44259 of, and Section 44320.2 of, the Education Code, and any accompanying regulations, for preliminary multiple subject credential candidates and preliminary single subject credential candidates to complete a teaching performance assessment are suspended for candidates whose program of professional preparation verifies that, during the 2021–22 school year, all of the following requirements are met:

(A) The candidate was placed or employed in a local educational agency impacted by schoolsite closures related to COVID-19.

(B) The candidate was in the process of completing the teaching performance assessment.

(C) The candidate was unable to complete the teaching performance assessment due solely to school closures.

(D) The candidate successfully completed all other preliminary teaching credential requirements.

(2) A candidate for whom the teaching performance assessment requirement is suspended pursuant to paragraph (1) shall complete and pass a teaching performance assessment approved by the Commission on Teacher Credentialing before being recommended for a clear teaching credential.

(b) (1) The requirement pursuant to subparagraphs (A) and (B) of paragraph (2) of subdivision (a) of Section 80054 of Title 5 of the California Code of Regulations for preliminary administrative services credential candidates to complete an administrator performance assessment is suspended for candidates whose administrator preparation program verifies that, during the 2021–22 school year, all of the following requirements are met:

(A) The candidate was placed or employed in a local educational agency impacted by COVID-19 related schoolsite closures.

(B) The candidate was in the process of completing an administrator performance assessment.

(C) The candidate was unable to complete the administrator performance assessment due solely to school closures.

(D) The candidate successfully completed all other preliminary administrative services credential requirements.

(2) A candidate for whom the administrator performance assessment requirement is suspended pursuant to paragraph (1) shall complete and pass an administrator performance assessment approved by the Commission on Teacher Credentialing before being recommended for a clear administrative services credential.

(c) (1) The requirements in Sections 44283 and 44283.2 of the Education Code and paragraph (5) of subdivision (a) of Section 80048.3 of, paragraph (5) of subdivision (a) of Section 80048.8 of, Section 80071.5 of, and paragraph (4) of subdivision (a) of Section 80413 of Title 5 of the California Code of Regulations for preliminary multiple subject credential candidates and Level 1 or preliminary education specialist credential candidates to complete a reading instruction competence assessment are suspended for candidates who, between March 19, 2020, and December 31, 2021, are unable to complete a reading instruction competence assessment due to testing center closures related to COVID-19. The Commission on Teacher Credentialing may extend the suspension of this requirement to a date no later than June 31, 2022, if it determines that credential candidates are unable to complete a reading instruction competence assessment due to testing center closures or capacity issues related to COVID-19.

(2) A candidate for whom the reading instruction competence assessment requirement is suspended pursuant to paragraph (1) shall complete and pass a reading instruction competence assessment approved by the Commission on Teacher Credentialing before being recommended for a clear credential.

(d) (1) The requirement in paragraph (1) of subdivision (f) of Section 44252 of the Education Code and any accompanying regulations for credential program applicants to complete the basic skills proficiency test before admission to a credential program approved by the Commission on Teacher Credentialing is suspended for applicants who, between March 19,

2020, and December 31, 2021, are unable to complete the basic skills proficiency test due to testing center closures related to COVID-19. The Commission on Teacher Credentialing may extend the suspension of this requirement to a date no later than June 31, 2022, if it determines that credential candidates are unable to complete the basic skills proficiency test due to testing center closures or capacity issues related to COVID-19.

(2) An applicant for whom the basic skills proficiency test requirement is suspended pursuant to paragraph (1) shall complete the basic skills proficiency test during the credential program before recommendation for a preliminary credential. Any use of an applicant's basic skills proficiency test scores by a credential program shall be consistent with subdivision (f) of Section 44252 of the Education Code.

(e) (1) The requirement in subdivision (a) of Section 44453 of the Education Code and any accompanying regulations for applicants for a university intern credential program to complete a subject matter examination before admission to a university intern credential program, and the requirement in paragraph (3) of subdivision (c) of Section 44325 of the Education Code and any accompanying regulations for applicants for a university or district intern credential to complete a subject matter examination, are suspended for applicants who, between March 19, 2020, and December 31, 2021, are unable to complete a subject matter examination due to testing center closures related to COVID-19. The Commission on Teacher Credentialing may extend the suspension of this requirement to a date no later than June 31, 2022, if it determines that credential candidates are unable to complete a subject matter examination due to testing center closures or capacity issues related to COVID-19.

(2) An applicant for whom the subject matter examination requirement is suspended pursuant to paragraph (1) shall complete a subject matter examination before being recommended for a preliminary credential. Notwithstanding the requirement in Section 44326 of the Education Code that a district intern teach only in the subject area for which the intern has met the subject matter requirement, a district intern for whom the subject matter examination requirement is suspended pursuant to paragraph (1) may teach in the subject area for which the intern has enrolled.

SEC. 121. (a) Notwithstanding Section 60640 of the Education Code or any other law that relies upon the administration of assessments set forth in Section 60640 of the Education Code, all of the following shall apply:

(1) A local educational agency shall administer an assessment in English language arts and in mathematics to all pupils in grades 3 to 8, inclusive, and grade 11 in the 2020–21 school year designed to measure academic progress and performance that are aligned to the common core academic content standards.

(2) A local educational agency may administer the California Science Test in the 2020–21 school year, subject to Section 6311 of Title 20 of the United States Code.

(3) A local educational agency shall only administer the California Alternate Assessments in English language arts, mathematics, and science

if they can be administered in person subject to state and local health and safety guidelines.

(b) In administering any assessment described in subdivision (a), the local educational agency shall ensure that the same assessment is administered across a single grade, grade span, school, or district.

(c) Notwithstanding subdivision (c) of Section 60641 of the Education Code or any other law, all of the following shall apply to the reporting of the results of any assessments administered pursuant to subdivision (a):

(1) The local educational agency shall provide the results to the parent or guardian of the pupil and educators employed by the local educational agency within 30 days of a pupil completing the assessment.

(2) The local educational agency shall provide to the department assessment results by school and district level and disaggregated by pupil subgroup, except in cases where there are 10 or fewer individual pupil results, in the manner and form prescribed by the department.

(3) The local educational agency shall publish the results in the school accountability report card and the local educational agency accountability report card.

(d) For purposes of apportionment pursuant to paragraph (1) of subdivision (I) of Section 60640 of the Education Code, local educational agencies shall be reimbursed for pupils who are administered standards-aligned assessments in English language arts or mathematics pursuant to subdivision (a) in place of the California Assessment of Student Performance and Progress summative assessments at the rate approved by the State Board of Education for pupils who are exempted from the test. For all other California Assessment of Student Performance and Progress summative assessments administered in the 2020–21 school year, local educational agencies shall be reimbursed pursuant to subdivision (I) of Section 60640 of the Education Code.

SEC. 122. (a) For the 2021–22 school year, technical assistance provided pursuant to Sections 47607.3, 52071, and 52071.5 of the Education Code shall, at a minimum, include an analysis of all of the following:

(1) The local educational agency’s implementation of the plan it adopted pursuant to subdivision (e) of Section 43522 of the Education Code, including the related supplemental instruction and support strategies provided to, at a minimum, the pupil groups set forth in subdivision (a) of Section 43522 of the Education Code.

(2) The results of assessments administered in the 2020–21 school year.

(3) Local indicator data collected from the 2020–21 school year, including, at a minimum, results from school climate surveys, course access data, and teacher assignment information based on data published by the State Department of Education.

(4) Pupil engagement, with a focus on locally collected data on pupil classroom attendance and engagement in the 2021–22 school year, especially for pupils who lacked access and had lower levels of engagement during the 2020–21 school year.

(5) Data on annual individualized education program meetings, and assessments for eligibility for special education services.

(6) Implementation of integrated and designated English language development instruction.

(b) The results of the analysis conducted pursuant to subdivision (a) shall inform technical assistance focused on building capacity to develop and implement actions and services responsive to pupil and community needs.

SEC. 123. (a) Notwithstanding subdivision (f) of Section 52064.5 of the Education Code, the State Department of Education shall not publish the California School Dashboard in December 2021 based on performance data on the state and local indicators included in the evaluation rubrics adopted by the State Board of Education.

(b) Notwithstanding Section 60630 of the Education Code, the State Department of Education shall publish any valid and reliable data collected through the California Longitudinal Pupil Achievement Data System or through the collection of local indicator data pursuant to Chapter 10 (commencing with Section 60900) of Part 33 of Division 4 of Title 2 of the Education Code that would have been included in the 2021 California School Dashboard on the DataQuest internet website or by other means.

(c) Notwithstanding Section 52064.5 of the Education Code or any other law, the State Department of Education shall not identify local educational agencies in the 2021–22 school year for technical assistance or intervention pursuant to Sections 47607.3, 52071, 52071.5, 52072, and 52072.5 of the Education Code. A local educational agency identified for technical assistance or intervention based on the 2019 California School Dashboard shall retain that identification until the release of the 2022 California School Dashboard.

(d) For purposes of identifying local educational agencies for technical assistance or intervention pursuant to Sections 47607.3, 52071, 52071.5, 52072, and 52072.5 of the Education Code in December 2022, the State Department of Education shall use performance data on the state and local indicators using data from the 2021–22 school year. For purposes of identifying local educational agencies pursuant to Section 52072 of the Education Code, notwithstanding subdivision (b) of paragraph (1) of Section 52072 of the Education Code, the State Department of Education shall do each of the following:

(1) In December 2022, use performance data on the state and local indicators from the 2017, 2018, 2019, and 2022 California School Dashboards.

(2) In December 2023, use performance data on the state and local indicators from the 2018, 2019, 2022, and 2023 California School Dashboards.

(3) In December 2024, use performance data on the state and local indicators from the 2019, 2022, 2023, and 2024 California School Dashboards.

SEC. 124. (a) On or before November 30, 2021, the State Board of Education shall adopt a one-time supplement template to the annual update

to the 2021–22 local control and accountability plan. The supplement template shall require all of the following information from local educational agencies:

(1) A description of how and when the local educational agency's stakeholders were engaged on the use of funds provided in the Budget Act of 2021 that were not included in its local control and accountability plan adopted on July 1, 2021.

(2) (A) A description of how the additional concentration grant add-on received pursuant to Section 42238.02 of the Education Code, as amended by this act, was used by the local educational agency to increase the number of certificated staff, classified staff, or both, including custodial staff, who provide direct services to pupils on school campuses, or the location of the actions related to these funds in its 2021–22 local control and accountability plan.

(B) Notwithstanding Section 52064 of the Education Code, actions related to this description shall be added to the summary tables for the purposes of the annual update to the 2021–22 local control and accountability plan.

(3) A description of how and when the local educational agency's stakeholders were engaged on the use of one-time federal funds intended to support recovery from the COVID-19 pandemic and the impacts of distance learning on pupils.

(4) An update on the implementation of the federal American Rescue Plan Act of 2021 (Public Law 117-2) and federal Elementary and Secondary School Emergency Relief (ESSER) expenditure plan, including successes and challenges.

(5) A description of how the 2021–22 school year fiscal resources are being used consistent with the applicable plans and aligned with the local educational agency's 2021–22 local control and accountability plan.

(b) The template for the supplement developed pursuant to subdivision (a) shall, to the greatest extent practicable, use language that is understandable and accessible to parents.

(c) In developing the template, the State Board of Education shall not require local educational agencies to provide any information in addition to the information required pursuant to subdivision (a) and shall establish reasonable word or character limits for the information required, as appropriate.

(d) The supplement filed by the governing board of a school district with a county superintendent of schools, or filed by a county board of education with the Superintendent of Public Instruction, shall be approved by the county superintendent of schools or the Superintendent of Public Instruction, as applicable, if it adheres to the template adopted by the State Board of Education pursuant to subdivision (a) and follows any instructions or directions for completing the template developed by the State Board of Education.

(e) For the annual update to the 2021–22 local control and accountability plan required pursuant to Section 52061 of the Education Code, all of the following applies:

(1) The local educational agency shall present an update on the annual update to the 2021–22 local control and accountability plan and budget overview for parents on or before February 28, 2022, at a regularly scheduled meeting of the governing board or body of the local educational agency.

(2) The update shall include all of the following:

(A) The supplement to the annual update required by subdivision (a).

(B) All available mid-year outcome data related to metrics identified in the 2021–22 local control and accountability plan.

(C) Mid-year expenditure and implementation data on all actions identified in the 2021–22 local control and accountability plan.

(3) The supplement shall be considered part of the 2022–23 local control and accountability plan for the purposes of adoption, review, and approval pursuant to Sections 47604.33, 52062, 52065, 52070, 52065, 52068, and 52070.5 of, and subdivision (e) of Section 47606.5 of, the Education Code.

SEC. 125. The Legislature finds and declares that Sections 7902.1, 7902.2, 7906, 7907, and 7908 of the Government Code do not require reimbursement pursuant to Section 6 of Article XIII B of the California Constitution because these sections are necessary to implement the appropriations limit established by the voters by Proposition 4 at the November 6, 1979, statewide general election and amended by Proposition 111 at the June 5, 1990, statewide primary election.

SEC. 126. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 127. (a) The Legislature finds and declares all of the following:

(1) Technical assistance provided to a local educational agency is an essential function to ensure that sufficient attention is given to the conditions necessary to improve pupil outcomes.

(2) Continuous improvement is a foundational element of the state's accountability system.

(3) The state has offered technical assistance to local educational agencies for the past five years, and learning from these efforts to assist in the continuous improvement of the system is critical.

(b) For the 2021–22 fiscal year, the sum of four hundred thousand dollars (\$400,000) is hereby appropriated from the General Fund to the State Department of Education to, no later than October 1, 2021, in consultation with the California Collaborative for Educational Excellence and the executive director of the State Board of Education, and subject to the approval of the executive director of the State Board of Education, issue a request for proposals and contract for an independent evaluation of technical assistance provided pursuant to Sections 47607.3, 52071, and 52071.5 of the Education Code.

(c) The evaluation conducted pursuant to subdivision (b) shall include, but not be limited to, an examination of the state's current accountability structures for technical assistance and intervention based on implementation

beginning in the 2017–2018 school year, and recommendations regarding improvements in all of the following areas:

(1) Delivering support to address needs identified by the California School Dashboard and other relevant federal, state and locally collected data.

(2) Improving pupil outcomes, including those measured by state and federal accountability systems.

(3) Improving the linkages between the California School Dashboard, technical assistance and intervention, and local control and accountability plans.

(4) Aligning state and federal accountability, compliance, and support systems.

(5) Identifying strategies and challenges for funding and supports in the current model and any recommended models.

(d) The evaluation shall include input from a diverse group of stakeholders, including, but not limited to, county, school district, and charter school administrators, school board members, members of governing bodies of charter schools, teachers, noncertificated staff, and parents and guardians of pupils enrolled in public schools.

(e) On or before October 1, 2022, the Superintendent of Public Instruction shall provide the evaluation report to the chairs of the relevant policy committees and budget subcommittees of the Legislature, the executive director of the State Board of Education or their designee, and the Director of Finance.

SEC. 128. Notwithstanding any other law, the funds appropriated pursuant to Items 6100-158-0001 and 6100-161-0001 of Section 2.00 of the Budget Act of 2019 (Chapters 23 and 55 of the Statutes of 2019) shall be available for encumbrance until July 30, 2022.

SEC. 129. (a) For the 2021–22 fiscal year, the sum of one hundred twenty-five million dollars (\$125,000,000) is hereby appropriated from the General Fund to the Commission on Teacher Credentialing for the California Classified School Employee Teacher Credentialing Program, pursuant to Section 44393 of the Education Code. This funding shall be available for encumbrance until June 30, 2026.

(b) (1) A grant to a local educational agency shall not exceed twenty-four thousand dollars (\$24,000) over five years per participant teacher candidate.

(2) A local educational agency receiving a grant shall not use more than 10 percent of a grant award for program administration costs.

(c) The Commission on Teacher Credentialing shall do both of the following:

(1) Allocate grants for at least 5,208 new participants.

(2) Give priority to a local educational agency that meets any of the following:

(A) Has not previously received funding pursuant to Section 44393 of the Education Code.

(B) Has a higher share than other applicants of unduplicated pupils as defined in Section 42238.02 of the Education Code.

(C) Notwithstanding eligibility requirements pursuant to Section 44393 of the Education Code, has a plan to create a new, or expand an existing, program that recruits and supports expanding learning and preschool program staff and address kindergarten and early childhood education teacher shortages.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 130. (a) For the 2021–22 fiscal year, the sum of seven hundred eight thousand dollars (\$708,000) is hereby appropriated from the General Fund to the State Department of Education for allocation to the Fresno County Office of Education for purposes of reducing the outstanding balance of the minimum funding obligation to school districts and community college districts pursuant to Section 8 of Article XVI of the California Constitution for the 2013–14 fiscal year.

(b) (1) These funds shall be available for encumbrance through June 30, 2024, for the Fresno County Office of Education to continue to administer the statewide early math initiative established by Provision 3 of Item 6100-195-0890 of the Budget Act of 2018 (Chapter 29 of the Statutes of 2018) consistent with the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code.

(2) These funds shall supplement the funds allocated pursuant to Provision 1 of Item 6100-488 of the Budget Act of 2021.

(c) The State Department of Education shall complete the transfer of funds to the Fresno County Office of Education on or before December 1, 2021.

(d) For purposes of Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be applied to the outstanding balance of the minimum funding obligation to school districts and community college districts, pursuant to Section 8 of Article XVI of the California Constitution, for the 2013–14 fiscal year, and shall be deemed to be appropriations made and allocated in that fiscal year in which the deficiencies resulting in the outstanding balance were incurred.

SEC. 131. (a) The sum of thirty-six million nine hundred sixty-six thousand dollars (\$36,966,000) is hereby appropriated from the General Fund to the State Department of Education for the Fresno County Office of Education to continue to administer the statewide early math initiative established by Provision 3 of Item 6100-195-0890 of the Budget Act of 2018 (Chapter 29 of the Statutes of 2018) consistent with the statewide system of support pursuant to Article 4.5 (commencing with Section

52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code. The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2024.

(b) The State Department of Education shall complete the transfer of funds to the Fresno County Office of Education on or before December 1, 2021.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 132. (a) For the 2021–22 fiscal year, the sum of five million dollars (\$5,000,000) is hereby appropriated from the General Fund to the State Department of Education to provide professional development and resources to support local educational agencies offering new and expanded ethnic studies courses.

(b) (1) The State Department of Education, in collaboration with, and subject to the approval of, the executive director of the State Board of Education, shall enter into a contract with a county office of education or consortium of county offices of education for purposes specified in subdivision (a).

(2) When performing the activities specified in subdivision (c), the contracted county office of education or consortium of county offices of education may enter into appropriate contracts for support and services.

(c) Funds appropriated in subdivision (a) shall be used for both of the following:

(1) To provide professional development and regional training for teachers, administrators, and paraprofessionals to support creation or expansion of ethnic studies course offerings, including, but not limited to, courses that use the ethnic studies model curriculum adopted pursuant to Section 51226.7 of the Education Code as a guide.

(2) To provide access to an online repository of resources to support ethnic studies courses. This includes the collection and review of materials to be made available for educators to use in implementing the ethnic studies model curriculum adopted pursuant to Section 51226.7 of the Education Code.

(d) Professional learning provided pursuant to this section shall be content focused, incorporate active learning, support collaboration, use models of effective practice, provide coaching and expert support, offer feedback and reflection, and be of sustained duration.

(e) (1) For the 2021–22 fiscal year, the sum of fifty million dollars (\$50,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to school districts, county

offices of education, charter schools, and state special schools serving pupils in grades 9 to 12, inclusive. Funds shall be allocated on a per-pupil basis to support the creation or expansion of ethnic studies course offerings.

(2) Funds appropriated in paragraph (1) may be used to support curriculum and instructional resources, professional development, or other activities that support the creation or expansion of ethnic studies course offerings, including, but not limited to, courses that use the ethnic studies model curriculum adopted pursuant to Section 51226.7 of the Education Code as a guide.

(3) The allocation of funds pursuant to paragraph (1) of this subdivision is contingent upon the enactment of Assembly Bill 101 of the 2021–22 Regular Session.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivisions (a) and (e) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 133. (a) The sum of six million dollars (\$6,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction on a one-time basis to augment an existing contract, in consultation with the executive director of the State Board of Education, to perform the following activities from July 1, 2021, to June 30, 2024, inclusive:

(1) Provide training for local educational agencies on interpreting data from their local school climate survey tool, including subgroup and longitudinal data, and using responses collected from school climate surveys of pupils, families, and educators to inform continuous improvement efforts and better assess community needs stemming from the COVID-19 pandemic and distance learning.

(2) Develop an optional trauma-informed practice module, in consultation with an expert panel selected by the State Department of Education and the executive director of the State Board of Education, that shall include, but not be limited to, representatives from the Sonoma and Fresno County Offices of Education, to provide local educational agencies with data to assess the impact the COVID-19 pandemic and other community trauma has on pupils as part of a school climate survey.

(b) The State Department of Education, in consultation with the executive director of the State Board of Education, shall evaluate the contractor’s success in performing the activities specified in paragraphs (1) and (2) of subdivision (a). The contractor shall provide data on the number of local educational agencies trained or assisted pursuant to paragraph (1) of subdivision (a) and an analysis of the impact of the work.

SEC. 134. (a) For the 2021–22 fiscal year, the sum of one hundred fifty thousand dollars (\$150,000) is hereby appropriated from the General Fund to the State Department of Education for both of the following purposes:

(1) To support identifying standardized items for local educational agencies to use as part of the school climate survey for pupils pursuant to Sections 47605, 47605.1, 52060, and 52066 of the Education Code and to be reported through the California School Dashboard pursuant to Section 52064.5 of the Education Code.

(2) To support evaluating the feasibility of developing standardized items for surveys of parents, teachers, and other school staff required pursuant to Sections 47605, 47605.1, 52060, and 52066 of the Education Code and assessing how those standardized survey items and other data could support strengthening the local indicators included in the California School Dashboard pursuant to Section 52064.5 of the Education Code.

(b) For the purposes specified in subdivision (a), the State Department of Education, in collaboration with, and subject to the approval of, the executive director of the State Board of Education, shall enter into contracts with a local educational agency no later than October 1, 2021, which may include authorization to enter into subcontracts for support and services, as necessary.

(c) The contractor shall provide a report to the State Department of Education and the executive director of the State Board of Education on both of the following:

(1) The identified standardized items.

(2) An analysis of the feasibility of developing a set of standardized items for surveys of parents, teachers, and other school staff required pursuant to Sections 47605, 47605.1, 52060, and 52066 of the Education Code and an assessment of how those items could strengthen the local indicators in the California School Dashboard.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 135. (a) For the 2021–22 fiscal year, the sum of three million one hundred thousand dollars (\$3,100,000) is hereby appropriated from the General Fund to the State Department of Education for the purpose set forth in subdivision (b).

(b) The State Department of Education shall allocate the funds appropriated pursuant to subdivision (a) to the Kern County superintendent of schools for the Kern County Office of Education and the County Office Fiscal Crisis and Management Assistance Team for the Standardized Account Code Structure system replacement project.

(c) Commencing with the 2022–23 fiscal year, the sum of three million nine hundred twenty thousand dollars (\$3,920,000) shall be continuously appropriated each fiscal year, without regard to fiscal years, from the General Fund to the State Department of Education for the purposes set forth in subdivision (d).

(d) The State Department of Education shall allocate the funds appropriated pursuant to subdivision (c) to the Kern County superintendent of schools for the Kern County Office of Education and the County Office Fiscal Crisis and Management Assistance Team for maintenance and operations support for the Standardized Account Code Structure system.

(e) (1) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2021–22 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2021–22 fiscal year.

(2) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriations made by subdivision (c) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the fiscal year in which they are appropriated, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the fiscal year in which they are appropriated.

SEC. 136. For the 2021–22 fiscal year, the sum of six million dollars (\$6,000,000) is hereby appropriated from the General Fund to the State Department of Education. The Superintendent of Public Instruction shall allocate these funds to the Special Olympics of Northern and Southern California for purposes of supporting the Unified Champion Schools Program, the Healthy Athletes Program, and the Community Sports Program. This funding shall be available for encumbrance until June 30, 2024.

SEC. 137. (a) (1) The sum of two hundred fifty million dollars (\$250,000,000) is hereby appropriated from the General Fund to the State Department of Education for the following purposes:

(A) Of this amount, at least twenty-five million dollars (\$25,000,000) shall be used to cover National Board for Professional Teaching Standards Certification fees for first-time candidates.

(B) The remainder of the funds shall be used to award grants pursuant to the National Board for Professional Teaching Standards Certification Incentive Program established pursuant to Section 44395 of the Education Code.

(2) The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2026.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 138. (a) For the 2021–22 fiscal year, the sum of one hundred fifty million dollars (\$150,000,000) is hereby appropriated from the General Fund to the State Department of Education for the purposes set forth in subdivisions (b) and (c).

(b) (1) Of the amount appropriated in subdivision (a), one hundred twenty million dollars (\$120,000,000) shall be available for allocation to local educational agencies to expend on kitchen infrastructure upgrades that will increase pupil access to, or improve the quality of, fresh and nutritious school meals.

(2) Each local educational agency shall receive a base allocation of twenty-five thousand dollars (\$25,000).

(3) (A) After allocations are made pursuant to paragraph (2), the remaining funds shall be allocated to local educational agencies with pupil populations that are at least fifty percent eligible for free and reduced-price meals.

(B) Allocation of funds pursuant to subparagraph (A) shall be proportionate based on a local educational agency’s total enrollment of pupils who are eligible for free and reduced-price meals.

(4) Allowable uses of funds allocated pursuant to paragraphs (2) and (3) include all of the following:

(A) Cooking equipment, including, but not limited to, combination ovens, steamers, or tilting skillets.

(B) Service equipment, including, but not limited to, service lines, point-of-sale systems, or mobile carts.

(C) Refrigeration and storage, including, but not limited to, walk-in refrigerators, freezers, or blast chillers.

(D) Transportation of ingredients, meals, and equipment between sites, including, but not limited to, vehicles and equipment to prevent spoilage of food in transit.

(5) (A) As a condition of receiving funding pursuant to paragraphs (2) and (3), each local educational agency shall report to the State Department of Education on or before June 30, 2022, how it used the funding to improve the quality of school meals or increase participation in subsidized school meal programs.

(B) The State Department of Education shall develop forms that shall be used by local educational agencies to comply with subparagraph (A).

(c) (1) Of the amount appropriated in subdivision (a), thirty million dollars (\$30,000,000) shall be available for the State Department of

Education to apportion funds to local educational agencies based on the number of classified school employees employed by the local educational agency in the immediately preceding fiscal year.

(2) A local educational agency shall expend funds received pursuant to this section for food service staff to receive training on promoting nutritious foods, which may include training on food preparation, healthy food marketing, and changing the school lunchroom environment.

(3) Notwithstanding paragraph (1), each local educational agency shall receive a minimum allocation of two thousand dollars (\$2,000).

(d) For purposes of this section, the following definitions apply:

(1) “Classified school employee” means a person employed on a full-time or part-time basis as a classified school employee by a local educational agency.

(2) “Local educational agency” means a school district, county office of education, or charter school.

(3) “Nutritious” means, at minimum, foods that align with the federal and state standards for meals served through the federal National School Lunch Program and the federal School Breakfast Program, and as further defined for purposes of Section 49531 of the Education Code.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 139. (a) The sum of eighty-six million four hundred sixteen thousand dollars (\$86,416,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for apportionment to career technical education regional occupational centers or programs (ROCPs) operated by a joint powers authority in the 2021–22 fiscal year. Funding shall be allocated proportionally on the basis of the cumulative number of pupils that were enrolled in the ROCP in grades 9 to 12, inclusive, during the 2019–20 school year. Funds appropriated pursuant to this section shall be used from March 1, 2020, to June 30, 2023, inclusive.

(b) To be eligible for funding, career technical education ROCPs operated by a joint powers authority shall report to the Superintendent of Public Instruction no later than September 1, 2021, cumulative enrollment data by grade level for each pupil served during the 2019–20 school year in grades 9 to 12, inclusive, in the manner and form requested by the State Department of Education, along with any verification documents requested by the State Department of Education. Failure to submit the required enrollment data or any verification documents requested by the State Department of Education by the September 1, 2021, deadline shall make a ROCP ineligible for funding under this section. Using the data submitted, the Superintendent of Public

Instruction shall make the following computations to determine the amount of funding for each career technical education ROCP operated by a joint powers authority:

(1) Determine the total number of pupils enrolled in grades 9 to 12, inclusive, during the 2019–20 school year as reported pursuant to subdivision (b) for each ROCP.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils enrolled in grades 9 to 12, inclusive, in career technical education ROCPs operated by a joint powers authority in the 2019–20 fiscal year for purposes of this section.

(3) Calculate a per pupil grant amount by dividing the amount appropriated pursuant to subdivision (a) for purposes of this section by the total statewide number of pupils enrolled calculated in paragraph (2).

(4) Calculate the grant amount for each career technical education ROCP operated by a joint powers authority by multiplying the per pupil grant calculated in paragraph (3) by the total number of pupils enrolled in paragraph (1).

(5) The Superintendent of Public Instruction shall allocate the amount of funds calculated for each career technical education ROCP operated by a joint powers authority in paragraph (4), and allocate funding to all eligible recipients no later than December 30, 2021.

(c) This section does not require eligible ROCPs to apply for funding under this section.

(d) Funds apportioned under subdivision (b) may be used for any purposes consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, cleaning and disinfection, personal protective equipment, ventilation and other schoolsite upgrades necessary for health and safety, salaries for certificated or classified employees providing in-person instruction or services, devices and connectivity, social and mental health support services provided in conjunction with in-person instruction, and costs associated with increases in the amount of instructional time provided to pupils.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2019–20 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2019–20 fiscal year.

SEC. 140. (a) The sum of sixty million dollars (\$60,000,000) is hereby appropriated from the General Fund to the State Department of Education for the Classified School Employee Summer Assistance Program established pursuant to Section 45500 of the Education Code. The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2024.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 141. (a) The sum of thirty million dollars (\$30,000,000) is hereby appropriated from the General Fund to the State Department of Education for the purposes set forth in subdivision (b).

(b) (1) Funds appropriated in subdivision (a) shall be allocated by the State Department of Education to county offices of education pursuant to the procedures set forth in subdivisions (a) and (e) of Section 42921 of the Education Code.

(2) Funds appropriated in subdivision (a) shall be used to provide direct services to foster youth, including, but not limited to, tutoring, mentoring, counseling, and direct interventions addressing reengagement, learning recovery, educational case management or advocacy, postsecondary preparation and matriculation, and the social and emotional needs of pupils in foster care enrolled in kindergarten or grades 1 to 12, inclusive.

(3) Of the funds appropriated in subdivision (a), at least five million dollars (\$5,000,000) shall be used to provide direct services to improve postsecondary education enrollment and outcomes, including, but not limited to, postsecondary preparation and matriculation.

(4) County offices of education may enter into contracts with community-based nonprofit organizations offering educational services and supports to foster youth to fulfill the requirements of this section.

(5) Funding appropriated in subdivision (a) shall be used to supplement and not supplant existing funding and the coordination of services.

(6) County offices of education using funds pursuant to paragraphs (2) and (3) shall not be subject to the requirements set forth in subparagraph (A) of paragraph (2) of subdivision (e) of Section 42921 of the Education Code.

(7) The State Department of Education shall require county offices of education to report publicly the number of foster youth served, services provided, and the amount of funding spent pursuant to this section.

(8) Funds appropriated in subdivision (a) shall be expended by June 30, 2023.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the amount appropriated by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined

in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 142. (a) The sum of twenty-five million dollars (\$25,000,000) is hereby appropriated from the General Fund to the State Department of Education for the 21st Century School Leadership Academy established pursuant to Section 44690 of the Education Code. The funds appropriated pursuant to this section shall be available for encumbrance until June 30, 2026.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 143. (a) For the 2021–22 fiscal year, the sum of fifteen million (\$15,000,000) is hereby appropriated from the General Fund to the Commission on Teacher Credentialing for the Computer Science Supplementary Authorization Incentive Grant Program. This funding shall be available for encumbrance until June 30, 2026.

(b) The Computer Science Supplementary Authorization Incentive Grant Program is hereby established for the purpose of providing one-time grants to local educational agencies to support the preparation of credentialed teachers to earn a supplementary authorization in computer science and provide instruction in computer science coursework in settings authorized by the underlying credential.

(c) The commission shall approve applications submitted by local educational agencies that meet the criteria established by the commission pursuant to paragraph (1) of subdivision (e). To the extent that funds are available, the commission shall allocate funds to participating local educational agencies for each approved application.

(d) A participating teacher is eligible to receive an award of up to two thousand five hundred dollars (\$2,500) from the Computer Science Supplementary Authorization Incentive Grant Program.

(e) The commission shall do all of the following:

- (1) Establish grant criteria for local educational agencies.
- (2) Issue a request for proposal to all local educational agencies to solicit applications for funding.
- (3) Accept grant applications from participating local educational agencies until funds are fully expended.
- (4) Review applications and verify that each proposed participant teacher holds a valid credential.
- (5) Allocate grants to participating local educational agencies for the purpose of paying the teacher costs of coursework, books, fees, and tuition, as applicable.

(6) Give priority to grant applications for teachers that provide instruction at either of the following:

(A) A school operating within a rural district.

(B) A school with a higher share than other applicants of unduplicated pupils, as defined in Section 42238.02 of the Education Code.

(f) In selecting grant recipients, the commission shall require each applicant to, at a minimum, do all of the following:

(1) Identify the teachers employed by the local educational agency who have been selected to participate in the incentive grant program.

(2) Identify the number of coursework credits required for each selected teacher to earn a supplementary authorization in computer science.

(3) Provide an estimated cost for the required coursework, books, fees, tuition, and release time, as applicable.

(4) Provide a 100-percent match of grant funding in the form of one or both of the following:

(A) One dollar (\$1) for every one dollar (\$1) of grant funding received that is to be used in a manner consistent with allowable grant costs described in paragraph (3).

(B) An in-kind match of release time or substitute teacher costs for the participating teacher.

(5) Report to the Commission on Teacher Credentialing on or before August 30 of the second year after receiving a grant award the number of new computer science courses offered at the school being taught by a teacher who participated in the incentive grant program.

(g) The awards allocated pursuant to this section shall not be subject to local educational agency indirect costs.

(h) On or before April 1 of each year until the fiscal year following final disbursement of the grant funds, the Commission on Teacher Credentialing shall report to the fiscal committees of the Legislature, the Legislative Analyst's Office, and the Department of Finance on the program, including, but not limited to, the number of participating local educational agencies, the number of grants issued, the number of computer science supplementary authorizations issued, and the number of new computer science courses reported by grant recipients. The report shall be submitted in compliance with Section 9795 of the Government Code.

(i) For purposes of this section, "local educational agency" means a school district, county office of education, county superintendent of schools, state-operated education program, including a state special school, an education program providing instruction in kindergarten or any of grades 1 to 12, inclusive, that is offered by a state agency, including the Department of Youth and Community Restoration and the State Department of Developmental Services, or a regional occupational center or program operated by a joint powers authority or county office of education.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the

Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 144. (a) The Legislature finds and declares all the following:

(1) Educators and pupils need access to high-quality online instructional materials to help reduce costs, provide equitable opportunities for pupils, and provide opportunities for the sharing of best practices and collaboration among staff.

(2) The statewide system of support established pursuant to Section 52059.5 of the Education Code should include resources to help identify high-quality online instructional materials, such as free open-source materials and platforms, and provide a repository for local educational agencies and educators.

(b) On or before October 15, 2021, the State Department of Education and the California Collaborative for Educational Excellence, with approval from the executive director of the State Board of Education, shall designate a county office of education to identify and curate a repository of high-quality open educational resources for use by local educational agencies as part of the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code. The designated county office of education shall do all of the following:

(1) Develop a transparent process for vetting materials to ensure quality and alignment with state academic standards, which may include, but not be limited to, the creation of standardized rubrics for review of materials.

(2) Curate easy-to-use resources for local educational agencies and educators.

(3) Develop and maintain a repository of identified materials for use by local educational agencies and educators.

(4) Provide guidance and resources for local educational agencies and educators regarding implementation and use of open educational resources, including professional learning opportunities and opportunities for collaboration among peers.

(5) Report data to the California Collaborative for Educational Excellence to allow for an evaluation of the activities performed in increasing access and use of open educational resources by local educational agencies and educators.

(c) The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for purposes of subdivision (b). This funding shall be available for encumbrance until June 30, 2024.

(d) On or before October 1, 2024, the California Collaborative for Educational Excellence, in consultation with the State Department of Education, shall evaluate and make recommendations to the Department of Finance, the executive director of the State Board of Education, and the

appropriate fiscal and policy committees of the Legislature regarding the effectiveness of the online repository and resources developed pursuant to subdivision (b). The California Collaborative for Educational Excellence may enter into a contract with a nonprofit entity to conduct the evaluation and may withhold no more than 3 percent of the amount allocated pursuant to this section for this purpose.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the funds appropriated by subdivision (c) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2019–20 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2019–20 fiscal year.

SEC. 145. (a) For the 2021–22 fiscal year, the sum of ten million dollars (\$10,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to generate and disseminate professional learning opportunities for educators across the state in the areas of evidence-based literacy, intensive literacy interventions, and support of pupils’ executive functioning skills. Funds appropriated for this purpose are available through the 2025–26 fiscal year to provide grants consistent with subdivision (b).

(b) (1) The State Department of Education and the California Collaborative for Educational Excellence shall establish a process, administered by the State Department of Education, to select, subject to approval by the executive director of the State Board of Education, one or more local educational agencies with expertise in developing and providing professional learning to educators in public schools serving kindergarten and grades 1 to 12, inclusive, to strengthen reading instruction for all pupils and in a manner that aligns with the statewide system of support pursuant to Article 4.5 (commencing with Section 52059.5) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education Code. The State Department of Education shall give positive consideration to applicants that propose partnerships with an institution of higher education, a nonprofit organization, or a consortium of institutes of higher education and nonprofit organizations.

(2) Professional learning opportunities under this grant may include, but are not limited to, professional development for all of the following:

(A) School leaders, including principals and teacher leaders, to lead evidence-based reading instruction for diverse learners, including early learners, English learners, pupils with disabilities, and pupils with dyslexia.

(B) Educators, including teachers and paraprofessionals, to develop knowledge and skills for appropriate use of screening strategies and evidence-based literacy instruction for diverse learners.

(C) Educators, including teachers and paraprofessionals, to implement intensive intervention strategies for pupils struggling with literacy, including tutoring and small group strategies, and strategies for target pupil groups.

(D) All educators to support the development of pupils' executive functioning skills.

(3) In developing the process for selecting grantees, the State Department of Education and the California Collaborative for Educational Excellence shall, to the greatest extent practicable, facilitate coordination among the grantees and other literacy initiatives, including, but not limited to, all of the following:

(A) The subject matter projects authorized pursuant to Article 1 (commencing with Section 99200) of Chapter 5 of Part 65 of Division 14 of Title 3 of the Education Code.

(B) Grantees of the 21st Century California School Leadership Academy authorized pursuant to Article 5 (Section 44690) of Chapter 3.1 of Part 25 of Division 3 of Title 2 of the Education Code.

(C) Grantees of the federal Comprehensive Literacy State Development Grant pursuant to Sections 2222 and 2223 of the federal Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. Secs. 6642 and 6643).

(D) The grantee selected subject to paragraph (2) of subdivision (b) of Section 84 of Chapter 51 of the Statutes of 2019.

(E) The California Dyslexia Initiative established pursuant to Section 119 of Chapter 24 of the Statutes of 2020.

(c) The California Collaborative for Educational Excellence, in consultation with the State Department of Education, shall evaluate the professional learning opportunities offered or funded pursuant to this section for their effectiveness, and may require reporting from grantees to complete this evaluation. The grantees shall participate in the evaluation coordinated by the California Collaborative for Educational Excellence. The California Collaborative for Educational Excellence may withhold no more than two hundred thousand dollars (\$200,000) of the amount appropriated in subdivision (a) for this purpose.

(d) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 146. The sum of five million two hundred thousand dollars (\$5,200,000) is hereby appropriated from the General Fund to the Controller for allocation to the State Department of Education for the Broadband Infrastructure Grant Program and shall be expended for identified broadband connectivity solutions pursuant to subdivision (b) of Section 83 of Chapter 51 of the Statutes of 2019. Notwithstanding Section 16304 of the Government Code, this funding shall be available for encumbrance until June 30, 2024.

SEC. 147. Commencing with the 2021–22 fiscal year, the Superintendent of Public Instruction shall add three million five hundred thousand dollars (\$3,500,000) to the amount to be apportioned pursuant to Sections 42238.02 and 42238.03 of the Education Code to the San Francisco Unified School District. These funds shall be made available for the San Francisco Unified School District to contract with the Exploratorium in the City and County of San Francisco for purposes of supporting professional development and leadership training for education professionals, expanding access to quality science, technology, engineering, and mathematics learning opportunities, and supporting statewide implementation of the Next Generation Science Standards.

SEC. 148. (a) The sum of two million four hundred two thousand dollars (\$2,402,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to support the creation of an online training on schoolsite and community resources focused on strategies to support LGBTQ+ pupils.

(b) Of the funds appropriated in subdivision (a), one million eight hundred two thousand dollars (\$1,802,000) is available to develop online training content for teachers and other certificated staff. In developing the online training, the State Department of Education shall work in partnership with consultants who are experts in media marketing, video communications, teacher and staff training, and youth education to ensure the training is sufficiently engaging and interactive, and requires the sustained input and participation of the trainee.

(c) Training developed pursuant to this section shall be tailored to reach teachers and other certificated employees who may not have a background in LGBTQ+ cultural competency, and be crafted in consultation with the advisory committee established in Provision 49 of Item 6100-001-0001 of Section 2.00 of the Budget Act of 2021. At a minimum, the training shall include information on all of the following topics:

(1) The creation of safe and supportive learning environments for LGBTQ+ pupils, including those with multiple intersecting identities, including, but not limited to, those who are members of the LGBTQ+ community, members of communities of color, immigrants, or people living with the human immunodeficiency virus.

(2) Identifying LGBTQ+ youth who are subject to, or may be at risk of, bullying and lack of acceptance at home or in their communities.

(3) The provision of targeted support services to LGBTQ+ youth, including counseling services.

(4) Requirements regarding school antibullying and harassment policies, and complaint procedures.

(5) Requirements regarding suicide prevention policies and related procedures.

(6) Requirements regarding policies relating to use of school facilities, including, but not limited to, bathrooms and locker rooms.

(7) Requirements regarding policies and procedures to protect the privacy of LGBTQ+ pupils.

(8) The importance of identifying local, community-based organizations that provide support to LGBTQ+ youth.

(9) The importance of identifying local physical and mental health providers with experience in treating and supporting LGBTQ+ youth.

(10) The formation of peer support or affinity clubs and organizations.

(11) The importance of school staff who have received antibias or other training aimed at supporting LGBTQ+ youth.

(12) Health and other curriculum materials that are inclusive of, and relevant to, LGBTQ+ youth.

(d) Of the funds appropriated in subdivision (a), six hundred thousand dollars (\$600,000) is available for the State Department of Education to develop an online platform for the training developed pursuant to this section that meets all of the following criteria:

(1) Be able to track trainee usage and participation for the purpose of compliance on both the local level and on an aggregate statewide basis.

(2) Be able to assess trainee knowledge before and after training in order to measure outcomes.

(3) Be highly interactive by requiring the sustained input and participation of the trainee.

(e) When performing the activities described in this section, the State Department of Education may enter into appropriate contracts for the provision of support and services, as necessary.

SEC. 149. (a) For the 2021–22 fiscal year, the sum of ten million five hundred thousand dollars (\$10,500,000) is hereby appropriated from the Coronavirus Fiscal Recovery Fund to the Superintendent of Public Instruction to be allocated to the California Interscholastic Federation (CIF). These funds shall be available for encumbrance or expenditure until June 30, 2022.

(b) The funds appropriated in subdivision (a) shall be used to support the expenses associated with either the CIF State or ten CIF Section offices that have experienced significant revenue reductions in the 2020–21 fiscal year as a result of closures and cancellations due to the COVID-19 pandemic. Funds may also be used for state and section-based student-athlete scholarships, championship costs, dues or sports fees, marketing costs, legal and insurance expenses, and operating costs.

SEC. 150. (a) On or before June 30, 2022, an amount to be determined by the Director of Finance shall be appropriated from the General Fund to the Superintendent of Public Instruction in augmentation of Schedule (1) of Item 6100-161-0001 of Section 2.00 of the Budget Act of 2021.

(b) The funds appropriated in subdivision (a) shall only be available to the extent that revenues distributed to local educational agencies for special education programs pursuant to Sections 34177, 34179.5, 34179.6, and 34188 of the Health and Safety Code are less than the estimated amount reflected in the Budget Act of 2021, as determined by the Director of Finance.

(c) On or before June 30, 2022, the Director of Finance shall determine if the revenues distributed to local educational agencies for special education

programs pursuant to Sections 34177, 34179.5, 34179.6, and 34188 of the Health and Safety Code exceed the estimated amount reflected in the Budget Act of 2021 and shall reduce Schedule (1) of Item 6100-161-0001 of Section 2.00 of the Budget Act of 2021 by the amount of that excess.

(d) In making the determinations pursuant to subdivisions (b) and (c), the Director of Finance shall consider any other local property tax revenues collected in excess or in deficit of the estimated amounts reflected in the Budget Act of 2021.

(e) The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee, or the chairperson's designee, of the Director of Finance's intent to notify the Controller of the necessity to release funds appropriated in subdivision (a) or to make the reduction pursuant to subdivision (c), and the amount needed to address the property tax shortfall determined pursuant to subdivision (b) or the amount of the reduction made pursuant to subdivision (c). The Controller shall make the funds available pursuant to subdivision (a) not sooner than five days after this notification and the State Department of Education shall work with the Controller to allocate these funds to local educational agencies as soon as practicable.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2021–22 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2021–22 fiscal year.

SEC. 151. (a) For the 2021–22 fiscal year, the sum of six million dollars (\$6,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to allocate to the San Mateo County Office of Education to contract for the creation of free and open education resources that are K–12 standards-based curriculum units on climate change and environmental justice and the integration of environmental principles and concepts developed pursuant to Section 71301 of the Public Resources Code.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 152. (a) The Legislature finds and declares all of the following:

(1) Early studies suggest that school closures and distance learning resulting from the COVID-19 pandemic have caused learning lags for pupils

in both English language arts and mathematics, and that these lags are larger for pupils from socioeconomically disadvantaged households, pupils with disabilities, and Latinx pupils.

(2) California educators and providers of professional development must have access to the latest research and techniques to accelerate learning through evidence-based approaches and classroom practices, particularly in core academic subjects.

(3) Investment in professional learning infrastructure is needed to implement evidence-based intensive interventions to promote learning acceleration and address academic needs that have resulted from the COVID-19 pandemic.

(b) For the 2021–22 fiscal year, the sum of fifty million dollars (\$50,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to allocate to the California Collaborative for Educational Excellence to administer, in partnership with selected county offices of education, evidence-based professional education for educators that can support learning acceleration for California’s diverse pupil population, particularly in mathematics, literacy, and language development.

(c) On or before November 1, 2021, the California Collaborative for Educational Excellence, with the approval of the executive director of the State Board of Education, shall create an application process and administration plan for the selection of grant recipients under the program. Administration of these funds shall include providing program oversight and technical assistance to grantees selected pursuant to this section. The California Collaborative for Educational Excellence may retain up to five million dollars (\$5,000,000) of the appropriation in subdivision (b) for grant administration and professional learning development, coordination, and execution. Up to seven hundred fifty thousand dollars (\$750,000) of the amount retained shall be made available to reimburse the Marin County Office of Education, the administrative agent of the California Collaborative for Educational Excellence, for costs associated with the administration of this program.

(d) The executive director of the California Collaborative for Educational Excellence shall award, subject to the approval of the executive director of the State Board of Education, grants to county offices of education to help establish a statewide professional development infrastructure to expand the use of evidence-based accelerated learning strategies, and shall give priority to grant funding based on the following:

(1) Applicants who commit to coordinate and partner with institutions of higher education, nonprofit organizations with expertise in learning acceleration, another county office of education or consortia of county offices of education, or any combination of those entities, to disseminate regional or statewide professional learning to address pupils’ learning needs by accelerating progress in the areas of mathematics, literacy, and language development.

(2) Applicants with a demonstrated ability to provide professional development to credentialed or certificated staff.

(3) Applicants with an understanding of the latest evidence to address learning recovery and acceleration.

(4) Applicants with a plan for sustaining the provision of professional development after grant expiration.

(e) Grant funding may be used for the following purposes:

(1) Developing or expanding existing evidence-based professional development opportunities or guidance for educators and administrators to address pupils' learning recovery and acceleration, with consideration of the needs of high-need pupils, including low-income pupils, English learners, and pupils with disabilities.

(2) Providing professional development to educators in alignment with knowledge of best practices for professional learning.

(f) Grant recipients shall commit to doing all of the following:

(1) Partnering with the California Collaborative for Educational Excellence to provide regional or statewide, or both regional and statewide, evidence-based professional development to accelerate learning.

(2) Providing program data, in the manner and form requested, to the California Collaborative for Educational Excellence.

(3) Participating in overall program evaluation.

(g) For the purposes of this section, "accelerated learning strategies" are those designed to meet pupils where they are in their learning and use evidence-based approaches to enable pupils to make strong and rapid progress in their mastery of knowledge and skills. These strategies may include individual or small group tutoring or whole class instruction using well-grounded methods with scaffolding and differentiation that meet pupils' specific needs.

(h) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (b) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 153. (a) (1) The sum of eighty million dollars (\$80,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for apportionment to county offices of education in the 2021–22 fiscal year. Funding shall be allocated proportionally based on county office of education average daily attendance as of the 2019–20 second principal apportionment certification. Funds appropriated pursuant to this section shall be available for expenditure until June 30, 2023.

(2) For purposes of this section, the calculation in paragraph (1) shall include 2019–20 average daily attendance for pupils attending the following

schools operated by county offices of education and charter schools established pursuant to Section 47605.5 of the Education Code:

(A) County community schools established pursuant to Chapter 6.5 (commencing with Section 1981) of Part 2 of Division 1 of Title 1 of the Education Code.

(B) Juvenile court schools established pursuant to Article 2.5 (commencing with Section 48645) of Chapter 4 of Part 27 of Division 4 of Title 2 of the Education Code.

(b) Funds allocated under subdivision (a) may be used for any purposes consistent with providing in-person instruction for any pupil participating in in-person instruction, including, but not limited to, COVID-19 testing, cleaning and disinfection, personal protective equipment, ventilation and other schoolsite upgrades necessary for health and safety, salaries for certificated or classified employees providing in-person instruction or services, devices and connectivity, social and mental health support services provided in conjunction with in-person instruction, and costs associated with increases in the amount of instructional time provided to pupils.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 154. (a) The sum of one million seven hundred thousand dollars (\$1,700,000) is hereby appropriated from the General Fund to the Commission on Teacher Credentialing to be transferred to the Tulare County Office of Education to continue to administer the California Center on Teaching Careers established by, and pursuant to, Section 45 of Chapter 29 of the Statutes of 2016. The Commission on Teacher Credentialing shall complete the transfer of funds to the Tulare County Office of Education on or before December 1, 2021.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 155. (a) The sum of two million dollars (\$2,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for allocation to the Marin County Office of Education to contract with nonprofit organizations with subject matter expertise in genocide and

Holocaust education to perform the following activities from July 1, 2021, to June 30, 2024, inclusive:

(1) Develop and provide curriculum resources related to genocide and Holocaust education.

(2) Provide professional development, including educator trainings, on genocide and Holocaust education.

(b) Of the amount appropriated in subdivision (a), no more than 10 percent shall be available for reimbursement to the Marin County Office of Education for activities fulfilled pursuant to this section.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 156. (a) Contingent upon the enactment of legislation during the 2021–22 Regular Session of the State Legislature prescribing the process for the development of model curricula for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies, the sum of one million two hundred thousand dollars (\$1,200,000) shall be appropriated from the General Fund to the Superintendent of Public Instruction to support the development of model curricula for Native American studies, the Vietnamese American refugee experience, the Cambodian genocide, and Hmong history and cultural studies.

(b) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 157. (a) For the 2021–22 fiscal year, the sum of ten million dollars (\$10,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction for transfer by the Controller to Section A of the State School Fund for allocation by the Superintendent of Public Instruction to establish the Antibias Education Grant Program in the manner and for the purpose set forth in this section.

(b) The Antibias Education Grant Program is hereby established for purposes of preventing, addressing, and eliminating racism and bias in all California public schools, and making all public schools inclusive and supportive of all people.

(c) (1) For the 2021–22 fiscal year, the Superintendent of Public Instruction shall award a minimum of 50 grants to local educational agencies. A local educational agency shall not receive a grant under this subdivision of less than seventy-five thousand dollars (\$75,000). These funds are available for expenditure or encumbrance through the 2025–26 fiscal year.

(2) The State Department of Education shall develop an application and criteria a local educational agency must meet to receive funding. A local educational agency that applies for funds shall, at a minimum, demonstrate a need for additional antibias education and training, and describe how the funds will be used.

(3) (A) A grant award under this subdivision shall be known as an Antibias Education Grant. An Antibias Education Grant shall be used for training and resources to prevent and address bias or prejudice toward any group of people based on race, ethnicity, religion, gender, gender identity, sexual orientation, disability, immigration status, language, or any actual or perceived characteristic listed in Section 422.55 of the Penal Code. Emphasis shall be on preventing anti-Semitism and bias or prejudice toward groups, including, but not limited to, African Americans, Asian-Pacific Islanders, Latinos, and people who are lesbian, gay, bisexual, transgender, or questioning youth.

(B) Eligible activities for an Antibias Education Grant may include, but are not limited to, any of the following:

(i) Professional development on topics that address hate, bigotry, racism, or any form of bias or prejudice, including, but not limited to, classroom management techniques, self-regulation, and strategies designed to increase teachers' skills for managing pupils in academic and disciplinary settings.

(ii) Opportunities for teachers, administrators, pupils, other school staff, and members of the governing board or body of the local educational agency to review policies, practices, and procedures that can promote bias, such as referrals for discipline, special education, and course placement, and to update those policies, practices, and procedures to foster in pupils a sense of belonging and connection.

(iii) The development of a comprehensive diversity plan based on the identified needs of the local educational agency using its data and tied to specific outcomes, such as increasing staff diversity or more racially proportionate pupil discipline referrals.

(iv) Curriculum that is appropriate for pupils in kindergarten or any of grades 1 to 12, inclusive, on topics that address hate, bigotry, racism, or any form of bias or prejudice.

(v) Support of pupil-initiated efforts to combat hate, bigotry, racism, or any form of bias or prejudice.

(C) Professional development and curriculum under this paragraph shall use evidence-based strategies, and may include, but are not limited to, those made available on the State Department of Education's internet website.

(d) On or before September 1, 2022, the State Department of Education shall submit a report to the appropriate budget and policy committees of the Legislature regarding the awarding of Antibias Education Grant Program

funds, including, but not limited to, the number of awards, the award recipients, the amount of each award, and how funds will be used.

(e) For purposes of this section, “local educational agency” means a school district, county office of education, or charter school.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 158. (a) The sum of ten million dollars (\$10,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to administer the Dual Language Immersion Grant Program, which is hereby established, to expand access to quality dual language learning and foster languages that English learners bring to California’s education system.

(b) (1) The State Department of Education shall award a minimum of 25 one-time Dual Language Immersion Grants over a period of three fiscal years of up to three hundred eighty thousand dollars (\$380,000) per grant to an eligible entity to expand or establish dual language immersion programs that provide integrated language learning and academic instruction for native speakers of English and native speakers of another language, with the goals of high academic achievement, first and second language proficiency, and cross-cultural understanding.

(2) The State Department of Education shall identify criteria for evaluation of applicants and awarding grants.

(3) When awarding a grant to an applicant proposing to establish a new dual language immersion program, the State Department of Education shall provide additional funding of up to twenty thousand dollars (\$20,000) over the amount of the grant award pursuant to paragraph (1).

(c) Applicants for a Dual Language Immersion Grant may include any of the following eligible entities that meet the criteria established pursuant to paragraph (2) of subdivision (b):

- (1) A school.
- (2) A school district.
- (3) A county office of education.
- (4) A charter school.
- (5) Consortia composed of any of the entities described in paragraphs (1) to (4), inclusive.

(d) A Dual Language Immersion Grant shall be used for activities that directly support the development of dual language immersion programs, as described in paragraph (1) of subdivision (b), in elementary and secondary schools, including any of the following activities:

- (1) Instructional materials and resources.

- (2) Professional development for teachers and school administrators.
- (3) Teacher recruitment.
- (4) Development of instructional materials.
- (5) Development of curriculum.
- (6) Family and pupil outreach.

(e) On or before June 1, 2026, the State Department of Education shall submit a report to the appropriate budget and policy committees of the Legislature regarding outcomes resulting from the use of Dual Language Immersion Grant Program funds including, but not limited to, the number of awards, the award recipients, the amount of each award, and how funds were used.

(f) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 159. (a) For the 2021–22 fiscal year, the Superintendent of Public Instruction shall add twenty-five million dollars (\$25,000,000) to the amount to be apportioned pursuant to Sections 2574 and 2575 of the Education Code to the Kern County Office of Education. These funds shall be made available for the Kern County Office of Education to contract with the Child Mind Institute for purposes of developing mental health and wellness instructional resources and trainings for caregivers, educators, and youth to address impacts of the COVID-19 pandemic on children’s mental health and to promote mental wellness within families and school communities.

(b) (1) Of the amount specified in subdivision (a), ten million dollars (\$10,000,000) is for the production and development of a series of instructional training videos, print resources, and toolkits for caregivers, youth, and educators that cover youth mental health and wellness skill sets.

(2) Of the amount specified in subdivision (a), fifteen million (\$15,000,000) is for direct compensation to educators for their participation in the completion of the instructional training video series.

(c) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 160. (a) The sum of one hundred million dollars (\$100,000,000) is hereby appropriated from the General Fund to the Superintendent of

Public Instruction on a one-time basis for allocation to special education local plan areas for the purpose of supporting member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities to prevent and resolve special education disputes resulting from school disruptions stemming from the COVID-19 public health emergency during the period of March 13, 2020, to September 1, 2021, inclusive, in a collaborative and equitable manner.

(b) The Superintendent of Public Instruction shall allocate the funds appropriated in subdivision (a) to special education local plan areas no later than August 31, 2021. The funds shall be appropriated in an equal amount per pupil using the following methodology:

(1) For each special education local plan area, determine the total number of pupils who are 3 to 22 years of age, inclusive, with exceptional needs enrolled in each member local educational agency using the greater of Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils with exceptional needs for the applicable year.

(3) Calculate a per pupil amount by dividing the amount appropriated in subdivision (a) for purposes of this section by the total statewide number of pupils with exceptional needs calculated in paragraph (2).

(4) Calculate a grant for each special education local plan area by multiplying the per pupil amount calculated in paragraph (3) by the total number of pupils with exceptional needs for the member local educational agency determined in paragraph (1).

(c) As a condition of receiving these funds, the special education local plan areas shall do all of the following:

(1) On or before October 1, 2021, develop and submit a plan to the Superintendent of Public Instruction detailing how they will support their member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities, including detailed proposed expenditure information broken down by eligible activity, the number, disabilities, and demographics of pupils proposed to be served, and any other information required by the State Department of Education.

(2) Support member local educational agencies in activities required by subdivision (d).

(3) On or before September 13, 2021, each special education local plan area shall allocate 80 percent of the amount received pursuant to subdivision (b) proportionally to their member local educational agencies using the greater of the member's Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

(d) Funds allocated pursuant to paragraph (3) of subdivision (c) shall be used by the local educational agencies in collaboration with their special education local plan area to support all of the following:

(1) Early intervention to promote collaboration and positive relationships between families and schools and to prevent disputes through proactive communication, collaborative problem solving, and parent support activities,

including, but not limited to, parent education regarding special education processes and rights under the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), parent peer support, language access provided as a supplement to that required to be provided by local educational agencies pursuant to state and federal law, and collaboration with family empowerment centers and other family support organizations.

(2) Conduct voluntary alternative dispute resolution activities, including offering voluntary alternative dispute resolution for issues that are not resolved through the individualized education program process. If alternative dispute resolution is offered to parents by the local educational agency, the local educational agency shall ensure that the parents are provided notice of procedural safeguards established in state and federal law and are informed that alternative dispute resolution is a voluntary process, and make a good faith effort to ensure that any involvement of staff to a local educational agency or special education local plan area, family empowerment center, or other organization involved in alternative dispute resolution is acting as a neutral party in that process. Local educational agencies are encouraged to reach any agreements through voluntary alternative dispute resolution processes expeditiously and at no cost to a parent, with the goal of allowing learning recovery support to commence at the earliest possible date.

(3) As practicable, work in partnership with family empowerment centers or other family support organizations, including by providing support to those organizations to assist in the activities specified in this subdivision to prevent and resolve disputes in a pupil-centered, collaborative, and equitable manner.

(4) Develop and implement plans to identify, and conduct outreach to, families who face language barriers and other challenges to participation in the special education process, and whose pupils have experienced significant disruption to their education as a result of the COVID-19 pandemic.

(e) Local educational agencies that received support from their special education local plan area for alternative dispute resolution activities under this section shall submit a report to their special education local plan area by September 30, 2023, that includes all of the following information:

(1) The number of cases mediated through alternative dispute resolution services.

(2) The number of cases totally resolved by agreement.

(3) The number of cases refusing alternative dispute resolution services and requesting due process.

(4) A list of the issues that generated the request for dispute resolution services.

(5) The demographics of pupils served, including, but not limited to, the pupil's disability, family income, English learner classification, and the parent's primary language.

(6) A summary of outreach activities conducted pursuant to this section.

(7) A summary of activities conducted in partnership with family support organizations pursuant to this section.

(f) (1) On or before October 1, 2023, the special education local plan areas shall submit the information collected pursuant to subdivision (e) to the State Department of Education. On or before December 1, 2023, the State Department of Education shall summarize this information and submit a summary to the appropriate fiscal and policy committees of the Legislature and to the Department of Finance.

(2) A report required to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(g) This section does not do any of the following:

(1) Abridge any right granted to a parent under state or federal law, including, but not limited to, the procedural safeguards established pursuant to Section 1415 of Title 20 of the United States Code.

(2) Require that alternative dispute resolution be used to resolve a dispute.

(3) Imply that conflicts should not be resolved in the individualized education program process.

(h) For purposes of this section, the following definitions apply:

(1) “Local educational agency” means a school district, county office of education, or charter school.

(2) “Pupil” means an individual with exceptional needs, as defined in Section 56026 of the Education Code, during the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive, or an individual who was referred for assessment pursuant to Section 56029 of the Education Code whose assessment was delayed due to the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive.

(i) Funds allocated pursuant to this section shall be available for encumbrance until June 30, 2023. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this section shall be returned to the State Department of Education to return to the state.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 161. (a) The sum of four hundred fifty million dollars (\$450,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction on a one-time basis for allocation to special education local plan areas and shall be expended by special education local plan areas and their member local educational agencies for purposes of providing learning recovery support to pupils, as defined in this section, associated with impacts to learning due to school disruptions stemming from the COVID-19 public health emergency during the period of March 13, 2020, to September 1, 2021, inclusive.

(b) The Superintendent of Public Instruction shall allocate the funds appropriated in subdivision (a) to special education local plan areas no later than August 31, 2021. The funds shall be appropriated in an equal amount per pupil using the following methodology:

(1) For each special education local plan area, determine the total number of pupils who are 3 to 22 years of age, inclusive, with exceptional needs enrolled in each member local educational agency using the greater of Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

(2) The sum of the totals determined pursuant to paragraph (1) is the total statewide number of pupils with exceptional needs for the applicable year.

(3) Calculate a per pupil amount by dividing the amount appropriated in subdivision (a) for purposes of this section by the total statewide number of pupils with exceptional needs calculated in paragraph (2).

(4) Calculate a grant for each special education local plan area by multiplying the per pupil amount calculated in paragraph (3) by the total number of pupils with exceptional needs for the member local educational agency determined in paragraph (1).

(c) As a condition of receiving funding under this section, the special education local plan areas shall, on or before October 1, 2021, work with its member local educational agencies to develop and submit a plan to the Superintendent of Public Instruction detailing how the special education local plan area and its member local educational agencies will implement the requirements of this section, including detailed proposed expenditure information broken down by eligible activity, the number, disabilities, and demographics of pupils proposed to be served, evidence of matching funds as required by this section, and any other information required by the State Department of Education.

(d) Funds allocated pursuant subdivision (b) shall be used by the local educational agencies in collaboration with their special education local plan area to provide learning recovery support for pupils with disabilities related to impacts to learning resulting from COVID-19 school disruptions during the period of March 13, 2020, to September 1, 2021, inclusive.

(e) In expending funds appropriated pursuant to this section, local educational agencies and special education local plan areas shall do all of the following:

(1) Ensure that learning recovery support provided with these funds are related to COVID-19 school disruptions during the period of March 13, 2020, to September 1, 2021, inclusive.

(2) Match funding received under this section on a one-to-one basis by other funds spent for these purposes.

(3) Not use funds received under this section to supplant existing expenditures or obligations of the local educational agency.

(4) Not use funds received under this section for, or use these funds to match expenditures for, attorney's fees.

(f) As a condition of receiving funding under this section, special education local plan areas shall submit a report to the State Department of

Education on or before September 30, 2023, that describes how funding received under this section was spent and that includes a summary of learning recovery services provided pursuant to this section. The summary shall include the demographics of pupils served through the provided learning recovery and supports, including, but not limited to, the pupil's disability, family income, English learner classification, and the parent's primary language.

(g) (1) On or before December 1, 2023, the State Department of Education shall summarize this information and submit the summary to the appropriate fiscal and policy committees of the Legislature and to the Department of Finance.

(2) A report required to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(h) Funds allocated pursuant to this section shall be available for encumbrance until June 30, 2023. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this section shall be returned to the State Department of Education to return to the state.

(i) For purposes of this section the following definitions apply:

(1) "Local educational agency" means a school district, county office of education, or charter school.

(2) "Pupil" means an individual with exceptional needs, as defined in Section 56026 of the Education Code, during the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive, or an individual who was referred for assessment pursuant to Section 56029 of the Education Code whose assessment was delayed due to the COVID-19 school disruptions from March 13, 2020, to September 1, 2021, inclusive.

(j) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 162. (a) The sum of fifteen million dollars (\$15,000,000) is hereby appropriated from the General Fund to the State Department of Education for allocation to the Riverside County Office of Education and the El Dorado County Office of Education in equal amounts in support of the Supporting Inclusive Practices project, for purposes of increasing opportunities for pupils with disabilities to meaningfully participate in the least restrictive environment, as appropriate, and improving local educational agencies' outcomes on performance indicators as mandated by the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) and the outcomes measured by the California School Dashboard pursuant to Section

52064.5 of the Education Code. These funds shall be available for encumbrance until June 30, 2026.

(b) The funds appropriated in subdivision (a) shall be used to provide tiered technical assistance and grants to local educational agencies focused on envisioning, building, implementing, and scaling up evidence-based practices to increase inclusion of children and pupils with disabilities in prekindergarten, kindergarten, and grades 1 to 12, inclusive, in general education settings, with a priority on local educational agencies that are identified by the State Department of Education as requiring intensive support to improve outcomes for pupils with disabilities.

(c) (1) The Riverside County Office of Education and El Dorado County Office of Education shall submit an expenditure plan to the State Department of Education on or before August 1 of each year for which this funding is made available.

(2) On or before June 30 of each year, until funds appropriated for purposes of this section have been fully expended, the Supporting Inclusive Practices project shall submit a report to the Superintendent of Public Instruction that includes all of the following:

(A) Details of the activities conducted and resources developed by the project.

(B) The number of local educational agencies, educators, and pupils served.

(C) A summary of implementation and outcome data, including, but not limited to, performance on state performance plan indicators, indicators used on the California School Dashboard, and the desired results developmental profile.

(D) Recommendations for improving state-level activities or policies.

(3) (A) The Superintendent shall provide copies of the report received pursuant to paragraph (2) to the appropriate fiscal and policy committees of the Legislature.

(B) A report required to be submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(d) For purposes of this section, “local educational agency” means a school district, county office of education, and charter school.

(e) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation made by subdivision (a) shall be deemed to be “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202 of the Education Code, for the 2020–21 fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202 of the Education Code, for the 2020–21 fiscal year.

SEC. 163. For the 2021–22 fiscal year, the sum of two hundred fifty million dollars (\$250,000,000) is hereby appropriated from the General Fund to the State Allocation Board for deposit into the 2016 State School Facilities Fund, established pursuant to Section 17070.41 of the Education

Code, for projects pursuant to Sections 17071.75 and 17073.10 of the Education Code. These funds shall be allocated to eligible projects, by the State Allocation Board, until June 30, 2022.

SEC. 164. For the 2021–22 fiscal year, the sum of two million dollars (\$2,000,000) is hereby appropriated from the General Fund to the Superintendent of Public Instruction to, in consultation with the executive director of the State Board of Education, award no less than two million dollars (\$2,000,000) as grants to community-based organizations supporting local educational agencies with the implementation of high quality integrated academic, behavioral, and social-emotional learning practices.

SEC. 165. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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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 April 12, 2024, I served the:

- **Current Mailing List dated April 12, 2024**
- **Notice of Complete Test Claim, Schedule for Comments, and Notice of Tentative Hearing Date issued April 12, 2024**
- **Test Claim filed by the Hope Elementary School District and Sunnyvale School District on January 22, 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 April 12, 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: 4/12/24

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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July 11, 2024

Heather Halsey
Executive Director
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RECEIVED
July 11, 2024
**Commission on
State Mandates**

Response to Test Claim 23-TC-02, Transitional Kindergarten Program Test Claim

Dear Heather Halsey:

The Department of Finance has reviewed Test Claim 23-TC-02, submitted to the Commission on State Mandates (Commission) on January 22, 2024, by the Hope Elementary School District and Sunnyvale School District (Claimants).

The test claim alleges state-mandated, reimbursable costs associated with Chapter 44, Statutes of 2021 (Assembly Bill [AB] 130), which requires school districts and charter schools to admit age-eligible children to Transitional Kindergarten (TK) programs and maintain TK programs in accordance with specified student to teacher ratios and classroom sizes as a condition of receipt of apportionment.

As detailed below, Finance is concerned that the Claimants' statements regarding mandated higher level of services and unfunded costs are not substantiated because: (1) the TK expansion does not constitute a new program or higher level of service; (2) the associated costs are fully funded through a combination of state funding and local property tax revenues, per school finance statutes; and (3) it is uncertain if the test claim was filed in a timely manner.

Concerns:

1. The Claimants state that basic aid school districts receive property tax revenue instead of funding under the Local Control Funding Formula (LCFF), and as a result, did not receive funding from the state to implement the requirements of AB 130. Finance maintains that basic aid districts do receive funding through the LCFF, as outlined in Education Code sections 42238.02 for the activities required by AB 130, contrary to the Claimants' arguments. While the state calculates an LCFF entitlement pursuant to this primary statute for every school district, including basic aid districts, how the entitlement is funded varies between districts.

The LCFF calculations determine the amount of Proposition 98 General Fund a local educational agency (LEAs) should receive, based on demographic inputs, average daily attendance, programmatic add-ons and a series of other apportionment calculations that adjust the flow of state funds throughout the fiscal year (Section 42238.02). Each LEA's LCFF entitlement is funded through a combination of funding sources: local property tax revenues (Section 42238.02(j)(1)-(7), the Education Protection Account (EPA) (Section 42238.02(j)(8), and state aid through the LCFF (Section 14002). In a basic aid district, local property tax revenues exceed the applicable district's LCFF entitlement target (Section 42238.02 (o), so the district would not receive additional state aid to meet their entitlement and therefore is able to keep any additional property taxes collected, for their local educational priorities. This does not mean basic aid districts do not receive any state aid. They still receive state funding through the LCFF via the Minimum State Aid (MSA) pursuant to Section 42238.03 and the Education Protection Account pursuant to Section 36 of Article XIII of the California Constitution, and, more broadly, they will often receive other miscellaneous funding outside of the LCFF upon qualification, such as the Expanded Learning Opportunities Program (ELOP), Proposition 28 funding, and other programs enacted through legislation.

Education Code Sections 42238.02 and 42238.03, which carry the LCFF apportionment legislation, guarantee that no school district would receive less state aid from the LCFF than it received in 2012-13 through the previous revenue limits system; most schools satisfy this provision through the LCFF target entitlement, but basic aid districts—which do not need additional state aid to meet this LCFF target—receive the MSA to fulfill this requirement. Moreover, Section 6 of Article IX of California's Constitution guarantees all school districts receive at least \$120 per student from the state, which is where the “basic aid” term originates. Additionally, EPA funding, which was first enacted through the passage of Proposition 30 in 2012, is generated through increased tax revenues. For basic aid districts, EPA funding provides at least \$200 per student and is determined by attendance data at all school districts, charter schools, and county offices of education. This funding can be applied to costs related to TK pupil instruction, among other allowable services.

TK attendance costs are included in 2022-23 and 2023-24 principal apportionment calculations, which means all apportionment-generating local educational agencies, which includes basic aid districts, will receive ongoing LCFF funding for TK pupils. Nothing precludes these funds—whether generated through property taxes or through Proposition 98 General Fund as calculated through the LCFF to meet the target LCFF entitlement—from being used for TK costs. Finance is not aware of any law or restriction that would preclude the use of these funds for TK costs. Finance is also not aware of any law that entitles a basic aid district to a specific amount of excess property taxes. Rather, for purposes of computing the Proposition 98 minimum guarantee, implementing statute, Section 41202 (g), defines the term “Allocated local proceeds of taxes”

to include local revenues used to offset LCFF state aid (references to Section 42238 have been defined to mean 42238.02 as implemented pursuant to Section 42238.03 pursuant to Section 42338.06). Additionally, per AB 130, the specified activities are required as a condition of receipt of apportionment.

For the Sunnyvale School District, the 2023-24 Second Principal Apportionment (P-2) LCFF entitlement is \$65.4 million and local property tax revenue is estimated at \$105.6 million. For the Hope Elementary School district, the 2023-24 P-2 LCFF entitlement is \$9.5 million, and local property tax revenue is estimated at \$12.5 million. Finance contends that the Claimants have not clearly demonstrated the manner in which these funds have fallen short of meeting their statutory obligations in the test claim. Furthermore, if the Commission does not deny this test claim, these funding sources should be considered as offsetting revenues during the Statewide Cost Estimate process and development of the reimbursement methodology specified in Government Code Section 17557.

Finance further contends that the Claimants have sufficient funding to cover costs incurred to implement AB 130 through their computed local control funding formula entitlement. Moreover, even if the property tax revenues were to become insufficient to pay for a district's LCFF apportionment, moving that district out of basic aid status, the statutory formulas would require the state to provide increased funding through the LCFF to meet its statutory obligations, which includes TK expansion costs. This scenario has not occurred for the Claimants, which indicates their entitlement for meeting statutory obligations is fully funded by offsetting local property tax revenues.

2. A test claim must be filed within 12 months of the effective date of the statute or within one year of when increased costs were first incurred to implement the alleged mandate. The Claimants declared increased costs were first incurred on July 1, 2023. However, AB 130 requirements to 1) limit class sizes to 24 pupils, and 2) expand TK eligibility, as specified, while maintaining a ratio of one adult for every 12 pupils, went into effect in the 2021-22 and for the 2022-23 school year, respectively. To the extent increased costs were incurred prior to July 1, 2023, as per when the respective requirements of AB 130 were in effect, this creates uncertainty as to whether the test claim is within the allowable filing parameters.

Additionally, TK admission has been required since the 2012-13 school year, pursuant to Chapter 705, Statutes of 2010 (Senate Bill 1381), and Finance is not aware of any previous mandate claims. To the extent that administration of the existing program was altered and resulted in increased costs at the discretion of the Claimants, those costs are not reimbursable. This could include enrolling TK students earlier than the timeframe specified in AB 130 or establishing classes at a lower enrollment level than required or location that necessitated more teachers or classified employees. Additionally, Finance has the following concerns with the Claimants' costs:

- Sunnyvale School District declared increased costs to fund three additional teachers at \$1 million from July to December 2023 and estimates the district will incur an additional \$1.3 million from January 2024 to June 2024. For the costs incurred between July-December 2023, this equates to an average cost of roughly \$339,000 per teacher, inclusive of salary and benefits. The estimated costs to fund the three teachers from January-June 2024 equate to roughly \$430,000 per teacher, inclusive of salary and benefits. For 2024-25, the increased estimated cost to fund three additional teachers is \$514,000 in 2024-25, or \$171,000 per teacher. It is unclear why the 2023-24 salary and benefits costs are significantly higher than in 2024-25, or if the 2023-24 expenses include additional costs outside the scope of the alleged mandate.
- Sunnyvale School District declared increased costs to fund three classified employees (paraeducators) of \$386,000 from July to December 2023 and estimates that the district will incur an additional \$578,000 from January 2024 to June 2024. For the costs incurred between July-December 2023, this equates to an average cost of roughly \$129,000 per paraeducator, inclusive of salary and benefits. The estimated costs to fund the three paraeducators from January-June 2024 equate to roughly \$192,000 per paraeducator, inclusive of salary and benefits. For 2024-25, the increased estimated cost to fund three additional paraeducators is \$162,000 in 2024-25, or \$54,000 per paraeducator. Similarly, it is unclear why the 2023-24 salary and benefits costs are significantly higher than in 2024-25, or if the 2023-24 expenses include additional costs outside the scope of the alleged mandate.
- Hope Elementary School District declared the increased estimated cost to fund two additional teachers at roughly \$355,000 in 2023-24. However, the Pay09a report submitted as documentation identifies three teachers being supported in 2023-24. This report does not identify full-time equivalents (FTEs) to determine if this did equate to two teachers throughout the schoolyear. Without such confirmation, this may demonstrate TK costs incurred prior to July 1, 2023, for one teacher. A similar issue presents for the classified staff costs, but only for the time period of July 1 to December 31, 2023.
- Hope Elementary School District reported average daily attendance (ADA) for TK at 30 and 43 at the 2022-23 and 2023-24 P-2 reporting periods, respectively, for an increase of 13 ADA. Using ADA as a reasonable proxy of enrollment, it is unclear why two additional teachers as well as two additional classified staff (or three additional teachers and classified staff per the Pay09a) to serve that increase were required in 2023-24 to adhere to AB 130.
- Hope Elementary School District declared increased estimated costs to fund three- and one-half additional teachers and three- and one-half additional classified staff for 2024-25. If the increase in ADA/enrollment follows a similar trend as 2023-24, is unclear why that level of additional resources for the two additional months of eligible students is required.

Finance believes the Commission should deny reimbursement for these costs due to the reasons listed above.

Finance also notes that the declaration of both Claimants stated increased costs in 2024-25 related to enrolling TK students from September 2 through April 2. Given that is the same admission timeframe as 2023-24, there should be no additional costs incurred.

If the test claim is not denied, Finance believes a further examination of both Claimants' estimated costs is warranted and should be pursued by the Commission.

If you have any questions regarding this letter, please contact Brittany Thompson, Principal Program Budget Analyst, at (916) 445-0328.

Sincerely,

A handwritten signature in black ink that reads "Chris Ferguson". The script is cursive and fluid.

Chris Ferguson
Program Budget Manager

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 July 11, 2024, I served the:

- **Current Mailing List dated July 10, 2024**
- **Finance's Comments on the Test Claim filed July 11, 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 July 11, 2024 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/10/24

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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Exhibit C

RECEIVED

August 8, 2024

**Commission on
State Mandates**

August 8, 2024

Heather Halsey

Executive Director

Commission on State Mandates

980 Ninth Street, Suite 300

Sacramento, CA 95814

Re: Test Claim: Transitional Kindergarten 23-TC-02
Claimants Sunnyvale School District and Hope Elementary
School District Comments

Dear Ms. Halsey:

Sunnyvale School District and Hope Elementary School District (“Claimants”) provide the following rebuttal comments in response to the comments filed by the Department of Finance (“Finance”) dated July 11, 2024.

As will be explained in detail below, Claimants assert the test claim should be approved as a reimbursable mandate since: (1) the Transitional Kindergarten (TK) constitutes a new program or higher level of service; (2) the associated costs are not funded through state funding and (3) the test claim was filed in a timely manner.

I. Response to Department of Finance Concern 1

The Transitional Kindergarten (TK) constitutes a new program or higher level of service. In the 2023–2024 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by Sunnyvale requiring the following activities and costs. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), Effective Date: July 9, 2021.) The increased costs incurred relating to these new activities were first incurred on July 1, 2023.

The state created Transitional Kindergarten eligibility window expands by a few months every year. In 2025-26, all 4-year-olds will be eligible. Research has shown that TK has many benefits for children, including higher rates of graduation and employment, less

criminal activity later in life and overall better health, while parents benefit economically from an extra year of free care for their children.

Transitional kindergarten is meant to be a low-key environment where children spend most of their day playing and learning social skills. Typically, children learn to take turns and make friends, express themselves and regulate their emotions, recognize simple words, and learn fine motor skills such as holding a pencil.

a. TK is a new program or higher level of service initiating claimants to incurred increased costs.

In the 2023–2024 school year, claimants *shall* maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Sunnyvale first incurred increased actual costs on July 1, 2023 for an additional five teachers' salaries and benefits in the amount of \$824,582.00 for the period July 1, 2023 to June 30, 2024. These increased costs for Sunnyvale are estimated for the **2024–2025** school year to be in the amount of \$849,320.00. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E)(g)(1), Effective Date: July 9, 2021.) (See Sunnyvale supplemental declaration.)

For the activity in the 2023–2024 school year to maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite, Hope first incurred increased actual costs from July 1, 2023 to June 30, 2024 for 2.5 (FTE) additional teachers' salaries and benefits in the amount of \$433,671.46. The enrollment for 2023-2024 was forty-six (46) and the ADA was 43.64. These increased costs for Hope are estimated for the **2024–2025** school year to be in the amount of \$352,970.00. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E)(g)(1), Effective Date: July 9, 2021.) (See Hope supplemental declaration.)

Additionally, the Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Sunnyvale first incurred increased actual costs on July 1, 2023 for salaries and benefits for an additional seven classified (paraeducators) employees in the amount of \$410,479.00 for the period July 1, 2023 to June 30, 2024. These increased costs are estimated for the **2024–2025** school year to be in the amount of \$362,395.00. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(2), Effective Date: July 9, 2021.) (See Sunnyvale supplemental declaration.)

For the Transitional Kindergarten Program activity that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite necessitated claimant Hope to incur increased costs. Hope first incurred increased actual costs from July 1, 2023 to June 30, 2024 for salaries and benefits for 1.65 (FTE) additional classified employees in the amount of \$83,963.03. For this activity Hope’s increased costs are estimated for the **2024–2025** school year to be in the amount of \$64,990.00. (See Hope supplemental declaration.)

b. State Budgets for 2023-2024; 2024-2025 did not include funding to be received by the Claimants for TK activities.

The foundation of mandate law prohibits new programs or a higher level of service required by the State to be implemented by local educational agencies without delivering adequate funding or without encroaching existing funding already being received by the local educational agencies. This is the basis for the state budget including funding for the TK program.

The State 2023-2024 and 2024-2025 Budgets included funding for transitional kindergarten and TK adult-to-student ratios of 12:1. However, the State 2023-2024 and 2024-2025 Budgets did not provide transitional kindergarten program funding for basic aid school districts. (Test Claim: TK 0012)

c. Finance comments are conflicting to established mandate law.

Finance discussed at length LCFF funding received by all local educational agencies and that these funds may be used for TK. Finance comments are in direct contradiction of mandate law when asserting “Finance is not aware of any law or restriction that would preclude the use of these funds (LCFF) for TK costs.” Finance comments also fail to acknowledge the funding received by school districts specifically for the TK program in addition to the LCFF funds received by LEA. This argument fails to explain why LEA’s received TK funding and basic aid districts were excluded.

II. Response to Finance Concern 2

In the 2023–2024 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by Sunnyvale requiring the following activities and costs. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E). The increased costs incurred relating to these new activities were first incurred on July 1, 2023.

Claimants have the option to file a test claim no later than 12 months (365 days) following of the effective date of the statute(s) or executive order(s) pled or within 12 months (365 days) of the date costs were first incurred to implement the alleged mandate. (Gov. Code § 17551(c); Cal. Code Regs., tit. 2, §§ 1183.1(c) and 1187.5.)¹

The test claim was filed on January 22, 2024. The test claim included actual and estimated² costs for fiscal year 2023-2024 and estimated costs for 2024-2025. The test claim was timely filed within 365 days of the claimants first incurring costs on July 1, 2023 to implement the transitional kindergarten program mandate requiring in the 2023–2024 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program. (Gov. Code § 17551(c); Cal. Code Regs., tit. 2, §§ 1183.1(c) and 1187.5); (Test Claim Section 4(b).)

Finance provides no legal support for their request of a further examination of Claimants’ estimated costs. Upon the approval of the test claim, the State Controller is authorized to review the costs incurred by the claimants and other school districts that file a claim for reimbursement. The actual and estimated costs included in the test claim comply with the applicable statutes and regulations.

III. Finance Comments are non-compliant.

Claimants object to Finance comments dated July 11, 2024. Finance comments must not be relied upon by the Commission or included in the record due to the comments failing to comply with the applicable California Code of Regulations.

Oral or written representations of fact offered by any person *shall* be under oath or affirmation and signed under penalty of perjury by persons who are authorized and competent to do so and must be based on the declarant’s personal knowledge, information or belief. (Cal. Code. Regs., tit. 2 §§ 1183.2 and 1187.5.) If representations of fact are made, they must be supported with documentary evidence filed with the comments on the test claim. (Cal. Code. Regs., tit. 2 §§ 1183.2 and 1187.5.)

¹ Test Claim is Timely Filed on [Insert Filing Date] [select either A or B]: **January 22, 2024.**

☐ A: Which is not later than 12 months (365 days) following [insert effective date] ____/____/____, the effective date of the statute(s) or executive order(s) pled; or

☒ B: Which is within 12 months (365 days) of [insert the date costs were first incurred to implement the alleged mandate] **07/01/2023**, which is the date of first incurring costs as a result of the statute(s) or executive order(s) pled. This filing includes evidence which would be admissible over an objection in a civil proceeding to support the assertion of fact regarding the date that costs were first incurred. (Claimants’ Test Claim Form)

² Test claim filed on January 22, 2024 included claimants actual costs for the period July 1, 2023 to December 31, 2023, estimated costs for the period January 1, 2024 to June 30, 2024 and estimated costs for the 2024-2025. Attached to these comments claimants provided supplemental declarations of the actual costs for 2023-2024 and estimated costs for 2024-2025.

Re: Test Claim: Transitional Kindergarten 23-TC-02
Claimants Sunnyvale School District and Hope Elementary School District Comments

Finance comments are defective in failing to include the required oath or affirmation. Additionally, Finance representations of fact are not supported by documentary evidence.

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.

August 8, 2024

Arthur Palkowitz
Arthur M. Palkowitz
Representative for the Claimant

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Declaration- Arthur Cuffy, Chief Business Officer
Sunnyvale School District

SECTION NUMBER: 6
Heading: DECLARATION

I, Arthur Cuffy, Chief Business Officer, Sunnyvale School District (“Sunnyvale” or “District”) declare as follows:

1. I commenced my employment with Sunnyvale on or about April 1, 2024 and I am currently employed with Sunnyvale.
2. I have personal knowledge of the actual and estimated costs incurred by the District for the Transitional Kindergarten (“TK”) Program, Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021. (pages 90-93.) The information contained in my declaration is from preparing and reviewing District business records, my personal knowledge, information, or belief pertaining to the Transitional Kindergarten Program.
3. In California, school districts receive funding through a formula known as the Local Control Funding Formula (LCFF). Under the LCFF, each district receives a base grant per student, and additional funds are provided based on the specific needs of the students, such as low-income students, English learners, and foster youth. This funding system is intended to address the disparities in resources and opportunities among students.
4. Sunnyvale is a California basic aid school district. Basic Aid school districts receive property tax revenue instead of funding under the LCFF formula. Basic aid school districts did not receive funding from the state for pupils admitted to the Transitional Kindergarten Program.
5. TK is funded for school districts based on the same average daily attendance (ADA) calculation as all other students. If a school offers transitional kindergarten, it receives the same amount of funding from the State for each of those students as it does for its traditional kindergarteners. Sunnyvale did not receive funding for the Transitional Kindergarten Program in FY 2023-2024.
6. Sunnyvale first incurred costs on July 1, 2023 for the Transitional Kindergarten Program requirements for the 2023–2024 school year as follows:
 - (i) The Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall maintain an average transitional

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Declaration- Arthur Cuffy, Chief Business Officer
Sunnyvale School District

kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Sunnyvale first incurred increased actual costs on July 1, 2023 for an additional five teachers' salaries and benefits in the amount of \$824,582.00 for the period July 1, 2023 to June 30, 2024. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), (g)(1), Effective Date: July 9, 2021. (pages 90-93.)

- (ii) The Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Sunnyvale first incurred increased actual costs on July 1, 2023 for salaries and benefits for an additional seven classified (paraeducators) employees in the amount of \$410,479.00 for the period July 1, 2023 to June 30, 2024. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(2), Effective Date: July 9, 2021.)

7. Sunnyvale's Transitional Kindergarten increased estimated **2024-2025** costs are as follows:

(i) The Transitional Kindergarten Program required that in the 2024–25 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity Sunnyvale will incur increased estimated costs for an additional five teachers' salaries and benefits in the amount \$849,320. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F)(g)(1), Effective Date: July 9, 2021.)

(ii) The Transitional Kindergarten Program required that in the 2024–25 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity Sunnyvale will incur increased estimated costs for salaries and benefits for an additional six classified (paraeducators) employees in the amount of \$362,395. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F)(g)(2), Effective Date: July 9, 2021.)

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Declaration- Arthur Cuffy, Chief Business Officer
Sunnyvale School District

Sunnyvale's General funds are anticipated to be the funding sources for the Transitional Kindergarten Program costs in 2023-2024 and 2024-2025.

8. I am unaware of any local, state, or federal funds or fee authority that may be used to offset the increased costs that will be incurred by claimant to implement the alleged mandate, including direct and indirect costs.

9. The State 2023-2024 Budget provided \$597 million ongoing Proposition 98 General Fund to school districts, excluding basic aid districts, in the 2023-24 school year, for the transitional kindergarten program. (<https://lao.ca.gov/Publications/Report/4682>)


10. An estimate of the statewide cost basic aid school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed is the amount of \$10 Million.

11. Sunnyvale agrees to file this test claim as a joint effort and attests to all of the following in the test claim filing:

- (1) Sunnyvale alleges state-mandated costs result from the same statute or executive order;
- (2) Sunnyvale agrees on all issues of the test claim; and
- (3) Sunnyvale has designated one person to act as the sole representative for all claimants.

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 information and belief and I am authorized and competent to do so.

Dated: July 22, 2024



ARTHUR CUFFY
CHIEF BUSINESS OFFICER
SUNNYVALE SCHOOL DISTRICT

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Section: 6 Declaration- Mike Thomson, Chief Business Official,
Hope Elementary School District

SECTION NUMBER: 6
Heading: DECLARATION

I, Mike Thomson, Chief Business Official, Business Office, Hope Elementary School District ("District") declare as follows:

1. I commenced my employment with the District on August 16, 2017 and I am currently employed with the District.
2. I have personal knowledge of the actual and estimated costs incurred by the District for the Transitional Kindergarten ("TK") program, Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021. (pages 90-93.) The information contained in my declaration is from preparing and reviewing District business records, my personal knowledge, information, or belief pertaining to the Transitional Kindergarten program.
3. In California, school districts receive funding through a formula known as the Local Control Funding Formula (LCFF). Under the LCFF, each district receives a base grant per student, and additional funds are provided based on the specific needs of the students, such as low-income students, English learners, and foster youth. This funding system is intended to address the disparities in resources and opportunities among students.
4. District is a California basic aid school district. Basic Aid school districts receive property tax revenue instead of funding under the LCFF formula. Basic aid school districts do not receive funding from the state for pupils admitted to the Transitional Kindergarten program.
5. TK is funded for school districts based on the same average daily attendance (ADA) calculation as all other students. If a school offers transitional kindergarten, it receives the same amount of funding from the State for each of those students as it does for its traditional kindergarteners. Hope did not receive funding for the transitional kindergarten program for FY 2023-2024.
6. District first incurred increased costs on July 1, 2023 for the Transitional Kindergarten Program requirements for the 2023–24 school year as follows:
 - (i) The Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall maintain an average transitional

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Section: 6 Declaration- Mike Thomson, Chief Business Official,
Hope Elementary School District

kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity District first incurred increased actual costs from July 1, 2023 to June 30, 2024 for 2.5 (FTE) additional teachers' salaries and benefits in the amount of \$433,671.46. The enrollment for 2023-2024 was forty-six (46) and the ADA was 43.64. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(1), Effective Date: July 9, 2021. (pages 90-93.)

- (ii) The Transitional Kindergarten Program required that in the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity District first incurred increased actual costs from July 1, 2023 to June 30, 2024 for salaries and benefits for 1.65 (FTE) additional classified employees in the amount of \$83,963.03. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E),(g)(2), Effective Date: July 9, 2021.

I have personal knowledge of the District's Transitional Kindergarten Program costs in 2023-2024 that includes increased actual costs for additional teachers and classified employees.

- 7. District's Transitional Kindergarten Program increased estimated costs for **2024-2025** are as follows:
 - (i) The Transitional Kindergarten Program required that in the 2024–2025 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite. For this activity District will incur increased estimated costs for 2 (FTE) additional teachers' salaries and benefits in the amount of \$352,970.00. (Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F),(g)(1), Effective Date: July 9, 2021. (pages 90-93.)
 - (ii) The Transitional Kindergarten Program required that in the 2024–2025 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school and the school district shall, maintain an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite. For this activity District will incur increased

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Section: 6 Declaration- Mike Thomson, Chief Business Official,
Hope Elementary School District

estimated costs for salaries and benefits for salaries and benefits for 1.25 (FTE) additional part-time classified employees in the amount of \$64,990.00.
(Assembly Bill No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F),(g)(2), Effective Date: July 9, 2021. (pages 90-93.)

I have personal knowledge of the District's Transitional Kindergarten Program costs in 2024-2025 that includes estimated increased actual costs for additional teachers and classified employees.

8. District's General funds are anticipated to be the funding sources for the TK costs in 2023-2024 and 2024-2025.

9. The California 2023-2024 State Budget provided \$597 million ongoing Proposition 98 General Fund to school districts, excluding basic aid districts, in the 2023-24 school year, for the transitional kindergarten program. (<https://lao.ca.gov/Publications/Report/4682>)

10. I am unaware of any local, state, or federal funds or fee authority that may be used to offset the increased costs that will be incurred by Hope, a basic aid district, to implement the alleged mandate, including direct and indirect costs.

11. An estimate of the statewide cost basic aid school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed is the amount of \$10 Million.

12. I am unaware of any prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate.

13. Hope agrees to file this test claim as a joint effort and District attests to all of the following in the test claim filing:

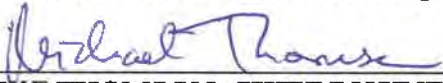
- (i) District alleges state-mandated costs result from the same statute or executive order;
- (ii) District agrees on all issues of the test claim; and

Test Claim: Transitional Kindergarten Program
Claimants: Sunnyvale School District
Hope Elementary School District
Section: 6 Declaration- Mike Thomson, Chief Business Official,
Hope Elementary School District

(iii) District has designated one person to act as the sole representative for all claimants.

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 information and belief and I am authorized and competent to do so.

Dated: July 30, 2024



MIKE THOMSON, CHIEF BUSINESS OFFICIAL
HOPE ELEMENTARY SCHOOL DISTRICT



Schools For Sound Finance

1121 L Street, Suite 1060 ♦ Sacramento, CA 95814 ♦ (916) 446-7517

2024-25 Board

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July 25, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Schools For Sound Finance [(SF)²], the statewide association of community-funded (“basic aid”) school districts, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As the statewide association supporting community-funded school districts, we are concerned with the harmful precedent of the state establishing an increased level of educational requirements on our school districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state’s mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is

Schools For Sound Finance

1121 L Street, Suite 1060 ♦ Sacramento, CA 95814 ♦ (916) 446-7517

providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Anthony Ranii
President, Schools for Sound Finance

Superintendent, Montecito Union School District
385 San Ysidro Road
Santa Barbara, CA 93108
(805) 969-3249
aranii@montecitou.org

cc: Members and Staff, Commission on State Mandates



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August 2, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Association of California School Administrators (ACSA), I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a statewide association, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on school districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-

funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Edgar Zazueta, Ed.D.
Executive Director
Association of California School Administrators
1029 J Street, Suite 500
Sacramento, CA 95814
(916) 329-4321
ezazueta@acsa.org

cc: Members and Staff, Commission on State Mandates



August 1, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the California Association of School Business Officials, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a statewide association, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on school districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state

is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Mishaal Gill

Director, Policy and Advocacy
California Association of School Business Officials

1001 K Street, 5th Floor | Sacramento, California 95814
Phone Number: (916) 504-2250
mgill@casbo.org

cc: Members and Staff, Commission on State Mandates

July 26, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of CFT — A Union of Educators & Classified Professionals, AFT, AFL-CIO, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a statewide association, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on school districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing

resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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. Should you have any questions, please do not hesitate to reach me at tbrown@cft.org.

Sincerely,



Tristan Brown
Legislative Director, CFT
1107 9th Street, Ste. 460
Sacramento, CA 95814
tbrown@cft.org

TB: ac-opeiu#29 afl-cio



July 26, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the California School Boards Association, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a statewide association, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on school districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

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Gayle Miller, Chairperson
July 26, 2024
Page 2

and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Kristin Lindgren-Bruzzone
General Counsel
California School Boards Association
3251 Beacon Blvd.
West Sacramento, CA 95691
916-669-3243
klindgren-bruzzone@csba.org

cc: Members and Staff, Commission on State Mandates



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Sacramento, CA 95814
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EXECUTIVE BOARD

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Melanie Matta, Superintendent/Principal
Hope Elementary School District

Dr. Nicole Newman, Superintendent
Wheatland Union High School District

Tom O'Malley, Superintendent
Modoc Joint School District

Dr. Jeremy Powell, Superintendent
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Liberty School District

Dr. Catherine Reimer,
Superintendent/Principal
San Ardo Union Elementary School District

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La Honda-Pescadero Unified SD

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SSDA OFFICE

Yuri Calderon, Executive Director,
(619) 254-2778; yuri@ssda.org

Kristina Chavez, Administrative Assistant,
(916) 750-0722; kristina@ssda.org

August 1, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Small School Districts' Association I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a statewide association, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on school districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.



The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

A handwritten signature in black ink, appearing to read "Yuri Calderon", with a stylized flourish at the end.

Yuri Calderon
Executive Director
925 L Street, Suite 1185
Sacramento, CA 95814
(619) 254-2778
yuri@ssda.org





acalanes Union High School District

1212 Pleasant Hill Road, Lafayette, CA 94549

www.acalanes.k12.ca.us

925-280-3900 ♦ Fax 925-280-3903

July 18, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Acalanes Union High School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a high school district, we are primarily concerned with the harmful precedent of the State establishing an increased level of educational requirements on districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the State expects all local educational agencies (LEAs) to make 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 three fiscal years, the State has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the State's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of State funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the State is providing UTK resources to State-funded districts and not providing resources to community-funded districts despite the State maintaining that implementation of UTK is an expectation of all school districts.

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We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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,



John Nickerson
Superintendent

Acalanes Union High School District
1212 Pleasant Hill Rd., Lafayette, CA 94549
925-280-3902
jnickerson@auhsdschools.org

cc: Members and Staff, Commission on State Mandates



Alexander Valley Union School District

"A California Distinguished School"

Matt Reno
Superintendent-Principal

July 29, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Alexander Valley School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts. Our school district financial estimates for the full implementation of TK would cost us over \$90,000.00 in start-up costs, and an additional \$125,000.00 to operate annually. In order for our district to fully operate a TK program we would likely need to cancel program offerings and pull funding from our enrichment programs like art, music, fine arts, as well as incur a major reduction in specialized intervention supports.



Alexander Valley Union School District

"A California Distinguished School"

Matt Reno
Superintendent-Principal

I should note, the DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Matt Reno
Superintendent/Principal
Alexander Valley School District
8511 Hwy 128
Healdsburg, CA 95448
707-433-1375
mreno@alexandervalleyusd.org

cc: Members and Staff, Commission on State Mandates

Pam Rennick
Superintendent/Principal

BALLARD SCHOOL DISTRICT
2425 SCHOOL STREET
SOLVANG, CALIFORNIA 93463
(805) 688-4812

GOVERNING BOARD:
Tracey Cassidy
Séan A. Conroy
A. Arthur Kaslow

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Ballard School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would

otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

There have been additional costs that we have had to account for because of UTK implementation. These additional costs include: funding and additional classroom aide to keep the ratio at 12:1, additional breakfast and lunches served and additional Extended Learning Opportunity costs because of the extended after school time for our TK students. Currently, the cost to sustain this mandate is taken from our general fund, with the exception of the extended learning opportunities, that is funded by the ELO funds.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Pam Rennick

Pam Rennick, Superintendent/Principal
Ballard School District
2425 School St.
Solvang, CA 93463

(805)688-4812
prennick@ballardschool.org

cc: Members and Staff, Commission on State Mandates



Bonny Doon Union Elementary School District

Engaging the mind, the heart, and the spirit



1492 PINE FLAT ROAD * SANTA CRUZ, CALIFORNIA 95060

Phone: 831-427-2300 * Fax: 831-427-2800

Website: www.bduesd.org

Superintendent/Principal: Mike Heffner * mheffner@bduesd.org

Assistant to the Superintendent: Ola Muanier * omuanier@bduesd.org

July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Bonny Doon Union Elementary School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

As a result of our implementation of UTK, our district has experienced additional, unfunded costs to implement this mandate. We have experienced increased staffing costs (both certificated and classified) to support implementation. Additional and new furniture has been purchased. Increased food costs for students have been incurred. New curricular materials were necessarily purchased to meet the needs of an expanding age group. These costs are significant for a single-school district, and deeply unfair. In order to fund these expenditures, the district has had to forego making necessary facility improvements, delayed other curricular and classroom purchases, and reduced funding for our music and science programs that serve all TK-6 students at our campus.


The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Our district thoughtfully and consistently uses our MSA and EPA funds to support all students to master grade-level standards by employing an Intervention Specialist (part-time) and an instructional aide. These funding sources do not fully cover these prioritized positions, requiring a contribution from our general fund.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.


Mike Heffner, Superintendent/Principal
Bonny Doon Union Elementary School District
1492 Pine Flat Rd. Santa Cruz, CA 95060
831-427-2300
mheffner@bduesd.org

cc: Members and Staff, Commission on State Mandates



CALISTOGA JOINT UNIFIED SCHOOL DISTRICT

1520 LAKE STREET • CALISTOGA, CALIFORNIA 94515

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DR. AUDRA PITTMAN

July 26, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Calistoga Joint Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

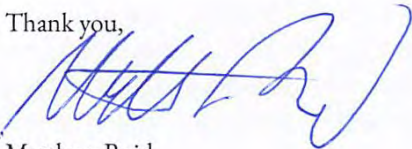
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We implore that the Commission staff recommends the test claim to be approved and that Commission members approve the claim when it is heard this fall.

Thank you,



Matthew Reid
Board Member
Calistoga Joint Unified School District
1520 Lake St.
Calistoga, CA 94515
707.942.4703
mreid@calistogajusd.org

cc: Members and Staff, Commission on State Mandates



CALISTOGA JOINT UNIFIED SCHOOL DISTRICT

1520 LAKE STREET • CALISTOGA, CALIFORNIA 94515

BOARD OF TRUSTEES

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LAUREL RIOS

SUPERINTENDENT

DR. AUDRA PITTMAN

July 26, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Calistoga Joint Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 re-benching Proposition 98 with General Fund dollars to account for the newly eligible TK students. Over the past three fiscal years, the state has provided approximately \$1.8 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.

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community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Calistoga Joint Unified School District has had to maintain an extra teaching position and possibly another by 2025-26. The current annual cost of this position is over \$192,000. Next year this cost could double to \$384,000. These costs to the district's general fund are taking resources away from other student programs that would support student academic growth.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Our District receives MSA and EPA dollars on a yearly basis. This funding is and has been a part of yearly operating expenditures in the past, present and future. This is not extra money that the district receives but is part of overall funding that is used to meet the basic operational needs of the district. If we were to use this money for UTK expansion, other programs and resources would be reduced because these dollars are already part of our continuing operating budget.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Audra Pittman, Ph.D.
Superintendent
Calistoga Joint Unified School District
1520 Lake St.
Calistoga, CA 94515
707.942.4703

apittman@calistogajusd.org



cc: Members and Staff, Commission on State Mandates



Campbell Union School District
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Superintendent
Shelly Viramontez, Ed.D.
408-364-4200

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Campbell Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

While we appreciate the opportunity to support our students at a younger age, it has caused significant impact to our district. Not only have we needed to add additional staff beyond what is typical in our other grades due to the low 12:1 student to staff ratios. Additionally, due to the needs of these younger learners, many who have never attended school, we needed to provide additional professional development for staff and administrators. We have also needed to hire additional behavior specialist support specifically for this grade span. We have also needed to hire additional yard supervision support to ensure safety for these younger learners. We have made some modifications to buildings and classrooms to accommodate smaller toilets and sinks. These funds pulled from our general fund dollars, reducing the funds available for students in all the other grades.

As a community funded district, we do not get Supplemental and Concentration grants even though they are part of the LCFF entitlement. The minimum state aid (MSA) provision and the Education Protection Account (EPA) that we receive, which is used to address the needs of Unduplicated Students to increase or improve services. The cost of providing services to the high need students is over and beyond what the state dollars cover. In addition, implementing UTK puts more cost burden on our district as it redirects the funds which would otherwise be used to support the core educational programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Dr. Shelly Viramontez

Superintendent, Campbell Union School District
155 N. Third Street
Campbell, CA 95008
(408)364-4200
sviramontez@campbellusd.org



July 25, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Cardiff School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The additional cost to the District for the first year of implementation is about \$900,000 which is about 8% of our total operating budget. This is a huge impact if there was not a direct revenue source.

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1888 Montgomery Avenue, Cardiff-by-the-Sea, CA 92007 www.cardiffschools.com 760-632-5890



The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

The total of our Minimum State Aid and Education Protection Account dollars is approximately \$500,000, which is roughly equivalent to the cost of three general education classroom teachers. This is a significant part of our yearly operating budget, and the district would be significantly impacted if these were to be reduced. There are no leftover funds to implement the cost of another grade level in our district.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Jill Vinson, Superintendent
Cardiff School District
1888 Montgomery Avenue
Cardiff, CA 92007
(760)632-5890
jill.vinson@cardiffschools.com

cc: Members and Staff, Commission on State Mandates

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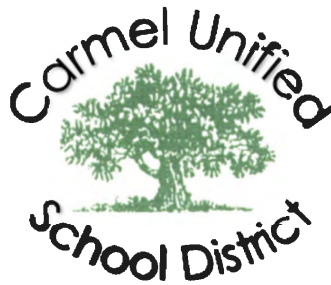
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July 31, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Carmel Unified School District I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded

1 | Page

districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The following table provides a history of increasing personnel costs related to expanding the Transitional Kindergarten Program. By 2025-26 the average cost for each Transitional Kindergarten Classroom is \$241,457, as compared to \$164,441 for a regular Kindergarten class of 20-24 students.

School Year	2021-22	2022-23	2023-24	2024-25	2025-26 Est
Transitional Kindergarten Teachers	1	2	2	2	3
Transitional Kindergarten Paraprofessional		1	1	2	3
Enrollment	14	27	28	43	54
Adult/Student Ratio	1:20	1:12	1:12	1:12	1:10
Personnel Cost Certificated Teacher (Total Compensation)	\$161,968	\$217,628	\$334,503	\$338,796	\$493,324
Personnel Cost Paraeducator (Total Compensation)		\$36,068	\$66,193	\$164,477	\$231,047
Total Compensation Cost (Salary, Statutory and Health Benefits)	\$161,968	\$253,696	\$400,696	\$503,273	\$724,371
Change Year over Year		56.63%	57.94%	25.60%	43.93%
Percent Change from 2021-22 to 2025-26 Projected					347.23%

In addition, there are additional costs and impacts that are difficult to quantify, but that are definitive factors that affect community funded districts, some impacts shared by are state funded districts, others that are unique to community funded districts.

1. **Increased Personnel Costs:** The expansion of the TK Program has resulted in a 347% increase in personnel costs, as detailed in the referenced table. This significant rise reflects the additional staffing required to accommodate the growing number of TK students.
2. **Additional Costs:**
 - o **Curriculum and Classroom Resources:** With the increase in TK class sizes, new curriculum materials and smaller furniture had to be purchased to meet the needs of younger students.
 - o **Facilities Impact:** Classrooms had to be relocated closer to restrooms to accommodate TK students, incurring costs for moving and adapting these spaces.
 - o **Special Education Services:** The earlier enrollment of students in the district has increased the demand for more intensive special education services and Student Study Teams (SST), which involve additional assessments and support structures.
 - o **Shift from Private Settings:** As more children transition from home or private preschool environments to public TK, we anticipate a rise in the need for Individual Education Plans (IEPs) and 504 Plans.
3. **Class Size Management:** TK is governed by a hard cap on student-teacher ratios, which creates expensive staffing challenges. For example, if classes are staffed at a 1:10 ratio and an 11th student enrolls, the district must either violate the hard cap—resulting in significant penalties—or add an additional classroom, costing an average of \$241,457 in personnel total compensation costs.
4. **Challenges in Coastal Communities:** Our district, like many community-funded districts, faces unique challenges due to its coastal location:
 - o **Regulatory Hurdles:** Expanding school facilities in coastal areas requires approval from the Coastal Commission, a process that is time-consuming and often takes years, unlike in non-coastal communities.
 - o **Higher Cost of Living:** The cost of living in coastal areas is significantly higher—often four times that of non-coastal communities—further straining our district's budget.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Minimum State Aid (MSA) and Education Protection Act (EPA) funds were previously allocated and continue to support elective programs at middle and high schools. These funds cannot be reallocated to cover the costs of TK expansion without cuts to these programs.

The TK expansion, combined with a projected 16% increase in health benefits and PERS costs approaching 30% of payroll, places immense pressure on our district's budget. The 347% increase in TK-personnel related costs severely impacts our ability to sustain existing programs and attract qualified staff.


The expansion of the TK Program has placed a disproportionate burden on our district, particularly given the high cost of living and regulatory challenges in our community. Without additional funding, our ability to deliver a quality education is compromised.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Sharon Ofek  Superintendent
4380 Carmel Valley Road
Carmel, CA 93923
831-624-1546 ext 2021
sofek@carmelunified.org

cc: Members and Staff, Commission on State Mandates



Cold Spring School District

2243 Sycamore Canyon Road, Santa Barbara, CA 93108

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July 18, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Cold Spring School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 re-benching Proposition 98 with General Fund dollars to account for the newly eligible TK students. Over the past three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

In order to implement Transitional Kindergarten effectively, The District has had to build an additional classroom, hire a teacher, and instructional assistant, purchase student desks and furniture, textbooks and instructional materials, purchase playground equipment, provide professional learning to staff, expand custodial services to ensure the classroom and bathroom is clean and ready for students. The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Currently, our EPA dollars are used to fund certificated teachers. Our MSA funds have been allocated to the general fund to support the educational program.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



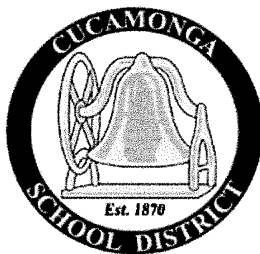
Amy Alzina, Ed.D., Superintendent/Principal
Cold Spring School District
aalzina@coldspringschool.net

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cc: Members and Staff, Commission on State Mandates

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July 31, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Cucamonga School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Education...The Key to a Successful Future.

TK Letters 036

Our district has always had a full-day TK program at each of our three elementary schools. Due to changes in the laws and increased enrollment in TK we added an additional teacher last year. The full-day TK program is funded under our LCAP. The total cost of our four TK teachers is estimated at \$720,898. This cost could have been utilized to cover part of our intervention program. During FY 23-24, state grant funds were used to fund the TK aides to meet the required staffing ratios. However, for FY 24-25, we will be using the unrestricted general fund to pay for the TK aides. The estimated cost for the TK aides is \$231,093.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

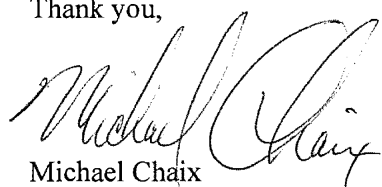
Currently, the EPA dollars of \$459,468 fund teacher salaries for one teacher at each site. The minimum state aid of \$2,130,982 is used to fund a portion of the LCAP obligation. There is no leftover funding to implement the costs of UTK in our district.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Michael Chaix
Superintendent

8776 Archibald Ave
Rancho Cucamonga, CA 91730

(909) 987-8942

mchaix@cuca.k12.ca.us

cc: Members and Staff, Commission on State Mandates

11232 El Camino Real
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www.dmusd.org



Superintendent
Holly McClurg, Ph.D.

Board of Trustees
Gee Wah Mok, Esq., President
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Erica Halpern, Member
Doug Rafner, Esq., Member

August 2, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Del Mar Union School District (DMUSD), I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state

is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

In DMUSD, UTK implementation is estimated to cost approximately \$4 million annually. This is a cost that does not include any one-time costs such as curriculum, professional learning for our teaching staff, facilities investments to ensure that we have appropriate classrooms for all of our UTK students, furniture, or technology. In a district with a balanced budget that is approximately \$75 million, this would mean increasing class size, eliminating STEAM learning opportunities for students, eliminating counselors, and/or eliminating intervention supports for students who are not meeting grade level standards. Any of these potential cuts would impact students at every grade level in our district, diminishing the educational program for all students. The lack of UTK funding makes it impossible to provide this program without negatively impacting the students in DMUSD.

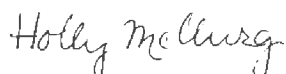
The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Holly McClurg, PhD, Superintendent
Del Mar Union School District

11232 El Camino Real
San Diego, CA 92130

(858) 755-9301

hmcclurg@dmusd.org

cc: Members and Staff, Commission on State Mandates



Dr. Gregory T. Sackos, Superintendent/Principal
P.O. Box 6 | 1434 Kaiser Road
Desert Center, California 92239
(760) 895-8254
gregsackos@eaglemtnschool.com

July 30, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Desert Center Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 replenishing Proposition 98 with General Fund dollars to account for the newly eligible TK students. Over the past three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

As we implement the UTK programs here at Desert Center Unified School District we have had to address additional costs. These additional costs include addressing playground equipment for compliance, staffing needs, professional development needs, curriculum, and transportation costs. This is not an inclusive list of additional costs.

Desert Center Unified School District Board of Trustees
Dean Primmer, President, Steve Jones, Clerk, Jim Brunton, Ross Ryding Victor Ramos



Dr. Gregory T. Sackos, Superintendent/Principal
P.O. Box 6 | 1434 Kaiser Road
Desert Center, California 92239
(760) 895-8254
gregsackos@eaglemtnschool.com

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

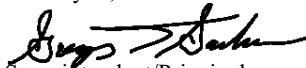
As with other districts our EPA dollars are used to support educational services and programs. It truly helps us mitigate the impact of our budget to supporting a quality education program. As a small, rural school district there are not a lot of funds remaining to address the costs of UTK in our district.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Superintendent/Principal

Desert Center Unified School District
1434 Kaiser Road
Desert Center, CA 92239
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gregsackos@eaglemtnschool.com

Desert Center Unified School District Board of Trustees
Dean Primmer, President, Steve Jones, Clerk, Jim Brunton, Ross Ryding Victor Ramos

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July 24, 2024

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

Superintendent

Andrée Grey, Ed.D.

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

**Assistant
Superintendents**

Amy Illingworth, Ed.D.
Educational Services

On behalf of the Encinitas Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

Angelica Lopez, Ed.D.
Administrative Services

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

Joseph Dougherty
Business Services

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing

students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

By adding a full grade level without funding, the Encinitas Union School District (EUSD) would be forced to reduce or dismantle programs. This would potentially include removing our robust districtwide enrichment and intervention programs and increasing class sizes in kindergarten through grade 6. Reducing or eliminating these programs would have an immediate, negative impact on all students across the district. Additionally, the estimated cost to EUSD would be approximately 4.8 million dollars which is almost 5% of our total budget.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

EUSD continues to fully utilize MSA and EPA funds each year, especially since the state decreased allocated MSA and EPA funds in 2013. EUSD uses these resources to bolster intervention programs, maintain a 24:1 student-teacher ratio for K-3 classes, and ensure home-to-school transportation services. These funds are exhausted every year without any remaining to cover UTK expenses within EUSD.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Warmly,

Andrée Grey, Ed.D.
Superintendent
Encinitas Union School District

101 S. Rancho Santa Fe Rd., Encinitas, CA 92024

760-944-4300 ext. 1111

andree.grey@eusd.net

cc: Members and Staff, Commission on State Mandates



Martha Fluor
20111 SW Cypress Street
Newport Beach, California 92660
949-933-4151
Email: marthabeyondtheboard2020@gmail.com

July 23, 2024

Dear Chairperson Miller:

As a former NMUSD school board member, CSBA Past President, and current PTA President, grandparent, and community volunteer, I am writing to reaffirm my strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the Department of Finance (DOF) comments made on July 11, 2024.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

There are significant costs associated with UTK. The district is expected to spend over \$9 million for UTK facilities in 2024-25. Unfortunately, this amount is woefully inadequate as the majority of our UTK students will still be housed in facilities that do not adhere to the state's standard for this age group. At full implementation, staffing costs alone will exceed \$8 million per year.

Consequently, the Board of Education has had to make difficult financial choices that have scrapped environmentally friendly infrastructure improvements, constrained supports to our unduplicated pupils, and limited district resources for college and career readiness programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

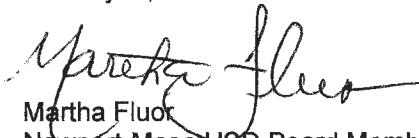
The district's Minimum State Aid and Education Protection Account dollars support our Supplemental LCFF and Special Education programs. The district supports the Supplemental LCFF program by \$23.6 million and Special Education by \$61.3 million. As such, adding another unfunded program, UTK, is a tremendous financial burden.

Newport-Mesa USD contends that 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, I strongly support the test claim filed by the Hope Elementary School District and the Sunnyvale School District. Without support from the Commission on State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

I 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,



Martha Fluor
Newport-Mesa USD Board Member (1991 – 2020)
CSBA President, 2011
Harbor Council PTA member
20111 SW Cypress Street
Newport Beach, CA 92660-0713
(949) 933-4151
marthabeyondtheboard2020@gmail.com

cc: Members and Staff, Commission on State Mandates



FREMONT UNION HIGH SCHOOL DISTRICT

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

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Fremont Union High School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a high school district, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Christine Mallery, CBO/Associate Superintendent
Fremont Union High School District

589 West Fremont Ave
Sunnyvale, CA 94087

408-522-2245

christine_mallery@fuhisd.org

cc: Members and Staff, Commission on State Mandates



FREMONT UNION HIGH SCHOOL DISTRICT

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

July 18, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Fremont Union High School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a high school district, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

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We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Graham Clark
Superintendent of Schools
Fremont Union High School District
589 W. Fremont Avenue
Sunnyvale, CA 94087
(408)522-2201
graham_clark@fuhisd.org

cc: Members and Staff, Commission on State Mandates



GOLETA UNION SCHOOL DISTRICT
Office of the Superintendent

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
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Dr. Vicki Ben-Yaacov, President
Sholeh Jahangir, Vice President
Ethan Bertrand, Clerk
Emily Zacarias, Member
Dr. Richard Mayer, Member

Superintendent
Dr. Mary Kahn

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test

Dear Chairperson Perrault:

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In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made districts like ours pay for the implementation of a new, full grade level with existing resources.

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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,

Ethan Bertrand

Ethan Bertrand, Clerk
Board of Trustees
Goleta Union School District
401 N. Fairview Ave.
Goleta, CA 93111
(805) 681-1200 ext. 2201
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cc: Members and Staff, Commission on State Mandates



GOLETA UNION SCHOOL DISTRICT
Office of the Superintendent

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Dr. Vicki Ben-Yaacov, President
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Superintendent

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Thank you,

Emily Zacarias

Emily Zacarias, Board Member
Board of Trustees
Goleta Union School District
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cc: Members and Staff, Commission on State Mandates



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Thank you,

Mary Kahn

Dr. Mary Kahn, Superintendent
Goleta Union School District
401 N. Fairview Ave.
Goleta, CA 93111
(805) 681-1200 ext. 2201
mkahn@gusd.us

cc: Members and Staff, Commission on State Mandates



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Thank you,

Dr. Richard Mayer

Dr. Richard Mayer, Board Member
Board of Trustees
Goleta Union School District
401 N. Fairview Ave.
Goleta, CA 93111
(805) 681-1200 ext. 2201
rmayer@gusd.us

cc: Members and Staff, Commission on State Mandates



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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,

Dr. Vicki Ben-Yaacov

Dr. Vicki Ben-Yaacov, President
Board of Trustees
Goleta Union School District
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cc: Members and Staff, Commission on State Mandates



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Office of the Superintendent

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Thank you,

Sholeh Jahangir

Sholeh Jahangir, Vice-President
Board of Trustees
Goleta Union School District
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Goleta, CA 93111
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cc: Members and Staff, Commission on State Mandates

August 2, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Hillsborough City School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

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Ana de Arce

The implementation of UTK in HCSD has necessitated accounting for additional costs and trade-offs that impact our budget. We have had to allocate substantial funding for hiring teachers and aides to ensure appropriate student to teacher ratios. We have had to procure and maintain age-appropriate classroom materials and furniture; additional and ongoing costs exist for supplies/materials and curriculum. Our schools now have longer lunch periods that necessitate the cost of increased supervision and increased costs associated with the Universal Meal Program. To cover these costs, we have had to reallocate funds from other programs, including reducing budgets for extracurricular activities. Funds that were initially designated for professional development and advanced training for staff were redirected to UTK implementation and this impacts all schools regardless if they have a TK on campus. The District only received \$176,506.55 UTK Implementation money, but spent \$414,956 in 2022-23 and \$425,325 respectively on 2 TK Classes that staffed by 2.0 FTE Certificated Teachers and 0.492 FTE Paraeducator, with \$25,954 initial and \$20,000 ongoing classroom set up and maintenance cost. With TK being fully implemented in 2024-25, it is costing the District 3.0 FTE Certificated Teachers and 2.0 FTE Paraeducators, or \$744,468 per year and ongoing, which is not sustainable without additional funding from the State.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

The District receives \$172,044 MSA per year, which has been allocated by enrollment to our four school sites as part of their discretionary funds. Since CDE apportions EPA by enrollment, that funding has declined over the years. The 2023-24 P-2 EPA apportionment is \$247,049. The District has always spent the entire EPA money on K-5 elementary teachers, barely covering 2.0 FTE teachers' salaries and benefits. HCSD has \$0 leftover MSA and EPA funds to cover the TK mandate, which has put a big strain on the funds on existing K-8 instructional programs.

We contend that 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 State Mandates

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(Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Ana de Arce
Superintendent
adeance@hcsdk8.org

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theoliffs@gmail.com

Don Geddis
Board Vice President
don@dongeddis.com

Gregory Dannis
Board Clerk
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(650) 342-5193

cc: Members and Staff, Commission on State Mandates

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Hope School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 re-benching Proposition 98 with General Fund dollars to account for the newly eligible TK students. Over the past three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made districts like ours pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs and absorbing TK students into K classrooms expanding the class sizes. We were able to use existing teachers and instructional aides. However, the expansion of TK for a full 12 months has meant a large increase in the number of TK students enrolling and is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts otherwise end up with fewer resources per student, per classroom, and per educator. This is what is happening in Hope School District, a community-funded district. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

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We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Brian Johnson, DC

Dr. Brian Johnson, Board of Trustees Member
Hope School District
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Santa Barbara, CA 93110
(805) 682-2564
bjohnson@hopeschooldistrict.org

cc: Members and Staff, Commission on State Mandates



Hope School District

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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,

Daniel Cunnison

Daniel Cunnison, Board of Trustees
Hope School District
3970 La Colina Road, #14
Santa Barbara, CA 93110
(805) 682-2564
dcunnison@hopeschooldistrict.org

cc: Members and Staff, Commission on State Mandates



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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,

Erik Vasquez

Erik Vasquez, Board of Trustees
Hope School District
3970 La Colina Road, #14
Santa Barbara, CA 93110
(805) 682-2564
evasquez@hopeschooldistrict.org

cc: Members and Staff, Commission on State Mandates



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Gayle Miller, Chairperson
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980 9th Street, Suite 300
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Thank you,

Frann Wageneck, Ed.D.

Dr. Frann Wageneck, Board of Trustees President
Hope School District
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Santa Barbara, CA 93110
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Thank you,

Dr. Kelly Keogh

Dr. Kelly Keogh, Board of Trustees, Clerk
Hope School District
3970 La Colina Road, #14
Santa Barbara, CA 93110
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bjohnson@hopeschooldistrict.org

cc: Members and Staff, Commission on State Mandates



HUNTINGTON BEACH
CITY SCHOOL DISTRICT

BOARD OF TRUSTEES
Diana Marks • Paul Morrow, Ed.D.
Ann Sullivan • Meghan Willis

Superintendent: Leisa Winston, Ed.D.

July 26, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Huntington Beach City School District (HBCSD), I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Due to the additional costs of TK implementation, HBCSD has increased staffing ratios in grades K-8, conducted layoffs, and implemented various other strategies to reduce deficit spending. HBCSD has recently transitioned to community-funded status, and remains one of the lowest-funded districts on a per-ADA basis in Orange County. State-funded districts receive a TK add-on allocation of \$3,077 per average daily attendance (ADA). In 2024-25, these funds are estimated at \$459,900 for HBCSD, which, as a community-funded district,

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we will not receive. As more students qualify for TK, the loss in revenue is projected to increase to \$640,051 in 2025-26. That same year, the TK staffing ratio is expected to decrease from 12:1 to 10:1, necessitating the hiring of four additional teachers and four instructional aides at an annual cost of \$660,000. This results in a total of \$1.2 million in ongoing expenditures for HBCSD. Without additional funding, we will need to further reduce existing programs to absorb these costs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

For HBCSD, MSA and EPA funding support our core instructional programs, including the cost of counselors and continued academic and social-emotional support for students in the aftermath of the COVID-19 pandemic now that all one-time funds have been exhausted.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,


Leisa Winston, Ed.D.
Superintendent
Huntington Beach City School District
8750 Dorsett Dr.
Huntington Beach, CA 92646
(714) 378-2011
lwinston@hbcasd.us

cc: Members and Staff, Commission on State Mandates

KENWOOD SCHOOL DISTRICT

230 Randolph Avenue, P.O. Box 220, Kenwood, CA 95452-0220
(707) 833-2500

July 30, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Kenwood School District I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to



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Pat Alexander · Cheryl Ghisla · Nate Lamar · James Larson · Javier Tenorio

community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Kenwood is a very small district, and we currently have 5 students enrolled in TK. However, because of this new, unfunded program, we have had to install a new building at a cost of over 1 million dollars, hired a new TK teacher and may have to hire an extra instructional aide at a cost of over \$90,000 dollars a year and will have to increase custodial services. The new TK building will also require us to eliminate our preschool program as we can no longer fund nor find the extra space to do both programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Nathan Myers/Superintendent

Kenwood School District
308 Randolph Ave.
Kenwood, Ca. 95452
(707) 833-2500
nmyers@kenwoodschool.org

cc: Members and Staff, Commission on State Mandates



**LARKSPUR-
CORTE MADERA
SCHOOL DISTRICT**

Board of Trustees: Beth Blair, Natalie Medved, Amir Movafaghi, Eric Schmautz, Annie Sherman
Superintendent: Brett Geithman, Ed.D.

230 Doherty Drive, Larkspur, CA 94939
(415) 927-6960
www.lcmschools.org

July 29, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Larkspur-Corte Madera School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

We estimate a cost of \$185,000 in personnel for each UTK classroom. We estimate four to six UTK classes for full implementation. In addition, we will need to make facilities upgrades and purchase instructional materials. Competing interests are counselors, VAPA programs, middle school electives, elementary physical education, class size, professional development, and competitive salary (which we are behind our direct neighbors).

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Brett Geithman
Superintendent, Larkspur-Corte Madera School District

230 Doherty Drive, Larkspur, CA 94939
(415) 927-6960
bgeithman@lcmschools.org

cc: Members and Staff, Commission on State Mandates



Latrobe School District

Superintendent/Principal

Dave Scroggins

Board Members

Jared Meredith

Janet Saitman

Scot Yarnell



July 31, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Latrobe School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The implementation of universal transitional kindergarten (UTK) in our school district has required significant adjustments to accommodate the new program. To effectively meet the needs of these young students, we

have had to hire additional staff, retrofit existing learning spaces to make them more age-appropriate, and expand our curriculum offerings. These changes have led to increased operational costs and, unfortunately, an encroachment on our general fund. While the benefits of UTK are clear in providing early educational opportunities, balancing these needs with our existing resources has presented financial challenges.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

A handwritten signature in black ink, appearing to read 'DAVE SCROGGINS', followed by a horizontal line.

Dave Scroggins, Superintendent/Principal
Latrobe School District

7900 South Shingle Road

(530) 677-0260

dscroggins@latrobeschool.com

cc: Members and Staff, Commission on State Mandates



LAGUNA BEACH UNIFIED SCHOOL DISTRICT

☎ 949.497.7700
🖨 949.497.7710
🌐 www.lbusd.org

July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Laguna Beach Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Staffing costs, start-up costs, materials & supplies ongoing expected to be roughly \$5,000 per year.

The addition of UTK for Laguna Beach Unified School District has resulted in new staffing costs in excess of \$980,000. There are also ongoing material and supply costs that are necessary to support the program, which are built into the school site budgets and are approximately \$5,000. Facility renovations were also necessary to provide adequate learning spaces and restroom facilities for the addition of younger students which have amounted to almost \$1,000,000 up to this point and will likely continue as we progress with building improvements that have been identified in our facilities master plan.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

The funding our district receives related to the MSA is approximately \$550,000 and we receive about \$500,000 of funding from the EPA. These funds go towards current programs, specifically classroom teaching positions and there is no additional funding available to support new programs.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Kelly Osborne

Kelly Osborne, School Board Clerk
Laguna Beach Unified School District
550 Blumont Street
Laguna Beach, CA 92651
(949)497-7700 ext. 5202
kosborne@lbusd.org

cc: Members and Staff, Commission on State Mandates



LAGUNA BEACH UNIFIED SCHOOL DISTRICT

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July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

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Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

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The addition of UTK for Laguna Beach Unified School District has resulted in new staffing costs in excess of \$980,000. There are also ongoing material and supply costs that are necessary to support the program, which are built into the school site budgets and are approximately \$5,000. Facility renovations were also necessary to provide adequate learning spaces and restroom facilities for the addition of younger students which have amounted to almost \$1,000,000 up to this point and will likely continue as we progress with building improvements that have been identified in our facilities master plan.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

The funding our district receives related to the MSA is approximately \$550,000 and we receive about \$500,000 of funding from the EPA. These funds go towards current programs, specifically classroom teaching positions and there is no additional funding available to support new programs.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Jan Vickers

Jan Vickers, School Board President
Laguna Beach Unified School District
550 Blumont Street
Laguna Beach, CA 92651
(949)497-7700 ext. 5202
jvickers@lbusd.org

cc: Members and Staff, Commission on State Mandates



LAGUNA BEACH UNIFIED SCHOOL DISTRICT

949.497.7700
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www.lbusd.org

July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Laguna Beach Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the

Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Staffing costs, start-up costs, materials & supplies ongoing expected to be roughly \$5,000 per year.

The addition of UTK for Laguna Beach Unified School District has resulted in new staffing costs in excess of \$980,000. There are also ongoing material and supply costs that are necessary to support the program, which are built into the school site budgets and are approximately \$5,000. Facility renovations were also necessary to provide adequate learning spaces and restroom facilities for the addition of younger students which have amounted to almost \$1,000,000 up to this point and will likely continue as we progress with building improvements that have been identified in our facilities master plan.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

The funding our district receives related to the MSA is approximately \$550,000 and we receive about \$500,000 of funding from the EPA. These funds go towards current programs, specifically classroom teaching positions and there is no additional funding available to support new programs.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Jason Vilorio

Jason Vilorio, Ed.D, Superintendent
Laguna Beach Unified School District
550 Blumont Street
Laguna Beach, CA 92651
(949)497-7700 ext. 5202
jvilorio@lbusd.org

cc: Members and Staff, Commission on State Mandates

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Paul Johnson, Superintendent



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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Los Gatos Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

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We are a small 2750 student school district and this coming year we will field six transitional kindergarten classes, all of which will cost the district an estimated \$1,020,000. This is substantial and is covered entirely by the general fund, since we do not receive any State TK funding.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Paul Johnson, Superintendent
Los Gatos Union School District
17010 Roberts Road, Los Gatos, CA 95032
408-335-2001
pjohnson@lgusd.org

Board of Trustees: — Melissa Crow — Courtney Monk — Peter Noymer — Stephen Parsons — Daniel Snyder —



July 29, 2024

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

Re Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Los Altos School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

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When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The District has had to absorb the cost of certificated and classified staffing in order to implement UTK. This cost is to meet the required staffing/student ratio. This cost is for all salary and statutory benefits and also must include all health and welfare benefits. We have also had to ensure our facilities are sufficient with the proper bathrooms and furniture. The average UTK impacts our general fund on the average of \$350,000 per class. This fall in 2024 we anticipate spending \$2,400,000. This impact our ability to increase salaries and benefits for all employees. We must remain competitive in order to attract and retain staff. Any money spent on UTK takes away funding for electives, math, science and other important core programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We currently are using our minimum state aid and education protection account funding for our regular general education core classes. Our core programs have been impacted by all of the unfunded mandates by the state especially UTK. Without additional funding for UTK, there is a risk to increase class size to our core programs and make reductions to art, music, PE, and other important electives that make up a comprehensive educational program for elementary students.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you

A handwritten signature in black ink, appearing to read 'Sandra McGonagle', written over a horizontal line.

Sandra McGonagle, Superintendent of Schools
Los Altos School District
201 Covington Road, Los Altos, CA 94024
650-947-1152
smcgonagle@lasdschools.org

cc: Members and Staff, Commission on State Mandates



Governing Board
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Superintendent
Bill W. Sanderson

July 29, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Los Gatos-Saratoga Union High School District I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a high school district, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded

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districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

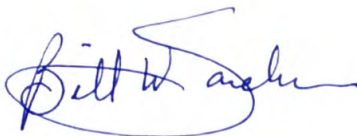
The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Bill W. Sanderson, Superintendent
Los Gatos-Saratoga Union High School District
17421 Farley Road West
Los Gatos, CA 95030
408-354-5980 | bsanderson@lgsuhd.org

cc: Members and Staff, Commission on State Mandates

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Paul Johnson, Superintendent



July 31, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Los Gatos Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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Paul Johnson, Superintendent



resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

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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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Teresa Fiscus, Chief Business Official
Los Gatos Union School District
17010 Roberts Road, Los Gatos, CA 95032
tfiscus@lgusd.org
408-335-2022

cc: Members and Staff, Commission on State Mandates

Board of Trustees: • Melissa Crow • Courtney Monk • Peter Noymer • Stephen Parsons • Daniel Snyder

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Educational Services
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Assistant Superintendent
Student Services
Stephanie Sheridan

Chief Business Official
Marites Fermin

August 2, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Menlo Park City School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and

the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The implementation of Universal Transitional Kindergarten (UTK) has led to significant additional costs for our district. Specifically, we had to allocate funds from various sources to cover these expenses. Over the FY22-24 period, we directed \$25,523 and \$253,380 from our UPK Planning and Implementation funds toward this initiative. Additionally, we had to reallocate \$254,097 from General Funds and \$830,620 from Developer Fees to support the UTK implementation. In the FY23-24 period, the financial burden continued, requiring further reallocation of \$994,159 from General Funds and \$1,337,037 from Developer Fees. These reallocations meant that funds originally intended for other district priorities, such as facility upgrades and instructional resources, had to be diverted to ensure the successful rollout of UTK, creating trade-offs in other areas of our budget. Without needing to divert district funds to an unfunded mandate, Menlo Park City School District will no longer be in deficit spending.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

EPA funds received were fully expensed on approximately 2.08% of all teacher salaries. No funds remaining for the implementation of UTK.


We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be

forced to take funding from other programs that currently serve existing student grades 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.

Thank you,


Audra Romero
Director of Human Resources
Menlo Park City School District

181 Encinal Avenue, Atherton, CA 94027

650-321-7140

aromero@mpcsd.org

cc: Members and Staff, Commission on State Mandates

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Associate Superintendent
Educational Services
Jammie Behrendt

Assistant Superintendent
Student Services
Stephanie Sheridan

Chief Business Official
Marites Fermin

August 2, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Menlo Park City School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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Thank you,



Sandra Franco
Director, MOT
Menlo Park City School District

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cc: Members and Staff, Commission on State Mandates .

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August 2, 2024

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

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Thank you,



Jammie Behrendt
Associate Superintendent, Educational Services
Menlo Park City School District

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Thank you,


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Thank you,


Parke Treadway
Public Information Officer
Menlo Park City School District

181 Encinal Avenue, Atherton, CA 94027

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Stephanie
Assistant Superintendent, Student Services
Menlo Park City School District

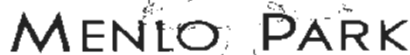
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The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

EPA funds received were fully expensed on approximately 2.08% of all teacher salaries. No funds remaining for the implementation of UTK.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be

forced to take funding from other programs that currently serve existing student grades 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.

Thank you,


Marites Fermin
Chief Business Officer
Menlo Park City School District

181 Encinal Avenue, Atherton, CA 94027

650-321-7140

mfermin@mpcsd.org

cc: Members and Staff, Commission on State Mandates

Menlo Park City School District
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MENLO PARK

Board of Education
David Ackerman
Sherwin Chen
Scott Saywell
Jed Scolnick
Francesca Segrè

Superintendent
Kristen Gracia

Associate Superintendent
Educational Services
Jammie Behrendt

Assistant Superintendent
Student Services
Stephanie Sheridan

Chief Business Official
Marites Fermin

August 2, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Menlo Park City School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

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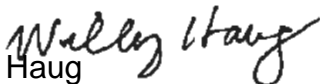
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Thank you,

Willy Haug 
Director Of Technology & Innovation
Menlo Park City School District

181 Encinal Avenue, Atherton, CA 94027

650-321-7140

whaug@mpcsd.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

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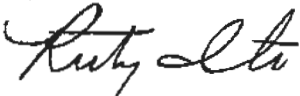
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Thank you,



Rusty Ito, Assistant Principal
Montecito Union School District

119 Kamala Way
Goleta, CA 93117
(805)969-3249
rito@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

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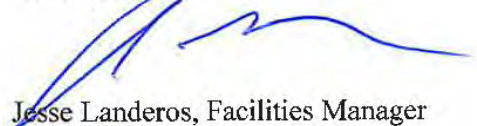
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Thank you,



Jesse Landeros, Facilities Manager

Montecito Union School District

5211 Kirk Drive
Santa Barbara, CA 93111

(805)969-3249
jlanderos@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

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Thank you,



Anthony Ranii,
Superintendent of Montecito Union School District
Schools for Sound Finance President

110 Vega Drive
Goleta, CA 93117

(805)969-3249
arani@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

July 19, 2024

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

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Thank you,



Amanda Salgado, Fiscal Services Specialist
Montecito Union School District

218 W. Islay #5
Santa Barbara, CA 93101
(805)969-3249
asalgado@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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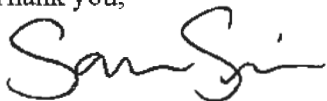
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Thank you,



Sammy Simon, Nature Lab, STEAM, Special Projects

Montecito Union School District

722 W. Anapamu St.
Santa Barbara, CA 93101

(805)969-3249
ssimon@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

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Thank you,



Austin Valiante, Lead Technology Support

Montecito Union School District

575 Vereda Del Ciervo
Goleta, CA 93117

(805)969-3249
avaliente@montecitou.org

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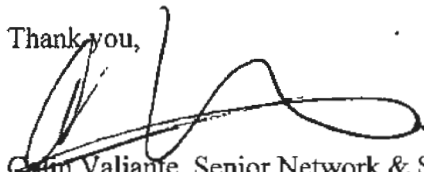
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Thank you,



Colin Valiante, Senior Network & Systems Technician

Montecito Union School District

575 Vereda Del Ciervo
Goleta, CA 93117

(805)969-3249
cvaliante@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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Thank you,

Lindsay Alker

Lindsay Alker, Literacy TOSA

Montecito Union School District

24 South Glen Annie
Santa Barbara, CA 93117

(805)969-3249
lalker@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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Thank you,

Jamie Allison

Jamie Allison, School Librarian

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
jallison@montecitou.org

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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,

Stacy Allison

Stacy Allison, Kindergarten Teacher

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
sallison@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Montecito Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

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In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

UTK instruction in our one-school district costs approximately \$300,000 in personnel costs alone. In addition, we have already invested tens of thousands of dollars in additional curriculum, materials, furniture, and equipment. In order to fund this program, we have had to make tough decisions. We eliminated a technology teacher on special assignment position, despite the changing landscape of technology in our world and in education. In addition, we recently reduced our support for literacy instruction, despite the needs of our students. In short, while we strongly

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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,

Virginia Alvarez

Virginia Alvarez, Chief Business Official

Montecito Union School District

6439 Camino Viviente
Goleta, CA 93117

(805)969-3249
valvarez@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

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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,

Lisa Anderson

Lisa Anderson, Purchasing and Admin Assistant

Montecito Union School District

5227 San Simeon Drive
Santa Barbara, CA 93111

(805)969-3249
landerson@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

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Thank you,

Judy Benton

Judy Benton, 5th Grade Instructional Assistant

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
jbenton@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

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Thank you,

Kim Berman

Kim Berman, 6th Grade Teacher

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
kberman@montecitou.org

cc: Members and Staff, Commission on State Mandates

385 SAN YSIDRO ROAD • SANTA BARBARA, CA 93108 • PHONE: 805-969-3249 • FAX: 805-969-9714



July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

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Thank you,

Mitchell Bragg

Mitchell Bragg, Board Member

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
mbragg@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 23, 2024

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

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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,

Nick Bruski

Nick Bruski, Principal

Montecito Union School District

186 Sierra Vista Road
Santa Barbara, CA 93108

(805)969-3249
nbruski@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Montecito Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

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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,

Brooke Cloud

Brooke Cloud, First Grade Teacher

Montecito Union School District

259 Arnett Avenue
Ventura, CA 93003

(805)969-3249
bcloud@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

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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,

Judy Compton

Judy Compton, Second Grade Teacher

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
jcompton@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

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Thank you,

Kim Crail

Kim Crail, School Board Vice President

Montecito Union School District

115 Tiburon bay Lane
Santa Barbara, CA 93108

(805)969-3249
kcrail@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

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Thank you,

Heidi Craine

Heidi Craine, Second Grade Teacher

Montecito Union School District

77 Warwick Place
Goleta, CA 93117

(805)969-3249
hcraine@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

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Thank you,

Jacqueline Duran

Jacqueline Duran, Board Member

Montecito Union School District

605 Romero Canyon Road
Santa Barbara, CA 93108

(805)969-3249
jduran@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Montecito Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

UTK instruction in our one-school district costs approximately \$300,000 in personnel costs alone. In addition, we have already invested tens of thousands of dollars in additional curriculum, materials, furniture, and equipment. In order to fund this program, we have had to make tough decisions. We eliminated a technology teacher on special assignment position, despite the changing landscape of technology in our world and in education. In addition, we recently reduced our support for literacy instruction, despite the needs of our students. In short, while we strongly

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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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Melissa Erickson

Melissa Erickson, Resource Specialist

Santa Barbara County Education Office

130 Summit Lane
Santa Barbara, CA 93108

(805)969-3249
merickson@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 22, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

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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,

Cheryl Hess

Cheryl Hess, Physical Education Teacher

Montecito Union School District

729 N. Ontare Road, Santa Barbara, CA 93105

(805)969-3249

chess@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

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Thank you,

Jeff Linder

Jeff Linder, Math TOSA

Montecito Union School District

256 Dorothy Avenue
Ventura, CA 93003

(805)969-3249
jlinder@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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Thank you,

Karen Luna

Karen Luna, Kindergarten Teacher

Montecito Union School District

433 N. La Patera Lane
Goleta, CA 93117

(805)969-3249
kluna@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

Gayle Miller, Chairperson
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Thank you,

Linette Marsh

Linette Marsh, First Grade Teacher

Montecito Union School District

5610 Canalino Drive
Carpinteria, CA 93013

(805)969-3249
lmarsh@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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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,

Katie Nimitarnun

Katie Nimitarnun, 5th Grade Teacher

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
knimitarnun@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Montecito Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

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Thank you,

Cassandra Ornelas

Cassandra Ornelas, Certificated School Nurse

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
cornelas@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

Gayle Miller, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
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Thank you,

Susannah Osley

Susannah Osley, School Board President

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
sosley@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

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Thank you,

Tony Paulsen

Tony Paulsen, Inclusion Specialist

Santa Barbara County Education Office

429 W. Valerio Street #44
Santa Barbara, CA 93101

(805)969-3249
tpaulsen@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

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Thank you,

Sadie Powers

Sadie Powers, Student Support and Activities Facilitator

Montecito Union School District

100 Butterfly Lane
Santa Barbara, CA 93108

(805)969-3249
spowers@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

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Thank you,

Rebekah Prato

Rebekah Prato, Inclusion Specialist

Santa Barbara County Education Office

4525 El Carro Lane
Carpinteria, CA 93013

(805)969-3249
rprato@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

Gayle Miller, Chairperson
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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,

Vanessa Scarlett

Vanessa Scarlett, Science TOSA

Montecito Union School District

4766 Amarosa St.
Santa Barbara, CA 93111

(805)969-3249
vscarlett@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Montecito Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

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Thank you,

Jessica Smith

Jessica Smith, Board Member

Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249
jsmith@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

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Thank you,

Megan Soderborg

Megan Soderborg, First Grade Teacher

Montecito Union School District

865 Veronica Springs
Santa Barbara, CA 93105

(805)969-3249
msoderborg@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

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Thank you,

Julie Terry

Julie Terry, Third Grade Instructional Assistant

Montecito Union School District

2490 Whitney Avenue
Summerland, CA 93067

(805)969-3249
jterry@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

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Thank you,

Kathy Trent

Kathy Trent, Third Grade Teacher

Montecito Union School District

163 Cedar Lane
Santa Barbara, CA 93108

(805)969-3249
ktrent@montecitou.org

cc: Members and Staff, Commission on State Mandates



July 19, 2024

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

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Thank you,

Danielle Weill

Danielle Weill, Sixth Grade Teacher

Montecito Union School District

4641 Camino del Robles
Santa Barbara, CA 93110

(805)969-3249
dweill@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANII, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Montecito Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

UTK instruction in our one-school district costs approximately \$300,000 in personnel costs alone. In addition, we have already invested tens of thousands of dollars in additional curriculum, materials, furniture, and equipment. In order to fund this program, we have had to make tough decisions. We eliminated a technology teacher on special assignment position, despite the changing landscape of technology in our world and in education. In addition, we recently reduced our support for literacy instruction, despite the needs of our students. In short, while we strongly

support early childhood education and believe in strong, developmentally appropriate instruction for four year-olds, the state's refusal to fund UTK for community-funded districts has significantly reduced the resources available for us to support our K-6 learners.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Here at Montecito Union School District, we have utilized our MSA and EPA funds for years to help serve our most vulnerable students. These funding sources currently help us to fund a Literacy Multi-Tiered Systems of Support teacher. This position 1) serves students directly individually and in small groups with the high-dose tutoring studies show is highly effective, giving them the literacy instruction, they need and 2) supports teachers in implementing the best research-based strategies in their classrooms to help our classroom teachers ensure all students have access to the highest-caliber teaching available. Eliminating this work would have a negative effect on all students, but would hit our struggling students the hardest.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Ron Zecher

Ron Zecher, Music/English Language Teacher

Montecito Union School District

2665 Montrose Place
Santa Barbara, CA 93105

(805)969-3249
rzecher@montecitou.org

cc: Members and Staff, Commission on State Mandates

NICK BRUSKI, PRINCIPAL
RUSTY ITO, ASSISTANT PRINCIPAL



ANTHONY RANIL, SUPERINTENDENT
VIRGINIA ALVAREZ, CHIEF BUSINESS OFFICIAL

SCHOOL DISTRICT

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Montecito Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

UTK instruction in our one-school district costs approximately \$300,000 in personnel costs alone. In addition, we have already invested tens of thousands of dollars in additional curriculum, materials, furniture, and equipment. In order to fund this program, we have had to make tough decisions. We eliminated a technology teacher on special assignment position, despite the changing landscape of technology in our world and in education. In addition, we recently reduced our support for literacy instruction, despite the needs of our students. In short, while we strongly

support early childhood education and believe in strong, developmentally appropriate instruction for four year-olds, the state's refusal to fund UTK for community-funded districts has significantly reduced the resources available for us to support our K-6 learners.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Here at Montecito Union School District, we have utilized our MSA and EPA funds for years to help serve our most vulnerable students. These funding sources currently help us to fund a Literacy Multi-Tiered Systems of Support teacher. This position 1) serves students directly individually and in small groups with the high-dose tutoring studies show is highly effective, giving them the literacy instruction, they need and 2) supports teachers in implementing the best research-based strategies in their classrooms to help our classroom teachers ensure all students have access to the highest-caliber teaching available. Eliminating this work would have a negative effect on all students, but would hit our struggling students the hardest.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Autumn Noe, Executive Assistant to the Superintendent
and Parent to two 2nd grade students

Montecito Union School District

3950 Via Real, SPC 165
Carpinteria, CA 93130
(805)708-0607
ano@montecitou.org

cc: Members and Staff, Commission on State Mandates

8/1/2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Mountain View Whisman School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is



costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

In the last three years the cost for TK has tripled for Mountain View Whisman School District. In 2022-23 the cost to add teachers with required credentials and classified classroom support was \$863,347. In 2023-24 we increased teachers from 6 to 8 FTE, and classified instructional staff from 4 to 8 FTE and the cost was \$1,814,257. In 2024-25 the district is projecting to increase teachers from 8 to 10 FTE and classified instructional support from 8 to 12 FTE with an estimated cost of \$2,636,427. We have had to make hard decisions to fund TK. The \$2.6 million could have been used to fund counselors at our highest need schools, hire additional intervention teachers or to reduce class sizes.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

The Mountain View Whisman School District uses Education Protection Act (EPA) funding to pay for teachers' salary and benefits. This allocation has not increased significantly in the last few years to be able to absorb additional expenses incurred by UTK. Additionally, as a community funded district, the Minimum State Aid (MSA) funding is not increased based on our additional TK enrollment.

We contend that 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.



**Mountain View
Whisman
School District**

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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

Ayinde Rudolph

Dr. Ayinde Rudolph
Superintendent

Mountain View Whisman School District
1400 Monticito Ave.
Mountain View, CA 94043

650-526-3550

arudolph@mvwsd.org

cc: Members and Staff, Commission on State Mandates

mvwsd.org



MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

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SUPERINTENDENT

Eric Volta

July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim
Dear Chairperson Miller:

On behalf of the Mountain View Los Altos High School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a high school district, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided.

The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students.



1299 Bryant Avenue, Mountain View, California 94040-4599

Phone: (850)940-4850

which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Eric Volta, Superintendent
Mountain View Los Altos High School District
650-940-4650, 7010
Eric.Volta@mvla.net



cc: Members and Staff, Commission on State Mandates

1299 Bryant Avenue, Mountain View, California 94040-4599

Phone: (650)940-4650



*Building a strong foundation
for learning and creativity*

July 31, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Nevada City Elementary School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98

guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

In implementing Universal Transitional Kindergarten (UTK), we have incurred several additional costs that required reallocating funds from other critical programs. Specifically, we had to divert funding from K-3 classroom-based supports, including paraprofessionals, to cover the costs of hiring additional qualified teachers and support staff necessary for UTK. Furthermore, the need for classroom modifications to accommodate younger students, including purchasing age-appropriate furniture and learning materials, significantly strained our budget. These trade-offs were essential to ensure the successful implementation of UTK, but they have impacted our ability to enhance other educational initiatives and maintain the level of support for existing programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Our MSA and EPA dollars are dedicated to supporting essential programs such as maintaining smaller class sizes. These funds are fully allocated to maintain and enhance these critical areas, leaving no surplus to cover the additional costs associated with implementing UTK. As a result, we have had to make difficult funding priority trade-offs to accommodate the expenses required for UTK, impacting other key initiatives in our district.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

John Baggett

John Baggett
Superintendent
Nevada City School District
800 Hoover Lane
Nevada City, CA 95959
(530) 265-1820
jbaggett@ncsd.k12.ca.us

cc: Members and Staff, Commission on State Mandates



Newport-Mesa
Unified School District

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Carol Crane • Leah Ersoylu • Michelle Murphy
Lisa Pearson • Krista Weigand

July 19, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Newport-Mesa Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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Superintendent Dr. Wesley Smith
2985 Bear Street • Costa Mesa • California 92626 • (714) 424-5000

TK Letters 216

guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

There are significant costs associated with UTK. The district is expected to spend over \$9 million for UTK facilities in 2024-25. Unfortunately, this amount is woefully inadequate as the majority of our UTK students will still be housed in facilities that do not adhere to the state's standard for this age group. At full implementation, staffing costs alone will exceed \$8 million per year. Consequently, the Board of Education has had to make difficult financial choices that have scrapped environmentally friendly infrastructure improvements, constrained supports to our unduplicated pupils, and limited district resources for college and career readiness programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

The district's Minimum State Aid and Education Protection Account dollars support our Supplemental LCFF and Special Education programs. The district supports the Supplemental LCFF program by \$23.6 million and Special Education by \$61.3 million. As such, adding another unfunded program, UTK, is a tremendous financial burden.

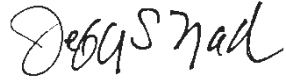
We contend that the requirement for community-funded districts to implement UTK clearly meets the determination requirement of the state imposing a new program or higher level of service on LEAs. The state continues to maintain that implementation of UTK is an expectation of all school districts; however, 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

Superintendent Dr. Wesley Smith
2985 Bear Street • Costa Mesa • California 92626 • (714) 424-5000

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,



Jeffery S. Trader
Assistant Superintendent, CBO

Newport-Mesa Unified School District
2985 Bear Street
Costa Mesa, CA 92626
714-424-5003
jtrader@nmusd.us

cc: Members and Staff, Commission on State Mandates

Superintendent Dr. Wesley Smith
2985 Bear Street • Costa Mesa • California 92626 • (714) 424-5000



Newport-Mesa
Unified School District

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July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Newport-Mesa Unified School District. I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

There are significant costs associated with UTK. The district is expected to spend over \$9 million for UTK facilities in 2024-25. Unfortunately, this amount is woefully inadequate as the majority of our UTK students will still be housed in facilities that do not adhere to the state's standard for this age group. At full implementation, staffing costs alone will exceed \$8 million per year. Consequently, the Board of

Superintendent Dr. Wesley Smith
2985 Bear Street • Costa Mesa • California 92626 • (714) 424-5000

Education has had to make difficult financial choices that have scrapped environmentally friendly infrastructure improvements, constrained supports to our unduplicated pupils, and limited district resources for college and career readiness programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

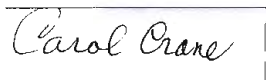
The district's Minimum State Aid and Education Protection Account dollars support our Supplemental LCFF and Special Education programs. The district supports the Supplemental LCFF program by \$23.6 million and Special Education by \$61.3 million. As such, adding another unfunded program, UTK, is a tremendous financial burden.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Carol Crane
President, Board of Education

Newport-Mesa Unified School District
2985 Bear Street
Costa Mesa, CA 92626
(714) 424-5030
ccrane@nmusd.us

cc: Members and Staff, Commission on State Mandates

Superintendent Dr. Wesley Smith
2985 Bear Street · Costa Mesa · California 92626 · (714) 424-5000



July 23, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Newport-Mesa Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

There are significant costs associated with UTK. The district is expected to spend over \$9 million for UTK facilities in 2024-25. Unfortunately, this amount is woefully inadequate as the majority of our UTK students will still be housed in facilities that do not adhere to the state's standard for this age group. At full

Superintendent Dr. Wesley Smith
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implementation, staffing costs alone will exceed \$8 million per year. Consequently, the Board of Education has had to make difficult financial choices that have scrapped environmentally friendly infrastructure improvements, constrained supports to our unduplicated pupils, and limited district resources for college and career readiness programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

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We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Wesley Smith, Ed.D.
Superintendent

Newport-Mesa Unified School District
2985 Bear Street
Costa Mesa, CA 92626
(714) 424-5031
wsmith@nmsud.us

cc: Members and Staff, Commission on State Mandates

Superintendent Dr. Wesley Smith
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July 31, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Palo Alto Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature

correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Implementing Universal Transitional Kindergarten (UTK) in our district required significant financial adjustments, primarily due to increased costs in staffing, infrastructure, curriculum development, and training. We had to hire additional teachers and support staff, renovate classrooms, and develop tailored curricula, all of which demanded substantial investment. These expenses necessitated the reallocation of funds from other areas. Despite these challenges, the goal was to provide a strong educational foundation for our youngest learners while balancing the district's overall needs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

In our district, MSA (Minimum State Aid) and EPA (Education Protection Account) funds are fully allocated to essential programs such as technology integration, STEM education, arts, library services, teacher salaries and benefits, professional development, special education, and student support services. These programs are vital for maintaining a high standard of education and ensuring the well-being and success of our students. Consequently, there is no leftover funding to cover the substantial additional costs of implementing Universal Transitional Kindergarten (UTK), necessitating the search for alternative financial support to avoid compromising existing essential programs.

We contend that 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 State Mandates

(Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Charen Yu
Chief Business Officer
25 Churchill Ave Palo Alto, CA 94306
650-329-3808
cyu@pausd.org

cc: Members and Staff, Commission on State Mandates

Portola Valley School District

Ormondale School (K-3) • Corte Madera School (4-8)

Board of Trustees: Aimee Armsby, Robert Bauer, Gary Hanning, Kimberley Morris Rosen, Amod Setlur

Roberta Zarea, Superintendent

July 29, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Portola Valley School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 re-benching Proposition 98 with General Fund dollars to account for the newly eligible TK students. Over the past three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

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Due to UTK, the district hired an additional teacher and two paraeducators. This is 5% of our total staffing costs. This is a big hit to a small district of 500 students. We could not hire for specialists due to this required UTK implementation.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

The MSA and EPA dollars received of \$243,000 supported core curriculum and there is not any leftover funding to implement the costs of UTK in our district.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,


Connie Ngo, Chief Business Official
4575 Alpine Road
Portola Valley, California 94028

(650) 851-1777
cngo@pvsd.net

Portola Valley School District

Ormondale School (K-3) • Corte Madera School (4-8)

Board of Trustees: Aimee Armsby, Robert Bauer, Gary Hanning, Kimberley Morris Rosen, Amod Setlur

Roberta Zarea, Superintendent

July 29, 2024

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

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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,



Roberta Zarea, Superintendent
4575 Alpine Road
Portola Valley, California 94028

(650) 851-1777
rzarea@pvsd.net

August 2, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Santa Clara Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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1889 Lawrence Road • Santa Clara, CA 95051 • (408) 423-2000 • www.santaclaraschools.org

Superintendent Gary Waddell, Ed.D. • **Board of Trustees** Jim Canova, Vickie Fairchild, Albert Gonzalez,
Bonnie Lieberman, Jodi Muirhead, Andrew Ratermann, Michele Ryan, Ph.D.

Graduates of Santa Clara Unified School District are resilient, future-ready, lifelong learners
who think critically, solve problems collaboratively, and are prepared to thrive in a global society.

community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

For the 2024-2025 school year alone, the District will have 21 TK classrooms in response to the State's TK mandate. Costs for the 2024-2025 school year are more than \$5 million. Not included are prior year operating and startup costs, as well as future costs for full implementation.

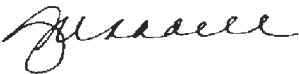
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We implore that the Commission staff recommends the test claim to be approved and that Commission members approve the claim when it is heard this fall.

Thank you,



Gary Waddell, Ed.D.C\

Superintendent

Santa Clara Unified School District

1889 Lawrence Road, Santa Clara CA, 95051

408-423-2024

gwaddell@scusd.net



Mark A. Schiel

Deputy Superintendent / CBOC

Santa Clara Unified School District

1889 Lawrence Road, Santa Clara CA, 95051

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mschiel@scusd.net

cc: Members and Staff, Commission on State Mandates



July 30, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Saratoga Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

20460 Forrest Hills Dr., Saratoga, California 95070 • (408) 867-3424 • (408) 867-2312 fax
www.saratogausd.org

While our district is small, TK has been added at all three of our elementary schools and has resulted in \$431,336 in additional costs for staffing and instructional materials costs alone for teachers and instructional aides. There is an additional impact and workload for Principals, counselors, health aides, food service staff, facility workers, and custodial staff that while not a cost that can be readily attainable still strains our educational resources. These costs result in less funding available for other programs and puts an additional burden on the district to find additional resources to support programs for students and funding ongoing staff increases to retain qualified teachers.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state or community funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Saratoga Union School District only receives \$324,666 for minimum state aid which is never adjusted for inflation and only decreases in value over time. Additionally, the district only receives \$313,020 in Education Protection Act funds that are not enough to cover the increasing costs of step and column, health and welfare, and the increased costs incurred of implementing a new TK program.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,
Ken Geisick

Dr. Kenneth Geisick, Superintendent
Saratoga Union School District
20460 Forrest Hills Drive
Saratoga, CA 95070
(408) 867-3424
kgeisick@saratogausd.org

cc: Members and Staff, Commission on State Mandates

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Anne L. Staffieri, Ed.D.

710 Encinitas Boulevard, Encinitas, CA 92024
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Business Services Division
Stephen Dickinson, Associate Superintendent

July 30, 2024
Gayle Miller, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the San Dieguito Union High School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a high school district, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK.

implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.


The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

A handwritten signature in black ink, appearing to read "Stephen Dickinson", enclosed within a hand-drawn oval border.

Stephen Dickinson, Associate Superintendent of Business Services
San Dieguito Union High School District
710 Encinitas Blvd
Encinitas, CA 92024
760-753-6491 Ext. 5505
stephen.dickinson@sduhsd.net

cc: Members and Staff, Commission on State Mandates



SEQUOIA UNION HIGH SCHOOL DISTRICT

480 James Avenue, Redwood City, CA 94062
650.369.1411 www.seq.org

Crystal Leach, Superintendent

BOARD OF TRUSTEES

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July 17, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Sequoia Union High School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF). As a high school district, we are primarily concerned with the harmful precedent of the state establishing an increased level of educational requirements on districts without corresponding funding.

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

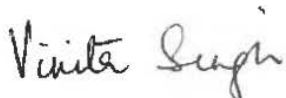
The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts providing TK will be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Vinita Singh
Director of Business Services
Sequoia Union High School District

480 James Avenue
Redwood City, CA 94062

650-369-1411 x 22289

vsingh@seq.org

cc: Members and Staff, Commission on State Mandates



July 29, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the St. Helena Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing

BOARD OF TRUSTEES
Jeannie Kerr, Shawn Moura
Lisa Pelosi, Laura Symon
Jeanmarie Wolf

DISTRICT ADMINISTRATION
Keller McDonald, Interim Superintendent
Chris Heller, Assistant Superintendent
Kay Vang, Chief Business Official



students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

St. Helena utilized general fund dollars to purchase furniture, curriculum, materials, and supplies. Certificated staffing is paid from general funds as well. Additionally, we used Educator Effectiveness funds to provide TK training to our certificated teacher.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

Moreover, MSA were used to support and implement CAASPP, School Safety Plans, and Parental Involvement Programs. EPA dollars supported teaching staff at another school site. Thus, there was not any leftover funding to implement the costs of UTK.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

BOARD OF TRUSTEES

Jeannie Kerr, Shawn Moura
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Jeanmarie Wolf

DISTRICT ADMINISTRATION

Keller McDonald, Interim Superintendent
Chris Heller, Assistant Superintendent
Kay Vang, Chief Business Official



Thank you,

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

465 Main Street
St. Helena, CA 94574

(707)967-2704

kvang@sthelenaunified.org

cc: Members and Staff, Commission on State Mandates

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Jeannie Kerr, Shawn Moura
Lisa Pelosi, Laura Symon
Jeanmarie Wolf

DISTRICT ADMINISTRATION
Keller McDonald, Interim Superintendent
Chris Heller, Assistant Superintendent
Kay Vang, Chief Business Official



1500 Lizzie Street
San Luis Obispo, CA 93401-3062
(805) 549-1202

July 30, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the San Luis Coastal Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

In San Luis Coastal, the cost of this unfunded mandate is \$20 million in facility costs, and \$3.5 million in ongoing personnel costs. Due to class size limits that become more restrictive at full implementation, we expect the cost to be even higher. Like most districts in California, we are confronting deficits in the out years which means significant programmatic reductions in other areas due to this unfunded mandate.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

San Luis Coastal Unified School District uses MSA (\$3,029,242) to support our transportation department, instructional materials purchases, and keeping the district's K-3 class sizes at 24:1, which is the School Board's priority. Since 2013-14 EPA funds have been used to support the staffing at Los Osos Middle School. EPA funds are used as part of the district's overall general fund budget to support staffing and core programs. Both the MSA and EPA funds are fully utilized for these intended purposes.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

A handwritten signature in black ink, appearing to read "Eric Prater". The signature is fluid and cursive, with a horizontal line extending from the end.

ERIC PRATER, Ed.D., Superintendent
San Luis Coastal Unified School District
1500 Lizzie Street
San Luis Obispo, CA 93401
805-549-1202
eprater@slcusd.org

cc: Members and Staff, Commission on State Mandates



SAN LUIS COASTAL

UNIFIED SCHOOL DISTRICT

1500 Lizzie Street
San Luis Obispo, CA 93401-3062
(805) 549-1202

July 30, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the San Luis Coastal Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

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In San Luis Coastal, the cost of this unfunded mandate is \$20 million in facility costs, and \$3.5 million in ongoing personnel costs. Due to class size limits that become more restrictive at full implementation, we expect the cost to be even higher. Like most districts in California, we are confronting deficits in the out years which means significant programmatic reductions in other areas due to this unfunded mandate.

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We contend that 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

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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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Ellen Sheffer, Board Trustee
San Luis Coastal Unified School District
1500 Lizzie Street
San Luis Obispo, CA 93401
805-549-1202
esheffer@slcusd.org

cc: Members and Staff, Commission on State Mandates

Jeanette Rodriguez - Chien, Ph.D.
Superintendent
17850 Railroad Avenue
Sonoma, CA 95476
Ph 707-935-4246
Fx 707-939-2235



Trustees:
Anne Ching
John Kelly
Catarina Landry
Celeste Winders

August 2, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Sonoma Valley Unified School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Jeanette Rodriguez - Chien, Ph.D.
Superintendent
17850 Railroad Avenue
Sonoma, CA 95476
Ph 707-935-4246
Fx 707-939-2235



Trustees:
Anne Ching
John Kelly
Catarina Landry
Celeste Winders

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

A handwritten signature in black ink that reads "Jeanette Rodriguez-Chien". The signature is written in a cursive, flowing style.

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

cc: Members and Staff, Commission on State Mandates



Superintendent
Michael Gallagher, Ed.D.

Board of Education
Isabel Jubes-Flamerich
Eileen Le
Michelle Maginot
Nancy Newkirk
Bridget Watson

July 24, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of Sunnyvale School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

Costs associated with implementing UTK took funding and capacity away from the following programs and supports: chronic absenteeism, supports for our English Learners, STEM program expansions, social emotional supports, health and wellness programs, class size reductions, visual & performing arts, math readiness supports, behavioral supports, special education programs, after school programs, instructional technologies, healthier ingredients for student meals, safety & security improvements, facility improvements, clean water filling stations, flexible learning environments, direct family supports, transportation services, extracurricular activities, and technology improvements.

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The MSA and EPA funding we receive helps support the increasing social emotional, and behavioral needs of the district. It also helps fund the general fund encroachment of the special education program. MSA and EPA funds are fully spent each year and have no capacity to fund additional costs associated with UTK.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Arthur Cuffy
Chief Business Officer
Sunnyvale School District
819 W. Iowa Ave.
Sunnyvale, CA 94086
408-522-8200
Arthur.cuffy@sesd.org

cc: Members and Staff, Commission on State Mandates



Superintendent
Michael Gallagher, Ed.D.

Board of Education
Isabel Jubes-Flamerich
Eileen Le
Michelle Maginot
Nancy Newkirk
Bridget Watson

July 31, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of Sunnyvale School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

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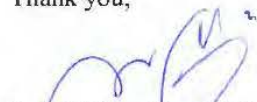
The MSA and EPA funding we receive helps support the increasing social emotional, and behavioral needs of the district. It also helps fund the general fund encroachment of the special education program. MSA and EPA funds are fully spent each year and have no capacity to fund additional costs associated with UTK.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



Isabel Jubes-Flamerich
Board of Education, President
Sunnyvale School District
819 W. Iowa Ave
Sunnyvale, CA 94086
408-522-8200
isabel.jubes-flamerich@sesd.org

cc: Members and Staff, Commission on State Mandates



Superintendent
Michael Gallagher, Ed.D.

Board of Education
Isabel Jubes-Flamerich
Eileen Le
Michelle Maginot
Nancy Newkirk
Bridget Watson

July 24, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of Sunnyvale School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

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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,



Jeremy Nishihara
Assistant Superintendent of Human Resources & Informational Systems
Sunnyvale School District
819 W. Iowa Ave.
Sunnyvale, CA 94086
408-522-8200
Jeremy.nishihara@sesd.org

cc: Members and Staff, Commission on State Mandates



Superintendent
Michael Gallagher, Ed.D.

Board of Education
Isabel Jubes-Flamerich
Eileen Le
Michelle Maginot
Nancy Newkirk
Bridget Watson

July 24, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of Sunnyvale School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

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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,



Michael Gallagher, Ed.D.
Superintendent
Sunnyvale School District
819 W. Iowa Ave.
Sunnyvale, CA 94086
408-522-8200
Michael.gallagher@sesd.org

cc: Members and Staff, Commission on State Mandates



Superintendent
Michael Gallagher, Ed.D.

Board of Education
Isabel Jubes-Flamerich
Eileen Le
Michelle Maginot
Nancy Newkirk
Bridget Watson

July 24, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of Sunnyvale School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

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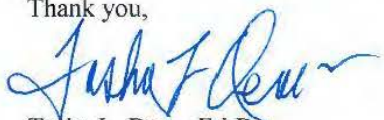
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We implore that the Commission staff recommends the test claim to be approved and that Commission members approve the claim when it is heard this fall.

Thank you,



Tasha L. Dean, Ed.D.
Chief Teaching & Learning Officer
Sunnyvale School District
819 W. Iowa Ave.
Sunnyvale, CA 94086
408-522-8200
tasha.dean@sesd.org

cc: Members and Staff, Commission on State Mandates



July 22, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of Vallecito Union School District in Calaveras County, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the

Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The expansion of offering TK at our school district has had financial impact to the District both in increased personnel costs and facility costs. TK is essentially adds another grade level to our school and in 2023-24 we had enough eligible students enrolled to run a full classroom program of 19 students. The personnel cost resulted in paying an additional teacher to teach the class at a budgeted cost of \$104,000 as well as having an assigned paraeducator to meet the 10:1 ratio which has a budgeted cost of approximately \$40,000. Facilities also need upgraded to accommodate students aged 5 and under. We currently do not have a play structure at one of our elementary schools that is safety rated for children 5 and under. We have reached out to play structure vendors and to install a play structure that meets all safety guidelines will cost our district approximately \$117,000. The funds currently being allotted to TK, prohibit our district from offering additional MTSS intervention services, like additional intervention teachers, tutors or individual intervention software programs.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

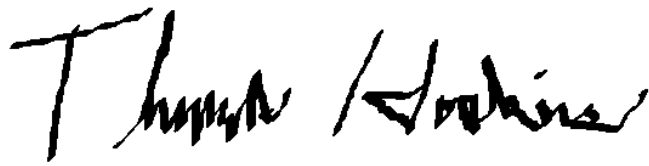
Being a small district, when Kindergarten was originally expanded to include students in the TK model, we were one of the first districts in our region to open our doors and welcome these young students. The impact to our two small K-5 schools was fairly nominal as we had very few students enroll. As we move forward implementing UTK, we will be challenged in the area of student to teacher ratios, which has already tapped into our MSA and EPA dollars.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,

A handwritten signature in black ink, reading "Tom Hoskins". The signature is written in a cursive, flowing style.

Tom Hoskins, Superintendent

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cc: Members and Staff, Commission on State Mandates



Vista Del Mar Union School District
Vista de las Cruces School
9467 San Julian Rd.
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July 18, 2024

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

Re: Response to DOF Comments on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Miller:

On behalf of the Vista del Mar Union School District, I am writing to reaffirm our strong support for the Transitional Kindergarten (TK) Program test claim and to respond to the July 11, 2024, comments made by the Department of Finance (DOF).

California is currently in the third year of phasing in universal transitional kindergarten (UTK). By 2025-26, the state expects all local educational agencies (LEAs) to make 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 three fiscal years, the state has provided approximately \$1.8 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.

In its July 11, 2024, response to the test claim, the DOF asserts that all districts, including community-funded (basic aid) school districts, receive a Local Control Funding Formula (LCFF) entitlement. While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.

When TK was originally created for a small cohort of students, school districts that received funding based on local property taxes instead of the LCFF absorbed this added cost by redirecting funds from existing programs. However, the expansion of TK for a full 12 months is costly for any

district if adequate resources are not provided. The Newsom Administration and the Legislature correctly recognize that simply adding students to share in the existing pool of state funding will reduce resources for existing students, which is why they have increased the Proposition 98 guarantee over the past three fiscal years for UTK implementation. School districts would otherwise end up with fewer resources per student, per classroom, and per educator. It is the same scenario for all school districts, including community-funded districts. The difference is the state is providing UTK resources to state-funded districts and not providing resources to community-funded districts despite the state maintaining that implementation of UTK is an expectation of all school districts.

The DOF also highlights the funding that community-funded districts receive through the LCFF via the minimum state aid (MSA) provision and the Education Protection Account (EPA) and implies that this funding could be used to pay for UTK. It is important to note that all districts, state- or community-funded, receive funding via the LCFF and the EPA. What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.

We contend that 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 State Mandates (Commission) on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades 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.

Thank you,



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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 August 9, 2024, I served the:

- **Current Mailing List dated July 22, 2024**
- **Claimant's Rebuttal Comments filed August 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 August 9, 2024 at Sacramento, California.



David Chavez

Commission on State Mandates

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Sacramento, CA 95814

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 7/22/24

**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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Schools For Sound Finance

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2023-24 Board

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Exhibit D

RECEIVED

May 10, 2024

Commission on
State Mandates

May 10, 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

Re: Transitional Kindergarten Program, 23-TC-02

Position: Support

Dear Ms. Miller:

On behalf of the Schools For Sound Finance [(SF)²], the statewide association of community-funded (“basic aid”) school districts, we are 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 school districts, which means that our districts 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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Page 2

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. 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 10, 2024

Anthony Ranii



President, Schools For Sound Finance

Superintendent, Montecito Union School District
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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 17, 2024, I served the:

- **Current Mailing List dated May 16, 2024**
- **Michael Chaix, Superintendent, Cucamonga School District Comments on the Test Claim filed May 10, 2024**
- **Jeffrey Trader, Assistant Superintendent, Chief Business Official, Newport-Mesa Unified School District Comments on the Test Claim filed May 10, 2024**
- **Anthony Ranii, President, Schools for Sound Finance Comments on the Test Claim filed May 10, 2024**
- **Dr. Gregory Sackos, Superintendent, Desert Center Unified School District Comments on the Test Claim filed May 9, 2024**
- **Richard Gross, Trustee, Fort Ross Elementary School District Comments on the Test Claim filed May 9, 2024**
- **Michael Smallen, Trustee, Fort Ross Elementary School District Comments on the Test Claim filed May 9, 2024**
- **Wesley Smith, Superintendent, Newport-Mesa Unified School District Comments on the Test Claim filed May 9, 2024**
- **Brian Clausen, Trustee, San Luis Coastal Unified School District Comments on the Test Claim filed May 9, 2024**
- **Eve Hinton, Trustee, San Luis Coastal Unified School District Comments on the Test Claim filed May 9, 2024**
- **Katie Moses, Architect, Hope School District Comments on the Test Claim filed May 8, 2024**
- **Yvonne Kreck, Board President, Alexander Valley Union School District Comments on the Test Claim filed May 7, 2024**
- **Chris Hodges, Hope School District Comments on the Test Claim filed May 7, 2024**
- **Diane Satterthwaite, Hope School District Comments on the Test Claim filed May 7, 2024**
- **Amy Steets, Hope School District Comments on the Test Claim filed May 7, 2024**

- **Tristin Tracy, Hope School District Comments on the Test Claim filed May 7, 2024**
- **Kevin Grier, Superintendent, Loma Prieta Joint Union School District Comments on the Test Claim filed May 7, 2024**
- **Carolyn Chow, Chief Business Officer, Palo Alto Unified School District Comments on the Test Claim filed May 7, 2024**
- **Andree Grey, Superintendent, Encinitas Union School District Comments on the Test Claim filed May 6, 2024**
- **Louann Carlomagno, Superintendent, Hillsborough City School District Comments on the Test Claim filed May 6, 2024**
- **Don Geddis, Board Vice President, Hillsborough City School District Comments on the Test Claim filed May 6, 2024**
- **An Huang Chen, Trustee, Hillsborough City School District Comments on the Test Claim filed May 6, 2024**
- **Gilbert Wai, Trustee, Hillsborough City School District Comments on the Test Claim filed May 6, 2024**
- **Kim Aragon, Employee, Hope School District Comments on the Test Claim filed May 6, 2024**
- **Community Member (1), Hope School District Comments on the Test Claim filed May 6, 2024**
- **Community Member (2) Hope School District Comments on the Test Claim filed May 6, 2024**
- **Kelly Cousineau, Hope School District Comments on the Test Claim filed May 6, 2024**
- **Employee (6) Hope School District Comments on the Test Claim filed May 6, 2024**
- **Employee (7) Hope School District Comments on the Test Claim filed May 6, 2024**
- **Employee (8) Hope School District Comments on the Test Claim filed May 6, 2024**
- **Employee (9) Hope School District Comments on the Test Claim filed May 6, 2024**
- **Employee (10) Hope School District Comments on the Test Claim filed May 6, 2024**
- **Employee (11) Hope School District Comments on the Test Claim filed May 6, 2024**
- **Employee (12) Hope School District Comments on the Test Claim filed May 6, 2024**

- Ben Faulman, Hope School District Comments on the Test Claim filed May 6, 2024
- Meagan Faulman, Hope School District Comments on the Test Claim filed May 6, 2024
- Laura Godinez, Employee, Hope School District Comments on the Test Claim filed May 6, 2024
- Larissa Graham, Parent, Hope School District Comments on the Test Claim filed May 6, 2024
- Brian Hiefield, Hope School District Comments on the Test Claim filed May 6, 2024
- Dmitri Jarocki, Hope School District Comments on the Test Claim filed May 6, 2024
- Christy Kelso, Hope School District Comments on the Test Claim filed May 6, 2024
- Sarah Kempe-Mehl, Hope School District Comments on the Test Claim filed May 6, 2024
- Claire Krock, Director of Curriculum and Instruction, Hope School District Comments on the Test Claim filed May 6, 2024
- Irina Ludkovski, Parent and Community Member, Hope School District Comments on the Test Claim filed May 6, 2024
- Becca McNees, Hope School District Comments on the Test Claim filed May 6, 2024
- Luis Mori-Quiroz, Parent, Hope School District Comments on the Test Claim filed May 6, 2024
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- Thomas Skaff, Hope School District Comments on the Test Claim filed May 6, 2024
- Noah Stites-Hallet, Hope School District Comments on the Test Claim filed May 6, 2024
- Jestin St. Peter, Principal, Hope School District Comments on the Test Claim filed May 6, 2024
- Adrian Talley, Hope School District Comments on the Test Claim filed May 6, 2024
- Wyatt Talley, Hope School District Comments on the Test Claim filed May 6, 2024

- **Julie Walsmith, Employee, Hope School District Comments on the Test Claim filed May 6, 2024**
- **Jacqueline Duran, Board Member, Montecito Union School District Comments on the Test Claim filed May 6, 2024**
- **Jennifer Burks, Superintendent, Solana Beach School District Comments on the Test Claim filed May 6, 2024**
- **Debra Schade, Board President, Solana Beach School District Comments on the Test Claim filed May 6, 2024**
- **Kerstin Kramer, Superintendent, Chief Learning Officer, Tahoe Truckee Unified School District Comments on the Test Claim filed May 6, 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 17, 2024 at Sacramento, California.



Jill Magee
 Commission on State Mandates
 980 Ninth Street, Suite 300
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 (916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 5/16/24

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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Portola Valley School District
Ormondale School (K-3) • Corte Madera School (4-8)

RECEIVED
May 01, 2024
**Commission on
State Mandates**

Board of Trustees: Aimee Armsby, Robert Bauer, Gary Hanning, Kimberley Morris Rosen, Amod Setlur

Roberta Zarea, Superintendent

Exhibit E

May 1, 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

Re: Transitional Kindergarten Program, 23-TC-02

Position: Support

Dear Ms. Miller:

As a long-time trustee of the Portola Valley 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. Prior to my rejoining the Board during the CoVID pandemic, I was Trustee and President of the School Board for 8 years dealing with the massive dislocation that Proposition 13 caused to our District's finances. We had to cut programs and sell property that we otherwise would have maintained for the health and welfare of our learners. The unfunded mandate requiring UTK causes a big financial obligation that will at a minimum increase class sizes which we have been planning and struggling to reduce during the past 15 years.

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

Portola Valley School District

Ormondale School (K-3) • Corte Madera School (4-8)

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Roberta Zarea, Superintendent

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.

Having spent years dealing with the financial problems created by Proposition 13, I 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,



Dr. Robert S. Bauer, Trustee
Portola Valley 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 6, 2024, I served the:

- **Current Mailing List dated May 6, 2024**
- **Dr. Janet Tufts, Superintendent, Howell Mountain Elementary School District Comments on the Test Claim filed May 1, 2024**
- **Stacy Allison, Certificated Teacher, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Virginia Alvarez, Chief Business Official, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Daniel Berman, Parent, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Kimberly Berman, 6th Grade Certificated Teacher, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Mitchell Bragg, Board Member, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Nick Bruski, Principal, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Brooke Cloud, Certificated Teacher, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Kim Crail, Board Vice President, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Melissa Erickson, Certificated Teacher Education Specialist, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Alyssa Gonzalez, K-6 Art Specialist Credentialed Teacher, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Rusty Ito, Vice Principal, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Lisa Monson, Certificated Teacher, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Autumn Noe, Classified Staff and Parent, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**

- **Susannah Osley, Board President, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Anthony Ranii, Superintendent, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Jessica Smith, Board Member, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Melissa Spink, Student Meals Program Coordinator, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Christina Stokes, Certificated Teacher, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
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- **Selina Wimmel, School Office Assistant, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Ron Zecher, Certificated Teacher, Montecito Union School District, Comments on the Test Claim filed May 1, 2024**
- **Dr. Nellie Meyer, Superintendent, Mountain View Los Altos School District, Comments on the Test Claim filed May 1, 2024**
- **Dr. Robert Bauer, Trustee, Portola Valley School District, Comments on the Test Claim filed May 1, 2024**
- **Amod Setlur, Trustee, Portola Valley School District, Comments on the Test Claim filed May 1, 2024**
- **Vinita Singh, Director Business Services, Sequoia Union High School District, Comments on the Test Claim filed May 1, 2024**
- **Dr. Jeanette Rodriguez-Chien, Superintendent, Sonoma Valley Unified School District, Comments on the Test Claim filed May 1, 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 6, 2024 at Sacramento, California.

Jill Magee

Jill Magee
Commission on State Mandates
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 5/6/24

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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SAN LUIS COASTAL

UNIFIED SCHOOL DISTRICT

Exhibit F

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ELLEN SHEFFER, Board President

May 13, 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 14, 2024
Commission on
State Mandates

LATE FILING

Re: Transitional Kindergarten Program, 23-TC-02

Position: Support

Dear Ms. Miller:

On behalf of San Luis Coastal 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.

In San Luis Coastal, the cost of this unfunded mandate is \$20 million in facility costs, and \$3.5 million in ongoing personnel costs. Due to class size limits that become more restrictive at full

implementation, we expect the cost to be even higher. Like most districts in California, we are confronting deficits in the out years which means significant programmatic reductions in other areas due to this unfunded mandate.

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.

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.

Signed: May 13, 2024

Sincerely,



Ellen Sheffer
Board President
San Luis Coastal Unified School District
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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 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.



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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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March 27, 2025

Exhibit G

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And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Draft Proposed Decision, Schedule for Comments, and Notice of Hearing
Transitional Kindergarten, 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

Dear Ms. Alexander and Mr. Palkowitz:

The Draft Proposed Decision for the above-captioned matter is enclosed for your review and comment.

Written Comments

Written comments may be filed on the Draft Proposed Decision no later than **5:00 pm on April 17, 2025**. Please note that all representations of fact submitted to the Commission must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge, information, or belief. (Cal. Code Regs., tit. 2, § 1187.5.) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions. (Cal. Code Regs., tit. 2, § 1187.5.) The Commission's ultimate findings of fact must be supported by substantial evidence in the record.¹

You are advised that comments filed with the Commission are required to be electronically filed (e-filed) in an unlocked legible and searchable PDF file, using the Commission's Dropbox. (Cal. Code Regs., tit. 2, § 1181.3(c)(1).) Refer to <https://www.csm.ca.gov/dropbox.shtml> on the Commission's website for electronic filing instructions. If e-filing would cause the filer undue hardship or significant prejudice, filing may occur by first class mail, overnight delivery or personal service only upon approval of a written request to the executive director. (Cal. Code Regs., tit. 2, § 1181.3(c)(2).)

If you would like to request an extension of time to file comments, please refer to section 1187.9(a) of the Commission's regulations.

¹ Government Code section 17559(b), which provides that a claimant or the state may commence a proceeding in accordance with the provisions of section 1094.5 of the Code of Civil Procedure to set aside a decision of the Commission on the ground that the Commission's decision is not supported by substantial evidence in the record.

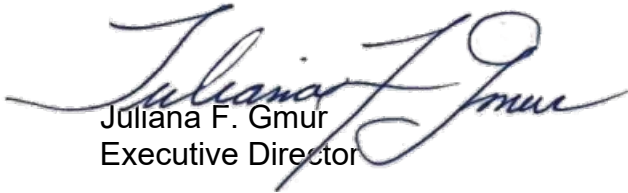
Hearing

This matter is set for hearing on **Friday, May 23, 2025** at 10:00 a.m. The Proposed Decision will be issued on or about May 9, 2025.

Please notify Commission staff not later than **May 22, 2025**, the Tuesday prior to the hearing, that you or a witness you are bringing plan to testify and please specify the names of the people who will be speaking for inclusion on the witness list and so that detailed instructions regarding how to participate as a witness in this meeting on Zoom can be provided to them. When calling or emailing, please identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Very truly yours,



Juliana F. Gmur
Executive Director

ITEM ____
TEST CLAIM
DRAFT PROPOSED DECISION

Education Code Section 48000

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

Effective Date July 9, 2021

Transitional Kindergarten

23-TC-02

Hope Elementary School District and Sunnyvale School District, Claimants

EXECUTIVE SUMMARY

Overview

This Test Claim addresses changes to the transitional kindergarten (TK) program arising out of Statutes 2021, chapter 44, section 60 (AB 130).¹ Existing law authorizes school districts and charter schools to provide transitional kindergarten programs, defined as “the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.”² Under prior law, as a condition of receipt of apportionment for students in a TK program, school districts and charter schools were required to provide a TK program for pupils who would have their fifth birthday between September 2 and December 2. The test claim statute expands the range of eligible birthdates gradually over several years, until by the 2025-2026 school year onwards all pupils who will have their fourth birthday by September 1 are eligible for TK.³ The test claim statute also requires as a condition of receipt of apportionment, an average maximum TK class size of 24 pupils per schoolsite, and beginning in the 2022-2023 school year, an adult-to-pupil ratio of one adult per 12 pupils in a TK classroom.⁴

For reasons stated in the analysis, staff finds the test claim statute does not impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of

¹ Transitional kindergarten and TK are used interchangeably throughout this Decision.

² Education Code section 48000(d).

³ Education Code section 48000(c)(1)(G), as amended by Statutes 2021, Chapter 44 (AB 130), section 60.

⁴ Education Code section 48000(g), as amended by Statutes 2021, Chapter 44 (AB 130), section 60.

the California Constitution and Government Code section 17514 and recommends the Commission deny this Test Claim.

Procedural History

The Hope Elementary School District and Sunnyvale School District (claimants) filed the Test Claim on January 22, 2024.⁵ During the public comment period from April 12, 2024 to May 13, 2024, almost 200 interested parties and interested persons filed letters in support of the Test Claim.⁶ The Department of Finance (Finance) filed comments on the Test Claim on July 11, 2024.⁷ The claimants filed rebuttal comments on August 8, 2024, which included over 100 additional letters of support from interested parties and interested persons responding to Finance’s comments.⁸

Commission staff issued the Draft Proposed Decision on March 27, 2025.⁹

Commission Responsibilities

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. In order for local government to be eligible for reimbursement, one or more similarly situated local agencies or school districts must file a test claim with the Commission. “Test claim” means the first claim filed with the Commission alleging that a particular statute or executive order imposes costs mandated by the state. Test claims function similarly to class actions and all members of the class have the opportunity to participate in the test claim process and all are bound by the final decision of the Commission for purposes of that test claim.

The Commission is the quasi-judicial body vested with exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution and not apply it as an “equitable remedy

⁵ Exhibit A, Test Claim.

⁶ Due to the high number of comments that are duplicative, most interested party and interested person comments have been excluded from the exhibits, save for a few representative examples. See Exhibit D, Anthony Ranii, President, Schools for Sound Finance, Comments on the Test Claim; Exhibit E, Dr. Robert Bauer, Trustee, Portola Valley School District, Comments on the Test Claim; and Exhibit F, Ellen Sheffer, Board President, San Luis Coastal Unified School District, Late Comments on the Test Claim. However, all comments are available on the Commission’s website on the matter page for this Test Claim at <https://csm.ca.gov/matters/23-TC-02.shtml> and each commenter is acknowledged by name in footnotes in the Interested Parties and Interested Persons section of the Draft Proposed Decision.

⁷ Exhibit B, Finance’s Comments on the Test Claim.

⁸ Exhibit C, Claimants’ Rebuttal Comments, filed August 8, 2024.

⁹ Exhibit G, Draft Proposed Decision.

to cure the perceived unfairness resulting from political decisions on funding priorities.”¹⁰

Claims

The following chart provides a brief summary of the claims and issues raised and staff’s recommendation.

Issue	Description	Staff Recommendation
Was the test claim timely filed?	A test claim shall be filed no later than 12 months following the effective date of an executive order or statute, or within 12 months of incurring increased costs as a result of the executive order or statute, whichever is later. ¹¹ The Commission’s regulations clarify that “within 12 months of incurring increased costs” means “within 12 months (365 days) of <i>first</i> incurring increased costs as a result of a statute or executive order, whichever is later.” ¹²	<i>Yes, timely filed.</i> The test claim statute has an effective date of July 9, 2021, while the test claim was jointly filed on January 22, 2024. ¹³ However, the claimants filed declarations under penalty of perjury that they first incurred increased costs to implement the test claim statute on July 1, 2023, when they hired additional teachers and non-teacher employees to staff the TK program. ¹⁴ Finance asserts that because some of the test claim statute’s requirements went into effect during the 2021-2022 and 2022-2023 school years, it is uncertain whether the claimants first incurred increased costs prior to July 1, 2023, and therefore

¹⁰ *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281, citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

¹¹ Government Code section 17551(c).

¹² California Code of Regulations, title 2, section 1183.1(c), emphasis added.

¹³ Exhibit A, Test Claim, page 1. The test claim statute, Statutes 2021, chapter 44, was a budget bill and took effect immediately when filed with the Secretary of State (Stats. 2021, ch. 44, section 165.)

¹⁴ Exhibit A, Test Claim, pages 24-25 (Declaration of Lori van Gogh, Chief Business Officer, Sunnyvale School District); pages 30-31 (Declaration of Mike Thomson, Chief Business Official, Business Office, Hope Elementary School District).

Issue	Description	Staff Recommendation
		<p>this Test Claim may not be timely.¹⁵ Finance provides no evidence that supports this position besides some inconsistencies in the claimants' documentary evidence it believes may be evidence of earlier increased costs. However, the inconsistencies do not rise to the level of substantial evidence of earlier increased costs, and the claimants declare under penalty of perjury that they first experienced increased costs on July 1, 2023. Absent evidence the claimants did or should have first incurred increased costs to implement the test claim statute prior to July 1, 2023, the Commission must accept the claimants' signed declarations of when they first incurred increased costs. The January 22, 2024 filing date is therefore timely.</p>
Does the test claim statute impose a state-mandated program on school districts?	When determining whether new requirements imposed by the test claim statute compel compliance and, thus, create a state-mandated program for purposes of reimbursement under article XIII B, section 6, the courts have identified two distinct theories: legal compulsion and practical	<p><i>No, not a state mandate.</i></p> <p>The test claim statute requires, as a condition of receipt of apportionment, that school districts and charter schools admit into a TK program pupils whose fifth birthday falls within a specified range adjusted incrementally over several years, so that by the 2025-2026 school year school districts must ensure that</p>

¹⁵ Exhibit B, Finance's Comments on the Test Claim, page 3.

Issue	Description	Staff Recommendation
	<p>compulsion.¹⁶ Activities undertaken at the option or discretion of local government, without legal or practical compulsion, do not trigger a state-mandated program within the meaning of article XIII B, section 6.¹⁷</p> <p>When determining if a local agency is legally compelled by a funding entitlement, “the proper inquiry is whether the language of the funding entitlement provisions legally obligates the districts to comply with the conditions described therein.”¹⁸</p> <p>Practical compulsion exists when “noncompliance is likely to result in withholding of a significant amount of state aid, or that the risk of such withholding leaves them with no true alternative but to comply.”¹⁹ When there is “no true alternative,” any alternative options that</p>	<p>children who will have their fourth birthday by September 1 shall be admitted into a TK program along with other requirements.²²</p> <p>By law, school districts are authorized, but not required to offer TK programs, and if a school district does not offer TK, the only consequence is it does not receive an apportionment of funding for the students that would have been in the TK program. The claimants are not legally compelled to provide TK, and this interpretation is supported by the statute’s plain language, by the TK program’s legislative history, and by the fact that a few school districts have chosen not to offer TK.</p> <p>Nor is there substantial evidence that claimants are practically compelled to</p>

¹⁶ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815.

¹⁷ *City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 73-76; *Department of Finance v. Commission on State Mandates (Kern)* (2003) 30 Cal.4th 727; *Department of Finance v. Commission on State Mandates (POBRA)* (2009) 170 Cal.App.4th 1355, 1365-1366.

¹⁸ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 819.

¹⁹ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 822.

²² Education Code section 48000(g)(1)-(3) (as amended by Statutes 2021, chapter 44 (AB 130), section 60). (Emphasis added.)

Issue	Description	Staff Recommendation
	<p>may exist must be “so far beyond the realm of practical reality” that it leaves the local government “without discretion” not to comply with the state’s conditions, such that the alternative amounts to “no alternative at all”.²⁰ However, the benefits of a program being “too good to refuse” are not sufficient to be considered practical compulsion, and if the state coerces participation by imposing penalties for non-compliance, the penalty must be something harsher than simply withholding the funding a claimant would have received for the program.²¹</p> <p>Government Code section 17556(e) provides that the Commission shall not find costs mandated by the state if a bill includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate.</p>	<p>provide TK. The available alternative is to not have a TK program, which is a demonstrably viable alternative as there are school districts that do not offer TK.²³ Withholding the funding they would have received for the TK program is not a severe penalty that rises to the level of practical compulsion. Rather, it is up to the claimants to determine if <i>on balance</i>, the benefits of the TK program under the state’s conditions for funding outweigh its costs.</p> <p>Furthermore, even if there were legal or practical compulsion, there are no costs mandated by the state pursuant to Government Code section 17556(e), as the state has provided funding specifically intended to fund the TK program and the requirements imposed by the test claim statute. The Local Control Funding Formula (LCFF) is used to calculate school districts’ funding entitlements, and</p>

²⁰ *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558 (finding that urbanized cities and counties were practically compelled to obtain a permit for their stormwater drainage systems).

²¹ *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 731.

²³ Exhibit X (2), D’Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), pages 4, 6.

Issue	Description	Staff Recommendation
		<p>this formula provides funding for TK students based on their ADA, including adjustments and add-ons that provide additional funding to maintain an average class size and to maintain an average of one adult for every 12 pupils in a TK classroom.²⁴ School districts are required to use the funding they receive exclusively for the support of the schools within the district, with at least 60 percent going towards classroom teacher salaries.²⁵ Thus the state has provided funding intended to support the TK program and its requirements in an amount sufficient to fund the cost of the state mandate. Although the claimants argue that as basic aid districts, their LCFF entitlement is completely offset by their local property tax revenue, meaning they do not receive any additional state funding for the program and have less excess tax revenue available to spend on local funding priorities, they are not entitled to a specific amount of excess property tax revenue. Property tax revenue used to offset the</p>

²⁴ Education Code section 42238.02.

²⁵ Education Code sections 41370(a) and 41372.

Issue	Description	Staff Recommendation
		LCFF entitlement is considered part of the state apportionment, not local proceeds of taxes, and the Legislature has broad discretion with how it satisfies its reimbursement obligations, so long as the chosen method is consistent with Proposition 98 and other constitutional guarantees. ²⁶ Accordingly, there are no costs mandated by the state pursuant to Government Code section 17556(e).

Staff Analysis

This Test Claim alleges new state-mandated activities and costs arising from amendments to Education Code section 48000 found in Statutes 2021, chapter 44, section 60 (AB 130), relating to the transitional kindergarten (TK) program.²⁷ Existing law authorizes school districts to maintain a transitional kindergarten program, defined as “the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.”²⁸ Prior law provided, “[a]s a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Education Code section 46300,” school districts and charter schools shall ensure that a child, who will have their fifth birthday between September 2 and December 2 from the 2014-2015 school year onwards, be admitted into a TK program maintained by the school district or charter school.²⁹ The apportionment promised comes from the increase in the school district’s average daily attendance (ADA) caused by TK pupils attending the program.³⁰ ADA is the total number of days of pupil attendance divided by the total number of days in the regular school year.³¹ ADA is used in calculating how much funding the state shall set aside for education each year

²⁶ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 726; Education Code section 41202(g).

²⁷ TK and transitional kindergarten are used interchangeably throughout this Decision.

²⁸ Education Code section 48000(d).

²⁹ See Education Code section 48000(c)(1)(C), as amended by Statutes 2010, chapter 705 (SB 1381), section 3.

³⁰ Education Code section 46300(g). See also, Statutes 2010, chapter 705, section 5.

³¹ Education Code section 46301.

under Proposition 98, and how much of that funding each school district is entitled to under the Local Control Funding Formula (LCFF) and from constitutionally guaranteed minimums.³²

The test claim statute expands the birthdate range used to determine who shall be admitted into TK programs incrementally over several years, so that by the 2025-2026 school year, as a condition of receipt of apportionment for pupils in a TK program, school districts shall ensure that children who will have their fourth birthday by September 1 shall be admitted into a TK program maintained by the school district or charter school.³³ The test claim statute also imposes additional new conditions on school districts and charter schools for receipt of apportionment for pupils in a TK program, requiring the school districts and charter schools to maintain an average TK class enrollment of not more than 24 pupils for each schoolsite; and, beginning with the 2022-2023 school year, to maintain an average of at least one adult for every 12 pupils in a TK classroom.³⁴

Staff finds the new requirements imposed by the test claim statute are not mandated by the state. Based on the plain language of the statute, there is no legal compulsion to provide TK. When determining if a local agency is legally compelled by a funding entitlement, “the proper inquiry is whether the language of the funding entitlement provisions legally obligates the districts to comply with the conditions described therein.”³⁵ The requirements imposed by the test claim statute do not stand on their own but, read in full context, they are conditions on a voluntary program in exchange for receiving state funding for the program. There is no standalone requirement for school districts to provide TK programs. This is in contrast to the requirement within the same code section that school districts admit children who will turn five by September 1 into their kindergarten program each school year, which is not prefaced as a condition for receiving an apportionment and is therefore mandatory.³⁶ This interpretation is supported by the legislative history of the bill that created the TK program, which shows the draft bill’s phrasing was purposefully changed over concerns about the effects of

³² California Constitution, article IX, section 6; article XIII, section 36; article XVI, section 8; Education Code section 42238.02.

³³ Education Code section 48000(c)(1)(G), as amended by Statutes 2021, Chapter 44 (AB 130), section 60.

³⁴ Education Code section 48000(g), as amended by Statutes 2021, Chapter 44 (AB 130), section 60.

³⁵ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 819.

³⁶ See *People v. Trevino* (2001) 26 Cal.4th 237, 242 (“When the Legislature uses materially different language in statutory provisions addressing the same subject or related subjects, the normal inference is that the Legislature intended a difference in meaning.”).

making TK programs mandatory for school districts.³⁷ Furthermore, there is evidence that some school districts do not offer TK programs, which demonstrates these districts understood this is not a state-mandated program.³⁸ If a school district chooses not to provide a TK program, there is no legal penalty. Thus, the claimants are not legally compelled by the test claim statute.

Staff also finds that school districts are not practically compelled to provide TK programs. Practical compulsion exists when “noncompliance is likely to result in withholding of a significant amount of state aid, or that the risk of such withholding leaves them with no true alternative but to comply.”³⁹ For there to be “no true alternative,” any alternatives that may exist must be “so far beyond the realm of practical reality” that it amounts to no alternative at all.⁴⁰ However, the benefits of a program being “too good to refuse” are not sufficient to be considered practical compulsion, and if the state coerces participation by imposing penalties for non-compliance, the penalty must be something harsher than simply withholding the funding a claimant would have received for the program.⁴¹ Here, claimants have a viable alternative in choosing not to provide TK, as demonstrated by the school districts who do not provide TK programs. Some school districts even chose to end their TK programs.⁴² The claimants are basic aid districts, which receive a constitutionally guaranteed minimum amount of state funding based on ADA; as such they have little financial incentive to provide TK and would have justifiable grounds to find that the benefits of a TK program do not outweigh the costs of complying with the state’s conditions for receiving funding for the program. It is up to the school districts to determine whether it is in the school district’s and their students’ best interests to participate in a program — in other words, if, *on balance*, the program is deemed

³⁷ Exhibit X (1), Assembly Committee on Appropriations, Analysis of SB 1381, as amended August 2, 2010, page 3.

³⁸ Exhibit X (2), D’Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025).

³⁹ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 822.

⁴⁰ *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558.

⁴¹ *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 731.

⁴² Exhibit X (2), D’Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), pages 4, 6.

beneficial, even with strings attached.⁴³ As the courts have made clear, actions undertaken at the option or discretion of a local government entity do not trigger a state mandate and hence do not require reimbursement of funds — even if the local entity is obliged to incur costs as a result of its discretionary decision to participate in a particular program or practice.⁴⁴

Staff finds that even if school districts are legally or practically compelled to provide TK programs, there are no costs mandated by the state pursuant to Government Code section 17556(e) because the state has provided additional revenue intended to fund the costs of the state mandate. As mentioned, the state provides funding for TK programs based on the increase in a school district's ADA from these additional students.⁴⁵ This funding would not exist without the TK program, as children who are eligible for TK are too young to otherwise enroll in school.⁴⁶ The state also provides additional funding for the class size restriction and adult-to-pupil ratio added with the test claim statute.⁴⁷ The claimants argue that as basic aid districts, this funding is completely offset for them by their property tax revenue, forcing them to spend their local proceeds of taxes on the TK program.⁴⁸ However, local revenue used to offset funding entitlement calculations under the LCFF are not considered proceeds of taxes, but instead part of the state's apportionment.⁴⁹ Just like in *California School Board Association v. State of California (CSBA)*, where the Legislature decreased school districts' proceeds of taxes by designating a portion of previously unrestricted state funding to be first used to offset the cost of certain state mandated programs, the Legislature has broad discretion in how it satisfies reimbursement obligations "so long as its chosen method is consistent with Proposition 98 and other constitutional guarantees."⁵⁰ Although increasing school districts' funding entitlements under the LCFF decreases the amount of excess property tax revenue basic aid districts have available to spend on local funding priorities, basic aid districts are not entitled to a specific amount of excess property tax revenue.⁵¹ "The circumstance that the program funds claimants may have wished to use exclusively for substantive program activities

⁴³ *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 753, emphasis in original.

⁴⁴ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815; *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 742.

⁴⁵ Education Code section 46300(g).

⁴⁶ Education Code section 48000(a).

⁴⁷ Education Code section 42238.02(d)(3), (g)(2), as amended by Statutes 2022, chapter 52 (AB 181), section 38.

⁴⁸ Exhibit A, Test Claim, page 13.

⁴⁹ Education Code section 41202(g).

⁵⁰ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 726.

⁵¹ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 728.

are thereby reduced, does not in itself transform the related costs into a reimbursable state mandate.”⁵²

Staff finds that the test claim statute does not impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

Conclusion

Based on the forgoing analysis, staff finds that the test claim statute does not impose a state-mandated program on school districts, as they are not legally or practically compelled to offer transitional kindergarten programs.

Staff Recommendation

Staff recommends that the Commission adopt the Proposed Decision to deny the Test Claim and authorize staff to make any technical, non-substantive changes to the Proposed Decision following the hearing.

⁵² *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 725.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM

Education Code Section 48000

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

Effective July 9, 2021

Filed on January 22, 2024

Hope Elementary School District and
Sunnyvale School District, Claimants

Case No.: 23-TC-02

Transitional Kindergarten

DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted May 23, 2025)

DECISION

The Commission on State Mandates (Commission) heard and decided this Test Claim during a regularly scheduled hearing on May 23, 2025. [Witness list will be included in the adopted Decision.]

The law applicable to the Commission's determination of a reimbursable state-mandated program is article XIII B, section 6 of the California Constitution, Government Code sections 17500 et seq., and related case law.

The Commission [adopted/modified] the Proposed Decision to deny the Test Claim by a vote of [vote will be included in the adopted Decision], as follows:

Member	Vote
Lee Adams, County Supervisor	
Deborah Gallegos, Representative of the State Controller, Vice Chairperson	
Karen Greene Ross, Public Member	
Renee Nash, School District Board Member	
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	
William Pahland, Representative of the State Treasurer	
Matt Read, Representative of the Director of the Governor's Office of Land Use and Climate Innovation	

Summary of the Findings

This Test Claim alleges new state-mandated activities and costs arising from amendments to Education Code section 48000 found in Statutes 2021, chapter 44,

section 60 (AB 130), relating to the transitional kindergarten (TK) program.⁵³ Existing law authorizes school districts to maintain a transitional kindergarten program, defined as “the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.”⁵⁴ Prior law provided, “[a]s a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Education Code section 46300,” school districts and charter schools shall ensure that a child, who will have their fifth birthday between September 2 and December 2 from the 2014-2015 school year onwards, be admitted into a transitional kindergarten program maintained by the school district or charter school.⁵⁵ The apportionment promised comes from the increase in the school district’s average daily attendance (ADA) caused by TK pupils attending the program.⁵⁶ ADA is the total number of days of pupil attendance divided by the total number of days in the regular school year.⁵⁷ ADA is used in calculating how much funding the state shall set aside for education each year under Proposition 98, and how much of that funding each school district is entitled to under the Local Control Funding Formula (LCFF) and from constitutionally guaranteed minimums.⁵⁸

The test claim statute expands the birthdate range used to determine who shall be admitted into TK programs incrementally over several years, so that by the 2025-2026 school year, as a condition of receipt of apportionment for pupils in a TK program, school districts shall ensure that children who will have their fourth birthday by September 1 shall be admitted into a TK program maintained by the school district or charter school.⁵⁹ The test claim statute also imposes additional new conditions on school districts and charter schools for receipt of apportionment for pupils in a TK program, requiring the school districts and charter schools to maintain an average TK class enrollment of not more than 24 pupils for each schoolsite; and, beginning with the 2022-2023 school year, to maintain an average of at least one adult for every 12 pupils in a TK classroom.⁶⁰

The Commission finds the new requirements imposed by the test claim statute are not mandated by the state. Based on the plain language of the statute, there is no legal

⁵³ TK and transitional kindergarten are used interchangeably throughout this Decision.

⁵⁴ Education Code section 48000(d).

⁵⁵ See Education Code section 48000(c)(1)(C), as amended by Statutes 2010, chapter 705 (SB 1381), section 3.

⁵⁶ Education Code section 46300(g). See also, Statutes 2010, chapter 705, section 5.

⁵⁷ Education Code section 46301.

⁵⁸ California Constitution, article IX, section 6; article XIII, section 36; article XVI, section 8; Education Code section 42238.02.

⁵⁹ Education Code section 48000(c)(1)(G), as amended by Statutes 2021, Chapter 44 (AB 130), section 60.

⁶⁰ Education Code section 48000(g), as amended by Statutes 2021, Chapter 44 (AB 130), section 60.

compulsion to provide transitional kindergarten. When determining if a local agency is legally compelled by a funding entitlement, “the proper inquiry is whether the language of the funding entitlement provisions legally obligates the districts to comply with the conditions described therein.”⁶¹ The requirements imposed by the test claim statute do not stand on their own but, read in full context, they are conditions on a voluntary program in exchange for receiving state funding for the program. There is no standalone requirement for school districts to provide TK programs. This is in contrast to the requirement within the same code section that school districts admit children who will turn five by September 1 into their kindergarten program each school year, which is not prefaced as a condition for receiving an apportionment and is therefore mandatory.⁶² This interpretation is supported by the legislative history of the bill that created the TK program, which shows the draft bill’s phrasing was purposefully changed over concerns about the effects of making TK programs mandatory for school districts.⁶³ Furthermore, there is evidence that some school districts do not offer TK programs, which demonstrates these districts understood this is not a state-mandated program.⁶⁴ If a school district chooses not to provide a TK program, there is no legal penalty. Thus, the claimants are not legally compelled by the test claim statute.

The Commission also finds that school districts are not practically compelled to provide TK programs. Practical compulsion exists when “noncompliance is likely to result in withholding of a significant amount of state aid, or that the risk of such withholding leaves them with no true alternative but to comply.”⁶⁵ For there to be “no true alternative,” any alternatives that may exist must be “so far beyond the realm of practical reality” that it amounts to no alternative at all.⁶⁶ However, the benefits of a program being “too good to refuse” are not sufficient to be considered practical compulsion, and if the state coerces participation by imposing penalties for non-compliance, the penalty must be something harsher than simply withholding the funding

⁶¹ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 819.

⁶² See *People v. Trevino* (2001) 26 Cal.4th 237, 242 (“When the Legislature uses materially different language in statutory provisions addressing the same subject or related subjects, the normal inference is that the Legislature intended a difference in meaning.”).

⁶³ Exhibit X (1), Assembly Committee on Appropriations, Analysis of SB 1381, as amended August 2, 2010, page 3.

⁶⁴ Exhibit X (2), D’Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025).

⁶⁵ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 822.

⁶⁶ *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558.

a claimant would have received for the program.⁶⁷ Here, claimants have a viable alternative in choosing not to provide TK, as demonstrated by the school districts who do not provide TK programs. Some school districts even chose to end their TK programs.⁶⁸ The claimants are basic aid districts, which receive a constitutionally guaranteed minimum amount of state funding based on ADA; as such they have little financial incentive to provide TK and would have justifiable grounds to find that the benefits of a TK program do not outweigh the costs of complying with the state's conditions for receiving funding for the program. It is up to the school districts to determine whether it is in the school district's and their students' best interests to participate in a program — in other words, if, *on balance*, the program is deemed beneficial, even with strings attached.⁶⁹ As the courts have made clear, actions undertaken at the option or discretion of a local government entity do not trigger a state mandate and hence do not require reimbursement of funds — even if the local entity is obliged to incur costs as a result of its discretionary decision to participate in a particular program or practice.⁷⁰

The Commission finds that even if school districts are legally or practically compelled to provide TK programs, there are no costs mandated by the state pursuant to Government Code section 17556(e) because the state has provided additional revenue intended to fund the costs of the state mandate. As mentioned, the state provides funding for TK programs based on the increase in a school district's ADA from these additional students.⁷¹ This funding would not exist without the TK program, as children who are eligible for TK are too young to otherwise enroll in school.⁷² The state also provides additional funding for the class size restriction and adult-to-pupil ratio added with the test claim statute.⁷³ The claimants argue that as basic aid districts, this funding is completely offset for them by their property tax revenue, forcing them to spend their

⁶⁷ *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 731.

⁶⁸ Exhibit X (2), D'Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), pages 4, 6.

⁶⁹ *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 753, emphasis in original.

⁷⁰ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815; *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 742.

⁷¹ Education Code section 46300(g).

⁷² Education Code section 48000(a).

⁷³ Education Code section 42238.02(d)(3), (g)(2), as amended by Statutes 2022, chapter 52 (AB 181), section 38.

local proceeds of taxes on the TK program.⁷⁴ However, local revenue used to offset funding entitlement calculations under the LCFF are not considered proceeds of taxes, but instead part of the state’s apportionment.⁷⁵ Just like in *California School Board Association v. State of California (CSBA)*, where the Legislature decreased school districts’ proceeds of taxes by designating a portion of previously unrestricted state funding to be first used to offset the cost of certain state mandated programs, the Legislature has broad discretion in how it satisfies reimbursement obligations “so long as its chosen method is consistent with Proposition 98 and other constitutional guarantees.”⁷⁶ Although increasing school districts’ funding entitlements under the LCFF decreases the amount of excess property tax revenue basic aid districts have available to spend on local funding priorities, basic aid districts are not entitled to a specific amount of excess property tax revenue.⁷⁷ “The circumstance that the program funds claimants may have wished to use exclusively for substantive program activities are thereby reduced, does not in itself transform the related costs into a reimbursable state mandate.”⁷⁸

The Commission finds that the test claim statute does not impose a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514.

COMMISSION FINDINGS

I. Chronology

07/09/2021	Statutes 2021, Chapter 44, section 60 was enacted.
01/22/2024	The claimants filed the Test Claim. ⁷⁹
04/12/2024- 05/13/2024	Parties, interested parties, and interested persons filed comments on the Test Claim. ⁸⁰

⁷⁴ Exhibit A, Test Claim, page 13.

⁷⁵ Education Code section 41202(g).

⁷⁶ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 726.

⁷⁷ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 728.

⁷⁸ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 725.

⁷⁹ Exhibit A, Test Claim.

⁸⁰ The Commission received almost 200 comments from interested parties and interested persons. Due to the sheer number of comments, and a high number of comments being duplicative, only a few representative examples have been included in the exhibits. See Exhibit D, Anthony Ranii, President, Schools for Sound Finance, Comments on the Test Claim; Exhibit E, Dr. Robert Bauer, Trustee, Portola Valley School District, Comments on the Test Claim; and Exhibit F, Ellen Sheffer, Board President, San Luis Coastal Unified School District, Late Comments on the Test Claim. However, all comments are available on the Commission’s website on the matter page for this test claim <https://csm.ca.gov/matters/23-TC-02.shtml> and each commenter is

07/11/2024 The Department of Finance (Finance) filed comments on the Test Claim.⁸¹

08/08/2024 The claimants filed rebuttal comments.⁸²

03/27/2025 Commission staff issued the Draft Proposed Decision.⁸³

II. Background

A. History of California's Kindergarten Program

The California State Constitution says that the Legislature “shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year.”⁸⁴ The Constitution does not specify when a child is entitled to enter school, although it defines the Public School System to include “kindergarten schools, elementary schools, secondary schools, technical schools, and state colleges.”⁸⁵ Education Code section 48200 says that “each person between the ages of 6 and 18 years ...is subject to compulsory full time education.”⁸⁶ Although parents are not required to enroll their children in compulsory education until age six, they may enroll their child in kindergarten earlier, and the law states that “a child shall be admitted to a kindergarten maintained by the school district at the beginning of the school year, or at a later time in the same year, if the child will have their fifth birthday on or before...September 1,” thereby obligating school districts to provide kindergarten.⁸⁷ School districts also have authority to voluntarily admit into their kindergarten program children who will turn five at any time during the school year on a case-by-case basis, conditional on the school district’s governing body determining early admittance is in the child’s best interests and the parent or guardian is given information on the advantages and disadvantages and any other explanatory information about the effect of early admittance.⁸⁸

For a very long time, to be age-eligible for a kindergarten program in California, a child was required to have their fifth birthday on or before December 2 of that school year.⁸⁹

acknowledged by name in footnotes in the Interested Parties and Interested Persons section of the Draft Proposed Decision.

⁸¹ Exhibit B, Finance’s Comments on the Test Claim.

⁸² Exhibit C, Claimant’s Rebuttal Comments.

⁸³ Exhibit G, Draft Proposed Decision.

⁸⁴ California Constitution, article IX, section 5.

⁸⁵ California Constitution, article IX, section 6.

⁸⁶ Education Code section 48200.

⁸⁷ Education Code section 48000(a)(4) (As amended by Stats. 2010, ch. 705 (SB 1381), section 3). This is consistent with current law.

⁸⁸ Education Code section 48000(b).

⁸⁹ Education Code section 48000 (As amended by Stats. 1987, ch.1452, section 403).

This was one of the latest cutoff dates for kindergarten eligibility in the country, and only three other states (Connecticut, Michigan, and Vermont) also had cutoff dates between December 1 and January 1.⁹⁰ This presented a unique position for “young fives,” children with fall or late summer birthdays that could technically start kindergarten while still four years old, or could choose to wait until the next year when they could enter kindergarten as a five-year-old like the majority of their classmates. Because numerous studies showed long-term educational benefits to starting kindergarten later, particularly if the child had access to a preschool or prekindergarten program during that time to help prepare them for a classroom environment, the practice of “redshirting” was commonplace.⁹¹ However, low- and moderate-income families that could not afford private schooling options during that interim year found their children suffered academically.⁹²

B. The Kindergarten Readiness Act of 2010

In 2010, the Legislature passed SB 1381, the Kindergarten Readiness Act of 2010, which adjusted the cutoff dates for age-eligibility for kindergarten and first grade.⁹³ This would take place over several years, so that to be admitted into kindergarten, the child was required to have their fifth birthday on or before: December 2 for the 2011-2012 school year; November 1 for the 2012-2013 school year; October 1 for the 2013-2014 school year; and September 1 for the 2014-2015 school year and each year thereafter. The date by which a child must turn six to be age-eligible for first grade would also move back in a similar manner.⁹⁴ This was originally presented as a cost-cutting measure, as it would reduce kindergarten class sizes by making fewer pupils eligible to enroll each year. The first draft of SB 1381 included a statement of the state’s intention that half of the state’s savings would go towards state preschools to offset the burden this would place on low-income families.⁹⁵ However, feedback from the Assembly Committee on Education that most displaced students likely would not have access to a state preschool program and anecdotal accounts about the success of transitional kindergarten pilot programs convinced SB 1381’s author to instead add a transitional kindergarten program to serve displaced students.⁹⁶

⁹⁰ Exhibit X (4), Assembly Committee on Education, Analysis of SB 1381, as amended June 1, 2010, page 2.

⁹¹ Exhibit X (4), Assembly Committee on Education, Analysis of SB 1381, as amended June 1, 2010, page 3.

⁹² Exhibit X (4), Assembly Committee on Education, Analysis of SB 1381, as amended June 1, 2010, page 3.

⁹³ See Statutes 2010, chapter 705 (SB 1381).

⁹⁴ Education Code section 48010, as amended by Statutes 2010, chapter 705 (SB 1381), section 4.

⁹⁵ Exhibit X (14), Senate Amendment to SB 1381, March 23, 2010.

⁹⁶ Exhibit X (4), Assembly Committee on Education, Analysis of SB 1381, as amended June 1, 2010, page 5.

As initially proposed, SB 1381 added the transitional kindergarten program by amending Education Code section 46300(g). Section 46300(g) provided that, when calculating ADA, school districts can only include attendance for pupils in their second year of kindergarten if the school district had on file an agreement signed by the pupil's parent or guardian agreeing that the pupil may continue in kindergarten for not more than one additional year.⁹⁷ SB 1381, as proposed, allowed school districts to include in their ADA calculation a second year of kindergarten attendance if a pupil participated in a transitional kindergarten program.⁹⁸ The Act also amended section 48000 to define transitional kindergarten as "the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate," and to specify who would be admitted into the program:⁹⁹

(c)(1) In the 2012-13 school year, a child who will have his or her fifth birthday between November 2 and December 2 shall be admitted into a transitional kindergarten program maintained by the school district.

(2) In the 2013-14 school year, a child who will have his or her fifth birthday between October 2 and December 2 shall be admitted into a transitional kindergarten program maintained by the school district.

(3) In the 2014-15 school year and each school year thereafter, a child who will have his or her fifth birthday between September 2 and December 2 shall be admitted into a transitional kindergarten program maintained by the school district.¹⁰⁰

The Assembly Committee on Appropriations criticized this version of SB 1381 for requiring all school districts to provide transitional kindergarten as fiscally inefficient and not cost effective, noting, for example, a small school district that has only one or two eligible students would still be required to provide a transitional kindergarten program for those students, and would need to hire and train staff and obtain a facility for a class of two.¹⁰¹

Thus, SB 1381 was amended again to insert a line in paragraph (c) which tied the transitional kindergarten program to conditional funding by prefacing the requirements that students born within specified date ranges be admitted to a transitional kindergarten program maintained by the school district: "As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to subdivision

⁹⁷ Pursuant to Section 48011, which says that a child who has completed one school year in a kindergarten program shall be admitted into first grade unless the child's parent or guardian and the school district agree the child shall continue in kindergarten not more than one additional year.

⁹⁸ Exhibit X (5), Assembly Amendment to SB 1381, August 4, 2010, section 2.

⁹⁹ Exhibit X (5), Assembly Amendment to SB 1381, August 4, 2010, section 2.

¹⁰⁰ Exhibit X (5), Assembly Amendment to SB 1381, August 4, 2010, section 2.

¹⁰¹ Exhibit X (1), Assembly Committee on Appropriations, Analysis of SB 1381, as amended August 2, 2010, page 3

(g) of section 46300, a school district or charter school shall ensure the following.”¹⁰² The Legislature also added a paragraph to Section 48000 stating that “a transitional kindergarten program shall not be construed as a new program or higher level of service.”¹⁰³

The language used to summarize SB 1381 in legislative analysis changed as well. Instead of stating the bill “requires, commencing with the 2012-2013 school year, a child who would otherwise be eligible for enrollment in kindergarten be admitted to a transitional kindergarten program maintained by a school district,” the analysis now described the bill by saying it would “*allow* districts to claim funding for two years of kindergarten for children born between September and December, assuming certain conditions are met.”¹⁰⁴ A final amendment added a section to SB 1381 stating legislative intent that “the Legislature finds and declares that pupils participating in transitional kindergarten are to be included in computing the average daily attendance of a school district for purposes of calculating school district apportionments and the funding requirements of Section 8 of Article XVI of the California Constitution.”¹⁰⁵ With these changes, the Legislature adopted SB 1381.

C. Implementation of Transitional Kindergarten as an Optional Program

In 2014, the American Institutes for Research published a study on the transitional kindergarten program’s first year of implementation.¹⁰⁶ The study noted that in the first year, 89 percent of school districts that served kindergarten students offered a TK program, serving approximately 96 percent of eligible students in the state.¹⁰⁷ Seven percent of school districts reported they did not have a TK program that year because they were small districts with no eligible students.¹⁰⁸ The remaining four percent of

¹⁰² Education Code section 48000(c), as amended by Statutes 2010, chapter 705 (SB 1381), section 3.

¹⁰³ Education Code section 48000(e), as amended by Statutes 2010, chapter 705 (SB 1381), section 3.

¹⁰⁴ Exhibit X (1), Assembly Committee on Appropriations, Analysis of SB 1381, as amended August 2, 2010, page 1; Exhibit X (15), Senate Appropriations Committee, Fiscal Summary of SB 1381, as amended August 30, 2010, page 1, emphasis added.

¹⁰⁵ Statutes 2010, chapter 705, section 5.

¹⁰⁶ Exhibit X (6), American Institutes for Research, *Study of California’s Transitional Kindergarten Program, Report on the First Year of Implementation*, April 2014, <https://www.air.org/sites/default/files/2025-01/Transitional-Kindergarten-Implementation-Study-Report-April-2014.pdf> (accessed on January 21, 2025).

¹⁰⁷ Exhibit X (6), American Institutes for Research, *Study of California’s Transitional Kindergarten Program, Report on the First Year of Implementation*, April 2014, <https://www.air.org/sites/default/files/2025-01/Transitional-Kindergarten-Implementation-Study-Report-April-2014.pdf> (accessed on January 21, 2025), page 10.

¹⁰⁸ Exhibit X (6), American Institutes for Research, *Study of California’s Transitional Kindergarten Program, Report on the First Year of Implementation*, April 2014,

school districts, including at least one basic aid district, elected not to offer TK despite having eligible students due to a combination of there being too few eligible students and not enough funding or resources from the state:

The remaining 4 percent of districts cited a variety of reasons for not implementing TK in 2012-2013. Some of these respondents indicated that their district was too small or had too few (e.g., one or two) TK-eligible students to warrant establishing a TK program; eligible students were enrolled in kindergarten instead. For example, one district offered this explanation: “We only have one student who qualifies for TK, and he was determined to be fully ready for kindergarten.” Another cited the small size of the district and said, “We will enroll students in the traditional [kindergarten] classroom and provide additional service when needed.”

Other non-implementing districts cited a lack of funding or resources or the uncertainty about funding for the program. For example, when asked why the district was not providing TK, one respondent cited “funding and lack of specific and appropriate instructional materials” as the chief concerns. A basic aid district (whose base funding comes entirely from local property taxes and which does not receive per-pupil funding from the state) indicated that the district had “no space, no additional funding coming to the district” to support implementation.

Finally, a few districts also expressed some confusion about the requirements for the program. One administrator from a small district not implementing TK commented, “We only have one student that is eligible, and at the time, our understanding was that we had to provide a TK class. We have come to understand that we can enroll TK students in an existing kindergarten class, which is our intention in the 2013–14 school year.”¹⁰⁹

The decision for some school districts not to provide TK is well documented, though controversial. A 2013 article by the Almanac highlighted the disappointment of parents in several basic aid districts that chose not to provide TK.¹¹⁰ The article noted that while the California Department of Education’s (CDE) website claimed TK is a mandatory program, attorneys for the districts that did not offer TK pointed out this conflicted with

<https://www.air.org/sites/default/files/2025-01/Transitional-Kindergarten-Implementation-Study-Report-April-2014.pdf> (accessed on January 21, 2025), page 39.

¹⁰⁹ Exhibit X (6), American Institutes for Research, *Study of California’s Transitional Kindergarten Program, Report on the First Year of Implementation*, April 2014, <https://www.air.org/sites/default/files/2025-01/Transitional-Kindergarten-Implementation-Study-Report-April-2014.pdf> (accessed on January 21, 2025), page 40.

¹¹⁰ Exhibit X (7), Wood, *Transitional Kindergarten Debate, Required or Not*, The Almanac (October 20, 2013), <https://www.almanacnews.com/news/2013/10/20/transitional-kindergarten-debate-required-or-not/> (accessed on March 20, 2025).

what the law actually said.¹¹¹ When asked to comment on the discrepancy, the author of SB 1381 asserted his belief that “the clear intent and expectation is that TK (transitional kindergarten) is required in every K-12 school setting,” and remarked that the bill likely would not have passed without the TK program providing for students that were affected by the change to kindergarten eligibility.¹¹² He also admitted there were few options for recourse available to parents in districts that chose not to provide TK.¹¹³ “They can either persuade their board to provide the program that every other district in the state is providing,... or they can litigate, or they can ask the state Legislature to reconfirm the fact that (transitional kindergarten) is a requirement.”¹¹⁴

No such litigation or reconfirmation from the Legislature took place. The Legislature made several amendments to Education Code section 48000 in the years between the adoption of the Kindergarten Readiness Act of 2010 and the test claim statute. In 2014, the Legislature stated its intention that transitional kindergarten curriculum be aligned to the California Preschool Learning Foundations developed by the CDE, and added an additional requirement that, as a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to section 46300(g), a school district or charter school shall ensure that by August 1, 2020, TK teachers that were first assigned to a TK classroom after July 1, 2015 have either: at least 24 units in early childhood education, childhood development, or both; professional experience in a classroom setting with preschool age children comparable to 24 units of education; or a child development permit issued by the Commission on Teacher Credentialing.¹¹⁵ In 2015, the Legislature authorized school districts and charter schools to voluntarily admit into their TK programs children who will have their fifth birthday after December 2 but during that school year, provided the school district’s governing board determined it was in the best interest of the child, the parent or guardian is given information about the

¹¹¹ Exhibit X (7), Wood, *Transitional Kindergarten Debate, Required or Not*, The Almanac (October 20, 2013), <https://www.almanacnews.com/news/2013/10/20/transitional-kindergarten-debate-required-or-not/> (accessed on March 20, 2025), page 2.

¹¹² Exhibit X (7), Wood, *Transitional Kindergarten Debate, Required or Not*, The Almanac (October 20, 2013), <https://www.almanacnews.com/news/2013/10/20/transitional-kindergarten-debate-required-or-not/> (accessed on March 20, 2025), page 2.

¹¹³ Exhibit X (7), Wood, *Transitional Kindergarten Debate, Required or Not*, The Almanac (October 20, 2013), <https://www.almanacnews.com/news/2013/10/20/transitional-kindergarten-debate-required-or-not/> (accessed on March 20, 2025), page 4.

¹¹⁴ Exhibit X (7), Wood, *Transitional Kindergarten Debate, Required or Not*, The Almanac (October 20, 2013), <https://www.almanacnews.com/news/2013/10/20/transitional-kindergarten-debate-required-or-not/> (accessed on March 20, 2025), page 4.

¹¹⁵ Statutes 2014, chapter 32, section 33 (SB 858).

advantages and disadvantages and any other explanatory information about the effect of early admittance, and with the caveat that these additional pupils shall not generate ADA or be included in unduplicated pupil counts until after their fifth birthday.¹¹⁶ In 2018, the Legislature authorized school districts that administer a state preschool program to place four-year-old children who are enrolled in state preschool into transitional kindergarten instead, and allowed comingling between classes for the transitional kindergarten and state preschool programs, provided the school district is compliant with all requirements for both programs and the comingled classroom does not also include children enrolled in their second year of a TK program or children enrolled in kindergarten.¹¹⁷ Finally in 2020, the Legislature extended the deadline for compliance with the previously imposed teacher credentialing requirements to August 1, 2021.¹¹⁸ In all of these, the Legislative Counsel's Digest described the existing law by saying it "authorizes a school district or charter school to maintain a transitional kindergarten program."¹¹⁹ The only case where a bill used different phrasing to describe existing law was an amendment to the teacher credentialing requirement to rephrase one of the credentials, where the Legislative Counsel's Digest described the existing law as it "requires a school district or charter school, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, to ensure that teachers who are assigned to a transitional kindergarten classroom after July 1, 2015, be credentialed, and, by August 1, 2020, have a minimum number of units in early childhood education or childhood development, comparable experience in a preschool setting, or a child development permit issued by the Commission on Teacher Credentialing."¹²⁰ At no point did the Legislature make a statement of its intention that school districts are required to offer TK programs, or refer to the requirements for TK programs as anything but a condition of receiving an apportionment for pupils in a TK program.

Although there are clearly cases of some school districts not providing TK programs, the CDE has consistently told the public that TK is a required program for all school districts. Information published on the CDE's website asserts that "Education Code section 48000(c) requires any school district operating a kindergarten to also provide a transitional kindergarten (TK) program for all 4-year-old children by 2025-26."¹²¹

¹¹⁶ Statutes 2015, chapter 13, section 28 (AB 104).

¹¹⁷ Statutes 2018, chapter 32, section 46 (AB 1808).

¹¹⁸ Statutes 2020, chapter 24, section 55 (SB 98).

¹¹⁹ Statutes 2014, chapter 32, Summary Digest, paragraph 18; Statutes 2015, chapter 13, Summary Digest, paragraph 18; Statutes 2018, chapter 32, Summary Digest, paragraph 9; Statutes 2020, chapter 24, Summary Digest, paragraph 27; Statutes 2021, chapter 44, Summary Digest, paragraph 2.

¹²⁰ Statutes 2014, chapter 687, (SB 876), Summary Digest, paragraph 5.

¹²¹ Exhibit X (3), California Department of Education, *Universal Prekindergarten FAQs*, <https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#accordionfaq> (accessed on March 20, 2025), page 31.

Because each elementary or unified school district must offer kindergarten classes for all eligible children to attend, this means that “Each elementary or unified school district must offer TK classes for all children eligible to attend.”¹²² “A school district or county office of education operating a kindergarten program must offer TK for age-eligible children to attend.”¹²³ The CDE also states that “Regardless if a district receives state revenues through the Local Control Funding Formula or is a basic aid district, if it offers kindergarten, *then the expectation* is that it also offers TK as TK is the first year of a two-year kindergarten program.”¹²⁴ Despite this position, there is no record of the CDE imposing penalties or attempting to enforce this requirement on school districts that do not provide TK programs.

As of September 2021, just a few months after the test claim statute went into effect, at least a dozen basic aid districts reportedly still did not offer TK programs.¹²⁵ A parent advocacy group reported that in the 2019-2020 school year, about 700 eligible students were unable to attend TK because their home district did not offer a TK program.¹²⁶ This includes some school districts that initially offered transitional kindergarten when the program was introduced, before later choosing to end their TK programs over funding and equity concerns.¹²⁷ At the time of drafting this Decision, at least some school districts appear to still not offer TK, whether explicitly stating they do not offer a TK program or by only providing information about enrolling in kindergarten for pupils who will turn five by September 1.¹²⁸ In one case, a school district offers TK but with

¹²² Exhibit X (16), California Department of Education, *Kindergarten in California*, <https://www.cde.ca.gov/ci/gs/em/kinderinfo.asp> (accessed on March 20, 2025), page 3.

¹²³ Exhibit X (3), California Department of Education, *Universal Prekindergarten FAQs*, <https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#accordionfaq> (accessed on March 20, 2025), page 31.

¹²⁴ Exhibit X (3), California Department of Education, *Universal Prekindergarten FAQs*, <https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#accordionfaq> (accessed on March 20, 2025), page 31 (emphasis added).

¹²⁵ Exhibit X (2), D’Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), page 4.

¹²⁶ Exhibit X (2), D’Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), page 4.

¹²⁷ Exhibit X (2), D’Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), pages 4, 6.

¹²⁸ Exhibit X (8), Alexander Valley School District, Intent to Enroll Form, <https://docs.google.com/forms/d/e/1FAIpQLSe8YE-->

modified eligibility that is only available to district residents who will turn four by September 1 and are low-income eligible, homeless, or foster youth.¹²⁹

D. The Test Claim Statute

The test claim statute (Statutes 2021, chapter 44, section 60) amended Education Code section 48000 to gradually expand the range of birthdates of children who are eligible for TK over several years, until by the 2025-2026 school year, as a condition of receiving an apportionment for pupils in a TK program, schools districts shall ensure that all children who have their fourth birthday before September 1 be admitted into a TK program maintained by the school district or charter school. As amended, the statute reads:

(1) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, a school district or charter school shall ensure the following:

[...]

(C) From the 2014-15 school year to the 2021-22 school year, inclusive, a child who will have their fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(D) In the 2022-23 school year, a child who will have their fifth birthday between September 2 and February 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(E) In the 2023-24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a

[tzU5tnK5JQUBNHfqbo76RBLiLPoaxon9Ok_G0pdP9g/viewform](#) (accessed on February 3, 2025), page 3; Exhibit X (9) Cardiff School District, Enrollment & Registration Information Page, <https://www.cardiffschools.com/Page/5220> (accessed on March 20, 2025), page 2; Exhibit X (10) Encinitas Union School District, New Student Registration, <https://www.eusd.net/registration/new-student-registration> (accessed on March 20, 2025), page 1; Exhibit X (11), Rancho Santa Fe School District, Enrollment Information, <https://www.rsfschool.net/parent-portal/pre-reg-registration-information> (accessed on March 20, 2025), page 1; Exhibit X (12), Ross School District, Kindergarten Registration, https://drive.google.com/file/d/1WWT6SLyolUaJSHArwy679JBle9KVec_W/view (accessed on February 3, 2025), page 1; Exhibit X (13) Solana Beach School District, Registration, <https://www.sbsd.k12.ca.us/Page/443> (accessed on March 20, 2025), page 2.

¹²⁹ Exhibit X (17), Del Mar Union School District, Transitional Kindergarten Early Intervention, <https://www.dmusd.org/Departments/Enrollment/Transitional-Kindergarten-Early-Intervention/index.html> (accessed on February 3, 2025), page 2.

transitional kindergarten program maintained by the school district or charter school.

(F) In the 2024-25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(G) In the 2025-26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.¹³⁰

Additionally, the test claim statute added a limitation on average class sizes for TK classes of 24 pupils and added an average adult-to-student ratio for TK classrooms of 1:12 starting in 2022-2023. As amended, these requirements now state:

(g) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall do all of the following:

(1) Maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite.

(2) Commencing with the 2022-23 school year, maintain an average of at least one adult for every 12 pupils for transitional kindergarten classrooms.¹³¹

Besides these changes to Education Code section 48000 pled by the claimants, the test claim statute made additional changes to section 48000: decreased the adult-to-pupil ratio to 1:10 pupils, commencing with the 2023-2024 school year and contingent on an appropriation of funds for this purpose; extended the deadline for compliance with the existing teaching credentials requirement to August 1, 2023; modified the phrasing used in the section authorizing school districts to voluntarily admit pupils into the TK program to make it consistent with the new date ranges for TK eligibility; specified that eligibility for TK does not impact a family's eligibility for various other state funded preschool or childcare programs such as Head Start or Early Head Start; gave the Superintendent authority to authorize state preschool contracting agencies to offer wraparound childcare services for eligible children in an education program serving transitional kindergarten, kindergarten, or grades one to 12; and made small grammatical and

¹³⁰ Education Code section 48000(c), as amended by Statutes 2021, chapter 44 (AB 130), section 60.

¹³¹ Education Code section 48000(g), as amended by Statutes 2021, chapter 44 (AB 130), section 60.

phrasing changes to existing language in section 48000 to keep those paragraphs consistent with the substantive changes to the section.¹³²

The test claim statute comes from an education trailer bill that amended dozens of code sections besides Education Code section 48000. The Legislative Counsel's Digest described the existing law regarding TK by saying it "authorizes school districts to maintain a transitional kindergarten program," and "requires, in the 2014-15 school year and each school year thereafter, and as a condition of receipt of apportionments for pupils in a transitional kindergarten program, a child who will have their 5th birthday between September 2 and December 2, to be admitted to a transitional kindergarten program maintained by a school district or charter school."¹³³ It further described the changes in law made by the test claim statute by saying it would "revise the timespans for those mandatory and optional admittance requirements to be phased in from the 2022-2023 school year to the 2025-2026 school year, at which time a school district or charter school, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, would be required to admit to a transitional kindergarten program maintained by the school district or charter school a child who will have their 4th birthday by September 1."¹³⁴ Additionally, the test claim statute added or amended several other code sections not pled by the claimants that are worth noting because the changes are related to TK programs. The test claim statute:

- 1) Created the California Prekindergarten Planning and Implementation Grant Program, which offered \$300,000,000 to local education agencies for the costs associated with creating or expanding state preschool or TK programs, a condition of which is that the local education agencies shall develop a plan for how all children in the local education agency's attendance area will have access to full-day learning programs the year before kindergarten.¹³⁵
- 2) Allocated \$490,000,000 for the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program (formerly the Full-Day Kindergarten Facilities Grant Program) for the purpose of constructing new school facilities or retrofitting existing facilities to provide transitional kindergarten and full-day kindergarten classrooms, for which it specifies that as a condition for school districts seeking funds for a transitional kindergarten facilities project, the school district's governing body shall pass a resolution at a public meeting stating

¹³² Education Code section 48000(g), (k), (l), as amended by Statutes 2021, chapter 44 (AB 130), section 60.

¹³³ Statutes 2021, chapter 44 (AB 130), Summary Digest, paragraph 2.

¹³⁴ Statutes 2021, chapter 44 (AB 130), Summary Digest, paragraph 2.

¹³⁵ Education Code section 8281.5, as added by Statutes 2021, Chapter 44 (AB 130), section 4.

the district's intent to offer or expand enrollment in a transitional kindergarten program.¹³⁶

- 3) Allocated \$350,000,000 for a Teacher Residency Grant Program for applicants to establish or expand, strengthen or improve access to a teacher residency program that supports either designated shortage fields, including transitional kindergarten, or support a diverse teacher workforce that reflects the local education agency community's diversity.¹³⁷

E. Average Daily Attendance

Education Code section 48000 provides that the requirements for the TK program are “a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, as applicable.” Chapter 3 of Part 26.8 specifies rules for determining average daily attendance for charter schools, while Section 46300(g) provides:

(1) In computing the average daily attendance of a school district or charter school, there shall be included the attendance of pupils in kindergarten after they have completed one school year in kindergarten or pupils in a transitional kindergarten program after they have completed one year in that program if one of the following conditions is met:

(A) The school district or charter school has on file for each of those pupils an agreement made pursuant to Section 48011, approved in form and content by the department and signed by the pupil's parent or guardian, that the pupil may continue in kindergarten for not more than one additional school year.

(B) The pupils participated in a transitional kindergarten program pursuant to subdivision (c) of Section 48000.

(2) A school district or charter school may not include for apportionment purposes the attendance of any pupil for more than two years in kindergarten or for more than two years in a combination of transitional kindergarten and kindergarten.¹³⁸

Thus, the apportionment promised in Section 48000 comes from the increase in a school district or charter school's ADA from being able to include two years of kindergarten for TK students in its attendance count. ADA is the total number of days of pupil attendance divided by the total number of days in the regular school year.¹³⁹ A single student with perfect attendance for one year would generate one unit of ADA for

¹³⁶ Education Code section 17375, as amended by Statutes 2021, chapter 44 (AB 130), section 15.

¹³⁷ Education Code section 44415.5, as amended by Statutes 2021, chapter 44 (AB 130), section 45.

¹³⁸ Education Code section 46300(g).

¹³⁹ Education Code section 46301.

the school district. Article XVI, section 8 of the California Constitution specifies that “changes in enrollment” are measured based on percentage change in ADA, and Education Code section 14022 specifies that for the purposes of section 8 and 8.5 of article XVI in the California Constitution, “enrollment” for school districts means ADA when students are counted as ADA, and as ADA equivalents for services not counted in ADA.¹⁴⁰ School districts can determine their ADA based on the current fiscal year, the previous fiscal year, or the average of the three most recent prior fiscal years, whichever is greatest.¹⁴¹

The state uses ADA when determining how much funding to provide for school districts: both the overall funding set aside for all school districts through Proposition 98 and when determining how much to provide each school district under the Local Control Funding Formula (LCFF).

F. Proposition 98

Proposition 98 amended article XVI, sections 8 and 8.5 of the California Constitution to require the state to set aside a minimum amount of General Fund and local property tax revenue each year to be used for funding public schools and community colleges.¹⁴² This amount is determined using one of three formulae, depending on the strength of the economy. In normal or strong economic years, the formula used is the larger of either:

- 1) the same percentage share of the General Fund that was provided to K-14 schools in the 1986-1987 fiscal year; or
- 2) the prior year’s funding adjusted for changes in ADA and growth in per capita personal income.

In years of weak economic growth, the formula used instead is:

- 3) the prior year’s funding adjusted for changes in ADA and the growth in per capita General Fund revenues plus one-half percent.¹⁴³

The Legislature may provide more funding than required, but this is uncommon, as it commits to a higher required minimum funding amount for subsequent years. The Legislature is also allowed to suspend Proposition 98 funding for a single year if voted for by a two-thirds majority of each house. However, if the Legislature suspends Proposition 98 for a year or uses the third formula when determining funding, the state is obligated to keep track of the difference between what would have been provided under the second formula and what was actually provided, and make up the difference later.¹⁴⁴ Proposition 98 does not determine how much funding the state provides to

¹⁴⁰ California Constitution, article XVI, section 8(f); Education Code section 14022(a)(2).

¹⁴¹ Education Code section 42238.05(a)(1).

¹⁴² California Constitution, article XVI, section 8; section 8.5.

¹⁴³ California Constitution, article XVI, section 8(b).

¹⁴⁴ California Constitution, article XVI, section 8(d), (e), (h).

each school district, it only determines how much of the state's budget each year goes towards funding schools. Outside of providing constitutionally guaranteed minimums to school districts, the Legislature has flexibility to determine how this funding is allocated, including designating portions of it to satisfy reimbursement obligations under article XIII B, section 6 for state mandated programs.¹⁴⁵

G. The Local Control Funding Formula (LCFF) and Basic Aid Districts

The Local Control Funding Formula (LCFF) determines how much funding each school district needs and how Proposition 98 funds should be apportioned to each school district to meet those needs.¹⁴⁶ Prior to 2013, each school district's apportionment was calculated individually using a revenue limits system based on historic spending levels.¹⁴⁷ This system was overly complex, antiquated, inequitable, inefficient, and highly centralized, prompting the Legislature to create a simpler system that considered the same factors more uniformly and allowed school districts to design programs based on local needs and priorities.¹⁴⁸

The way the LCFF works is the state sorts a school district's ADA into four grade spans: kindergarten through grade three; grades four through six; grades seven and eight; and grades nine through 12.¹⁴⁹ Students in a TK program are counted as kindergarten students for the purpose of this calculation.¹⁵⁰ Each grade span's ADA is multiplied by a specific base rate; for example in the 2022-2023 fiscal year this was \$10,119 for kindergarten through grade three; \$9,304 for grades four through six; \$9,580 for grades seven and eight; and \$11,391 for grades nine through 12.¹⁵¹ The base rates are adjusted annually to account for cost-of-living increases.¹⁵² These adjustments also include a 2.6 percent adjustment to the base rate for grades nine through 12 to account for providing career technical education and a 10.4 percent adjustment to the

¹⁴⁵ *California School Boards Association v. State of California* (2019) 8 Cal.5th 713, 726.

¹⁴⁶ Education Code sections 42238.02, 42238.03.

¹⁴⁷ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 1.

¹⁴⁸ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), pages 1-2.

¹⁴⁹ Education Code section 42238.02(d)(1).

¹⁵⁰ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 3.

¹⁵¹ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 3.

¹⁵² Education Code section 42238.01(d)(2).

kindergarten through grade three base rate that is conditional on the school district maintaining an average class size for kindergarten through grade three students of 24 pupils.¹⁵³ The total of the four grade spans is the school district's base grant.¹⁵⁴

The state also provides a supplemental grant based on the proportion of English learners, low-income students, and foster youth, commonly referred to as unduplicated students because students who qualify for more than one category are still only counted once. For each unduplicated student, school districts receive a supplemental grant equal to 20 percent of the base grant rate, including grade span adjustments.¹⁵⁵ Additionally, districts serving a student population with more than 55 percent unduplicated students receive an additional concentration grant equal to 65 percent of the adjusted base grant rate for each additional unduplicated pupil above the 55 percent threshold.¹⁵⁶

The state also provides additional add-ons for a school district's participation in specific programs, such as the Targeted Instructional Improvement Block Grant and the Home-to-School Transportation program.¹⁵⁷

In 2022, after the test claim statute went into effect but before this test claim was filed, the Legislature amended Education Code section 42238.02 so that commencing with the 2022-2023 fiscal year, the Superintendent calculates an add-on equal to \$2,813 multiplied by the ADA specifically generated from transitional kindergarten pupils. This add-on was adjusted for annual cost-of-living increases starting in fiscal year 2023-2024.¹⁵⁸ The Legislature specified: "It is the intent of the Legislature that the costs to meet the requirements of paragraph (2) of subdivision (g) of Section 48000, [the requirement to maintain an average of at least one adult per every twelve pupils in a transitional kindergarten classroom beginning in the 2022-2023 school year] be supported by the add-on computed pursuant to this paragraph."¹⁵⁹

¹⁵³ Education Code section 42238.02(d)(3), (4).

¹⁵⁴ Necessary small schools, which are districts with total ADA 2,500 or less that operate schools with less than 96 ADA for elementary schools and less than 286 ADA for high schools and cover either a large area with a small student population or deal with unique conditions that make busing students difficult, determine their base grant through a different method, with each school in the district receiving a grant based on its ADA or staffing level, whichever is lower. See Education Code section 42238.03(a)(1)(D).

¹⁵⁵ Education Code section 42238.02(e).

¹⁵⁶ Education Code section 42238.02(f).

¹⁵⁷ Education Code section 42238.02(g)(1), (h).

¹⁵⁸ Education Code section 42238.02(g)(2), as amended by Statutes 2022, chapter 52, (AB 181) section 38.

¹⁵⁹ Education Code section 42238.02(g)(2), as amended by Statutes 2022, chapter 52, (AB 181) section 38.

The total of a school district's base, supplemental, and concentration grants, and any add-ons, is the school district's LCFF entitlement.¹⁶⁰ And as stated above, the LCFF entitlement includes the ADA for TK pupils for those schools that provide a TK program, along with a 10.4 percent adjustment to the kindergarten through grade three base rate that is conditional on the school district maintaining an average class size for kindergarten through grade three students of 24 pupils, plus an add-on equal to \$2,813 per ADA generated from TK pupils intended to support the costs to maintain an average of at least one adult for every twelve pupils in a TK classroom.

Education Code section 41370 requires that "the governing board of a school district, the governing body of a charter school, and a county board of education shall, except as may otherwise be specifically provided by law, use all money apportioned to the school district, charter school, or county office of education from the State School Fund during any fiscal year exclusively for the support of the school or schools of the school district, charter school, or county office of education for that year."¹⁶¹ Education Code section 41372 further provides that elementary school districts spend 60 percent of this on the salaries for classroom teachers.¹⁶² Thus, school districts are required to spend the apportionment they receive from their LCFF entitlement on support of their schools, with 60 percent of that going towards teacher salaries.

The state meets each school district's LCFF entitlement by first crediting each school district with its share of local property tax revenue.¹⁶³ For the majority of school districts, local property tax revenue is not enough to meet its LCFF entitlement, and the state covers the difference using its remaining Proposition 98 funding. For a small number of school districts, however, their local property tax revenue meets or exceeds their LCFF entitlement. These districts are referred to as basic aid districts, because they do not receive additional state aid to meet the entitlement, but the state still provides them with the following minimum amount of additional state funding guaranteed by the state Constitution:¹⁶⁴

- Each fiscal year, school districts are apportioned not less than \$120 per pupil ADA and not less than \$2,400 total.¹⁶⁵

¹⁶⁰ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 7.

¹⁶¹ Education Code section 41370(a).

¹⁶² Education Code section 41372

¹⁶³ Education Code section 42238.03(c)(1)(A).

¹⁶⁴ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 7.

¹⁶⁵ California Constitution, article IX, section 6.

- The Education Protection Account provides additional funding at minimum \$200 per unit of ADA.¹⁶⁶

Additionally, when creating the LCFF, the Legislature included a provision that no district would receive less state aid than it received in fiscal year 2012-2013 for pre-existing programs that were replaced by the LCFF. For most districts these obligations are covered by the funding they receive through the LCFF to meet their entitlement, but since basic aid districts don't receive any state funding based on their LCFF entitlement, the state must provide basic aid districts with the additional funding cited in this paragraph that covers these pre-existing obligations, referred to as Minimum State Aid.¹⁶⁷

Basic aid districts are free to use whatever property tax revenue they have in excess of their LCFF entitlement on their local educational priorities.¹⁶⁸ For basic aid districts, changes in ADA or its LCFF entitlement typically have little effect on overall funding. Changes to a basic aid district's funding are more commonly driven by changes to its local property tax revenue.¹⁶⁹

III. Positions of the Parties, Interested Parties, and Interested Persons

A. Hope Elementary School District and Sunnyvale School District

The claimants, Hope Elementary School District and Sunnyvale School District, filed a joint test claim alleging that the test claim statute mandates a new program or higher level of service by requiring school districts to comply with Education Code section 48000(c) and (g) by maintaining a transitional kindergarten program that guarantees the following, as quoted from the Test Claim narrative:

(E) In the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), Effective Date: July 9, 2021.)

(F) In the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional

¹⁶⁶ California Constitution, article XIII, section 36(e)(3)(B). This funding is separate and in addition to the funding requirement in article IX, section 6.

¹⁶⁷ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 7.

¹⁶⁸ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 7.

¹⁶⁹ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 7.

kindergarten program maintained by the school district or charter school. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F), Effective Date: July 9, 2021.)

(G) In the 2025–26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 shall be admitted to a transitional kindergarten program maintained by the school district or charter school. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (G), Effective Date: July 9, 2021.)

g) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, a school district or charter school shall ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2021, one do all of the following:

(1) Maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite.

(2) Commencing with the 2022–23 school year, maintain an average of at least one adult for every 12 pupils for transitional kindergarten classrooms.¹⁷⁰

The claimants allege that the requirements to provide a TK program and maintain an average TK class enrollment of not more than 24 pupils for each schoolsite and an average of at least one adult for every twelve pupils for TK classrooms at each schoolsite are state mandates, “based on the statute using mandatory language ‘shall’ and that school districts require receipt of apportionment for pupil funding.”¹⁷¹ The claimants also point to statements from the CDE that school districts “operating a kindergarten program must offer TK for age-eligible children to attend” as evidence they are required to offer TK programs, and further statements regarding basic aid districts that claim:

Regardless if a district receives state revenues through the Local Control Funding Formula or is a basic aid district, if it offers kindergarten, then the expectation is that it also offers TK as TK is the first year of a two-year kindergarten program. Most districts are embracing TK because early learning is the most effective strategy to close the socioeconomic academic achievement gap and helps build a strong school community by connecting families to their local schools starting with 4-year-olds.¹⁷²

The claimants are both basic aid districts. They explain their issue with how the state provides funding for the TK program as:

¹⁷⁰ Exhibit A, Test Claim, page 12.

¹⁷¹ Exhibit A, Test Claim, pages 12-13.

¹⁷² Exhibit A, Test Claim, page 21.

Basic aid districts receive property tax revenue instead of funding under the LCFF formula. Basic aid districts did not receive funding from the state for pupils admitted to the Transitional Kindergarten program in fiscal year 2023-2024.

Transitional Kindergarten program is funded for school districts, excluding basic aid school districts, based on the same average daily attendance (ADA) calculation as all other students. If a school offers transitional kindergarten, it receives the same amount of funding from the State for each of those students as it does for its traditional kindergarteners.¹⁷³

The claimants argue the test claim statute imposes costs mandated by the state and the exception in Government Code section 17556(e) does not apply because “there is no evidence that additional on-going revenue has been appropriated, specifically to fund the costs of the mandated activities in the test claim.”¹⁷⁴

Regarding the timeliness of the claimants’ filing, the claimants allege they first incurred increased costs for the test claim statute’s requirement on July 1, 2023.¹⁷⁵ The claimants included allegations of actual and estimated mandated costs in the Test Claim, but updated these amounts in their rebuttal comments with supplemental declarations.¹⁷⁶ According to the updated declarations, the increased costs for Sunnyvale School District are:

- \$824,582 for salaries and benefits for five additional teachers hired in fiscal year 2023-24, to address the requirements to admit children who will have their fifth birthday between September 2 and April 2 and to limit TK class sizes to 24 pupils at each schoolsite.¹⁷⁷

¹⁷³ Exhibit A, Test Claim, page 13.

¹⁷⁴ Exhibit A, Test Claim, page 16.

¹⁷⁵ Exhibit A, Test Claim, page 25 (Declaration of Lori van Gogh, Chief Business Officer, Sunnyvale School District); 30 (Declaration of Mike Thomson, Chief Business Official, Business Office, Hope Elementary School District).

¹⁷⁶ Exhibit A, Test Claim, pages 24-26 (Declaration of Lori van Gogh, Chief Business Officer, Sunnyvale School District), 30-32 (Declaration of Mike Thomson, Chief Business Official, Business Office, Hope Elementary School District); Exhibit C, Claimants’ Rebuttal Comments, pages 6-8 (Declaration of Arthur Cuffy, Chief Business Officer, Sunnyvale School District), 9-12 (Declaration of Mike Thomson Chief Business Official, Hope Elementary School District).

¹⁷⁷ Exhibit C, Claimants’ Rebuttal Comments, pages 6-7 (Declaration of Arthur Cuffy, Chief Business Officer, Sunnyvale School District).

- \$410,479 for salaries and benefits for seven additional classified employees (paraeducators) hired in fiscal year 2023-24, to address the requirement to maintain an average of at least one adult for every 12 pupils in a TK class.¹⁷⁸
- Anticipated increased costs in fiscal year 2024-25 of \$849,320 for an additional five teachers and \$362,395 for six additional paraeducators.¹⁷⁹

Alleged increased costs for Hope Elementary School District are:

- \$433,671.46 for 2.5 (FTE) additional teachers in fiscal year 2023-24.¹⁸⁰
- \$83,963.03 for 1.65 (FTE) additional classified employees in fiscal year 2023-24.¹⁸¹
- Anticipated costs in fiscal year 2024-25 of \$352,970 for two (FTE) additional teachers, and \$64,990 for 1.25 (FTE) additional classified employees.¹⁸²

The claimants allege that Finance's comment that it is not aware of any law or restriction that would preclude the use of LCFF funds for TK costs are in direct contradiction with mandates law, though they did not elaborate on this position.¹⁸³

The claimants also assert that Finance's comments did not acknowledge that other school districts receive funding specifically for their TK programs in addition to their LCFF funding and fail to explain why basic aid districts were excluded.¹⁸⁴

In response to Finance's speculation that the Test Claim may not be timely filed, the claimants reassert they first incurred increased costs on July 1, 2023, and that Finance has no legal support for its request to further examine the claimants' estimated costs, as the State Controller will be authorized to review costs incurred when filing a claim for reimbursement after the Test Claim is approved.¹⁸⁵ Lastly, the claimants assert that Finance's comments cannot be relied on because they are noncompliant with the Commission's regulations, which require oaths or statements of fact be signed by a person authorized to do so and must be based on knowledge or personal belief, and

¹⁷⁸ Exhibit C, Claimants' Rebuttal Comments, page 7 (Declaration of Arthur Cuffy, Chief Business Officer, Sunnyvale School District).

¹⁷⁹ Exhibit C, Claimants' Rebuttal Comments, page 7 (Declaration of Arthur Cuffy, Chief Business Officer, Sunnyvale School District).

¹⁸⁰ Exhibit C, Claimants' Rebuttal Comments, page 10 (Declaration of Mike Thomson, Chief Business Official, Hope Elementary School District).

¹⁸¹ Exhibit C, Claimants' Rebuttal Comments, page 10 (Declaration of Mike Thomson, Chief Business Official, Hope Elementary School District).

¹⁸² Exhibit C, Claimants' Rebuttal Comments, pages 10-11 (Declaration of Mike Thomson, Chief Business Official, Hope Elementary School District).

¹⁸³ Exhibit C, Claimants' Rebuttal Comments, page 3.

¹⁸⁴ Exhibit C, Claimants' Rebuttal Comments, page 3.

¹⁸⁵ Exhibit C, Claimants' Rebuttal Comments, page 4.

statements of fact shall be supported with documentary evidence filed with the comments on the test claim, neither of which Finance provided.¹⁸⁶

B. Department of Finance

Finance opposes the Test Claim on three grounds: 1) the TK expansion does not constitute a new program or higher level of service; 2) the associated costs are fully funded through a combination of state funding and local property tax revenues, per school finance statutes; and 3) it is uncertain if the Test Claim was filed in a timely manner.¹⁸⁷

Finance asserts that basic aid districts do receive funding through the LCFF, as outlined in Education Code section 42238.02 for the activities required by the test claim statute. While the state calculates LCFF entitlements for each school district using this formula, including basic aid districts, “how the entitlement is funded varies between districts.”¹⁸⁸ A school district’s LCFF entitlement is funded through a variety of sources: local property tax revenue; the Education Protection Account; and state aid. For a basic aid district, its local property tax revenue exceeds its respective LCFF entitlement target, so the school district does not receive additional state aid to meet the entitlement and is able to keep any excess property tax collected for local education priorities. “This does not mean that basic aid districts do not receive any state aid,” as they still receive funding through the LCFF for Minimum State Aid pursuant to Education Code section 42238.03, from the guaranteed \$120 per student in Article IX section 6 of the California Constitution, and from the Education Protection Account pursuant to Article XIII section 36 of the California Constitution, and often receive additional miscellaneous funding through sources such as the Expanded Learning Opportunities Program, Proposition 28 funding for Arts and Music programs, and other programs enacted by the Legislature.¹⁸⁹ Finance asserts that this funding can be applied to costs relating to TK pupil instruction, among other allowable services.¹⁹⁰ Finance also explains that TK attendance costs are included in the apportionment calculations for all school districts, including basic aid districts as follows:

TK attendance costs are included in the 2022-23 and 2023-24 principal apportionment calculations, which means all apportionment-generating local education agencies, which includes basic aid districts, will receive

¹⁸⁶ Exhibit C, Claimants’ Rebuttal Comments, pages 4-5. Section 1183.1(e) of the Commission’s regulations requires “[a]ll representations of fact shall be supported by documentary or testimonial evidence in accordance with section 1187.5 of the Commission’s regulations.” However, the determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law. *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

¹⁸⁷ Exhibit B, Finance’s Comments on the Test Claim, page 1.

¹⁸⁸ Exhibit B, Finance’s Comments on the Test Claim, page 1.

¹⁸⁹ Exhibit B, Finance’s Comments on the Test Claim, page 2.

¹⁹⁰ Exhibit B, Finance’s Comments on the Test Claim, page 2.

ongoing LCFF funding for TK pupils. Nothing precludes these funds — whether generated through property taxes or through Proposition 98 General Fund as calculated through the LCFF to meet the target LCFF entitlement — from being used for TK costs. Finance is not aware of any law or restriction that would preclude the use of these funds for TK costs. Finance is also not aware of any law or restriction that entitles a basic aid district to a specific amount of excess property taxes. Rather, for purposes of computing the Proposition 98 minimum guarantee, implementing statute, Section 41202 (g), defines the term “Allocated local proceeds of taxes” to include local revenues used to offset LCFF state aid (references to Section 42238 have been defined to mean 42238.02 as implemented pursuant to Section 42238.03 pursuant to Section 42238.06). Additionally, per AB 130, the specified activities are required as a receipt of apportionment.¹⁹¹

For the 2023-2024 second principal apportionment, Sunnyvale School District had an entitlement of \$65.4 million with estimated local property tax revenue of \$105.6 million, while Hope Elementary School District’s entitlement was \$9.5 million with local property tax revenue estimated at \$12.5 million.¹⁹² Finance contends the claimants have not clearly demonstrated how these funds fall short of meeting their statutory obligations, and further contends that the claimants have sufficient funding to cover costs through their computed LCFF entitlement. If a basic aid district’s property tax revenue were to become insufficient to pay for the district’s LCFF apportionment, moving it out of basic aid status, the state would be required to provide additional funding to meet its obligations, which has not happened for the claimants, indicating their entitlement for meeting statutory obligations is fully funded by offsetting property tax revenues. Alternatively, if the Commission does not deny this test claim, Finance asserts that these funding sources should be considered offsetting revenue during the Statewide Costs Estimate process and when developing the reimbursement methodology.¹⁹³

Regarding the timeliness of the claimants’ filing, Finance points out that besides expanding enrollment eligibility in the 2023-2024 school year to pupils who will have their fifth birthday between September 2 and April 2, the test claim statute also limited class sizes to 24 pupils beginning in the 2021-2022 school year, and required school districts maintain an adult-to-pupil ratio of 1:12 and expanded enrollment eligibility to pupils who have their fifth birthday between September 2 and February 2 in the 2022-2023 school year, and, thus, these costs are not new “to the extent increased costs were incurred prior to July 1, 2023.”¹⁹⁴ Additionally, Finance asserts that the transitional kindergarten program has existed since the 2012-2013 school year, Finance is not aware of any previous mandate claims for the program, and “to the extent that

¹⁹¹ Exhibit B, Finance’s Comments on the Test Claim, page 2-3.

¹⁹² Exhibit B, Finance’s Comments on the Test Claim, page 2.

¹⁹³ Exhibit B, Finance’s Comments on the Test Claim, page 3.

¹⁹⁴ Exhibit B, Finance’s Comments on the Test Claim, page 3.

administration of the existing program was altered and resulted in increased costs at the discretion of the Claimants, these costs are not reimbursable.”¹⁹⁵ Examples of potential discretionary decisions include enrolling TK students earlier than the timeframe specified by the test claim statute or establishing classes at a lower enrollment level than required or at a location that necessitated more teachers or classified employees.¹⁹⁶

Finance also questions the details of the claimants’ evidence of increased costs, alleging that they may include costs outside of the scope of the alleged mandate, or may demonstrate increased costs incurred prior to July 1, 2023. Finance points out that Sunnyvale School District’s declared increased costs for additional teachers between July and December 2023, and between January and June 2024 respectively at approximately \$339,000 and \$430,000 per teacher inclusive of salary and benefits, but the estimated costs for three additional teachers in 2024-2025 only came to \$171,000 per teacher. Similarly, Sunnyvale alleged its costs for additional classified employees (paraeducators) were roughly \$129,000 per paraeducator between July and December 2023, and \$192,000 per paraeducator between January and December 2024, but the estimated increased costs for three additional paraeducators in 2024-2025 only came to \$54,000 per paraeducator. According to Finance, it is unclear why Sunnyvale’s increased costs in 2023-2024 were so much higher than the estimated costs for 2024-2025, and theorized the 2023-2024 costs actually included additional costs outside the scope of the alleged mandate.¹⁹⁷

In Hope Elementary School District’s case, the declaration alleged the district hired two additional teachers in 2023-2024, but the report submitted as documentation identifies three teachers, which may be evidence of increased costs prior to July 1, 2023. Finance also points out that Hope Elementary hired two additional teachers and two classified staff in fiscal year 2023-2024, but TK student enrollment based on reported ADA only increased over the previous year from 30 students to 43, and it is unclear why the school district needed that many additional teachers and staff for an additional 13 students. Assuming the increase in ADA/enrollment in 2024-2025 will be similar to 2023-2024, it was also unclear why Hope Elementary estimated it would need an additional three and a half teachers and three and a half additional certified staff for 2024-2025.¹⁹⁸

Finance also notes that both claimants allege increased costs in 2024-2025 for enrolling TK students who will have their fifth birthday between September 2 and April 2, which is the same requirement for 2023-2024 so there should be no additional costs incurred.¹⁹⁹

¹⁹⁵ Exhibit B, Finance’s Comments on the Test Claim, page 3.

¹⁹⁶ Exhibit B, Finance’s Comments on the Test Claim, page 3.

¹⁹⁷ Exhibit B, Finance’s Comments on the Test Claim, page 4.

¹⁹⁸ Exhibit B, Finance’s Comments on the Test Claim, page 4.

¹⁹⁹ Exhibit B, Finance’s Comments on the Test Claim, page 5. This discrepancy is most easily explained as an error on the claimants’ part, as the test claim statute actually

Finance asserts that if the Test Claim is not denied, these discrepancies warrant a closer examination of both claimants' estimated costs, which the Commission should pursue.²⁰⁰

C. Interested Parties and Interested Persons

This test claim attracted almost 200 comments during the comment period from other basic aid districts (interested parties) and members of the public (interested persons) expressing their support.²⁰¹ Most of these comments are identical, with only a few providing additional information on the financial impacts the test claim statute has on that school district specifically. These identical letters state as follows:

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 school districts, which means that our districts 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

expands enrollment eligibility in 2024-2025 to children with fifth birthdays between September 2 and June 2.

²⁰⁰ Exhibit B, Finance's Comments on the Test Claim, page 5.

²⁰¹ Due to the high number of comments that are duplicative, most interested party and interested person comments have been excluded from the exhibits, save for a few representative examples. However, all comments are available on the Commission's website on the matter page for this test claim: <https://csm.ca.gov/matters/23-TC-02.shtml> and all commenters are identified in this Decision.

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. Thank you.²⁰²

²⁰² Exhibit D, Anthony Ranii, President, Schools for Sound Finance, Comments on the Test Claim, page 1-2. The following people filed identical comments. From Alexander Valley Union School District, Yvonne Kreck, Board President. From Association of California School Administrators, Edgar Zazueta, Ed.D., Executive Director. From Bonny Doon Elementary School District, Mike Heffner, Superintendent/Principal. From Brisbane School District, Ronan Collver, Superintendent. From Campbell Union High School District: Meredyth Hudson, Assistant Superintendent of Business; and Robert Bravo, Superintendent. From Cardiff School District, Jill Vinson, Superintendent. From Carmel Unified School District, Sharon Ofek, Superintendent. From CFT- A Union of Educators and Classified Professionals, AFT, AFL-CIO, Tristan Brown, Legislative Director. From College Elementary School District, Maurene Donner, Superintendent. From Cucamonga School District, Michael Chaix, Ed.D., Superintendent. From Desert Center Unified School District, Dr. Gregory T. Sackos, Superintendent. From Encinitas Union School District, Andrée Grey, Ed.D., Superintendent. From Forestville Union School District, Matt Dunkle, Superintendent. From Fort Ross Elementary School District: Michael Smallen and Richard Gross, Trustees; and Jennifer Dudley, Superintendent/Principal. From Freemont Union High School District: Christine Mallery, CBO/Associate Superintendent; and Graham Clark, Superintendent. From Goleta Union School District, Dr. Diana Galindo-Roybal, superintendent. From Harmony Union School District, Matthew Morgan, Principal/Superintendent. From Healdsburg Unified School District, Chris Vanden Heuvel, Superintendent. From Hillsborough City School District: An Huang Chen, Don Geddis, Gilbert Wai, Gregory Dannis, and Kim Olif, Board Members; and Louann Carlomagno, Superintendent. From Hope School District: Claire Krock, Assistant Principal; Daniel Cunnison, Board Member; Kelly Keogh, Board of Directors; Kristin Lindquist, Director of Special Education; Yirong Lu, ESN Upper (Grade 4-6); Christy L. Kelso, former Board Member; Jon Magnani, IT Director; Allison Heiduk, Literacy TOSA; Anna Scharfeld and Jestin St. Peter, Principals; Katie O'Toole, Reading Intervention Teacher; Patrice Mueller, STEAM Specialist; Anne Hubbard, Ed.D., Superintendent; Tim Barker, teacher; Beth Scott, Gabrielle C. Herbst, Julie Walsmith, Kim Aragon, Laura Godinez, Theana Earls, and 12 anonymous employees, unspecified employees; Araceli Nahas, Autumn Rose McFarland, Barbara Nguyen-Willeford, Ben Faulman, Brandi Bryant, Dahianna Stengel, Dmitri Jarocki, Irina Ludkovski, James Willeford Jr., Julian Becher, Meaghan Faulman, Chris Hodges, Corey Josenhans, Jamie and Jason Poe, Larissa Graham, Lilly

Josenhans, Tim Reinauer, and two anonymous parents, parents; Katie Moses, Claudia Scott, Brian Hiefield, and two anonymous community members, citizens; and Adrian Talley, Amy Steets, Becca McNees, Christine Rissmeyer, Cindy Everman, Diane Satterthwaite, Holly Zepke-Price, Kelly Counsineau, Kim Marme, Natalie Wilkes, Noah Stites-Hallett, Ryan Blasena, Sarah Kemp-Mehl, Thomas Skaff, Tristin Tracy, Wyatt Talley, Luis Mori-Quiroz, Mercy Anyika, and four anonymous commentators, unspecified relationship. From Howell Mountain Elementary School District, Dr. Janet Tufts, Superintendent. From Huntington Beach City School District, Leisa Winston, Ed.D., Superintendent. From Laguna Beach Unified School District: Jason Vilorio, Ed.D., Superintendent; Jan Vickers, Board President; and Kelly Osborne, Board Clerk. From Larkspur-Corte Madera School District, Brett Geithman, Ed.D., Superintendent. From Loma Prieta Joint Union School District, Kevin Grier, Ed.D., Superintendent. From Los Gatos Union School District, Sarah Tellez, Assistant Superintendent. From Mendocino Unified School District: Jason Morse, Superintendent; and Meg Kailikole, Business Manager. From Menlo Park City School District: Sharon Burns and Danielle O'Brien, Principals; Chana Stewart, Director of Early Learning Center; Jammie Behrendt, Associate Superintendent; Marites Fermin, Chief Business Officer; and Katherine Strach, unspecified relationship. From Monteceito Union School District: Abby Carrington, Kimberly Berman, Amelia Madden, Brooke Cloud, Christina Stokes, Daniel Berman, Heidi Craine, Holly Noble, Jamie Allison, Jeffery Linder, two John Does, Karen Luna, Katie Nimitarnun, Linda Trigueiro, Lindsay Alker, Lisa Monson, Melissa Erikson, Rania Mather, Ron Zecher, Stacy Allison, Vanessa Scarlett, Kim Berman, and Alyssa Gonzalez, teachers; Jacqueline Duran, Jessica Smith, and Mitchell Bragg, Board Members; Virginia Alvarez, Chief Business Official and Human Resources; Autumn Noe, Classified Employee/Parent; Samantha Simon, Nature Lab, STEAM, Special Projects; Nick Bruski, Principal; Susannah Osley, School Board President; Kim Crail, School Board Vice President; Selina Wimmel, School Office Assistant; Melissa Spink, Student Meals Program Coordinator; Anthony Ranii, Superintendent; and Rusty Ito, Vice Principal. From Mountain View Los Altos High School District, Dr. Nellie Meyer, Superintendent. From Mountain View Whisman School District, Dr. Rebecca Westover, Chief Business Officer. From Nevada City School District, Paige Moore, Business Manager. From Newport-Mesa Unified School District: Wesley Smith, Ed.D., Superintendent; Jeffery S. Trader, Assistant Superintendent, Chief Business Official; Ashley Anderson, Lisa Pearson, and Michelle Barto, Board Members. From Palo Alto Unified School District, Carolyn Chow, Chief Business Officer. From Portola Valley School District: Connie Ngo, Chief Business Official; Gary Hanning, President, Board of Trustees; Roberta Zarea, Superintendent; and Kimberly Morris Rosen and Amud Setlur, Trustees. From San Luis Coastal Unified School District, Eric Prater, Ed.D., Superintendent. From Santa Cruz City Schools District: Jimmy Monreal, Assistant Superintendent of Business Services; and Kris Munro, Superintendent. From Sequoia Union High School District, Vinita Singh, Director of Business Services. From Solana Beach School District: Debra Schade, Ph.D., Board President; and Jennifer Burks, Ed.D., Superintendent. From Sonoma Valley Unified School District: Reina Seifts, Associate Superintendent; and Dr. Jeanette Rodriguez-Chien, Superintendent. From St. Helena Unified School District, Kay Vang, Chief Business Official. From Sunnyvale

Dr. Robert Bauer, Trustee of Portola Valley School District, added comments to his support letter on the impact Proposition 13 had on his school district's finances, stating: "We had to cut programs and sell property that we otherwise would have maintained for the health and welfare of our learners. The unfunded mandate requiring UTK causes a big financial obligation that will at a minimum increase class sizes which we have been planning and struggling to reduce during the past 15 years."²⁰³

Six trustees and the board president for the San Luis Coastal Unified School District each individually filed comment letters that added, "In San Luis Coastal, the cost of this unfunded mandate is \$20 million in facility costs, and \$3.5 million in ongoing personnel costs. Due to class size limits that become more restrictive at full implementation, we expect the cost to be even higher. Like most districts in California, we are confronting deficits in the out years which means significant programmatic reductions in other areas due to this unfunded mandate."²⁰⁴

The claimants attached over 100 additional public comments to their rebuttal, specifically responding to Finance's comments.²⁰⁵ These comments primarily took offense at Finance's assertion that basic aid districts receive an entitlement under the LCFF. "While that statement is accurate, the DOF fails to recognize that community-funded elementary and unified school districts do not receive any additional dollars to support the implementation of UTK despite their LCFF entitlement growing. In other words, the state's mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources."²⁰⁶ The comments assert that when TK was a small program that only applied to a small cohort of students, basic aid districts were able to absorb the added cost by redirecting funds from some existing programs, but this expansion of the TK program would be costly for any district if adequate resources are not provided, which is why the Newsom administration and Legislature increased the Proposition 98 guarantee to allow for UTK implementation.²⁰⁷ However the state has

School District, Michael Gallagher, Ed.D., Superintendent. From Tahoe Truckee Unified School District, Kerstin Kramer, Superintendent Chief Learning Officer. From Vista Del Mar Union School District, Bree Valla, Superintendent/Principal.

²⁰³ Exhibit E, Dr. Robert Bauer, Trustee, Portola Valley School District, Comments on the Test Claim, page 1.

²⁰⁴ Exhibit F, Ellen Sheffer, Board President, San Luis Coastal Unified School District, Late Comments on the Test Claim, pages 1-2. San Luis Coastal Unified School District Trustees Brian Clausen, Eve Hinton, Chris Ungar, Marilyn Rodger, Mark Buchman, and Robert Banfield, each filed identical comments.

²⁰⁵ Exhibit C, Claimant's Rebuttal Comments, pages 13-277.

²⁰⁶ Exhibit C, Claimant's Rebuttal Comments, page 13 (Letter from Anthony Ranii, President of Schools for Sound Finance).

²⁰⁷ Exhibit C, Claimant's Rebuttal Comments, page 13 (Letter from Anthony Ranii, President of Schools for Sound Finance).

not provided additional resources for basic aid districts to implement this program “despite the state maintaining that implementation of UTK is an expectation of all school districts.”²⁰⁸

The comments also objected to Finance highlighting the funding basic aid districts receive through the minimum state aid provision of the LCFF and the Education Protection Account, with the implication these could be used to pay for TK programs. “What the DOF fails to recognize is that community-funded districts have been receiving MSA dollars and EPA dollars since 2013, which means these dollars have already been subsumed into other equally important district programs. This means that without additional funding to implement UTK, community-funded districts are required to encroach on other programs in order to support UTK students and staff. Additionally, MSA and EPA funds are marginal compared to the cost of implementing a full grade level.”²⁰⁹

Individual school districts included additional testimony to the same basic comment letter on their actual and estimated increased costs to implement the test claim statute, how they currently use their MSA and EPA funding, and how other programs will be impacted if the test claim is not approved.²¹⁰ Commentors reasserted their opinion that

²⁰⁸ Exhibit C, Claimant’s Rebuttal Comments, page 14 (Letter from Anthony Ranii, President of Schools for Sound Finance).

²⁰⁹ Exhibit C, Claimant’s Rebuttal Comments, page 14 (Letter from Anthony Ranii, President of Schools for Sound Finance).

²¹⁰ See Exhibit C, Claimant’s Rebuttal Comments, pages 27 (Letter from Matt Reno, Superintendent/Principal, Alexander Valley Union School District); 30 (Letter from Pam Rennick, Superintendent/Principal, Ballard School District); 33 (Letter from Mike Heffner, Superintendent/Principal, Bonny Doon Union Elementary School District); 37 (Letter from Audra Pittman, Ph.D., Superintendent, Calistoga Joint Unified School District); 39 (Letter from Dr. Shelly Viramontez, Superintendent, Campbell Union School District); 41-42 (Letter from Jill Vinson, Superintendent, Cardiff School District); 44-45 (Letter from Sharon Ofek, Superintendent, Carmel Unified School District); 47 (Letter from Amy Alzina, Ed.D., Superintendent/Principal, Cold Spring School District); 49 (Letter from Michael Chaix, Superintendent, Cucamonga School District); 51 (Letter from Holly McClurg, Ph.D., Superintendent, Del Mar Union School District); 53-54 (Letter from Greg Sackos, Superintendent/Principal, Desert Center Unified School District); 56 (Letter from Andrée Grey, Ed.D., Superintendent, Encinitas Union School District); 66 (Letter from Ethan Bertrand, Board of Trustees Clerk, Goleta Union School District); 78 (Jointly Signed Letter from Ana de Arce, Superintendent; Kim Oliff, Board President; Don Geddis, Board Vice President; Gregory Dannis, Board Clerk; An Huang Chen, Board Member; Gilbert Wai, Board Member; Joyce Shen, Chief Business Official; Leilani Bell, Human Resources Director; Matthew Lindner, Educational Services Director; Bhavna Narula, Student Services Director; Maureen Sullivan, Education Technology Director; Tracy Dennis, Information Technology Manager; Alec MacKenzie, Hillsborough Teachers Association President; and Kim Hover, California School Employees Association President, Chapter 465; Hillsborough City School District); 81

the state maintaining they are obligated to implement TK, without providing additional funding for basic aid districts, constitutes an unfunded mandate by the state.²¹¹

(Letter from Dr. Brian Johnson, Board of Trustees Member, Hope School District); 90-91 (Letter from Leisa Winston, Ed.D., Superintendent, Huntington Beach School District); 93 (Letter from Nathan Myers, Superintendent, Kenwood School District); 95 (Letter from Brett Geithman, Superintendent, Larkspur-Corte Madera School District); 96-97 (Letter from Dave Scroggins, Superintendent/Principal, Latrobe School District); 99 (Letter from Kelly Osborne, School Board Clerk, Laguna Beach Unified School District); 108 (Letter from Paul Johnson, Superintendent, Los Gatos Union School District); 110 (Letter from Sandra McGonagle, Superintendent, Los Altos School District); 117 (Letter from Audra Romero, Director of Human Resources, Menlo Park City School District); 140-141 (Letter from Rusty Ito, Assistant Principal, Montecito Union School District); 221 (Letter from Dr. Ayinde Rudolphe, Superintendent, Mountain View Whisman School District); 226 (Letter from John Baggett, Superintendent, Nevada City School District); 229 (Letter from Jeffery S. Trader, Assistant Superintendent, Newport-Mesa Unified School District); 236 (Letter from Charen Yu, Chief Business Officer, Palo Alto Unified School District); 239 (Letter from Connie Ngo, Chief Business Official, Portola Valley School District); 243 (Jointly Signed Letter from Gary Waddell, Ed.D.C., Superintendent, and Mark A. Schiel, Deputy Superintendent, Santa Clara Unified School District); 245 (Letter from Dr. Kenneth Geisick, Superintendent, Saratoga Union School District); 251 (Letter from Kay Vang, Chief Business Official, St. Helena Unified School District); 255 (Letter from Eric Prater, Ed.D., Superintendent, San Luis Coastal Unified School District); 263 (Letter from Arthur Cuffy, Chief Business Officer, Sunnyvale School District); 273 (Letter from Tom Hoskins, Superintendent, Vallecito Union School District).

²¹¹ The claimants' rebuttal comments also included additional letters of support from the following interested parties or interested persons whose contents were duplicative to at least one of the letters cited in the previous footnote. From Association of California School Administrators, Edgar Zauzeta, Ed.D., Executive Director. From California Association of School Business Officials, Mishaal Gill, Director of Policy and Advocacy, California Association of School Business Officials. From CFT – A Union of Educators and Classified Professionals, AFT, AFL-CIO, Tristan Brown, Legislative Director. From California School Board Association, Kristen Lindgren-Bruzzzone, General Counsel. From Small School Districts Association, Yuri Calderon, Executive Director. From Acalanes Union High School, John Nickerson, Superintendent. From Calistoga Joint Unified School District, Matthew Reid, Board Member. From Fremont Union High School District: Christine Mallery, CBO/Associate Superintendent; and Graham Clark, Superintendent. From Goleta Union School District: Emily Zacharias, and Dr. Richard Mayer, Board of Trustees Members; Dr. Mary Kahn, Superintendent; Dr. Vikki Ben-Yaacov, Board of Trustees President; and Sholeh Jahangir, Board of Trustees Vice-President. From Hope School District: Daniel Cunnison, and Erik Vasquez, Board of Trustees Members; Dr. Frann Wageneck, Board of Trustees President; and Dr. Kelly Keogh, Board of Trustees Clerk. From Laguna Beach Unified School District: Jan Vickers, School Board President; and Jason Vilorio, Ed.D., Superintendent. From Los

IV. Discussion

Article XIII B, section 6 of the California Constitution provides in relevant part the following:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service...

The purpose of article XIII B, section 6 is to “preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill

Gatos-Saratoga Union High School District, Bill W. Sanderson, Superintendent. From Los Gatos Union School District, Teresa Fiscus, Chief Business Official. From Menlo Park City School District: Sandra Franco, Director MOT; Jammie Behrendt, Associate Superintendent Educational Services; Kristen Gracia, Superintendent; Parke Treadway, Public Information Officer; Stephanie Sheridan, Assistant Superintendent Student Services; Marites Fermin, Chief Business Officer; and Willy Haug, Director of Technology and Innovation. From Monteceito Union School District: Jesse Landeros, Facilities Manager; Anthony Ranii, Superintendent; Amanda Salgado, Fiscal Services Specialist; Sammy Simon, Nature Lab STEAM Special Projects; Austin Valiante, Lead Technology Support; Colin Valiante, Senior Network & Systems Technician; Lindsay Alker, Literacy TOSA; Jamie Allison, School Librarian; Stacy Allison, Kim Berman, Brooke Cloud, Judy Compton, Heidi Craine, Cheryl Hess, Karen Luna, Katie Nimitarnun, Megan Soderborg, Kathy Trent, Danielle Weill, and Ron Zecher, Teachers; Virginia Alvarez, Chief Business Official; Lisa Anderson, Purchasing and Admin Assistant; Judy Benton and Julie Terry, Instructional Assistants; Mitchell Bragg, Jacqueline Duran, and Jessica Smith, Board Members; Nick Bruski, Principal; Kim Crail, School Board Vice President; Melissa Erikson, Resource Specialist; Jeff Linder, Math TOSA; Cassandra Ornelas, Certificated School Nurse; Susan Osley, School Board President; Tony Paulsen and Rebekah Prato, Inclusion Specialists; Sadie Powers, Student Support and Activities Facilitator; Vanessa Scarlett, Science TOSA; and Autumn Noe, Executive Assistant/Parent. From Mountain View Los Altos High School District, Eric Volta, Superintendent. From Newport-Mesa Unified School District: Carol Crane, Board of Education President; Wesley Smith, Ed.D., Superintendent; and Martha Fluor, Former Board Member. From Portola Valley School District, Roberta Zarea, Superintendent. From San Deiguito Union High School District, Stephen Dickenson, Associate Superintendent of Business Services. From Sequoia Union High School District, Vinita Singh, Director of Business Services. From San Luis Coastal Unified School District, Ellen Scheffer, Board Trustee. From Sonoma Valley Unified School District, Dr. Jeanette Rodriguez-Chien, Superintendent. From Sunnyvale School District: Isabel Jubes-Flamerich, Board of Education President; Jeremy Nishihara, Assistant Superintendent of Human Resources & Informational Systems; Michael Gallagher, Ed.D., Superintendent; and Tasha L. Dean, Ed.D., Chief Teaching and Learning Officer. Lastly, Vista Del Mar Union School District, Bree Valla, Superintendent.

equipped' to assume increased financial responsibilities because of the taxing and spending limitations that articles XIII A and XIII B impose.”²¹² Thus, the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government] ...”²¹³

Reimbursement under article XIII B, section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform an activity.²¹⁴
2. The mandated activity constitutes a “program” that either:
 - a. Carries out the governmental function of providing a service to the public; or
 - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state.²¹⁵
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public.²¹⁶
4. The mandated activity results in the local agency or school district incurring increased costs, within the meaning of section 17514. Increased costs, however, are not reimbursable if an exception identified in Government Code section 17556 applies to the activity.²¹⁷

The Commission is vested with the exclusive authority to adjudicate disputes over the existence of state-mandated programs within the meaning of article XIII B, section 6 of the California Constitution.²¹⁸ The determination whether a statute or executive order

²¹² *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.

²¹³ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

²¹⁴ *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.

²¹⁵ *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874-875 reaffirming the test set out in *County of Los Angeles* (1987) 43 Cal.3d 46, 56.

²¹⁶ *San Diego Unified School Dist.* (2004) 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal.3d 830, 835.

²¹⁷ *County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487; *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1284; Government Code sections 17514 and 17556.

²¹⁸ *Kinlaw v. State of California* (1991) 54 Cal.3d 326, 335.

imposes a reimbursable state-mandated program is a question of law.²¹⁹ In making its decisions, the Commission must strictly construe article XIII B, section 6 of the California Constitution, and not apply it as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”²²⁰

A. The Test Claim Was Timely Filed.

A test claim shall be filed no later than 12 months following the effective date of an executive order or statute, or within 12 months of incurring increased costs as a result of the executive order or statute, whichever is later.²²¹ The Commission’s regulations clarify that “within 12 months of incurring increased costs” means “within 12 months (365 days) of *first* incurring increased costs as a result of a statute or executive order, whichever is later.”²²²

The test claim statute has an effective date of July 9, 2021.²²³ The test claim was jointly filed on January 22, 2024.²²⁴ If this filing were based on the statute’s effective date, it would not be timely. However, the claimants filed declarations signed under penalty of perjury that they “first incurred costs” to implement the test claim statute on July 1, 2023, when they were required to hire additional teachers and non-teacher employees because the test claim statute expanded eligibility for the transitional kindergarten program to children whose fifth birthday fell between September 2 and April 2 in the 2023-2024 school year and the districts were required to maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each school site.²²⁵

Finance asserts that because the limitation on average TK class sizes to 24 pupils went into effect in 2021-2022, and in 2022-2023 the test claim statute expanded program eligibility to students born between September 2 and February 2 and required adult-to-student staffing ratios not exceed 1:12, it is uncertain that there were no increased costs prior to July 1, 2023, in which case the test claim would be untimely.²²⁶ Finance does not provide any evidence to support its position that the claimants incurred increased

²¹⁹ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

²²⁰ *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1265, 1280 citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

²²¹ Government Code section 17551(c).

²²² California Code of Regulations, title 2, section 1183.1(c), emphasis added.

²²³ The test claim statute, Statutes 2021, chapter 44, was a budget bill and took effect immediately when filed with the Secretary of State (Stats. 2021, ch. 44, section 165.)

²²⁴ Exhibit A, Test Claim, page 1.

²²⁵ Exhibit A, Test Claim, pages 24-25 (Declaration of Lori van Gogh, Chief Business Officer, Sunnyvale School District); pages 30-31 (Declaration of Mike Thomson, Chief Business Official, Business Office, Hope Elementary School District).

²²⁶ Exhibit B, Finance’s Comments on the Test Claim, page 3.

costs before July 1, 2023, but points to an inconsistency between Hope Elementary School District's testimony of two additional teachers hired in 2023-2024 while the documentary evidence supporting that claim listed three teachers, which it theorized may indicate costs incurred prior to July, 1, 2023.²²⁷

Finance's theory may be correct. However, the evidence Finance points to does not support their position that increased costs were first incurred by the claimants before July 1, 2023. Hope Elementary School District amended its testimony to say it actually hired 2.5 (FTE) additional teachers in 2023-2024, which corrects the inconsistency Finance theorized may be evidence of earlier increased costs.²²⁸ Even if the claimant did not correct its testimony, the existence of an additional teaching position is not necessarily evidence of a cost incurred to implement the test claim statute prior to July 1, 2023. The documentation does not indicate whether it lists all teachers and staff assigned to teach Transitional Kindergarten, or just those newly hired within a certain period.²²⁹ And Finance has not provided any evidence to support the argument that claimants first incurred costs to implement the changes in law created by the test claim statute before July 1, 2023.

The claimants' declarations of when they first incurred costs are signed under penalty of perjury and satisfy the evidentiary requirements in the Commission's regulations, which require written representations of fact offered by any person at an article 7 hearing shall be under oath or affirmation, and must be signed under penalty of perjury by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge, information, or belief.²³⁰ In addition, the test claim statute requires school districts, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, to admit a child into the TK program who will have their fifth birthday between September 2 and April 2 beginning in the 2023-2024 school year; where the requirement in the 2022-2023 school year was for children having their fifth birthday between September 2 and February 2. Extending the cut-off by two additional months could increase or expand the population of students eligible for a TK program, which has been confirmed by the claimants and Finance. Finance's comments state that Hope Elementary School District saw an increase in TK ADA from 30 students in the 2022-2023 school year to 43 students in the 2023-2024 school year, and Hope

²²⁷ Exhibit B, Finance's Comments on the Test Claim, page 4.

²²⁸ Exhibit C, Claimants' Rebuttal Comments, page 10 (Declaration of Mike Thomson, Chief Business Official, Hope Elementary School District).

²²⁹ Exhibit A, Test Claim, page 34 (Pay09a Report).

²³⁰ California Code of Regulations, title 2, sections 1183.1(e), 1187.5; Exhibit A, Test Claim, pages 27 (Declaration of Lori van Gogh, Chief Business Officer, Sunnyvale School District) and 33 (Declaration of Mike Thomson, Chief Business Official, Business Office, Hope Elementary School District).

confirmed in its rebuttal comments that in 2023-2024 it had 46 enrolled TK students with an ADA of 43.64.²³¹

Thus, without evidence the claimants did or should have first incurred increased costs before July 1, 2023 due to requirements in the test claim statute, the Commission must accept the claimants' declarations that the 2023-2024 school year was the first in which the changes in law in the test claim statute caused them to incur increased costs. The January 22, 2024 filing date is therefore timely.

B. The Test Claim Statute Does Not Impose a State-Mandated Program Because School Districts Are Not Required to Offer Transitional Kindergarten.

1. Transitional Kindergarten Was Authorized by Prior Statutes and the Test Claim Statute only Requires as a Condition of Receipt of Apportionment, that School Districts Admit Children Who Will Turn Five Within Newly Expanded Date Ranges and that Schools Maintain Average Maximum Transitional Kindergarten Class Sizes of 24 Pupils with One Adult for Every 12 Pupils in a Transitional Kindergarten Class.

The TK program was first enacted by the Legislature in 2010 for the 2012-2013 school year.²³² Under prior law, Education Code section 48000 provided that as a condition of receipt of apportionment for pupils in a TK program pursuant to section 46300 and Chapter 3 (commencing with Section 47610) of Part 26.8, school districts were required to ensure that:

(A) In the 2012-13 school year, children who will have their fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(B) In the 2013-14 school year, children who will have their fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(C) In the 2014-15 school year and each school year thereafter, children who will have their fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.²³³

Additionally, prior law required that as a condition of receipt of apportionment for pupils in a TK program, the school district was required to ensure that credentialed teachers who were first assigned to a TK classroom after July 1, 2015, have by August 1, 2021, one of the following education, experience, or certificate credentials:

²³¹ Exhibit B, Finance's Comments on the Test Claim, page 4; Exhibit C, Claimants' Rebuttal Comments, page 10 (Declaration of Mike Thomson).

²³² Education Code section 48000(c) (as amended by Stats. 2010, ch. 705, section 3).

²³³ Education Code section 48000(c)(1)(A)-(C) (as amended by Stats. 2020, ch. 24, section 55).

(1) At least 24 units in early childhood education, or childhood development, or both.

(2) As determined by the local education agency employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in paragraph (1).

(3) A child development teacher permit issued by the Commission on Teacher Credentialing.²³⁴

Thus, the requirements imposed on school districts as a condition of receipt of apportionment for pupils in a TK program, to offer a TK program for children who will have their fifth birthday between September 2 and December 2 and to ensure that teachers assigned to a TK classroom possess the specified education units, professional experience, or certification are not new.

The 2021 test claim statute amended Education Code section 48000 by expanding the range of dates used to determine which children are eligible for the TK program over several years as follows:

(C) From the 2014-15 school year to the 2021-22 school year, inclusive, a child who will have their fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(D) In the 2022–23 school year, a child who will have their fifth birthday between September 2 and February 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(E) In the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(F) In the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.

(G) In the 2025–26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.²³⁵

Additionally, the test claim statute requires school districts, as a condition of receipt of apportionment for pupils in a TK program, to comply with all of the following:

²³⁴ Education Code section 48000(g)(1)-(3) (as amended by Stats. 2020, ch. 24, section 55).

²³⁵ Education Code section 48000(c) (as amended by Statutes 2021, chapter 44 (AB 130), section 60).

- (1) Maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each school site.
- (2) Commencing with the 2022-23 school year, maintain an average of at least one adult for every 12 pupils for transitional kindergarten classrooms.
- (3) Commencing with the 2023-24 school year, and for each year thereafter, maintain an average of at least one adult for every 10 pupils for transitional kindergarten classrooms, *contingent upon an appropriation of funds for this purpose.*²³⁶

The last requirement above, to maintain an average of one adult for every 10 pupils by the 2023-2024 school year, is only required if the Legislature appropriates funding for that purpose and, thus, this requirement would not be subject to mandate reimbursement.

And the test claim statute extends the date upon which school districts are required to ensure their teachers of TK programs have their credentials to August 1, 2023, but does not add any new requirements in this respect:

- (4) Ensure that credentialed teachers who are first assigned to a TK classroom after July 1, 2015, have, by August 1, 2023, one of the following:
 - (A) At least 24 units in early childhood education, or childhood development, or both.
 - (B) As determined by the local education agency employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described in subparagraph (A).
 - (C) A child development teacher permit issued by the Commission on Teacher Credentialing²³⁷

Thus, the following new requirements are imposed on school districts as a condition of receipt of apportionment for TK pupils:

- Beginning in the 2021-22 school year, maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each school site.²³⁸

²³⁶ Education Code section 48000(g)(1)-(3) (as amended by Statutes 2021, chapter 44 (AB 130), section 60). (Emphasis added.)

²³⁷ Education Code section 48000(g)(4) (as amended by Statutes 2021, chapter 44 (AB 130), section 60).

²³⁸ Education Code section 48000(g)(1) (as amended by Statutes 2021, chapter 44 (AB 130), section 60).

- Beginning in the 2022-23 school year, maintain an average of at least one adult for every 12 pupils in a transitional kindergarten classroom.²³⁹
- Beginning in the 2022-23 school year, ensure that children who will have their fifth birthday between December 3 and February 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.²⁴⁰
- Beginning in the 2023-24 school year, ensure that children who will have their fifth birthday between February 3 and April 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.²⁴¹
- Beginning in the 2024-25 school year, ensure that children who will have their fifth birthday between April 3 and June 2 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.²⁴²
- Beginning in the 2025-26 school year, ensure that children who will have their fifth birthday between June 3 and September 1 shall be admitted to a transitional kindergarten program maintained by the school district or charter school.²⁴³

2. The New Transitional Kindergarten Requirements Are Not Mandated by the State.

When determining whether new requirements imposed by the test claim statute compel compliance and, thus, create a state-mandated program for purposes of reimbursement under article XIII B, section 6, the courts have identified two distinct theories: legal compulsion and practical compulsion.²⁴⁴ Activities undertaken at the option or discretion of local government, without legal or practical compulsion, do not trigger a state-mandated program within the meaning of article XIII B, section 6.²⁴⁵ The California Supreme Court has described legal compulsion as follows:

²³⁹ Education Code section 48000(g)(2) (as amended by Statutes 2021, chapter 44 (AB 130), section 60).

²⁴⁰ Education Code section 48000(c)(1)(D) (as amended by Statutes 2021, chapter 44 (AB 130), section 60).

²⁴¹ Education Code section 48000(c)(1)(E) (as amended by Statutes 2021, chapter 44 (AB 130), section 60).

²⁴² Education Code section 48000(c)(1)(F) (as amended by Statutes 2021, chapter 44 (AB 130), section 60).

²⁴³ Education Code section 48000(c)(1)(G) (as amended by Statutes 2021, chapter 44 (AB 130), section 60).

²⁴⁴ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815.

²⁴⁵ *City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 73-76; *Department of Finance v. Commission on State Mandates (Kern)* (2003) 30 Cal.4th 727; *Department of*

Legal compulsion occurs when a statute or executive action uses mandatory language that require[s] or command[s] a local entity to participate in a program or service... Stated differently, legal compulsion is present when the local entity has a mandatory, legally enforceable duty to obey. This standard is similar to the showing necessary to obtain a traditional writ of mandate, which requires the petitioning party to establish the respondent has a clear, present, and usually ministerial duty to act. ... Mandate will not issue if the duty is ... mixed with discretionary power.

Thus, as a general matter, a local entity's voluntary or discretionary decision to undertake an activity cannot be said to be legally compelled, even if that decision results in certain mandatory actions.²⁴⁶

Even where a local government entity is not legally compelled to perform the new required activities, it may be practically compelled to do so. As the California Supreme Court recently stated in *Coast Community College Dist. v. Commission on State Mandates*, practical compulsion “arises when a statutory scheme does not command a local entity to engage in conduct, but rather induces compliance through the imposition of severe consequences that leave the local entity no reasonable alternative but to comply.”²⁴⁷ Substantial evidence in the law or record is required for a finding of practical compulsion.²⁴⁸

- a. Based on the plain language of the test claim statute, the claimants are not legally compelled to comply with the new requirements. Compliance with the new requirements is triggered by a school district’s underlying decision to provide a transitional kindergarten program.

“If a local entity or school district has alternatives under the statute other than the mandated contribution, it does not constitute a state mandate.”²⁴⁹ Actions undertaken at the option or discretion of a local government entity do not trigger a state mandate

Finance v. Commission on State Mandates (POBRA) (2009) 170 Cal.App.4th 1355, 1365-1366.

²⁴⁶ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815, internal quotation marks and citations omitted.

²⁴⁷ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 816; see also *Department of Finance v. Commission on State Mandates (Kern High School Dist.)* (2003) 30 Cal.4th 727, 754 (where no “legal” compulsion exists, “practical” compulsion may be found if the local agency faces “certain and severe...penalties” such as “double...taxation” or other “draconian” consequences if they fail to comply with the statute).

²⁴⁸ *City of Sacramento v. State of California* (1990) 50 Cal.3d 51, 73-76; *Department of Finance v. Commission on State Mandates* (POBRA) (2009) 170 Cal.App.4th 1355, 1368; Government Code section 17559.

²⁴⁹ *County of Los Angeles v. Commission on State Mandates* (1995) 32 Cal.App.4th 805, 818.

and hence do not require reimbursement of funds-even if the local entity is obliged to incur costs as a result of its discretionary decision to participate in a particular program or practice.²⁵⁰ When determining if a local agency is legally compelled by a funding entitlement, “the proper inquiry is whether the language of the funding entitlement provisions legally obligates the districts to comply with the conditions described therein.”²⁵¹

Contrary to the claimants’ assertions, Education Code section 48000 does not legally compel school districts to provide a TK program. The new requirements are imposed as a condition of receipt of apportionment funding for pupils in a TK program. Education Code section 48000(c) states: “As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, as applicable, a school district or charter school shall ensure” the child meets the age ranges specified in the statute. Education Code section 48000(g) further states that school districts are required to comply with the remaining new requirements “[a]s a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300” Thus, by law, school districts are authorized, but not required, to offer TK programs. It is a school district’s discretionary decision to provide the TK program. If a district chooses not to provide a TK program, nothing by law happens. The district simply does not receive any apportionment funding for additional students that would be in the TK program.

This case is similar to *Coast Community College Dist. v. Commission on State Mandates*.²⁵² There, the California Supreme Court reviewed regulations issued by the Chancellor’s Office, which required the community college districts to comply with certain minimum conditions, satisfaction of which entitled a community college district to receive state aid that may or may not be withheld by the Chancellor if a college does not comply. The court found there was no legal compulsion based on the plain language of the regulations. “[T]he proper inquiry is whether the language of the funding entitlement provisions legally obligates the districts to comply with the conditions described therein, not whether those conditions relate to the core functions of the districts.”²⁵³ “If a community college district is willing to risk the possibility of losing some or all its state aid, there does not appear to be any mechanism (or at least none the parties have identified) that would allow the Chancellor or any other state entity to

²⁵⁰ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 815; *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 742.

²⁵¹ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 819.

²⁵² *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800.

²⁵³ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 819.

compel compliance as a matter of law.”²⁵⁴ It also found the argument that the community colleges had no reasonable alternative but to comply with the regulations because they were dependent on state aid was a practical compulsion theory, not legal compulsion.²⁵⁵ “That the financial situation of some (or most) districts may leave them with no reasonable alternative but to comply with the funding entitlement regulations does not transform this case into one involving legal compulsion.”²⁵⁶

Here, the claimants allege that they are legally compelled to provide transitional kindergarten programs because of the use of the word “shall,” and because the CDE says this is a requirement for all school districts, including basic aid districts.²⁵⁷ However, read in full context, the word “shall” is only used to impose conditions on whether a school district can receive state funding for transitional kindergarten students. There is no standalone obligation to provide transitional kindergarten outside of the conditions for receiving funding. Though the CDE may say that TK programs are mandatory, it does not appear to be doing anything to legally enforce this position, and evidence shows there are several school districts that do not offer transitional kindergarten.²⁵⁸ Moreover, as described below, the plain language of the test claim statute shows that the provision of a TK program is within the discretion of the school district and is only required if they wish to receive additional ADA apportionment funding based on the number of TK students attending school in the district.

²⁵⁴ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 818.

²⁵⁵ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 820-821.

²⁵⁶ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 821.

²⁵⁷ Exhibit A, Test Claim, pages 12-13, 21.

²⁵⁸ Exhibit X (8), Alexander Valley School District, Intent to Enroll Form, https://docs.google.com/forms/d/e/1FAIpQLSe8YE--tzU5tnK5JQUBNHfqbo76RBLiLPoaxon9Ok_G0pdP9g/viewform (accessed on February 3, 2025), page 3; Exhibit X (9) Cardiff School District, Enrollment & Registration Information Page, <https://www.cardiffschools.com/Page/5220> (accessed on March 20, 2025), page 2; Exhibit X (10) Encinitas Union School District, New Student Registration, <https://www.eusd.net/registration/new-student-registration> (accessed on March 20, 2025), page 1; Exhibit X (11) Rancho Santa Fe School District, Enrollment Information, <https://www.rsfschool.net/parent-portal/pre-reg-registration-information> (accessed on March 20, 2025), page 1; Exhibit X (12), Ross School District, Kindergarten Registration, https://drive.google.com/file/d/1WWT6SLyolUaJSHArwy679JBle9KVec_W/view (accessed on February 3, 2025), page 1; Exhibit X (13) Solana Beach School District, Registration, <https://www.sbsd.k12.ca.us/Page/443> (accessed on March 20, 2025), page 2.

When interpreting a statute, the first thing to consider is the statute's plain language.²⁵⁹ "When the Legislature uses materially different language in statutory provisions addressing the same subject or related subjects, the normal inference is that the Legislature intended a difference in meaning."²⁶⁰ Education Code section 48000 outlines eligibility and program requirements for both kindergarten and transitional kindergarten. For kindergarten, it says that "a child shall be admitted to a kindergarten maintained by the school district at the beginning of a school year, or at a later time in the same year, if the child will have their fifth birthday on or before one of the following dates: (1) December 2 of the 2011-12 school year. (2) November 1 of the 2012-13 school year. (3) October 1 of the 2013-14 school year. (4) September 1 of the 2014-15 school year and each school year thereafter."²⁶¹ These requirements are not conditions to something else and impose a clear-cut obligation for the school districts to admit all age-eligible children into kindergarten, thereby obligating them to provide a kindergarten program. However, the phrasing used for the TK program is different; instead of just saying that a child who will have their fifth birthday between a specific date range in a given school year shall be admitted to a transitional kindergarten program maintained by the school district or charter school, these requirements are prefaced with the statement: "As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, as applicable, a school district or charter school shall ensure the following."²⁶² The implication in phrasing school district's obligations towards providing these two programs so differently within the same code section is that while school districts have a mandatory obligation to provide kindergarten programs to children who will turn five by September 1 of each school year, they are only required to provide TK programs if they wish to receive additional funding based on the number of TK students attending school in the district.

Like in *Coast Community College Dist.*, if a school district is willing to forego the funding it would receive for its TK students, there is not any mechanism that would allow the CDE or another state entity to compel the district to offer a TK program as a matter of law. School districts are not legally compelled to offer transitional kindergarten programs, or to comply with the additional requirements in the test claim statute imposed on school districts that do offer transitional kindergarten.

- b. Legislative history and analysis of the program, and history of how the program has been implemented statewide support the conclusion that providing transitional kindergarten is not legally compelled by state law.

The legislative history confirms that it was not by accident that Education Code section 48000 uses different phrasing for the traditional kindergarten and TK programs. As

²⁵⁹ *Coalition of Concerned Communities, Inc., v. City of Los Angeles* (2004) 34 Cal.4th 733, 737.

²⁶⁰ *People v. Trevino* (2001) 26 Cal.4th 237, 242.

²⁶¹ Education Code section 48000(a).

²⁶² Education Code section 48000(c).

discussed above, when the TK program was originally proposed, the bill only said that children who will have their fifth birthday between specified date ranges shall be admitted into a transitional kindergarten program maintained by the school district.²⁶³ This would have made the TK program mandatory for all school districts. This language changed after the Assembly Committee on Appropriations found that making TK a requirement for all school districts would be fiscally inefficient and not cost effective.²⁶⁴ It also added a paragraph stating that “[a] transitional kindergarten shall not be construed as a new program or higher level of service.”²⁶⁵ Although the Commission has exclusive jurisdiction over whether or not something imposes a state mandate, rendering this statement powerless, it does support that the Legislature was mindful of the possibility the transitional kindergarten program might impose a reimbursable state mandate, and was intentionally trying to avoid that outcome.

The language used to summarize the bill in the legislative analysis changed as well; instead of stating the bill “requires, commencing with the 2012-2013 school year, a child who would otherwise be eligible for enrollment in kindergarten be admitted to a transitional kindergarten program maintained by a school district,” the analysis now described the bill by saying it would “allow districts to claim funding for two years of kindergarten for children born between September and December, assuming certain conditions are met.”²⁶⁶ Though the bill’s author later went on to claim that it was the Legislature’s intent that all school districts be required to provide TK, statements by a bill’s author about the bill’s intended purpose do not qualify as legislative history.²⁶⁷

The language used in subsequent legislation also shows that the Legislature understood TK programs were not mandatory. There have been several amendments to Education Code section 48000 regarding the TK program, including the test claim statute. In all but one, the Legislative Digest described the existing law by saying it “authorizes a school district or charter school to maintain a transitional kindergarten program.”²⁶⁸ In the one exception, the change the Legislature made was regarding the

²⁶³ Exhibit X (5), Assembly Amendment to SB 1381, August 4, 2010, section 2.

²⁶⁴ Exhibit X (1), Assembly Committee on Appropriations, Analysis of SB 1381, as amended August 2, 2010, page 3.

²⁶⁵ Education Code section 48000(e) (as amended by Statutes 2010, chapter 705 (SB 1381), section 3). That language remains current in section 48000(e).

²⁶⁶ Exhibit X (1), Assembly Committee on Appropriations, Analysis of SB 1381, as amended August 2, 2010, page 1; Exhibit X (15), Senate Appropriations Committee, Fiscal Summary of SB 1381, as amended August 30, 2010, page 1, emphasis added.

²⁶⁷ *Kaufman and Broad Communities, Inc., v. Performance Plastering Inc.*, (2005) 133 Cal.App.4th 26, 37.

²⁶⁸ See Statutes 2014, chapter 32, (SB 858) Summary Digest, paragraph 18; Statutes 2015, chapter 13, (AB 104) Summary Digest, paragraph 18; Statutes 2018, chapter 32 (AB 1808) Summary Digest, paragraph 9; Statute 2020, chapter 24 (SB 98) Summary Digest, paragraph 27.

requirement that TK teachers have specified credentials, and thus it addressed that specific portion of the law by saying it “requires a school district or charter school, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, to ensure that teachers who are assigned to a transitional kindergarten classroom after July 1, 2015, be credentialed, and, by August 1, 2020, have a minimum number of units in early childhood education or childhood development, comparable experience in a preschool setting, or a child development permit issued by the Commission on Teacher Credentialing.”²⁶⁹ Authorization to maintain a program is not the same thing as a requirement to maintain the program, and the Legislature made sure to preface its description of the existing requirement by noting it was a condition of receipt of apportionment for pupils in a TK program, not an obligation on school districts in and of itself. When stating what the change in law in the test claim statute would do, the Legislature said it would “revise the timespans for those mandatory and optional admittance requirements to be phased in from the 2022-2023 school year to the 2025-2026 school year, at which time a school district or charter school, as a condition of receipt of apportionments for pupils in a transitional kindergarten program, would be required to admit to a transitional kindergarten program maintained by the school district or charter school a child who will have their 4th birthday by September 1.”²⁷⁰ There is no mention in the legislative history of section 48000 that TK programs are mandatory. Thus, the test claim statute simply expanded eligibility for TK programs, but did not require school districts to provide the program.

Other sections within the test claim statute also show the Legislature understood school districts are not required to offer TK programs. The California Prekindergarten Planning and Implementation Grant Program offered additional funding for the costs associated with “*creating* or expanding” state preschool and TK programs, and the California Preschool, Transitional Kindergarten, and Full-Day Kindergarten Facilities Grant Program specified that a condition for receiving funding for a transitional kindergarten facilities project is that the school district’s governing body pass a resolution at a public meeting stating the district’s “*intent to offer* or expand enrollment” in a TK program.²⁷¹ The Legislature clearly understood that school districts are not required to offer transitional kindergarten, and though it may want transitional kindergarten to be available to everyone, it has not gone as far as to mandate all school districts provide TK programs.

Further cementing this, the TK program’s actual history shows not all school districts treat TK as a mandatory program. A study found that 89 percent of school districts offered a TK program within the first year the Legislature made the program available,

²⁶⁹ Statutes 2014, chapter 687, (SB 876) Summary Digest, paragraph 5.

²⁷⁰ Statutes 2021, chapter 44, (AB 130), Summary Digest, paragraph 2.

²⁷¹ See Education Code section 8281.5, as added by Statutes 2021, chapter 44, section 4 (AB 130), emphasis added; Education Code section 17375, as amended by Statutes 2021, chapter 44, section 15 (AB 130), emphasis added.

meaning 11 percent of school districts did not offer TK that year.²⁷² Though most of these districts were small districts that simply did not have any eligible students in that first year, four percent of school districts did not offer TK despite there being eligible students, citing concerns about inadequate funding, including some basic aid districts.²⁷³ An article written in September 2021, after the test claim statute went into effect, reported that there were at least a dozen basic aid districts that still did not offer TK programs.²⁷⁴ At the time of drafting this Decision, at least some school districts only offer kindergarten, without a TK program.²⁷⁵

The only source that claims school districts are required to provide TK programs is the CDE. The CDE has made public statements that “[e]ach elementary or unified school district must offer TK classes for all children eligible to attend,” and that “[r]egardless if a district receives state revenues through the Local Control Funding Formula or is a basic aid district, if it offers kindergarten, *then the expectation* is that it also offers TK as TK is

²⁷² Exhibit X (6), American Institutes for Research, *Study of California’s Transitional Kindergarten Program, Report on the First Year of Implementation*, April 2014, <https://www.air.org/sites/default/files/2025-01/Transitional-Kindergarten-Implementation-Study-Report-April-2014.pdf> (accessed on January 21, 2025), page 10.

²⁷³ Exhibit X (6), American Institutes for Research, *Study of California’s Transitional Kindergarten Program, Report on the First Year of Implementation*, April 2014, <https://www.air.org/sites/default/files/2025-01/Transitional-Kindergarten-Implementation-Study-Report-April-2014.pdf> (accessed on January 21, 2025), page 40.

²⁷⁴ Exhibit X (2), D’Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), page 4.

²⁷⁵ Exhibit X (8), Alexander Valley School District, Intent to Enroll Form, https://docs.google.com/forms/d/e/1FAIpQLSe8YE--tzU5tnK5JQUBNHfqbo76RBLiLPoaxon9Ok_G0pdP9g/viewform (accessed on February 3, 2025), page 3; Exhibit X (9) Cardiff School District, Enrollment & Registration Information Page, <https://www.cardiffschools.com/Page/5220> (accessed on March 20, 2025), page 2; Exhibit X (10) Encinitas Union School District, New Student Registration, <https://www.eusd.net/registration/new-student-registration> (accessed on March 20, 2025), page 1; Exhibit X (11) Rancho Santa Fe School District, Enrollment Information, <https://www.rsfschool.net/parent-portal/pre-reg-registration-information> (accessed on March 20, 2025), page 1; Exhibit X (12), Ross School District, Kindergarten Registration, https://drive.google.com/file/d/1WWT6SLyolUaJSHArwy679JBle9KVec_W/view (accessed on February 3, 2025), page 1; Exhibit X (13) Solana Beach School District, Registration, <https://www.sbsd.k12.ca.us/Page/443> (accessed on March 20, 2025), page 2.

the first year of a two-year kindergarten program.”²⁷⁶ The CDE’s statements do not cite to any specific laws supporting these claims, and when it has referenced Education Code section 48000(c), it stated the law “requires any school district operating a kindergarten to also provide a transitional kindergarten (TK) program for all 4-year-old children by 2025-26,” which is not consistent with the section’s plain language.²⁷⁷ The Commission is not required to give the agency’s interpretation of the statute deference because interpretation of the statute is a question of law, requiring the Commission’s independent review.²⁷⁸ “Whether judicial deference to an agency’s interpretation is appropriate and, if so, its extent — the “weight” it should be given — is thus fundamentally situational.”²⁷⁹

Courts must, in short, independently judge the text of the statute, taking into account and respecting the agency’s interpretation of its meaning, of course, whether embodied in a formal rule or less formal representation. Where the meaning and legal effect of a statute is the issue, an agency’s interpretation is one among several tools available to the court. Depending on the context, it may be helpful, enlightening, even convincing. It may sometimes be of little worth. Considered alone and apart from the context and circumstances that produce them, agency interpretations are not binding or necessarily even authoritative. To quote the statement of the Law Revision Commission in a recent report, “The standard for judicial review of agency interpretation of law is the independent judgment of the court, giving deference to the determination of the agency appropriate to the circumstances of the agency action.”²⁸⁰

The CDE’s interpretation of the statute implementing the Transitional Kindergarten program is inconsistent with the plain language of the test claim statute, its legislative history, and how the program has been historically implemented.

Accordingly, the Commission finds that the new requirements imposed by the test claim statute are not legally compelled by state law but are triggered by a district’s discretionary decision to provide a TK program.

²⁷⁶ Exhibit X (3), California Department of Education, *Universal Prekindergarten FAQs*, <https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#accordionfaq> (accessed on March 20, 2025), page 31, emphasis added.

²⁷⁷ Exhibit X (3), California Department of Education, *Universal Prekindergarten FAQs*, <https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#accordionfaq> (accessed on March 20, 2025), page 31.

²⁷⁸ *Department of Finance v. Commission on State Mandates* (2016) 1 Cal.5th 749, 762; *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 814.

²⁷⁹ *Yamaha Corp. v. State Board of Equalization* (1998) 19 Cal.4th 1, 7.

²⁸⁰ *Yamaha Corp. v. State Board of Equalization* (1998) 19 Cal.4th 1, 7-8, internal citations omitted.

- c. There is no evidence that school districts are practically compelled to provide transitional kindergarten and, thus, they are not mandated by the state to comply with the new downstream requirements.

Practical compulsion occurs when the consequences for not complying with a technically optional requirement are so onerous they result in “certain and severe penalties such as double taxation and other draconian consequences,” such that a local government has no reasonable alternative but to comply.²⁸¹ In *Coast Community College Dist. v. Commission on State Mandates*, the most recent Supreme Court decision to weigh in on the nature of practical compulsion, the Court stated that practical compulsion exists when “noncompliance is likely to result in withholding of a significant amount of state aid, or that the risk of such withholding leaves them with no true alternative but to comply.”²⁸² When there is “no true alternative,” any alternative options that may exist must be “so far beyond the realm of practical reality” that it leaves the local government “without discretion” not to comply with the state’s conditions, such that the alternative amounts to “no alternative at all.”²⁸³ In such cases, the state “does not command a local entity to engage in conduct, but rather induces compliance through the imposition of severe consequences that leave the local entity no reasonable alternative but to comply.”²⁸⁴

However, the benefits of a program being “too good to refuse” are not sufficient to be considered practical compulsion, and if the state coerces participation by imposing penalties for non-compliance, the penalty must be something harsher than simply withholding the funding a claimant would have received for the program.²⁸⁵ In *Department of Finance v. Commission on State Mandates (Kern High School Dist.)*, the Supreme Court found a requirement for school districts to provide notices and agendas for meetings of several state and federally-funded programs was not legally compelled because the school districts’ participation in the programs was voluntary.²⁸⁶ The claimants presented an alternative argument that they were practically compelled to participate in these programs, claiming they had “no true option or choice” but to

²⁸¹ *Department of Finance v. Commission on State Mandates* (2009) 170 Cal.App.4th 1355, 1360, 1364.

²⁸² *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 822.

²⁸³ *Department of Finance v. Commission on State Mandates* (2022) 85 Cal.App.5th 535, 558 (finding that urbanized cities and counties were practically compelled to obtain a permit for their stormwater drainage systems).

²⁸⁴ *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 816.

²⁸⁵ *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 731.

²⁸⁶ *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727-728.

participate in the programs at issue because funding was provided for these programs and school districts are reliant on the state for funding.²⁸⁷ The Supreme Court found the record did not support that the claimants were practically compelled to participate in the programs, and for all of the programs, the notice and agenda costs were de minimis administrative costs the claimants were able to pay for out of the funding they received from the state for the programs.²⁸⁸ Although this would mean that the claimants would have less to spend on the substantive parts of the programs, it was up to the claimants to determine if the program was still worth participating in when factoring in these additional costs:

Presumably, a school district will continue to participate only if it determines that the best interests of the district and its students are served by participation—in other words, if, *on balance*, the funded program, even with strings attached, is deemed beneficial. And, presumably, a school district will decline participation if and when it determines that the costs of program compliance outweigh the funding benefits.

...Although it is completely understandable that a participant in a funded program may be disappointed when additional requirements (with their attendant costs) are imposed as a condition of continued participation in the program, just as such a participant would be disappointed if the total amount of the annual funds provided for the program were reduced by legislative or gubernatorial action, the circumstance that the Legislature has determined that the requirements of an ongoing elective program should be modified does not render a local entity's decision whether to continue its participation in the modified program any less voluntary.”²⁸⁹

Here, the state provides an apportionment of funds based on the increase in a school district's ADA from enrolling pupils into a TK program. ADA is used to determine how much state funding each school district receives from the LCFF and other constitutionally protected sources.²⁹⁰ Students who are eligible to enroll in TK are generally ineligible to enroll in kindergarten that same year, and so would not otherwise be generating ADA for the school district if not for the TK program.

The alternative available to school districts is to not offer a TK program. If a school district chooses not to provide transitional kindergarten, the only punishment it receives from the state is it does not receive the additional ADA funding for its nonexistent TK

²⁸⁷ Department of Finance v. Commission on State Mandates (2003) 30 Cal.4th 727, 752.

²⁸⁸ Department of Finance v. Commission on State Mandates (2003) 30 Cal.4th 727, 752-753.

²⁸⁹ Department of Finance v. Commission on State Mandates (2003) 30 Cal.4th 727, 753-754, emphasis in original.

²⁹⁰ See California Constitution, article IX, section 6; article XIII, section 36(g); Education Code section 42238.02.

students. This is a fair example of the Legislature providing funding to encourage participation in a program that does not rise to the level of practical compulsion. Not providing a TK program is demonstrably a viable alternative since, as previously discussed, there are school districts that historically and currently do not offer TK programs and some that even chose to end their TK programs after initially choosing to provide it.²⁹¹ The school districts have a reasonable alternative available to them in not providing a TK program, and withholding additional funding to nonparticipants is not a severe penalty that rises to the level of practical compulsion.

Indeed, the claimants have objectively strong reasons in favor of not participating in the TK program. The TK program is funded through the additional TK students increasing the school district's ADA. Most school districts' overall funding is primarily driven by ADA. However, the claimants are basic aid districts, whose overall funding primarily comes from local property taxes. Although an increase in ADA will also increase a basic aid district's LCFF entitlement, unless the change were so significant it caused the district's entitlement to exceed its property tax revenue (i.e., it lost its basic aid status), this will have only a minor impact on the basic aid district's overall funding. Basic aid districts still technically receive constitutionally protected state funds based on ADA, but the cost of the TK program may affect or reduce other programs provided by the district. But that is exactly the argument for why a basic aid district would choose not to participate in the TK program. Because the TK program's funding structure provides little financial incentive for basic aid districts, they would be justified in determining that the costs of program compliance outweigh the funding benefits and choose not to participate in the program as a result.

If anything, basic aid districts are in better positions than most to forgo state funding for TK if they no longer want to follow the state's conditions for the program. As basic aid districts are able to spend excess tax revenue on any local priorities, a basic aid district that still sees a benefit in offering TK but does not want to comply with the state's conditions for funding could offer its own program consistent with whatever level of funding it is willing to provide. For example, one school district offers a TK program only for four-year olds living within the district who are low-income eligible, homeless, or foster youth.²⁹² This would not be shifting the costs of a program from state to local government, as it would be the district's voluntary decision to offer a TK program after rejecting the state's conditions to receive funding for the program. Thus, the claimants' arguments that the funding structure the state uses for the TK program provides

²⁹¹ Exhibit X (2), D'Souza, *Should All School Districts be Required to Offer Transitional Kindergarten*, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), pages 4, 6.

²⁹² See Exhibit X (17), Del Mar Union School District, *Transitional Kindergarten Early Intervention*, <https://www.dmusd.org/Departments/Enrollment/Transitional-Kindergarten-Early-Intervention/index.html> (accessed on February 3, 2025), page 2, (school district whose TK program is only available to four-year olds living within the district who are low-income eligible, homeless, or foster youth).

inadequate funding to basic aid districts is, in fact, a compelling justification not to participate in the program, demonstrating there is no practical compulsion. Though the claimants might argue that it is unfair to deprive their students of these programs, Commission decisions are questions of law, not questions of equity or policy.²⁹³ The claimants are not practically compelled to participate in the TK program. Rather, it is up to the claimants to determine if *on balance*, the benefits of the TK program under the state's conditions for funding outweigh its costs.

Accordingly, school districts are not practically compelled to provide transitional kindergarten and, thus, they are not mandated by the state to comply with the new requirements imposed by the test claim statute.

C. Even if the New Requirements Were Mandated, There Are No Costs Mandated by the State Pursuant to Government Code Section 17556(e) Because the State Has Provided Additional Revenue Specifically Intended to Fund the Costs of the Transitional Kindergarten Program.

Government Code section 17556(e) provides that the Commission shall not find costs mandated by the state if a bill includes additional revenue that was specifically intended to fund the costs of the state mandate in an amount sufficient to fund the cost of the state mandate. Here, the parties dispute whether funding has been provided to pay for the TK program.

The claimants allege that the test claim statute imposes a reimbursable state-mandated program within the meaning of article XIII B, section 6 because they are basic aid districts that receive property tax revenue instead of state funding under the LCFF formula, and therefore they did not receive funding from the state for pupils admitted in the transitional kindergarten program in 2023-2024.²⁹⁴

Finance argues that all school districts, including basic aid districts such as the claimants, receive an entitlement according to the LCFF, but the entitlements are funded through a mix of property tax revenue, the Education Protection Account, and state funding.²⁹⁵ Because basic aid districts' property tax revenue exceeds their LCFF entitlement, they do not receive any additional state funds for their entitlement. The costs for TK attendance are included in the 2022-2023 and 2023-2024 apportionment calculations "which means that all apportionment-generating local education agencies, which includes basic aid districts, will receive ongoing LCFF funding for TK pupils."²⁹⁶ Finance argues that while increasing basic aid districts' entitlements means decreasing the amount of excess property tax revenue they are allowed to use on local educational priorities, "basic aid districts are not entitled to a specific amount of excess property tax revenue."²⁹⁷ Finance also points out that Education Code section 41202(g) defines the

²⁹³ *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 109.

²⁹⁴ Exhibit A, Test Claim, page 13.

²⁹⁵ Exhibit B, Finance's Comments on the Test Claim, pages 1-2.

²⁹⁶ Exhibit B, Finance's Comments on the Test Claim, page 2.

²⁹⁷ Exhibit B, Finance's Comments on the Test Claim, page 2.

term “allocated local proceeds of taxes,” to include local revenues used to offset LCFF state aid.²⁹⁸

The claimants respond that this explanation does not acknowledge the funding that other school districts receive specifically for the TK program, and fails to explain why other LEAs receive TK funding but basic aid districts were excluded.²⁹⁹ Comments from interested parties and interested persons assert that while Finance’s statements are accurate, it does not acknowledge that basic aid districts do not receive any additional state dollars to support TK implementation despite their entitlements growing; in other words that “the state’s mechanism for funding UTK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources.”³⁰⁰

In short, all parties agree that transitional kindergarten is funded through school districts’ LCFF entitlements. Finance alleges that this satisfies the state’s funding obligations, but claimants and interested parties and interested persons argue that because basic aid districts’ LCFF entitlements are completely offset by their local property tax revenue, the state does not provide them additional funding for this program, making this an unfunded state mandate.

The Commission finds that, regardless of whether there is legal or practical compulsion for school districts to provide a TK program, the state has provided funding specifically intended to fund the TK program, including the new required activities and, thus, there are no costs mandated by the state pursuant to Government Code section 17556(e).

As explained in the Background, the Legislature has provided funding specifically for the TK program.³⁰¹ Education Code section 46300(g)(1) expressly states that in computing the ADA of a school district, “there shall be included the attendance of pupils in . . . a transitional kindergarten program after they have completed one year in that program if . . . (B) The pupils participated in a transitional kindergarten program pursuant to subdivision (c) of Section 48000.”³⁰² The state uses ADA when determining how much funding to provide for school districts, both the overall funding set aside for all school districts through Proposition 98, and when determining how much to provide each school district under the LCFF.

Article XVI, section 8(b) of the California Constitution provides the formulas used to determine the General Fund proceeds of taxes and allocated local proceeds of taxes

²⁹⁸ Exhibit B, Finance’s Comments on the Test Claim, pages 2-3.

²⁹⁹ Exhibit C, Claimants’ Rebuttal Comments, page 3.

³⁰⁰ Exhibit C, Claimants’ Rebuttal Comments, page 13 (Letter from Anthony Ranii, President, Schools for Sound Finance).

³⁰¹ Statutes 2010, chapter 705, section 5; Education Code section 42238.02(d)(1), (4), (g)(2).

³⁰² Education Code section 46300 (as last amended by Statutes 2010, chapter 705).

the state shall set aside for public education each year under Proposition 98.³⁰³ Education Code section 41202(g) defines “allocated local proceeds of taxes,” as used in those formulas to include local revenues that are used to offset state aid for school districts in LCFF calculations, i.e., property tax revenue.³⁰⁴ In other words, the property tax revenue that is used towards a school district’s LCFF entitlement is not part of their “local proceeds of taxes,” but is part of the state’s apportionment required by Proposition 98.

The LCFF entitlement formula provides school districts base rate funding per unit of ADA for pupils in a TK program, adjusted annually; as of the 2022-23 fiscal year the base rate was \$10,119.³⁰⁵ This base rate includes an existing 10.4 percent adjustment that is contingent on maintaining an average class size of 24 pupils.³⁰⁶ In 2022, the Legislature also provided an add-on to the LCFF entitlement formula equal to \$2,813 per unit of ADA generated by TK pupils, to be adjusted annually for cost-of-living increases, which it specified was intended to cover the costs to meet the requirement to maintain an average of one adult for every twelve pupils in a TK classroom.³⁰⁷ In total school districts are entitled to at least \$12,932 per unit of ADA generated by TK pupils for a school district to admit all pupils born within the mandatory date ranges, maintain a maximum average TK class size of 24 pupils per school site, and maintain an average of one adult for every twelve pupils in a TK classroom. The Education Code further requires school districts to use all money apportioned from the State School Fund during any fiscal year *exclusively for the support of the school or schools* of the school district, and further specifies that 60 percent of elementary school districts’ expenses shall go towards classroom teachers’ salaries.³⁰⁸ Therefore, the state has provided funding to school districts specifically intended for the new requirements in the TK program in an amount sufficient to fund the cost of the state mandate through the LCFF entitlement.

The Supreme Court’s 2019 decision in *California School Boards’ Association v. State of California* (CSBA) is instructive.³⁰⁹ There, CSBA challenged the constitutionality of statutes enacted in 2010 directing the use of existing “unrestricted” Proposition 98 funding as offsetting revenues to prospectively pay the costs of two education

³⁰³ California Constitution, article XVI, section 8(b)(2) and (3).

³⁰⁴ Education Code section 41202(g).

³⁰⁵ Exhibit X (18), Petek, *The Local Control Funding Formula for School Districts and Charter Schools*, LAO, January 2023, <https://lao.ca.gov/Publications/Report/4661> (accessed on January 24, 2025), page 3.

³⁰⁶ Education Code section 42238.02(d)(3).

³⁰⁷ Education Code section 42238.02(g)(2), as amended by Statutes 2022, chapter 52, (AB 181) section 38.

³⁰⁸ Education Code sections 41370(a) and 41372.

³⁰⁹ *California School Board Association v. State of California* (2019) 8 Cal.5th 713.

mandates, including the *Graduation Requirements* mandate.³¹⁰ The *Graduation Requirements* program addressed a 1983 Education Code statute that increased the number of science courses required for high school graduation beginning with the 1986-1987 school year from one course to two courses, and reimbursement under article XIII B, section 6 was found to be required for several costs including the increased cost to school districts for staffing the new mandated science class.³¹¹ At the time the test claim decision was adopted by the Commission in 1986, the Legislature had not provided any funding specifically for the mandate.³¹² The 2010 statute, however, stated in relevant part the following: “Costs related to the salaries and benefits of teachers incurred by a school district or county office of education to provide the courses specified in paragraph (1) of subdivision (a) of Section 51225.3 [i.e., the test claim code section in *Graduation Requirements*] shall be offset by the amount of state funding apportioned to the district pursuant to this article” and “The proportion of the school district’s current expense of education that is required to be expended for payment of the salaries of classroom teachers pursuant to Section 41372 shall first be allocated to fund the teacher salary costs incurred to provide the courses required by the state.”³¹³

CSBA challenged the 2010 statute contending the Legislature may not “identify pre-existing education funding as mandate payment” but must instead allocate “additional funding” to satisfy its mandate reimbursement obligation under article XIII B, section 6. CSBA further argued the treatment of these funds as “offsetting revenues” . . . “allows the State to eliminate a mandate obligation without actually providing any payment by simply identifying existing funding and designating it ‘offsetting revenues.’”³¹⁴ The State disagreed, arguing the Legislature may designate state funding to offset the costs of the mandate without violating article XIII B, section 6 or any other constitutional provision.³¹⁵

The court in *CSBA* found the statutes constitutional and did not violate article XIII B, section 6. “Pursuant to its broad authority over revenue collection and allocation, the Legislature may increase, decrease, earmark, or otherwise modify state education funding in order to satisfy reimbursement obligations, so long as its chosen method is

³¹⁰ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 724.

³¹¹ Commission on State Mandates, Decision and Parameters and Guidelines Amendment, *Graduation Requirements*, 11-PGA-03 (CSM-4181A), adopted July 23, 2021, <https://www.csm.ca.gov/decisions/180.pdf> (accessed on February 3, 2025), page 26.

³¹² Commission on State Mandates, Test Claim Decision, *Graduation Requirements*, CSM-4181, adopted January 22, 1987, <https://www.csm.ca.gov/decisions/181.pdf> (accessed on February 3, 2025), page 6.

³¹³ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 722; Education Code section 42238.24 (Statutes 2010, chapter 724).

³¹⁴ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 724.

³¹⁵ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 725.

consistent with Proposition 98 and other constitutional guarantees.”³¹⁶ The court recognized that although the funds the claimants may have wished to use exclusively for other substantive program activities are now reduced as a result of the 2010 statute, this did not in itself transform the costs into a reimbursable state mandate.³¹⁷ “The circumstance that the program funds claimants may have wished to use exclusively for substantive program activities are thereby reduced, does not in itself transform the related costs into a reimbursable state mandate.”³¹⁸ The court explained that:

CSBA’s insistence that article XIII B, section 6 requires the state to provide “additional” funding to cover the [Graduation Requirements] mandates ultimately rests on its contention that the Legislature may not “identify pre-existing education funding as mandate payment.” But article XIII B, section 6 does not guarantee any baseline of “pre-existing education funding,” . . .³¹⁹

The court also rejected CSBA’s argument that “once certain funding is defined as the education agencies’ ‘proceeds of taxes,’ it is protected by Section 6 and the State’s authority is correspondingly limited,”³²⁰ as follows:

CSBA is correct that Government Code sections 7906 and 7907 define school districts’ and county superintendents’ “proceeds of taxes” to include unrestricted state education funding. But those statutes do not guarantee or lock into place any baseline of unrestricted state funding, and as explained above, article XIII B, section 6 does not preclude the Legislature from adjusting the mix of state funding allocated for unrestricted versus mandate purposes.³²¹

The court concluded, “CSBA cites no other constitutional provision or authority that bars the Legislature from identifying a portion of previously unrestricted state funding and prospectively designating it to be used to offset mandate costs. Funds so designated are not local proceeds of taxes.”³²²

Here, the Legislature has provided funding specifically for the TK program. Each student that attends a TK program generates ADA for the school district, which is used in calculating school district apportionments and how much general revenue the state shall apportion for education under Proposition 98.³²³ This ADA would not otherwise

³¹⁶ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 726.

³¹⁷ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 727.

³¹⁸ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 725.

³¹⁹ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 727.

³²⁰ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 728.

³²¹ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 728.

³²² *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 729.

³²³ See Statutes 2010, chapter 705 (SB 1381), section 5.

exist if not for the TK program, as without transitional kindergarten, school districts are only required to admit a child into kindergarten if they will have their fifth birthday by September 1 of that school year, and the children who are eligible to enroll in TK do not meet that requirement. This is in contrast to the issue in *Graduation Requirements* in which the mandated program added a required course but did not initially provide additional ADA or other funding specifically intended to fund the cost of the mandate and thus the Commission found there were increased costs mandated by the state. There, the increased costs of the mandate were not specifically provided for until years after the mandate determination, when the Legislature designated funding that would from then on be used to offset and reduce costs for the program. Here, the Legislature has already provided funding through additional ADA and through add-on grants meant to address increased costs from specific requirements in the test claim statute. As indicated above, school districts are entitled to \$12,932 per unit of ADA generated by TK pupils specifically for the program.

The claimants nevertheless assert that reimbursement is required because the LCFF entitlement is first offset by property tax revenue, which causes basic aid districts to spend their property tax revenue on transitional kindergarten, while other districts receive additional state funding. However, as was the case in *CSBA*, the Legislature has broad discretion to determine the manner in which it satisfies its reimbursement obligations, “so long as its chosen method is consistent with Proposition 98 and other constitutional guarantees.”³²⁴ The Proposition 98 apportionment has increased to provide for additional TK students’ ADA, and basic aid districts still receive their constitutionally guaranteed minimum funding based on ADA, so there is no argument that this funding structure violates a constitutional guarantee. The property tax revenue used to offset a school district’s LCFF entitlement is not its local proceeds of taxes, but is an apportionment from the state it is obligated to use for the support of schools within the district. Although the state’s chosen method leaves basic aid school districts with less excess property tax revenue to spend on local education priorities, just like the unrestricted state funding in *CSBA*, basic aid districts are not guaranteed a minimum amount of excess property tax revenue, the legislature is not barred from offsetting the LCFF entitlement with a school districts property tax revenue, and funds so designated are not local proceeds of taxes.³²⁵ “The circumstance that the program funds claimants may have wished to use exclusively for substantive program activities are thereby reduced, does not in itself transform the related costs into a reimbursable state mandate.”³²⁶

Accordingly, there are no costs mandated by the state pursuant to Government Code section 17556(e).

³²⁴ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 726.

³²⁵ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 729.

³²⁶ *California School Board Association v. State of California* (2019) 8 Cal.5th 713, 725.

V. Conclusion

Based on the foregoing analysis, the Commission denies this Test Claim.

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 March 27, 2025, I served the:

- **Current Mailing List dated March 18, 2025**
- **Draft Proposed Decision, Schedule for Comments, and Notice of Hearing issued March 27, 2025**

Transitional Kindergarten, 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 March 27, 2025 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/18/25

Claim Number: 23-TC-02

Matter: Transitional Kindergarten

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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April 17, 2025

Juliana F. Gmur
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: *Draft Proposed Decision, Schedule for Comments, and Notice of Hearing
Transitional Kindergarten, 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*

Dear Ms. Gmur:

Hope Elementary School District and Sunnyvale School District, (“Claimants”) have reviewed the Draft Proposed Decision (“DPD”) dated March 27, 2025, and provide the following comments.

A. Introduction

Claimants’ Test Claim 23-TC-02 addresses amended Education Code § 48000 requiring schools in the State to provide and maintain Transitional Kindergarten (“TK”) programs pursuant to the requirements in Assembly Bill (A.B.) No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000, Effective Date: July 9, 2021. (pages 90-93.)

Among other requirements, the test claim statute requires a school district to guarantee in providing a new program or a higher level of service in maintaining a transitional kindergarten program as follows:

(E) In the 2023–24 school year, a child who will have their fifth birthday between September 2 and April 2 *shall* be admitted to a transitional kindergarten program maintained by the school district or charter school. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (E), Effective Date: July 9, 2021.)

(F) In the 2024–25 school year, a child who will have their fifth birthday between September 2 and June 2 *shall* be admitted to a transitional kindergarten program maintained by the school district or charter school. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (F), Effective Date: July 9, 2021.)

(G) In the 2025–26 school year, and in each school year thereafter, a child who will have their fourth birthday by September 1 *shall* be admitted to a transitional kindergarten program maintained by the school district or charter school. (A.B. No. 130, Statutes 2021, Chapter 44, Sec. 60, Education Code § 48000 (G), Effective Date: July 9, 2021.)

g) In a transitional kindergarten program pursuant to Section 46300, a school district or charter school *shall* ensure that credentialed teachers who are first assigned to a transitional kindergarten classroom after July 1, 2015, have, by August 1, 2021, do all of the following:

- (1) Maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite.
- (2) Commencing with the 2022–23 school year, maintain an average of at least one adult for every 12 pupils for transitional kindergarten classrooms.

The requirements to provide a TK Program and maintain an average transitional kindergarten class enrollment of not more than 24 pupils for each schoolsite and an average of at least one adult for every twelve (12) pupils for transitional kindergarten classrooms at each schoolsite are mandated by the State on school districts.

B. Legal Compulsion

The California Supreme Court stated school districts are legally compelled to perform an activity, and explained:

Legal compulsion occurs when a statute or executive action uses mandatory language that “‘require[s]’ or ‘command[s]’” a local entity to participate in a program or service. [citations omitted] [construing the term “mandates” in art. XIII B, § 6 to mean “‘orders’ or ‘commands’”].) Stated differently, legal compulsion is present when the local entity has a mandatory, legally enforceable duty to obey. According to Education Code section 75, “‘Shall’ is mandatory and ‘may’ is permissive.”

(*Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th. 800, 815; *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 874.)

Statutory language is mandatory when stating “a child who will have their fourth birthday by September 1 *shall* be admitted to a transitional kindergarten program maintained by the school district” has been determined to mean that schools districts are required to comply with the requirements of the statute.

The plain language of the statute is clear and unambiguous. Basic aid districts are legally compelled to provide a TK Program based on the statute using mandatory language “shall.”

C. Practical Compulsion

"A reimbursable state mandate exists not only when the local government is legally compelled to comply with the state directive, but also when the local government is practically compelled to do so." (*Department of Finance v. Commission on State Mandates* (2016) 1 Cal.5th 749.)

In *Department of Finance v. Commission on State Mandates* the court explained practical compulsion may arise when:

1. Noncompliance would result in severe penalties or substantial loss of funding.
2. Participation in the program is mandatory as a result of legal or practical compulsion in practice, e.g., essential to fulfill legal duties or public expectations.

State of California has practically compelled basic aid school districts to offer TK is supported by the California Department of Education (“CDE”) website stating the following:

Is a school district required to offer transitional kindergarten (TK) and kindergarten programs? (Updated 27-May-2022).

A school district or county office of education operating a kindergarten program must offer TK for age-eligible children to attend. However, not every school site in a school district is required to offer TK. No age-eligible child may be denied access to TK by being placed on a waiting list.

The CDE, a state agency, strongly encourages local educational agencies (LEAs) to offer TK at all elementary school sites, with particular focus on neighborhoods where children are most in need of access to preschool education. Additionally, in high-impact neighborhoods, the CDE strongly encourages LEAs to consider pairing TK programs with access to Head Start and California State Preschool Programs (CSPP) for age- and income-eligible three- and four-year-old children to further bolster program quality, either through the LEA's own Head Start or CSPP program or via a contract partnership with a community-based organization (CBO) that administers a Head Start or CSPP program.

(<https://www.cde.ca.gov/ci/gs/em/kinderfaq.asp>)

CDE position was recently reinforced by the State Superintendent of Public Instruction (SSPI) upon issuing a letter dated March 21, 2025, stating “Under Education Code Section 48000, **any school district that offers kindergarten is required to also offer TK** and comply with the TK requirements, such as adult-to-student ration, class size and teacher credentialing. **This requirement includes basic aid districts ...**”

(<https://www.cde.ca.gov/nr/el/le/yr21ltr0321c.asp>)

The consequences of not offering TK would prompt investigations, audits, sanctions and may result in complications in other areas of funding impacting basic aid districts operations with state education authorities. Basic aid districts have no true alternative as non-compliance would result in severe penalties or substantial loss of funding.

Reliance on Exhibit X (2) (D’Souza, Should All School Districts be Required to Offer Transitional Kindergarten, EdSource, September 1, 2021, <https://edsource.org/2021/should-all-school-districts-be-required-to-offer-transitional-kindergarten/660461> (accessed on March 20, 2025), pages 4, 6) is misguided. The article is over three years old and prior to CDE issuing their directives basic aid districts are mandated to offer the TK program. The article includes interviews with parents supporting the TK program and fails to provide any authority relevant in deciding whether the test claim statute is a reimbursable mandate.

Basic aid districts did not receive specific funding for the TK program through the Local Control Funding Formula (LCFF). For basic aid districts to use LCFF that has already been allocated for specific programs is similar to the argument school districts are not entitled to reimbursement since they receive funding from their ADA enrollment under Proposition 98.

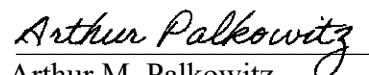
Conclusion

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. The test claim statute includes mandatory language requiring basic aid school districts to provide the TK program and are practically compelled by the Department of Education. Claimants have incurred costs for providing these services without state funds specifically allocated to reimburse the claimants for the costs incurred. Accordingly, all of the legal requirements have been met for the Commission to determine the State maintains that providing TK is a mandate and the test claim statute is a reimbursable state mandate.

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.

April 17, 2025


Arthur M. Palkowitz
Representative for the Claimants



Schools For Sound Finance

1121 L Street, Suite 1060 ♦ Sacramento, CA 95814 ♦ (916) 446-7517

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April 14, 2025

Michele Perrault, Chairperson
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980 9th Street, Suite 300
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Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Schools For Sound Finance [(SF)²], the statewide association of community-funded (“basic aid”) school districts, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded districts for two reasons:

1. School districts are authorized, but not required, to offer TK programs, and thus districts are not legally compelled to provide TK.
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment.

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state’s mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state’s re-benching of the LCFF.

Schools For Sound Finance

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Page 2

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Anthony Ranii
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cc: Members and Staff, Commission on State Mandates



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April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
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Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Aromas-San Juan Unified School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that

requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

In our school district, we have slowly implemented TK beginning in the 2022-23 school year by having TK/K combination classes as the demand for TK at our two TK-8 school sites had not quite shown to necessitate full TK classes. Our total TK enrollment between our two TK-8 sites has increased from 8 in 2022-23, to 15 in 2023-24, and 21 in the current year, 2024-25. In order to accommodate this growing program, we've hired two TK Instructional Aides that have cost the District \$81,573 in 2023-24 and \$107,000 in 2024-25. Next school year, we anticipate that the demand will increase further to the point where we're struggling with knowing whether we will need to have one or two full classrooms needed for stand-alone TK. The cost to expand to two full TK classrooms is estimated to be \$390,539, while the total TK LCFF Add-On for the estimated enrollment for 2025-26 is estimated to be \$138,741 in funding that the District would not receive without the passing of AB 1391. Additionally, we are expecting to begin construction on one of these school sites that currently limits our available classroom space for expansion.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



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April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
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Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Acalanes Union High School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. While I represent a high school district, I recognize the hardship and districts' inability to fully implement the TK programs outline in statute due to lack of State resources. Some community funded districts are in that status due to low LCFF allocation, are barely in that status, and face ongoing financial hardship. Introducing a new program as costly as universal TK without additional resources is not feasible.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the State continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the

implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

Again, as a high school district, the TK mandate does not have implications on our district; however, I understand the challenges of implementing within community funded K-8 and K-12 districts, especially those that are slightly in community funded status. For example, we are in community funded status only because our unduplicated count is low and the funding formula pushes us into community funded status. Our total funding is well below state funded neighboring districts.

The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



John Nickerson, Superintendent

Acalanes Union High School District
1212 Pleasant Hill Road
Lafayette, CA 94507

925-280-3902
Jnick2424@gmail.com

cc: Members and Staff, Commission on State Mandates

**BEVERLY HILLS
BOARD OF EDUCATION**

RACHELLE MARCUS
PRESIDENT

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BOARD MEMBER

April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK
Program Test Claim

Dear Chairperson Perrault:

On behalf of the Beverly Hills Unified School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. Our district has been unable to fully implement the TK program outlined in statute due to lack of state resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter

DISTRICT LEADERSHIP

DR. JASON HASTY INTERIM SUPERINTENDENT | **LAURA COLLINS-WILLIAMS** ASST. SUPERINTENDENT, STUDENT SERVICES
DR. DUSTIN SEEMANN ASST. SUPERINTENDENT, EDUCATION SERVICES

administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

In Beverly Hills Unified School District, the implementation of universal transitional kindergarten (UTK) has required us to make difficult financial trade-offs. Despite not receiving additional LCFF dollars, we have had to hire additional credentialed teachers to meet the required student-teacher ratios, expand facilities to accommodate new classrooms, and invest in age-appropriate instructional materials and professional development. To cover these costs, we've had to reallocate funding from other critical areas, including reduction in administrator positions, technology upgrades, and enrichment programs. These trade-offs have put pressure on our ability to sustain the level of excellence our community expects and our students deserve. As a community-funded district, we are uniquely vulnerable to these unfunded mandates, and without a dedicated UTK funding stream, the financial strain will only intensify.

The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK implementation, while at the same time maintaining that it is still an obligation to implement, constitutes an unfunded mandate by the state.

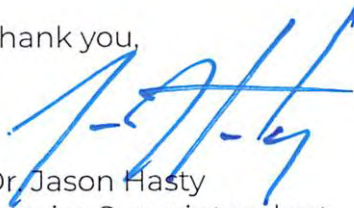
DISTRICT LEADERSHIP

DR. JASON HASTY INTERIM SUPERINTENDENT **LAURA COLLINS-WILLIAMS** ASST. SUPERINTENDENT, STUDENT SERVICES
DR. DUSTIN SEEMANN ASST. SUPERINTENDENT, EDUCATION SERVICES

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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Dr. Jason Hasty
Interim Superintendent

Beverly Hills Unified School District
624 N. Rexford Drive
Beverly Hills, CA 90210

(310) 551-5100
jhasty@bhusd.org

cc: Members and Staff, Commission on State Mandates

DISTRICT LEADERSHIP

DR. JASON HASTY INTERIM SUPERINTENDENT LAURA COLLINS-WILLIAMS ASST. SUPERINTENDENT, STUDENT SERVICES
DR. DUSTIN SEEMANN ASST. SUPERINTENDENT, EDUCATION SERVICES



COLLEGE SCHOOL DISTRICT

3525 Pine Street • Santa Ynez, CA 93460
Phone (805) 686-7300 / FAX (805) 686-7305

MAURENE DONNER
Superintendent

April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the College School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school

districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

The additional costs that we have had to account for because of TK in order to cover the costs of implementing TK are \$149,916, the total cost of salaries for the TK Teacher and TK Instructional Assistant.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Maureen Donner
College School District
3525 Pine Street
Santa Ynez, CA 93460
805-686-7300
mdonner@collegeschooldistrict.org

cc: Members and Staff, Commission on State Mandates

April 14, 2025

Board of Trustees

Emily Andrade
Monica Lee
Tom Morton
Marla Strich
Marlon Taylor

Via: Electronic Submittal: <https://calegislation.lc.ca.gov/Advocates/>

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Superintendent

Andrée Grey, Ed.D.

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

**Assistant
Superintendents**

Amy Illingworth, Ed.D.
Educational Services

Angelica Lopez, Ed.D.
Administrative Services

Joseph Dougherty
Business Services

Dear Chairperson Perrault:

On behalf of the Encinitas Union School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. Our district has been unable to fully implement the TK program outlined in statute due to lack of state resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary

and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

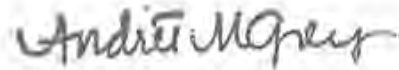
To accommodate this new, unfunded grade level, districts are cutting programs, laying off teachers and reducing support staff. The Encinitas Union School District (EUSD) would face a \$4.8 million cost to implement TK, nearly 5% of its total budget, forcing cuts to essential programs like enrichment and intervention. To cover these costs, EUSD would need to reallocate funds already used to maintain a 24:1 student-teacher ratio, transportation, and intervention services. The existing MSA and EPA funds are insufficient to cover TK expenses, leaving the district to further dismantle programs vital to student success. Reducing or eliminating these programs would have an immediate, negative impact on all students across EUSD.

The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Andrée Grey, Ed.D., Superintendent
Encinitas Union School District

101 S. Rancho Santa Fe Rd., Encinitas CA 92024
(760) 944-4300, ext.1111
andree.grey@eusd.net

cc: Members and Staff, Commission on State Mandates



Geyserville Unified School District

Deborah Bertolucci, Superintendent
1300 Moody Lane, Geyserville, CA 95441
(707) 857-3592

Excellence in Grades PreK-12
Small Town - Small Schools - Big Futures!

April 9, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Geyserville Unified School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.



Geyserville Unified School District

Deborah Bertolucci, Superintendent
1300 Moody Lane, Geyserville, CA 95441
(707) 857-3592

Excellence in Grades PreK-12
Small Town - Small Schools - Big Futures!

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

The additional costs that our District has incurred is for a full-time aide (\$50,000). If we need to hire a TK Teacher (currently have a combination class TK/Kinder) we will see a significant cost to the District of \$150,000.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,

Deborah Bertolucci
Superintendent
dbert@gusd.com

cc: Members and Staff, Commission on State Mandates



April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Huntington Beach City School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. Our district has been unable to fully implement the TK program outlined in statute due to lack of state resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the

associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

The implementation of UTK has resulted in both one-time and ongoing costs for HBCSD, diverting critical resources from core programs and strategic initiatives. Staffing expenses associated with UTK at the mandated 12:1 student-to-adult ratio have grown to over \$1.6 million in 2024–25. With full implementation in 2025–26, those costs are projected to exceed \$2.3 million, and would rise to approximately \$2.6 million if the district transitions to a 10:1 ratio. Due to the lack of additional funding, the District will be forced to consider eliminating its literacy instructional coach positions next year—roles that have been instrumental in enhancing teacher effectiveness and improving student literacy outcomes districtwide.

In addition to personnel costs, the District has incurred significant facilities-related expenditures. The process of relocating kindergarten classrooms and retrofitting spaces for UTK has cost approximately \$35,000 to \$50,000 per classroom. By the beginning of the 2025–26 school year, HBCSD will have redirected nearly \$500,000 in facilities funds to support the UTK rollout. Furthermore, ongoing annual maintenance for these additional classrooms is expected to cost the district an additional \$195,000, placing further strain on already limited resources.

For the 2025–26 school year, HBCSD's projected local property tax revenue will provide less than \$13,000 per student—significantly below the per-ADA funding received by LCFF-funded districts for UTK. As a result, the District has been forced to make difficult trade-offs, including increasing class sizes, reducing or eliminating support positions, and deferring technology replacement cycles for students and staff. These constraints have limited our ability to fully meet the needs of our students and community.

The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Leisa Winston, Ed.D.
Superintendent
Huntington Beach City School District
8750 Dorsett Dr.
Huntington Beach, CA 92646
(714) 964-8888
lwinston@hbcasd.us

cc: Members and Staff, Commission on State Mandates



April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Healdsburg Unified School District and the Board of Trustees, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words,

CHRIS VANDEN HEUVEL
superintendent
cvandenheuvel@husd.com



the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

Thus far, we have had to add two classes of TK with full time teachers and paraprofessionals, resulting in nearly \$500,000 annually. This unfunded mandate has resulted in the reduction staff in other areas including valuable counseling resources, and both elementary and secondary teachers.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,

Chris Vanden Heuvel, Superintendent
Healdsburg Unified School District

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

cc: Members and Staff, Commission on State Mandates



Hope School District

The future of the world is in our classrooms today

3970 LA COLINA ROAD #14 • SANTA BARBARA, CALIFORNIA 93110
PHONE (805) 682-2564 FAX (805) 687-7954
Anna Hubbard, Ed.D., District Superintendent

April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of Hope School District and the Hope School District Board of Trustees, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts receive an

LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

It is important to note that our district, Hope School District, has a lower per pupil funding level than many of our LCFF funded school districts in our county (source <https://www.ed-data.org/>).

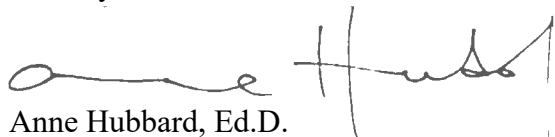
Hope School District will spend over \$350K on TK this year alone. We expect that amount to greatly increase next year as we expand to meet age eligibility requirements and stricter staffing ratios. This means that funds are diverted from other student supports in our K through 6th grade such as targeted instructional support, curriculum adoptions, and arts and music instruction.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,

A handwritten signature in black ink, appearing to read "Anne Hubbard", is written over a horizontal line.

Anne Hubbard, Ed.D.
Superintendent
Hope School District
3970 La Colina Road, #14
Santa Barbara, CA 93110
(805) 682-2564

cc: Members and Staff, Commission on State Mandates, Hope School District Board of Trustees

KENWOOD SCHOOL DISTRICT

230 Randolph Avenue, P.O. Box 220, Kenwood, CA 95452-0220 (707) 833-2500

April 11, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Kenwood School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. Our district has been unable to fully implement the TK program outlined in statute due to lack of state resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully



Board of Trustees

Pat Alexander · Cheryl Ghisla · Teresa Jepson · James Larson · Javier Tenorio

disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

The estimate of additional costs will be significant for full TK implementation. The addition of an extra full-time teacher as well as at least one full time instructional aide and possible two, depending on student to adult ratios could cost the district upwards of \$200,000. That is nearly a 6% hit to our annual budget. On top of these costs, we will also have to increase our FTE to our specialists and enrichment coordinators at another \$30,000.

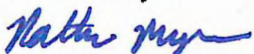
The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK implementation, while at the same time 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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,

Nathan Myers



Superintendent
Kenwood School District
230 Randolph Ave.
Kenwood Ca. 95452
707-833-2500
Nmyers@Kenwoodschool.org

cc: Members and Staff, Commission on State Mandates



April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Los Gatos Union School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK.
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment.

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement.



growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-banding of the LCFF.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,

A handwritten signature in black ink, appearing to read "Teresa", followed by a long, sweeping horizontal stroke.

Teresa Fiscus
Los Gatos Union School District

17010 Roberts Road
Los Gatos, CA 95032

408-335-2022

tfiscus@lgusd.org

cc: Members and Staff, Commission on State Mandates

Menlo Park City School District

181 Encinal Avenue
Atherton, CA 94027
Phone (650) 321-7140
Fax (650) 321-7184
www.mpcsd.org

**Board of Education**

Sherwin Chen
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Student Services
Stephanie Sheridan

Chief Business Officer
Jackie Chen

April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Menlo Park City School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and

unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

As a result, districts implementing TK are being squeezed—districts are cutting programs, laying off teachers, reducing support staff—to accommodate this new, unfunded grade level. In MPCSD, we are only able to run a half day TK program. TK costs approximately \$1.5 million dollars annually which is significantly impacting our budget and creating a deficit that we continually have to manage. Next year we will have to make significant budget cuts, which will most likely include layoffs, to create a sustainable path forward.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Kristen Gracia, Superintendent
Menlo Park City School District
181 Encinal Ave.
Atherton, CA 94027
(650)321-7140
kgracia@mpcsd.org

cc: Members and Staff, Commission on State Mandates



**Administrative Office
411 Sycamore Avenue
Mill Valley, CA 94941
Tel (415) 389-7700**

April 9, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Mill Valley School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. Our district has been unable to fully implement the TK program outlined in statute due to lack of state resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

Based on a projected enrollment of 220 students in the TK program, the budgeted cost to support this initiative for the 2025-2026 school year is \$2.2 million. In response to required budget reductions totaling \$6 million, various areas across the district have been impacted. These include the deferred maintenance fund, IT equipment replacement, classroom intervention aides, counselors, wellness center services, and district office staffing.

The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,

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

Dr. Elizabeth Kaufman
Superintendent, Mill Valley School District
411 Sycamore Avenue, Mill Valley CA 94941
(415) 389-7705 ekauffman@mvschools.org

cc: Members and Staff, Commission on State Mandates



April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Montecito Union School District I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the

associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

As a result, districts implementing TK are being squeezed—districts are cutting programs, laying off teachers, reducing support staff—to accommodate this new, unfunded grade level. Our one-school district supports one TK class this year, and will grow to two TK classes next year. That might not seem like a lot, but it is a 9% growth in the number of classes in our district, all without corresponding revenue increases. Additionally, we have renovated our classrooms, purchased materials and supplies, and are working to train certificated and classified staff members. We are putting needed maintenance on hold and are considering cuts in other areas should this bill fail.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the claimants to provide funding for this important program.

Thank you,



Anthony Ranii, Superintendent
Montecito Union School District

385 San Ysidro Road
Santa Barbara, CA 93108

(805)969-3249 ext. 401

aranii@montecitou.org

cc: Members and Staff, Commission on State Mandates



April 11, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Newport-Mesa Unified School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. Our district has been unable to fully implement the TK program outlined in statute due to lack of state resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any

additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

Our district is struggling to meet the needs of our English learner, foster, and economically disadvantaged students, representing over seven thousand pupils. One half of the district's schools have a UPP of 55% or higher and of those schools 69% have a UPP higher than 75%. Tremendous resources are being redirected to the unfunded TK program. The district currently spends \$7,127,334 in staffing alone for TK and would have to spend \$9,876,839 in 2025-26 to meet state staffing ratio and age regulations. In addition, the district has spent over \$15 million for TK facilities. The result of this unfunded program has been constraints placed on our Career Technical Education, early childhood, after school enrichment, and maintenance programs. Furthermore, many of our TK students are housed in facilities that are not age appropriate.

The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Jeffery S. Trader
Assistant Superintendent, CBO

Newport-Mesa Unified School District
2985 Bear Street
Costa Mesa, CA 92626
714-424-5003
jtrader@nmsud.us

cc: Members and Staff, Commission on State Mandates

April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Palo Alto Unified School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. Our district has been unable to fully implement the TK program outlined in statute due to lack of state resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive



an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

The additional cost to our district for full TK implementation would be \$8 million dollars.

The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,

Don Austin
Superintendent of Schools
Palo Alto Unified School District
25 Churchill Ave, Palo Alto, CA 94306
daustin@pausd.org

cc: Members and Staff, Commission on State Mandates



SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT

1500 Lizzie Street
San Luis Obispo, CA 93401-3062
(805) 549-1202
Dr. Eric Prater, Superintendent

April 11, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of San Luis Coastal Unified School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

San Luis Coastal is spending approximately \$4 million a year on staffing and programmatic costs for Transitional Kindergarten which is expected to increase if the District aligns with State staffing ratio mandates. This does not include the millions of dollars to construct new Transitional Kindergarten classrooms. Our overall district budget is approximately \$136 million, which is \$7 million over LCFF, or 5% of the overall budget. This places us on the cusp of State Funded status for the first time in District history. By adding Transitional Kindergarten, without commensurate funding, San Luis Coastal will be forced to make programmatic reductions across the K-12 continuum, increase class sizes, reduce interventions, while leaving minimal remaining resources for collective bargaining.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Dr. Eric Prater, Superintendent
San Luis Coastal Unified School District
1500 Lizzie Street, B-1
San Luis Obispo, CA 93401
805-549-1202
eprater@slcsud.org

cc: Members and Staff, Commission on State Mandates



SAN MATEO-FOSTER CITY
SCHOOL DISTRICT



April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the San Mateo Foster City School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment.

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important,

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Board of Trustees

LaTisa Brooks Maggie Trinh
Gene Kim Stacey Ho
Alison Proctor

Superintendent

Diego R. Ochoa

but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out

community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

Our district spends in excess of \$3.7 million annually to cover the costs of our TK program.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts.

The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Patrick K Gaffney
Deputy Superintendent
San Mateo Foster City School District
1170 Chess Drive
Foster City, CA 94404
pgaffney@smfc.k12.ca.us

cc: Members and Staff, Commission on State Mandates



Kris Munro
Superintendent of
Schools

Molly Parks
Assistant Superintendent
Human Resources

Jim Monreal
Assistant Superintendent
Business Services

Dorothy Coito
Assistant Superintendent
Educational Services

April 11, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Santa Cruz City Schools, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or "basic aid") districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

In Santa Cruz City Schools, the effect of this implementation has been substantial, with little funding to support the implementation. Costs associated with this implementation include:

1. Hiring 8 full time teachers (\$1,050,272)
2. Hiring 8 full time instructional aides (\$320,000)
3. Supply and materials costs for opening the classrooms not covered by initial TK grant (\$39,389)

Board of Trustees Kevin Grossman, Kyle Kelley, Angela Meeker, John Owen, Mary Anne Robb, Cindy Ruhsam, Patricia Threet

4. Ongoing materials and supplies



April 14, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Saratoga Union School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state’s mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state’s re-benching of the LCFF.

20460 Forrest Hills Dr., Saratoga, California 95070 • (408) 867-3424 • (408) 867-2312 fax
www.saratogausd.org

Although Saratoga Union School District is small, TK has been added at all three of our elementary schools and has resulted in \$701,289 in additional costs for staffing and instructional materials costs alone for teachers and instructional aides. There is an additional impact and workload for principals, counselors, health aides, food service staff, facility workers, and custodial staff that while not a cost that can be readily attainable still strains our educational resources. These costs result in less funding available for other programs and puts an additional burden on the district to find additional resources to support programs for students and funding ongoing staff increases to retain qualified teachers.

Saratoga Union School District only receives \$324,666 for minimum state aid which is never adjusted for inflation and only decreases in value over time. Additionally, the district only receives \$320,634 in Education Protection Act funds that are not enough to cover the increasing costs of step and column, health and welfare, and the increased costs incurred of implementing a full-year TK program.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Dr. Kenneth Geisick
Superintendent, Saratoga Union School District

20460 Forrest Hills Drive, Saratoga, CA 95070
(408) 867-3424, ext. 503
kgeisick@saratogausd.org

cc: Members and Staff, Commission on State Mandates



SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

April 11, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Santa Monica-Malibu Unified School District (SMMUSD) I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contend that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state’s mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

1717 Fourth Street • Santa Monica • California 90401 • (310) 450-8338 • www.smmusd.org

Board of Education: Jon Kean • Maria Leon-Vazquez • Laurie Lieberman • Alicia Mignano

Stacy Rouse • Jennifer Smith • Dr. Richard Tahvildaran-Jesswein

Superintendent: Dr. Antonio Shelton

level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

With the onset of TK, our district has incurred multiple additional costs that were not accounted for in our budgets. Costs include additional staffing to ensure the appropriate staff to student ratios; additional facilities development to provide the appropriate classroom placement for young children; purchasing of additional and appropriate classroom furniture to support these young learners; additional curricula purchases to address the needs of TK-age children; professional development costs to support staff as they learn to serve young children; additional hours of staffing in both our offices and health services departments to provide appropriate healthcare and organizational needs of TK; and other indirect costs throughout the school district.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Dr. Antonio Shelton, Superintendent of Schools
Dr. Stacy Williamson, Assistant Superintendent Educational Services
Ms. Melody Canady, Assistant Superintendent Business Services
Mr. Gerardo Cruz, Assistant Superintendent Business Services (ProTem)
Dr. Douglas Meza, Assistant Superintendent Human Resources
Dr. Francisco Dussan, Director of Student Services
Mr. Carey Upton, Chief Operations Officer
Dr. Susan Samarge-Powell, Director of Early Learning

1717 4th Street; Sant Monica, CA 90401
(310) 450-8338

gcruz@smmusd.org
ashelton@smmusd.org

cc: Members and Staff, Commission on State Mandates



Superintendent
Michael Gallagher, Ed.D.

Board of Education
Peggy Shen Brewster
Isabel Jubes-Flamerich
Michelle Maginot
Evelyn Castillo Profeta
Bridget Watson

April 10, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Sunnyvale School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. Our district has been unable to fully implement the TK program outlined in statute due to lack of state resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program to their students. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an

LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

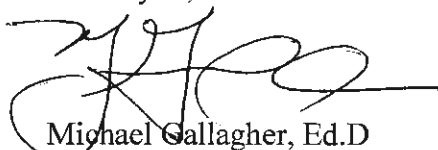
Full implementation of transitional kindergarten next year in Sunnyvale School District will cost in excess of \$4.5 million, excluding facilities costs. To make room for this extra, unfunded grade level, the District is increasing class sizes, reducing after school interventions for English Learners and under resourced families, reducing reading intervention specialists, and reducing behavior intervention supports

The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be expected to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

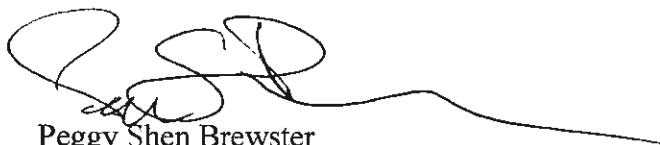
Thank you,



Michael Gallagher, Ed.D
Superintendent
michael.gallagher@sesd.org



Bridget Watson
President, Board of Education
bridget.watson@sesd.org



Peggy Shen Brewster
Vice President, Board of Education
peggy.brewster@sesd.org

cc: Members and Staff, Commission on State Mandates



Vista Del Mar Union School District

Vista de las Cruces School

9467 San Julian Rd.

Gaviota, CA 93117

April 9, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Vista Del Mar Union School District, I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF) and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and

charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state's mechanism for funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsiders its draft proposed decision and instead finds in favor of the co-claimants to provide funding for this important program.

Thank you,



Bree Valla
Superintendent, Vista Del Mar Union School District
9467 San Julian Rd.
Gaviota, CA 93117
805-686-1880
bvalla@vdmusd.org

cc: Members and Staff, Commission on State Mandates

District Office

Kerstin Kramer
Superintendent
Chief Learning Officer
11603 Donner Pass Rd
Truckee, CA 96161-4953
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F (530) 582-7606
www.ttusd.org

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April 10, 2025

Michele Perrault, Chairperson
Commission on State Mandates
980 9th Street, Suite 300
Sacramento, CA 95814

Re: Response to Draft Proposed Decision on Test Claim 23-TC-02, TK Program Test Claim

Dear Chairperson Perrault:

On behalf of the Tahoe Truckee Unified School District (TTUSD), I am writing to reaffirm our staunch support for the Transitional Kindergarten (TK) Program test claim and to respond to the March 27, 2025, proposed draft decision issued by the Commission on State Mandates (CSM) staff. We are a district that has fully implemented TK and incurred the same costs as our state-funded neighbors, but with zero additional resources.

In the proposed draft decision, CSM staff finds that the test claim does not impose a reimbursable state-mandated program for community-funded (or “basic aid”) districts for two reasons:

1. School districts are authorized, but not required to offer TK programs, and thus districts are not legally compelled to provide TK
2. The state has provided funding specifically intended to fund the TK program via the Local Control Funding Formula (LCFF), and property tax revenue used to offset the LCFF entitlement is considered part of the state apportionment

While CSM staff interprets that the TK statute (Education Code Section 48000) does not mandate elementary and unified school districts to offer a TK program, the state continues to maintain that any school district that offers kindergarten is required to offer TK and comply with the state TK requirements. In a March 21, 2025, letter addressed to county and district superintendents and charter administrators, State Superintendent of Public Instruction Tony Thurmond specifically calls out community-funded districts as needing to provide a TK program. This means that the state continues to maintain that TK is a state-mandated program but refuses to provide community-funded districts with resources to implement this important, but costly program.

While CSM staff contends that funding for TK is provided via the LCFF and that community-funded districts are not entitled to a specific amount of excess property taxes, we respectfully disagree. While it is true that all districts, including community-funded school districts, receive an LCFF entitlement, community-funded elementary and unified school districts do not receive any additional, targeted dollars to support the implementation of TK despite their LCFF entitlement growing. In other words, the state’s mechanism for



funding TK leaves out community-funded districts and has effectively made those districts pay for the implementation of a new, full grade level with existing resources. We strongly believe that requiring the implementation of a new, full grade level falls within a higher level of service and that the associated costs for the new, full grade are not provided to community-funded districts in the state's re-benching of the LCFF.

The current cost for TTUSD to implement UTK is approximately \$1,500,000. This cost will increase by at least another \$550,000 as we move toward full implementation of UTK with 10:1 staffing ratios in 2025 - 2026. The aforementioned costs only pertain to staffing and do not include other costs associated with the program. Since the implementation of UTK, the District has also incurred additional costs for new instructional materials and supplies, age-appropriate furniture and equipment, home-to-school transportation, and modifications to classrooms, including restroom additions. As a result of the high costs of UTK, the District has had to make funding priority trade-offs which has lowered its ability to address other needs such as: CTE program expansion and enhancement, additional support staff for instruction and intervention, deferred maintenance priorities, providing increases to site operations budgets to address inflation, and other program opportunities.

We contend that the requirement for community-funded districts to implement TK clearly meets the determination requirement of the state imposing a new program or higher level of service on school districts. The state continues to maintain that implementation of TK is an expectation of all school districts; however, the state is only providing funding for TK to state-funded districts. The refusal of the state to provide funding for community-funded districts for TK 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 CSM on this test claim, community-funded districts will continue to be forced to take funding from other programs that currently serve existing student grades in order to implement this new grade.

We implore that CSM staff reconsider its draft proposed decision and instead find in favor of the co-claimants to provide funding for this important program.

Thank you,

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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 April 18, 2025, I served the:

- **Current Mailing List dated April 18, 2025**
- **California Department of Education's Comments on the Draft Proposed Decision filed April 17, 2025**
- **Claimants' Comments on the Draft Proposed Decision filed April 17, 2025**
- **Finance's Comments on the Draft Proposed Decision filed April 17, 2025**

Transitional Kindergarten, 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 April 18, 2025 at Sacramento, California.



David Chavez

Commission on State Mandates

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/18/25

**Claim
Number:** 23-TC-02

Matter: Transitional Kindergarten

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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Exhibit I

Gavin Newsom ■ Governor

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RECEIVED
April 17, 2025
**Commission on
State Mandates**

April 17, 2025

Juliana Gmur
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

RE: Response to the Draft Proposed Decision for Transitional Kindergarten, 23-TC-02

Dear Director Gmur:

The Department of Finance has reviewed the Commission on State Mandate's Draft Proposed Decision, dated March 27, 2025, for Test Claim 23-TC-02 and appreciates the opportunity to provide comments.

The Test Claim alleges state-mandated, reimbursable costs associated with Chapter 44, Statutes of 2021 (AB 130), which expands the eligibility age of children admitted to Transitional Kindergarten (TK) programs and requires school districts and charter schools to maintain TK programs in accordance with specified student to teacher ratios and classroom sizes as a condition of receipt of apportionment. Finance concurs with the Commission's conclusion, as stated in the Draft Proposed Decision, that there are no costs mandated by the State pursuant to Government Code Section 17556(e) because the associated costs are fully funded through the Local Control Funding Formula apportionment, per school finance statutes.

If you have any questions regarding this letter, please contact Brittany Thompson, Principal Program Budget Analyst, at (916) 445-0328.

Sincerely,

Jessica Holmes
Program Budget Manager

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 April 18, 2025, I served the:

- **Current Mailing List dated April 18, 2025**
- **California Department of Education's Comments on the Draft Proposed Decision filed April 17, 2025**
- **Claimants' Comments on the Draft Proposed Decision filed April 17, 2025**
- **Finance's Comments on the Draft Proposed Decision filed April 17, 2025**

Transitional Kindergarten, 23-TC-02

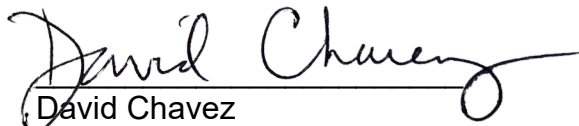
Statutes 2021, Chapter 44, Section 60 (AB 130);

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 April 18, 2025 at Sacramento, California.



David Chavez

Commission on State Mandates

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/18/25

**Claim
Number:** 23-TC-02

Matter: Transitional Kindergarten

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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TONY THURMOND
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

April 17, 2025

RECEIVED
April 17, 2025
**Commission on
State Mandates**

Via Electronic Submission

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

Exhibit J

Re: Comments on Draft Proposed Decision – Transitional Kindergarten Test Claim
(21-TC-01)
(*Education Code § 48000, as amended by Stats. 2021, ch. 44*)

Dear Chairpersons and Members of the Commission:

The California Department of Education (CDE) respectfully submits the following comments regarding the Draft Proposed Decision, issued March 27, 2025, in the above-referenced matter. We appreciate the Commission's careful analysis of Education Code Section 48000 and its conclusion that the statute, as currently worded, does not impose a reimbursable state mandate under Article XIII B, Section 6 of the California Constitution. We write to offer additional analysis of the legal and practical compulsion framework that we believe applies to the transitional kindergarten (TK) implementation requirements.

I. Statutory Integration of TK and Kindergarten as Legal Compulsion

Education Code Section 48000 creates an integrated statutory framework that effectively requires any LEA offering kindergarten to implement TK. This conclusion stems from the text itself, not merely administrative interpretation or preference: First, Section 48000(d) expressly defines TK as "the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate." This definition creates a statutory reality where kindergarten is no longer a single-year program but a two-year sequence beginning with TK. Second, Section 48000(c)(1) mandates admission for children meeting specific birth date criteria according to the phased implementation schedule. The statutory language states that these children "shall be admitted" to TK, using mandatory rather than permissive language. When these provisions are read together using the well-established canon that statutes must be interpreted as a coherent whole (See *Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 440.) the conclusion is: LEAs offering kindergarten must by logical necessity offer the "first year" of that program as defined by statute. The Legislature's choice to define kindergarten as a two-year

program means that offering only the second year (traditional kindergarten) without the first year (TK) would contradict the express statutory definition.

II. Practical Compulsion Through ADA Funding Structure

Even absent an explicit statutory, reimbursable mandate, the California Supreme Court has established that practical compulsion creates one when local entities have "no true option or choice" in implementing a program. *Coast Community College Dist. v. Commission on State Mandates* (2022) 13 Cal.5th 800, 820.

The structure of the Average Daily Attendance (ADA) apportionment system creates precisely such practical compulsion in this case:

1. **Loss of Core Operational Revenue:** LEAs failing to implement TK would forfeit ADA funding for all eligible four-year-olds under the Section 48000(c) implementation schedule. As the eligible population expands each year through 2025-26, this revenue loss becomes increasingly significant.
2. **Risk to Kindergarten ADA:** Because TK is statutorily defined as the first year of kindergarten, a district not offering TK could face legal challenges to its authority to collect kindergarten ADA at all, as it would effectively be offering only half of the statutorily defined kindergarten program. The Education Code does not contemplate partial implementation of the now statutorily defined two-year kindergarten program.
3. **Enrollment Pipeline Disruption:** Districts declining to implement TK would lose students to neighboring districts offering the full two-year kindergarten program, creating long-term enrollment and funding instability that extends well beyond the TK year itself. This creates a form of competitive disadvantage that practically compels participation.

This is precisely the type of consequence the Supreme Court contemplated in *Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 731, when it noted that practical compulsion may exist where "the state were to impose a substantial penalty (independent of the program funds at issue) upon any local entity that declined to participate."

III. Fiscal Framework Applies Uniformly to Basic Aid and LCFF Districts

The Commission's own findings reinforce that all LEAs operate under the same fiscal framework, regardless of whether their LCFF entitlement is met through state apportionment or local property taxes.

As the Draft Proposed Decision acknowledges: "The property tax revenue used to offset a school district's LCFF entitlement is not its local proceeds of taxes, but is an apportionment from the state it is obligated to use for the support of schools within the district." (Draft Proposed Decision, p. 71.)

This confirms that Basic Aid districts must apply their property tax revenue to fulfill a state obligation, just as other districts rely on apportionment. These funds, though locally sourced, function within the same statutory entitlement structure and are subject to the same compliance expectations. Accordingly, both Basic Aid and other districts face the same functional and practical obligation to implement TK if they offer kindergarten.

IV. Request for Clarification

While we respect the Commission's determination regarding reimbursement under Article XIII B, Section 6, we respectfully request that the Final Decision clarify the following legal points:

1. That Education Code Section 48000's definition of kindergarten as a two-year program functionally requires LEAs to implement both years of the program if they offer kindergarten at all;
2. That an LEA's decision not to implement TK would jeopardize its authority to collect ADA funding for kindergarten, creating a practical compulsion that leaves LEAs with "no true option or choice"; and
3. That this practical compulsion applies equally to all LEAs offering kindergarten, regardless of funding mechanism.

This clarification would provide needed guidance to LEAs regarding their obligations under current law while maintaining consistency with the Commission's conclusions on reimbursement.

Thank you for your consideration and for your continued service on this matter.

Sincerely,

Len Garfinkel Digitally signed by Len Garfinkel
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LG:tm

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 April 18, 2025, I served the:

- **Current Mailing List dated April 18, 2025**
- **California Department of Education's Comments on the Draft Proposed Decision filed April 17, 2025**
- **Claimants' Comments on the Draft Proposed Decision filed April 17, 2025**
- **Finance's Comments on the Draft Proposed Decision filed April 17, 2025**

Transitional Kindergarten, 23-TC-02

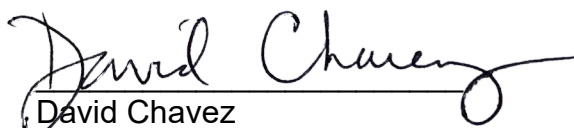
Statutes 2021, Chapter 44, Section 60 (AB 130);

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 April 18, 2025 at Sacramento, California.



David Chavez

Commission on State Mandates

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/18/25

**Claim
Number:** 23-TC-02

Matter: Transitional Kindergarten

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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RECEIVED
April 21, 2025
**Commission on
State Mandates**

LATE FILING

Exhibit K

April 21, 2025

Juliana F. Gmur
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Re: *Transitional Kindergarten, 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*

Dear Ms. Gmur:

Hope Elementary School District and Sunnyvale School District, (“Claimants”) have reviewed the comments submitted by the California Department of Education (“CDE”) regarding the Draft Proposed Decision (“DPD”) dated April 17, 2025, and provide the following comments.

I. *Test Claim Statutes Mandate Transitional Kindergarten Program*

The clear language and the plain meaning of the test claim statute is to provide the TK program. Courts begin their analysis with the statutory language, giving words their ordinary and commonsense meaning, considering the statute as a whole. If the language is clear and unambiguous, the analysis ends there, and the statute is applied as written. “The fundamental task of statutory construction is to ascertain the intent of the lawmakers so as to effectuate the purpose of the statute.” (*People v. Trevino* (2001) 26 Cal.4th 237, 240.) The State is resolute there is no discretionary power given to the school districts on whether to provide TK.

Claimants agree with the State that “Education Code Section 48000 creates an integrated statutory framework that effectively requires any LEA offering kindergarten to implement TK,” and “Section 48000(c)(1) mandates admission for children meeting specific birth date criteria according to the phased implementation schedule. The statutory language states that these children “shall be admitted” to TK,

using mandatory rather than permissive language.” The State asserting TK being a two-year program provides more support the test claim statute is a reimbursable mandate.

II. Practical Compulsion Through ADA Funding Structure

Claimants agree with the State that practical compulsion exists and the Claimants have "no true option or choice" in implementing TK program. The State addresses the substantial penalties consisting of Loss of Core Operational Revenue, Risk to Kindergarten ADA and Enrollment Pipeline Disruption.

Accordingly, practical compulsion exists where “the State were to impose a substantial penalty upon any local entity that declined to participate.” (*Department of Finance v. Commission on State Mandates* (2003) 30 Cal.4th 727, 731.)

III. Apportionment Funding Not Provided to Claimants

“Education Code section 48000 provides that the requirements for the TK program are “a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to Section 46300, and Chapter 3 (commencing with Section 47610) of Part 26.8, as applicable.” (DPD, p. 29.)

It is undisputed Claimants were excluded from receiving an apportionment for pupils in a transitional kindergarten program. Districts that received apportionment for the TK program also receive LCFF funding. Nonetheless, the State takes the indefensible position Claimants are required to provide the TK program thru their LCFF funding. Nothing in the test claim statute states or infers Claimants are exempt from receiving apportionment funding nor that Claimants are required to use their LCFF funding in lieu of receiving the apportionment.


Conclusion

Under article XIII B, section 6 of the California Constitution, local agencies and school districts are entitled to reimbursement for the costs of state-mandated new programs or higher levels of service. The test claim statute includes mandatory language requiring all school districts to provide the TK program and that basic aid school districts are practically compelled by the Department of Education. Claimants have incurred costs for providing these services without state funds specifically allocated to reimburse the claimants for the costs incurred. Accordingly, all of the legal requirements have been met for the Commission to determine the test claim statute is a reimbursable state mandate.

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.

April 21, 2025


Arthur M. Palkowitz
Representative for the Claimants

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 April 23, 2025, I served the:

- **Current Mailing List dated April 22, 2025**
- **Claimants' Late Comments on the Draft Proposed Decision filed April 21, 2025**

Transitional Kindergarten, 23-TC-02

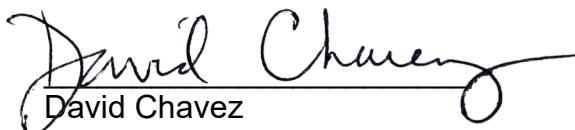
Statutes 2021, Chapter 44, Section 60 (AB 130);

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 April 23, 2025 at Sacramento, California.



David Chavez

Commission on State Mandates

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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/22/25

**Claim
Number:** 23-TC-02

Matter: Transitional Kindergarten

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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Date of Hearing: August 4, 2010

Exhibit L

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Felipe Fuentes, Chair

SB 1381 (Simitian) – As Amended: August 2, 2010

Policy Committee: Education

Vote: 8-0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY

Commencing with the 2011-12 school year, this bill, as proposed to be amended, moves the kindergarten start date back one month each year for three years until September 1 becomes the date a child is required to be five years old to enroll in kindergarten. Specifically, this bill:

- 1) Establishes the following dates at which time a child must be five years old to enroll in kindergarten: (a) December 2 of the 2011-12 school year; (b) November 1 of the 2012-13 school year; (c) October 1 of the 2013-14 school year; and (d) September 1 of the 2014-15 school year and each year thereafter.
- 2) Requires, commencing with the 2012-13 school year, a child who would otherwise be eligible for enrollment in kindergarten to be admitted to a transitional kindergarten program maintained by a school district.
- 3) Defines “transitional kindergarten” (TK) as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. This measure also requires the attendance of pupils enrolled in a TK program to generate the same state funding as the attendance of pupils enrolled in a traditional kindergarten.
- 4) Requires a child, commencing with the 2011-12 school year, to be admitted to first grade of an elementary school during the first month of a school year if he or she has his or her sixth birthday on or before specified dates (which corresponds with the three-year gradual roll back of the kindergarten start date), as specified.

FISCAL EFFECT

- 1) GF/98 revenue limit funding (general purpose) costs over the following three year period:

2011-12	2012-13	2013-14
\$19.8 million	\$40.5 million	\$57.2 million

These costs are associated with additional children attending a TK program as opposed to enrolling in kindergarten. For example, many parents simply choose not to enroll their children in kindergarten because their children have late fall birthdays. The Legislative Analyst Office assumes eight percent of parents choose to "red shirt" their children and not enroll them in kindergarten. This measure establishes a TK program and these costs assume

the practice of "red shirting" will no longer occur because school districts are required to establish TK programs.

Once the full effect of rolling back the kindergarten age requirement occurs (from December 2 to September 1), there would be a GF/98 reallocation of \$715.4 million from kindergarten classes to TK programs, including the additional revenue limit costs noted above.

Approximately 137,189 children would be affected over the three year period. Likewise, there will be GF/98 cost pressure in the millions to provide additional categorical program funding for these pupils (i.e., economic impact aid, instructional materials, etc.).

- 2) Annual GF/98 state reimbursable mandated costs, of at least \$13.2 million, to school districts to hire additional teachers for the TK programs.
- 3) Annual GF/98 state reimbursable mandated costs, of at least \$2.6 million, to school districts to provide professional development to teachers and purchase portable classroom facilities for the TK program.

COMMENTS

- 1) Purpose. In its analysis of The 2010-11 Budget: Proposition 98 and K-12 Education, the Legislative Analyst Office (LAO) recommends moving the kindergarten start date back to September 1 (requiring a child to have turned five prior to entering kindergarten) beginning in the 2011-12 school year. Specifically, the LAO states: "Many have argued that entering kindergarten before turning five years of age is too young, and beginning school at an older age would benefit children's academic performance and social development. Data suggest children who are older when they start kindergarten tend to perform better on standardized tests. Some research suggests this change also may lead to other positive student outcomes, including less chance of grade retention and higher earnings as an adult."

According to the author, "California is one of just four states (along with Connecticut, Michigan and Vermont) with a cut-off date later than December 1st. In most states, children must turn five by September 1st in order to start kindergarten. California allows children as young as four years and nine months to start kindergarten as long as the child turns five by December 2nd."

This bill, commencing with the 2012-13 school year, moves the kindergarten start date back to September 1, which requires a child to turn five years old on or before September 1 of that school year. It also establishes a TK program for children who turn five years old between September 1 and December 1, as specified.

- 2) Author's amendments. In the Assembly Education Committee, the author agreed to establish a TK program in the bill. This analysis reflects the proposed author's amendments and the agreement made in the previous committee.
- 3) Is it cost effective to require all school districts to establish a TK program? By requiring a school district to establish a TK program, this bill creates a state reimbursable mandated program at a time when the state currently owes a total of \$3.2 billion GF/98 in outstanding K-12 mandate claims.

Also, this measure requires a district to establish a TK program for pupils who are displaced by rolling back the kindergarten start date by one month over a three-year period. This requirement will be fiscally ineffective for many small school districts in the state. For example, if a school district only has two pupils who are eligible for the TK program because their birthdays were in November, the district is required to serve these pupils in this program. Is it cost effective for a school district to hire, train, and obtain a facility to establish a TK program that will only serve two children?

Given the state's severe fiscal situation, the committee may wish to consider whether it is appropriate to require school districts to establish TK programs.

- 4) Existing law does not require children to attend kindergarten. If a child does attend, he or she must be admitted if the child will have his or her fifth birthday on or before December 2 of that school year. This bill does not propose to make kindergarten mandatory; it does, however, propose to incrementally roll back the age of kindergarten admission to September 1 by the 2014-15 school year.
- 5) SDE study on changing the admission age of kindergarten students. In May 2004, the SDE submitted a report to the Legislature on changing the kindergarten start date. Specifically, the report states that changing the kindergarten start date from December 1 to September 1 of each year would delay approximately 114,235 children from entering kindergarten for one year. It also affirms that this change can potentially save the state up to \$400 million beginning in the second year of implementation. The amount of actual savings would depend on the assumptions of how to support or fund preschool services for those children whose entry into kindergarten would be delayed.

The SDE also cautioned that "rather than looking at the merits of changing the kindergarten cut-off date by itself, considerable thought should be given to the types of quality preschool services available for children whose entry to kindergarten would be delayed as well as for other children."

- 6) Los Angeles Unified School District (LAUSD) establishes a TK program. In January 2010, Superintendent Ramon Cortines announced the school district's plans to pilot this voluntary program beginning in the 2010-11 school year with at least one program in each of LAUSD's eight local districts. LAUSD's program will emphasize pre-literacy instruction to develop beginning reading and mathematics skills. In addition to building cognitive skills, the program also seeks to address the development and enhancement of social and emotional skills that are important factors in doing well in school.
- 7) Related legislation.
 - a) AB 1967 (Mendoza), commencing with the 2012-13 school year, moves the kindergarten start date back to September 1, which requires a child to turn five years old on or before September 1 of that school year. This measure was held on this committee's suspense file in May 2010.

- b) AB 1236 (Mullin) established the Kindergarten Year 1 and Kindergarten Year 2 pilot program for children eligible for kindergarten. This bill was held on this committee's Suspense File in May 2008.
- c) AB 2596 (Runner) incrementally changed the age at which a child is admitted to kindergarten. After three years (beginning in 2009-10), a child that has his or her fifth birthday on or before September 1 will be able to enroll in kindergarten. This bill was held on this committee's Suspense File in May 2006.

Analysis Prepared by: Kimberly Rodriguez / APPR. / (916) 319-2081

TRANSITIONAL KINDERGARTEN

Should all school districts be required to offer transitional kindergarten?

**KAREN D'SOUZA**

PUBLISHED SEPTEMBER 1, 2021

[3 COMMENTS](#)



Transitional kindergarten students discuss 19th century French artist Gustave Caillebotte's painting "Fruit Displayed on a Stand" at Figarden Elementary School in Fresno.

Liv Ames for EdSource

Even as universal transitional kindergarten — which will offer an extra year of school to all 4-year-olds — inches closer to becoming a reality in California, parents like Katherine Fitzpatrick worry that their children will miss out.

Since her son Owen turns 5 in September, he should qualify for the program, a stepping stone between preschool and kindergarten currently offered to children who just miss the kindergarten enrollment cutoff date.

However, because they live in a “basic aid” district, transitional kindergarten, or TK, is not being offered at his district. Basic aid districts are funded primarily by property taxes, which generate more per-pupil dollars than what the Local Control Funding Formula — used to calculate education funding for most California districts — would provide.

Since they don't get money through the funding formula, a handful of districts in San Diego, San Mateo and Marin counties have opted out of offering TK.

The California Department of Education says the law requires all school districts to offer transitional kindergarten to age-eligible students, regardless of how those districts are funded, but it does not have the authority to impose penalties on school districts that fail to offer it.

Some district officials, however, interpret the law differently. They counter that since they do not receive dedicated funding for TK students, they are not required to offer it. LCFF districts, by contrast, receive per-pupil funding, so each TK student represents extra dollars. Some also maintain that the program is both costly and inequitable because it currently applies to only a small portion of 4-year-olds.

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Policies in the new state budget would gradually make transitional kindergarten open to all 4-year-olds in the state, but that may not ensure that basic aid districts offer the program, since it will not change the way these districts are funded. TK now serves about 100,000 children, most of whom turn 5 between Sept. 2 and Dec. 2.

Citing research that high-quality early education programs can have a lifelong impact, some parents in districts that don't offer TK say it's unfair that their

children lose out on the opportunity. In 2019-20, about 700 eligible students were unable to attend TK because it was not offered in their home districts, according to an analysis of CDE data done by parent advocates.

It was certainly a rude awakening for Fitzpatrick, who lives in the Del Mar Union district in San Diego County. The district eliminated transitional kindergarten in 2015, citing concerns about funding and equity. Like many homeowners, Fitzpatrick tried to pick a location that would guarantee her children access to a great public education.

“That’s one of the reasons we bought a home here,” said Fitzpatrick, who has organized a group of parents to advocate for TK through an online petition. “We live here because of the schools.”

Early childhood advocates have long asserted the critical importance of kindergarten readiness. Children who attend TK enter kindergarten better versed in reading and math skills than their peers who don’t, research shows. Some California school districts, such as Los Angeles Unified and San Diego Unified, have already taken steps to expand their TK programs given the clear educational benefits.

Parent advocates wonder why their wealthy districts cannot afford the program, pointing out that only about a dozen of the state’s estimated 147 basic aid districts don’t offer transitional kindergarten.

“It really doesn’t make sense since these basic aid districts already receive significantly more revenue per student than they would receive under the state funding formula, so they should already have more than enough money to provide TK,” said Allison Trent, a mother of two in the Cardiff School District of San Diego County. “School districts with more funding should be providing more services to the children in the community, not less.”

However, district officials in Cardiff and Del Mar say that offering TK would mean less money for other programs, like the arts and STEM, or for keeping class sizes low, which are high priorities in their districts.

“Funding is the issue,” said Holly McClurg, superintendent of the Del Mar district. “To offer TK would drastically impact the educational programs we currently offer for our K-6 students. It would add another grade level with no additional funding.”

Others are waiting to see how the state will implement universal transitional kindergarten before making a decision.

“We are eagerly awaiting more of the details from the state regarding the TK funding proposal, requirements and guidelines for districts,” said Kimberly Berman, superintendent of the Mill Valley School District in Marin County.

However, some lawmakers say that the new law won’t require districts to offer transitional kindergarten, leaving the decision up to individual school districts. The new legislation expands TK and strengthens quality standards, according to Assemblyman Kevin McCarty, D-Sacramento, a longtime champion of TK, but it does not alter the funding model.

That’s a pity, parent advocates say, because early education programs can help close the achievement gap, referring to the disparity in test scores among different groups of students. Those gaps have likely increased during the pandemic.

The state does offer free preschool or child care to families who meet low-income requirements, whereas transitional kindergarten is designed to be open to all children, like kindergarten. There is no income qualification.

“Providing a public TK program that is truly universal will be a great equalizer for our society,” Trent said. “All children should be able to access a high-quality early education program, no matter where they live, no matter their family’s ability or willingness to pay for a private program.”

TK-eligible families in districts that don’t offer it are often told to apply for spots in neighboring districts or to shell out the money for private preschool. That’s Fitzpatrick’s plan. She is going to put Owen in part-time preschool starting this

fall, but she notes that not all families have that luxury. For many, paying for private preschool would be a financial hardship.

“There are people in these districts that cannot afford preschool,” Fitzpatrick said. “For our family, all of our extra income goes to pay for this.”

Preschool is often a pricey proposition in California. The median annual cost of child care for a preschool-age child is more than \$10,000, [research shows](#). Many families in high-cost parts of the state pay far more.

Ulrike Steinbach, a mother of two children in the Mill Valley district, where transitional kindergarten was discontinued in 2018 due to concerns over equity, also believes that the opportunity should be made available to all children because it guarantees access to a high-quality program with accredited teachers. Her older daughter, Anna, was able to benefit from the program while her youngest, Clare, was not.

“The variability among preschool programs is great — ranging from programs with high academic standards to programs that are basically day care,” Steinbach said.

Steinbach says her older child was far better prepared academically and emotionally for school because of transitional kindergarten. She worries that if the state doesn’t take steps to fully expand the program now, when there is surplus money in the budget, it may never happen. In the wake of pandemic-related learning gaps, parent advocates say, there is no time to lose.

“If we do not support TK now, when so many young children have been adversely impacted due to the pandemic, then when are we going to support this valuable program?” Steinbach said.

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Universal Prekindergarten FAQs

Frequently asked questions (FAQs) regarding California state law relating to Universal Prekindergarten (UPK) and Transitional Kindergarten (TK).

The California Department of Education (CDE) and State Superintendent of Public Instruction fully support the Universal PreKindergarten (UPK) and Transitional Kindergarten (TK) program.

For parents or caregivers looking for information about UPK and TK in California, please visit the [California Universal PreKindergarten](#) website instead. This page is geared toward local educational agencies implementing UPK and TK.

UPK FAQs

Additional FAQs regarding the fiscal requirements and the related penalties for TK are available on the CDE's [Transitional Kindergarten](#) web page.

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UPK Grants Funding Logistics

1. [What is the UPK Planning and Implementation Grant? \(Updated 06-Jun-2023\)](#)

California *Education Code (EC)* Section 8281.5, created the UPK Planning and Implementation (P&I) Grant Program, which provides a total of \$500 million to support planning and implementation around access to PreKindergarten programs. This grant is allocated in two parts over two fiscal years, 2021-22 and 2022-23:

- **2021–22 UPK P&I Grant (\$200 million)**

- ◆ The UPK P&I Grant for local educational agencies (LEAs) (school districts and charter schools) was based on a formula specified in *EC* 8281.5(c)(1)(A) and (C).

The link to this funding allocation page can be found at [Universal Prekindergarten Planning & Implementation Grant](#).

- ▶ These funds may be used for costs associated with creating or expanding California State Preschool Programs (CSPP) or transitional kindergarten (TK) programs, or to establish or strengthen partnerships with other providers of prekindergarten education within the local educational agency (LEA), including Head Start programs, to ensure that high-quality prekindergarten options are available for four-year-old children. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.
- ▶ LEAs receiving these grant funds are required to:
 - ▶ Develop a plan articulating how all children in their attendance area will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the LEA's expanded learning offerings, the After-School Education and Safety Program, CSPP, Head Start programs, and other community-based early learning programs. This plan needed to be submitted for consideration by their governing board or body at a public meeting on or before June 30, 2022.
 - ▶ Submit program data annually to the CDE through the UPK Program Report.
 - ▶ Submit expenditure data twice a year to the CDE through the UPK Expenditure Report.
- ◆ The UPK P&I Grant also funds countywide planning and capacity building for county offices of education (COEs) with a minimum base grant of \$15,000 for each LEA in the county that operates kindergarten programs as specified in *EC* 8281.5(c)(1)(B). The link to this funding allocation page can be found at [UPK Planning & Implementation - Countywide Planning and Capacity Grant](#).
 - ▶ These funds may be used for costs associated with providing countywide planning and capacity building to help LEAs in their county create or expand CSPP or TK programs, or to establish or strengthen partnerships with other providers of PreKindergarten education within the county, including Head Start programs, to ensure that high-quality options are available for four-year-old children countywide. Allowable costs include, but are not necessarily limited to, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.
 - ▶ County offices of education (COEs) receiving these grant funds are required to:
 - ▶ Develop and present a plan that describes how the COE is providing support for countywide planning and capacity building efforts for UPK planning and implementation (*EC* Section 8281.5). This plan needed

to be submitted for consideration by their governing board or body at a public meeting on or before June 30, 2022.

- ▶ Submit program data annually to the CDE through the UPK Program Report.
- ▶ Submit expenditure data twice a year to the CDE through the UPK Expenditure Report.

■ **2022–23 UPK P&I Grant (\$300 million)**

- ❖ 2022–23 UPK P&I Grant for local educational agencies (LEAs) (school districts and charter schools) is based on a formula specified in *EC* Section 8281.5(d)(1) (A) and (C). Funding information can be found at the California Department of Education web page for funding results found at this link: [Funding Results: 2022-23 Universal PreKindergarten Planning & Implementation Grant](#)
 - ▶ Grant funds may be used in the same ways as the 2021–22 UPK P&I Grant, however with one significant addition. Classroom operating costs are now an allowable expense. As a result of this addition, LEAs may use their grant funds to cover costs they may have incurred with expanding TK age eligibility faster than required by law and to cover the costs of early admittance transitional kindergarten (ETK)-enrolled students who are not otherwise generating average daily attendance (ADA).
 - ▶ LEAs receiving these grant funds are required to:
 - ▶ Submit program data annually to the CDE through the UPK Program Report.
 - ▶ Submit expenditure data twice a year to the CDE through the UPK Expenditure Report.
 - ▶ Ensure expenditures are consistent with their local plan.
 - ▶ Plan with their county's local tribes, and CSPP and Head Start program providers in their region.
 - ▶ Plan with their county's local planning council, which should include coordination with the UPK Mixed Delivery Grant.
 - ▶ Offer TK to all eligible pupils interested in TK within their attendance area by the 2025–26 school year.
 - ▶ **Please note:** LEAs that did not develop the plan required for the 2021–22 UPK P&I Grant are required to develop a plan for how all children in the attendance area of the LEA will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the LEA's expanded learning offerings, the After School Education and Safety Program, the CSPP, Head Start programs, and other community-based early learning and care programs. This plan should have been presented for consideration by the governing board or body at a public meeting on or before March 30, 2023.




- ❖ The 2022–23 UPK P&I Grant also funds countywide planning and capacity building for county offices of education (COEs) with a minimum base grant of \$15,000 for each LEA in the county that operates kindergarten programs as specified in *EC 8281.5(d)(1)(B)*. The link to this funding allocation page can be found at the CDE 2022-23 UPK P&I Funding Results web page at: [2022-23 UPK P&I Funding Results](#)
 - ▶ Grant funds may be used in the same ways as the 2021–22 UPK P&I – Countywide Planning and Capacity Building Grant, however with one significant addition. Classroom operating costs are now an allowable expense. Allowable costs shall include, but are not necessarily limited to, classroom operating costs, planning costs, hiring and recruitment costs, staff training and professional development, classroom materials, and supplies.
 - ▶ COEs receiving these grant funds are required to:
 - ▶ Submit program data annually to the CDE through the UPK Program Report.
 - ▶ Submit expenditure data twice a year to the CDE through the UPK Expenditure Report.
 - ▶ Ensure expenditures are consistent with their local plan.
 - ▶ Plan with their county’s local tribes, and CSPP and Head Start program providers in their region.
 - ▶ Plan with their county’s local planning council, which should include coordination with the UPK Mixed Delivery Grant.
 - ▶ Offer TK to all eligible pupils interested in TK within their attendance area by the 2025–26 school year, as applicable.

2. What funding is available to expand the teacher workforce? (Updated 06-Jun-2023)

California has invested a substantial amount of funding to support the recruitment and retention of teachers overall, but in particular for Universal PreKindergarten (UPK) teachers. Below, are listed a few of the funding opportunities to expand the UPK workforce. More information can be found in the [UPK Teacher Pipeline Resource Compendium - Preschool Through Third Grade Alignment](#) (PDF).


- The UPK Planning & Implementation (P&I) Grant provides a total of \$500 million in one-time funding to local educational agencies (LEAs) for planning and implementation related to UPK expansion.
 - ❖ For more information, please visit the CDE Elementary web page at [CDE Elementary web page](#)
- The Golden State Teacher Grant Program, administered by the California Student Aid Commission, is an ongoing grant with \$100 million in funding per fiscal year between 2021 and 2026 which provides up to \$20,000 in individual grants to students in Commission on Teacher Credentialing (CTC)-approved professional preparation

programs who commit to working in high-needs fields such as transitional kindergarten (TK) at a priority school for four years after receiving their credential.

- ❖ For more information, please visit the grant web page at [Golden State Teacher Grant Program web page](#) 
- The Early Education Teacher Development grant allocated \$100 million to LEAs to ensure there are enough qualified teachers in the UPK system as it expands. The main purpose of this funding is to increase the number of highly qualified TK and California State Preschool Program (CSPP) teachers as well as increase specific competencies for TK, CSPP and kindergarten teachers. This grant program is no longer accepting applications.
 - ❖ For more information, please visit the grant web page at [Early Educator Teacher Development Grant web page](#)
- The Teacher Residency Grant Program, administered by the CTC, provides a total of \$350 million from 2021 to 2023 in ongoing funding for LEAs to develop or expand and improve teacher residency programs that support designated shortage fields such as TK and local efforts for recruitment and retention of a diverse teacher workforce that reflects an LEA community's diversity.
 - ❖ For more information, please visit the grant web page at [Teacher Residency Grant Program web page](#) 
- The CTC has administered \$20 million in one-time grants to regionally accredited institutions of higher education for four-year integrated teacher preparation programs, including student teaching, and/or to adapt an existing Commission-approved five-year integrated teacher preparation program to a four-year program. These grants support programs that produce teachers in the designated shortage fields including transitional kindergarten, or kindergarten, and/or that partner with a California community college to create an integrated program of professional preparation.
 - ❖ For more information, please visit the grant web page at [Integrated Undergraduate Teacher Preparation Grants](#) 

Information for these and other funding opportunities are described in the [UPK Teacher Pipeline Resource Compendium - Preschool Through Third Grade Alignment](#) (PDF).

3. [What is required to receive the UPK Planning and Implementation Grant funding? \(Updated 06-Jun-2023\)](#)


- **2021-22 UPK P&I Grant**
 - ❖ For more information about this grant, please visit this link: [Education Code 8281.5](#) 
 - ❖ The 2021–22 California State Budget provided a formula to determine funding allocations for the UPK Planning and Implementation grant. Specifically, the CDE was required to allocate two hundred million dollars (\$200,000,000) in the 2021–22 fiscal year (FY) to local educational agencies (LEAs) as follows:
 - ▶ A minimum base grant to all local educational agencies that operate kindergarten programs as determined using California Longitudinal Pupil

Achievement Data System Fall 1 kindergarten enrollment from the 2020–21 certification, as follows: For LEAs with an enrollment of 1 to 23 pupils, inclusive, the minimum base grant shall be twenty-five thousand dollars (\$25,000).

- ▶ For LEAs with an enrollment of 24 to 99 pupils, inclusive, the minimum base grant shall be fifty thousand dollars (\$50,000).
 - ▶ For LEAs with an enrollment of 100 or more pupils, the minimum base grant shall be one hundred thousand dollars (\$100,000).
- ▶ A minimum base grant for each county office of education (COE) of fifteen thousand dollars (\$15,000) for each local educational agency in their county that operates kindergarten programs to support countywide planning and capacity building.
- ❖ Of the remaining funds after allocations:
 - ▶ Sixty percent was available as enrollment grants. These grants were allocated based on the local educational agency's proportional share of total California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment for the 2019–20 FY, as applied to the total amount of program funds available for the enrollment grant. For purposes of this clause, the total statewide kindergarten enrollment shall be calculated using the California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2019–20 FY for each LEA.
 - ▶ Forty percent was available as supplemental grants. These grants were allocated based on the LEAs California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2019–20 FY, multiplied by the LEAs unduplicated pupil percentage, as calculated pursuant to subdivision (b) of Section 42238.02 or subdivision (b) of Section 2574 certified as of the second principal apportionment. Funds for this purpose were distributed percent-to-total from funds available for the supplemental grant.
- ❖ The UPK P&I Grant was allocated through an apportionment process. EC 8281.5(c)(3)(B) requires that LEAs receiving these grant funds to:
 - ▶ Develop a plan articulating how all children in their attendance area will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the LEA's expanded learning offerings, the After-School Education and Safety Program, CSPP, Head Start programs, and other community-based early learning programs. This plan needed to be submitted for consideration by their governing board or body at a public meeting on or before June 30, 2022.
 - ▶ Submit program data annually to the CDE through the UPK Program Report.

- ▶ Submit expenditure data twice a year to the CDE through the UPK Expenditure Report.

■ 2022–23 UPK P&I Grant

- ❖ For more information about this grant, please visit this link: [Education Code 8281.5](#) 
- ❖ The 2022–23 California State Budget provided a formula to determine funding allocations for the 2022–23 UPK Planning & Implementation grant. Specifically, the CDE is required to allocate three hundred million dollars (\$300,000,000) in the 2022–23 fiscal year (FY) to local educational agencies (LEAs) as follows:
 - ▶ A minimum base grant to all local educational agencies that operate kindergarten programs, as determined using California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment from the 2021–22 certification, as follows:
 - ▶ For local educational agencies with an enrollment of 1 to 500 pupils, inclusive, the minimum base grant shall be twenty-five thousand dollars (\$25,000).
 - ▶ For local educational agencies with an enrollment of 501 or more pupils, the minimum base grant shall be fifty thousand dollars (\$50,000).
 - ▶ A minimum base grant for each county office of education of fifteen thousand dollars (\$15,000) for each local educational agency in their county that operates kindergarten programs to support countywide planning and capacity building.
 - ▶ Of the funds remaining after the allocations above:
 - ▶ Sixty percent shall be available as enrollment grants. These grants shall be allocated based on the local educational agency's proportional share of total California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment for the 2021–22 fiscal year, as applied to the total amount of program funds available for the enrollment grant. For purposes of this clause, the total statewide kindergarten enrollment shall be calculated using the California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2020–21 fiscal year for each local educational agency.
 - ▶ Forty percent shall be available as supplemental grants. These grants shall be allocated based on the local educational agency's California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2020–21 fiscal year, multiplied by the local educational agency's unduplicated pupil percentage, as calculated pursuant to subdivision (b) of Section 42238.02 or subdivision (b) of Section 2574, as

applicable, and certified as of the second principal apportionment.

Funds for this purpose shall be distributed percent-to-total from funds available for the supplemental grant.

- ▶ Notwithstanding any other law, any kindergarten enrollment reported by a county office of education shall be attributed to the school district of geographic residence.
- ❖ The UPK P&I Grant was allocated through an apportionment process. *EC 8281.5(d)(3)* requires each school district and charter school receiving these funds to:
 - ▶ Submit program data annually to the CDE through the UPK Program Report.
 - ▶ Submit expenditure data twice a year to the CDE through the UPK Expenditure Report.
 - ▶ Ensure expenditures are consistent with their local plan.
 - ▶ Plan with their county's local tribes, and CSPP and Head Start program providers in their region.
 - ▶ Plan with their county's local planning council, which should include coordination with the UPK Mixed Delivery Grant.
 - ▶ Offer TK to all eligible pupils interested in TK within their attendance area by the 2025–26 school year.
 - ▶ **Please note:** LEAs that did not develop the plan required for the 2021–22 UPK P&I Grant, are required to develop a plan for how all children in the attendance area of the LEA will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the LEA's expanded learning offerings, the After School Education and Safety Program, the CSPP, Head Start programs, and other community-based early learning and care programs. This plan should have been presented for consideration by the governing board or body at a public meeting by March 30, 2023.
- ❖ County offices of education (COEs) receiving these funds are required to:
 - ▶ Submit program data annually to the CDE through the UPK Program Report.
 - ▶ Submit expenditure data twice a year to the CDE through the UPK Expenditure Report.
 - ▶ Ensure expenditures are consistent with their local plan.
 - ▶ Plan with their county's local tribes, and CSPP and Head Start program providers in their region.
 - ▶ Plan with their county's local planning council, which should include coordination with the UPK Mixed Delivery Grant.
 - ▶ Offer TK to all eligible pupils interested in TK within their attendance area by the 2025–26 school year, as applicable.

4. Does the UPK Planning Template need to be submitted to the CDE? (Updated 06-Jun-2023)

- While the plan itself does not need to be submitted to the CDE, certain elements of the UPK Template will be required to be submitted to the CDE. LEAs that did not develop the plan required for the 2021–22 UPK P&I Grant, are required to develop a plan for how all children in the attendance area of the LEA will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the LEA's expanded learning offerings, the After School Education and Safety Program, the CSPP, Head Start programs, and other community-based early learning and care programs. This plan should have been presented for consideration by the governing board or body at a public meeting by March 30, 2023.

◆ **School districts and charter schools**

- ▶ The CDE will be collecting information on the answers to the required questions after July 30, 2023 through the UPK Program Report. This will allow the CDE to learn about how LEAs are planning and implementing UPK and to identify what additional support may be needed to help LEAs as they move along the implementation process.
- ▶ The questions required for submission to the CDE should be answered based on what the LEA has implemented for 2022–23 and beyond. The CDE encourages LEAs to look beyond the first year of implementation and lay the foundation for the full implementation period. The CDE also encourages LEAs to look to their Local Control and Accountability Plans (LCAPs) to identify where their LCAPs already include relevant opportunities for alignment, and to consider the results of the UPK planning and implementation efforts as it pertains to future updates to their LCAPs.
- ▶ To help introduce LEA leaders to early education concepts, agencies, and structures. CDE has developed Universal PreKindergarten Planning and Implementation Guidance documents. This guidance is meant to support LEAs in the development and implementation of their Universal PreKindergarten (UPK) Plan.
 - ▶ [Universal PreKindergarten Planning and Implementation Guidance Volume 1 \(DOCX\)](#)
 - ▶ [Universal PreKindergarten Planning and Implementation Guidance Volume 2 \(DOCX\)](#)

◆ **County Offices of Education (COEs)**

- ▶ The CDE will be collecting information on the answers to the COE required questions after July 30, 2023 through the UPK Program Report. This will allow the CDE to learn about how COEs are supporting LEAs as they move through the planning and implementation process.
- ▶ The questions required for submission to the CDE should be answered based on how the COE has supported and plans to support LEAs for 2022–23 and beyond.

5. How much funding will my agency get for the UPK Planning and Implementation Grant?
(Updated 06-Jun-2023)

■ **2021–22 UPK P&I Grant**

- ❖ The link to the estimated funding results for school districts and charter schools is located at the following link: [Funding Results: Universal Prekindergarten Planning & Implementation Grant](#).
- ❖ The link to the estimated funding results for county offices of education is located at the following link: [Funding Results: UPK Planning & Implementation-Countywide Planning and Capacity Building Grant](#).
- ❖ The 2021-2022 California state budget included a minimum base grant to all local education agencies (LEAs) that operate kindergarten programs determined using the California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment from the 2020–21 certification. Per *Education Code (EC)* Section 8281.5 (c)(1)(A):
 - ▶ For LEAs with an enrollment of 1 to 23 pupils, inclusive, the minimum base grant shall be twenty-five thousand dollars (\$25,000).
 - ▶ For LEAs with an enrollment of 24 to 99 pupils, inclusive, the minimum base grant shall be fifty thousand dollars (\$50,000).
 - ▶ For LEAs with an enrollment of 100 or more pupils, the minimum base grant shall be one hundred thousand dollars (\$100,000).
- ❖ The budget also included a minimum base grant of \$15,000 to each county office of education for each LEA in the county that received the UPK P&I grant funding to support countywide planning and capacity building. The UPK P&I Grant funding was allocated via apportionment.
 - ▶ Of the remaining funds after the above allocations:
 - ▶ Sixty percent was available as enrollment grants. These grants were allocated based on the local educational agency's proportional share of total California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment for the 2019–20 FY, as applied to the total amount of program funds available for the enrollment grant. For purposes of this clause, the total statewide kindergarten enrollment shall be calculated using the California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2019–20 FY for each LEA.
 - ▶ Forty percent was available as supplemental grants. These grants were allocated based on the LEA's California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2019–20 FY, multiplied by the LEAs unduplicated pupil percentage, as calculated pursuant to subdivision (b) of Section 42238.02 or subdivision (b) of Section 2574 certified as of the second principal apportionment. Funds

for this purpose were distributed percent-to-total from funds available for the supplemental grant.

- ◆ The UPK P&I Grant was allocated through an apportionment process.

■ **2022–23 UPK P&I Grant**

- ◆ The link to the estimated funding results for school districts and charter schools is located at the following link: [Funding Results: 2022-23 Universal PreKindergarten Planning & Implementation Grant](#)
- ◆ The estimated funding results for county offices of education is located at the following link: [Funding Results: 2022-23 UPK Planning & Implementation-Countywide Planning and Capacity Building](#)
- ◆ The 2022–23 California state budget includes a minimum base grant to all local educational agencies that operate kindergarten programs, as determined using California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment from the 2021–22 certification. Per *Education Code (EC)* Section 8281.5 (d)(1)(A):
 - ▶ For local educational agencies with an enrollment of 1 to 500 pupils, inclusive, the minimum base grant shall be twenty-five thousand dollars (\$25,000).
 - ▶ For local educational agencies with an enrollment of 501 or more pupils, the minimum base grant shall be fifty thousand dollars (\$50,000).
- ◆ The budget also includes a minimum base grant of \$15,000 to each county office of education for each LEA in the county receiving the UPK P&I grant funding to support countywide planning and capacity building.
- ◆ Of the funds remaining after the allocations:
 - ▶ Sixty percent shall be available as enrollment grants. These grants shall be allocated based on the local educational agency's proportional share of total California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment for the 2021–22 fiscal year, as applied to the total amount of program funds available for the enrollment grant. For purposes of this clause, the total statewide kindergarten enrollment shall be calculated using the California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2020–21 fiscal year for each local educational agency.
 - ▶ Forty percent shall be available as supplemental grants. These grants shall be allocated based on the local educational agency's California Longitudinal Pupil Achievement Data System Fall 1 kindergarten enrollment minus the transitional kindergarten program enrollment for the 2020–21 fiscal year, multiplied by the local educational agency's unduplicated pupil percentage, as calculated pursuant to subdivision (b) of Section 42238.02 or subdivision (b) of Section 2574, as applicable, and certified as of the second principal apportionment. Funds for this purpose shall be distributed percent-to-total from funds available for the supplemental grant.

❖ The UPK P&I Grant funding will be allocated via apportionment.

- Please direct any questions regarding this grant to: UPKPlanningGrant@cde.ca.gov

6. Are non-classroom-based charters eligible for UPK planning and implementation grant (P&I) funding? (Updated 06-Jun-2023)

- Yes. Although the intent of the \$500,000,000 in Universal PreKindergarten (UPK) Planning & Implementation (P&I) funds is to expand access to classroom-based PreKindergarten (pre-K) programs, the legislation does not exclude non-classroom-based charter schools from funding. To the extent that a non-classroom-based charter does have kindergarten enrollment that meets the statutory requirements set forth in *Education Code (EC)* 8281.5, they would receive UPK P&I Grant funding in order to expand or start providing access to pre-K programs.
- Any non-classroom-based charter schools that receive funding for UPK P&I grants must use the money to provide all children in the attendance area of the local educational agency with access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the local educational agency's expanded learning offerings, the After School Education and Safety Program, the California state preschool program, Head Start programs, and other community-based early learning and care programs.

7. Do non-classroom based charter schools need to create a plan for UPK? (Updated 06-Jun-2023)

With the adoption of Universal PreKindergarten (UPK), any charter schools, including non-classroom based charter schools, that receive funding for UPK Planning & Implementation (P&I) grants must use the money to develop a plan articulating how all children in the attendance area of the local educational agency will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the local educational agency's expanded learning offerings, the After School Education and Safety Program, the California state preschool program, Head Start programs, and other community-based early learning and care programs.

8. Must charter schools return Universal PreKindergarten Planning & Implementation funds allocated pursuant to *Education Code (EC)* 8281.5 if they do not offer transitional kindergarten (TK)? (Posted 06-Jun-2023)

If charter schools are doing any one of the following, they are required to return that fiscal year's UPK Planning & Implementation funds:

- **2021–22 UPK P&I:**
 - ❖ Not creating a plan for Universal PreKindergarten implementation
 - ❖ Not meeting the reporting requirements
- **2022–23 UPK P&I:**
 - ❖ Not offering TK
 - ❖ Not creating a plan for Universal PreKindergarten implementation (either this year or the prior year)

- ❖ Not meeting the reporting requirements
- ❖ Not ensuring expenditures are consistent with their local plan
- ❖ Not planning with their county's local planning council, which should include coordination with the UPK Mixed Delivery Grant
- ❖ Not planning with their county's local tribes, and the California state preschool program and Head Start program providers in their region

9. What is the process for charter schools to return Universal PreKindergarten (UPK) Planning & Implementation funds? (Updated 06-Jun-2023).

Charter schools must notify the California Department of Education of their intent to return Universal PreKindergarten (UPK) Planning and Implementation Grant funds by sending an email to the CDE at UPKPlanningGrant@cde.ca.gov and advising of this intent.

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UPK Mixed Delivery System

1. What is UPK and how is it related to Universal Transitional Kindergarten (UTK)? (Updated 27-May-2022)

- UPK is an umbrella term that includes the California State Preschool Program (CSPP), TK at the California Department of Education, as well as Head Start, district and local community-based preschool programs, early learning services for students with disabilities, private pay preschool, and expanded learning options to support access to a full day of services.
- While participation in UPK and choice of which program is optional, TK is the only option within the broader UPK frame that will be universally available, and free of cost, for all four-year old children as part of California's public education system.
- California's goal is to serve more children ages 3-to 4-years-old, statewide, in high-quality preschool programs. California intends to meet this goal through the implementation of universally available TK, as well as investments in other state-funded programs, such as funding to expand the CSPP and other state-subsidized programs that offer a preschool learning experience.
- In 2021, legislation was passed that requires any local educational agency (LEA) operating a kindergarten to also provide a TK program for all 4-year-old children by 2025–26. UTK means that by 2025–26, regardless of background, race, zip code, immigration status, or income level, every child will have access to TK as a quality learning experience the year before kindergarten.

2. How are transitional kindergarten (TK) programs different than preschool or other child development programs offered by local educational agencies (LEAs) for three- and four-year-old children? (Updated 23-Jan-2025)

TK is part of the kindergarten through grade twelve (K–12) public school system and is the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

Pursuant to *Education Code (EC) Section 48000(f)* [🔗](#), TK programs are intended to be aligned to the California Preschool/Transitional Kindergarten Learning Foundations developed by the CDE. TK is not considered a preschool program and must be taught by an educator who holds an appropriate credential to teach TK. For a full listing of credentials that are allowed to teach TK, please visit the [California Commission on Teacher Credentialing - Transitional Kindergarten website](#) [🔗](#).

In addition to being taught by credentialed teachers, *EC Section 48000(g)* [🔗](#), requires credentialed teachers who are first assigned to a TK classroom after July 1, 2015 to have one of the following by August 1, 2025:

- At least 24 units in early childhood education, or childhood development, or both
- Professional experience in a classroom setting with preschool age children comparable to the 24 units of education described in the first bullet (comparability determined by the local employing agency)
- Child Development Teacher Permit issued by the California Commission on Teacher Credentialing (CTC). Permit options: Child Development Teacher Permit, Child Development Master Teacher Permit, Child Development Site Supervisor Permit, or the Child Development Program Director Permit

Any teacher who is or was assigned to teach TK, or a combination of kindergarten and TK, on or before July 1, 2015, is "grandfathered in" to teach TK without having to meet the additional unit requirement for TK teachers set forth in *EC Section 48000(g)* [🔗](#).

- Preschool or other child development programs, offered by (LEAs) must meet separate requirements. Among those are child development permit, and are not required to be taught by persons meeting teacher credential requirements. For more information on the child development permit, visit the CTC at [FAQ - Child Development Permits \(Early Childhood/Preschool\) \(ca.gov\)](#) [🔗](#) website
- LEAs should ensure that parents understand the difference between various locally implemented preschool programs intended to support kindergarten readiness and the transition to kindergarten from the TK program delineated in statute.

3. What role does the California State Preschool Program (CSPP) have in UPK? (Updated 14-Jun-2022)

- As transitional kindergarten (TK) will be fully funded by 2025–26 to provide access to early education for all children whose fourth birthday occurs by the first of September of the year they are enrolled, California State Preschool Programs (CSPPs) may have increased room in their contracts to expand the enrollment of three-year-old children so more children have access to two years of high-quality early education before kindergarten. Based on 2019–20 data, only 13 percent of three-year-old children

eligible for CSPP were enrolled. Universal PreKindergarten (UPK) presents the opportunity to provide so many more children with early education opportunities.

- ❖ CSPPs may also have opportunities to provide expanded learning and extended care opportunities (before-school, after-school and summer session) to children enrolled in TK and kindergarten to address the needs of families while also providing extended learning opportunities.

4. Do families of 4-year-old children have a choice between California State Preschool Program (CSPP) and transitional kindergarten (TK)? (Posted 30-Mar-2023)

Yes, families do have a choice. Parents of 4-year-old children may choose to enroll their child in any available TK program, CSPP, Head Start, private preschool or any other prekindergarten program for which the family is eligible. TK is not mandatory for children; however, it is the only option that will be universally available and free of cost for all families with children who turn four-years-old by September 1st starting in the 2025–26 school year.

5. What prekindergarten programs may parents choose from? (Updated 19-Oct-2022)

Transitional kindergarten (TK) is a universally accessible and free program for age-eligible four-year-old children (to be available at no-cost to all four-year-old children by the 2025-26 school year) and parents may choose to enroll their children in a TK program or any other prekindergarten program for which the family is eligible including, but not limited to, the California State Preschool Program (CSPP), Head Start, in addition to subsidized programs administered by the California Department of Social Services (CDSS). TK is not mandatory for children. Families who choose to enroll their children in TK remain eligible for subsidized early learning and care programs, including, but not limited to part-day CSPP, and will be able to choose to send their child to those programs, space permitting, as long as the hours of operation do not overlap with the hours of TK. Families may also continue to choose to enroll their children in private preschool or prekindergarten programs or keep their children at home until the age of six, when compulsory education begins.

6. Will there be a mixed delivery so private preschools can continue to be part of educating our young children and giving parents choices?

- Universal prekindergarten (UPK) is a mixed delivery system that also includes the California State Preschool Program (CSPP) which the California Department of Education (CDE) operates, along with other prekindergarten programs serving three- and four-year-old children, including the federal Head Start Program, subsidized programs that operate a preschool learning experience and are operated by community-based organizations (CBOs)--including family childcare--, and private preschool.

7. A district with a very robust preschool program would like to provide their four-year-old children with Universal Transitional Kindergarten (UTK) through their preschool program. Would this be permissible?

- Districts are required to offer transitional kindergarten (TK) to all children that are eligible (based on the year of universal transitional kindergarten [UTK] phase-in

implementation) and wish to enroll. However, families are also allowed to choose other prekindergarten options, such as California State Preschool Program (CSPP) or Head Start, if they are eligible for those programs. If, for example, parents continue to choose the local educational agency's (LEA's) existing preschool programs instead of TK, the district TK enrollment may end up being relatively small.

- As part of LEA's universal prekindergarten (UPK) plan due to their governing board or body by June 30, 2022, the LEA should conduct outreach to parents with children who will be eligible for UTK to determine whether they will want to enroll in UTK or in another preschool option. By better understanding parent needs, the LEA can plan how to meet the requirements around providing TK to all eligible children who are interested and also leveraging the benefits of their existing robust preschool programs.
- Additionally, any children enrolled in TK can also receive extended learning and care through the district's existing CSPP program or Head Start, if eligible, or through other extended learning programs.

8. Can parents choose to enroll their transitional kindergarten (TK) eligible child into the California State Preschool Program (CSPP) instead of transitional kindergarten (TK)? (Updated 14-Jun-2022)

- Transitional kindergarten (TK), like kindergarten enrollment, is not compulsory. Parents will continue to have the choice to remain at their current program provided that they meet eligibility requirements. The 2021–22 California State Budget explicitly retained choice for parents whose children are enrolled in the California State Preschool Program (CSPP).

9. Can a district's Afterschool Program credit attendance in the Afterschool Program for students who start school at the beginning of the year and who turn five years of age after the applicable transitional kindergarten (TK) eligibility cut-off date? (Updated 23-Jan-2025)

Yes, a district's Afterschool Program can credit attendance in the Afterschool Program for students who start school at the beginning of the year and who turn five years of age after the applicable TK eligibility cut-off date (listed below).

- In 2024–25, children are eligible for TK if they turn five years old between September 2 and June 2*,
- In 2025–26, local educational agencies are required to make TK available to all children who will have their fourth birthday by September 1* of the school year.
- ***Inclusive of these dates**

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UPK Workforce

1. What supports are available to the workforce of early learning and care programs whose staff may be moving to teach transitional kindergarten (TK)? (Updated 07-May-2024)

- The California Department of Education (CDE) recognizes that recruitment and retention of high-quality staff can be challenging for early learning and care programs.
- The CDE has implemented the Early Education Teacher Development (EETD) Grant Program as part of the California PreKindergarten (Pre-K) Planning and Implementation Grant Program. The California Pre-K Planning and Implementation Grant Program was established with the goal of expanding access to classroom-based Pre-K programs at local educational agencies (LEAs), **including California State Preschool Programs (CSPP)**, and to support costs associated with planning and implementing universal PreKindergarten (UPK). The EETD Grant Program provides funding on a competitive basis to LEAs to identify, recruit, and retain a robust early education workforce, as well as increase specific competencies for their workforce. EETD is a significant investment of \$100 million to support the teacher pipeline in UPK.
- The EETD Grant funds must be used for any purposes consistent with activities that directly support workforce development and capacity building including, but not limited to, purposes specified in California EC Section 8281.5 (e)(6)(A-H):
 - ◆ Tuition, supplies, and other related educational expenses
 - ◆ Transportation and childcare costs incurred as a result of attending classes
 - ◆ Substitute teacher pay for CSPP, TK, and K professionals that are currently working in a CSPP, TK, or K classroom
 - ◆ Stipends and professional development expenses, as determined by the Superintendent
 - ◆ Career, course, and professional development coaching, counseling, and navigation services
 - ◆ Linked courses, cohorts, or apprenticeship models
 - ◆ Training and professional development for principals and other administrators of TK, K, and grades one through twelve, inclusive, on the value and tenets of effective instruction for young children
 - ◆ Other educational expenses, as determined by the Superintendent
- The state continues to develop the single rate structure utilizing the alternative methodology. Until then, the following additional funding has been invested to support CSPP:
 - ◆ Hold harmless has been extended. From July 1, 2023, to June 30, 2025, if the CSPP is open and operating in accordance with their approved program calendar and remains open and offering services through the program year, reimbursement shall be 100 percent of the contract maximum reimbursable amount or net reimbursable program costs, whichever is less.
 - ◆ Also, beginning January 1, 2024, through June 2025, all CSPP centers and represented family childcare providers shall receive a “Cost of Care Plus Rate” once per month, per child, for children served who are enrolled in subsidized early learning and care. Rates range from an additional \$98 to \$211 per child, per month, depending on the region and provider type.

2. What are the additional requirements beyond a teaching credential for transitional kindergarten (TK) teachers? (Updated 20-Sep-2024)

- California Education Code (EC) Section 48000(g)(4) states the following: credentialed teachers who are first assigned to a transitional kindergarten (TK) classroom after July 1, 2015, must have, by August 1, 2025, one of the following:
 - ❖ at least 24 units in early childhood education or child development, or both;
 - ❖ as determined and documented by the local educational agency employing the teacher, professional experience in a classroom setting with preschool age children meeting the criteria established by the governing board or body of the local educational agency that is comparable to the 24 units of education; or
 - ❖ a Child Development Teacher Permit, or an early childhood education specialist credential, issued from the Commission on Teacher Credentialing (CTC)
 - ▶ Permit options: Child Development Teacher Permit, Child Development Master Teacher Permit, Child Development Site Supervisor Permit, or the Child Development Program Director
 - ❖ This means that a credentialed teacher who was assigned to a transitional kindergarten classroom before July 1, 2015 is exempt from the requirements.

3. In California Education Code (EC) 48000(g), are the terms “assigned” and “taught” interchangeable? (Updated 14-Jun-2022)

The term “assigned” means that a credentialed teacher is directed or hired to teach transitional kindergarten (TK). This TK teacher **may or may not** have taught a TK student prior to July 1, 2015. Therefore, the terms assigned and taught are not necessarily interchangeable.

4. What criteria must be met by a local educational agency to determine the professional experience option for transitional kindergarten teacher requirements under Education Code 48000? (Updated 03-Oct-2023)

Pursuant to Education Code (EC) 48000(g)(4)(B), local educational agencies (LEAs) must determine and document the employing teacher’s professional experience in a classroom setting with preschool age children meeting the criteria established by the governing board or body of the local educational agency that is comparable to the 24 units of education. This professional experience option is determined by each district and not automatically transferable between districts.

5. What is required when LEAs hire a paraprofessional or instructional aide as the second adult in a transitional kindergarten (TK) classroom?

The qualifications for paraprofessionals or instructional aides vary based on the school type. The qualifications are as follows:

- **Non-Title I schools:**
 - ❖ Have a high school diploma or the equivalent, and

- ❖ Pass a local assessment of knowledge and skills in assisting in instruction (This is a locally approved assessment. Local educational agencies may develop their own assessment or use an existing assessment so long as it measures the knowledge and skills in assisting in instruction. Many districts use the California Basic Educational Skills Test [CBEST] for this purpose.) (California *Education Code*[EC] Section 45330, 20 United States Code [U.S.C.], Section 1112[c][6]). Local educational agencies may also have specific requirements for employment.

■ **Title I Schools:**

- ❖ High school diploma or the equivalent, and
- ❖ Two years of college (48 units), or
- ❖ A. A. degree (or higher), or
- ❖ Pass a local assessment of knowledge and skills in assisting in instruction. (This is a locally approved assessment. Local educational agencies may develop their own assessment or use an existing assessment so long as it measures the knowledge and skills in assisting in instruction. Many districts use the CBEST for this purpose). Local educational agencies may also have specific requirements for employment.

6. Do transitional kindergarten (TK) teachers need to have a teaching credential? (Updated 20-Sep-2024)

Yes, in California, TK teachers need to have a teaching credential, just like kindergarten teachers. Credentials that authorize instruction in TK programs are provided below:

Kindergarten-Primary (grades kindergarten (K) through grade 3)

Elementary (grades K through 8)

Early Childhood (preschool through 3)

Elementary (grades K through 8)

Multiple Subject (preschool, K through 12 and adults)

Multiple Subject University Intern (preschool, grades K through 12 and adults)

Multiple Subject District Intern (grades K through 8)

Specialist Instruction Credential in Early Childhood Education

PreKindergarten through Third Grade (P-3) Early Childhood Education (ECE) Specialist

Instruction Credential (preschool, grades TK through grade 3)

A Multiple Subject General Education Limited Assignment Permit (GELAP), Multiple Subject Short-Term Staff Permit (STSP) or Multiple Subject Provisional Internship Permit (PIP) authorizes the same service as a Multiple Subject Teaching Credential.

7. Can a transitional kindergarten (TK) or kindergarten (K) teacher be assigned to teach multiple sessions in one day, such as an AM/PM model? (Posted 10-Jan-2023)

- Pursuant to *Education Code (EC)* Section 46118, a TK or K class teacher can only be assigned one session of TK or K daily as a principal teacher. Additionally, each session must maintain a minimum of 180 minutes per schoolday, the teacher must be a full-time certificated employee, and this teacher shall be available for assistance or assignment

in the instructional program of the primary grades when not involved in the TK or K program.

8. What specific courses must teachers take in order to meet the additional statutory requirements, specifically, the 24-unit requirement set forth in EC 48000(g)(4)(A)? (Updated 20-Sep-2024)

- It is the intent of the Legislature to ensure transitional kindergarten (TK) teachers have the knowledge in early education and child development to effectively teach 4-year-old children. Any teacher who is assigned to teach TK on or after July 1, 2015, will have until August 1, 2025, to meet one of the requirements stated in California *Education Code (EC)* Section 48000(g)(4) [🔗](#). For purposes of meeting the 24-units in early education or child development, or both, set forth in *EC* Section 48000(g)(4)(A) [🔗](#), “units” means semester units, or their quarterly equivalent, as used for the purposes of a degree program at the University of California, California State University, California Community Colleges, or independent institutions of higher education, as defined in *EC* Section 66010 [🔗](#). “Continuing education” units are only applicable if they are issued by an accredited institution of higher education as semester- or quarter-equivalent units. Early childhood education and childhood development units may include but are not limited to the prefixes ECE or CD or CHDV. LEAs must monitor and document the completion of units.
- Local educational agencies and the Child Development Training Consortium (CDTC) can be resources regarding what classes are available in your community and online. (See contact information at the bottom of this web page.)

9. How should local educational agencies (LEAs) document credentialing/permitting for teachers assigned to teach transitional kindergarten (TK)? (Updated 26-Sep-2022)

LEAs are responsible for ensuring that TK teachers meet statutory requirements. The LEA of the credentialed teacher must follow the local process for personnel record keeping and ensure the new TK teacher requirements are being met. For more information about credentials/permits, please contact the [California Commission on Teacher Credentialing \(CTC\)](#) [🔗](#).

10. Can transitional kindergarten (TK) teachers “loop” (remain) with their students into kindergarten? (Updated 14-Jun-2022)

The decision to have teachers move through the grades with their students from TK to kindergarten (and beyond) is a local decision.


11. What are the credential requirements for transitional kindergarten (TK) teachers providing independent study instruction? (Updated 21-Jul-2022)

- Independent study must be provided under the general supervision of an employee of the local educational agency (LEA) who possesses a valid certification document pursuant to *Education Code (EC)* sections 44865, 44300, or 47605(l).
- For traditional independent study, *EC* Section 51747.5(a) states: The independent study by each pupil shall be coordinated, evaluated, and, notwithstanding subdivision

(a) of *EC* Section 46300, shall be under the general supervision of an employee of the LEA who possesses a valid certification document pursuant to *EC* Section 44865 or an emergency credential pursuant to *EC* Section 44300, registered as required by law.

- Course-based independent study (CBIS) courses are taught under the general supervision of certificated employees who hold the appropriate subject matter credential pursuant to *EC* sections 44300, 44865 or 47605(l). CBIS teachers shall be employed by the LEA at which the pupil is enrolled, or by a LEA that has a Memorandum of Understanding to provide the instruction. *EC* Section 51749.5(a)(3)
- As a condition of apportionment, existing law requires a credentialed teacher who is first assigned to a TK classroom after July 1, 2015, to have one of the following by August 1, 2025:
 - ◆ At least 24 units in early childhood education, childhood development, **or both**;
 - ◆ As determined by the LEA employing the teacher, professional experience in a classroom setting with preschool age children that is comparable to the 24 units of education described above; **or**
 - ◆ A child development teacher permit issued by the Commission on Teacher Credentialing.
 - ▶ **Permit options:** Child Development Teacher Permit, Child Development Master Teacher Permit, Child Development Site Supervisor Permit, or the Child Development Program Director Permit
- Please visit the Independent Study FAQ page for more information: [Independent Study Frequently Asked Questions - Independent Study](#)

12. Can a teacher with a single subject credential teach transitional kindergarten (TK)? (Updated 14-Jun-2022)

- Yes, *Education Code (EC)* 44263 does allow a single subject credential holder to be assigned to TK by this section or a multiple subject class if he or she holds at least 60 semester hours equally distributed among the 10 areas of a diversified major set forth in Section 44314. A three-semester-unit variance in any of the required 10 areas may be allowed.
- However, that means that the single subject teacher would need to have 60 semester hours in the 10 areas listed in 44314 to be authorized for the assignment and then the 24 ECE and CD units to be eligible for apportionment.
- All other requirements per *EC* 48000(g)(4) for a transitional kindergarten teacher will need to be met.
- Please visit the CTC website for additional information regarding [credentials](#) .
- Please note the May Revision to the Governor's January budget for the 2022–23 fiscal year includes additional proposals regarding who else may teach in a TK classroom. The CDE will update this information after the 2022–23 budget is enacted.

13. Do substitute teachers need to meet the new transitional kindergarten teacher (TK) requirements? (Updated 14-Jun-2022)

No, a TK substitute teacher must meet the same requirements as a kindergarten substitute

teacher.

14. What are the requirements for an Emergency Permit to teach transitional kindergarten (TK)? (Posted 30-Mar-2023).

Pursuant to *Education Code (EC)* 44300(j), the Commission on Teacher Credentialing (CTC) may issue an Emergency Specialist Teaching Permit in Early Childhood Education that authorizes teaching all subjects in a self-contained transitional kindergarten (TK) general education classroom. This permit, also known as the Emergency Transitional Kindergarten (ETK) Permit, is available at the request of a local employing agency.

A “local employing agency” is defined as a California public school district, county office of education, nonpublic, nonsectarian school and agency as defined in *EC* sections 56365 and 56366, charter school, or statewide agency.

Educators cannot apply for the permit on their own. Instead, they must have an employing agency apply on their behalf.

With this Emergency TK Permit, applicants that meet the following additional requirements may serve as a lead teacher in a TK general education classroom.

- Possess a baccalaureate or higher degree from a regionally accredited institution of higher education and hold a valid commission-issued child development permit at the teacher or higher level.
- Satisfy the subject matter requirement by one of the following options (note the third option is only available starting on July 1, 2023):
 - ❖ Complete 24 semester units of coursework in child development or early childhood education at a regionally accredited institution of higher education.
 - ❖ Hold a baccalaureate or higher degree conferred by a regionally accredited institution of higher education where the major is in child development, early childhood education, or a similar major (please note: a similar major must have a significant emphasis in early childhood or child development (birth-age 5).
 - ❖ Commencing July 1, 2023, has three or more years of full-time lead- or primary-teaching experience in a TK setting, preschool-age early childhood, child development program, or a combination thereof. Experience may include teaching experience in a public or private preschool or TK setting, Head Start program, or state-funded preschool program.

For more information regarding the ETK Permit, please visit [Emergency Specialist Teaching Permit in Early Childhood Education \(CL-909\)](#) or contact the [CTC](#).

15. As of 2022-23, LEAs must maintain an average of at least one adult for every 12 pupils for transitional kindergarten (TK) classrooms at each school site. If a second adult is necessary to meet ratio requirements, would they need to meet any particular qualifications? (Posted 19-Oct-2022)

California *Education Code (EC)* Section 48000(g)(2) states that commencing with the 2022–23 school year, districts must maintain an average of at least one adult for every 12 pupils for TK classrooms. Each classroom must include a first adult who meets the requirements of *EC* Section 48000(g)(4). Currently, statute does not specify qualifications or credentials of the second adult; however, the second adult must be at least 18 years of age, fingerprinted, and an employee of the school district. To ensure high-quality learning environments for all TK students, districts should consider employing adults from the following options to staff TK classrooms:

1. Credentialed Teachers
2. Assistant Teachers/Paraprofessionals
3. Registered apprenticeships participants
4. Any Classified School Employee Teacher Credentialing grant participant serving in any other role in the district who prefers to transfer to serving in a TK classroom
5. Any teacher preparation candidate from any pathway seeking clinical practice experience
6. ROP/HERO/Future Teachers/Dual Enrollment participants seeking practicum experience
7. Holder of any level of the child development permit or a candidate seeking practicum experience for a Child Development Permit

16. If a student's IEP requires the student to receive specialized academic instruction (SAI), is the teacher who provides the SAI required to meet the additional requirements described in EC 48000(g)(4)? (Updated 03-Oct-2023)


The teacher who provides a student with SAI pursuant to a student's IEP does not need to meet the requirements of EC 48000(g)(4) as the teacher providing the SAI is not the teacher of record. Please see the [Commission on Teacher Credentialing](#) website for more details.



17. What are the requirements to teach a self-contained special education transitional kindergarten class? (New 07-May-2024)


Any credential that allows the holder to teach kindergarten in a self-contained special education classroom is authorized to teach transitional kindergarten (TK) in a self-contained special education classroom provided that all students have a primary disability category and age range that aligns with the holder's credential authorization. The Commission on Teacher Credentialing website provides the Special Education Authorization Chart which outlines grade level authorizations and authorized disability categories. It is found at the [Commission of Teacher Credentialing](#) (PDF) web page.

18. Does a teacher holding the new PreKindergarten-3rd Grade Early Childhood Education Specialist Instruction Credential allow that teacher to also meet the additional requirements of Education Code Section 48000(g)(4)? (New 20-Sep-2024)

Yes, the PreKindergarten-3rd Grade Early Childhood Education Specialist Instruction Credential (PK-3 ECE Credential) will authorize holders to teach all subjects in a self-contained general education classroom setting in preschool through grade three.

The PK-3 ECE Credential meets the additional requirements of *Education Code (EC) Section 48000(g)(4)*  in two ways:

1. It meets *EC Section 48000(g)(4)(A)*  which states that a teacher must have 24 units of early childhood education or child development units, or both. The PK-3 ECE Credential has 24 units of early childhood education or child development units within its subject matter competency.
2. It also meets *EC Section 48000(g)(4)(C)*  which states that a teacher must have either a child development teacher permit, or an early childhood education specialist credential, issued by the Commission on Teacher Credentialing (CTC). The PK-3 ECE credential is an early childhood education specialist credential.


For more information about the PK-3 ECE Credential, please visit the CTC web page at [PK-3 ECE Specialist Instruction Credential](#) .


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TK Admission and Enrollment

1. Who is age-eligible for transitional kindergarten (TK)? (Updated 23-Jan-2025)

- In 2024–25, children are eligible for TK if they turn five between September 2 and June 2*,
- In 2025–26, local educational agencies are required to make TK available to all children who will have their fourth birthday by September 1* of the school year.
- ***Inclusive of these dates**

For school year 2024–25, any child whose fourth birthday falls on or between June 3 and September 1 during the summer preceding that school year may be admitted as an **early enrollment TK** student at the discretion of the school district or charter school. Note that such students will not generate average daily attendance for the school district or charter school. In the 2023-24 budget, the Legislature passed *Education Code (EC) Section 48000.15* , requiring that any school that includes a TK classroom with an “early enrollment child” must meet the following statutory requirements:

- Maintain a 1:10 adult-to-student ratio
- Maintain a classroom enrollment of no more than 20 students
- Prioritize assigning credential teachers that meet at least one of the requirements in *EC Section 48000(g)(4)(A-C)* , to the extent possible
- Offer concurrent enrollment to these students in a California State Preschool Program that is run by the school district if they operate one.

Please refer to the FAQs on Early Enrollment Children on the [CDE Transitional Kindergarten FAQs](#) web page for more information.

2. Must children attend transitional kindergarten (TK)? (Updated 26-Sep-2022)

No. Children are not required to attend TK.

3. Is transitional kindergarten (TK) considered a separate grade level? (Updated 23-Jan-2025)

With the expansion to include all children who are four years old by September 1 by the 2025-26 school year, children in TK are enrolled in a prekindergarten program, which is the first year of a two-year kindergarten program, as described in *Education Code (EC) Section 48000* [🔗](#). Pursuant to (EC) *Section 48000(f)* [🔗](#), TK programs are intended to be aligned to the California Preschool/Transitional Kindergarten Learning Foundations developed by the CDE, and not the kindergarten standards.

While TK is the first year of a two-year kindergarten program and thus is not considered a separate grade level, *EC Section 60900(d)(4)(A)* [🔗](#) requires that California Longitudinal Pupil Achievement Data System collect TK data as a separate grade level than kindergarten data to facilitate the reporting of TK student data.

4. Can students who are age-eligible for kindergarten attend transitional kindergarten (TK)? (Updated 23-Jan-2025)

Although this is a local decision, the CDE recommends that school districts and charter schools establish criteria to determine selection requirements for kindergarten-eligible children who enroll in TK. Children enrolled at a school district or charter school who are age-eligible to attend kindergarten, but choose to enroll in TK will need a signed Kindergarten Continuance Form verifying that the parent/guardian agrees to have his or her child continue in kindergarten for one additional year. A sample form, in English and other languages, is available.

[Kindergarten Continuance Form \(English\) \(PDF\)](#)

[Available Translations of the Kindergarten Continuance Form](#)

The Kindergarten Continuance Form is used by school districts and charter schools to verify that parents agree to have their child continue in kindergarten for one additional year.

5. Should students who are four-years-old receive their pre-kindergarten booster vaccines?


Yes. Under California's kindergarten immunization requirements, [🔗](#) even four-year-old children need their pre-kindergarten immunizations prior to the first day of transitional kindergarten (TK) where they could potentially be exposed to vaccine preventable diseases. The federal Advisory Committee on Immunization Practices, American Academy of Pediatrics, and American Academy Family Physicians recommend pre-kindergarten immunizations [🔗](#) starting as young as four years of age.


6. What are the immunization requirements for a student enrolled in transitional kindergarten (TK)? (Updated 26-Sep-2022)

Under California's kindergarten immunization requirements, children need immunizations prior to the first day of transitional kindergarten (TK), which is considered the first-year of a two-year kindergarten program.

Please visit the California Department of Public Health web page to view [required immunizations for TK students](#). 

7. Are waiting lists allowed for transitional kindergarten (TK) classes? (Updated 23-Jan-2025)

No, all school districts are required to provide TK to age-eligible children, according to the mandated implementation schedule as found in *Education Code (EC) Section 48000(c)(1)*. 

- Although demographics and class size restrictions may prevent parents or guardians from enrolling their children in their neighborhood or other specific school within a school district, no age-eligible child may be denied access to TK by being placed on a waiting list, similar to any grade level. While local education officials may need a day or two to identify an available TK classroom, the district must provide the name(s) of available schools with a TK classroom. Parents or guardians may discuss school choice options with district officials.
- **Note:** Children are not required to attend kindergarten or TK, however in California, children are subject to compulsory full-time education beginning at age six (*EC Section 48200*).  Lastly, every county office of education, district, and charter school governing board is required to have established local complaint policies that describe the procedures that must be followed to resolve complaints. Copies of complaint policies and procedures are available at the local educational agency site. Complaints about TK against a district, school, principal, teacher, or school personnel are not within the jurisdiction of the CDE. Each local district governing board has the ultimate authority over general education processes.

8. After a child completes a year of TK and is 5 years old, can the parent choose to have their child skip kindergarten and enter first grade? (Updated 03-Oct-2023)

- There is no requirement that a student first complete a year of transitional kindergarten or kindergarten before enrolling in first grade. However, California law requires a child to be six years old on or before September 1 to be legally eligible for first grade (Education Code (EC) Section 48010). If a child is not six years old by this date, they may be admitted to the first grade pursuant to EC 48011, if the child has completed one year of kindergarten or, in some cases, has attended some kindergarten. Please note that a year of transitional kindergarten is not equivalent to a year of kindergarten, for purposes of EC Section 48011
- To find more information regarding these requirements and the enrollment process for an age-ineligible student, visit the [Kindergarten in California](#) web page.

9. Are transitional kindergarten (TK) students required to complete the entire two-year program? (Updated 07-May-2024)

There is no requirement that a student first complete a year of TK or kindergarten before enrolling in first grade. However, California law requires a child to be six years old on or before September 1 to be legally eligible for first grade, pursuant to Education Code (EC) Section 48010. If a child is not six years old by this date, they may be admitted to the first grade pursuant to EC Section 48011, if the child has completed one year of kindergarten or, in some cases, has attended some kindergarten. Please note that a year of TK is not equivalent to a year of kindergarten, for purposes of EC Section 48011.

State law requires every school district to have a written pupil promotion and retention policy approved by the district's governing board, consistent with [Education Code \(EC\) Section 48070.5\(b\)](#). [🔗](#)

10. Is a Kindergarten Continuance Form needed to continue a child from transitional kindergarten (TK) to kindergarten? (Updated 27-May-2022)

Children who are enrolled in TK do not need a signed Kindergarten Continuance Form to continue into Kindergarten. However, if a child is age-eligible to attend kindergarten and chooses to enroll in TK, then they will need a signed Kindergarten Continuance Form.

11. Can an age-eligible student who is not toilet trained be enrolled into transitional kindergarten? (Updated 15-Dec-2022)

A school district, county office of education, or charter school must offer transitional kindergarten (TK) and kindergarten classes for all age-eligible children to attend, regardless of their toilet training status. Local educational agencies can decide how to address the needs of a non-toilet-trained age-eligible TK student to ensure they are able to attend TK and kindergarten classes. If the child has an individualized education program (IEP), accommodations should be addressed in the IEP meeting.


12. Can a local educational agency (LEA) disenroll, suspend or expel a child from transitional kindergarten (TK) due to behavior issues? (Updated 23-Jan-2025)

The extent to which an LEA may disenroll, suspend or expel a child from TK does not change because a student is enrolled in TK; an LEA must follow the same laws, policies and procedures it follows for kindergarten students, including for eligible students with disabilities.

In 2013, the Legislature approved [Assembly Bill 420](#) [🔗](#) which amended *Education Code (EC) Section 48900* [🔗](#) prohibiting suspensions on willful defiance or disruption grounds for students in grades kindergarten through three. According to data collected by the CDE, suspensions for willful defiance significantly decreased upon passage of this measure. In 2019, the Legislature extended this prohibition in *EC sections 48900* [🔗](#) and *48901.1* [🔗](#) to students in grades four through eight through [Senate Bill 419](#) [🔗](#). More information on State Guidance for Discipline can be found at the CDE [State Guidance for New Laws on Discipline - Letters](#) web page.

As a reminder, the requirements for suspension and expulsion of a child enrolled in California State Preschool Program differ from TK. For more information, please visit [Management Bulletin 23-08](#).

13. What requirements related to the California State Preschool Program (CSPP) apply to a school district or charter school that wants to allow early enrollment transitional kindergarten (TK) children (children born on or between June 3 and September 1) to enroll in their TK program? (Updated 23-Jan-2025)



For school years 2024–25, any school district or charter school that offers TK to early enrollment children must concurrently offer enrollment in a CSPP that is operated by the school district or charter school, if the school district or charter school operates a CSPP and if that program is not fully subscribed, and may, notwithstanding [Education Code Section 8208](#) , enroll a child eligible for early enrollment TK in their part-day CSPP instead of TK, regardless of income, after all other eligible children have been enrolled.

Please refer to the FAQs on Early Enrollment Children on the CDE [Transitional Kindergarten FAQs](#) web page for more information.

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TK Curriculum and Assessment

1. What is the curriculum for transitional kindergarten (TK)? (Updated 23-Jan-2025)

California *Education Code (EC)* [Section 48000](#)  defines TK as “the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.” While no state curriculum is mandated, pursuant to *EC* [Section 48000\(f\)](#) , TK programs are intended to be aligned to the [California Preschool/Transitional Kindergarten - Learning Foundations \(PTKLF\)](#) developed by the CDE.

- As TK expands to serve younger four-year-old children, it is imperative that programs offer developmentally informed educational opportunities by ensuring their curriculum is aligned to the PTKLF.
- The 2021–22 California State Budget included funding to update the PTKLF incorporates recent research in the field, including best practices to support dual language learners, reduce racial bias, and better support the inclusion of children with disabilities.

2. Are there assessments required in transitional kindergarten (TK)? (Updated 23-Jan-2025)

Beginning in school year 2024–25, all three, four, and five-year-old students with an individualized education program (IEP) or individualized family service plan (IFSP) served by a local educational agency (LEA) must have the Desired Results Developmental Profile (DRDP) completed regardless of the student’s setting.

For more information, visit the CDE [DRDP Administration FAQs](#) web page. If you have any questions regarding this subject, please contact the Special Education Division, Early Childhood Support Unit by email at ECSU@cde.ca.gov.

Currently, TK students without IEPs are not required to use specific assessment tools unless the TK students are enrolled in a combination California State Preschool Program (CSPP) or TK classroom, although best practice would include utilizing assessments to understand and intentionally support children's development of key skills like math, language, literacy, and social-emotional skills (such as the DRDP).

- Pursuant to *Education Code (EC)* Section [48000\(d\)](#), TK must be age and developmentally appropriate. Therefore, it is incumbent upon LEAs to ensure that developmentally informed practices, curricula, and assessments are used in these classrooms. At this time, the CDE does not have any specific recommendations for direct assessments of children's skills; however, the CDE still encourages the use of screening and assessment tools if they are linguistically and culturally appropriate. For more information on assessment selection, visit the CDE Guidance for Universal PreKindergarten Curriculum and Assessment Selection.
- If an LEA has a CSPP and TK combo class, the LEA will be required to use the DRDP assessment to measure the development of children enrolled in CSPP, along with other program requirements as specified in *EC* Section [48000\(h\)](#). Also, CSPP and TK combo classes are required to use the Classroom Assessment Scoring System (CLASS) tools in accordance in [Management Bulletin 23-10](#).
- Standalone TK classrooms are not required to use the CLASS Observation Tool and CLASS Environment. LEAs may choose to utilize classroom observation tools like the CLASS to support responsive interactions and relationships between TK teachers and students and to support developmentally informed instruction. However, as set forth above, LEAs that have CSPP and TK combo classes are required to use CLASS tools.

3. Is the Initial English Language Proficiency Assessments for California (ELPAC) required for transitional kindergarten (TK) students? (Posted 23-Jan-2025)

No, on June 14, 2024, the Governor signed into law [Assembly Bill \(AB\) 2268 \(Chapter 15, Statutes of 2024\)](#). AB 2268 amends California *Education Code* Section [60810\(b\)](#) to exempt TK students from both the Initial ELPAC or the Alternative ELPAC and the summative ELPAC or/Alternate ELPAC.

For more information, please visit CDE [Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing](#).

4. Will transitional kindergarten (TK) classrooms be required to use the Classroom Assessment Scoring System (CLASS)? (Updated 23-Jan-2025)

Standalone TK classrooms are not required to use CLASS Observational Tool and CLASS Environment. Local educational agencies (LEAs) may choose to utilize classroom observation tools like the CLASS to support nurturing relationships between TK teachers and

students and developmentally-informed instruction; however, LEAs that place children enrolled in California State Preschool Programs (CSPPs) into a TK program classroom are required to use the CLASS and CLASS Environment Tool in accordance with [Management Bulletin 23-10](#), which provides that CLASS went into effect on July 1, 2024. For further information, visit the [CDE Classroom Assessment Resources](#) web page.

5. [Are there required instructional minutes for transitional kindergarten \(TK\) in the areas of physical education \(PE\), English language arts \(ELA\) and math? \(Posted 19-Oct-2022\).](#)

While there are total instructional minute requirements applicable to TK, there are no required instructional minutes for TK in the areas of PE, ELA, or math.

6. [Are there required instructional minutes for transitional kindergarten \(TK\) in the areas of English language development \(ELD\)? \(New 20-Sep-2024\).](#)

There is no minimum requirement for minutes of ELD for TK. The time allotted should be appropriate for meeting the needs of the child based on their English proficiency level (English Language Proficiency Assessments for California [ELPAC] score 1-4) that goes for both designated and integrated ELD. If you have further questions regarding ELD in TK, please contact the Multilingual Support Division, whose contact information can be found at [Multilingual Support Division](#).

7. [As part of UPK expansion, how are the California Preschool Learning Foundations being updated? \(Updated 20-Sep-2024\).](#)

The California Preschool Learning Foundations were published in 2008. The revised [Preschool Transitional Kindergarten Learning Foundations \(PTKLF\)](#):

- Describe the development of three- to five-and-a-half-year-old children in center-based, home-based, and transitional kindergarten (TK) settings across nine (9) domains of learning, adding a new domain of Approaches to Learning,
- Reflect recent research with more culturally and linguistically responsive examples,
- Extend to third grade (P-3 learning progressions) in five (5) domains
- Provide a bridge and developmentally informed examples from preschool to the K–3 standards

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TK Program Information

1. [What is transitional kindergarten \(TK\)? \(Updated 23-Jan-2025\).](#)

- The Kindergarten Readiness Act of 2010 created TK, the first year of a two-year kindergarten experience, which initially was available for students born between September and December. The Act also gradually changed the kindergarten entry date from December 2 to September 1, so all children would enter kindergarten at age five by 2014. This historic legislation meant that more than 120,000 children would have

access to an additional year of high-quality early learning and, as a result, be better prepared to succeed in kindergarten and beyond.

- In 2021, legislation was passed that requires any school district operating a kindergarten to also provide a TK program for all children who turn four years old by September 1 by the year 2025–26. TK uses a modified kindergarten curriculum that is age and developmentally appropriate and based on California Preschool/Transitional Kindergarten Learning Foundations and California Preschool Curriculum Frameworks.
- Please refer to the first question in the FAQ of the TK Admission and Enrollment section for TK age eligibility.

2. What does universal transitional kindergarten (UTK) mean? (Updated 07-May-2024)

Education Code section 48000(c) requires any school district operating a kindergarten to also provide a transitional kindergarten (TK) program for all 4-year-old children by 2025–26. UTK or universally available TK means that by 2025–26, regardless of background, race, zip code, immigration status, or income level, every child whose fourth birthday occurs by September 1 will have access to TK at a school district as a quality learning experience the year before kindergarten.

Please refer to FAQ #1 of the TK Admission and Enrollment section for TK age eligibility.

3. Is a school district required to offer transitional kindergarten (TK) and kindergarten programs? (Updated 27-May-2022)

A school district or county office of education operating a kindergarten program must offer TK for age-eligible children to attend. However, not every school site in a school district is required to offer TK. No age-eligible child may be denied access to TK by being placed on a waiting list.

The CDE strongly encourages local educational agencies (LEAs) to offer TK at all elementary school sites, with particular focus on neighborhoods where children are most in need of access to preschool education. Additionally, in high-impact neighborhoods, the CDE strongly encourages LEAs to consider pairing TK programs with access to Head Start and California State Preschool Programs (CSPP) for age- and income-eligible three- and four-year-old children to further bolster program quality, either through the LEA's own Head Start or CSPP program or via a contract partnership with a community-based organization (CBO) that administers a Head Start or CSPP program.

4. How does transitional kindergarten (TK) affect basic aid districts?

Regardless if a district receives state revenues through the Local Control Funding Formula or is a basic aid district, if it offers kindergarten, then the expectation is that it also offers TK as TK is the first year of a two-year kindergarten program. Most districts are embracing TK because early learning is the most effective strategy to close the socioeconomic academic achievement gap and helps build a strong school community by connecting families to their local schools starting with 4-year-olds.

In addition, any basic aid school districts that received funding for UPK Planning & Implementation must use the money to develop a plan articulating how all children will have access to full-day learning programs the year before kindergarten that meet the needs of parents, including through partnerships with the LEA's expanded learning offerings, the After-School Education and Safety Program, CSPPs, Head Start programs, and other community-based early learning and care programs.

5. Can transitional kindergarten (TK) and kindergarten students be enrolled in the same classroom? (Updated 23-Jan-2025).

Although the intent of the law is to provide separate and unique experiences for TK and kindergarten students, local educational agencies (LEAs) have flexibility to determine how best to meet the curricular needs of each child. Pursuant to *Education Code (EC) Section 48000(f)* [🔗](#), TK programs are intended to be aligned to the California Preschool/Transitional Kindergarten Learning Foundations developed by the CDE.

6. What type of facility should be used for transitional kindergarten (TK)? (Updated 26-Sep-2022).

- Facility requirements for TK are the same as the requirements for kindergarten.
 - ◆ Unless exempted pursuant to Title 5 Regulation Section 14030(r), 5 CCR Section 14030(h) requires that **newly-constructed** kindergarten classrooms meet Title 5, California Code of Regulations
- The state has established TK/K as a two year/single grade program. To that end, the classroom sizes should be comparable to each other, which allows greater flexibility as enrollment changes.
- Facilities funding specific to the TK implementation is available. LEAs can find information about applying for the California State Preschool, transitional, kindergarten and Full-Day Kindergarten Facilities Grant Program Funding by contacting the Department of General Services, Office of Public School Construction [🔗](#)
 - ◆ Under this Program the same regulations cited above would apply.

7. Are the Williams requirements the same for transitional kindergarten (TK) and kindergarten? (Updated 27-May-2022).

Yes, the Williams requirements are the same for both TK and kindergarten. For more information please visit: Williams Case

8. How are the needs of English learners addressed in transitional kindergarten (TK)? (Updated 20-Sep-2024)

Just as for English learners in kindergarten, local education agencies (LEAs) have a legal obligation to English learners in TK: first, to provide a program designed to overcome language barriers, and second to provide meaningful access to the core curriculum (*Castañeda v. Pickard* 648 F. 2d 989, [5th Cir. 1981]).

9. Are parents of English learners required to fill out waivers to enroll their child in a language acquisition program? (Updated 20-Sep-2024).

No. The requirement that English learners waive placement in an English classroom was repealed. (EC 310, 311.)

For more information, visit the [CA Education for a Global Economy Initiative](#).

10. Is transportation required for transitional kindergarten (TK) students? (Posted 19-Oct-2022)

No. Currently, providing transportation is up to each local educational agency (LEA) per California *Education Code* Section 39800, and is only required for special education students, if identified as a related service in their Individualized Educational Program (IEP). For more information on transportation, please visit [Transportation](#).

11. What are the fees for transportation to and from school for our part-day transitional kindergarten (TK) programs? (Posted 19-Oct-2022)

Providing transportation is a local decision and local educational agencies (LEAs) are legally permitted to charge fees for transportation they provide. However, LEAs are limited, pursuant to California *Education Code* Section 39807.5, in what they can charge.

12. Do charters have to offer transitional kindergarten (TK)? (Posted 21-Jul-2022)

No. Charter schools are not required to offer TK. The California Department of Education's position was previously expressed differently.

13. Can a charter school offer transitional kindergarten (TK) as part of an independent study program? (Posted 27-May-2022)

Yes. However, the independent study program that the local educational agency (LEA) is providing would have to meet the requirements of independent study in order to be eligible for funding (Article 5.5 of Chapter 5 of Part 28 of the *Education Code (EC)*, commencing with *EC* Section 51745).

14. Can transitional kindergarten (TK) be offered as a combination (hybrid) in-person or independent study option? (Updated 21-Jul-2022)

Yes. While students may participate in a TK program in which the student attends part of the day or week in-person and part of the day or week in independent study, the attendance accounting and instructional time requirements for both methods of instruction would have to be met in order to generate attendance for apportionment.

Note that the attendance accounting and instructional time requirements are extremely nuanced and failure to meet the requirements carry severe fiscal penalties. For more information regarding the attendance accounting and instructional time requirements for TK, please contact the Attendance Accounting Office at ATTENDANCEACCOUNTING@CDE.CA.GOV.

15. What rights does a parent of an eligible child with a disability who is in transitional kindergarten (TK) have when they disagree with the local educational agency (LEA) regarding the identification, assessment, educational placement, or the provision of a free appropriate public education (FAPE) to the child? (Updated 03-Oct-2023)

A parent of an eligible child with a disability who is in TK holds the same rights as a parent of an eligible child with a disability who is in kindergarten. That is, under special education laws, parents of an eligible child with a disability who is in TK or kindergarten have the same educational rights called procedural safeguards. For a link to the Notice of Procedural Safeguards, please visit the following CDE web page [Quality Assurance Process](#) and [California Parent Organizations](#).

Inquiries regarding special education may be sent to SEDinfo@cde.ca.gov.

16. Are local educational agencies (LEAs), including charter schools, responsible for providing special education and related services to 4-year-old children with disabilities? (Updated 03-Oct-2023)

Under the Individuals with Disabilities Education Act (IDEA) and its implementing regulations, the California Education Code and the California Code of Regulations, an LEA is required to provide an eligible child with a disability a free appropriate public education (FAPE). A FAPE means special education and related services that are available to an eligible child with a disability at no charge to the parent or guardian that meet the state educational standards and provides what is set out in the child's individualized education program (IEP). The IEP includes the child's educational placement, which is an individualized determination made by the child's IEP team. For a 4-year-old eligible child with a disability, such a placement might include, but is not limited to, CSPP (LEA or community-based organization), Head Start (LEA or community-based organization), or TK.

According to California Education Code (EC) Section 56026.3 "Local educational agency" means a school district, a county office of education, a nonprofit charter school participating as a member of a special education local plan area, or a special education local plan area.

EC Section 56145 states: "Individuals with exceptional needs attending charter schools pursuant to Part 26.8 (commencing with Section 47600) shall be served in the same manner as individuals with exceptional needs served in other public schools." Special education inquiries can be sent to SEDinfo@cde.ca.gov.

17. How is the California Department of Education (CDE) supporting inclusive practices, particularly supports for challenging behaviors in Universal PreKindergarten (UPK)? (Posted 23-Jan-2025)

- The revision of the California Preschool/Transitional Kindergarten Learning Foundations, as well as the CDE's Preschool through Third Grade (P-3) Alignment Initiative, seeks to address the potential for inequities, address bias, and promote equitable opportunity for all children.
- California has made significant strides by adopting legislation which sets forth specific steps that must be taken when a child exhibits serious challenging behaviors before a

California State Preschool Program (CSPP) can expel or disenroll a child. For more information, please visit [Management Bulletin 23-08](#).

- The Impact Inclusion Workgroup has created a CDE [Inclusive Early Education Resources](#) web page that includes many different topics related to inclusion such as screenings, universal design for learning (UDL), pyramid model and teaching pyramid, individualized education plan (IEP) information.
- The Inclusive Early Education Expansion Program (IEEEP) provides funding to increase access to inclusive early learning and care programs for children with disabilities, including children with severe disabilities.
- To support local educational agency (LEA) leaders in implementing UPK, particularly with regard to early education concepts, agencies, and structures, the CDE has developed Guidance for the California Prekindergarten Planning and Implementation Grant Program. This guidance is meant to support LEAs in the development of their UPK Plan. The guidance document can be found at the following link:
 - ❖ [Universal PreKindergarten Planning and Implementation Guidance Volume 1 \(DOCX\)](#)
 - ❖ [Universal PreKindergarten Planning and Implementation Guidance Volume 2 \(DOCX\)](#)
- The Management Bulletin 23–08 provides guidance on preventing suspension and expulsion in the California State Preschool Program (CSPP). For more information, please visit [Management Bulletin 23-08](#).

18. Can the same federal funding source (Title 1, Title III, Economic Impact Aid [EIA], etc.) used for kindergarten be used for transitional kindergarten (TK) students who start school at the beginning of the school year and who turn five years of age after the applicable TK eligibility cut-off date (listed below)? (Updated 23-Jan-2025)

Yes. The same funding source and compliance requirements associated with kindergarten apply to TK, including TK students for whom the school cannot collect average daily attendance, as long as the activity is properly identified as a need, and referenced and evaluated in the Single Plan for Student Achievement (SPSA) and/or local educational agency (LEA) plan.

- In 2024–25, children are eligible for TK if they turn five years old between September 2 and June 2*,
- In 2025–26, LEAs are required to make TK available to all children who will have their fourth birthday by September 1* of the school year.
- ***Inclusive of these dates**


19. Do federal guidelines allow for free and reduced-price meals to be claimed for reimbursement for transitional kindergarten (TK) students with fifth birthdays after the applicable TK eligibility cut-off date (listed below)? (Updated 23-Jan-2025)

Since students who attend school from the beginning of the school year are deemed to be enrolled students regardless of their age and whether average daily attendance (ADA) can be claimed for these students, districts may claim meals served to these students. The

National School Lunch Program does not take into consideration age or ADA rules when serving students.

- In 2024–25, children are eligible for TK if they turn five years old between September 2 and June 2*,
- In 2025–26, LEAs are required to make TK available to all children who will have their fourth birthday by September 1* of the school year.
- ***Inclusive of these dates**

20. Can local education agencies (LEAs) charge parents a fee for those students whose fifth birthday falls after the applicable transitional kindergarten (TK) eligibility cut-off date (listed below) but attend TK prior to turning five? (Updated 23-Jan-2025).

According to 5 *California Code of Regulations Section 350* , a pupil enrolled in a school, defined as a California public school, shall not be required to pay any fee, deposit, or other charge not specifically authorized by law. This regulation stems from Title IX of the California Constitution, which guarantees a system of free public schools.


- In 2024–25, children are eligible for TK if they turn 5 years old between September 2 and June 2*,
- In 2025–26, LEAs are required to make TK available to all children who will have their fourth birthday by September 1* of the school year.
- ***Inclusive of these dates**






21. Are transitional kindergarten (TK) programs included in a review when the California Department of Education (CDE) performs a Federal Program Monitoring (FPM) review of a local educational agency (LEA)? (Updated 14-Jun-2022).



Transitional kindergarten (TK) will be monitored in the same way that kindergarten through twelfth grade (K-12) is monitored. If the LEA operating a TK program was identified for a FPM review, the CDE, as part of that review, would determine whether the LEA follows state TK program requirements.

22. Can a local educational agency (LEA) offer transitional kindergarten (TK) at a satellite facility? (Posted 23-Jan-2025).

The rules pertaining to facilities with respect to TK are the same as they are for kindergarten through 12th grade (K–12). LEAs may operate a TK program at a satellite facility, however, all laws and regulations that apply to the program housed at an LEA's school site must also be met for the satellite facility. Below is a list of applicable requirements to an LEA's TK program housed at a satellite facility:



- The teacher and second adult are employees of the school district
- All required conditions of apportionment as described in *Education Code (EC) Section 48000*  (such as, class size max, ratio, teacher requirements, and so on)
- Instructional time or average daily attendance requirements (such as, minimum day, supervision, and so on)

- The satellite facility is located in a school building approved by the Division of the State Architect as meeting all Field Act requirements as defined by [EC Section 17283](#) 
- The location of the facility meets the school site selection requirements outlined in [California Code of Regulations \(CCR\), Title 5, Section 14010](#) 
- The facility is maintained in good repair as defined by [EC Section 17002](#) , subject to a yearly facility inspection pursuant to [EC Section 1240](#) , and the information is included on the LEA's School Accountability Report Card
- The TK facility classroom must meet all other Title 5 regulations applicable to LEA sites, including but not limited to, [CCR, Title 5, Section 14030\(h\)\(2\)](#)  (kindergarten requirements).

The learning environment in the satellite facility should be comparable to other learning environments in the district. If LEAs have questions about facilities, please contact your School Facilities and Transportation Services Division field consultant at [School Facilities Staff - School Facility Design \(CA Dept of Education\)](#). Title 5 Regulations can be found at [Title 5, California Code of Regulations - School Facility Design \(CA Dept of Education\)](#). More information about the Field Act can be found in [Education Code sections 17280 - 17316](#)  (Field Act; K–12) and at the [Department of General Services, Division of the State Architect website](#)  (see tab: Impact of the Field Act).

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Related Resources

- [Elementary Education Main page](#)
Resources for those interested in the academic achievement of K-6 public school students; includes transition-to-school guidance.
- [Kindergarten Frequently Asked Questions](#)
Frequently asked questions regarding California state law relating to kindergarten.
- [Kindergarten in California](#)
California state law and information regarding admission to kindergarten.
- [Child Development Training Consortium](#) 
Promotes high quality early education to California's children and families by providing financial and technical assistance to child development students and professionals.
- [Commission on Teacher Credentialing \(CTC\)](#) 
For further information regarding appropriate assignment and authorization, please contact the CTC at the following email: assignments@ctc.ca.gov or at the CTC's Assignment Unit: 916-322-5038.

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Questions: Universal PreKindergarten Support | UPK@cde.ca.gov

Last Reviewed: Thursday, March 06, 2025

Date of Hearing: June 30, 2010

ASSEMBLY COMMITTEE ON EDUCATION

Julia Brownley, Chair

SB 1381 (Simitian) – As Amended: June 1, 2010

SENATE VOTE: 28-4

SUBJECT: Kindergarten: age of admission

SUMMARY: Moves up the dates by which a child must turn five to enroll in kindergarten and six to enroll in first grade. Specifically, this bill:

- 1) Specifies that in computing the fiscal year average daily attendance (ADA), a school district shall not include the year-to-year loss of ADA in kindergarten for the 2012-13, 2013-14, or 2014-15 fiscal year.
- 2) Specifies the following dates by which a child must turn five to enroll in kindergarten:
 - a) December 2 for the 2011-12 school year;
 - b) November 1 for the 2012-13 school year;
 - c) October 1 for the 2013-14 school year; and,
 - d) September 1 for the 2014-15 school year and each school year thereafter.
- 3) Specifies that a child who will have his or her fifth birthday on or before one of the dates specified by this bill may be admitted to the prekindergarten summer program maintained by the school district for pupils who will be enrolling in kindergarten in September.
- 4) Makes corresponding changes to the dates by which a child must turn 6 to enroll in first grade:
 - a) December 2 for the 2011-12 school year;
 - b) November 1 for the 2012-13 school year;
 - c) October 1 for the 2013-14 school year; and,
 - d) September 1 for the 2014-15 school year and each school year thereafter.
- 5) Specifies that for good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.
- 6) Expresses the intent of the Legislature to appropriate in the annual Budget Act one-half of the savings resulting from changes enacted by this bill for purposes of expanding the state preschool program. Expresses the intent of the Legislature that children who are four and

five years of age and ineligible for kindergarten be allowed to participate in the state preschool program.

EXISTING LAW:

- 1) Requires that a child be admitted to a kindergarten at the beginning of a school year, or at any time later in the same year, if the child will have his or her 5th birthday on or before December 2 of that school year. Provides that a child who will have his or her fifth birthday on or before December 2 may be admitted to the prekindergarten summer program maintained by the school district for pupils who will be enrolling in kindergarten in September. (Education Code (EC) 48000)
- 2) Requires that a child be admitted to the first grade of an elementary school during the first month of a school year if the child will have his or her sixth birthday on or before December 2 of that school year. Provides that for good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term. (EC 48010)
- 3) Provides that a child who has been admitted to the kindergarten maintained by a private or a public school in California or any other state, and who has completed one school year therein, shall be admitted to the first grade of an elementary school unless the parent or the guardian of the child and the school district agree that the child may continue in kindergarten for not more than an additional year. (EC 48011)
- 4) Subjects children between the ages of six and 18 years to compulsory full-time education unless exempted pursuant to prescribed provisions of law. (EC 48200)
- 5) Establishes the Kindergarten Readiness Pilot Program, which permits school districts, until January 1, 2014, to participate in a program to provide opportunities to increase a child's readiness for school. (EC 48005.10 – 48005.55)

FISCAL EFFECT: According to the Senate Appropriations Committee, savings in the hundreds of millions.

COMMENTS: Background. This bill moves up the date by which a child must turn five for kindergarten entry one month per year beginning with the 2011-12 school year for three years. By the 2014-15 school year, a child must be five years old by September 1st in order to start kindergarten. California is one of four states (Connecticut, Michigan and Vermont) to have cut-off dates between December 1 and January 1. Thirty five states have cut-off dates between August 31 and October 16; four states have cut-off dates on or before August 15; six states leave the entrance-age decision up to local school districts; and one state allows districts to choose September 30 or August 1. It is estimated that 115,000 or 25% of a kindergarten class would be affected by this proposal (there were 461,043 kindergarteners in 2008-09). The California Department of Education (CDE) projects displacement of 3,500 teachers associated with this shift.

Due to increased emphasis on test scores, kindergarten classes now place heavier emphasis on academics. Success in kindergarten is not only affected by what a child knows or not knows academically, physical, social and emotional factors also matter. Delaying the entry of four-

year-old children will give them time to prepare and mature (e.g., able to follow directions, take care of themselves).

Numerous studies have been conducted relative to school readiness and the age of entry into kindergarten. Some studies report a benefit to delayed entry while others show there are little or no long-term benefits. The following are a few highlights:

A May 2008 Public Policy Institute of California (PPIC) review of 14 existing studies found that students who enter kindergarten at an older age do better on math and reading test scores, with the impact lasting into the eighth grade. Studies also suggest that older students are less likely to be retained a grade or to be diagnosed with a learning disability, while having higher likelihood of attending college and earning higher wages. The report notes, however, that the actual birthdate for entry would affect individual pupils in different ways. Those kids who are delayed for a year will be the older kids in their class, but those with the mid-year birthdays will now be the youngest. While unlikely to occur, this can potentially affect graduation rates. California's compulsory education law requires attendance in school from six through 18 years of age; kindergarten is not mandatory in California. Kids who turn 18 earlier will be able to leave school earlier and therefore may not graduate.

The PPIC also reports the results of one study that shows that kids from higher income families fare better than kids from disadvantaged families due to increased opportunities for access to prekindergarten/preschool programs. This is evident by parents who intentionally hold children with fall birthdays back, a practice commonly referred to as "redshirting" in order to provide their children with extra time to gain the skills necessary to be successful for academics. PPIC has determined that the benefits of delaying entry overrides the negatives, but points out that the effect of delaying entry to kindergarten is contingent upon the extent to which disparities in skill acquisition between kids are removed. Finally, the PPIC recommends that policymakers pay special attention to the effect on disadvantaged kids and English learners, who may need additional prekindergarten opportunities.

Another report, "What Age Should Children Enter Kindergarten? A Question for Policy Makers and Parents" (Stipek, 2002), concludes that school experience makes a greater contribution to academic achievement than delaying children's school entry. According to Stipek, research does not support any unique "threshold" entry age by which young children are most ready to begin school. Children from low-income backgrounds, already at risk of starting school behind their middle-class peers in terms of academic skills, may be even further disadvantaged when kindergarten is delayed.

A 2005 study by the RAND Corporation titled "Delaying Kindergarten: Effects on Test Scores and Childcare Costs" found that delaying kindergarten boosts standardized test scores in math and reading. However, the study also noted that delaying kindergarten can have a negative economic effect on families by imposing additional childcare costs for families. The report suggests that "policymakers may need to view entrance age policies and childcare policies as a package."

A CDE report in 2004 also recommends that thought be given to the types and quality of preschool services that would be available to displaced children.

The LAO in its analysis of the Fiscal Year (FY) 2010-11 budget, supports the date change and recommends implementation beginning in the 2011-12 school year in order to realize approximately \$700 million savings from revenue limit and categorical program savings. The LAO suggests that some of the funding could be used for subsidized preschool for low-income kids. Concerns have been raised about moving the birthdate for kindergarten for budgetary reasons. The reason for delaying entry is to ensure that the kids are better prepared for school, academically and social-emotionally. If over 100,000 kids are prevented from starting their education, the state should ensure that they have access to programs that will ensure their school readiness.

There is general agreement that changing the birthdate by which a child must turn five to ensure that kids are older before entering kindergarten is good policy. There are, however, major issues related to the policy change that must be addressed.

Phase in or all at once?: This bill proposes to phase in the change over three years time by moving the date by which a child must turn five years old one month at a time, starting with November 1st in the 2011-12 school year. There have been numerous bills on this subject over the last 13 years. Some bills have proposed phasing in the change one month each year over three years, while the majority has proposed to make the change in one year. The author's office argues that phasing in the change results in less of an impact and enables districts to better adjust to the loss of enrollment. However, the California School Boards Association (CSBA), which has a Support if Amended position on the bill, advocates for making the change in one year. CSBA argues that the transition is easier and will be less confusing for families and schools if done all at once. Whether it's better to make the change in one year or over three years may depend on whether displaced kids will be provided access to preparatory programs and what type of programs they will be. If this policy is accompanied by no provision of kindergarten readiness program or if it is provided through preschool programs, then it would be better to phase in the policy change. The FY 2009-10 budget allocated \$439 million for State Preschool Programs, providing over 110,000 slots for children who families meet income eligibility of 75% of the state median income (\$50,256 for a family of four). According to the CDE, the County Centralized Eligibility List shows 58,075 income eligible children ages three and four waiting for slots in subsidized programs. Phasing in the change will result in fewer children seeking preschool slots at the same time. On the other hand, if the policy change is accompanied by the establishment of a transitional kindergarten program to be provided by school districts, it might be better to make the change in one year. Making the change in one year will enable school districts to increase the number of transitional kindergarten programs, which increases the likelihood that the child will have access to programs closer to home. If there are fewer students impacted, the district will establish fewer programs, which may require a child to travel outside of their neighborhood. Smaller school districts will also have an easier time implementing a transitional kindergarten program if the change is done all at once, since the number of kids in a transitional kindergarten program will be too small if phased in. Six states (Colorado, Massachusetts, New Hampshire, New Jersey, New York and Pennsylvania) allow school districts to make entry-age decisions. The Legislature could allow districts to decide whether to make the change at one time or phase in the change over three years. Whether the accommodation will be preschool or transitional kindergarten to be held at a schoolsite, or phased in or changed in one year, it would be beneficial to delay implementation for a year or two, in order to provide time for programs to be developed and started.

Preschool or transitional kindergarten? Ensure access for all kids or just low-income kids? One of the most contentious issues related to delaying entry to kindergarten is what to do with kids who are displaced. Not providing access to preparatory programs will cause more harm than allowing a young child to start kindergarten. The questions raised include: Should the state provide access to kindergarten readiness programs to all kids or just low-income kids? If the state is to provide access, should the state expand access to the State Preschool Program or should the state authorize school districts to establish transitional kindergarten programs provided at a schoolsite by school districts? This bill proposes to divert half of the savings from Proposition 98 to State Preschool Programs. State preschool programs must comply with Title 5 regulations developed by the CDE, which are known to be higher standards than Title 22 regulations for general child care programs regulated by the Department of Social Services. With the phasing in of the state Preschool Learning Foundations, focusing on social-emotional development, language and literacy, English-language development, and mathematics, State Preschool Programs are striving to improve quality and better prepare kids for kindergarten. However, with thousands of children on the waiting list and a fairly low income cap, most displaced children will not have access to a State Preschool Program, unless the income eligibility is modified for displaced kids. Otherwise, families with modest incomes above the eligibility threshold who were anticipating preschool savings when their kids enter kindergarten will have to pay for another year of preschool. Eligibility for State Preschool Program will also need to be revised to include enrollment of five-year-old children. Currently, priority is for four-year-old children and then three-year-old children. According to the LAO, approximately 9,200 four-year-olds born between September and December are attending State Preschool Programs. The LAO also indicates that with a phased in approach, approximately 43,600 children are impacted the first year. That would leave 34,400 kids without access to State Preschool Programs. It is unclear whether these programs are available even if savings as a result of delaying entry are provided for this purpose.

School districts might have an easier time implementing transitional kindergarten programs, since they already have facilities and staff, which are major challenges for starting new programs. Moreover, there are anecdotal reports of increasing number of districts experimenting with transitional kindergarten for children with fall birthdays. Districts are using as the basis of their programs existing law that allows parents and school districts to, upon the conclusion of one year of kindergarten, retain a child for another year. These programs may differ from preschool programs in that they are taught by credentialed teachers and are adapted from kindergarten curriculum. Another advantage is that the kids will likely be on a schoolsite where they will experience classroom setting, but without the stigma of being "held back" for another year of kindergarten. Transitional kindergarten causes less change and disruption to children, their families, teachers, schools, and districts.

Savings or no savings? The LAO estimates \$700 million in revenue limit savings as a result of serving fewer students. With the phased in approach, the LAO estimates \$230 million savings the first year with additional savings from categorical programs. This is a loss to the Proposition 98 base. While identifying savings to offset General Fund deficits might be attractive, this policy change should not be viewed through a fiscal lens. Enrolling displaced kids in State Preschool Programs will be cheaper than establishing transitional kindergarten programs. The Standard Reimbursement Rate for State Preschool Programs is \$21.22 per day per child or \$3,714 annually, compared with approximately \$6,000 for revenue limit spending. The savings are a result of preventing kids from attending school. If the savings are not used to ensure that kids have access to a quality kindergarten readiness program, or if the kids end up watching

television or attending child care settings that do not have a kindergarten readiness component over the next year, there would be no benefit to delaying entry to kindergarten.

Declining enrollment adjustment. Current law provides for general purpose funding to school districts through the revenue limit program. Each district has a defined revenue limit per unit of ADA that is based on historical expenditures on education as modified through various statutory adjustments. A district's total revenue limit apportionment is calculated based on the greater of current or prior year ADA. Thus, districts are held harmless for losses in ADA for one year (the declining enrollment adjustment). This bill specifies that ADA shall not include the year-to-year loss of ADA as a result of moving the birthdates for kindergarten entry, thereby prohibiting districts from being held harmless as a result loss of enrollment pursuant to this bill. The Small School Districts Association opposes this provision of the bill and states that small school districts are unable to consolidate classes with a decline in kindergarten enrollment because they only have one or two classes per grade. Without the hold harmless provision, a small school district would be forced to maintain their instructional personnel while sustaining loss of revenue because of the enrollment decline.

This bill is very similar to AB 1967 (Mendoza), which was held in the Assembly Appropriations Committee suspense file this year. AB 1967 makes the birthdate change in one year and provides revenue limit for transitional kindergarten programs.

Committee amendments. This bill currently states legislative intent to divert half of the savings generated by this bill to the State Preschool Programs. Due to the advantages offered by enrolling kids in a transitional kindergarten program, **staff recommends** striking the intent language and instead establishing transitional kindergarten programs. **Staff also recommends** postponing implementation for one year.

Arguments in Support. The author states, "Today's kindergarten classroom is a much different place than most of us experienced. We're placing real academic demands on our kindergarteners, and the youngest are struggling to keep up. The evidence shows that giving these young fives an extra year can make a big difference in their long term success."

Several organizations, including the California School Boards Association, the Association of California School Administrators, and Preschool California have a Support if Amended position. They are seeking amendments to ensure that kindergarten readiness or preschool programs are in place and savings derived from the change remain within Proposition 98.

The Special Education Local Plan Area Administrators also has a Support if Amended position and seeks an amendment to provide base revenue limit funding for students with disabilities served in prekindergarten rather than kindergarten.

Arguments in Opposition. The California Teachers Association states that while it supports changing the kindergarten entry age, it must be done incrementally and responsibly. "CTA believes that all displaced students should have the opportunity to go to a quality preschool program. The current state preschool program is not accessible to all children and we do not believe it appropriate to displace students without access to preschool, particularly as many parents may not have the resources for childcare in these unpredictable economic times. CTA also believes budget cuts should not be made on the backs of children."

Related legislation. AB 1967 (Mendoza) moves up the date by three months by which a child must be five years old to enroll in kindergarten and six years old to enroll in first grade and authorizes the funds to be used for transitional kindergarten programs maintained by school districts. The bill was held in the Assembly Appropriations Committee's suspense file.

SB 293 (Runner) moves the birthday one month each year for three years. The bill was not heard in 2009 or 2010.

Previous legislation. AB 1236 (Mullin), moves up the date by 3 months by which a child must be 5 years old to enroll in kindergarten and 6 years old to enroll in first grade, beginning in 2011-12; makes kindergarten compulsory, beginning in 2010-11; and establishes the Kindergarten Readiness Program, beginning in 2011-12. This bill was held by the Assembly Appropriations Committee in 2008.

AB 2596 (S. Runner), moves up the birthday one month each year and requires any savings to be allocated to the State Department of Education to provide reimbursement for child care and development services for eligible (low-income) families. The bill was held by the Assembly Appropriations Committee in 2006.

SB 1764 (George Runner), also changes the age of admission to kindergarten, but requires any savings realized by these changes to be appropriated to increase access to preschool programs for at-risk 4 year olds. The bill was held by the Assembly Appropriations Committee in 2006.

AB 1394 (S. Runner), introduced in 2006, was identical to early versions of AB 2596, but was never heard.

AB 66 (Pavley) would have authorized 23 specified school districts to operate a two-year kindergarten pilot program, a component of which would have allowed a child who has had his or her fifth birthday between September 1 and December 2 of the school year to be admitted to year-one of the program with the approval of the parent or guardian. AB 66 was held on the Assembly Appropriations Committee's suspense file in 2006.

AB 2970 (Pavley) of 2004 would have authorized a school district to offer kindergarten classes at different schoolsites within the district for different lengths of time and authorized a school district to change the age at which a child is admitted to kindergarten. AB 2970 was held on the Assembly Appropriations Committee's suspense file.

AB 810 (S. Runner) of 2003 would have moved up the dates by which a child must be 5 years old to enroll in kindergarten and 6 years old to enroll in first grade. AB 810 failed passage in the Assembly Education Committee.

AB 25 (Mazzoni), Chapter 1022, Statutes of 2000, created the voluntary Kindergarten Readiness Pilot Program to test the effectiveness of changing the kindergarten age of entry. Beginning with the 2001-02 school year, participating school districts could have required a child to be 5 years old before September 1 to enroll in kindergarten. AB 25 provided funding to school districts to compensate for the temporary loss of attendance caused by changing kindergarten enrollment dates, and required school districts to provide pre-kindergarten instruction as a condition of the receipt of that funding. This pilot program has not been implemented because it was not funded. It is scheduled to sunset on January 1, 2011.

AB 513 (Mazzoni) of 1999 would have moved up the dates by which a child must be 5 years old to enroll in kindergarten and 6 years old to enroll in first grade, phased in the change one-month at a time over 3 years, held districts harmless for any loss of revenue caused by this change, required outreach, made kindergarten mandatory, required an assurance that an adequate number of preschool and child care spaces were available from children who would have otherwise been in kindergarten, and required an evaluation of the effects on student performance. AB 513 was held on the Assembly Appropriations Committee's suspense file.

AB 85 (G. Runner) of 1997 would have moved up the dates by which a child must be 5 years old to enroll in kindergarten and 6 years old to enroll in first grade, phased in the change one-month at a time over 3 years, and held districts harmless for any loss of revenue caused by this change. AB 85 failed passage in the Assembly Education Committee.

Governor Wilson's 1992 proposal (part of his proposed Budget) to change the date for admission to kindergarten was not approved due to concerns about the significant budget deficit.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California School Administrators (if amended)
 California Association of School Psychologists
 California Association of Suburban School Districts
 California Kindergarten Association
 California School Boards Association (if amended)
 First 5 Santa Clara County
 Inclusion Collaborative of Santa Clara County
 Junior League of San Jose
 Local Early Education Planning Council of Santa Clara County
 Palo Alto Educators' Association
 Poway Unified School District
 Preschool California (if amended)
 San Jose Silicon Valley Chamber of Commerce
 Santa Clara County School Boards Association
 Silicon Valley Leadership Group
 Special Education Local Plan Area (if amended)
 State Public Affairs Committee of the Junior Leagues of California
 Several individuals

Opposition

California Right to Life Committee, Inc.
 California Teachers Association
 Small School Districts' Association (unless amended)
 One individual

Analysis Prepared by: Sophia Kwong Kim / ED. / (916) 319-2087



SB-1381 Kindergarten: age of admission. (2009-2010)

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~~SEC. 4. SECTION 1. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. This act shall be known and may be cited as the Kindergarten Readiness Act of 2010.~~

~~SECTION 4.~~ **SEC. 2.** Section 46300 of the Education Code is amended to read:

46300. (a) In computing average daily attendance of a school district or county office of education, there shall be included the attendance of pupils while engaged in educational activities required of those pupils and under the immediate supervision and control of an employee of the district or county office who possessed a valid certification document, registered as required by law.

(b) (1) For purposes of a work experience education program in a secondary school that meets the standards of the California State Plan for Career Technical Education, "immediate supervision," in the context of off-campus work training stations, means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision.

(2) The pupil-teacher ratio in a work experience program shall not exceed 125 pupils per full-time equivalent certificated teacher coordinator. This ratio may be waived by the state board pursuant to Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2 under criteria developed by the state board.

(3) A pupil enrolled in a work experience program shall not be credited with more than one day of attendance per calendar day, and shall be a full-time pupil enrolled in regular classes that meet the requirements of Section 46141 or 46144.

(c) (1) For purposes of the rehabilitative schools, classes, or programs described in Section 48917 that require immediate supervision, "immediate supervision" means that the person to whom the pupil is required to report for training, counseling, tutoring, or other prescribed activity shares the responsibility for the supervision of the pupils in the rehabilitative activities with certificated personnel of the district.

(2) A pupil enrolled in a rehabilitative school, class, or program shall not be credited with more than one day of attendance per calendar day.

(d) (1) For purposes of computing the average daily attendance of pupils engaged in the educational activities required of high school pupils who are also enrolled in a regional occupational center or regional occupational program, the school district shall receive proportional average daily attendance credit for those educational activities that are less than the minimum schoolday, pursuant to regulations adopted by the state board; however, none of that attendance shall be counted for purposes of computing attendance pursuant to Section 52324.

(2) A school district shall not receive proportional average daily attendance credit pursuant to this subdivision for a pupil in attendance for less than 145 minutes each day.

(3) The divisor for computing proportional average daily attendance pursuant to this subdivision is 240, except that, in the case of a pupil excused from physical education classes pursuant to Section 52316, the divisor is

180.

(4) Notwithstanding any other provision of law, travel time of pupils to attend a regional occupational center or regional occupational program shall not be used in any manner in the computation of average daily attendance.

(e) (1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for five or more consecutive schooldays.

(2) A pupil participating in independent study shall not be credited with more than one day of attendance per calendar day.

(f) For purposes of cooperative career technical education programs and community classrooms described in Section 52372.1, "immediate supervision" means pupil participation in paid and unpaid on-the-job experiences, as outlined under a training agreement and individualized training plans wherein the supervisor of the training site and certificated school personnel share the responsibility for the supervision of on-the-job experiences.

(g) (1) In computing the average daily attendance of a school district, there shall be included the attendance of pupils in kindergarten after they have completed one school year in kindergarten *or pupils in a transitional kindergarten program after they have completed one year in that program* if one of the following conditions is met:

~~(1)~~ (A) The school district has on file for each of those pupils an agreement made pursuant to Section 48011, approved in form and content by the department and signed by the pupil's parent or guardian, that the pupil may continue in kindergarten for not more than one additional school year.

~~(2)~~ (B) The pupils ~~are participating~~ *participated* in a transitional kindergarten program pursuant to subdivision (c) of Section 48000.

(2) A school district may not include for apportionment purposes the attendance of any pupil for more than two years in kindergarten or for more than two years in a combination of transitional kindergarten and kindergarten.

SEC. 2. 3. Section 48000 of the Education Code is amended to read:

48000. (a) A child shall be admitted to a kindergarten maintained by the school district at the beginning of a school year, or at a later time in the same year if the child will have his or her fifth birthday on or before one of the following dates:

(1) December 2 of the 2011–12 school year.

(2) November 1 of the 2012–13 school year.

(3) October 1 of the 2013–14 school year.

(4) September 1 of the 2014–15 school year and each school year thereafter.

(b) The governing board of a school district maintaining one or more kindergartens may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:

(1) The governing board determines that the admittance is in the best interests of the child.

(2) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(c) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to subdivision (g) of Section 46300, a school district or charter school shall ensure the following:

~~(e)~~ (1) In the 2012–13 school year, a child who will have his or her fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district.

(2) In the 2013–14 school year, a child who will have his or her fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district.

(3) In the 2014–15 school year and each school year thereafter, a child who will have his or her fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district.

(d) For purposes of this section, "transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(e) A transitional kindergarten shall not be construed as a new program or higher level of service.

SEC. 3. 4. Section 48010 of the Education Code is amended to read:

48010. (a) A child shall be admitted to the first grade of an elementary school during the first month of a school year if the child will have his or her sixth birthday on or before one of the following dates:

- (1) December 2 of the 2011–12 school year.
- (2) November 1 of the 2012–13 school year.
- (3) October 1 of the 2013–14 school year.
- (4) September 1 of the 2014–15 school year and each school year thereafter.

(b) For good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

***SEC. 5.** The Legislature finds and declares that pupils participating in transitional kindergarten are to be included in computing the average daily attendance of a school district for purposes of calculating school district apportionments and the funding requirements of Section 8 of Article XVI of the California Constitution.*

***SEC. 6.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*



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Study of California's Transitional Kindergarten Program: Report on the First Year of Implementation

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April 2014

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Executive Summary

In 2010, Governor Arnold Schwarzenegger signed the Kindergarten Readiness Act (Senate Bill [S.B.] 1381) into law. The law changed the date by which children must turn 5 to enter kindergarten from December 2 to September 1, phasing in the new age requirement by moving the cutoff date back one month per year for three years, beginning in fall 2012. S.B. 1381 also established a new grade level—transitional kindergarten (TK)—which is the first year of a two-year kindergarten experience for students born between September 2 and December 2. When fully implemented, TK is intended to provide an additional year of early education to this group of children, with the goal of promoting their school readiness.

Investigating the Implementation of TK in its First Year

With the support of the Heising-Simons Foundation and the David and Lucile Packard Foundation, American Institutes for Research (AIR) conducted an investigation of the planning and implementation of TK in the 2012–13 school year. The study addressed the following broad research questions:

1. What was the landscape of TK programs in California in the program’s first year?
2. How did districts and schools plan for, structure, and support their TK programs?
3. How was TK implemented at the classroom level, and how did TK differ from kindergarten?
4. Are districts using TK as an opportunity to build greater articulation between preschool and grades K–3? If so, how?
5. What were the challenges and lessons learned in planning for and implementing TK?

To address these questions and the complexities of the implementation of a statewide policy initiative, AIR conducted a mixed-methods study examining these issues at multiple levels of the system. Data collection strategies included surveys of district administrators (both a short-form census survey and a longer survey for a sample of districts), principals, and TK and kindergarten teachers; classroom observations; case study interviews; and parent focus groups.

This summary highlights key findings from the study.

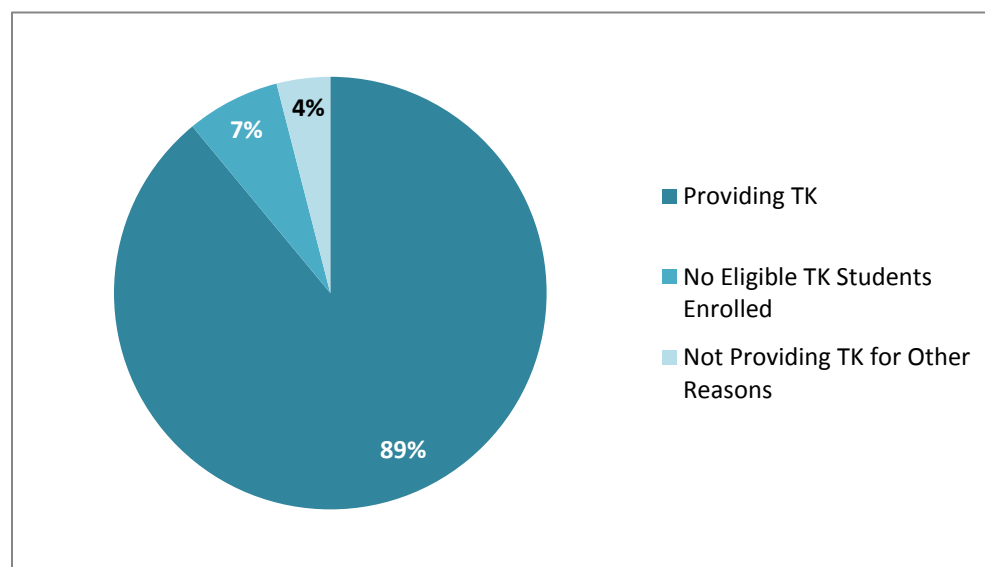
Key Findings

In the first year of transitional kindergarten implementation, California school districts overcame challenges and learned important lessons that can be applied in future years of the program.

Most School Districts Offered TK in 2012–13

Overall, 89 percent of districts reported, through a survey of administrators in all elementary and unified school districts conducted by AIR, that they offered TK in 2012–13. An additional 7 percent of districts indicated that no students were eligible for TK or no families were interested in enrolling their eligible child in TK, and therefore they did not offer the program (Exhibit A). The 89 percent of districts offering TK served 96 percent of the state’s kindergarten population—so a very small percentage of students eligible for TK were located in districts that were not yet implementing the program. The majority of districts implemented TK for the first time in the 2012–13 school year, although approximately 15 percent initiated a TK or similar program prior to the statewide program becoming law. Overall, we estimate approximately 39,000 students were enrolled in TK in its first year of statewide implementation.

Exhibit A. Percentage of California Districts Providing TK in 2012–13



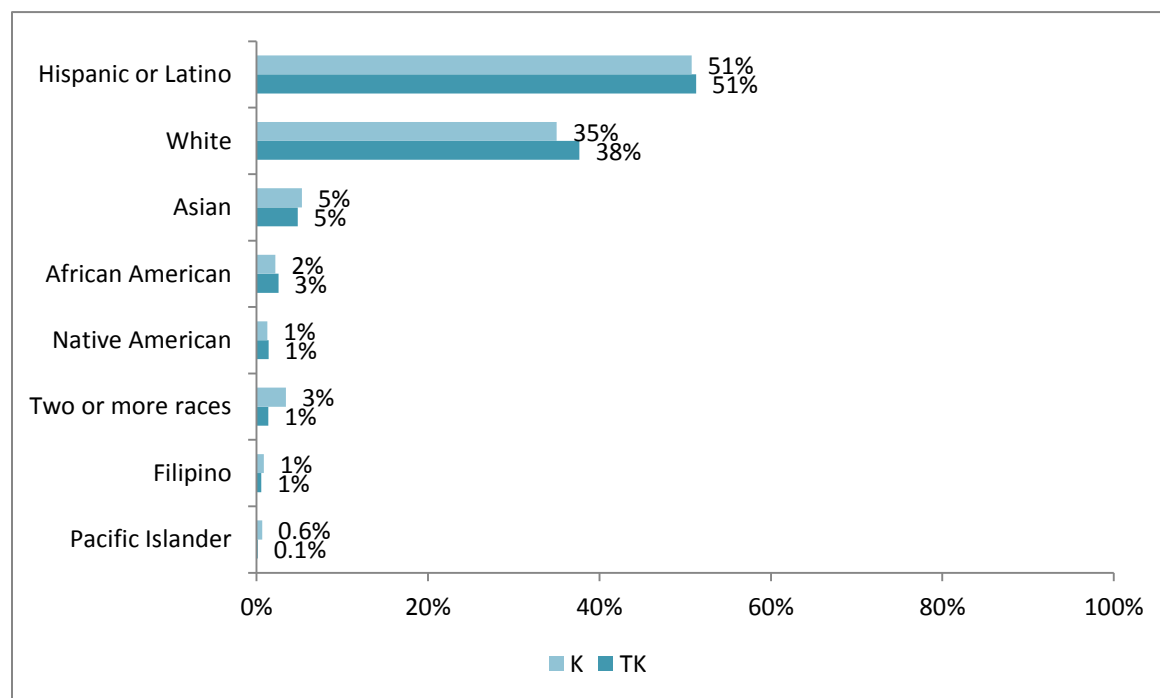
Source: Short-form district census survey ($n = 629$)

Students Enrolled in TK Mirror the Population

To determine whether particular groups of students were more or less likely to enroll in TK, we compared the demographic characteristics of students enrolled in TK with the demographic characteristics of the overall kindergarten population in those same districts.¹

TK students and kindergarten students appeared statistically similar in terms of gender, ethnicity, eligibility for free or reduced-price lunch (FRPL), and English learner (EL) status (see Exhibits B and C).

Exhibit B. Comparisons of TK and Kindergarten Enrollment Overall, by Race/Ethnicity, 2012–13 School Year

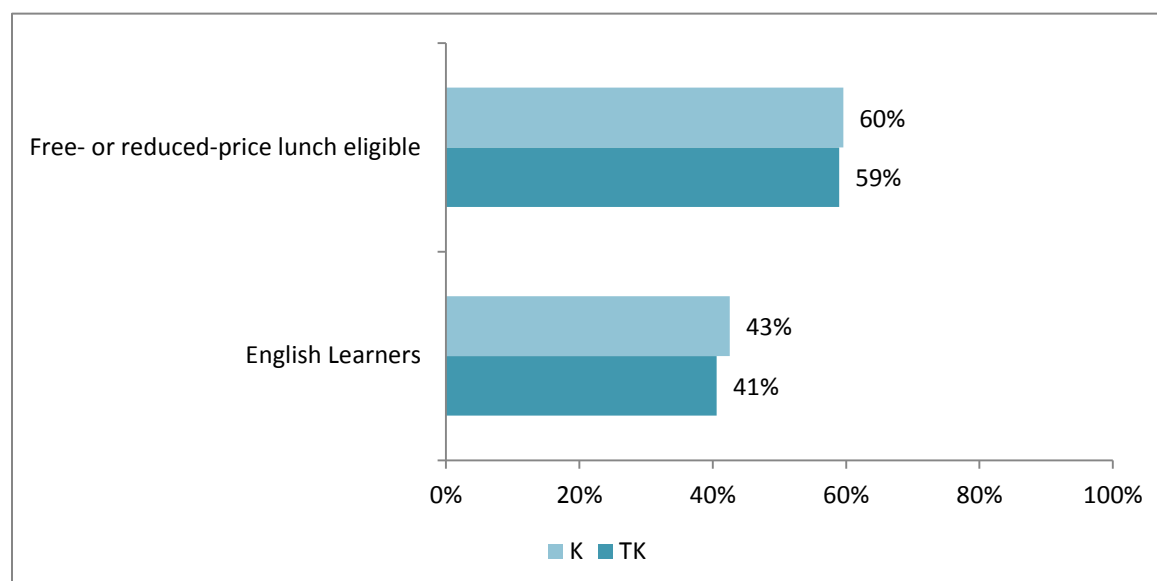


Note: Differences are not statistically significant unless noted.

Sources: In-depth district survey ($n = 75$), California Department of Education

¹ The district surveys provided figures for TK enrollment. District respondents were asked to report the total number of TK students in their districts, as well as the number of TK students by gender, EL status, FRPL eligibility, and race/ethnicity. Kindergarten figures for EL status and race/ethnicity come from kindergarten enrollment records from the California Department of Education (CDE) for the 2012–13 school year. FRPL eligibility is not available from CDE by grade level, and therefore kindergarten rates reflect the overall FRPL rate for the district. Analyses compare demographic characteristics for a district's TK students with the characteristics of its kindergarten population overall (TK plus kindergarten).

Exhibit C. Comparisons of TK and Kindergarten Enrollment by FRPL Eligibility and EL Status, 2012–13 School Year



Note: Differences are not statistically significant unless noted.

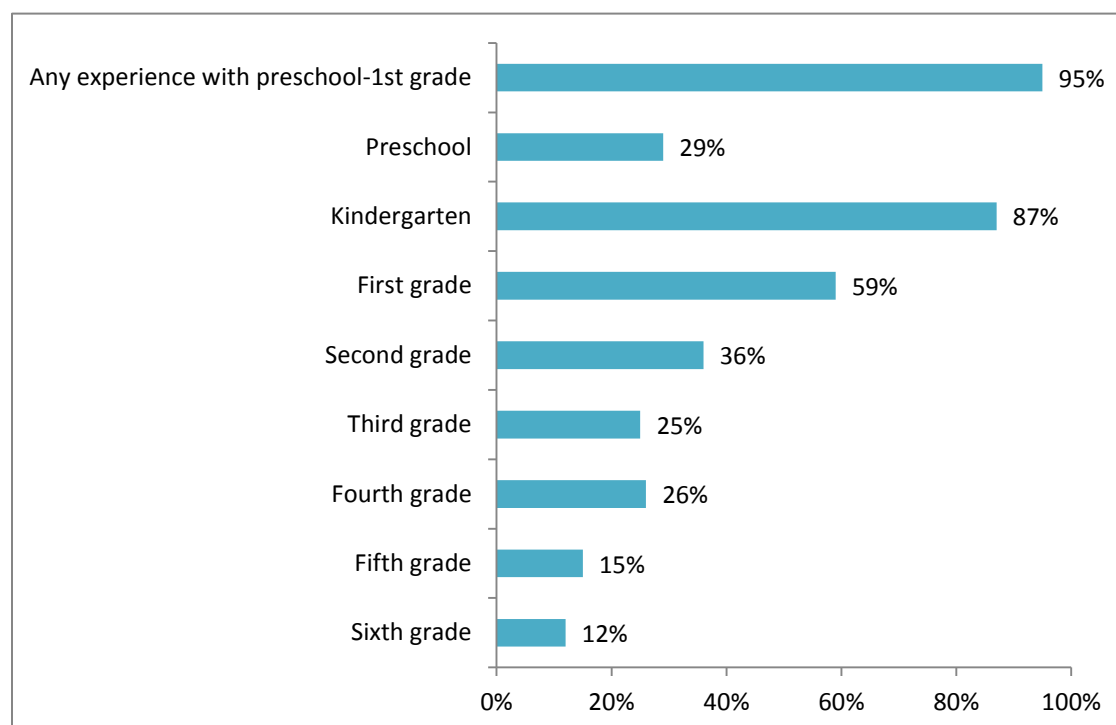
Source: In-depth district survey ($n = 74$).

Nearly All TK Teachers Had Early Education Experience

95 percent of TK teachers had experience teaching preschool, kindergarten, or first grade, and they have over 14 years of teaching experience on average.

To staff TK classrooms, most districts reported reassigning teachers already teaching in the district, for example, by moving a kindergarten teacher into a newly established TK classroom in each school. The qualifications most principals reported looking for in selecting a TK teacher were experience teaching kindergarten and experience teaching preschool. Most TK teachers reported having early education teaching experience; 95 percent of teachers had taught preschool, kindergarten, or first grade. The largest group of teachers came from kindergarten teaching backgrounds—87 percent of teachers surveyed reported they had taught kindergarten previously. In addition, 29 percent had taught preschool previously (Exhibit D).

Exhibit D. Proportion of TK Teachers With Previous Experience Teaching Other Grade Levels, 2012–13



Source: TK teacher survey ($n = 96$)

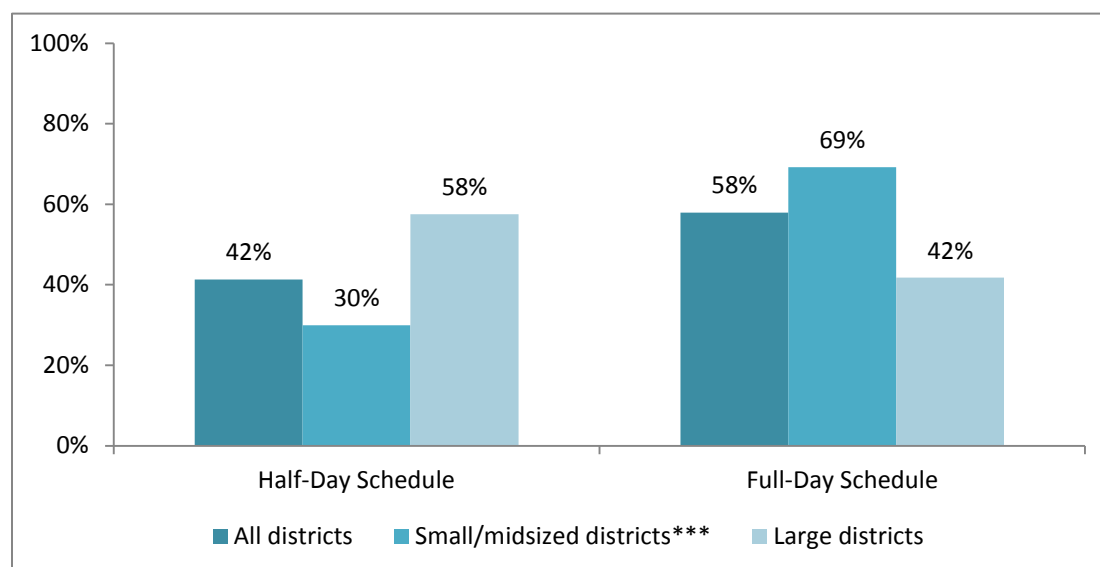
TK teachers also were relatively experienced, reporting an average of approximately 15 years of teaching experience. This is comparable with K–12 teachers in California overall, who have an average of 14.2 years of experience (California Department of Education, n.d.).

TK Structure Varied Across Districts

More than Half of Districts Offered Full-Day TK

Over half of districts reported offering full-day TK classrooms (more than four hours per day), although more than 40 percent offered half-day schedules (four hours per day or fewer). Large districts were more likely than small and midsize districts to offer half-day schedules (Exhibit E).

Exhibit E. Percentage of TK Classrooms With Half-Day Versus Full-Day Schedules, by District Size



*** $p < .001$.

Notes: Percentages may not sum to 100 percent as a result of rounding. Large districts include those with 350 or more kindergartners; small/midsized districts have fewer than 350 kindergartners. Large districts served as the reference group for significance testing.

Source: In-depth district survey ($n = 99$)

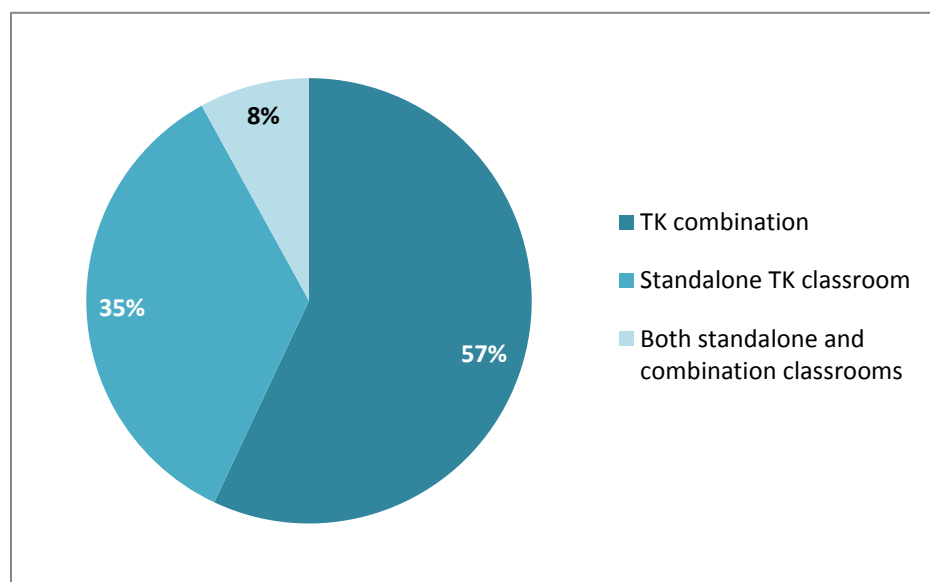
“Hubs” Were More Common in Large Districts

Just fewer than half of districts offered TK in one or more “hub” schools, in which eligible students from across the district attend TK and then return to their home school for kindergarten. Large districts were more likely to have used TK hubs in the program’s first year.

Combination Classes Were Common

Classrooms in which TK students were combined with other grades—mostly kindergarten—were prevalent throughout the state (Exhibit F). With only one twelfth of the kindergarten population eligible for TK in the first year (under the minimum eligibility guidelines), TK combination classrooms were the only option for many districts that did not have enough TK students to justify creating a standalone classroom for them. As expected, small and midsized districts were more likely than large districts to combine TK with other grades as a strategy for serving TK students.

Exhibit F. Classroom Configurations Used in 2012–13



Source: Short-form district census survey ($n = 629$).

TK Looks Different from Kindergarten

Nearly two thirds of principals and teachers reported that they received guidance from the district that TK should resemble kindergarten; however, teacher responses suggest that the TK and kindergarten classrooms are different, as the law intended.

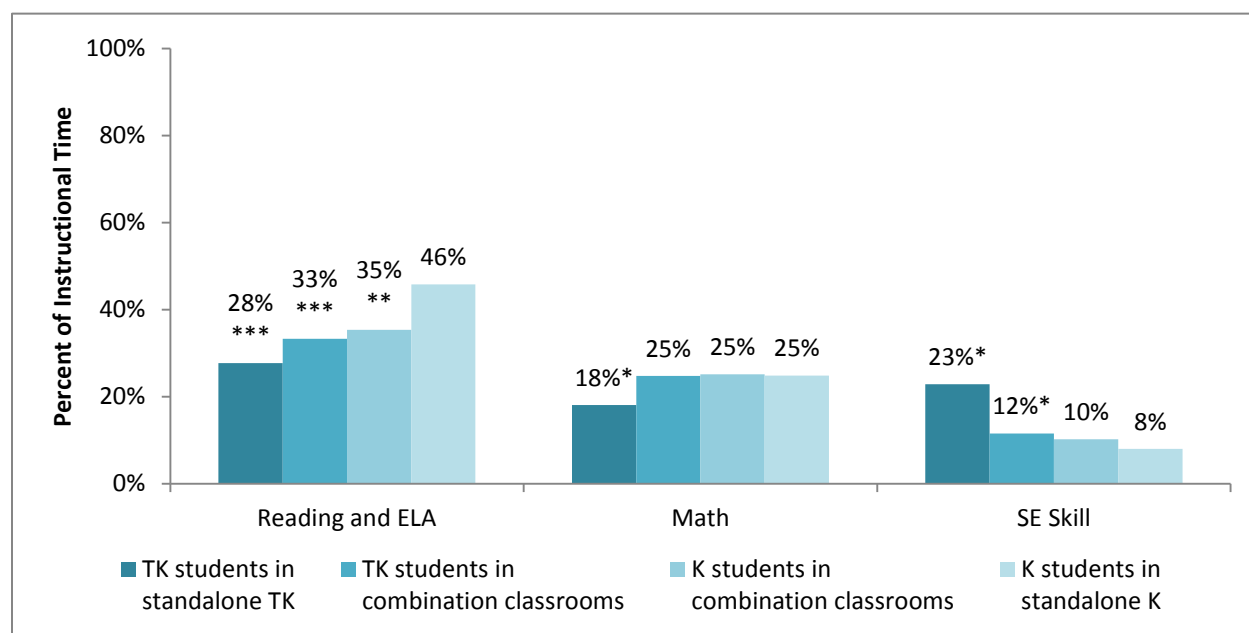
Curricula Varied Widely with No Single Curriculum Standing out as Most Common

TK and kindergarten teachers both reported using a wide variety of curricula to guide their classroom instruction; no single curriculum was used by a majority of teachers in any content area. In addition to academic curricula, most standalone TK teachers reported using some type of social-emotional curriculum, although fewer kindergarten and TK combination teachers did so. Most standalone TK teachers used a social-emotional curriculum they designed themselves.

TK Teachers Focused More on Social-Emotional Instruction

Kindergarten teachers reported that their students spent significantly more time on reading and English language arts (ELA) lessons or projects than TK teachers in standalone or combination classrooms reported for their students (Exhibit G). Additionally, TK teachers in standalone classrooms reported that their students spent a significantly smaller proportion of time on mathematics lessons or projects than kindergarten teachers reported. On the other hand, the proportion of time spent on social-emotional skill development reported by standalone TK teachers was nearly three times as great as the proportion of time reported by standalone kindergarten teachers.

Exhibit G. Percentage of Instructional Time Teachers Reported Spending on Reading and English/Language Arts (ELA), Math, and Social-Emotional Skills, by Student and Classroom Type



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .1$

Note: Kindergarten students in standalone classrooms served as the reference group for significance testing.

Source: TK teacher survey and kindergarten teacher survey ($n = 158$)

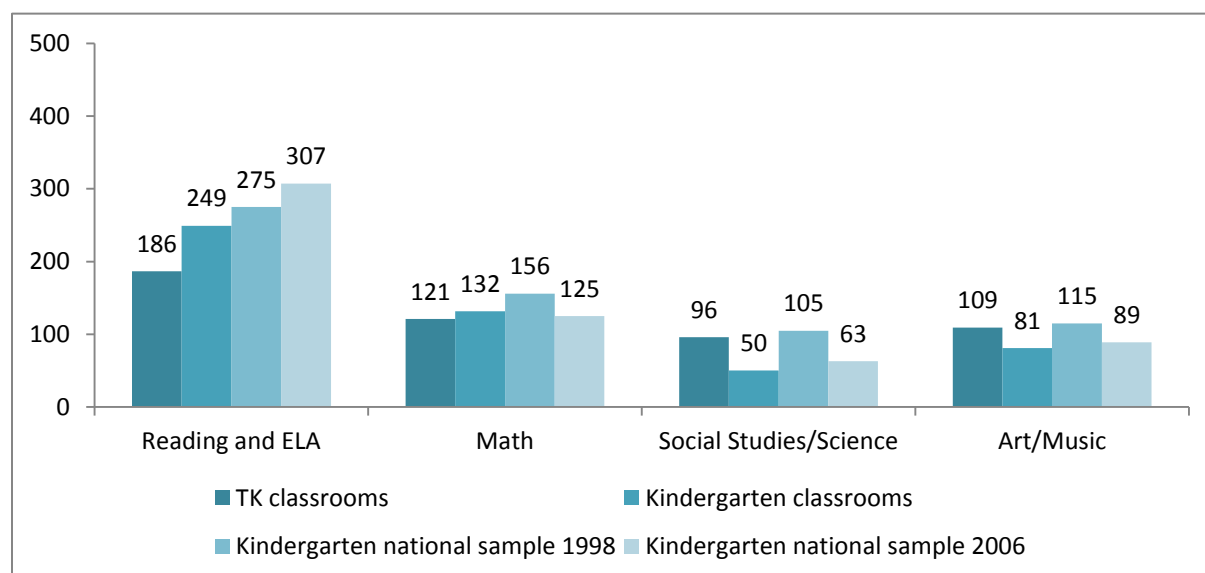
In national kindergarten studies, the amount of instructional time spent on reading and language arts increased and the amount of time spent on social studies/science and art/music decreased from 1998 to 2006, in both half-day and full-day classrooms. In half-day TK programs in California, students spent approximately 96 minutes per week on social studies and science activities, and 81 minutes per week on art and music activities. These time reports more closely resemble reports from kindergarten teachers nationally in 1998 than in 2006 (Exhibit H).² In contrast, California kindergarten teachers in 2012–13 reported instructional practices that were more similar to the 2006 national sample for sciences and arts. In other words, California’s TK classrooms, according to teacher reports, looked more like kindergarten looked 15 years earlier with respect to time spent on science, social studies, art, and music.

Large Group Instruction was Less Prevalent in TK

In terms of format, TK teachers reported using more small-group and child-directed instruction than kindergarten teachers did (Exhibit I).

² Testing for statistically significant differences was not performed.

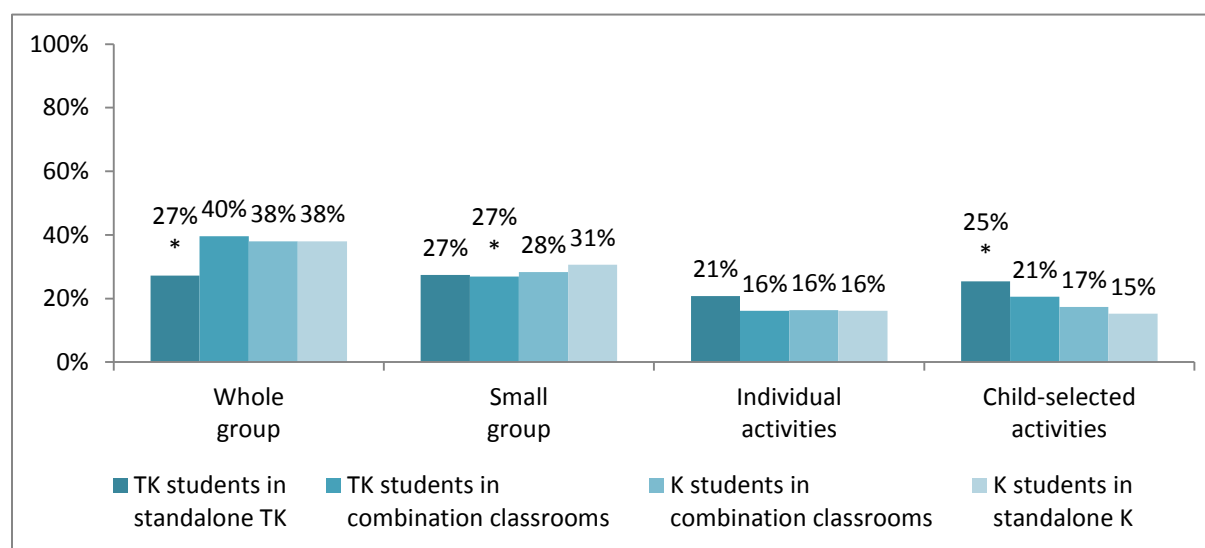
Exhibit H. Reported Minutes per Week Spent Focusing on Specific Content Areas in Half-Day Programs, by Classroom Type



Note: TK classroom category includes responses from standalone TK and TK combination classroom teachers. National kindergarten sample estimates are based on calculations using data from the fall 1998 wave of the ECLS-K and the fall 2006 wave of the ECLS-B (Bassok & Rorem, 2013). The results presented are descriptive; statistical comparisons were not conducted.

Source: TK teacher survey and kindergarten teacher survey ($n = 48$)

Exhibit I. Portion of the Day Spent in Various Activity Formats in TK and Kindergarten Standalone/Combination Classrooms



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .1$

Note: Kindergarten students in standalone kindergarten classrooms served as the reference group for significance testing.

Source: TK teacher survey and kindergarten teacher survey ($n = 96$)

Adult–Child Interactions were of Moderate Quality

The Classroom Assessment Scoring System (CLASS) tool was used to assess the quality of teacher–child interactions in TK classrooms with different formats (e.g., standalone TK classrooms or combination TK classrooms). The quality of teacher–child interactions, in the Emotional Support and Classroom Organization domains, was typically moderately high in TK classrooms. However, scores for the Instructional Support domain were low, which is similar to those of a national sample of preschool classrooms and lower than those of a comparison group of kindergarten classrooms³. Standalone TK classrooms were more likely than combination classrooms to earn higher CLASS scores in the Productivity, Behavior Management, and (lack of) Negative Climate dimensions.

District Planning and Implementation Processes Varied

With only a few months between the release of the governor’s revised budget in May 2012—which made clear that the requirement to implement TK was not eliminated—and the start of the 2012–13 school year, most districts had a short time to develop their TK programs.

Teachers and District Staff Often Collaborated to Plan TK in Small Districts

The type of staff involved in this quick planning differed by district size, likely because larger districts typically have more specialized staff positions. In most large districts, directors of curriculum and instruction led or were actively involved in planning efforts, and in most small and mid-sized districts, superintendents typically led planning efforts. Small and mid-sized districts also had higher rates of teacher involvement in TK planning efforts.

Districts and Schools Needed More Guidance

Principals and teachers differed in their reports about the district support they received for TK planning and implementation; most principals reported that their districts provided a clear plan for TK implementation, but only about a third of teachers reported the same. Eight out of ten principals and teachers reported that districts gave their schools flexibility in planning their own TK program.

The most common resource district and school administrators reported using to plan their TK programs was guidance from CDE, even though they also reported not receiving sufficient guidance overall.

Eligibility and Promotion Policies Varied

Although the Kindergarten Readiness Act specifies the intended age cutoff for kindergarten and TK in each year of implementation, administrators had some flexibility in how they applied the law in their district. Although most districts providing TK in 2012–13 reported offering TK only

³ Comparison kindergarten classrooms come from a study of 36 rural classrooms in the Southeast (Ponitz, Rimm-Kaufman, Grimm, & Curby, 2009).

to students who would turn 5 years old between November 2 and December 2, as required by law, 5 percent reported also offering TK to students who turned 5 in October, and 19 percent said they included September and October birthdays.

About half of districts reported that their district policy allowed for younger-than-age-eligible children to enroll in TK. These exceptions, however, were typically not made frequently. When younger children were allowed to enroll in TK, the most common factors considered were the child's specific age and availability of space in the TK classroom.

About one third of districts reported that they allowed some TK students to be promoted to first grade the following year.

Approximately one third of districts reported that they allowed some TK students to be promoted to first grade the following year.

Many Successes, But Some Challenges Remain

Parents and districts reported many successes with TK. But as with any new program, districts and schools also faced challenges as they implemented TK in its first statewide year.

Districts and Parents Reported Benefits of TK

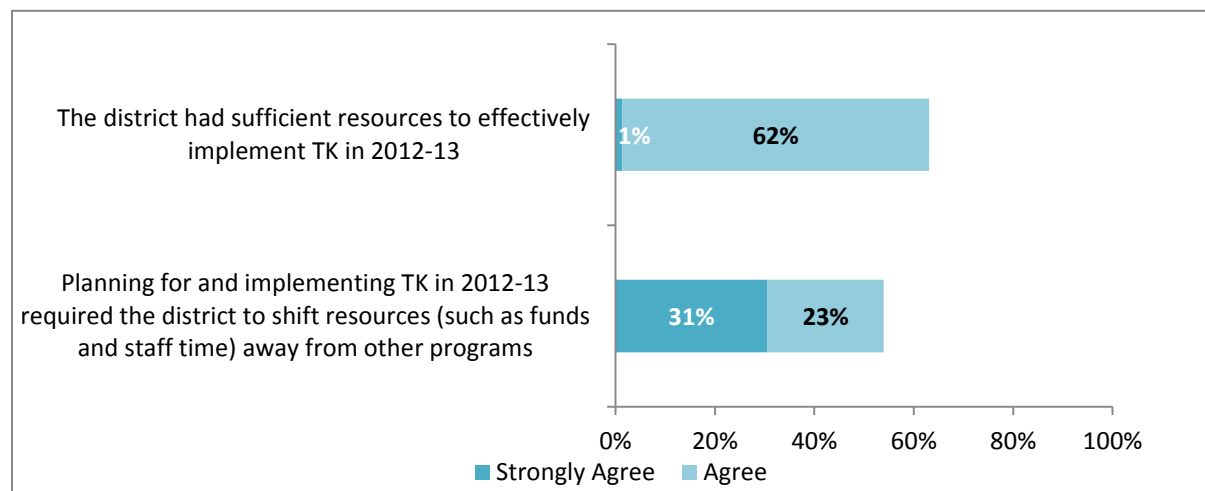
Interviews and focus groups with school staff, district staff, and parents in case study districts suggested that many parents were pleased with the program and felt their children were benefitting from the additional support prior to kindergarten. Focus groups yielded some suggestions that TK was benefitting kindergarten by exposing kindergarten teachers to resources such as the *Preschool Learning Foundations*, as reported by one school, or as in another school, by removing the youngest students from the kindergarten classroom, thereby enabling the kindergarten teacher to focus more on the kindergarten content with fewer behavioral disruptions.

District and School Leaders Have Concerns About Funding

Districts identified finding resources for implementation as a primary challenge in 2012–13, and many reported that they had to shift resources away from other programs to implement TK (Exhibit J).

Thinking ahead, administrators reported that they anticipated that finding resources for the program would be less of a challenge in 2013–14, once state funding was no longer in question, and fewer anticipated having to shift resources from other programs. However, only half agreed that their district would have sufficient resources to effectively implement TK in the next two or three years (Exhibit K).

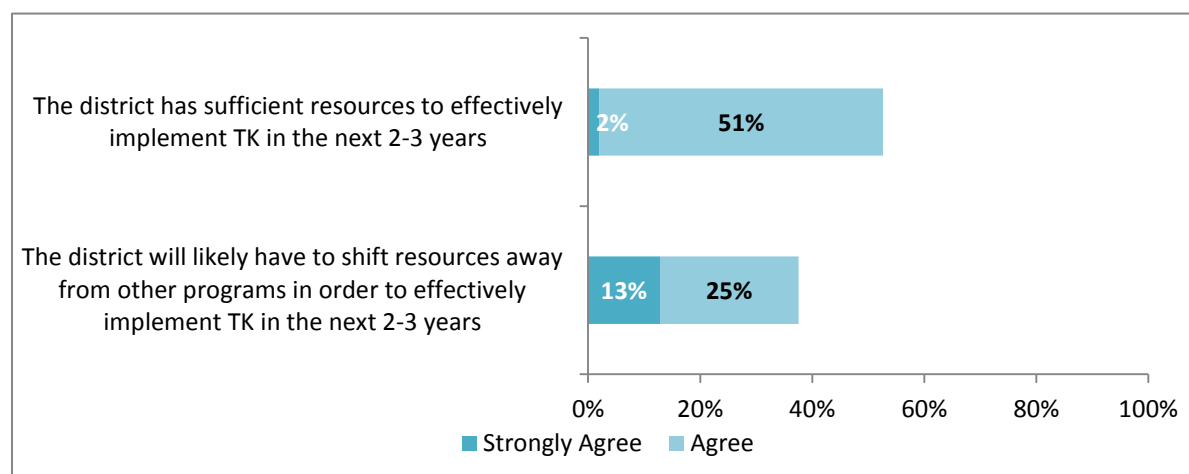
Exhibit J. Proportion of District TK Administrators Who Agreed or Strongly Agreed With Various Statements About the Availability of Resources for TK Implementation, 2012–13



Note: “Disagree” and “Strongly Disagree” response categories are not shown.

Source: In-depth district survey ($n = 118$)

Exhibit K. Proportion of District TK Administrators Who Agreed or Strongly Agreed With Various Statements About the Availability of Resources for TK Implementation in the Next Two to Three Years



Note: “Disagree” and “Strongly Disagree” response categories are not shown.

Source: In-depth district survey ($n = 117$)

Not All TK Teachers Received TK-Specific Training

TK teachers reported that they received an average of 42 hours of professional development (PD) in 2012–13, of which approximately 11 hours on average were specifically focused on TK. More than half of TK teachers, however, reported receiving no PD specifically related to TK.

The five most common topics emphasized in TK teachers' PD were ELA, mathematics, instruction for ELs, differentiating instruction for individual students, and the use of developmentally appropriate practice. Just under two thirds of TK teachers reported receiving PD with a major or moderate emphasis on social-emotional development.

Coordination between TK and Kindergarten Was Relatively Common; Broader Articulation Was Not

One indirect benefit of TK anticipated by some was that it would provide an opportunity for more collaboration among teachers and alignment of curricula in Grades PK–3, considered an appropriate practice in sustaining the benefits of early education (e.g., Kagan & Kauerz, 2007). There is some evidence that TK teachers were collaborating with kindergarten teachers—more than half reported having common planning time, sharing curriculum materials and content standards, and participating in joint professional development with kindergarten teachers.

However, few TK teachers reported collaboration with other TK teachers, and articulation with other early elementary grades also seemed to be limited, with few TK teachers reporting planning, sharing materials, or attending training with first- through third-grade teachers. Similarly, TK teachers reported little coordination with preschool programs.

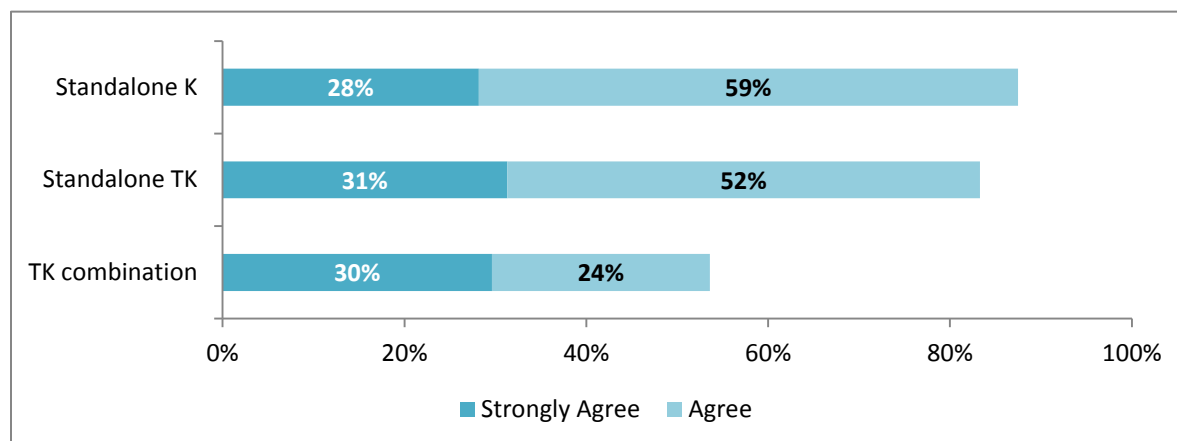
Additional Challenges Were Identified

After funding, the most common challenge reported by district administrators was developing an appropriate report card for TK students, which was also the most frequently reported challenge expressed by both principals and TK teachers. Other basic resources and practices, such as selecting curricula and assessments and providing professional development, also were big challenges reported by district survey respondents. Teacher recruitment and securing appropriate facilities and furniture were not identified as major challenges overall, although large districts were more likely than small or mid-sized districts to report them as challenges.

District administrators were asked about challenges they had faced when recruiting families for TK enrollment. The most commonly reported challenges were parents' desire to enroll their children in kindergarten instead of TK, parents' lack of awareness of the existence of the TK program, their hesitation to send their children to a program that they did not understand, and their concern that TK was a remedial program.

Teachers also reported challenges including differentiating instruction (particularly in combination classrooms) (Exhibit L).

Exhibit L. Proportion of Teachers Who Agreed That Differentiating Instruction for All Students Was Possible Given the Range of Needs or Class Size, by Class Type



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .1$

Note: Scale reversed for exhibit. “Disagree” and “Strongly Disagree” response categories are not shown.

Source: TK teacher survey and kindergarten teacher survey ($n = 137$)

Recommendations

Although it is early in the statewide implementation of TK, several recommendations emerge from these experiences of districts and schools in the first year.

1. Further Attention to Expanding Enrollment Within Implementing Districts Is Needed.

Although most districts served children in TK or reported having no children to serve in the program (because of small student populations sometimes combined with lack of interest or awareness among parents), a small percentage of districts did not offer TK to their eligible students. Thus, there is room for further expansion of the program.

Districts and schools reported a range of strategies for reaching out and recruiting families to enroll their children in TK, but it is clear from parent focus groups and estimated participation rates that some families remained unaware of TK or opted out of participation in the program. Most districts reported that parents’ preference to have their TK-eligible child enroll in kindergarten instead of TK was a challenge for recruitment. More information about the program and its benefits may be needed before enrollment levels match those of kindergarten. Districts and schools could improve outreach efforts by engaging in more active advertising of the program, such as by reaching out to preschool programs and family service programs, and by posting notices in the community where parents who are unaware that their child is eligible for TK might see them. A coordinated statewide effort, such as a public awareness campaign, also could be effective in spreading the word about TK. Over time, enrollment rates will likely improve as more students go through the program and overall awareness increases. Additional outreach efforts may be warranted in the meantime, however.

2. A Focus on Efficiently and Sufficiently Funding TK Is Warranted.

Late decisions at the state level to provide state Average Daily Attendance (ADA) funding for TK created a challenge for districts because they had no dedicated resources for program planning until the fall. Districts identified finding resources for implementation as a primary challenge in 2012–13, and many reported that they had to shift resources away from other programs to implement TK. Administrators reported that they anticipated that finding resources for the program would be less of a challenge in the future, but they still have concerns. Districts might be able to allocate resources more effectively to TK under California’s new Local Control Funding Formula (LCFF), and more resources may be available in future years given the state’s improved fiscal condition beginning in 2013–14. How districts draw on different funding sources for TK should continue to be a focus for examination, as the new LCFF is implemented and TK enrollment grows.

3. Substantial Variability Exists in Districts’ Approaches to TK, and More Guidance on Best Practices Is Needed.

It is not surprising that in its first year of statewide implementation, there is significant variation in TK programs across districts and schools. With minimal guidelines from the state for implementation, districts have had substantial discretion in the structure and emphasis of the program. This has resulted in some innovative approaches to TK as well as some frustration and uncertainty among district and school staff.

More guidance on what an “age and developmentally appropriate” program might look like and how to differentiate instruction effectively would support better decision making at the district and school levels. The TK outcomes study, begun in November 2013 (see Next Steps section), will provide additional information about the relationship between particular TK classroom practices and social-emotional and academic outcomes for participating children.

In addition, guidance on identifying or developing basic resources like curricula, assessments, and a TK report card are needed. Most district and school staff reported that identifying these basic building blocks was a challenge.

4. Further Guidance on How to Implement Combination Classrooms Effectively Is Needed.

Because many of the districts not implementing the program reported having few eligible students, further guidance from the CDE on providing an effective program when there are very few students to enroll may be warranted.

As a result of these low student numbers in some districts, TK combination classrooms were prevalent throughout the state. Although the proportion of students eligible for TK is increasing over time (with one sixth of the kindergarten population eligible for TK in 2013–14 and one fourth eligible in 2014–15), many districts will still not have the number of students needed to support standalone TK classrooms in each school at full implementation.

Substantial variation was found in how districts and schools approached combination classrooms, but it appears that combination classrooms resembled kindergarten more closely than did standalone TK classrooms. If TK is to be developmentally appropriate and provide a qualitatively different experience from a one-year kindergarten experience, then districts, schools, and teachers will likely need additional guidance on how to provide the highest quality instructional environments within TK combination classrooms. More information, guidance, mentoring, and ongoing professional development on how best to differentiate instruction, in particular, could help strengthen these programs.

5. Additional Support and Professional Development for TK Teachers Is Needed.

Many TK teachers reported receiving little to no PD focused on TK specifically. However, with the bulk of the responsibility on teachers for providing a TK program that supports students' learning and development, attention to this kind of targeted professional development for teachers is critical. In addition to providing guidance on differentiating instruction for TK and kindergarten students in combination classrooms, TK standalone teachers also need support for differentiating their instruction to meet the individual needs of their TK students. Although most principals reported that their districts provided guidance on differentiating instruction, few teachers reported receiving such guidance.

In addition, relatively low scores on the CLASS Instructional Support scale (which has been found to be linked to student outcomes) and the lower attention paid to academic content, such as reading and language arts and mathematics, in TK classrooms compared with kindergarten suggest that some attention to teacher practice and strategies for integrating reading and math in a developmentally appropriate way would be beneficial. Professional development on developmentally appropriate practice, the *California Preschool Learning Foundations*, and instructional practices that support children's concept development and extend their language development could support teachers' ability to provide effective TK instruction that supports later outcomes for students.

Providing opportunities for teachers to engage with each other—to learn, plan lessons, and collaborate—also can enhance their ability to provide an effective TK experience for students. Many TK teachers reported collaborating with their kindergarten colleagues, but far fewer reported having other TK teachers with whom to engage in shared learning opportunities. TK teachers often were alone in their schools, and in small districts, a TK teacher may have no other TK colleagues districtwide. Developing and encouraging communities of practice among TK teachers could facilitate the sharing of ideas, strategies, and lessons learned as educators work together to improve TK programs.

6. More Attention to Preschool-to-Grade 3 Alignment and Articulation Is Needed.

Even less common than TK teachers partnering with other TK teachers are opportunities for TK teachers to plan and participate in professional learning experiences with preschool teachers or other early elementary teachers beyond kindergarten. Anecdotal evidence suggests that the divide between preschool and the K–12 system is being bridged by TK in some contexts, but there is still relatively little communication and coordination between the two systems. Also, although principals reported some articulation from preschool to Grade 3, few TK teachers

reported having common curricular materials or meeting in person with preschool teachers to align curricula. If a seamless system from preschool to K–12 is the goal, then more work must be done to integrate and align preschool with TK, kindergarten, and the early elementary grades. More guidance on best practices for alignment and outreach by districts to preschool programs to develop coordinated plans could support these efforts.

Next Steps

The full report presents results from the statewide study of the implementation of the Kindergarten Readiness Act (S.B. 1381) in its first year. We expect to see changes in implementation as district and school administrators as well as teachers refine their approaches to carrying out this program. The next phase of this study, currently underway, will examine the impacts of the TK program on student learning and development, and continue to track and document implementation of the program over time.

Chapter 1: Introduction

In 2010, Governor Arnold Schwarzenegger signed the Kindergarten Readiness Act (S.B. 1381) into law. The law changed the kindergarten admission deadline from December 2 to September 1, phasing in the new age requirement by moving the cutoff date back one month per year for three years, beginning in fall 2012. S.B. 1381 also established a new grade level—transitional kindergarten (TK)—which is the first year of a two-year kindergarten experience for students born between September 2 and December 2; when fully implemented, TK is intended to provide an additional year of early education to 120,000 of California’s youngest children each year, with the goal of promoting their school readiness and achievement.

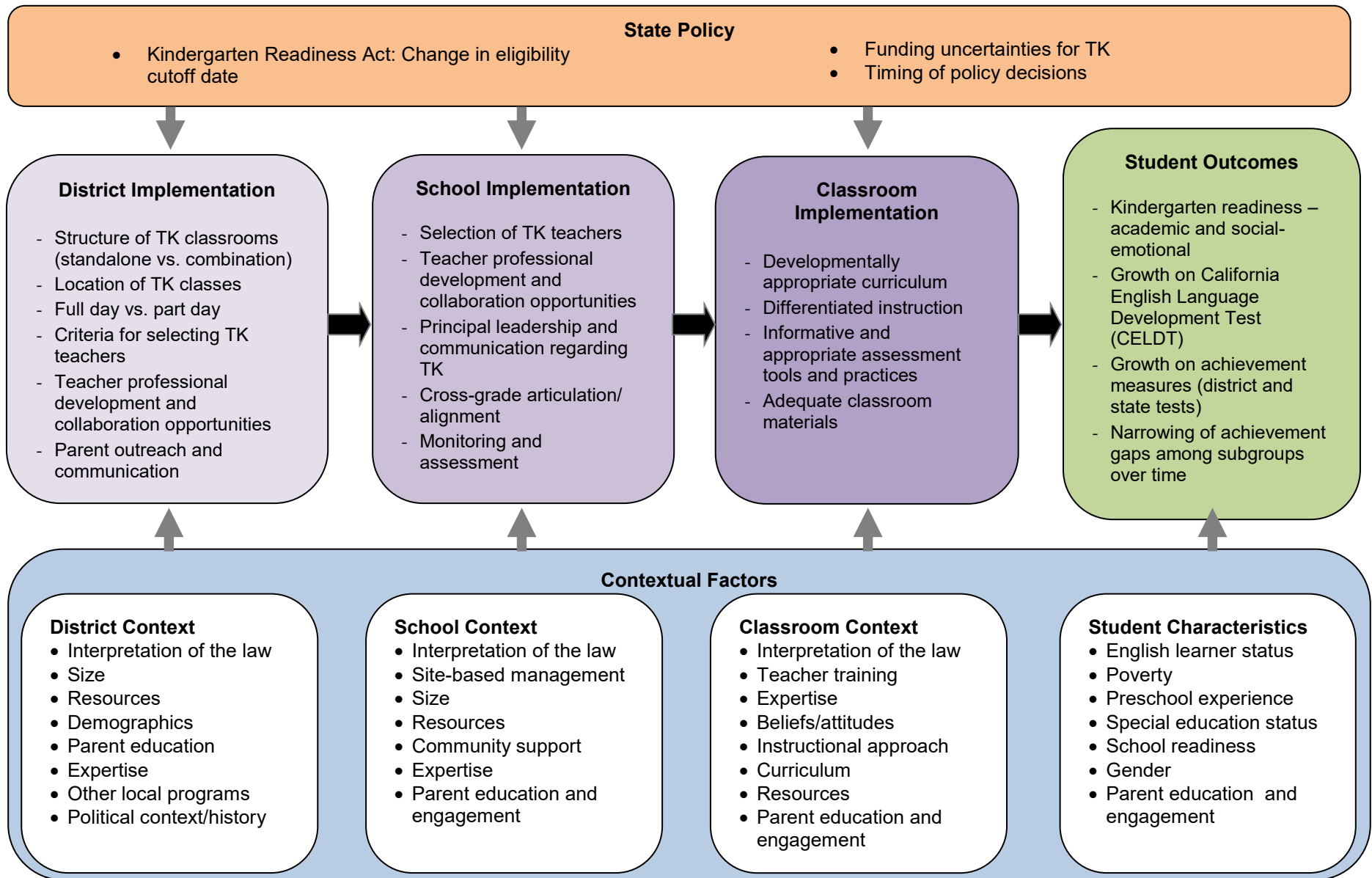
Although the law clearly spells out the new age requirements for kindergarten, districts received little specific guidance on how to implement TK, for example guidance on program structure, curriculum, professional development, assessment, or family engagement. In addition, because of budget cuts and political uncertainty, districts were unsure whether they would receive the state average daily attendance (ADA) funding to support TK until a few months before the start of the 2012–13 school year, and some put planning for TK on hold until funding was certain.

Some initial work was done to document districts’ approaches to planning and implementing TK (e.g., Cross, 2011; Wright, 2011), and this study builds on these preliminary research activities to provide a more complete assessment of the status of TK in the first year of implementation. With the support of the Heising-Simons Foundation and the David and Lucile Packard Foundation, the American Institutes for Research (AIR) conducted this investigation of the planning for and implementation of TK in the 2012–13 school year. This report describes the results of that study in detail.

Focus of the Study

The study design was guided by a theoretical model for understanding policy implementation and outcomes that specifies that the implementation and impact of state legal provisions are heavily influenced by contextual factors at various levels of the educational system. A model that assumes that state laws directly or uniformly affect program implementation and student outcomes does not adequately account for the diversity of California’s school districts, and the complexities of educational policy, practice, and student learning. For example, the state department of education is the first lens through which an educational policy is interpreted and communicated to local districts. Districts, in turn, interpret and respond to the education department’s interpretation of the policy. A district’s interpretation and response may be affected by the resources available in the district or by a multitude of other mitigating factors, such as demographic, geographic, and political attributes. Thus, the state policy may lead to a variety of practices across districts. This process of interpretation and response, shaped by various contextual factors, occurs again at the school (by the principal and other leaders) and then at the classroom level (by teachers). Finally, the ultimate link between classroom practice and student outcomes may be affected by teacher training, experiences, beliefs, and attitudes, as well as student characteristics such as English language learner status, socioeconomic status, and level of family engagement. These interactions and multiple levels of implementation are illustrated in the conceptual model presented graphically in Exhibit 1.1.

Exhibit 1.1. Conceptual Framework for the Evaluation of California’s TK Program



The study addresses the following broad research questions⁴:

1. What is the current landscape of TK programs in California?
2. How have districts and schools planned for, structured, and supported their TK programs?
3. How is TK being implemented at the classroom level, and how does TK differ from kindergarten?
4. Are districts using TK as an opportunity to build greater articulation between preschool and K–3? If so, how?
5. What are the challenges and lessons learned in planning for and implementing TK?

To address these questions and the complexities of the implementation of a statewide policy initiative, AIR conducted a mixed-methods study examining these issues on multiple levels of the system. The methodology for the study is described in Chapter 2.

Overview of the Report

This report is presented in nine chapters:

Chapter 2 presents a discussion of the methodology used in the study.

Chapter 3 describes the rollout of TK in 2012–13 from the district perspective and includes a discussion of the statewide landscape of TK implementation, planning and support for TK, and funding resources used by districts.

Chapter 4 focuses on TK structure and administration. This chapter examines the structure of TK classrooms (e.g., half-day versus full-day settings), approaches to staffing TK classrooms, and district support and guidance provided to school staff.

Chapter 5 examines student eligibility and enrollment policies, numbers and characteristics of students served in TK, outreach to parents, and district promotion policies.

Chapter 6 focuses on classroom-level implementation, summarizing Classroom Assessment Scoring System (CLASS) scores during classroom observations and results from teacher surveys.

Chapter 7 examines articulation and connections between TK and other grades and provides results on the degree to which teachers have shared planning time, joint professional development, alignment of practice, and transition activities from TK to kindergarten.

Chapter 8 presents parent perspectives and school and district staff reports of perceived benefits, challenges, and unanticipated outcomes related to TK.

Finally, we present a summary of key findings and conclusions and recommendations in Chapter 9.

⁴ AIR also addressed a sixth research question regarding the feasibility of an outcome evaluation of TK; the results of this investigation are not included in this report.

Chapter 2: Methodology

In this implementation study, AIR gathered information at various levels of TK implementation from multiple sources, using multiple complementary methodologies. Study decisions were guided by a technical advisory group (TAG), made up of three researchers with expertise in early learning in literacy and mathematics, classroom quality, and measurement. At the beginning of the study, we also consulted with a group of stakeholders from organizations involved and interested in TK, to inform them about the study and gather advice about how best to collect information from schools and districts. Appendix A lists the study’s technical advisory group and stakeholder group members. Exhibit 2.1 summarizes each data collection strategy in terms of the target respondent group and the purpose for each strategy. Surveys and other data collection protocols are included in Appendix B.

Exhibit 2.1. Data Collection Strategies

Data Collection Strategy	Respondents	Purpose
Short district census survey	Administrators from all districts with kindergarten enrollment	To gather broad information about which districts were implementing TK in 2012–13, in which schools, in what format(s), and for how many students
In-depth district survey	Administrators from a sample of districts offering TK	To examine planning and decision-making processes, TK policies, district-level professional learning opportunities for teachers, and funding sources
Principal survey	Principals at a sample of schools with TK classrooms within surveyed districts	To gather information on strategies for TK–3 alignment, teacher hiring and placement, professional development, and schoolwide parent engagement strategies
Teacher survey	TK teachers and 1 kindergarten teacher from each sampled school	To collect information on TK teachers’ instructional practices and strategies to differentiate instruction for TK students, and on TK teachers’ qualifications and background, professional development, and strategies for parent engagement at the classroom level Kindergarten teachers completed the teacher survey to provide information on instructional practices in kindergarten classrooms, for comparison with TK classrooms.
CLASS observations	TK teachers from a subsample of surveyed schools	The Classroom Assessment Scoring System (CLASS) tool was used to collect the quality of teacher–child interactions in TK classrooms with different formats (e.g., dedicated TK classrooms, combination TK/kindergarten classrooms).

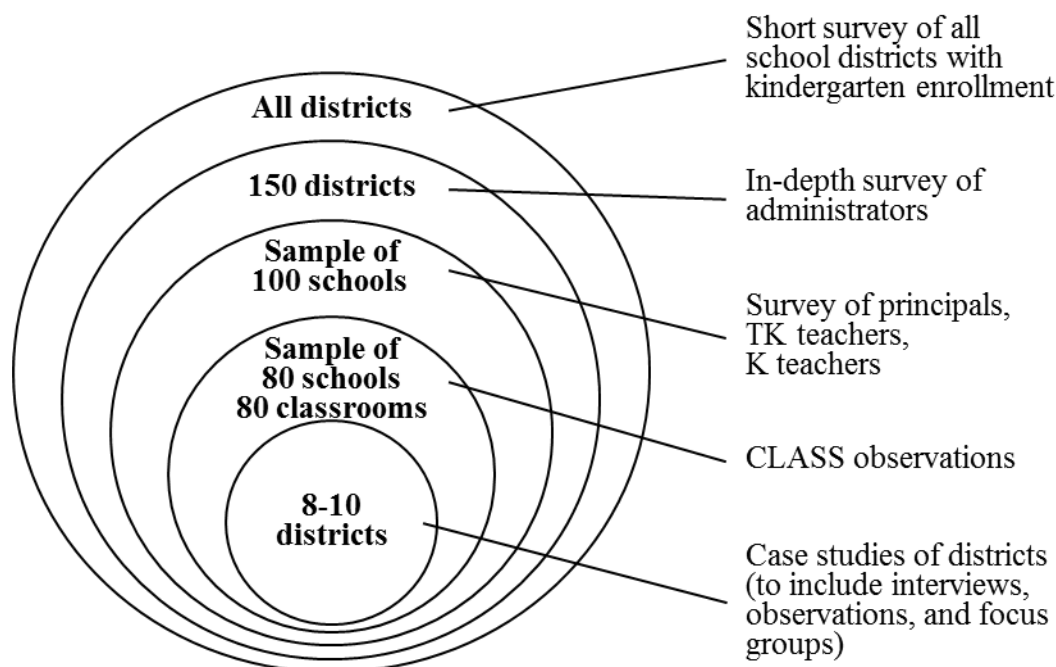
Data Collection Strategy	Respondents	Purpose
Case study interviews, observations, and parent focus groups	District administrators (TK administrators, budget officers) Principals TK teachers Kindergarten teachers Parents	In-depth interviews in case study districts provided more details from district and school staff on TK policies, resources used, decision-making processes, professional development, alignment, parent outreach and engagement activities, and classroom practices. Additional observations, conducted in TK and kindergarten classrooms in case study districts, further documented structure, curriculum, and practices for differentiating instruction. Parent focus groups gathered information from parents on how they decided whether to enroll their child in TK, what their child's experiences have been in TK, and how they received information about TK.

Sampling Strategy

As a first step in documenting the implementation of TK in the state, AIR surveyed administrators in all California districts with kindergarten enrollment ($N = 868$). The aims of this short survey were to determine how many districts were implementing TK and how many students were being served and to gather some basic information about how districts were implementing this new program.

All remaining data collection activities focused on representative samples of districts and schools. The research team used a nested sampling design such that each stage of data collection provided additional detail for a successively more focused sample of respondents. This strategy was chosen for two reasons. First, we were able to gather a substantial amount of information about a subsample of districts, schools, and classrooms to understand TK in a range of contexts. Second, because we have multiple data sources from the same set of respondents (e.g., surveys from district and school respondents and observations of classrooms), we were able in some cases to triangulate our findings for a clearer picture. Data were thus collected at five levels (see Exhibit 2.2) in order to understand the multiple influences on implementation across districts.

Exhibit 2.2. Target Study Sample



Several steps were involved in drawing a sample of districts. First, the state was divided into four large regions (North, Greater Bay Area, Inland Central, and South). Twenty counties were selected from these regions, using stratified random sampling with probability proportional to size, and two additional counties were included with certainty because such a large proportion of the state’s students reside in those counties. Second, we selected all districts in those 22 counties that implemented a TK program prior to the mandated statewide implementation date (“early implementers”). This approach ensures that we have sufficient representation from this relatively small group of districts. Third, additional districts from within these 22 counties were selected, stratified by a composite measure of student disadvantage (i.e., proportion of students who are English learners or eligible for free or reduced-price lunch) and a measure of district urbanicity, for a total of 200 districts. The probability of selection was weighted so that districts with more TK-eligible students had a greater likelihood of inclusion in the sample. To select the school sample within these districts, we again stratified by region and drew a sample of 10 counties from the group of 22 in the district survey sample. From within the 10 counties, we drew a sample of 60 districts, with probability proportional to the number of TK-eligible students. We selected up to 10 schools per district, with 2.4 schools per district on average, for a total of 135 schools. We invited principals and teachers in 135 schools to complete the surveys and participate in the classroom observations because we expected some districts, principals, and teachers to decide not to participate in the study. Response rates are presented in Exhibit 2-3.

We then used simple random sampling to select 100 of the 135 schools sampled for surveys for CLASS observations. To increase the number of classrooms observed, we later invited all 135 programs to participate in classroom observations.

Due to the data collection timeline, we did not close higher level surveys and redefine our sampling frame before drawing samples for our lower level survey samples. More specifically, the in-depth survey of district administrators was still in the field at the time that the principal and teacher samples were drawn, and principal and teacher surveys were administered at approximately the same time. As a result, our initial target samples are nested, but the respondent samples are not nested in all districts. For example, we may have principal and teacher respondents from a district without a district-level respondent, or we may have responses from teachers whose principal did not respond. All exhibits in this report note the total number of respondents (*n*) to the survey from which that information was drawn; however, the number of respondents who gave an answer to any particular question shown in a figure may be lower than that total because of item nonresponse. Also note that estimates from analyses of subsamples with small numbers or survey items with fewer respondents (less than 40) should be interpreted with caution as variances may be large.

Survey Data Collection and Analysis

Surveys were one of the primary tools used to collect data in this study. We administered surveys to district administrators, principals, TK teachers, and kindergarten teachers in order to understand TK implementation at each level. These survey data allowed the research team to characterize TK implementation across the state, estimating how many districts are implementing TK, describing TK classroom configurations that exist, and characterizing TK classroom practices.

Short District Census Survey

To describe the landscape of TK in the state, AIR first reviewed extant data sources to determine what data were available on TK enrollment. For example, to address basic questions about eligibility for TK, the AIR team gathered data on the number of kindergartners in 2011–12, and, using this as a proxy for the number of kindergartners in 2012–13, we divided this number by 12 to estimate the number of children eligible for TK (i.e., one month of birthdays—November—only). We also explored the availability of relevant data from the California Department of Education (CDE). In 2012–13, the CDE did not require districts to report on TK enrollment in the state longitudinal data system (CalPADS). Though TK enrollment data will be collected beginning in 2013–14, enrollment data were unavailable for 2012–13. Therefore, the short census survey of districts captured enrollment data not available through other extant data sources. In addition, this short census survey gathered information on how many and which districts implemented TK in 2012–13, when they began implementing TK, what birthday cutoff they used, and how many students enrolled in TK.

Surveys primarily were administered electronically via an online survey platform and were distributed in several batches according to district size and other factors. The larger districts—those with at least 25 schools (with a range of 25–584 schools)—received a different version of the survey that did not contain school-level questions; instead, these districts received both the electronic survey and a spreadsheet with a list of the district schools. This was done to facilitate the response process because districts with more than 25 schools would find it easier to respond to the school-level questions in a spreadsheet layout than in the online survey layout. District

personnel unable to receive the automated survey notifications were contacted via e-mail, and survey responses were collected through e-mail.

After the survey was closed, the research team conducted intensive follow-up to obtain responses from a random subsample of nonrespondents. Follow-up included reminder e-mails, phone calls, and voice messages encouraging respondents to participate. These responses were used to create survey weights that correct for nonresponse bias. The survey had a final response rate of 72 percent ($n = 629$). The weighted analyses presented in this research brief are representative of the state.

In-Depth District- and School-Level Surveys

Using the short district census survey information, a sample of districts and schools implementing TK was drawn for inclusion in the subsequent study activities. (See the earlier description of details about the sampling process.) From this sample, we collected information through surveys of district TK administrators (or superintendents), principals, TK teachers, and kindergarten teachers.

Survey Development

First, in consultation with the study's technical advisory group, AIR identified a core set of constructs to measure in the evaluation. We then reviewed existing surveys used in other national and regional studies that addressed early childhood teaching environments to identify survey items and groups of items that address the constructs of interest and had already been tested or validated. The team also developed new survey items and modified many preexisting survey items from evaluations of other programs with similar goals in order to create items that were appropriate for district administrators, TK and kindergarten teachers, and their principals. The draft survey was reviewed by members of the technical advisory group and further refined.

In December 2012 and March 2013, AIR pilot-tested the surveys with three district administrators, two TK teachers, and one principal. After completing the survey, pilot-test participants were asked about the content of survey questions to identify areas where items might have been misinterpreted. In addition to discussing the content of the questions, the study team tracked how long it took participants to complete the survey to ensure that the survey was not overly burdensome. Pilot-test results were used to modify or eliminate items and finalize the surveys.

Administration of the In-Depth District Survey

In contrast to the short census survey of districts, the in-depth district survey was used to collect more detailed information from districts about their practices and policies related to TK. Participants completed all surveys online. AIR e-mailed each participant an invitation to complete the survey with a link to that participant's survey. All 200 sampled district administrators were sent a district survey in March 2013. To encourage district administrator participation, survey respondents were entered into a drawing for four \$500 awards they could use in their district for completing the survey. Three districts refused to participate after they were sent a survey. The study team followed up with respondents by phone and through e-mail

reminders to encourage a high response rate. In total, 125 district administrators responded to the survey, for a response rate of 63 percent.

Administration of the Principal and Teacher Surveys

In May 2013, the research team contacted principals of sampled schools about their participation in the TK evaluation and sent a survey link. Eight schools refused to participate after they were sent a survey. As participating schools were recruited, teacher contact information was collected and TK and kindergarten teachers were sent online surveys. To encourage principal and teacher participation, survey respondents received a \$25 incentive with their survey invitation and all participating schools were entered into a drawing for one \$500 award to be used in their school. The study team followed up with e-mail reminders and phone calls to encourage a high response rate. Totals and response rates for principal and teacher surveys are presented in Exhibit 2.3.

Exhibit 2.3. Survey Response Rates

Survey Type	Total Administered	Completed	Response Rate
Short-form census of districts	868	629	72%
In-depth district survey	200	125	63%
TK teacher survey	116	100	86%
Kindergarten teacher survey	72	51	71%
Principal survey	111	71	64%

Survey Analysis

After the survey data collection, we examined initial basic descriptive statistics for each item. The first objective was to describe TK implementation—practices, successes, and challenges—throughout the state. We also explored whether variability in implementation was related to district size. Small, medium, and large districts were defined using a tertile split on kindergarten enrollment records from CDE for the 2011–12 school year. Small districts enrolled 50 or fewer kindergartners, medium-sized districts enrolled 51 to 350, and large districts enrolled more than 350 kindergartners. Because the number of respondents for the in-depth district survey was small, we combined small and mid-sized districts in order to provide statistical comparisons. We present results of statistical comparisons where differences in practice or policy were detected by district size.

Analysis of teacher and principal survey data also were primarily descriptive in nature. Data from principal and teacher surveys allowed us to describe TK curricula, classroom arrangements, instructional practices, teacher perspectives, and other key factors. Because surveys were administered to TK and kindergarten teachers in the same schools, we compared differences in some instructional practices between the two grades, as well as differences between standalone TK classrooms and TK combination classrooms. We present results of statistical comparisons where differences in practice were detected by classroom type.

For all survey analyses, weights were applied to adjust for the stratified sampling design and survey nonresponse. We present unweighted n 's in all figures, but the data have been weighted for analysis. Nonresponse varied by item; we present the highest n in a series when multiple items are presented together in a single graphic.

Classroom Observation Data Collection and Analysis

All 135 schools from the sample of schools selected for school-level surveys were invited to participate in the classroom observation portion of the study. Our team visited and observed 68 classrooms where principals and teachers agreed to participate; we conducted observations using the CLASS observation tool.

In order to become certified as a CLASS observer, each observer was required to participate in a two-day training and pass a reliability test. Our study team included 13 trained and certified observers. All observers passed the same rigorous reliability test given by the CLASS Teachstone online system. Newly certified CLASS observers had an experienced observer code with them during one of their first three observations to provide an additional check on reliability. Throughout the data collection process, data were monitored to ensure that observers' scoring patterns were not consistently different from others' on any particular dimension. In one instance, a second observer was sent to co-code with an observer whose scores appeared to be higher than others in one dimension to ensure that coding rules were being applied consistently; no inconsistencies were found.

In order for an observation to be considered valid, the CLASS tool requires that an observer observe a classroom for a minimum of four cycles. Each cycle consists of a 20-minute observation period and a 10-minute coding period. During the observation period, the observer watches as many behaviors, interactions, and conversations as possible between teachers and children, as well as among children. The observer takes notes on the interactions for 20 minutes and then ends the observation period. After observing, the observer carefully reviews his or her notes, as well as the guidance in the CLASS manual for each dimension, for approximately 10 minutes. During this period, the observer assigns a score from 1 to 7 for each CLASS dimension.

From time to time, unforeseen circumstances may require that a cycle be eliminated. For example, if an observer begins a cycle at 10:00 a.m. and the class goes to recess at 10:08 a.m., that cycle cannot be used. To ensure that each classroom in our sample included the required four cycles, we asked observers to aim to observe at least six cycles. The result was that each of our 68 classrooms was observed for four to seven cycles.

Classroom observers also recorded some basic information about the classroom's resources and structure using a supplemental observation checklist. This checklist prompted the observer to note whether particular materials (such as mathematics manipulatives and computers) were available in the classroom and whether any formal centers (such as for reading or science) were used.

Analyses of classroom observation were descriptive. Mean scores for each domain and dimension of the CLASS were calculated, and scores for standalone classes were compared with combination classes. Analyses of supplemental observation checklist data also were descriptive in nature. Weights were not used to analyze classroom observation data; information presented is intended to be a snapshot of quality and classroom structure in the sample of classrooms that participated.

Case Study Data Collection and Analysis

In-depth case studies in nine districts supplemented the survey data by providing additional information about TK planning, communication, and implementation processes in the districts, which enabled a more in-depth examination of the contextual factors (challenges and facilitators)

that affect implementation and are expected ultimately to moderate program effects on student outcomes. Case studies aimed to gain a more thorough understanding of these issues from the perspective of multiple stakeholders. To identify schools and districts for case studies, AIR began by reviewing the data for the districts sampled for school-level surveys (principals and teachers) and classroom observations. We sought diversity along eight dimensions: (1) region/geography (i.e., greater Bay Area, inland central, north, south); (2) urbanicity (i.e., urban, rural, suburban); (3) student demographics (i.e., percentages of English learners, percentages of children eligible for free or reduced-price lunch); (4) school performance (i.e., Academic Performance Index); (5) school site (i.e., whether TK was located at an elementary school or an early education site); (6) TK model (i.e., standalone or TK–K combination); (7) type of funding (i.e., basic aid district or nonbasic aid district); and (8) year of implementation (i.e., SY2012–13 or early implementers who implemented TK prior to SY2012–13). From this analysis, the research team chose nine school districts and 12 schools within those districts. The characteristics of these nine case study districts are presented in Exhibit 2.4.

Each district’s case study was informed by both a site visit to the school and interviews with district-level staff. The site visit included a parent focus group and interviews with the principal, the TK teacher, and the kindergarten teacher to learn about TK implementation on the campus, including understanding how decisions about planning and enrollment were made and the successes and challenges that schools, teachers, and families had encountered with TK. Case studies also took into account classroom observation data guided by the CLASS tool and the supplemental observation checklist in the TK classroom. Additional, lengthier classroom observations also were conducted in one TK classroom and one kindergarten classroom (or one TK and one preschool classroom, in the case of a district where TK was housed in early education centers) to observe differences in learning strategies, curriculum, and physical environment between the two grades. AIR staff also interviewed district administrators about TK implementation and collected information about funding sources, actual and projected expenses, and sustainability from district budget officers.

Site visitors subsequently summarized what was learned through case studies by completing a field summary questionnaire, in which staff described the instructional practices and physical environment characterizing TK classrooms and summarized the experiences of families, teachers, and administrators at the site level. The research team then identified common themes across sites and explored contextual factors that differentiated district, school, and classroom-level experiences.

Study findings arising from these data collection and analysis activities are presented in subsequent chapters of this report.

Exhibit 2.4. Characteristics of Nine Case Study Districts

School District	Region	Urbanicity	District Size	Demographics*		Average Academic Performance Index (API) Range for Elementary Schools, 2011	TK Model	Basic Aid/ Nonbasic Aid	Implementation Timing
				English Learners (ELs)	Free/ Reduced-Price Lunch Eligible (FRPL)				
School District 1	Greater Bay Area	Suburban	Large (>350 kindergartners)	Mid (14–40%)	Low (0–41%)	Mid API (5–7)	Standalone	Nonbasic Aid	Standard
School District 2	South	Urban	Large (>350 kindergartners)	High (40–100%)	High (63–100%)	Mid API (5–7)	Standalone	Nonbasic Aid	Early
School District 3	Inland Central	Suburban	Large (>350 kindergartners)	High (40–100%)	Mid (41–63%)	Mid API (5–7)	Standalone	Nonbasic Aid	Standard
School District 4	Inland Central	Suburban	Medium (51–350 kindergartners)	High (40–100%)	High (63–100%)	Low API (1–4)	Standalone	Nonbasic Aid	Early
School District 5	North	Rural	Medium (51–350 kindergartners)	Mid (14–40%)	High (63–100%)	Mid API (5–7)	Standalone	Nonbasic Aid	Standard
School District 6	Greater Bay Area	Urban	Large (>350 kindergartners)	High (40–100%)	Mid (41–63%)	Mid API (5–7)	Standalone	Basic Aid	Standard
School District 7	South	Urban	Large(>350 kindergartners)	Mid (14–40%)	Mid (41–63%)	Mid API (5–7)	TK Combination	Nonbasic Aid	Early
School District 8	Greater Bay Area	Urban	Large (>350 kindergartners)	High (40–100%)	Mid (41–63%)	Mid API (5–7)	Standalone	Nonbasic Aid	Standard

School District	Region	Urbanicity	District Size	Demographics*		Average Academic Performance Index (API) Range for Elementary Schools, 2011	TK Model	Basic Aid/ Nonbasic Aid	Implementation Timing
				English Learners (ELs)	Free/ Reduced-Price Lunch Eligible (FRPL)				
School District 9	North	Rural	Medium (51–350 kindergartners)	High (40–100%)	High (63–100%)	Low API (1–4)	TK Combination	Nonbasic Aid	Standard

*To determine whether a district had low, middle, or high levels of EL or FRPL students, a tertile split was conducted using the percentage of students in the district who were EL or FRPL eligible, respectively, for all districts in the state eligible for TK (i.e., elementary school districts and unified school districts).

Chapter 3: Rollout of TK in 2012–13

There was notable uncertainty about the TK program’s funding as a result of state budget deficits and budget negotiations as late as May 2012. Because of this late uncertainty, some districts began planning for the program only a few months before the school year started. Other districts began planning earlier, knowing the program had already been created by law. Still other districts had developed a pilot program in anticipation of the law or had a preexisting TK (or Young Fives) program in place well before the law was passed.

This chapter presents results from the short district census survey, the in-depth district survey, and the principal survey to describe an overview of how the TK program was rolled out, including how many districts implemented TK, what departments were involved in planning and overseeing TK, and what funding resources were utilized.

Statewide Landscape of TK Implementation

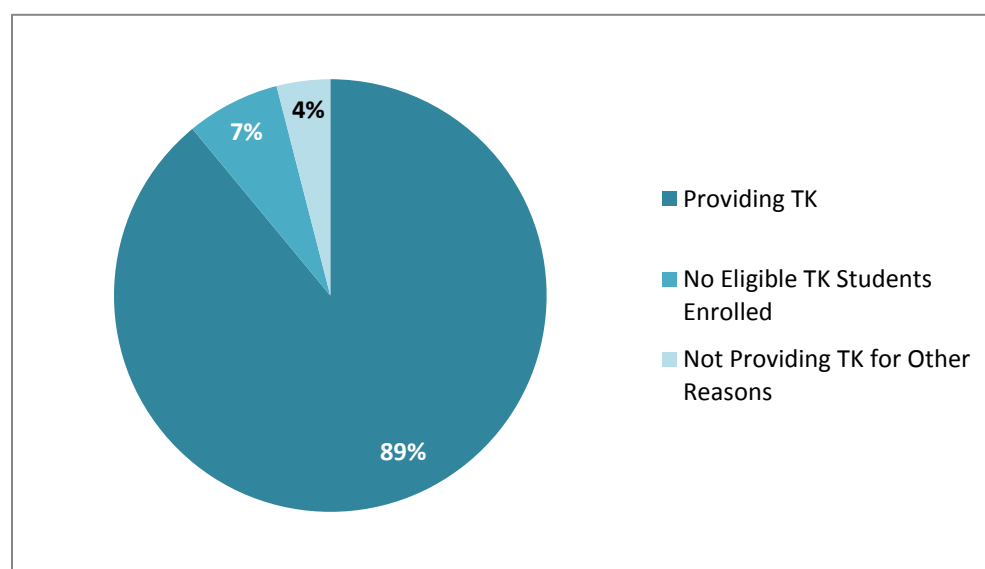
First, we look at a statewide snapshot of TK implementation—the number of districts implementing and the timing of the program’s first implementation across districts. Using data from the short form district census survey, this section presents a description of the overall landscape of TK in its first year.

How Many Districts Provided TK in 2012–13?

Most of the districts that serve kindergarten students across the state reported providing TK to students in 2012–13. Overall, 89 percent of districts reported that they offered TK during this school year (see Exhibit 3.1). An additional 7 percent of districts indicated that no students were eligible for TK or no families were interested in enrolling their eligible child in TK and therefore did not offer the program. Data from CDE on kindergarten enrollment from previous years for these districts revealed very small enrollment numbers overall, confirming that it is very plausible that districts had no TK-eligible students enroll in 2012–13.⁵

⁵ From CDE enrollment data for the 2011–12 school year, we estimate that these districts would have had an average of 1.5 TK-eligible students in 2012–13 if enrollment had been stable from year to year; analyses of kindergarten enrollment trend data indicate, however, that enrollment can vary significantly year to year in small, rural counties. Thus, it is possible that there were no TK-eligible students in these districts or the families of the few students who were eligible chose not to enroll their child in TK in 2012–13.

Exhibit 3.1. Percentage of California Districts Providing TK in 2012–13



Source: Short-form district census survey ($n = 629$)

The remaining 4 percent of districts cited a variety of reasons for not implementing TK in 2012–2013. Some of these respondents indicated that their district was too small or had too few (e.g., one or two) TK-eligible students to warrant establishing a TK program; eligible students were enrolled in kindergarten instead. For example, one district offered this explanation: “We only have one student who qualifies for TK, and he was determined to be fully ready for kindergarten.” Another cited the small size of the district and said, “We will enroll students in the traditional [kindergarten] classroom and provide additional service when needed.”

Other non-implementing districts cited a lack of funding or resources or the uncertainty about funding for the program. For example, when asked why the district was not providing TK, one respondent cited “funding and lack of specific and appropriate instructional materials” as the chief concerns. A basic aid district (whose base funding comes entirely from local property taxes and which does not receive per-pupil funding from the state) indicated that the district had “no space, no additional funding coming to the district” to support implementation.

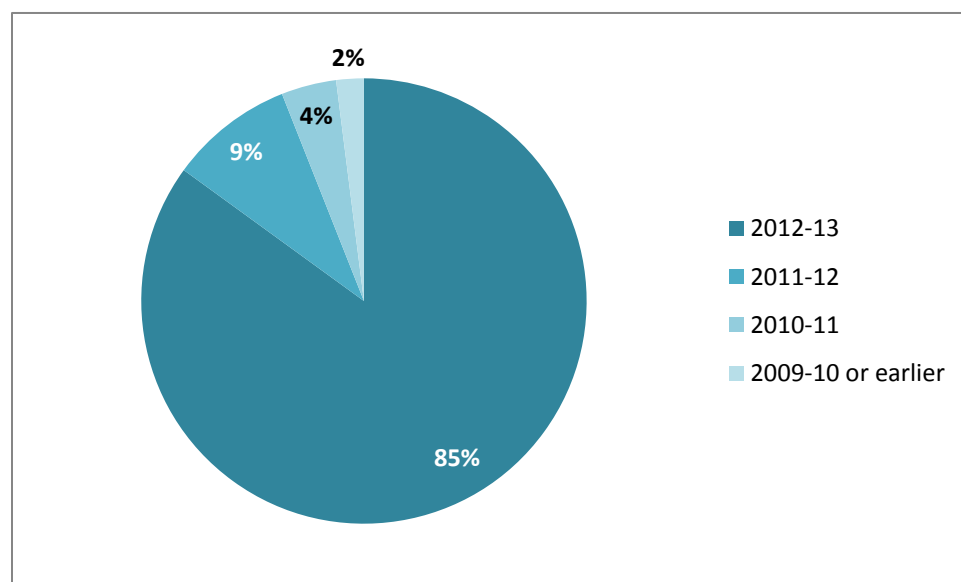
Finally, a few districts also expressed some confusion about the requirements for the program. One administrator from a small district not implementing TK commented, “We only have one student that is eligible, and at the time, our understanding was that we had to provide a TK class. We have come to understand that we can enroll TK students in an existing kindergarten class, which is our intention in the 2013–14 school year.”

Overall, most districts that reported not serving students in TK were small districts (84 percent) or rural districts (91 percent). The 89 percent of districts offering TK serve 96 percent of the state’s kindergarten population, and so only a very small percentage of students eligible for TK are located in districts that were not yet implementing the program. (Please see Chapter 5 for a discussion of the number of students actually served in TK programs across the state.)

When Did Districts Begin Offering TK?

The majority of districts implementing TK in California (85 percent) reported first offering TK in the 2012–13 school year (see Exhibit 3.2). About 15 percent, however, reported implementing the program earlier—some in anticipation of the new law, but others had offered TK or “Young Fives” programs for students eligible, but not quite ready, for kindergarten for years. About 6 percent of districts are in this latter category, first offering TK in 2010–11 (4 percent) or earlier (2 percent). These early implementers served as models for districts as they planned their own TK programs. An additional 9 percent began implementation in 2011–12—just one year earlier than required by law.

Exhibit 3.2. Timing of TK Implementation Among Districts Offering TK in 2012–13



Source: Short-form district census survey ($n = 629$)

Planning and Support for TK

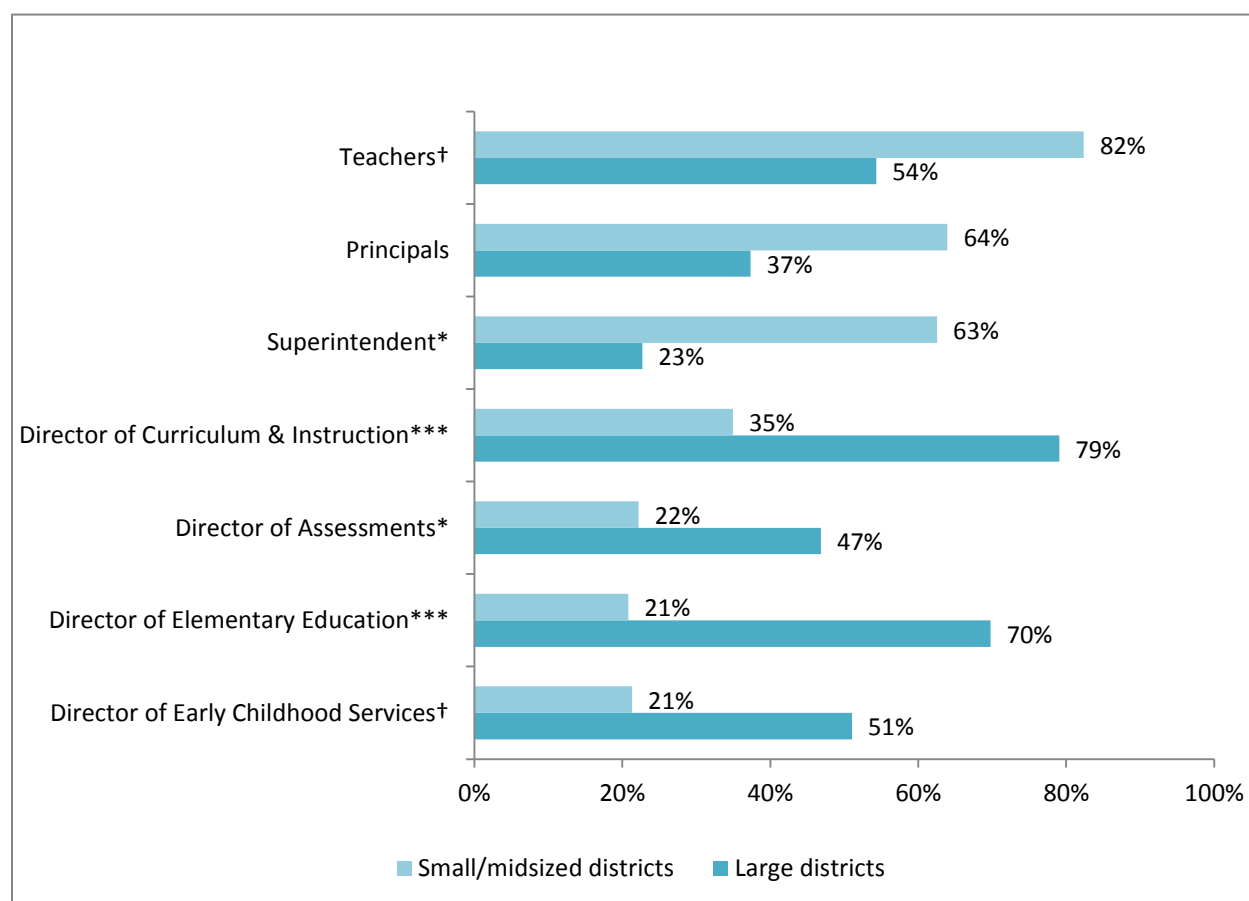
With only a few months between the release of the governor’s revised budget in May 2012—which made clear that the requirement to implement TK was not eliminated—and the start of the 2012–13 school year, most districts had a short time to develop their TK programs. In this section, we describe who was involved in the planning process for TK, who had overall responsibility for the administration of TK, and what planning resources districts utilized leading up to the first year of implementation.

Who Was Involved in the Planning Process for TK?

District survey respondents reported on staff’s level of involvement in planning activities for TK. The types of staff involved in planning efforts differed by district size (Exhibit 3.3). For example, in 79 percent of large districts (those with more than 350 kindergarten students enrolled in 2011–12), directors of curriculum and instruction led or were actively involved in planning efforts, in comparison with 35 percent in small and mid-sized districts (those with 350 or fewer

kindergarten students). In contrast, 63 percent of superintendents in small or midsize districts led or were actively involved in planning efforts in comparison with only 23 percent of superintendents in large districts. This difference may occur because in large districts with larger administrative structures, there are more opportunities for specialized staff to take the lead on implementation; in smaller districts, superintendents are more likely to take on this role.

Exhibit 3.3. Percentage of Districts Reporting Which Staff “Led” or Were “Actively Involved” in the Planning of TK in 2012–13, by District Size



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

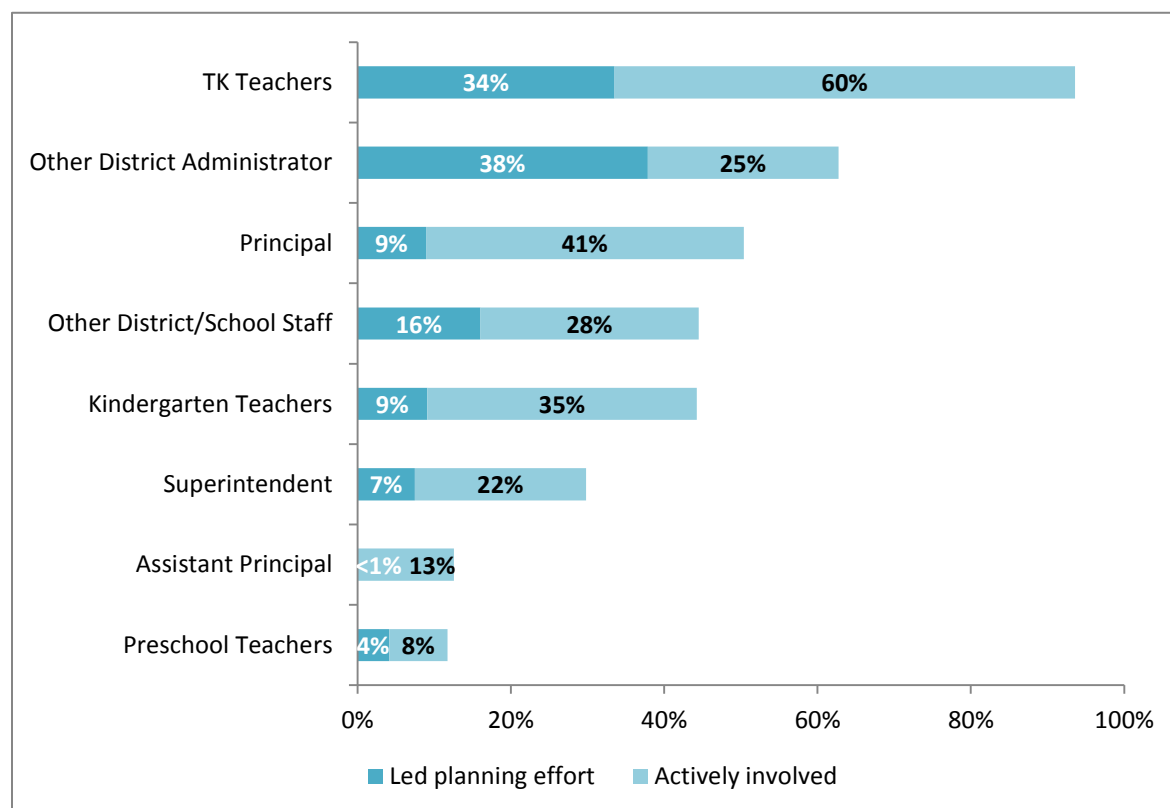
Source: In-depth district survey ($n = 38$ for small/midsize district; $n = 82$ for large district)

Small or midsize districts had higher rates of teacher involvement in planning efforts, with 82 percent of small or midsize districts versus 54 percent of large districts reporting that teachers led or were actively involved in planning TK. In small or midsize districts teachers were the most common staff group identified by district administrators surveyed as leading or being actively involved in planning.

When principals were asked about planning for TK at the school level, an even higher percentage reported high levels of involvement among teachers. An overwhelming majority (94 percent) of principals reported that TK teachers led or were actively involved in planning efforts at their schools (see Exhibit 3.4). In many schools, district administrators maintained an active role in school-level planning too. Nearly two thirds of principals (63 percent) reported that district

administrators other than the superintendent had an active or leading role in TK planning. Less involved in school-level planning were preschool teachers (only 12 percent of principals reported that preschool teachers led or were actively involved in TK planning)—not surprising when considering that many schools do not have preschool programs on-site.

Exhibit 3.4. Staff Involvement in the Planning of School Level Implementation of TK in 2012–13



Note: Response options of “somewhat involved in planning,” “involved only in an advisory/sign-off capacity,” and “not involved” are not shown.

Source: Principal survey ($n = 65$)

The degree to which TK planning was a shared activity among district-level and school-level staff varied. In some of the case study districts we visited, the planning process was collaborative and participatory. For example, one district convened a planning group with leadership from each of its hub schools charged with discussing the rollout of TK in the district.⁶ Another district’s TK planning was led by a teacher on special assignment, who worked on identifying developmentally appropriate curricula and materials to ensure that they were distinct from those of kindergarten. In a third district, one school’s leadership presented the idea of piloting TK to the school board in 2011–12, prior to mandatory implementation in 2012–13. In two other districts, schools were given the opportunity to choose whether they wanted to be a TK hub in the 2012–13 school year.

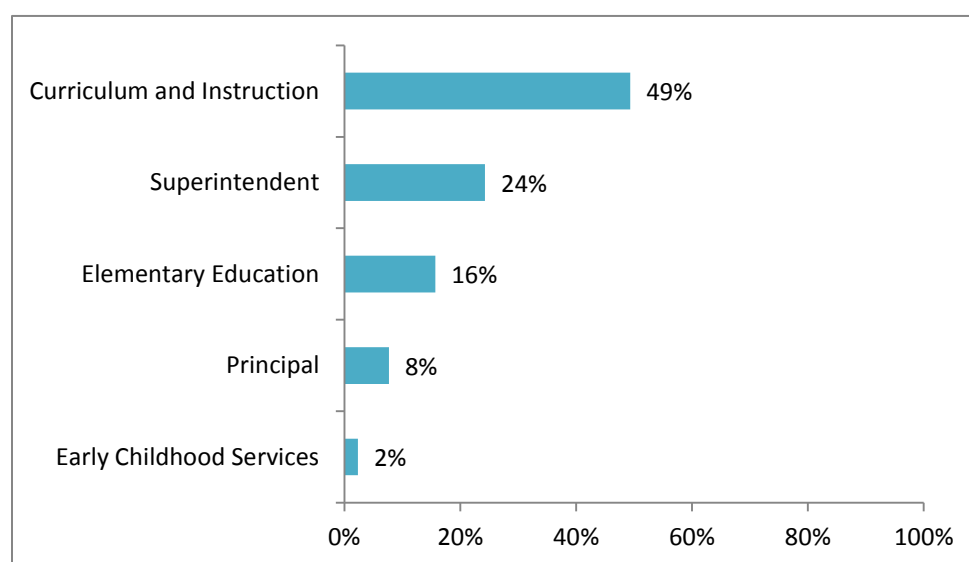
⁶ A hub school is a centralized school in a district that offers TK to students throughout the district catchment area.

In other case study districts, school site staff had little or no involvement or choice in the planning process. For example, respondents at one school noted that their district gave them very little notice and did not ask for input on decisions about implementation. Instead, according to one principal, the district told them, “This will happen. You’re doing it.”

Which Department Had Responsibility for the TK Program?

Consistent with the findings related to staff involvement in planning activities, we find that many districts assigned responsibility for the oversight of TK to departments of curriculum and instruction (49 percent) or departments of elementary education (16 percent; see Exhibit 3.5). In about a quarter of districts (24 percent), the superintendent was chiefly responsible for the TK program. Only a small number of districts (2 percent) housed their TK programs in the department of early childhood services. This is likely due in part to the fact that many districts, especially smaller ones, do not have an early education department. Even among large districts, however, only 7 percent reported that the early childhood services department was responsible for the operation of the TK program.

Exhibit 3.5. District Departments or Administrators Responsible for TK Implementation



Source: In-depth district survey ($n = 124$)

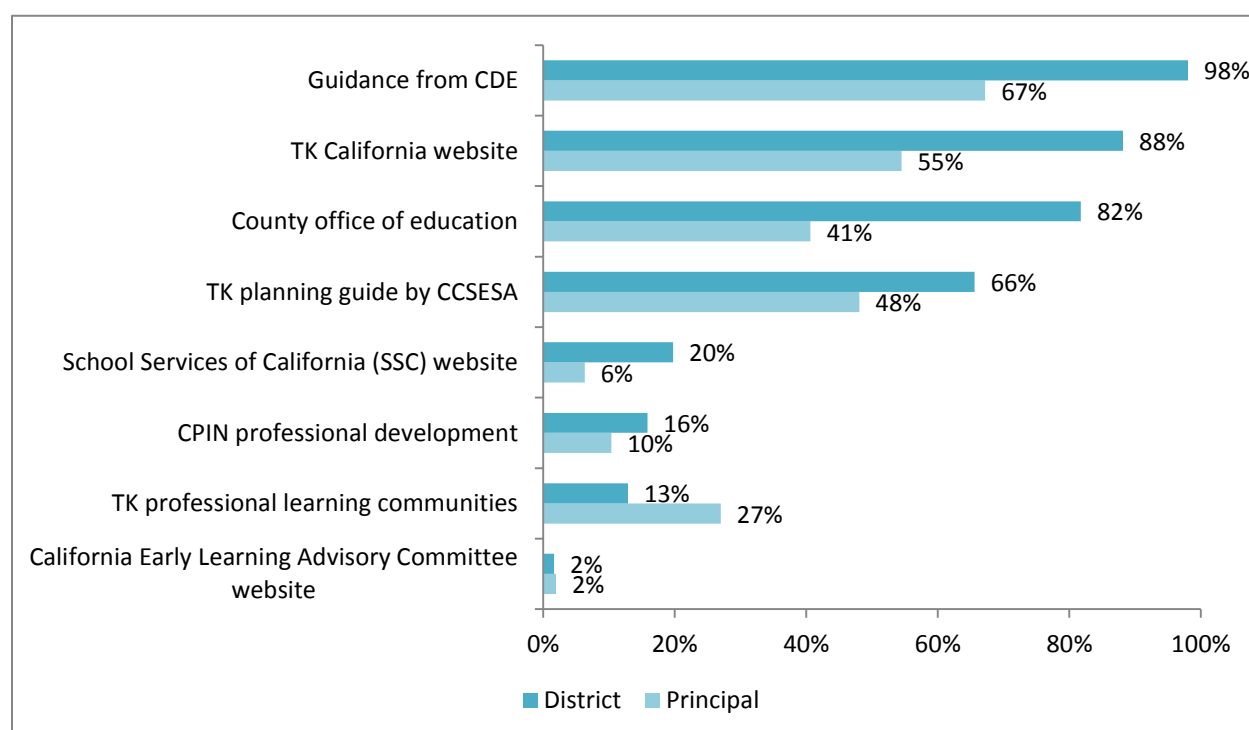
What Resources Were Used to Plan TK?

As noted previously, school and district administrators reported receiving little direction from the state on how to administer a TK program. However, almost all district administrators (98 percent) and many principals (67 percent) reported using what guidance was available from CDE (such as the language of the law itself and documents providing answers to common questions produced by CDE) in planning for TK implementation (see Exhibit 3.6). The TK California website⁷ also was identified as a prime source of information for planning a TK program—

⁷ <http://tkcalifornia.org/>

reportedly used by 88 percent of district administrators and 55 percent of principals. Many district and school administrators also reported using resources from county offices of education, such as guidance from their own county office of education (82 percent and 41 percent, respectively) and the TK Planning Guide developed by the California County Superintendents Educational Services Association (CCSESA; 66 percent and 48 percent, respectively). Professional learning communities served as resources more for principals (27 percent) than for districts (13 percent). In addition, 32 percent of principals also reported using other schools or districts with TK as a resource, and 49 percent reported using the Kindergarten Common Core State Standards as a resource (results not shown).

Exhibit 3.6. External Resources Used to Plan for TK Implementation, by Districts and Principals



Note: Results presented are descriptive; statistical comparisons were not conducted.

Source: In-depth district survey and principal survey ($n = 120$ for district survey, $n = 65$ for principal survey)

Funding Resources

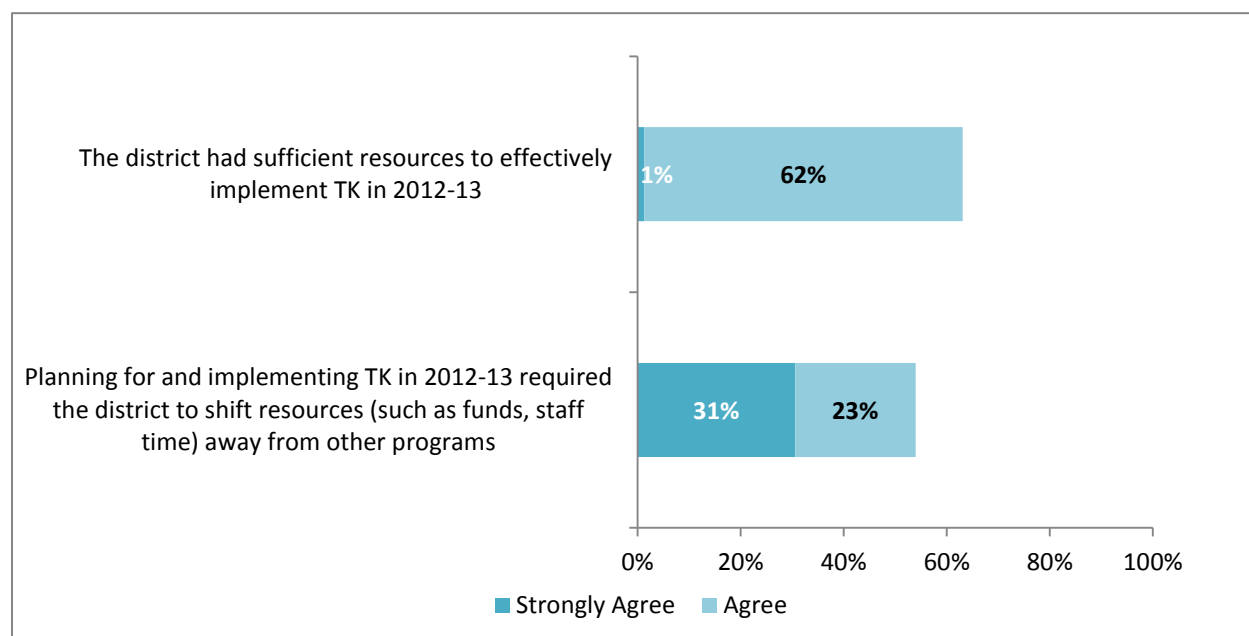
Funding for TK was uncertain during the state budget revisions in spring 2012, leading up to the first year of implementation. At the time, districts were unclear about whether and how they would be able to fund their TK programs. This section describes districts' use of funds to support TK, challenges in identifying sources of funding, and ongoing funding issues.

Did Districts Have the Funding Resources Needed for TK Implementation?

Overall, almost two thirds of district respondents reported having sufficient resources to effectively implement TK in 2012–13 (63 percent of districts; see Exhibit 3.7); 62 percent agreed

with a statement to this effect and 1 percent *strongly* agreed. Many districts, however, reported needing to shift resources (such as funding and staff time) from other programs to plan for and implement TK in 2012–13 (54 percent), which may explain why so few districts *strongly* endorsed the more global statement about having sufficient funds. Moreover, most districts (87 percent) reported that it was a challenge to identify resources such as funds and staff time to implement TK for the 2012–13 school year (see Exhibit 8.1 in Chapter 8).

Exhibit 3.7. Proportion of District TK Administrators Who Agreed or Strongly Agreed With Various Statements About the Availability of Resources for TK Implementation, 2012–13



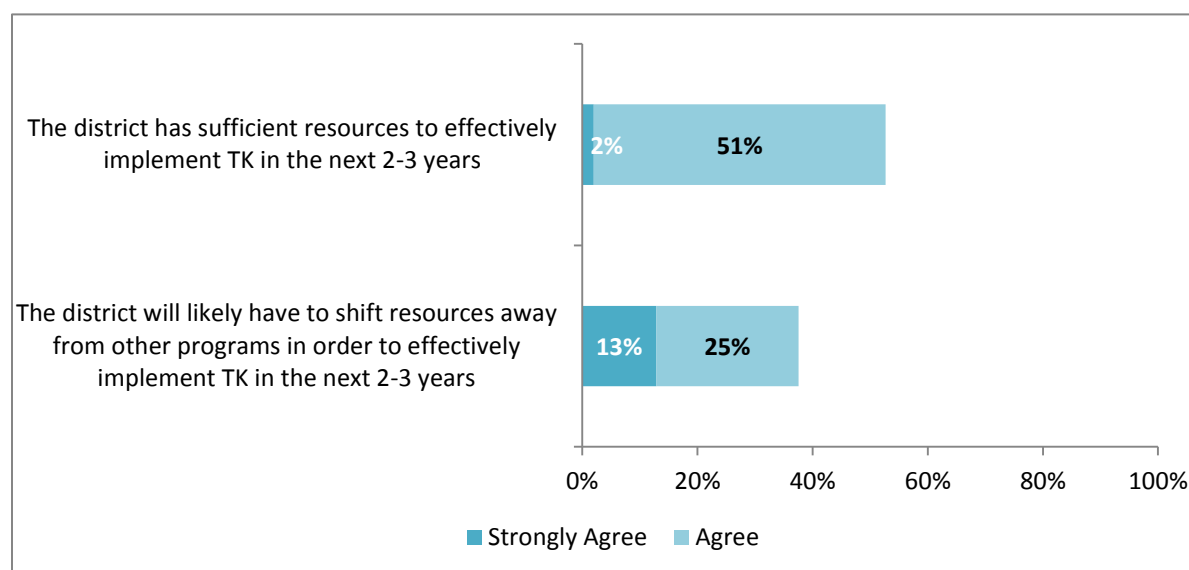
Note: “Disagree” and “Strongly Disagree” response categories are not shown.

Source: In-depth district survey ($n = 118$)

What Ongoing Funding Issues Did Districts Anticipate?

When districts were asked for their forecast of TK funding for the next two to three years, fewer districts than in 2012–13 (38 percent) anticipated that they would have to shift resources away from other programs to fund TK in the future, but only approximately half (53 percent) anticipated that they would have sufficient resources to implement it effectively (see Exhibit 3.8). Therefore, some concerns about funding remain. Specifically, more than half of all districts (52 percent) reported that identifying resources for TK implementation, such as funds and staff time, was likely to be a challenge in the next two to three years.

Exhibit 3.8. Proportion of District TK Administrators Who Agreed or Strongly Agreed With Various Statements About the Availability of Resources for TK Implementation in the Next Two to Three Years



Note: “Disagree” and “Strongly Disagree” response categories are not shown.

Source: In-depth district survey ($n = 117$)

What Funding Sources Did Districts Use to Implement TK?

A point of confusion prior to the implementation of TK concerned the use of average daily attendance (ADA) funds—the per-pupil dollars provided to districts by the state—to support TK implementation. The state clarified that districts would indeed receive ADA for TK students. About a third of district respondents (31 percent) reported that they *only* used ADA or local base unrestricted funding for TK-related expenses in the 2012–13 school year.

District respondents who indicated using sources of funds other than base unrestricted funding for TK-related expenses reported a range of funding sources. The most commonly reported funding source other than base unrestricted funding was unspecified “other local sources of funding” (see Exhibit 3.9). Although no one funding source was used by most districts, 41 percent reported using Title I (non-ARRA) funds and 40 percent of districts reported using Title II, Part A⁸, funds, and 32 percent reported using Tier III program state funds (including the Instructional Materials fund, School/ Library Improvement Block Grant, and/or SB 472/AB 430)⁹, and 25 percent reported using other state categorical funds.

⁸ Title II, Part A, funds are federal funds supporting teacher and principal training and recruitment.

⁹ Tier III programs are state categorical funding streams that were made flexible (i.e., restrictions on what the funds could be used for were substantially lessened) from 2008–09 to 2013–14.

Exhibit 3.9. Funding Sources, Other Than Base Unrestricted Funding, Used for TK-Related Expenses

Type of Funding Source	Percentage of Districts
Other local sources of funding	43%
Federal: Title I, regular ¹⁰	41%
Federal: Title II, Part A ¹¹	40%
State: Tier III programs ¹²	32%
State: other categorical funds	25%
Other grants	16%
Federal: Title I, ARRA ¹³	13%
State: Economic Impact Aid—State Compensatory Education ¹⁴	12%
Federal: Title I, Professional Development set-aside ¹⁵	5%
Federal: Title II, Part D ¹⁶	3%
State: Economic Impact Aid—limited English proficient ¹⁰	3%
Federal: Title III English Language Acquisition Program (ELAP) ¹⁷	1%
Federal: School Improvement Grants ¹⁸	1%

Source: In-depth district survey ($n = 92$)

Similarly, the funding sources most commonly reported by the case study districts as being used to supplement base funding for TK were Tier III state funding (including the Instructional Materials fund, School/Library Improvement Block Grant, or SB 472/AB 430; three districts) and other unspecified local sources (three districts). Two districts also reported using federal Title I funds to support TK, and two districts reported using federal Title II, Part A (Teacher and Principal Training and Recruiting Fund).

¹⁰ Federal funding to support low-income students and schools with high concentrations of low-income students

¹¹ Federal teacher and principal training and recruiting fund

¹² Tier III programs are California state categorical funding streams that were given flexibility to be used for “any educational purpose” from 2008–09 through 2012–13.

¹³ The American Recovery and Reinvestment Act (ARRA) of 2009 provided additional Title I funding to some districts.

¹⁴ Economic Impact Aid is a California state categorical funding source supporting compensatory educational services for educationally disadvantaged students and bilingual education services for English language learners.

¹⁵ If a school district has teachers who are not considered “highly qualified” under the Elementary and Secondary Education Act of 2001, the district is required to set aside 5 percent of its Title I, Part A, allocation for professional development to assist these teachers in meeting those requirements. If a district has been identified as “LEA improvement,” it is required to set aside 10 percent of its Title I, Part A, allocation to be used for professional development in areas directly related to factors that caused the district to be identified as “LEA improvement.”

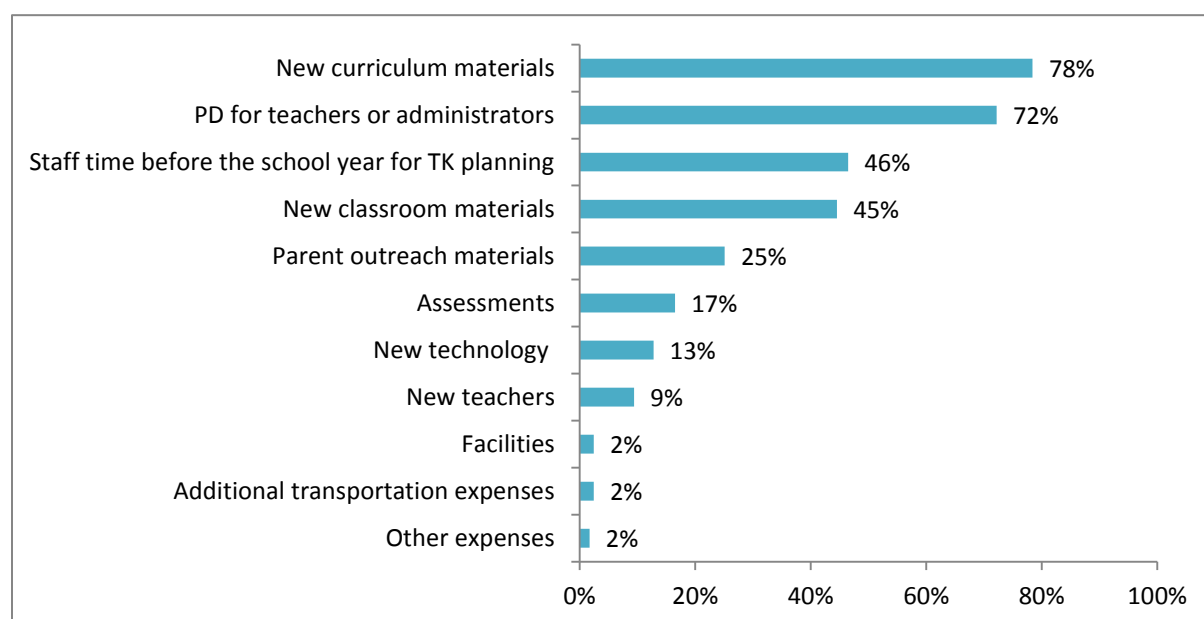
¹⁶ Federal funding source supporting educational technology

¹⁷ This program is designed to improve the education of limited-English-proficient (LEP) children and youth by helping them learn English and meet challenging state academic content and student academic achievement standards. The program provides enhanced instructional opportunities for immigrant children and youth. Funds are distributed to states based on a formula that takes into account the number of immigrant and LEP students in each state. (see <http://www2.ed.gov/programs/sfgp/index.html>).

¹⁸ School Improvement Grants are federal funds awarded primarily from ARRA funds to support the nation’s lowest performing schools in improving their performance.

Of the districts reporting using resources beyond base unrestricted funding for particular TK-related expenditures, more than three quarters reported using these supplemental funds for new curriculum materials (reported by 78 percent of district administrators; Exhibit 3.10). Other common TK-related expenses funded through sources other than base unrestricted funding were professional development for teachers and administrators (72 percent) and staff planning time before the school year (46 percent).

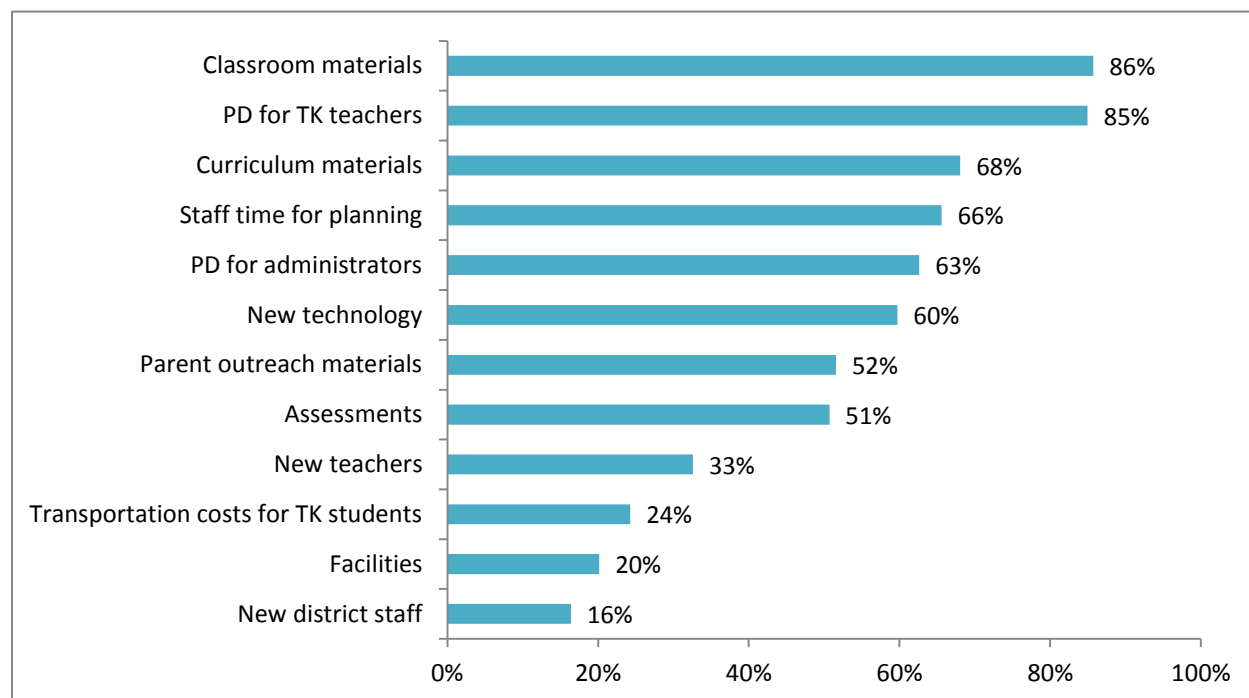
Exhibit 3.10. Proportion of District TK Administrators Reporting TK-Related Expenses That Were Funded Through Sources Other Than Base Unrestricted Funding, 2012–13 School Year



Source: In-depth district survey ($n = 92$)

When district respondents were asked about TK-related expenses for which additional funds would be needed to effectively implement TK in the next two to three years (see Exhibit 3.11), most districts cited needing additional teacher- and classroom-level supports. For example, the majority of districts reported that they anticipated needing additional funds for classroom materials (86 percent), professional development for TK teachers (85 percent), curriculum materials (68 percent), and staff time for planning (66 percent). Other school and classroom supports needed included TK-related professional development for administrators (63 percent) and new classroom technology for TK classrooms (60 percent). Only a small proportion of districts reported that they anticipated needing additional funds for facilities (20 percent) or new district staff to oversee or manage TK (16 percent) in future years.

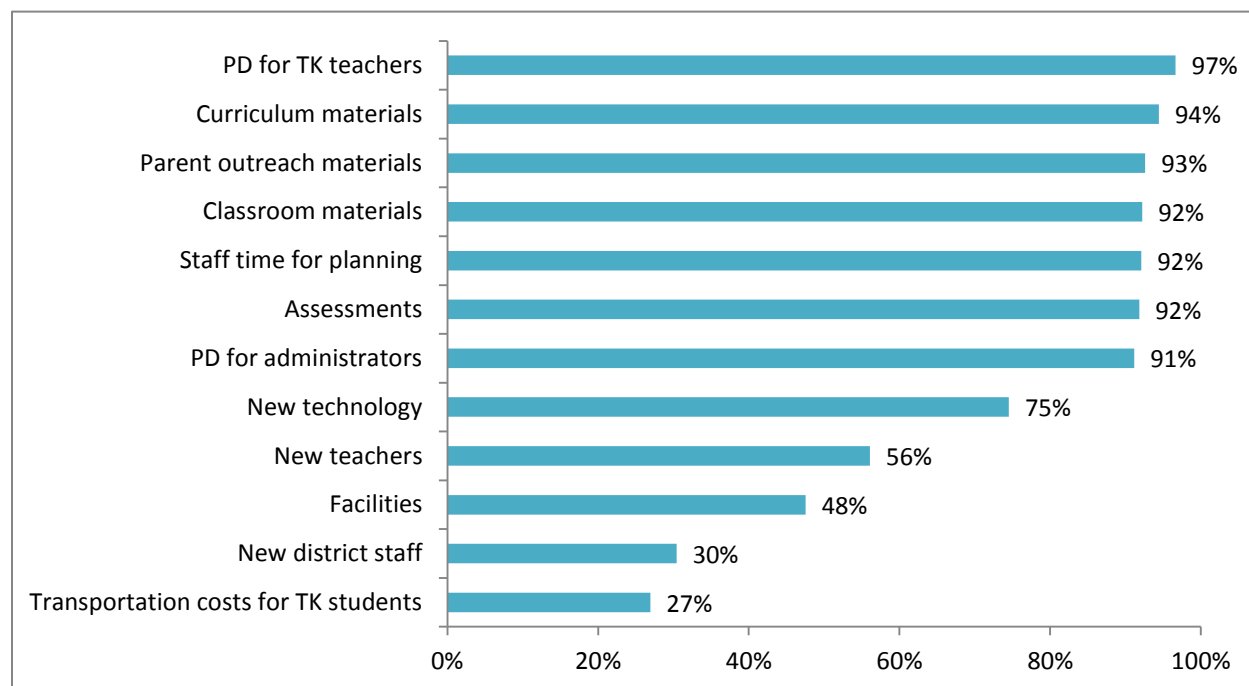
Exhibit 3.11. Proportion of District Administrators Reporting the Need for Additional Funds for Various TK-Related Expenses in the Next Two to Three Years



Source: In-depth district survey ($n = 118$)

Principals highlighted the importance of these resources for TK as well. When asked about the importance of various TK-related expenses to effectively implement TK in their schools in the next two to three years, virtually all principals (97 percent) reported that professional development for TK teachers was very or somewhat important to do (see Exhibit 3.12). Curriculum materials (94 percent), parent outreach materials (93 percent), classroom materials (92 percent), staff time for planning (92 percent), assessments (92 percent), and professional development for administrators (91 percent) also were very frequently cited as important for effectively implementing TK. These principal-identified needs are consistent with the list of expenses districts identified as needing additional resources for the coming two to three years (see Exhibit 3.11).

Exhibit 3.12. Principal-Reported Importance of TK-Related Expenses to Implement TK Effectively in the Next Two to Three Years



Note: “Not Very Important” and “Not Important at All” response categories are not shown.

Source: Principal survey ($n = 65$)

Summary

Most of the districts that serve kindergarten students across the state reported providing TK to students in 2012–13. Overall, 89 percent of districts reported that they offered TK during this school year. An additional 7 percent of districts indicated that no students were eligible for TK or no families were interested in enrolling their eligible child in TK, and therefore they did not offer the program. The majority of districts implemented TK for the first time in the 2012-13 school year, although about 15 percent were early implementers, beginning the program before it was required by law.

With only a few months between the release of the governor’s revised budget in May 2012—which made clear that the requirement to implement TK was not eliminated—and the start of the 2012–13 school year, most districts had a short time to develop their TK programs. The type of staff involved in this quick planning differed by district size, likely because larger districts typically have more specialized staff positions. In most large districts, directors of curriculum and instruction led or were actively involved in planning efforts, and in most small and midsize districts, superintendents typically led planning efforts. Small and midsize districts also had higher rates of teacher involvement in TK planning efforts. The most common resource district and school administrators reported using to plan their TK programs was guidance from CDE, even though they also reported not receiving sufficient guidance overall.

Once implemented, responsibility for the oversight of TK was most often assigned to departments of curriculum and instruction or departments of elementary education, and less often

to early education departments, most likely because many districts, especially smaller ones, do not have an early education department.

To support their new TK programs, many districts reported drawing on resources beyond base unrestricted funding (local or ADA), including federal and state categorical funding sources. Overall, most districts reported having sufficient resources to effectively implement TK in 2012–13, but many also reported needing to shift resources (such as funding and staff time) from other programs to plan for and implement the program. When districts were asked for their forecast of TK funding for the next two to three years, about half of district administrators anticipated that they would have sufficient resources to effectively implement TK programs, but some also anticipated that they would still have to shift resources away from other programs to fund TK in the future. Both district and school administrators reported anticipating needs for additional funds in the future to cover classroom materials and professional development for TK teachers.

Chapter 4: TK Structure and Management

This chapter describes the structure and management of districts' TK programs. Results draw on multiple sources—the short district census survey, the in-depth district survey, the principal survey, the teacher surveys, and case studies—to provide a snapshot of program structure, staffing of TK, monitoring of the program, eligibility and enrollment, parent outreach, student demographics, and district promotion policies.

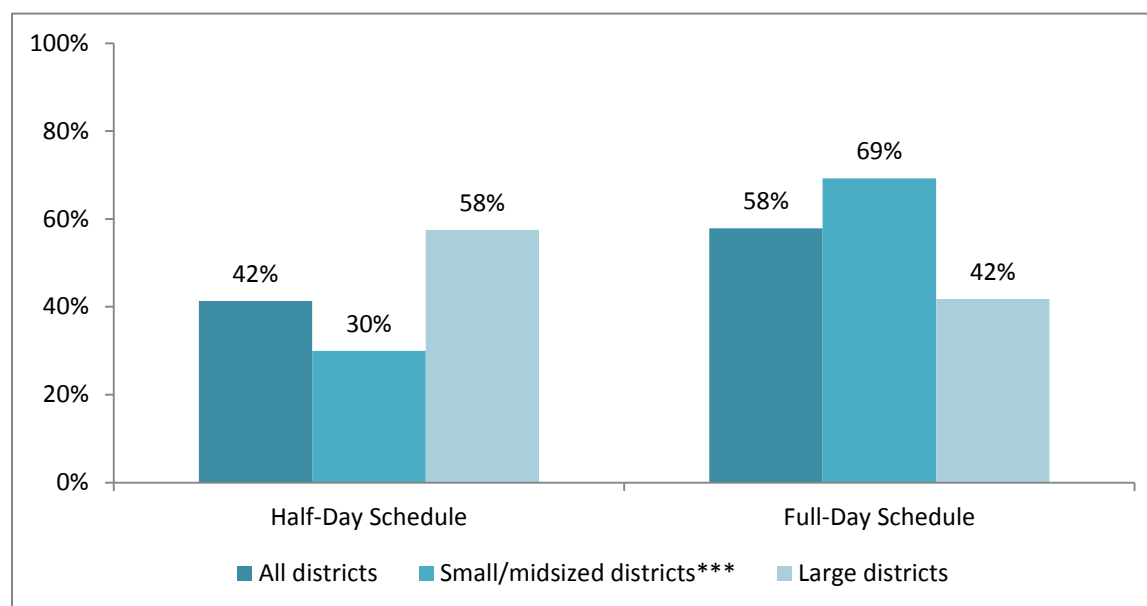
Program Structure

Districts varied in their approach to structuring their TK program; though state law required a minimum of 36,000 minutes (600 hours) per year of TK, half-day or full-day structure was left to district discretion, as with kindergarten. Some implemented half-day schedules, and others created full-day programs. Some districts assigned one or more schools in their district to be TK hub schools, and students from all around the district attended TK at those schools. Others created TK/kindergarten combination classes at every school. This section describes these variations in TK implementation.

To What Extent Was TK Offered in Half-Day Versus Full-Day Settings?

More districts provided full-day TK than half-day; approximately 41 percent of classrooms had half-day schedules, and 58 percent had full-day schedules. Differences in schedule, however, can be seen by district size. Small to midsize districts had more full-day classrooms (69 percent) than did large districts (42 percent) (Exhibit 4.1). The percentage of full-day TK programs in 2012–13, overall and especially for small to midsize districts, is somewhat higher than prior estimates of the percentage of full-day kindergarten programs in California, which was 43 percent in the 2007–08 school year and is on the rise (Public Policy Institute of California, 2009).

Exhibit 4.1. Percentage of TK Classrooms with Half-Day Versus Full-Day Schedules, by District Size



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

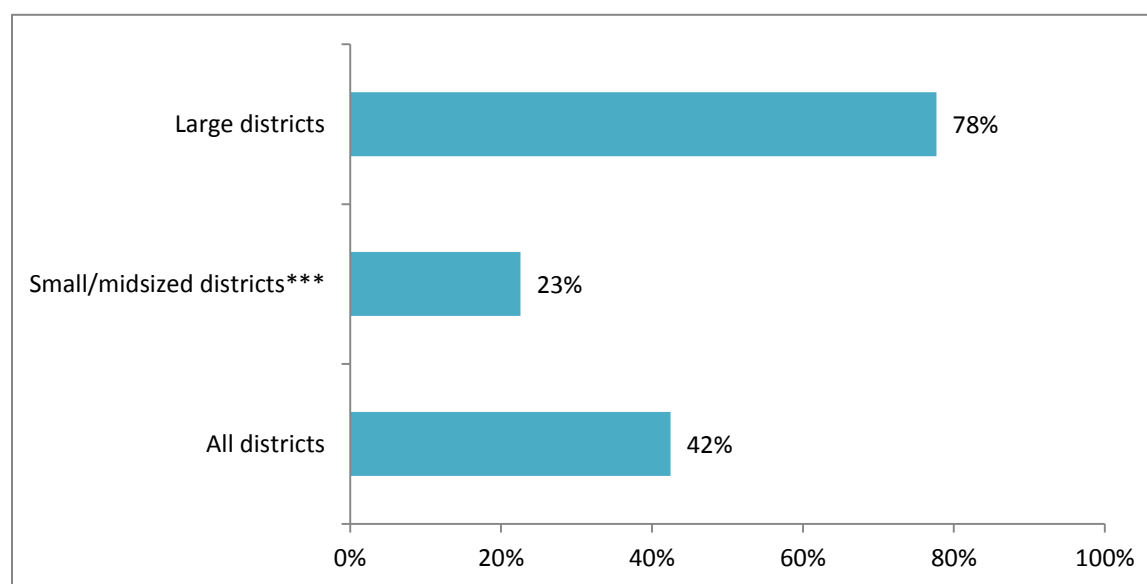
Notes: Percentages may not sum to 100 percent as a result of rounding. Large districts served as the reference group for significance testing.

Source: In-depth district survey ($n = 32$ for small/midsized districts, $n = 67$ for large districts)

How Many Districts Offered Transitional Kindergarten in a Hub School?

The small number of students with birthdays in the month of November could make it difficult for an individual school to fill a standalone TK classroom on its own. One option for districts is to establish one or more schools in the district as a TK hub, in which eligible students from across the district attend TK and then return to their home school for kindergarten. Four out of 10 district respondents reported offering one or more TK hubs within their districts (42 percent; Exhibit 4.2). Large districts were far more likely to report offering one or more TK hubs (78 percent) than small or midsized districts (23 percent). Given their more densely populated catchment areas and potentially fewer transportation challenges, making it more feasible for families to attend a school other than in their neighborhood, large districts may have had more flexibility to offer hub arrangements to their students.

Exhibit 4.2. Percentage of Districts Offering One or More TK Hubs, by District Size



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

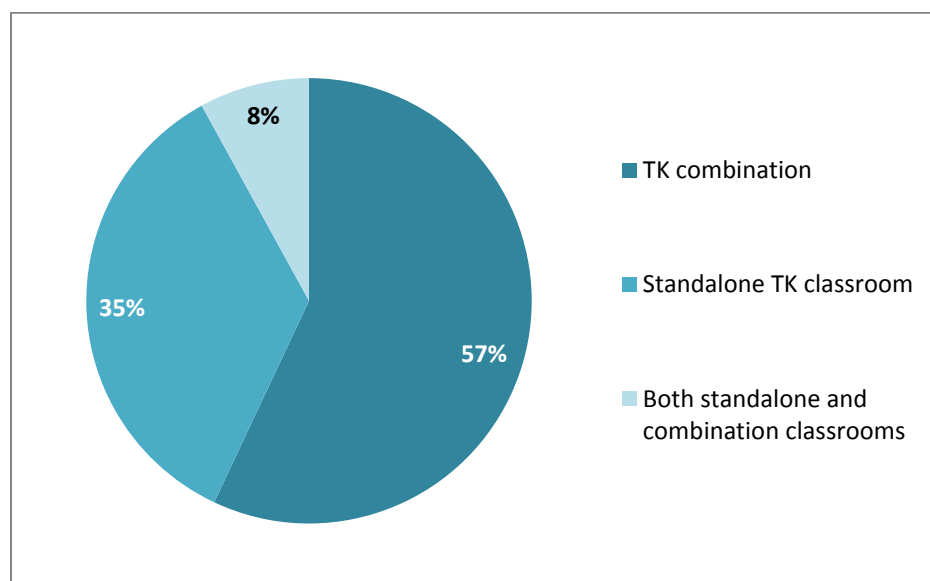
Note: Large districts served as the reference group for significance testing.

Source: In-depth district survey ($n = 41$ for small/midsized districts, $n = 83$ for large districts)

To What Extent Were TK Students in Classrooms Combined With Other Grades?

An alternative to creating hubs in districts without sufficient TK-eligible students to fill a classroom is creating combined-grade classrooms, typically TK combined with kindergarten. Slightly more than half (57 percent) of districts reported serving TK students solely in combination classrooms in 2012–13 (Exhibit 4.3). The remaining 43 percent reported having standalone TK classrooms at one or more of their schools—35 percent reported having only standalone TK classrooms and 8 percent reported having both standalone and combination classrooms among their schools.

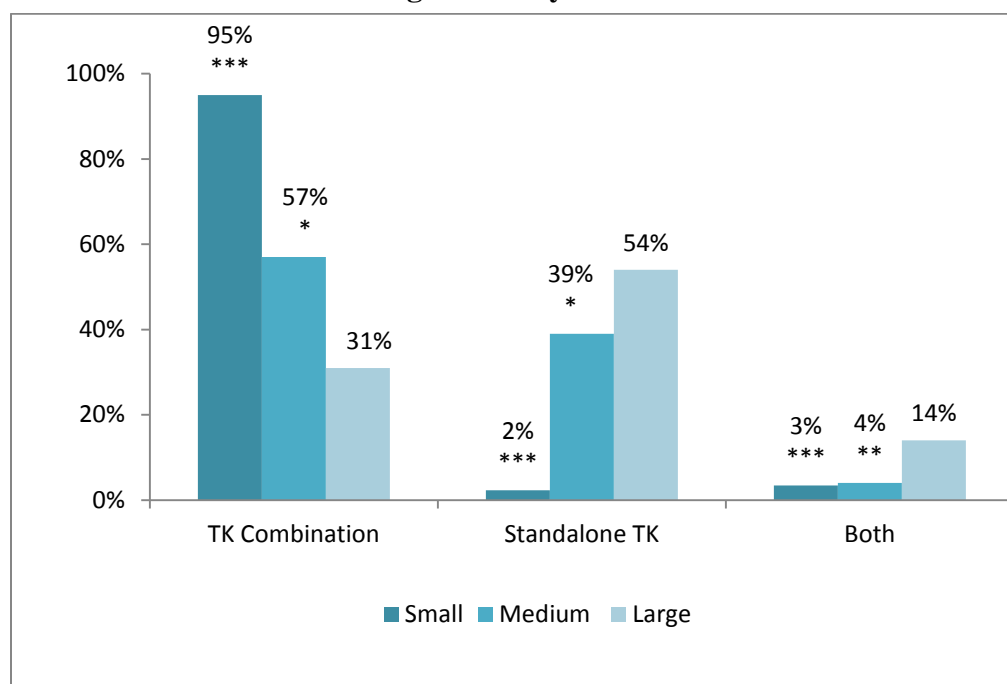
Exhibit 4.3. Classroom Configurations Used in 2012–13



Source: Short district census survey ($n = 629$)

District size is associated with TK classroom configuration ($p < .001$). The vast majority (95 percent) of small districts reported offering TK only in combination classrooms. In contrast, 54 percent of large school districts offered TK only in standalone classrooms, as shown in Exhibit 4.4.

Exhibit 4.4. Classroom Configuration by District Size



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Notes: Percentages may not sum to 100 percent as a result of rounding. Large districts served as the reference group for significance testing.

Source: Short district census survey ($n = 629$)

Year of TK implementation also is associated with districts' choice of classroom configuration. Early adopters—those that implemented TK prior to 2012–13, when it became required—were more likely to offer standalone TK classrooms (56 percent) than districts that began offering TK during the 2012–13 school year (24 percent). Within the next two years, as more districts expand the age-eligibility window for TK and enrollment increases, it is likely that more districts will have the numbers to support standalone TK classrooms.

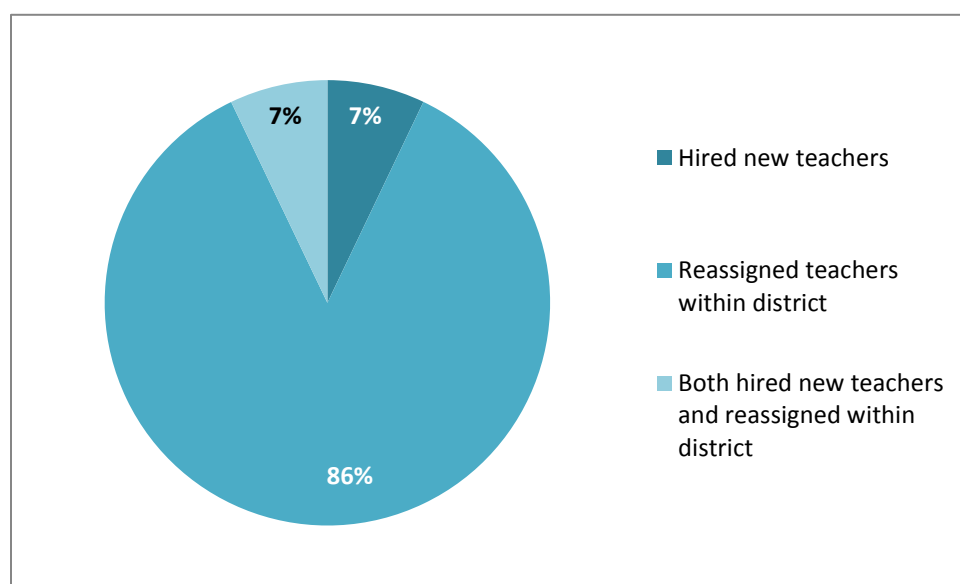
In most cases, TK was combined with kindergarten. According to respondents to the in-depth district survey, 96 percent of combination classrooms were TK combinations, 4 percent combined TK with other grades or multiple grades (for example, TK/K/1 combination classrooms in small rural districts), and 0.2 percent combined TK with preschool.

Staffing TK Classrooms

Setting up new classrooms (as in standalone TK classrooms) or restructuring preexisting classrooms (as in combination classrooms) involves decisions about who should staff these classrooms. Given no explicit guidance from the law, administrators may choose, for example, to reassign teachers with the most early education experience to teach TK, they may ask for volunteers from among existing staff, or union rules may require them to place certain teachers in open positions. These staffing decisions are critical for the successful rollout of TK. The following section examines the criteria district administrators and principals used when staffing TK classrooms. We also present TK teacher reports of their prior teaching experience.

When asked about these staffing decisions, most district administrators reported the district reassigned teachers within the district (86 percent) rather than hire new teachers (7 percent; see Exhibit 4.5). Seven percent of respondents reported using a combination of these two strategies—hiring some new teachers and reassigning other teachers from within the district to fill TK teaching positions.

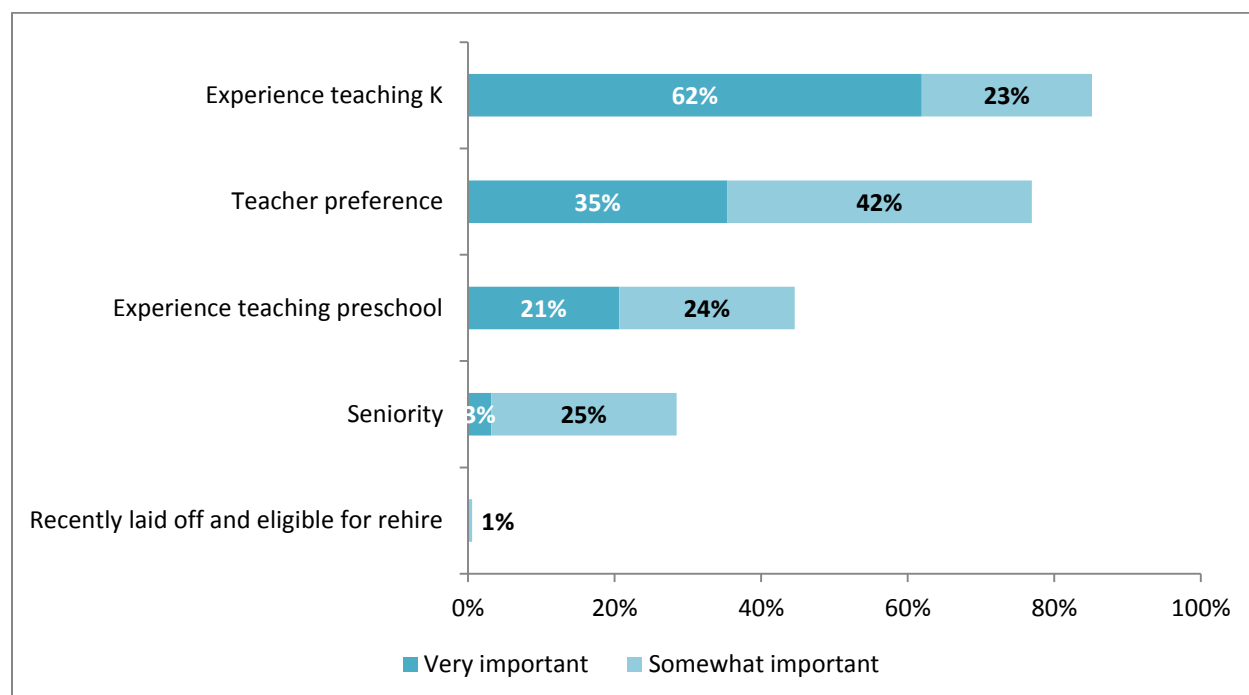
Exhibit 4.5. District Selection of TK Teacher Assignment



Source: In-depth district survey ($n = 111$)

Principals often make direct hiring decisions for their school. Through surveys, principals were asked to indicate how important various criteria were for selecting teachers to hire or for reassignment to teach TK in their school (Exhibit 4.6). Most principal respondents reported experience teaching kindergarten was a very or somewhat important factor when selecting TK teachers (85 percent). In addition, 77 percent of principal respondents reported that a teacher's own interest in teaching TK was a very important or somewhat important factor in selecting a TK teacher. Slightly less than half of principals reported experience teaching preschool was a very important or somewhat important factor (45 percent). Seniority was not as important, with slightly less than a third (28 percent) of principals reporting that it was a very or somewhat important criterion in selecting TK teachers.

Exhibit 4.6. Criteria Considered by Principals When Selecting TK Teachers

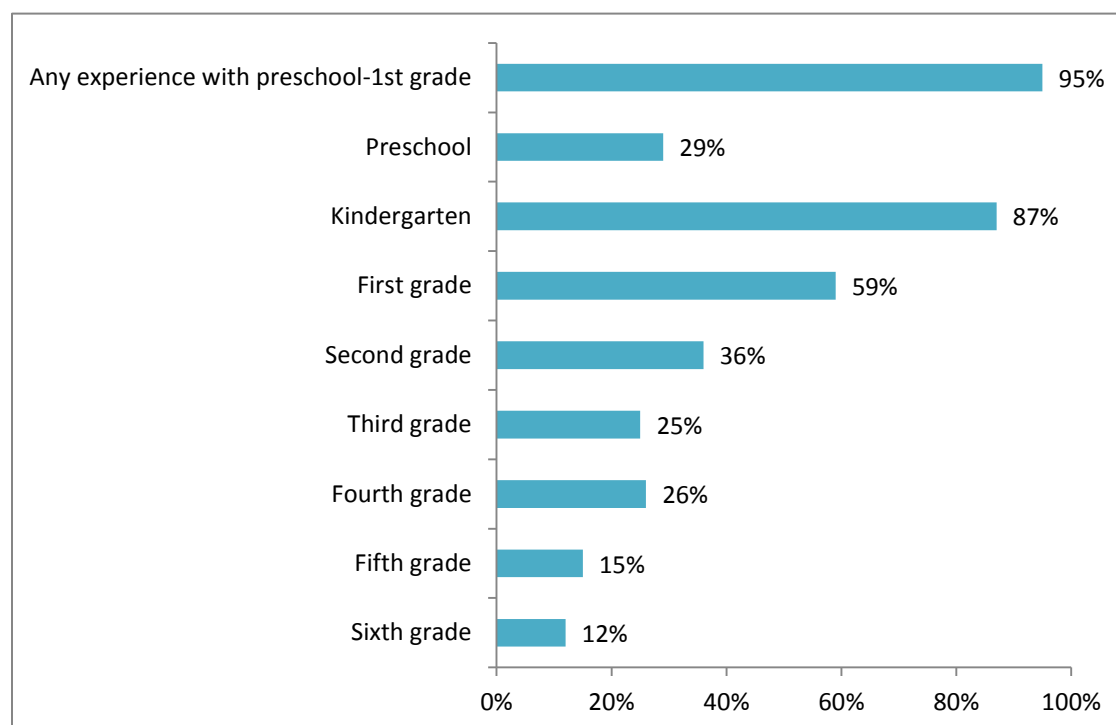


Note: “Not Very Important,” “Not Important at All,” and “Don’t Know—Decision Made at District Level” response categories are not reported.

Source: Principal survey ($n = 65$)

Administrator priorities seem to be borne out in teacher reports of their own prior teaching experience: 91 percent of TK teachers reported having taught TK or kindergarten during the previous school year. Looking at the entirety of teachers’ experience, we saw that the largest group of teachers came from kindergarten teaching backgrounds—87 percent of teachers surveyed reported they had taught kindergarten before. In addition, 29 percent had taught preschool previously (Exhibit 4.7). The vast majority (95 percent) had taught in early grades, including preschool, kindergarten, or first grade. TK teachers also were relatively experienced, reporting approximately 15 years of teaching experience, on average. This is comparable to K–12 teachers in California, who have, on average, 14.2 years of experience (California Department of Education, n.d.). Only 15 percent of TK teachers had fewer than 5 years of teaching experience, and 37 percent had more than 20 years.

Exhibit 4.7. Proportion of TK Teachers With Previous Experience Teaching Other Grade Levels, 2012–13



Source: TK teacher survey ($n = 96$)

TK Implementation Support and Guidance for Schools and Teachers

One key question about how TK is being implemented centers on the support and guidance districts provided to schools. This section provides principal and teacher reports of their district's support for school planning and implementation of TK, PD for teachers, and staff support provided to teachers.

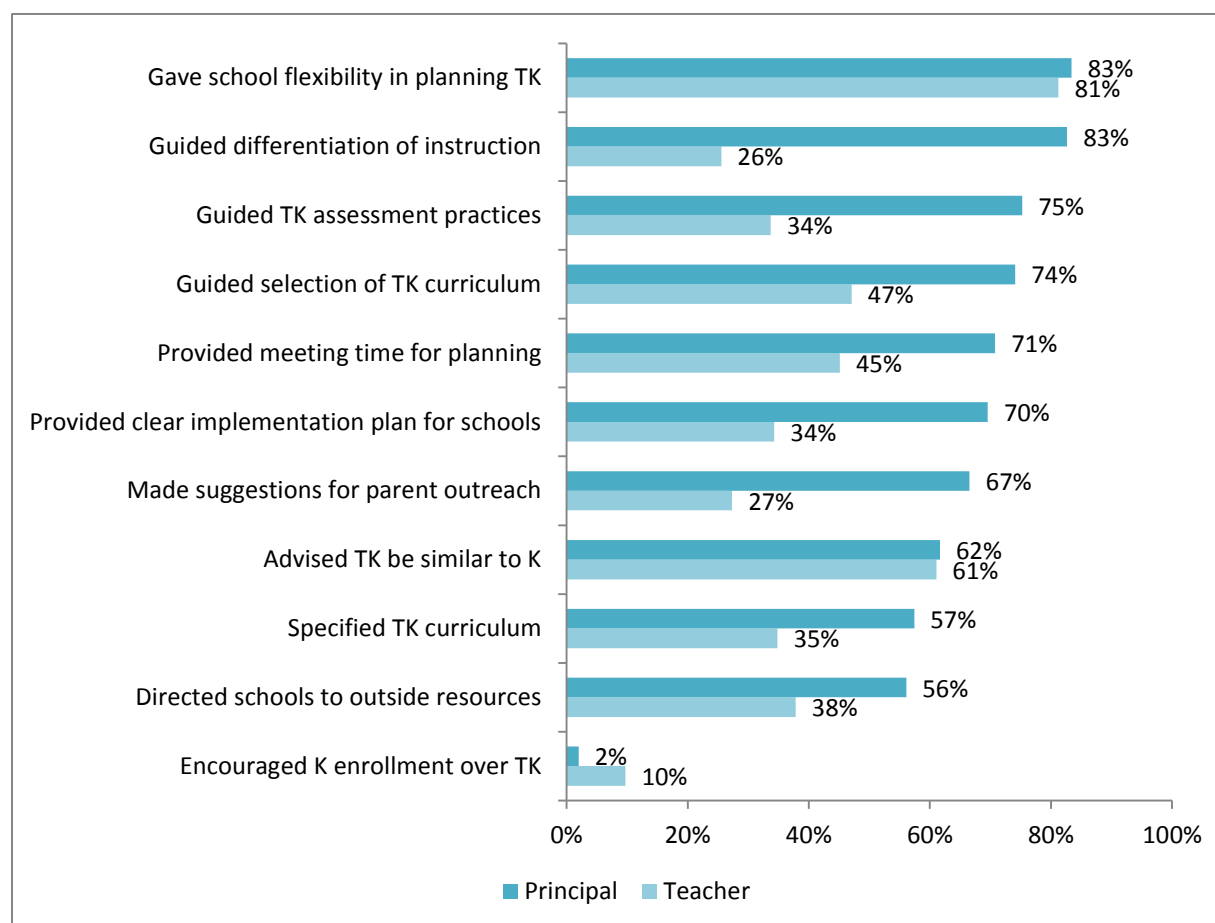
What Level of Guidance Did Schools Receive From Districts?

Principals and teachers differed in their reports about the district support they received for TK planning and implementation (see Exhibit 4.8). For example, many principals reported that districts provided guidance on differentiation strategies¹⁹ (83 percent), TK student assessment practices (75 percent), and selecting the TK curriculum (74 percent). A small number of teachers, however, reported that districts provided guidance on differentiating instruction (26 percent) and assessment practices (34 percent). Seventy percent of principals reported that their districts provided a clear plan for TK implementation, while 34 percent of teachers reported the same. It may be that some principals received guidance from their districts but did not effectively communicate this guidance to teachers, or that teachers felt they needed more specific guidance

¹⁹ Differentiation strategies refer to practices to provide children with different activities or levels of assistance based on their individual skills and needs.

than principals needed. Nonetheless, a large majority of both principals and teachers reported that districts gave their schools flexibility in planning their own TK program (83 percent and 81 percent, respectively).

Exhibit 4.8. Principal and Teacher Reports of District Support for School Planning and Implementation of TK



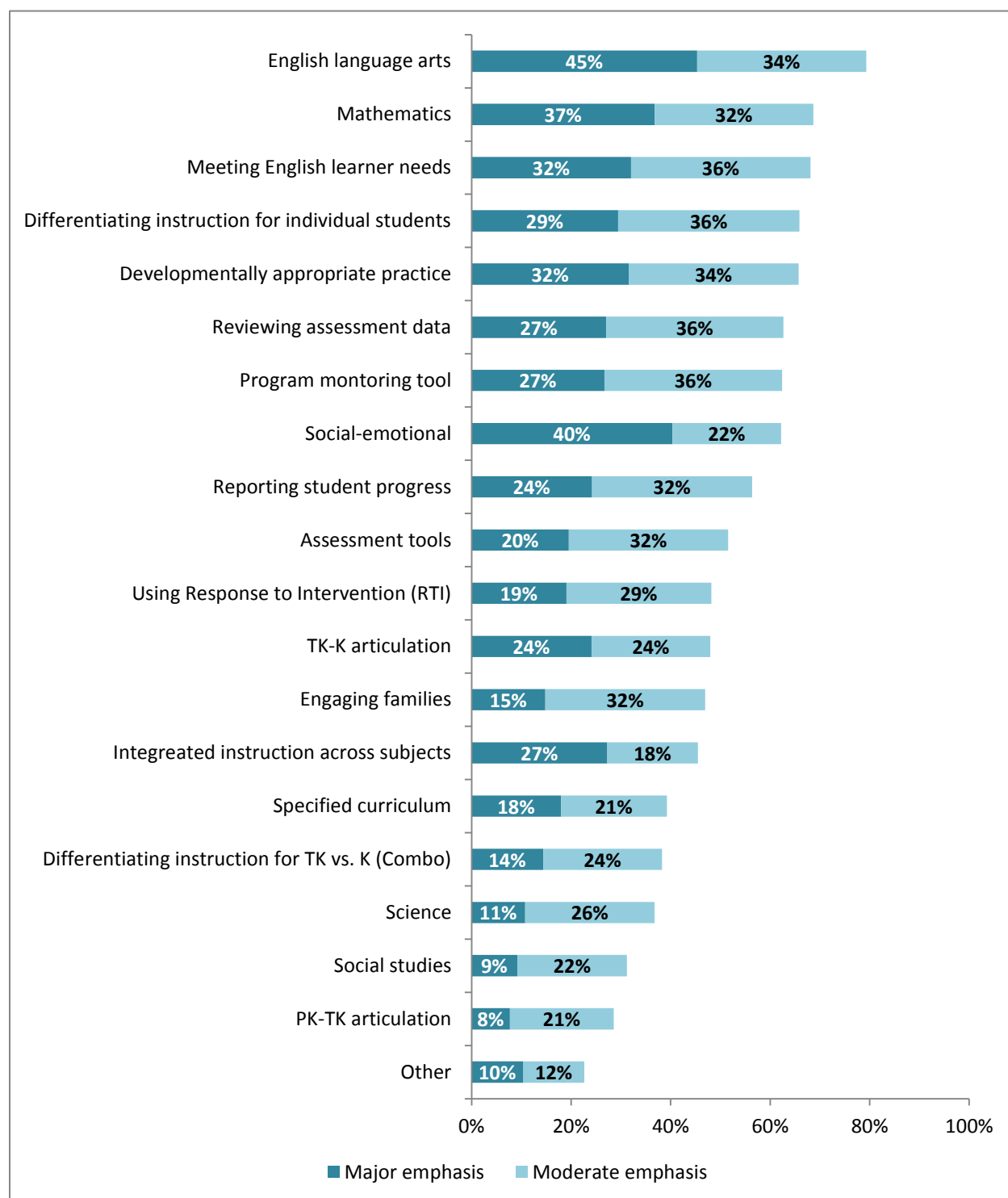
Note: Results presented are descriptive; statistical comparisons were not conducted.

Source: TK principal survey and TK teacher survey ($n = 67$ for principals, $n = 93$ for TK teachers)

What Professional Development Opportunities Were Provided to TK Teachers?

Ongoing professional development (PD) opportunities are one avenue through which guidance is provided to teachers. TK teachers reported that they received an average of 42 hours of PD in 2012–13, of which approximately 11 hours on average was specifically focused on TK. Fifty-two percent of TK teachers, however, reported receiving no PD specifically related to TK. The five most common topics emphasized in TK teachers' PD were English language arts—rated as given “major” or “moderate” emphasis by 79 percent of teachers—mathematics (69 percent), instruction for English learners (68 percent), differentiating instruction for individual students (65 percent), and the use of developmentally appropriate practice (66 percent; see Exhibit 4.9). Just under two thirds of TK teachers reported receiving PD with a major or moderate emphasis on social-emotional development (62 percent).

Exhibit 4.9. Percentage of TK Teachers Reporting Attending PD Sessions Focused on Specific Topics

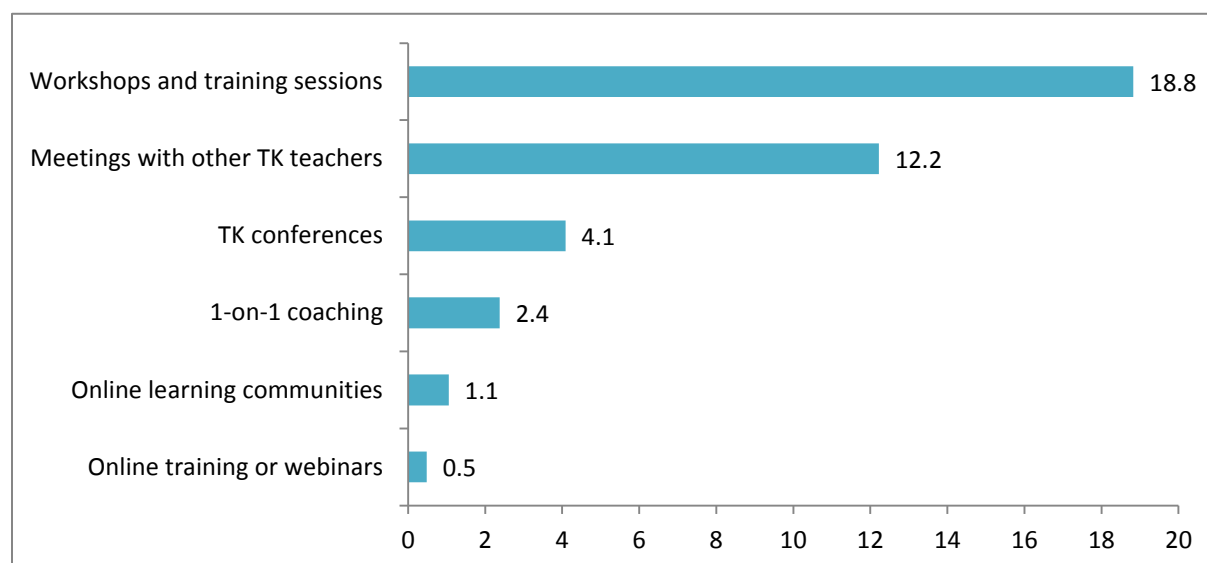


Notes: “Minor Emphasis” and “No Emphasis/NA” were not reported. Response to intervention (RTI) is defined as a system to integrate assessment and intervention within a multilevel prevention system to maximize student achievement and reduce behavior problems. Additional information is available at <http://www.rti4success.org/>.

Source: TK teacher survey ($n = 97$)

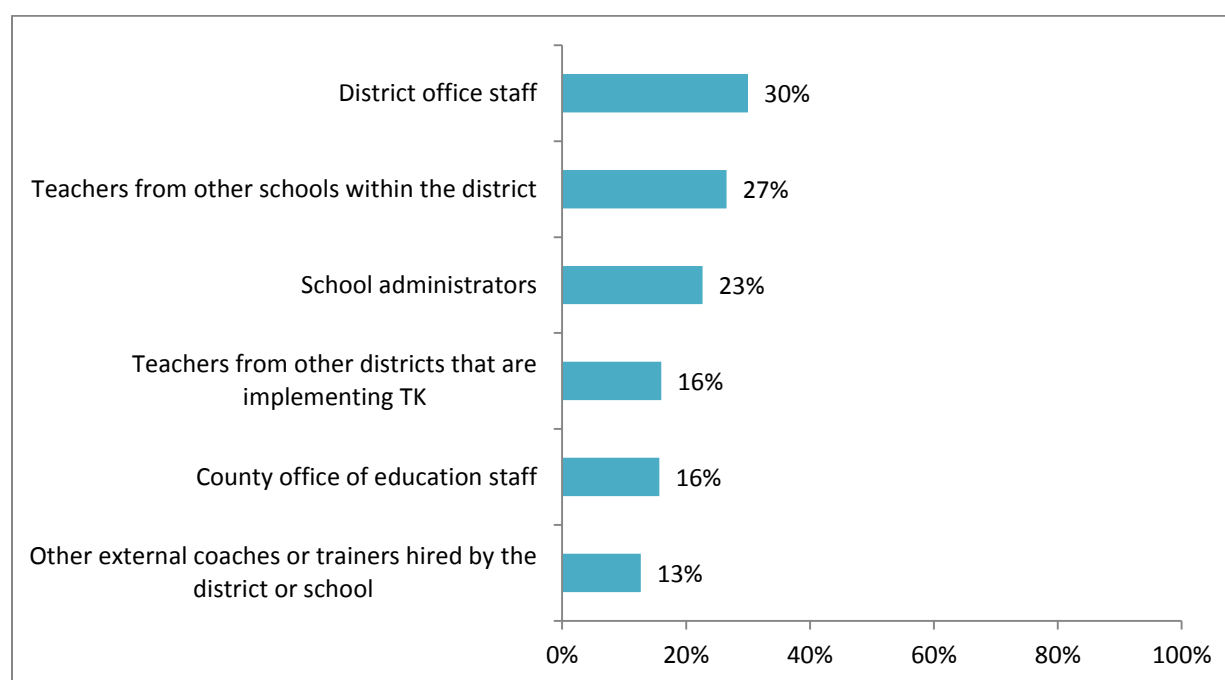
Nearly half of TK-related training occurred through in-person workshops or training sessions (reported by teachers as 18.8 hours of their total annual PD, out of 42 reported, on average). In-person meetings with other TK teachers—from their school or other schools—represented 12.2 hours of their PD, on average (see Exhibit 4.10). TK conferences accounted for 4.1 hours of TK teachers' PD time and one-on-one coaching sessions represented 2.4 hours, on average. PD through online training sessions or webinars (for example, those sponsored by Early Edge California) accounted for only 0.5 hours, on average. Personnel from school districts and teachers from other schools within the same district were the most common trainers that TK teachers encountered (see Exhibit 4.11).

Exhibit 4.10. Average Hours TK Teachers Reported Spending in Various Types of PD Sessions, 2013–14



Source: TK teacher survey ($n = 62$)

Exhibit 4.11. Sources of PD Training for TK Teachers and Their Proportions



Source: TK teacher survey ($n = 93$)

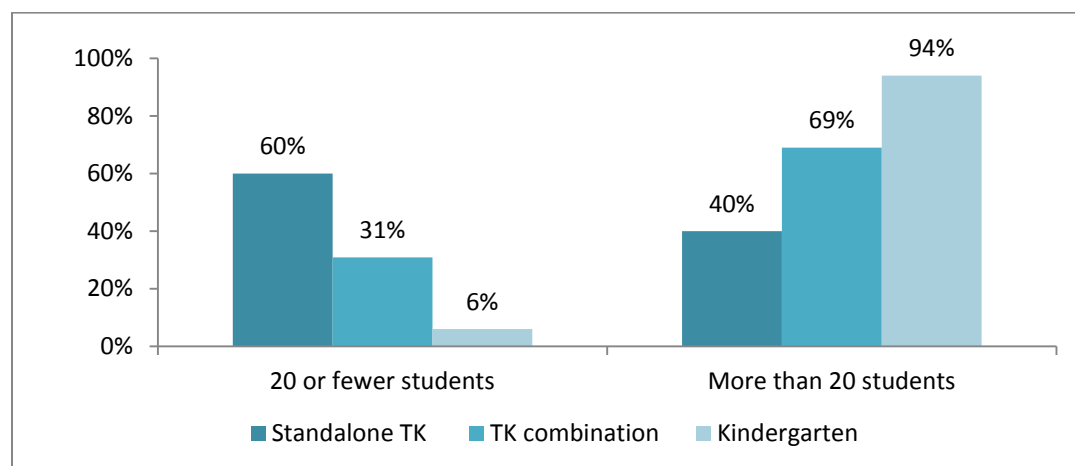
How Big Were TK Classes and What Type of Staff Support Was Available to TK Teachers in Their Classrooms?

In California, the maximum class size for TK and kindergarten is 33 students, although districts participating in California's Class Size Reduction program must keep classes to no more than 20 students. Regardless of class size, TK and kindergarten classrooms are not required to have aides or other additional support staff in the classroom. In contrast, four-year-old children enrolled in California's State Preschool program are in classrooms with no more than 24 students and a required staff-child ratio of at least 1:8. Given the differences in these requirements and the overlap in age eligibility for TK and State Preschool, we explored actual class sizes and support levels in TK classrooms.

On average, we found class sizes of 20 students in standalone TK classrooms, 23 in TK combination classrooms, and 25 in kindergarten classrooms. In addition, 60 percent of standalone TK teachers and 31 percent of TK combination classroom teachers reported having 20 or fewer students, while 6 percent of kindergarten teachers reported having class sizes this small (see Exhibit 4.12); these differences are not statistically significant.

Although TK class sizes are not as large as they could be under the law, additional adult support can be helpful to implement a quality TK program. To learn about this extra assistance, we asked teachers through surveys about other teachers and teaching aides who supported their classrooms. A majority of teachers surveyed reported having an aide or another teacher in the classroom for at least some portion of the day, including 83 percent of teachers in TK combination classrooms, 61 percent of teachers in standalone TK classrooms, and 78 percent of teachers in kindergarten classrooms (see Exhibit 4.13).

Exhibit 4.12. Class Sizes for Standalone TK, TK Combination, and Kindergarten Classrooms

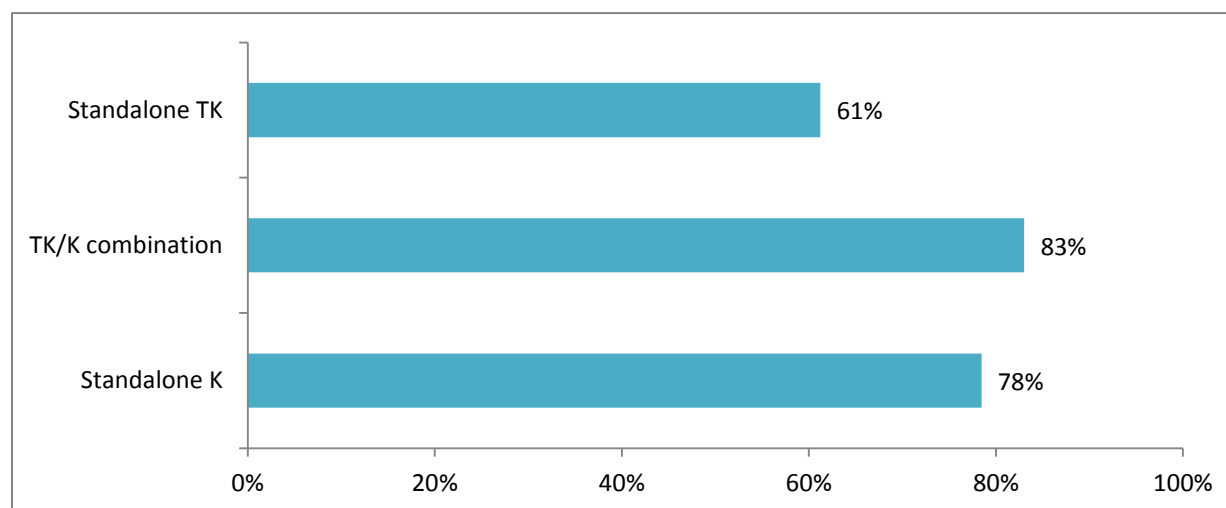


*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Note: Differences between groups are not statistically significant.

Source: TK teacher survey and kindergarten teacher survey ($n = 41$ for standalone TK teachers, $n = 36$ for TK combination teachers, $n = 28$ for kindergarten teachers)

Exhibit 4.13. Percentage of TK and Kindergarten Teachers Receiving General Classroom Staff Support (Teachers or Teaching Aides), by Classroom Type, 2012–13



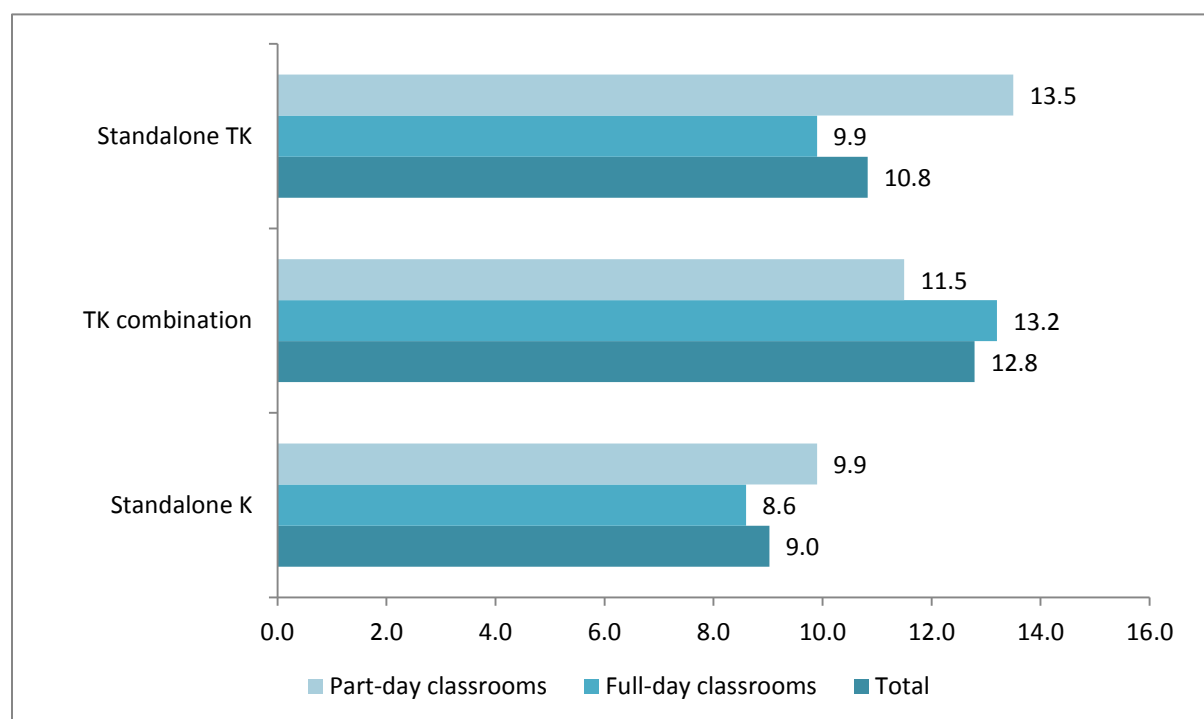
*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Note: Differences between groups are not statistically significant.

Source: TK teacher survey and kindergarten teacher survey ($n = 50$ for standalone TK teachers, $n = 43$ for TK combination teachers, $n = 47$ for standalone kindergarten teachers)

In addition, we asked teachers who reported having help in their classrooms about the number of hours of support provided by other adults in their classrooms. Exhibit 4.14 displays the average hours of support teachers reported receiving from other teachers and teaching assistants per week if they did receive this support. TK combination teachers reported receiving nearly 13 hours of support each week; standalone TK teachers reported receiving almost 11 hours of support, on average (see Exhibit 4.14).

Exhibit 4.14. Average Number of Hours Per Week TK and Kindergarten Teachers Reported Receiving General Classroom Staff Support (Among Those Who Reported Receiving Help), by Classroom Type, 2012–13



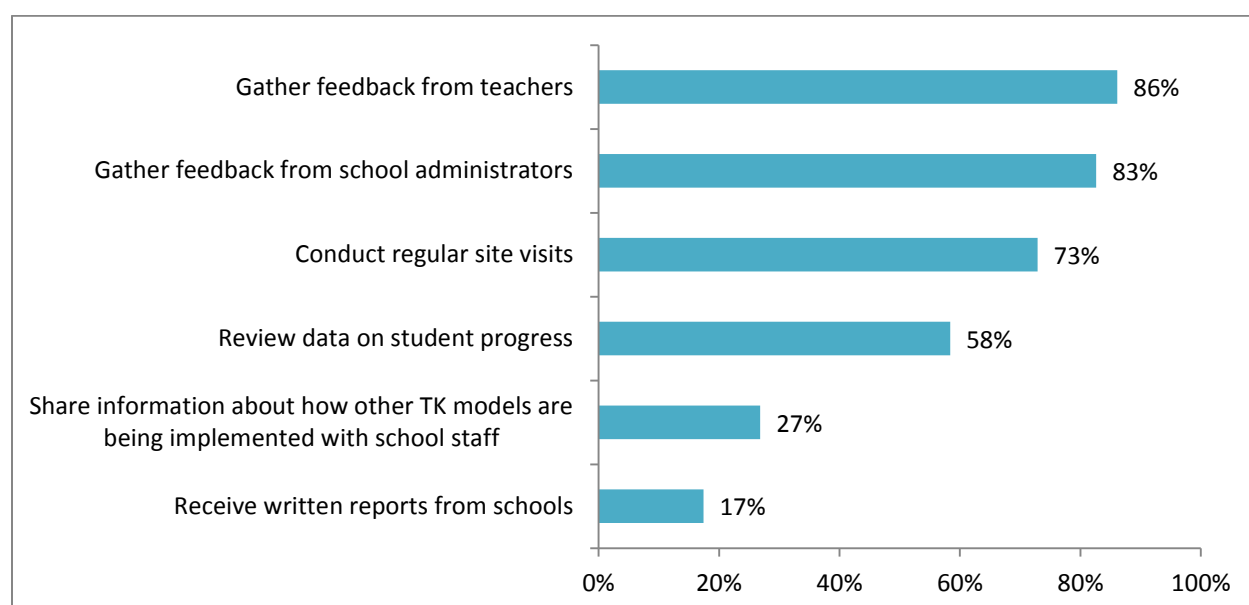
Note: Means are calculated for teachers who reported receiving classroom support. (Teachers who received zero hours of assistance are excluded.)

Source: TK teacher survey and the kindergarten teacher survey ($n = 94$).

Monitoring of TK by Districts

Because the time for planning was short as a result of the very recent implementation of TK in most districts, many districts planned to monitor the progress of the program and make modifications along the way. District respondents were asked to report how they monitored implementation of TK in their districts in 2012–13 (see Exhibit 4.15). Most districts reported gathering feedback from teachers (86 percent), gathering feedback from school administrators (83 percent), conducting regular site visits to monitor implementation (73 percent), or some combination. Only 17 percent of districts indicated receiving actual written reports from schools, and less than a third (27 percent) reported sharing information with school staff about how different approaches to TK were working in the district.

Exhibit 4.15. Method Used by Districts to Monitor TK Implementation



Source: In-depth district survey ($n = 116$)

Summary

In terms of structure, most districts chose to create full-day TK classrooms, although more than 40 percent still used half-day schedules. Large districts were more likely than small and midsize districts to use half-day schedules and also more likely to create TK hubs in their districts. Small and midsize districts were more likely than large districts to use TK-kindergarten combination classrooms as a strategy to serve TK students.

To staff TK classrooms, most districts reassigned teachers already teaching in the district. The qualifications most principals reported looking for in selecting a TK teacher were experience teaching kindergarten and experience teaching preschool. Consistently, 95 percent of TK teachers reported having experience teaching in preschool, kindergarten, or first grade.

TK teachers have younger students than kindergarten teachers, and additional adult support can be helpful. TK-K combination teachers reported high levels of support from other adults in their classrooms, but reports from standalone TK teachers were mixed.

Principals and teachers differed in their reports about the district support they received for TK planning and implementation. Most principals reported that their districts provided a clear plan for TK implementation, but only about one third of teachers agreed. Ongoing PD opportunities are one avenue through which guidance is provided to teachers. TK teachers reported that they received an average of 42 hours of PD in 2012–13, and less than one third specifically focused on TK. Perhaps more notably, more than half of TK teachers reported receiving no PD at all specifically related to TK. Topics that PD focused on varied, and it was most often provided through in-person workshops or teacher meetings. In addition to support, districts reported monitoring TK implementation primarily through gathering feedback from teachers and principals.

Chapter 5: Student Eligibility, Outreach, and Enrollment in TK

The goal of the TK program is to support the learning needs of young kindergartners. This chapter explores the policies districts have enacted to determine which children are eligible for enrollment and how they are promoted, outreach practices to ensure that TK classrooms are filled, and parent responses to those practices. Finally, we estimate the actual number of children served in TK in the 2012–13 school year.

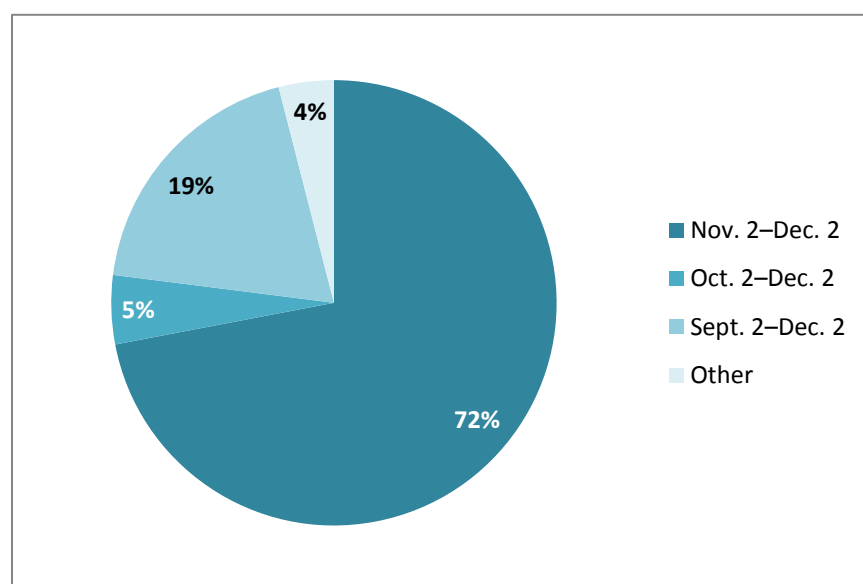
Eligibility and Enrollment Policies

First, although the Kindergarten Readiness Act specifies the intended age cutoff for kindergarten and TK in each year of implementation, districts had some flexibility in how they applied the law in their district. This section examines the specific enrollment policies reported by districts.

What Birthday Cutoff Did Districts Use?

In the first year of official statewide implementation of TK, districts were required to offer TK to all students who would reach their fifth birthday between November 2 and December 2. One strategy allowed under the law for addressing the issue of districts having a small number of students with November birthdays was to expand the eligibility window to include October and even September birthdays as well (thereby accelerating implementation of the program). Although the majority (72 percent) of districts providing TK in 2012–13 reported serving in TK only students who would become 5 years old between November 2 and December 2, 5 percent reported also serving students who turned 5 in October, and 19 percent said they included September and October birthdays (Exhibit 5.1). The remaining districts reported that they used a different date range or eligibility rules altogether, such as admitting students into TK with birthdays ranging from July 1 to December 31. Small districts were no more likely than larger districts to expand the age-eligibility window for TK, however.

Exhibit 5.1. Birthday Cutoffs Used by Districts in 2012–13

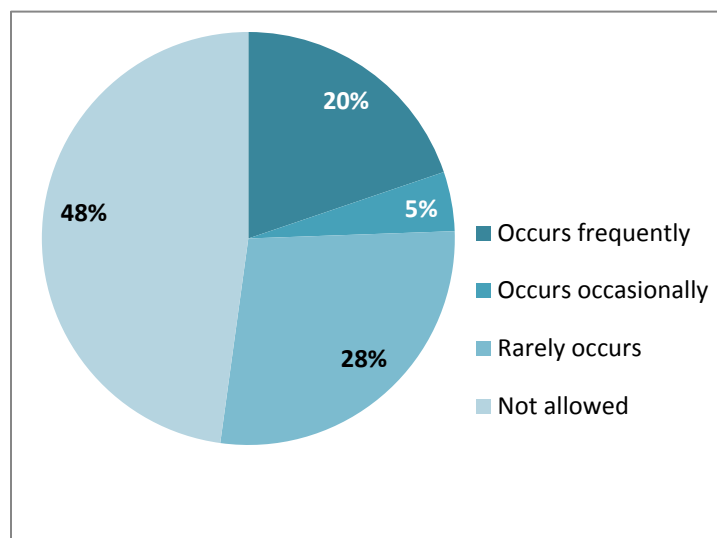


Source: Short-form district census survey ($n = 629$)

Administrators in only three of the nine case study districts reported in interviews that they strictly adhered to the cutoff dates of enrolling children who became 5 between November 2 and December 2, 2013. The other six case study districts either extended the eligibility window one month or more at the beginning of the school year or allowed for reassessments of children later in the school year. For example, in one district, official eligibility at the beginning of the school year was limited to children who became five between November 2 and December 2, 2012. If a teacher or parent believed, however, that a child born between August and November 2 was struggling in kindergarten, the child was appointed a student study team to assess the student and determine whether he or she should be allowed to transfer into TK. Through this process, one boy in this district, for example, who became 5 in October 2013 was allowed to transfer back into TK after he had experienced some challenges in kindergarten.

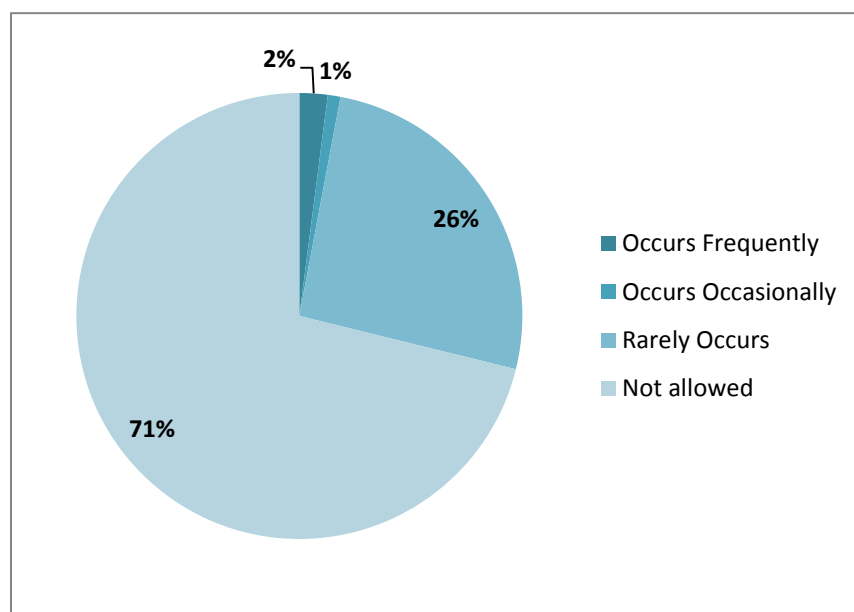
As was discussed earlier, it was not uncommon for districts to open up enrollment in TK to students who were technically eligible for kindergarten (those born in October, September, and even earlier in some cases). We also asked districts in the in-depth survey about district policies that allowed for students *younger* than technically eligible for TK (those who became 5 after December 2) to enter TK as well. And similarly, we asked whether they allowed students who were younger than technically eligible for *kindergarten* (those who turned 5 after November 1) to enter kindergarten. Only about half of all districts (48 percent) reported that their district policy did not allow children below age eligibility to enroll in TK (see Exhibit 5.2). Only about 20 percent of districts, however, reported that children born after December 2 were *frequently* allowed to enter TK; others reported that exceptions were made occasionally or rarely. Exceptions were less common for kindergarten enrollment; 71 percent of districts reported that they did not allow age-ineligible children (i.e., children born in November and therefore eligible for TK) to enroll in kindergarten, and only 2 percent of districts reported that such exceptions are frequently made (see Exhibit 5.3).

Exhibit 5.2. Proportion of Districts Reporting That They Allowed Children Below TK Age Eligibility to Enter TK at the Beginning of the Year



Source: In-depth district survey ($n = 117$)

Exhibit 5.3. Proportion of Districts Reporting That They Allowed TK-Eligible Children to Enter Kindergarten at the Beginning of the Year



Source: In-depth district survey ($n = 117$)

District administrators who reported that their district policy allows children below the TK eligibility age to enroll in TK at least rarely were asked about factors considered when determining whether to enroll them. The most common factors considered were specific age (78 percent), availability of space in the TK classroom (60 percent), readiness assessment (51 percent), and parent requests (49 percent). Other factors districts considered included special

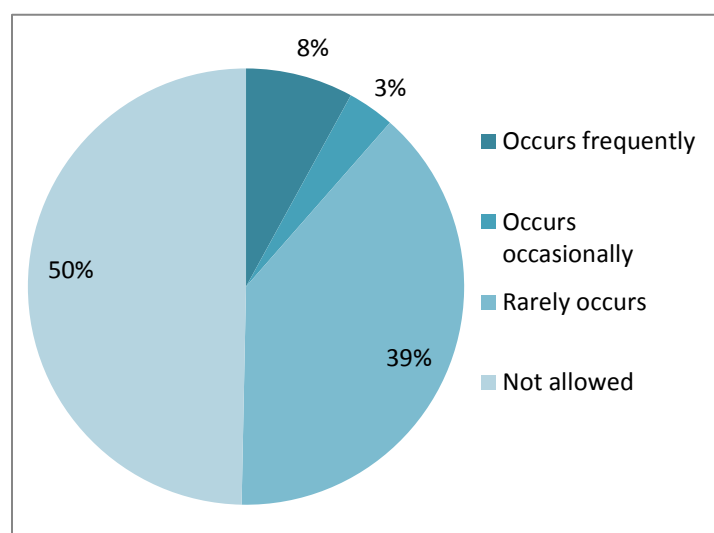
needs of the child (27 percent), English language development (25 percent), and prior preschool experience (20 percent).

District administrators who reported that their district policy allowed TK-eligible children to enroll in kindergarten also were asked which factors were considered when determining whether a child would be allowed to enroll in kindergarten. The most common factors considered were parent requests (88 percent) and kindergarten-readiness assessments (84 percent). Four in 10 reported they considered recommendations by a TK teacher (41 percent) and about a third (34 percent) reported considering the availability of space in the kindergarten classroom. Only 9 percent of district administrators reported that they considered recommendations made by a child's preschool teacher.

Did Districts Allow for Rolling Enrollment?

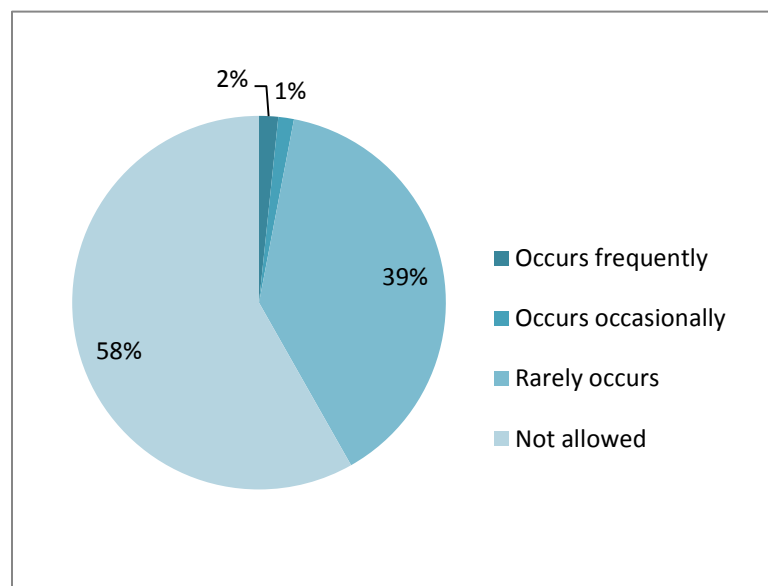
District administrators also were asked whether they allowed rolling enrollment in TK and kindergarten; that is, allowing a child to enroll in these grades midyear after the child becomes 5 years old (see Exhibit 5.4). Half of all districts (50 percent) reported that their district policy did not allow for rolling admission to TK, and 58 percent of districts did not allow for rolling admission to kindergarten (see Exhibit 5.5). Only 8 percent of districts said that enrolling students in TK after they became 5 midyear occurred frequently (Exhibit 5.4), and very few (2 percent) reported that enrolling these students in kindergarten after they became five occurred frequently (Exhibit 5.5).

Exhibit 5.4. Proportions of Districts Reporting That They Allowed Children Below TK Age Eligibility to Enter TK Midyear When They Become 5



Source: In-depth district survey ($n = 117$)

Exhibit 5.5. Proportions of Districts Reporting That They Allowed TK-Eligible Children to Enter Kindergarten Midyear When They Become 5



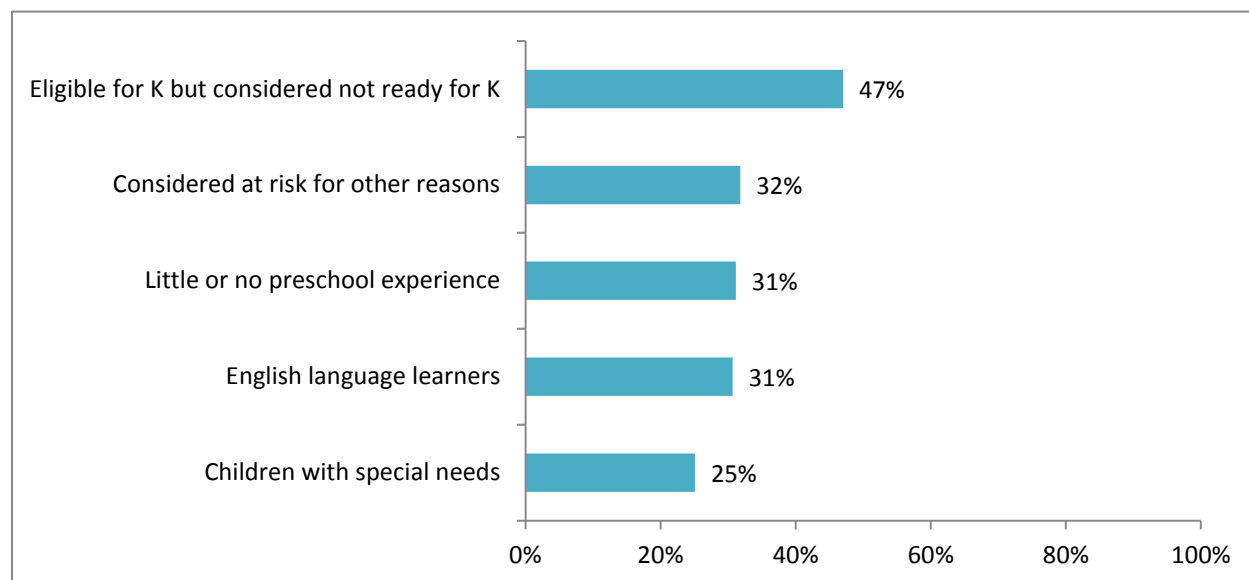
Source: In-depth district survey ($n = 117$)

Did Districts Target Particular Groups for TK Enrollment?

Though the law clearly specifies that TK is intended for students with fall birthdays, some districts chose to invite other children to enroll in TK as noted earlier, and some took extra measures to recruit particular types of children who might especially benefit from an extra year of kindergarten. When asked whether their districts targeted specific students for TK enrollment, slightly less than half of administrators (47 percent) reported targeting students viewed as not ready for kindergarten; and less than a third reported targeting students with little or no preschool experience (31 percent), English language learners (31 percent), or students with special needs (25 percent; Exhibit 5.6). About a third (32 percent) reported targeting students considered at risk for other reasons.

For example, in one case study district, children with November birthdays were enrolled in TK as a general rule, but the district also invited children who had not gone to preschool to enroll, regardless of birth date. The parents of most of these children accepted the invitation to enroll in TK, even though they were age-eligible for kindergarten. The district noted that in addition to having limited or no preschool, the vast majority of these additional enrollees were boys.

Exhibit 5.6. Percentage of Districts Reporting That They Informally Targeted Certain Types of Students for TK Enrollment, 2012–13



Source: In-depth district survey ($n = 121$)

Student Enrollment in TK

To understand how this variation in district enrollment policies affected the overall enrollment rates for TK across the state, we used data gathered through the district census survey to estimate the total enrollment in TK statewide. We also used data from a sample of districts to examine variation in enrollment rates by student characteristics.

How Many Students Were Served in TK?

Because districts were not yet required to report separate TK and kindergarten enrollment numbers when reporting to the state in 2012–13, it is not possible to report with precision the total number of students being served in TK that year. On the basis of enrollment figures reported by districts responding to the district census survey, however, we estimated that approximately 39,000 students were enrolled in TK in 2012–13.²⁰

As a point of reference, using kindergarten enrollment data from 2011–12 and taking the proportion of students expected to have birthdays between November 2 and December 2 (approximately 1/12 of the kindergarten population), we estimated that approximately 41,500 children were eligible for TK during this first year of statewide implementation (2012–13) using

²⁰ A small number of districts implementing TK did not provide information through the census survey on the number of students enrolled; therefore, we imputed the mean enrollment rates within survey strata for districts with missing information. The number of children enrolled was then estimated by multiplying the imputed enrollment rate by the number of children eligible according to district policy.

the law's birthday cutoff.²¹ As described earlier, however, some districts offered TK to students outside the November 2–December 2 birthday range, and therefore it is not possible to determine the proportion of eligible students being served if this is used to determine the total number eligible.

Instead, we estimated the number of eligible students *in each district*, on the basis of individual districts' enrollment policies, by applying the birthday cutoff dates reported by districts to the prior year's kindergarten enrollment numbers.²² For example, if a district reported serving children with birthdays between October 2 and December 2 (approximately two out of 12 months of birthdays), we estimated the number of children eligible to be approximately 2/12 of the prior year's kindergarten enrollment in that district (assuming the number of children eligible for kindergarten this year would be similar). We totaled these district estimates of eligible students and divided the total enrolled (reported by districts) by this number. Using this method, we estimated that approximately 70 percent of students who were age-eligible for TK according to local criteria were enrolled in TK in 2012–13.²³

Thus, it appears that, although the vast majority of eligible students resided in districts that were offering TK, not all TK-eligible students were enrolled in the program for the 2012–13 school year. Some of these TK-eligible students may have been enrolled in kindergarten instead of TK. This may be especially true in districts that offered TK to students with September and October birthdays—those still technically eligible by state law to enroll in kindergarten. Some parents may have opted out of TK, however, or may not have been aware of the program. For example, one district reported that “There was only one parent who wanted to enroll [her child in TK], and she ended up [taking her child] back to preschool.”

Did Enrollment in TK Differ by Student Characteristics?

To determine whether particular groups of students were more or less likely to enroll in TK, we compared the demographic characteristics of students enrolled in TK with the demographic characteristics of the overall kindergarten population in those same districts.^{24,25}

²¹ We calculated this figure using 2011–12 enrollment data from CDE's DataQuest (<http://dq.cde.ca.gov/dataquest/>), adjusted to account for a small number of districts that did not respond to the DataQuest survey. This number excludes the small proportion (5–10 percent) of students whose families opted out of kindergarten because it is not a compulsory grade in California. We assume these families also would opt out of TK, and thus the number eligible is limited to likely enrollees.

²² We estimated the number of children eligible for TK by taking a proportion of the previous year's kindergarten enrollment in accordance with local policy: 1/12 for districts with a November 1 cutoff, 2/12 for districts with an October 1 cutoff, and 3/12 for districts with a September 1 cutoff. If districts did not report their birthdate cutoff, we assumed a November 1 cutoff in accordance with S.B. 1381.

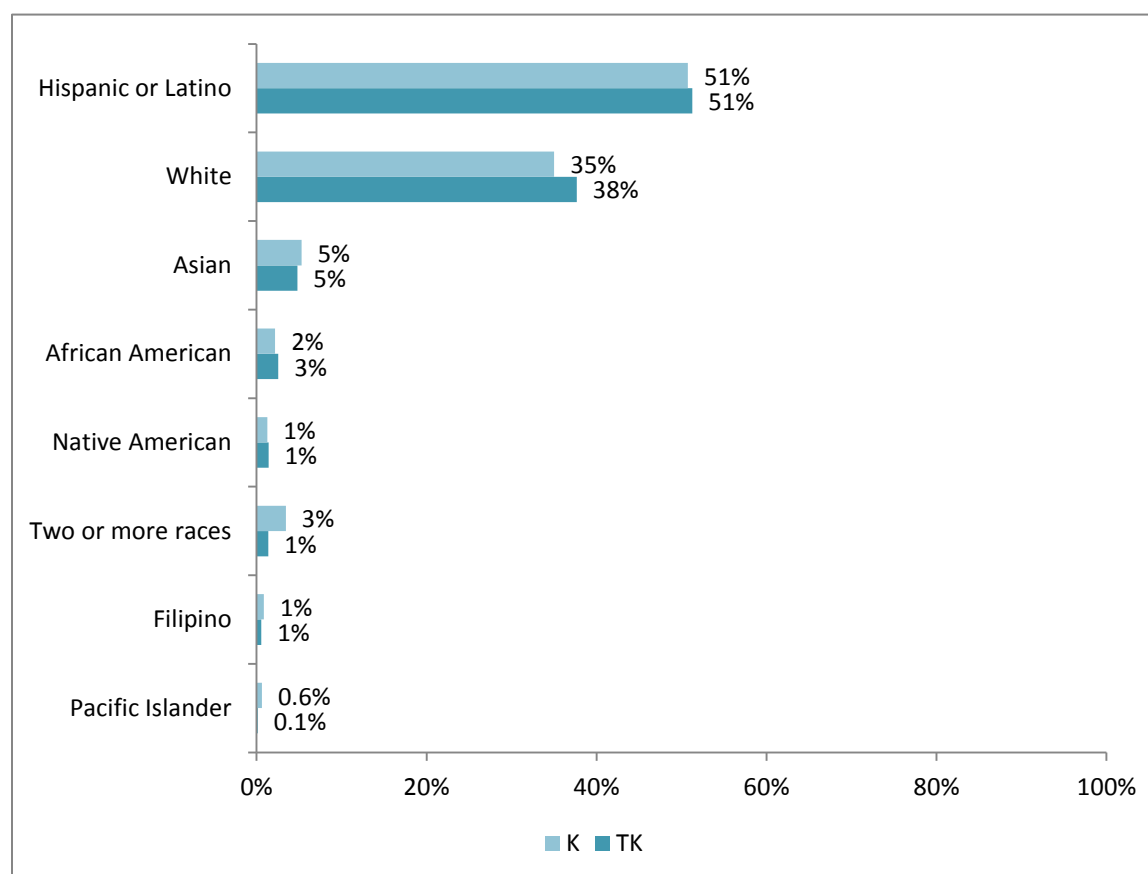
²³ The numerator and denominator used to calculate the statewide enrollment rate are both estimates. See footnotes 17 and 19 for details.

²⁴ District surveys provide figures for TK enrollment. District respondents were asked to report the total number of TK students in their districts, as well as the number of TK students by gender, EL status, FRPL eligibility, and race/ethnicity. Kindergarten figures for EL status and race/ethnicity come from kindergarten enrollment records from CDE for the 2012–13 school year. FRPL status is not available from CDE by grade level; therefore, kindergarten rates reflect the overall FRPL rate for the district. Analyses compare demographic characteristics for a district's TK students with the characteristics of its kindergarten population overall (TK plus kindergarten).

²⁵ District surveys provide figures for TK enrollment. District respondents were asked to report the total number of TK students in their districts, as well as the number of TK students by gender, EL status, FRPL eligibility, and race/ethnicity.. Kindergarten

Although we hypothesized that boys would be differentially enrolled in TK, we found no statistically significant difference in enrollment by gender. Almost half of the students in TK (45 percent) and in the overall kindergarten population (49 percent) are boys. We also found no significant differences in ethnicity, FRPL, or EL status rates between students in TK and those in kindergarten (see Exhibits 5.7 and 5.8).

Exhibit 5.7. Comparisons of TK and Kindergarten Enrollment by Race/Ethnicity, 2012–13 School Year

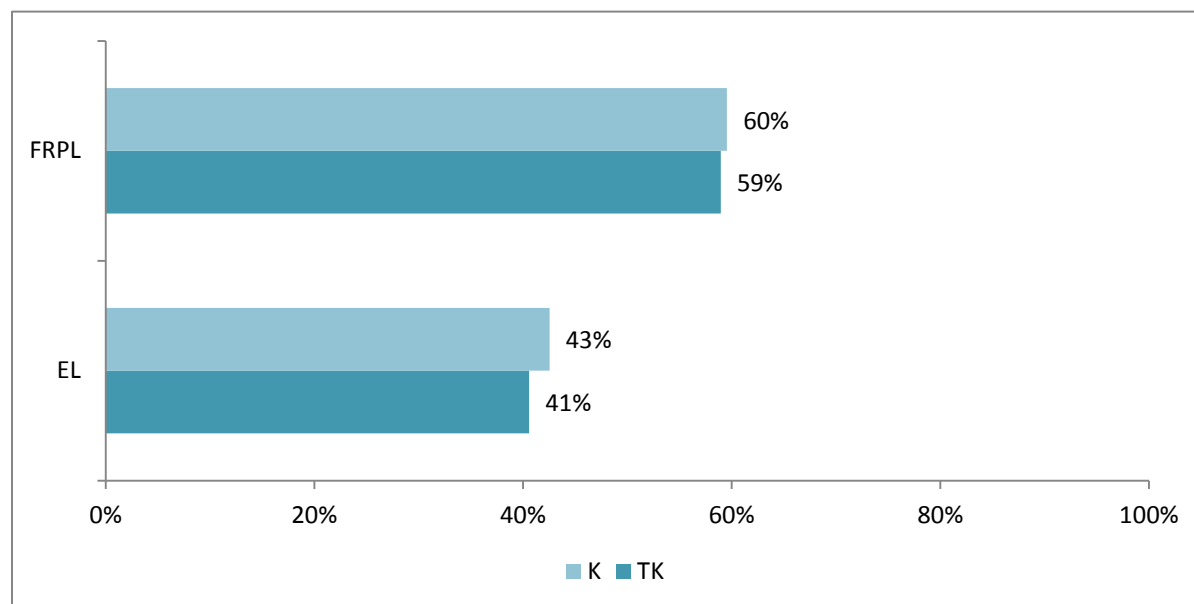


*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Source: In-depth district survey ($n = 75$)

figures for EL status and race/ethnicity come from kindergarten enrollment records from CDE for the 2012–13 school year. FRPL status is not available from CDE by grade level; therefore, kindergarten rates presented here reflect the overall FRPL rate for the district. Analyses compare demographic characteristics for a district’s TK students with the characteristics of its kindergarten population overall (TK plus kindergarten).

Exhibit 5.8. Comparisons of TK and Kindergarten Enrollment by FRPL Eligibility and EL Status, 2012–13 School Year



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Source: In-depth district survey ($n = 74$)

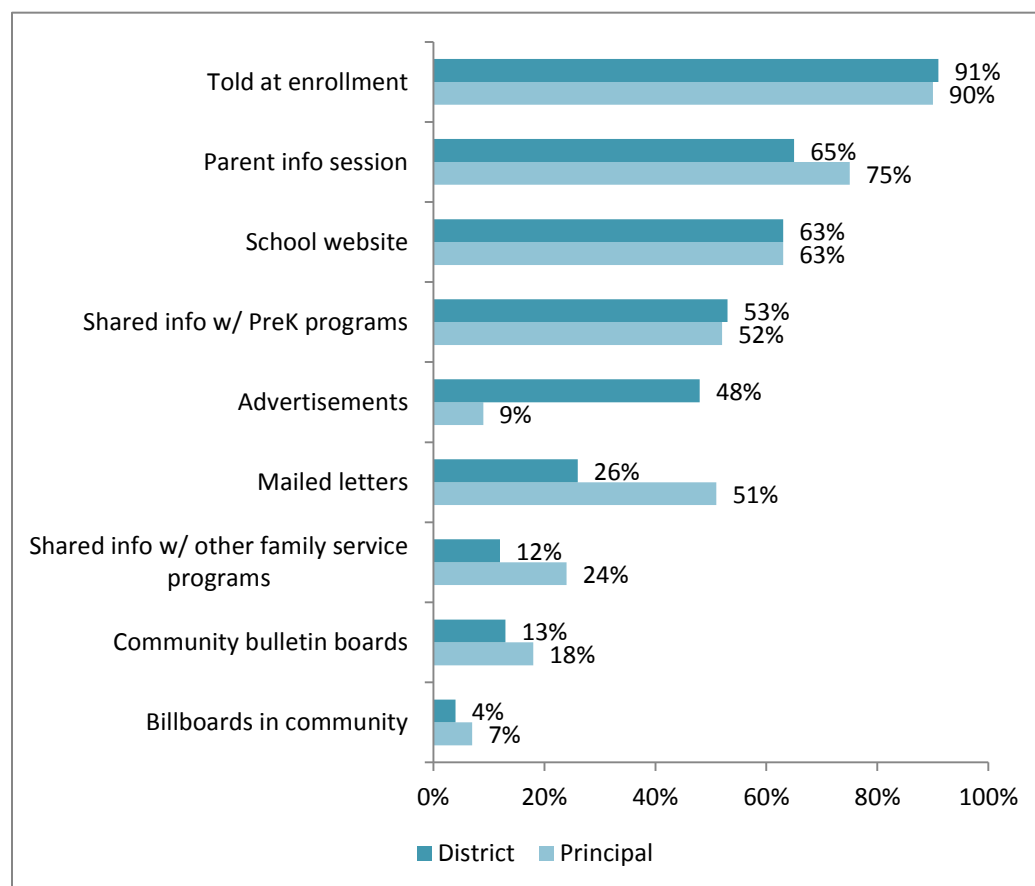
Parent Outreach

Because 2012–13 was the first year of TK in most districts, some parents were likely to be unfamiliar with the program. The district and principal surveys aimed to capture the level of outreach to parents by district and school personnel. In addition, the district survey captured district perspectives on challenges in recruiting students for TK. Parent focus groups conducted during case studies also captured parent perspectives: specifically, how parents learned about TK and their reasons for enrolling their child.

How Did Districts Reach Out to Families of Eligible Children?

Principals and districts reported using a variety of outreach strategies to inform families with eligible children about TK (Exhibit 5.9). Almost all districts (91 percent) and schools (90 percent) reported that they told parents about TK when parents arrived to enroll their children in kindergarten. Some districts went beyond this basic provision of information; the next two most common outreach strategies used by districts and schools were holding parent information sessions (65 percent) and posting information on the school or district website (63 percent). Principals also took additional responsibility for some parent outreach that included sharing information with preschool programs (52 percent) and mailing letters to families' homes (51 percent). In addition, half of all districts reported doing some advertising, but very few shared information on TK with family service providers in the community (12 percent) or posted notices in the community (13 percent). These active outreach efforts might be more likely to reach parents who are unaware that their child is eligible for TK and therefore would not show up to a parent information session or visit the school's website.

Exhibit 5.9. Parent Outreach Strategies Reported by Districts and Principals



Note: Results presented are descriptive; statistical comparisons were not conducted.

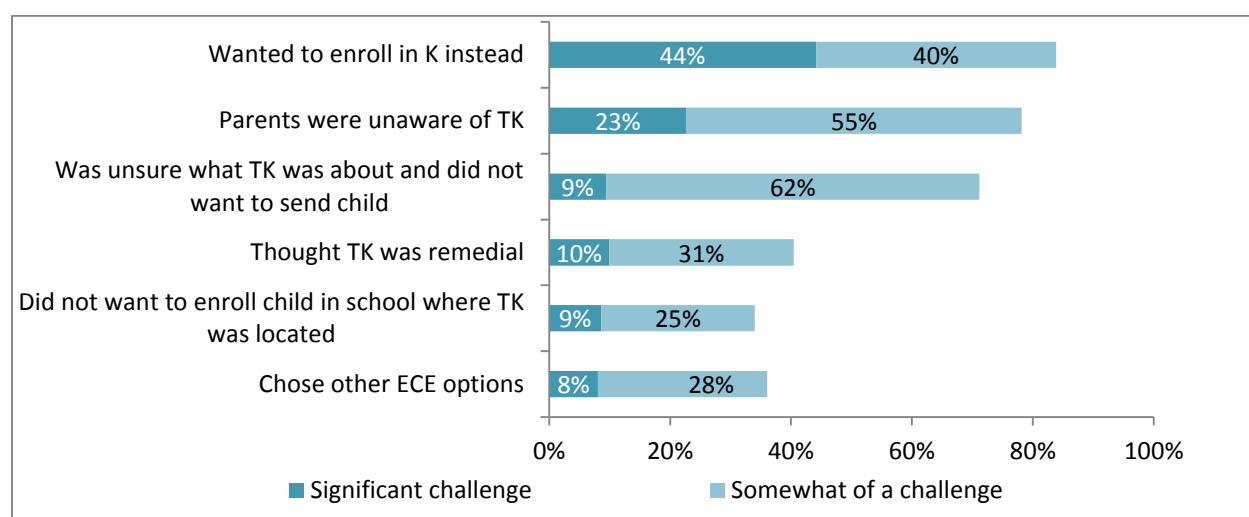
Source: In-depth district survey ($n = 120$) and principal survey ($n = 68$)

We also examined differences in outreach efforts by district size. Publishing information on school or district websites was a strategy used more by large districts (86 percent) than by small to mid-sized districts (52 percent).²⁶

District administrators also were asked about challenges they had faced when recruiting families for TK enrollment (Exhibit 5.10). The most commonly reported challenge was parents' desire to enroll their children in kindergarten instead of TK; 84 percent of district respondents cited this as a significant challenge or somewhat of a challenge. Other challenges districts reported in recruiting students were parents' lack of awareness of the existence of the TK program (78 percent), their hesitation to send their children to a program that they did not understand (71 percent), and their concern that TK was a remedial program (40 percent).

²⁶ Chi-square tests compared outreach strategies by district size. For this comparison, $p < .10$.

Exhibit 5.10. Challenges When Recruiting Students for TK



Note: “Not a Challenge” response category is not shown.

Source: In-depth district survey ($n = 120$)

What Were Parent Perspectives on Information and Outreach by Districts and Schools?

Parents participating in focus groups across the 12 case study schools also discussed how they learned about TK, and they reported finding out about the program in various formal and informal ways. Formally, parents in the majority of case study districts had heard about the TK program on the news or through informational brochures. Several districts had held meetings or events about TK for parents. District administrators interviewed during case studies also described their outreach efforts. In one district, district office staff “did a promo” for TK during the annual school orientation. An overview of TK was followed by breakout sessions for each school, which were facilitated by the campus principal, kindergarten teacher, and TK teacher. In 2012, before the program started, staff from this district also talked to parent and PTA groups. In another district, the principal of the school held an informational meeting with parents of TK-eligible students in summer 2012.

In a few case study districts, parents said that they heard about the program when they went to the school to enroll their children in TK. A mother in one of these districts explained that she learned about TK the day she went to the school to register her daughter for kindergarten. She was told that her daughter missed the cutoff date for kindergarten but that the school might have a good “offer” for her, if TK ended up “being approved.” The family was put on a waiting list, and the mother was told not long before school started that her daughter would be enrolled in TK.

In several of the districts, at least one parent was not aware of any formal methods the district had used to share information; one parent said she had initially learned about TK through word of mouth—either from fellow parents or friends or relatives who happened to work at the school site or in the district office. In another focus group, although one parent noted that information about TK was available on the district’s website, another parent in that same focus group shared that she had heard about TK through parents in another district—adding that “otherwise, I would not have known.”

Some parents in the focus groups were proactive about getting more information about TK. For example, one parent noted that her school district’s website listed the schools that would be offering TK in 2012–13. She chose a school from that list and subsequently met with its principal four or five times before she felt confident about sending her child to that school. Another parent had heard about TK from a relative who had formerly taught at her child’s school. She followed up with the district to determine whether her child would be eligible. She added, “We didn’t want him to start in kindergarten, because of how we are. We just want him to be ahead. And so I called the district office and talked to a [staff person], who gave me information and kept in contact with me.”

How Did Parents Make the Decision to Enroll Their Children in TK?

Parents in focus groups generally expressed appreciation for having the option to send their children to TK. Because of the change in kindergarten age eligibility, the options for parents of children born in November would otherwise be limited to preschool, keeping their children at home, or another care arrangement. Parents in two case study districts shared that they were relieved that they could send their children to TK, because otherwise they would “lose a year” of schooling while at home or in daycare. In one district in which parents had the choice of TK or district-sponsored preschool, one parent said he chose TK because he thought “his daughter was ready for the next thing.”

Parents in a district that opened up TK enrollment to all fall birthdays and gave children with September and October birthdays a choice between TK and kindergarten found this choice appealing. One parent from this district with a child born in November, however, shared that she would have preferred to be allowed to choose as well. As she explained, “I kind of wish I was given that option. They told us our son would be going into TK, not kindergarten. We weren’t aware if we had a choice between TK and kindergarten.”

Parents in three focus groups noted that they deliberately chose TK over kindergarten because they felt it would ultimately give their child an advantage. As a mother in one focus group explained, “It was a good idea to have this program because they put him with other children who have the same maturity level...and he has developed very well socially. The truth is that it has been a very good experience to have this option for these children who are small. I was one of the smallest [children] when I started school and my whole life, I didn’t like school. So when your son goes to school and likes it, it’s a good thing.” Another parent shared that one of the reasons he chose TK was that it would give his child an advantage when he entered kindergarten. He explained that because the TK teacher has an elementary teacher credential, she was more aware of the content that the students would be exposed to in later grades.

Financial considerations also were a key factor for some parents’ decisions. One district with a hub model had one school with a half-day TK classroom and another school with two full-day TK classrooms; assignment to one school or another depended on the parents’ residential address, but they could apply for a transfer to the other school. As one parent explained, “I thought it was such a good opportunity, because basically it’s free pre-K. And you know how expensive those [programs] are. So we grabbed the opportunity, and we told our friends about it.” The full-day program also appealed to some parents because it provided more hours of

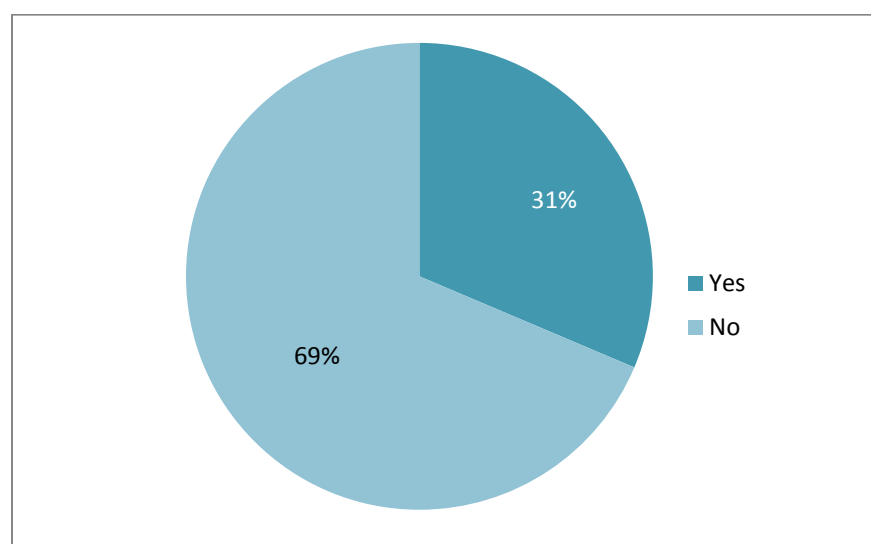
schooling. A few parents shared that they wanted their children to have more time in the classroom and experience less of an adjustment when they started full-day kindergarten.

Although all the parents in the focus groups had children in TK, some participating parents knew of other parents who had chosen not to enroll their children in TK. For example, one parent shared that he knew a family who chose not to enroll their TK-eligible child because “they thought it was going to be too academic and they didn’t want academics. They wanted more play, more [socialization]. They did not want papers. They thought it was going to be papers and worksheets. They wanted more of the preschool.”

District Promotion Policies

District policies on promotion pathways from TK varied in the first year of the program’s implementation. About a third (31 percent) of district administrators reported that some TK students were allowed to be promoted to first grade after TK without attending kindergarten (Exhibit 5.11). The remainder indicated that “skipping kindergarten” is not allowed. Districts that allow TK students to be promoted to first grade were asked about factors considered when determining readiness for promotion to first grade from TK. Almost all these districts (99 percent) reported using an assessment when determining readiness for first grade, with 97 percent of these districts reporting using a first-grade readiness assessment. Teacher recommendation (98 percent), principal approval (97 percent), parent request (90 percent), and to a lesser degree district approval (63 percent) also were common factors considered when promoting students to first grade from TK.

Exhibit 5.11. Percentage of Districts That Allowed TK Students to be Promoted Directly to First Grade



Source: In-depth district survey ($n = 121$)

Data collected from case study schools suggest how promotion policies from TK to first grade may work out in practice. The majority of the case study schools (8 of the 12) allowed for promotions from TK to first grade; most interviewees noted, however, that these decisions were based most often upon requests from parents or recommendations by teachers, followed by

subsequent assessments by and discussions among school site or district staff. In one district, requests for promotion from TK to first grade had to be considered at the district level. Despite this possibility of promotions, only one of these eight case study school principals said that they planned to promote students from TK directly to first grade. Most parents in the focus groups reported they were certain in their decisions to send their children to kindergarten after TK. As a parent in one focus group explained, “I want [my son] to stay in kindergarten. He knows a lot, but I feel that he wouldn’t be ready for first grade. I would like him to take it slow.” In another district, however, a parent felt that it was unfair that some students would be “retained” and “forced” to stay in kindergarten. Other parents in this same focus group noted that there was a stigma associated with “repeating” a year of kindergarten, and they were happy when they found out that their children would be moving on to first grade instead of kindergarten the following school year. In contrast, the policy in 4 of the 12 case study schools was that all TK students would go on to kindergarten—and according to respondents, there would be no exceptions.

Summary

Although the Kindergarten Readiness Act specifies the intended age cutoff for kindergarten and TK in each year of implementation, districts had some flexibility in how they applied the law in their district. Although the majority (72 percent) of districts providing TK in 2012–13 reported offering TK only to students who would become 5 years old between November 2 and December 2, as required by law, 5 percent reported also offering it to students who became 5 in October, and 19 percent said they included September and October birthdays. Only about half of all districts (48 percent) reported that their district policy did not allow for younger than age-eligible children to enroll in TK. These exceptions, however, were typically not made frequently. When younger children were allowed to enroll in TK, the most common factors considered were the child’s specific age and availability of space in the TK classroom. It was even rarer for age-ineligible children to be allowed to enroll in kindergarten, but when this did happen, the most common factors considered were parent requests and kindergarten-readiness assessments. About one third of districts reported that they allowed some TK students to be promoted to first grade the next year.

Some districts took extra measures to recruit into TK particular types of children who might especially benefit from an extra year of kindergarten, most commonly students who were age-eligible for kindergarten but identified as not yet ready for kindergarten. Though some districts “targeted” TK in this way, students in TK in 2011–12 were demographically similar to students in kindergarten. Overall, we estimate approximately 39,000 students were enrolled in TK in its first statewide year.

District administrators and principals both took various measures to reach out to parents to let them know about TK, but principals reporting taking actions that were more proactive. The most commonly reported challenges in recruiting families for TK was parents’ desire to enroll their children in kindergarten instead of TK and their lack of awareness or understanding of the program. In focus groups, parents described hearing about the program in different ways, not always through formal communication channels. Overall, parents described positive experiences their children had in TK.

Chapter 6: Classroom-Level Implementation

Perhaps the most important questions about TK implementation concern what it looks like at the classroom level. What is the experience of students in the classroom? This chapter describes characteristics of TK classrooms in 2012–13 and, where possible, includes comparisons with kindergarten classrooms. Drawing on teacher reports of their classroom practices as well as firsthand observations of a sample of classrooms throughout the state, we examine TK curricula, classroom resources and organization, instructional practice, and teacher–student interactions.

Classroom Curricula, Resources, and Organization

In this section, we describe the curricula teachers reported using and the availability of materials and resources for their classrooms. We also report on how individual TK classrooms were organized, such as teachers’ use of centers to structure their classrooms.

What Curricula Were Used in TK Classrooms, and How Does This Compare With Kindergarten?

Teachers reported using a wide variety of curricula to guide their classroom instruction; no single curriculum was used by a majority of teachers in any content area. Exhibit 6.1 presents the most common curricula used in each subject area and illustrates that standalone TK teachers reported using a somewhat different set of curricula than TK combination teachers or kindergarten teachers. Forty-two percent of teachers in standalone TK classrooms reported using *Handwriting Without Tears* for their English language arts (ELA) curriculum, and only 25 percent of TK combination teachers and 22 percent of kindergarten teachers reported using this curriculum. The ELA curriculum/curricular approach most commonly reported by kindergarten teachers was *Guided Reading*²⁷ (53 percent), which also was reportedly used by many TK combination classroom teachers (41 percent). The most common curriculum used in TK combination classrooms was *Hands-On Alphabet Activities* (42 percent).

Only for mathematics and social studies did all three groups of teachers report the same curriculum most frequently. About one third of standalone TK teachers (35 percent) and TK combination teachers (34 percent) and slightly fewer kindergarten teachers (27 percent) reported using *Math Their Way*. *Scott Foresman History-Social Science for California* was the most commonly reported curriculum for social studies by teachers in all three classroom types. Seventeen percent of standalone TK teachers, 15 percent of combination teachers, and 48 percent of kindergarten teachers used this curriculum.

Like ELA curricula, science curricula also varied across classroom types. *Activities Integrating Math and Science* (AIMS), was the most common science curriculum in standalone TK classrooms, reported by 16 percent of teachers. The *FOSS Science K* program was the most

²⁷ *Guided Reading* is more of a general approach than a specific curriculum. Still, teachers commonly reported using it in TK classrooms.

common curriculum reported by TK combination and kindergarten teachers (26 percent and 35 percent, respectively) but was used by only 10 percent of standalone TK teachers.

Exhibit 6.1. Percentage of Teachers Reporting the Use of Various Curricula by Subject Area and Classroom Type

	Standalone TK	TK Combination	Kindergarten
English Language Arts			
<i>Handwriting Without Tears</i>	42%	25%	22%
<i>Hands-On Alphabet Activities</i>	32%	42%	34%
<i>Alpha Chants</i>	26%	24%	23%
<i>Open Court</i>	20%	10%	25%
<i>Guided Reading</i>	18%	41%	53%
<i>Houghton Mifflin Kindergarten Curriculum</i>	16%	30%	45%
<i>Alpha-Friends Kit</i>	16%	32%	37%
<i>Leveled Readers Preschool</i>	13%	0%	0%
Mathematics			
<i>Math Their Way</i>	35%	34%	27%
<i>Everyday Math</i>	23%	16%	25%
<i>Activities Integrating Math and Science (AIMS)</i>	18%	7%	17%
<i>Envision It</i>	18%	19%	22%
<i>Every Day Counts</i>	11%	0%	3%
<i>Scholastic Big Day</i>	10%	0%	0%
Science			
<i>Activities Integrating Math and Science (AIMS)</i>	16%	5%	17%
<i>Treasures and Little Treasures</i>	13%	7%	6%
<i>Scholastic Big Day</i>	10%	0%	0%
Science program designed by the district	10%	0%	8%
<i>FOSS Science K program</i>	10%	26%	35%
Social Studies			
<i>Scott Foresman History-Social Science for California</i>	17%	15%	48%
<i>High/Scope</i>	8%	0%	0%
Social Studies program designed by the district	7%	11%	11%
<i>Houghton Mifflin History-Social Science</i>	6%	9%	34%
<i>California Vistas (Macmillan/McGraw Hill)</i>	3%	1%	9%

Exhibit 6.1. Percentage of Teachers Reporting the Use of Various Curricula by Subject Area and Classroom Type (Continued)

	Standalone TK	TK Combination	Kindergarten
Social-Emotional			
Social-emotional program designed by the teacher(s)	41%	18%	15%
<i>Second Step</i>	33%	41%	27%
<i>Social Skills in Pictures, Stories, and Songs</i>	26%	5%	8%
<i>Positive Behavioral Interventions and Supports (PBIS)</i>	21%	14%	9%
Social-emotional program designed by the district	3%	3%	8%

Notes: Teachers could select multiple curricula for each topic, so percentages will not sum to 100 percent. Percentages represent the group of teachers who said they used any curriculum in the subject area. Results presented are descriptive; statistical comparisons were not conducted. Additional information about the evidence base for some early childhood curricula is available at the U.S. Department of Education’s What Works Clearinghouse (<http://ies.ed.gov/ncee/wwc/Topic.aspx?sid=4>).

Source: TK teacher survey and kindergarten teacher survey ($n = 145$)

In addition to academic curricula, approximately 88 percent of standalone TK teachers reported using some type of social-emotional curriculum; although only 66 percent of kindergarten teachers and 56 percent of TK combination teachers did so. The majority of standalone TK teachers used a social-emotional curriculum they designed themselves. The most common commercially developed social-emotional curriculum reported by TK combination and kindergarten teachers was *Second Step* (41 percent and 27 percent, respectively).

How Were TK Classrooms Organized?

To learn about the organization of TK classrooms (both standalone and combination), the study team conducted 68 classroom observations in spring 2013 to look at the furniture, centers, and other areas available to students in both standalone TK and TK combination classrooms. All classrooms observed had child-sized furniture and most students sat at tables with other students rather than having individual desks. Nearly all TK classrooms observed also had clearly designated circle areas for whole-group activities.

Two thirds of the classrooms featured displays of student work, and more than 80 percent of classrooms were considered print-rich environments, with plentiful labels, posters, and other types of environmental print displayed throughout the classroom. Ninety percent of standalone TK classes had print-rich environments, whereas 70 percent of combination classrooms did (Exhibit 6.2).

Considered an important practice in preschool but also important for kindergarten, many classrooms had a variety of centers available to students in the classroom, which give students opportunities to follow their interests and explore during free-choice time. Most standalone and combination TK classrooms had book centers or library corners (85 percent and 80 percent, respectively). Having a drama or dress-up center also was common; 85 percent of the observed standalone TK classrooms had these centers and 60 percent of combination classrooms did. About two thirds of classrooms had block centers, and half had writing centers. Somewhat less

common were mathematics centers—observed in 35 percent of standalone TK classrooms and 30 percent of combination classrooms—and music and movement centers—observed in 25 percent of standalone TK and 20 percent of combination classrooms.

What Classroom Resources and Materials Were Available to TK Students?

In addition to noting the organization of resources and materials into centers, study team observers also documented the availability of various learning materials in the classrooms. Materials that were most often available to students were fine motor materials, writing materials, art materials, mathematics and numeracy activities, blocks, and dramatic play props. Although formal center structures were not always found (Exhibit 6.2), many classrooms still had materials usually found in such centers available for student use (Exhibit 6.3). For instance, only 34 percent of classrooms had mathematics centers, but 71 percent of classrooms had mathematics materials available.

Exhibit 6.2. Resources Observed in TK Classrooms, by Classroom Type

	Standalone TK Classrooms	TK Combination Classrooms	All
Child-sized furniture	100%	100%	100%
Students sit at tables	98%	90%	96%
Students sit at desks	6%	10%	7%
Circle area	96%	95%	96%
Print-rich environment	90%	70%	84%
Student artwork displayed	67%	65%	66%
Centers			
Book center	85%	80%	84%
Drama center	85%	60%	78%
Block center	69%	60%	66%
Writing center	52%	45%	50%
Art center	46%	50%	47%
Science and nature center	40%	30%	37%
Mathematics center	35%	30%	34%
Cozy area	29%	30%	29%
Music and movement center	25%	20%	24%
Other center	8%	35%	16%

Note: Results presented are descriptive; statistical comparisons were not conducted.

Source: Classroom observations (Supplemental Observation Form) ($n = 68$)

Nearly a third of standalone TK classrooms had sand or water play areas, but no combination classrooms among those we observed had sand or water available for sensory play. Books were generally plentiful in the TK classrooms observed. Sixty-four percent of all observed classrooms had more than 80 books, 25 percent had between 40 and 79 books, and 11 percent had fewer than

40 books available to students. The differences seen in these descriptive data suggest that standalone TK and TK combination classrooms may look different across the state. However, our small sample size does not allow us to generalize to classrooms statewide or to perform statistical significance testing.

Exhibit 6.3. Materials Available in TK Classrooms

	Standalone TK Classrooms	TK Combination Classrooms	All
Materials in the Classroom			
Fine motor	91%	85%	90%
Art	89%	90%	88%
Music and movement	36%	35%	37%
Blocks	83%	75%	79%
Sand and water	31%	0%	22%
Dramatic play	79%	65%	73%
Nature and science	39%	45%	42%
Mathematics and numeracy	79%	80%	81%
Writing	92%	90%	90%
Computers	62%	75%	64%
Books in the Classroom			
Fewer than 40 books	9%	15%	11%
40–79 books	28%	20%	25%
80 or more books	63%	65%	64%

Note: Results presented are descriptive; statistical comparisons were not conducted.

Source: Classroom observations (Supplemental Observation Form) ($n = 68$)

Instructional Practices in TK

In addition to examining the resources and materials available in classrooms, we asked teachers about their instructional practices. The information they provided allowed us to examine the extent to which these practices varied between TK and kindergarten classrooms. The guidance from the state is that TK is to be “the first of a two-year kindergarten program,” using all the same state kindergarten standards. This section outlines how teachers’ instructional approaches differed, and how TK and kindergarten students were taught differently in combination classes.

How Much Instructional Time Was Spent on Various Content Areas?

First, we examined the content of instructional time, drawing comparisons between teacher practices used with students in kindergarten classrooms and practices used with students in standalone TK and TK combination classrooms. To differentiate between practices used with TK and kindergarten students in combination classrooms, teachers in combination classrooms were asked about their instructional practices with their TK and kindergarten students separately. All statistical comparisons were made using kindergarten teachers as the reference group. We found

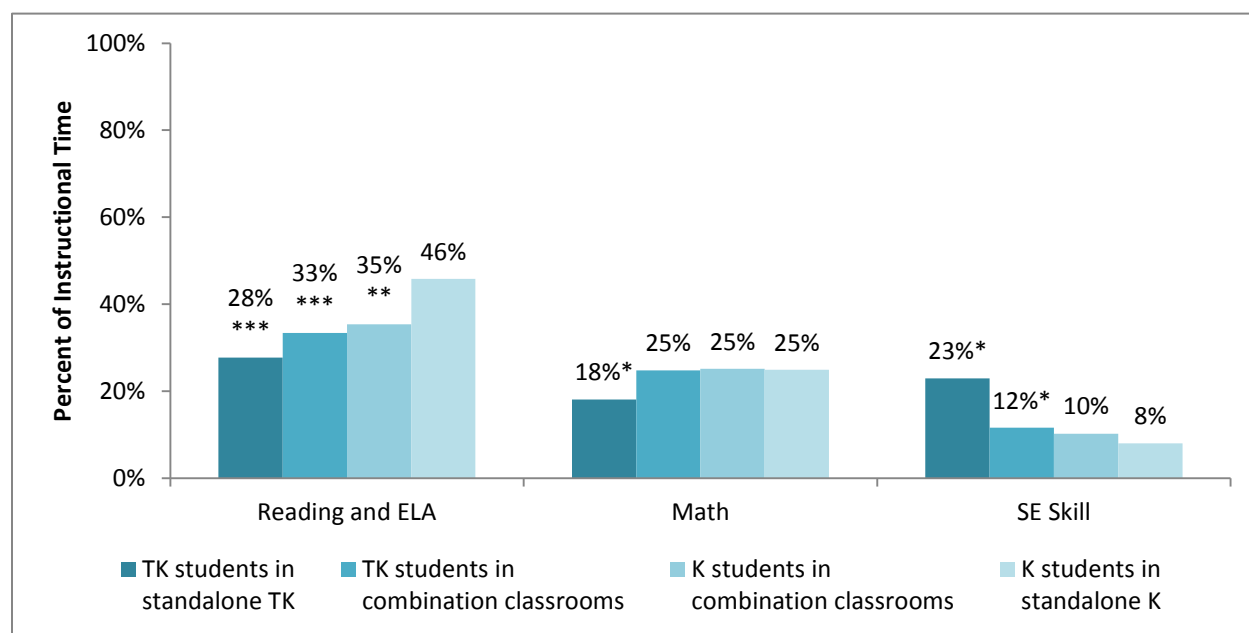
differences between the content of lessons and projects that teachers reported their TK students spent time on and the content that teachers reported their kindergarten students spent time on. All in all, results suggest that TK students in standalone classrooms spent time on lessons and projects that were more differentiated from kindergarten than the activities of TK students in combination classrooms. In other words, TK combination classrooms looked more like kindergarten than standalone TK classrooms did.

As shown in Exhibit 6.4, kindergarten teachers reported that their students spent significantly more time on reading and language arts (ELA) lessons or projects than TK teachers in standalone or combination classrooms reported for their students. More specifically, on average, standalone TK teachers reported that their students spent 28 percent of their time on reading and language arts lessons or projects and TK combination teachers reported their students spent 33 percent of their time on reading and language arts; this is lower than the 46 percent of time spent on reading and language arts reported by kindergarten teachers. Teachers in combination classes also reported that their kindergarten students spent significantly less time on reading and language arts lessons or projects than teachers of traditional, standalone kindergarten classrooms reported for their students (35 percent versus 46 percent).

TK teachers in standalone classrooms also reported that their students spent a significantly smaller proportion of time on mathematics lessons or projects than kindergarten teachers in standalone classrooms reported (18 percent versus 25 percent). Teachers in combination classrooms reported that their kindergarten and TK students spent the same proportion of time on mathematics as teachers in standalone kindergarten classrooms reported.

A different pattern emerged for time spent on social-emotional skills. The proportion of time spent on social-emotional skill development reported by standalone TK teachers was three times as great as the proportion of time reported by standalone kindergarten teachers (25 percent versus 8 percent). TK combination teachers also reported significantly more time spent on social-emotional skills with their TK students, as compared with teachers in standalone kindergarten classrooms (12 percent versus 8 percent).

Exhibit 6.4. Percentage of Instructional Time Teachers Reported Spending on Content Areas, by Student and Classroom Type



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Note: Kindergarten students in standalone classrooms served as the reference group for significance testing.

Source: TK teacher survey and kindergarten teacher survey ($n = 158$)

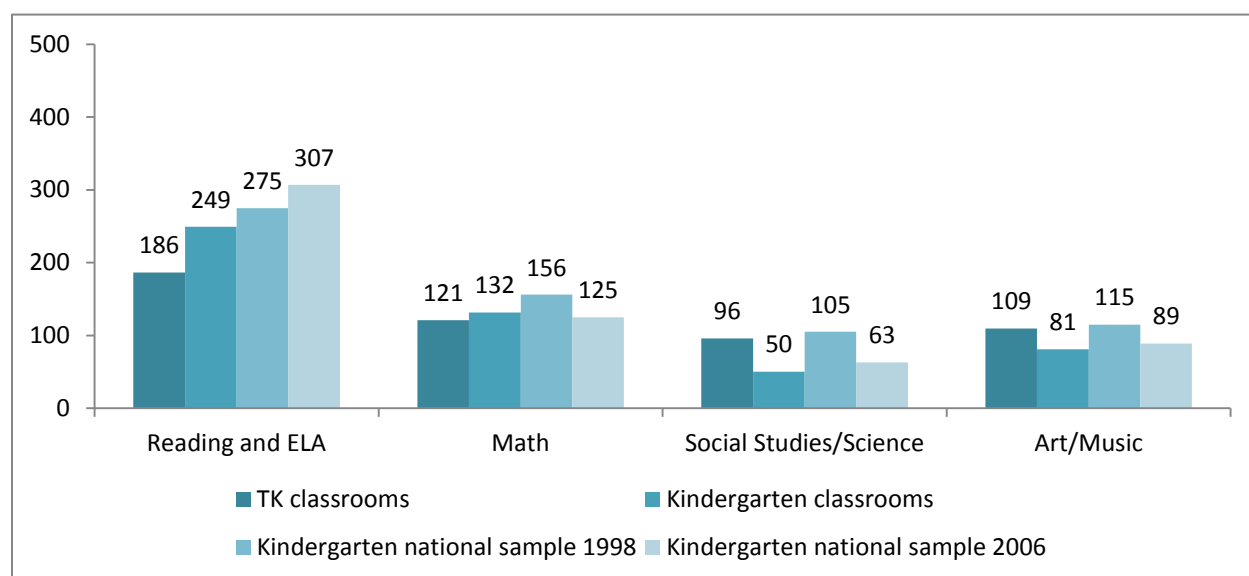
In addition, to provide some context for our analyses, we compared the amount of time spent on various content areas in California TK and kindergarten classrooms with national kindergarten teacher samples from the 1998 wave of the Early Childhood Longitudinal Study–Kindergarten Cohort (ECLS-K) and the 2006 wave of the Early Childhood Longitudinal Study–Birth Cohort (ECLS-B). These comparisons allow us to see trends in kindergarten classroom instruction and compare TK with kindergarten over time. We display results for half-day classrooms (Exhibit 6.5) and full-day classrooms (Exhibit 6.6) separately. Results are shown for reading and language arts, mathematics, social studies/science, and art/music.

In the national kindergarten samples, the amount of instructional time spent on reading and language arts increased and the amount of time spent on social studies/science and art/music decreased from 1998 to 2006. This trend is evident in both half-day and full-day classrooms. The amount of time spent on mathematics also decreased from 1998 to 2006, although the trend is more evident in half-day classrooms. In half-day TK programs in California, students spent approximately 96 minutes per week on social studies and science activities, and 81 minutes per week on art and music activities, time reports that more closely resemble reports from kindergarten teachers nationally in 1998 than in 2006.²⁸ In contrast, California kindergarten teachers in 2012–13 reported instructional practices that were more similar to the 2006 national sample for social studies/sciences and arts. In other words, California’s half-day TK classrooms,

²⁸ Testing for statistically significant differences was not done.

according to teacher reports, in some ways looked more like kindergarten prior to the implementation of the 2001 reauthorization of the Elementary and Secondary Education Act (No Child Left Behind [NCLB]). This may be due to the increased focus on accountability and early elementary test scores, and thus a greater emphasis on reading and ELA in kindergarten after the law's implementation.

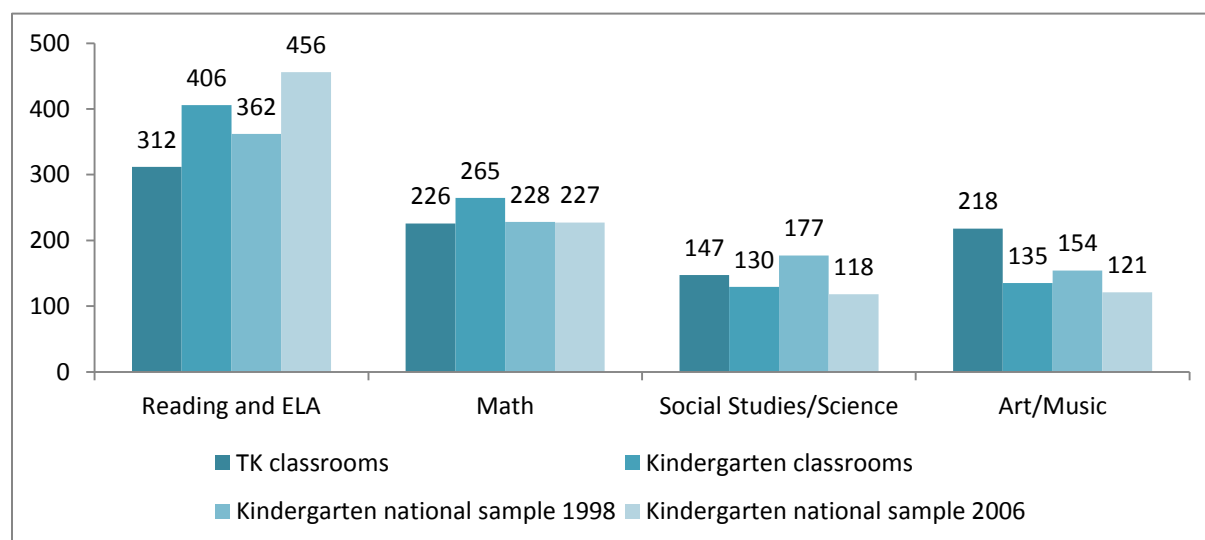
Exhibit 6.5. Reported Minutes per Week Spent Focusing on Specific Content Areas in Half-Day Programs, by Classroom Type



Notes: TK classroom category includes responses from standalone TK and TK combination classroom teachers. National kindergarten sample estimates are based on calculations using data from the fall 1998 wave of the ECLS-K and the fall 2006 wave of the ECLS-B (Bassok & Rorem, 2013). Results presented are descriptive; statistical comparisons were not conducted.

Source: TK teacher survey and kindergarten teacher survey ($n = 48$)

Exhibit 6.6. Reported Minutes per Week Spent Focusing on Specific Content Areas in Full-Day Programs, by Classroom Type



Notes: TK classroom category includes responses from standalone TK and TK combination classroom teachers. National kindergarten sample estimates are based on calculations using data from the fall 1998 wave of the ECLS-K and the fall 2006 wave of the ECLS-B (Bassok & Rorem, 2013). Results presented are descriptive; statistical comparisons were not conducted.

Source: TK teacher survey and kindergarten teacher survey ($n = 68$)

How Did Teachers Structure Their Classroom Activities?

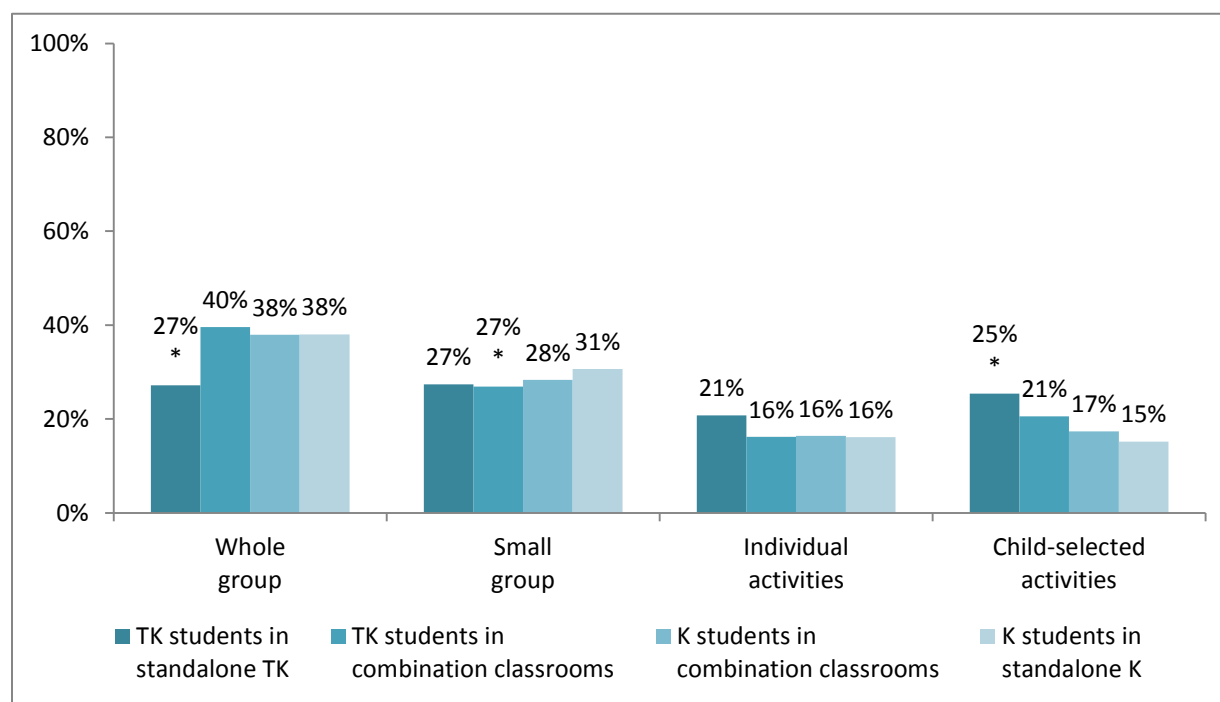
We also explored the extent to which TK and kindergarten teachers structured their instruction differently. In one large case study district, for example, TK was intentionally designed to be a transition between preschool and kindergarten. Both classroom structure and instruction were more like preschool during the first half of the year, with more child-directed exploration and centers set up in the classroom. At the midyear break, the classroom structure changed so that students sat at tables more often and there were fewer centers. Materials from the centers were still available, and children still had a small amount of exploration time during class, but instruction in the second half of the year focused more on writing, worksheets, and whole-group instruction.

Surveyed teachers in each type of classroom reported how much they used four formats of instruction throughout their day: whole-group, in which activities were completed with the whole class; small-group, in which activities were completed with a subset of students; individual activities, in which the teacher directed an individual student in an activity; and child-selected activities, in which the student was free to choose an activity that was of interest to him or her. Teachers in combination classrooms answered separately for their TK students and kindergarten students, which allowed us to examine how TK combination teachers differentiated instruction.

Although there appears to be a direct relationship between time spent and group size for kindergarten (with the most time spent in whole-group activities and the least time spent in individual and child-directed activities), TK students in standalone TK classrooms appeared to spend comparable amounts of time in the four activity types (Exhibit 6.7). TK students in

standalone TK classrooms spent significantly less time than students in kindergarten classrooms engaged in whole-group activities (27 percent versus 38 percent). They also spent significantly more time than students in kindergarten classrooms in child-selected activities (25 percent versus 15 percent). Thus, it appears that standalone TK classrooms were structured more like preschool classrooms than kindergarten classrooms, with more free-choice or exploration time. In one case study district, this difference was particularly dramatic. TK students in one school spent the bulk of their time in exploration, moving from activity center to activity center, engaging in hands-on activities and learning through play. In contrast, the kindergarten classroom in the same school lacked centers and students moved primarily between whole-group and small-group activities, with some independent work (on worksheets). The kindergarten teacher said they had very little time for exploration, but she tried to “squeeze it in” once a week. For the most part, TK students in combination classrooms spent amounts of time in whole-group, small-group, individual, and child-selected activities similar to that spent by their peers in standalone kindergarten classrooms.

Exhibit 6.7. Portion of the Day Spent in Various Activity Formats in TK and Kindergarten Standalone/Combination Classrooms



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Note: Kindergarten students in standalone kindergarten classrooms served as the reference group for significance testing.

Source: TK teacher survey and kindergarten teacher survey ($n = 96$)

To better understand factors associated with TK teachers’ use of child-directed activities, we ran ordinary least-squares (OLS) regression predicting the percentage of classroom time allocated to child-directed activities. The model included variables in five categories: classroom type, district approach to TK, teacher professional development, articulation with preschool, and teacher experience. Variables in each of these categories are:

1. *Classroom type*
 - Whether the classroom is a standalone TK classroom or a TK combination classroom
2. *District approach to TK*
 - Whether the district provided guidance that TK should resemble kindergarten
 - Whether the district's director of ECE led the TK planning effort
3. *Teacher professional development*
 - Total number of hours of TK-related professional development received since June 2012
 - Whether developmentally appropriate practice was a major emphasis in the teacher's professional development
4. *Articulation with preschool*
 - Whether the teacher used the *California Preschool Learning Foundations* for planning classroom activities
 - Whether the teacher collaborated with preschool teachers
5. *Teacher experience*
 - Years of experience teaching preschool or Head Start
 - Years of experience teaching any grade

Results are shown in Exhibit 6.8. Teachers in standalone TK classrooms spent more time in child-directed activities than teachers in TK combination classrooms. This association was evident despite controlling for teaching experience, professional development experiences, teachers' level of articulation with preschool, and district approach to TK. Receipt of professional development focused on developmentally appropriate practice was significantly associated with more time spent in child-directed activities. Receiving guidance from the district that TK should resemble kindergarten, in contrast, was associated with less in time spent in child-directed activities.

Exhibit 6.8. Factors Predicting Percentage of Class Time Spent in Child-Directed Activities in TK Classrooms

Variable	β
Standalone classroom	0.6305 [†]
District advised that TK should resemble kindergarten	-0.7388*
Director of ECE led planning effort	-0.2334
Total TK-focused PD hours (z-score)	-0.0033
PD focused on developmentally appropriate practice	0.5965*
Use of <i>Preschool Learning Foundations</i>	0.0224
Collaborated with preschool teachers	0.2048
Years of teaching experience (z-score)	0.0090
Years of preschool teaching experience (z-score)	0.0186
Intercept	-0.6430
<i>N</i>	52
<i>R</i> ²	0.3397

*** $p < .001$, ** $p < .01$, * $p < .05$, [†] $p < .10$

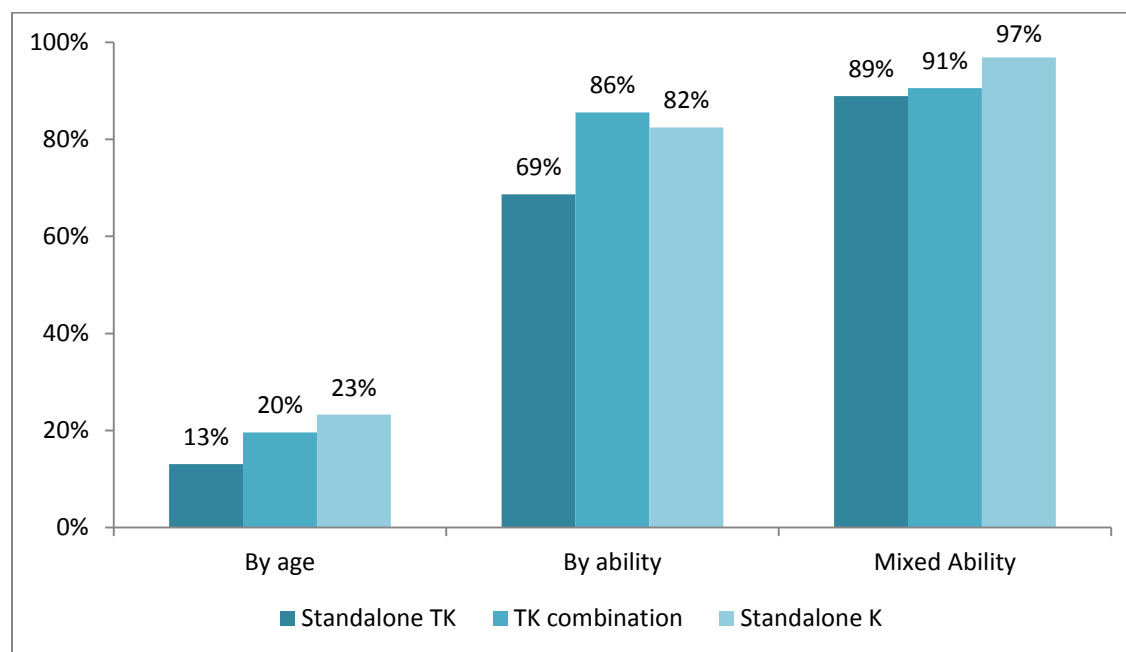
Notes: Outcome variable standardized (mean = 0; standard deviation = 1). Regression model employs robust standard errors clustered on school districts to account for the nesting of schools and classrooms within districts.

Source: Short-form district census survey and TK teacher survey

How Did Teachers Group Students for Instruction?

Teachers also reported on factors used to group students. The most common approach reported by teachers in all three classroom types was mixed-ability grouping (where children performing at different levels work on activities together); 89 percent of standalone TK teachers, 91 percent of TK combination teachers, and 97 percent of kindergarten teachers reported using this grouping strategy to a large or moderate extent (Exhibit 6.9). Instructional groups based on ability also were very common in all classroom types, although somewhat less prevalent in standalone TK classrooms. Sixty-nine percent of standalone TK teachers used this strategy to a large or moderate extent versus 86 percent of TK combination teachers and 82 percent of kindergarten teachers. Teachers were least likely to group students by age. Thirteen percent of standalone TK teachers, 20 percent of TK combination, and 23 percent of kindergarten teachers used this grouping strategy to a large or moderate extent.

Exhibit 6.9. Percentage of Teachers Utilizing Various Student Grouping Strategies, by Classroom Type



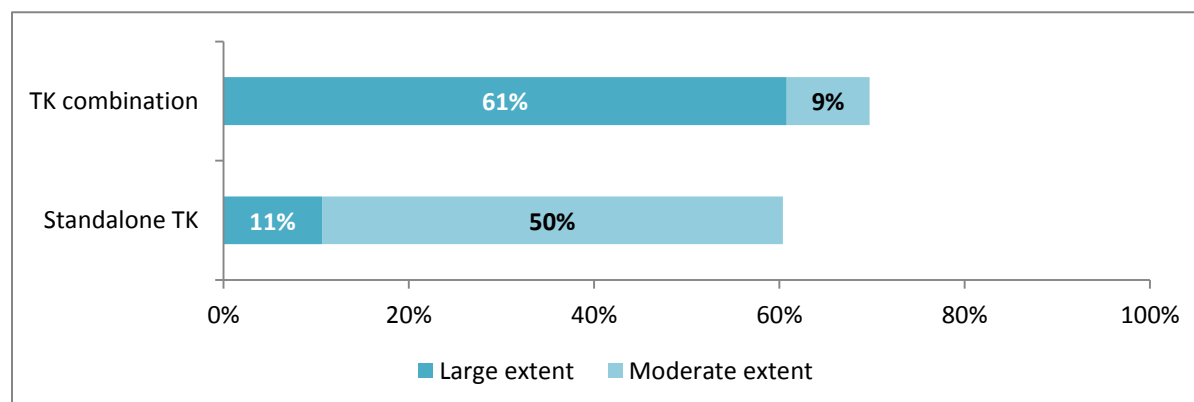
*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Note: “Small Extent” and “Not at All” responses are excluded.

Source: TK teacher survey and kindergarten teacher survey ($n = 140$)

Teachers in TK combination classrooms reported they used assessments to determine student instructional groups to a greater extent than standalone TK teachers. As shown in Exhibit 6.10, 70 percent of TK combination teachers reported using this practice a large or moderate extent, as compared with 61 percent of standalone TK teachers.

Exhibit 6.10. Extent to Which Teachers Reported Using Assessments to Determine Student Grouping, by Classroom Type



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

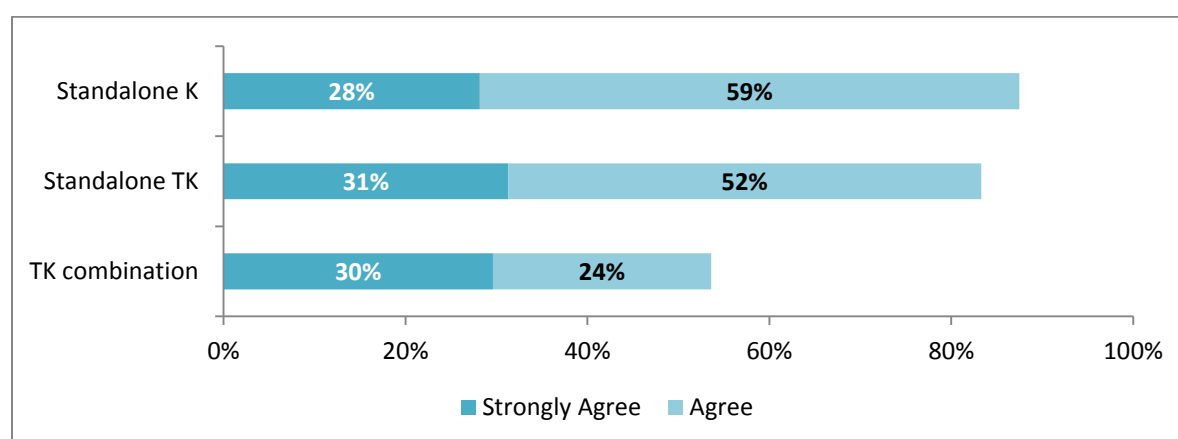
Note: “Small Extent” and “Not at All” response categories are not shown.

Source: TK teacher survey ($n = 50$)

How Did TK Teachers Differentiate Instruction?

We asked standalone TK, TK combination, and standalone kindergarten teachers to report on practices related to differentiating instruction. Nearly all standalone TK teachers, TK combination teachers, and kindergarten teachers reported that they individualized instruction to meet students' needs. When asked about the challenges in differentiating instruction for a diverse range of needs and class size, most teachers agreed that differentiating instruction for all students was possible despite the range of needs in their class or the size of their class (Exhibit 6.11). Only 54 percent of TK combination teachers, however, agreed that differentiation is possible, evidence of the challenge of teaching multigrade classrooms.

Exhibit 6.11. Proportion of Teachers Who Agreed That Differentiating Instruction for All Students Was Possible Given the Range of Needs or Class Size, by Class Type



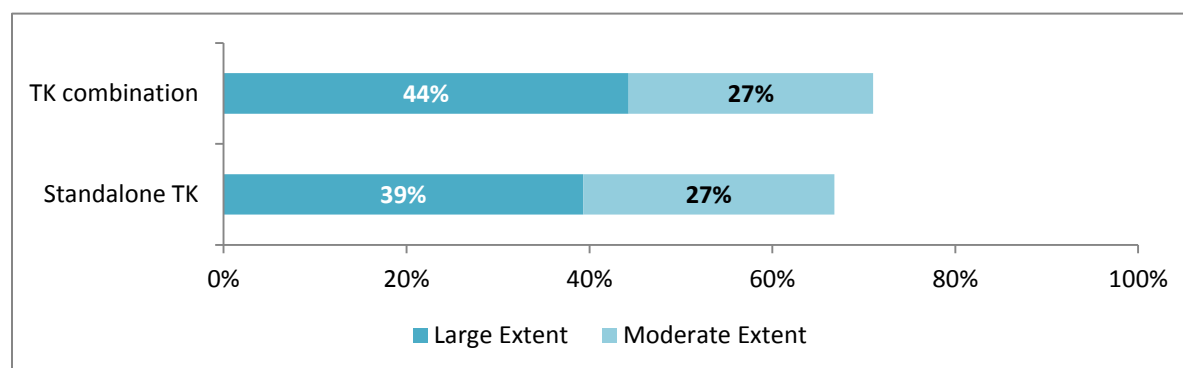
*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Note: Scale reversed for exhibit. “Disagree” and “Strongly Disagree” response categories are not shown.

Source: TK teacher survey and kindergarten teacher survey ($n = 137$)

We also asked teachers about the extent to which they used assessments to tailor their instruction to students' individual needs. Two thirds of teachers in standalone TK classrooms reported using assessments to individualize instruction, and 71 percent of teachers in TK combination classrooms did (Exhibit 6.12).

Exhibit 6.12. Extent to Which Teachers Used Assessments to Individualize Instruction, by Classroom Type



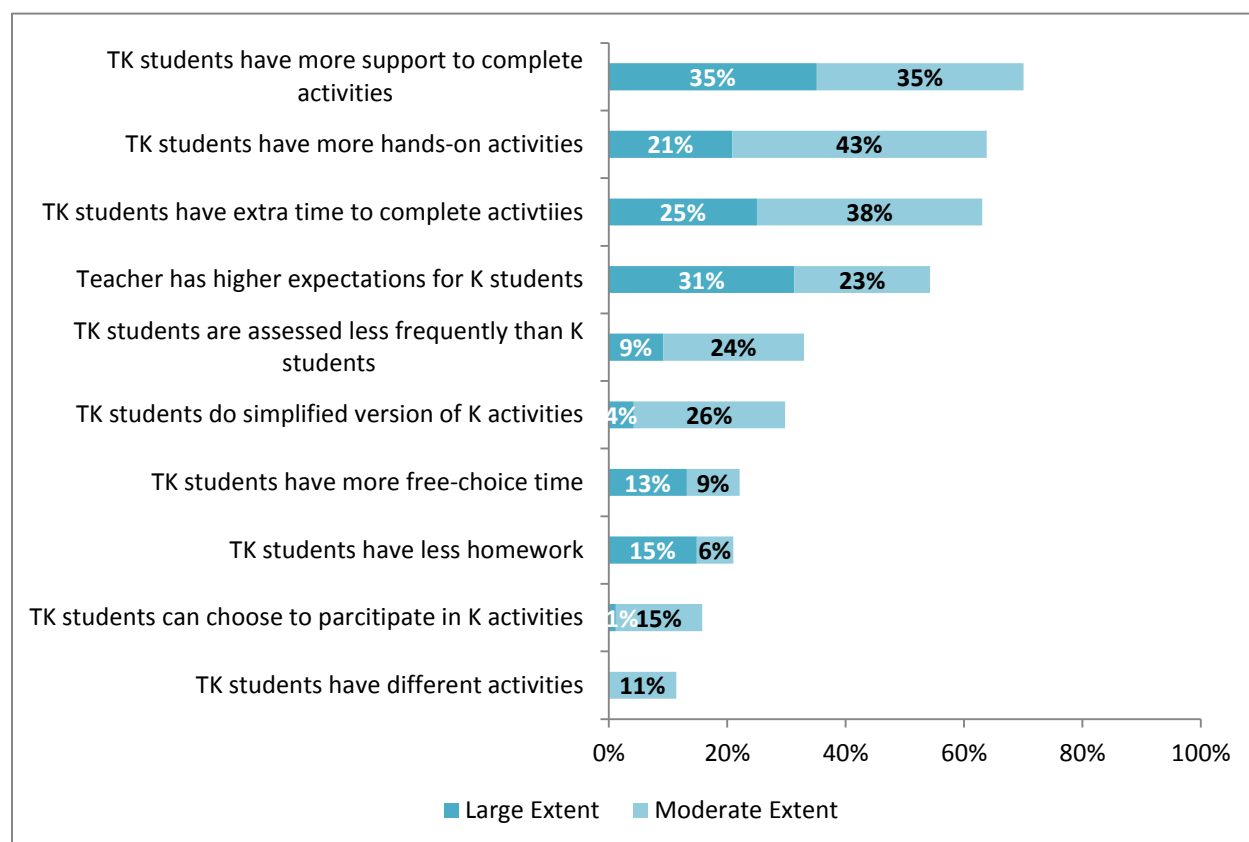
*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Note: “Small Extent” and “Not at All” response categories are not shown.

Source: TK teacher survey ($n = 51$)

We asked teachers of combination classrooms how they differentiated instruction for their TK versus kindergarten students. Seventy percent of teachers said they gave TK students more support to complete activities to a large or moderate extent (Exhibit 6.13). Using a similar strategy, 63 percent of teachers said they gave their TK students more time to complete activities to a large or moderate extent. Thirty percent of teachers said that TK students did simplified versions of kindergarten activities to a large or moderate extent, but 16 percent of teachers said TK students could choose whether they wanted to do kindergarten activities.

Exhibit 6.13. Extent to Which TK/K Combination Teachers Used Various Approaches to Differentiate Instruction for TK Versus Kindergarten Students



Note: “Small Extent” and “Not at All” response categories are not shown.

Source: TK teacher survey ($n = 40$)

Teachers also were asked about supports for their children designated as English learners. The majority of both TK (79 percent) and kindergarten (81 percent) teachers reported that English learners in their classrooms received at least some instruction in their home language.

What Is the Quality of Teacher–Student Interactions in TK Classrooms?

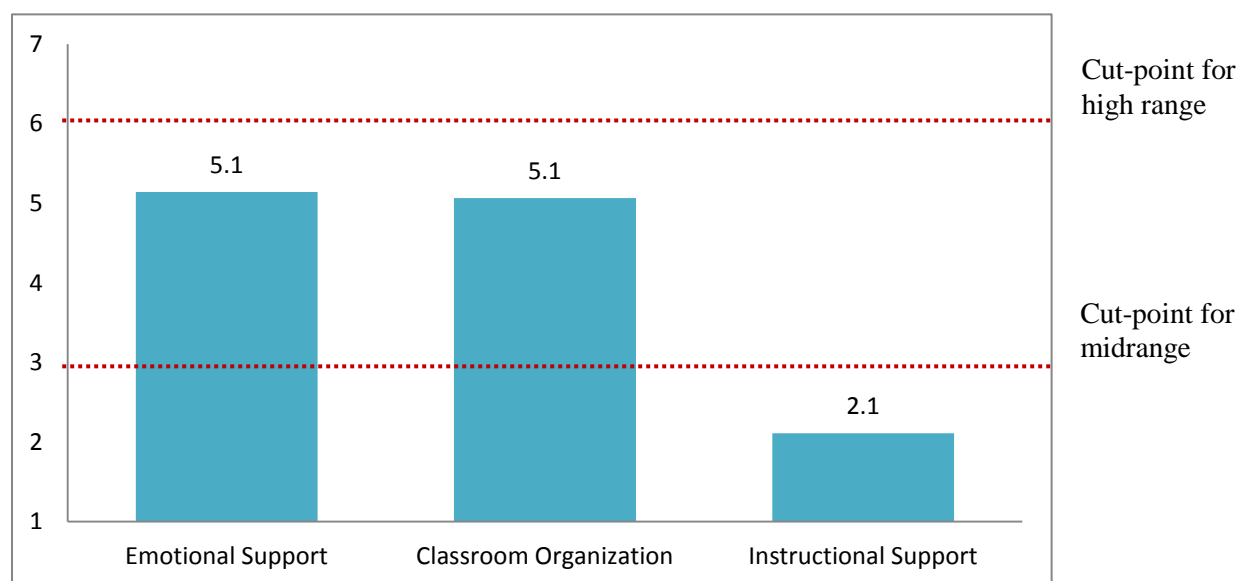
A sample of 68 TK classrooms was observed using the CLASS observation tool. This tool is made up of 10 dimensions, which fall into three domains. All dimensions are scored on a scale of 1 through 7. Trained and certified observers observed each classroom on average for six cycles;²⁹ each cycle consists of 20 minutes of observation and 10 minutes of scoring. During each cycle, observers pay close attention to the behaviors, interactions, and relationships between teachers and students and among students.

Exhibit 6.14 shows CLASS scores by domain for this sample of TK classrooms (both standalone and combination). The 68 classrooms scored in the middle range for the Emotional Support and

²⁹ The number of cycles completed ranged from four to seven, in accordance with the structure of TK classrooms, the school schedule, and teachers’ availability.

Classroom Organization domains and in the low range for the Instructional Support domain. On the Emotional Support and Classroom Organization domains, TK classrooms have higher scores than a sample of 36 kindergarten classrooms recently studied in the southeastern United States, but lower scores than preschool classrooms in the Multi-State Study of Pre-K/State-Wide Early Education Programs (MS/SWEEP) study (see Exhibit 6.15). On the Instructional Support domain, TK classrooms earned scores comparable to those for the MS/SWEEP preschool classrooms but lower than those for the kindergarten classrooms.

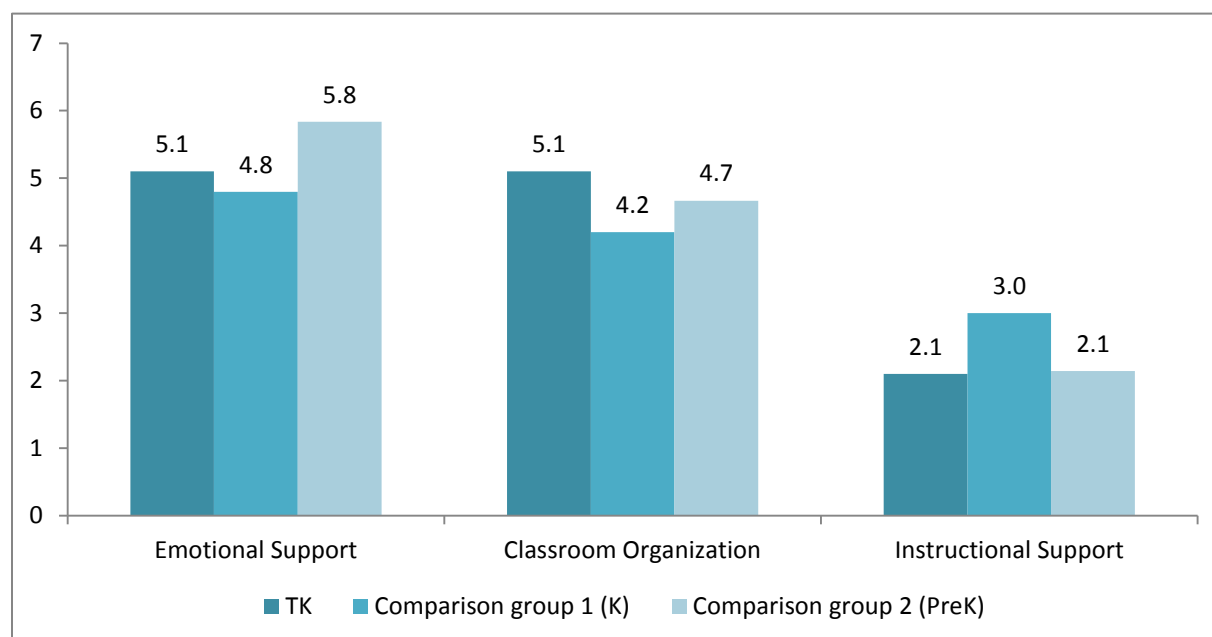
Exhibit 6.14. CLASS Scores by Domain



Source: CLASS observation

The Emotional Support domain includes four dimensions: Positive Climate, Negative Climate, Teacher Sensitivity, and Regard for Student Perspectives. Classrooms in our sample rated an average of 5.6 on Positive Climate, indicating that, for the most part, the observed classrooms were characterized by good relationships, positive affect such as smiling and enthusiasm, a good degree of positive communication, and respect. The average score on Negative Climate was 6.6, which indicates that there were almost no observed instances of negativity, irritability, aggression, bullying, yelling, or punishment. Classrooms scored an average of 4.5 on Teacher Sensitivity, which means that teachers sometimes showed elements of awareness and responsiveness but other times did not. Teachers were effective in addressing problems at times and less so at other times. Students sometimes sought support from, shared their ideas with, and responded to questions from the teacher. On the Regard for Student Perspectives dimension, classrooms scored an average of 3.9. This is an indication that teachers followed students' lead at some times but were more controlling at other times. Students were sometimes allowed choice, leadership, and autonomy but other times not. There was some student expression and some freedom of movement, but on average it was not enough to justify scores higher than the middle range for this dimension.

Exhibit 6.15. CLASS Scores for TK Classrooms and Comparison Samples From a National Study of Publicly Funded PK and a Study of Kindergarten in Low-Income Rural Schools



Note: Results presented are descriptive; statistical comparisons were not conducted.

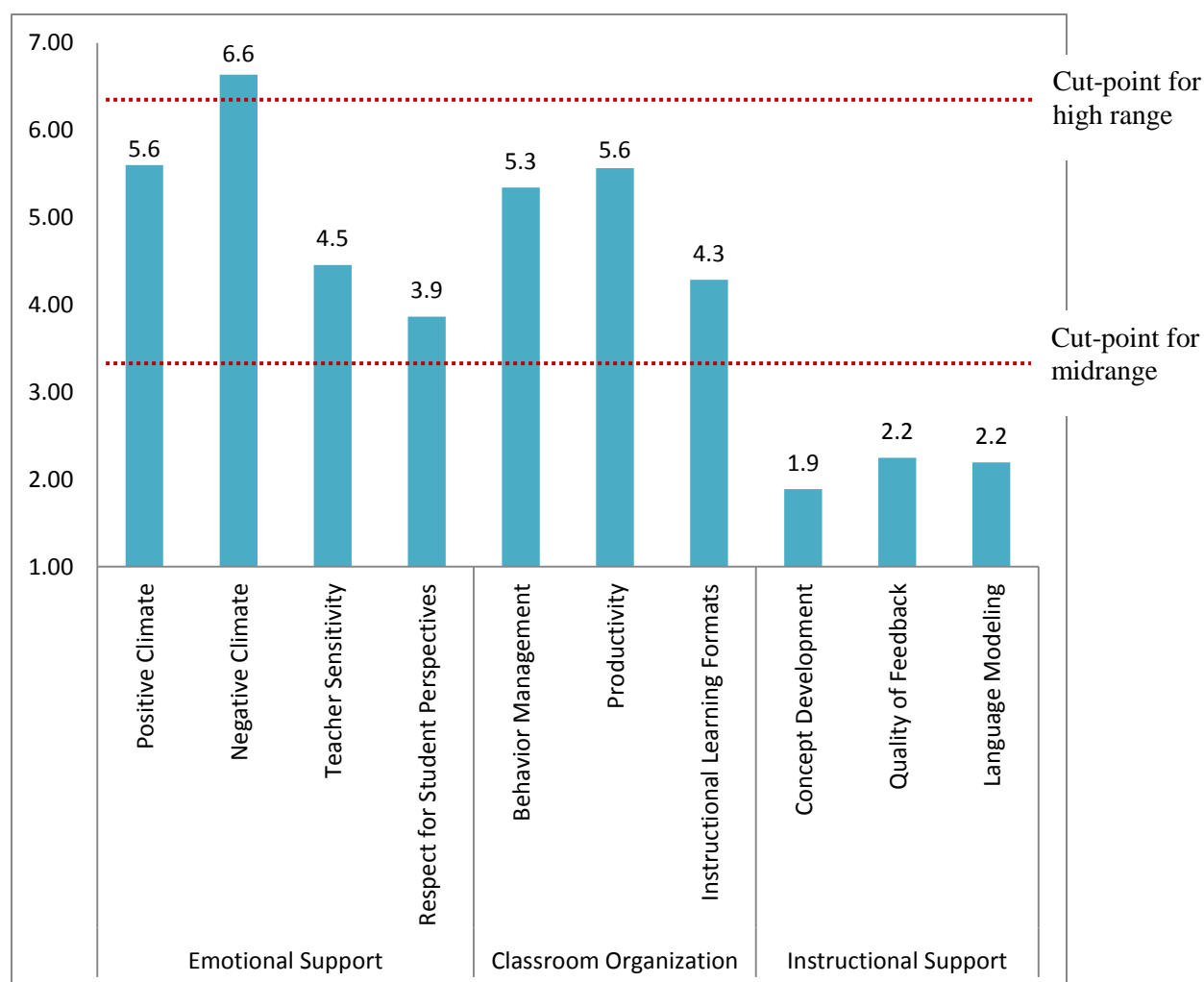
Source: CLASS observations; kindergarten comparison group from a study of 36 rural classrooms in the Southeast (Ponitz, Rimm-Kaufman, Grimm, & Curby, 2009); prekindergarten comparison group from 693 classrooms from the Multi-State Study of Pre-K/State-Wide Early Education Programs study (MS/SWEEP) and recoded to better match the revised CLASS structure in Curby, Grimm, & Pianta, (2010).

The Classroom Organization domain includes three dimensions: Behavior Management, Productivity, and Instructional Learning Formats. Classrooms in our sample scored an average of 5.3 on Behavior Management, indicating that classrooms were mostly characterized by fairly clear behavior expectations, proactive behavior monitoring, fairly effective redirection of misbehavior, and good student behavior in general. For the Productivity dimension, classrooms averaged a score of 5.6, indicating that teachers maximized learning time fairly well, students had established routines and knew what to do, teachers were prepared, and transitions were fairly brief at most times. The average score for Instructional Learning Formats was 4.3; meaning that teachers sometimes facilitated sessions effectively, sometimes used a variety of modalities and materials in their lessons, and sometimes established clear learning objectives but other times did not. Students were engaged and interested at some times and less so at others.

The Instructional Support domain includes three dimensions: Concept Development, Quality of Feedback, and Language Modeling. The average score on the Concept Development dimension was 1.9, indicating that teachers rarely used discussions and activities that encouraged analysis and reasoning through problem solving, prediction, classification, evaluation, and why and how questions. Teachers rarely provided opportunities for brainstorming and planning, and they rarely integrated ideas with students' previous knowledge or connected concepts to each other or to students' lives. The average Quality of Feedback score was 2.2, which means that there were only rare instances of scaffolding, back-and-forth exchanges, follow-up questions, expansion on students' ideas, clarification questions, and reinforcement. The Language Modeling dimension

captures the quality and amount of the teacher’s use of language-stimulation and language-facilitation techniques, which has been shown to be related to children’s language proficiency and later academic outcomes. The average score on the Language Modeling dimension also was 2.2, indicating that there were only rare instances of back-and-forth exchanges, open-ended questions, self/parallel talk, advanced language, and repetition and extension of student talk. A higher scoring classroom would exhibit more instances of teachers asking open-ended questions, extending children’s responses, verbally mapping their own actions and the children’s actions through language and description, and using advanced language with students. Exhibit 6.16 illustrates average scores on all 10 CLASS dimensions.

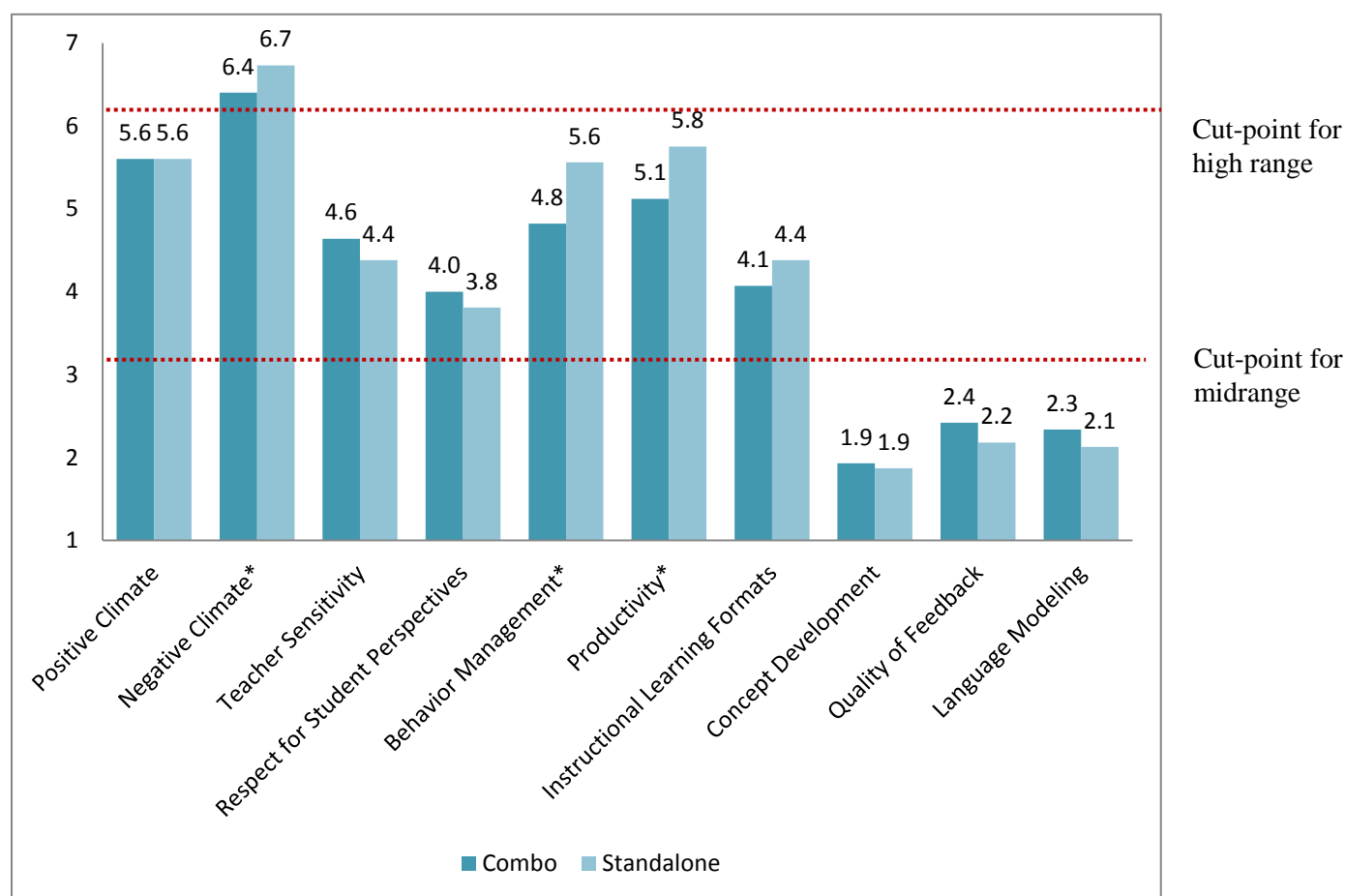
Exhibit 6.16. CLASS Scores by Dimension



Source: CLASS observations ($n = 68$)

We also compared CLASS scores for standalone TK classrooms and TK combination classrooms (see Exhibit 6.17). Standalone TK classrooms ($N = 48$) showed a small but statistically significant advantage over combination classes ($N = 20$) in Negative Climate, Behavior Management, and Productivity. There were no other statistically significant differences.

Exhibit 6.17. CLASS Scores by Dimension, Combination Versus Standalone TK Class



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Source: CLASS observations ($n = 68$)

To explore factors associated with CLASS scores, we ran a series of OLS regressions predicting Emotional Support, Classroom Organization, and Instructional Support scores. Model variables included classroom type, reports of whether the district provided guidance that TK should look similar to kindergarten, number of hours of TK teacher professional development, and teacher experience. None of the predictor variables was significantly associated with CLASS scale scores, perhaps due to the small sample size available to test this association. Results are shown in Appendix C.

Summary

Teachers used a variety of curricula in TK classrooms, including a focus on social-emotional learning, with such curricula often developed by teachers themselves. In terms of format, TK teachers used more small-group and child-directed instruction than kindergarten teachers did. In terms of content, TK teachers spent less time on reading and language arts than did kindergarten teachers. Teachers typically reported that they grouped students more by ability than age. The quality of teacher-child interactions was also typically high, particularly in the Emotional Support and Classroom Organization domains; scores for Instructional Support were low similar

to those of a national sample of preschool classrooms and lower than those of a comparison group of kindergarten classrooms.

There were several notable differences between standalone TK classrooms and TK combination classrooms. Standalone TK classrooms were more likely to focus on social-emotional instruction, to use child-directed instructional formats, and to earn higher CLASS scores in the (lack of) Negative Climate, Productivity, and Behavior Management dimensions.

Overall, we find that California TK teachers' instructional practices, as reported by teachers, are generally similar to the national sample of kindergarten teachers surveyed in 1998, and California kindergarten teachers' instructional practices are more similar to the 2006 national sample, particularly with regard to time spent on social studies/sciences and arts. In other words, California's TK classrooms in their first year looked more like kindergarten did 15 years earlier.

Chapter 7: Articulation and Collaboration, Preschool–Grade 3

TK, as a new grade between preschool and kindergarten, can enhance opportunities for articulation and collaboration between preschool and early elementary programs. This chapter explores the extent to which communication, collaboration, and articulation across the preschool-to-Grade 3 span occurred in the first year of TK’s implementation, drawing on data from district, principal, and teacher surveys.

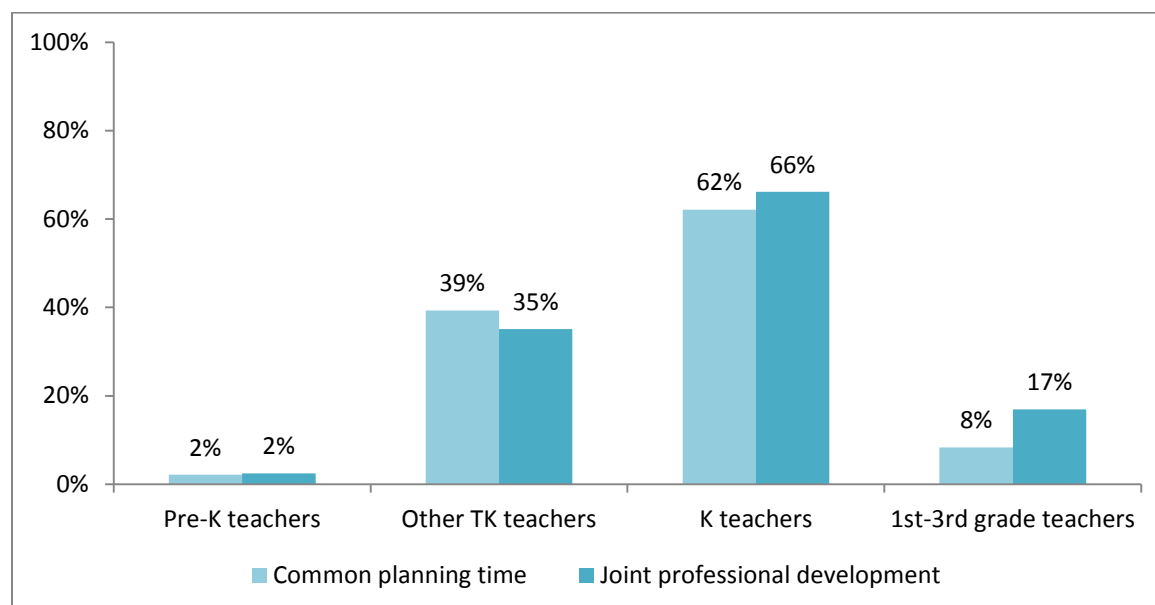
Cross-Grade Collaboration and Alignment

One indirect benefit of TK anticipated by some was that it would create a space for more collaboration among teachers and alignment of curricula from preschool through Grade 3, also encouraged by the federal Race to the Top Early Learning Challenge Grant (RTT-ELC) grant that California recently received. Preschool-to-Grade 3 articulation can help sustain the effects of early education into elementary school and beyond (Kauerz, 2006; Sadowski, 2006). This section describes opportunities for collaboration reported by teachers and reports principals’ and teachers’ perceptions of alignment across grades.

Did Teachers Have Opportunities for Collaboration?

In order to effectively implement TK, particularly in the first year, teachers would ideally collaborate with both kindergarten and if possible, preschool teachers, to ensure that curriculum and instruction across the age span are appropriately aligned. To better understand this collaboration, we asked TK teachers about other teachers who were involved in their common planning time and PD activities at their school or district. Many TK teachers reported that they had regular common planning time and joint PD with kindergarten teachers (62 percent and 66 percent, respectively; see Exhibit 7.1). More than a third of TK teachers reported having regular common planning time and joint PD with other TK teachers (39 percent and 35 percent, respectively). Eight percent of TK teachers reported having common planning time with first-, second-, or third-grade teachers, or some combination; for reported joint PD time with the same teachers, however, more than double this amount of time was reported (17 percent). Only 2 percent of TK teachers reported they had common planning time and PD with preschool teachers in the school or district.

Exhibit 7.1. Percentage of TK Teachers Reporting Having Joint PD Activities or Regular Common Planning Time With Teachers From Other Grades



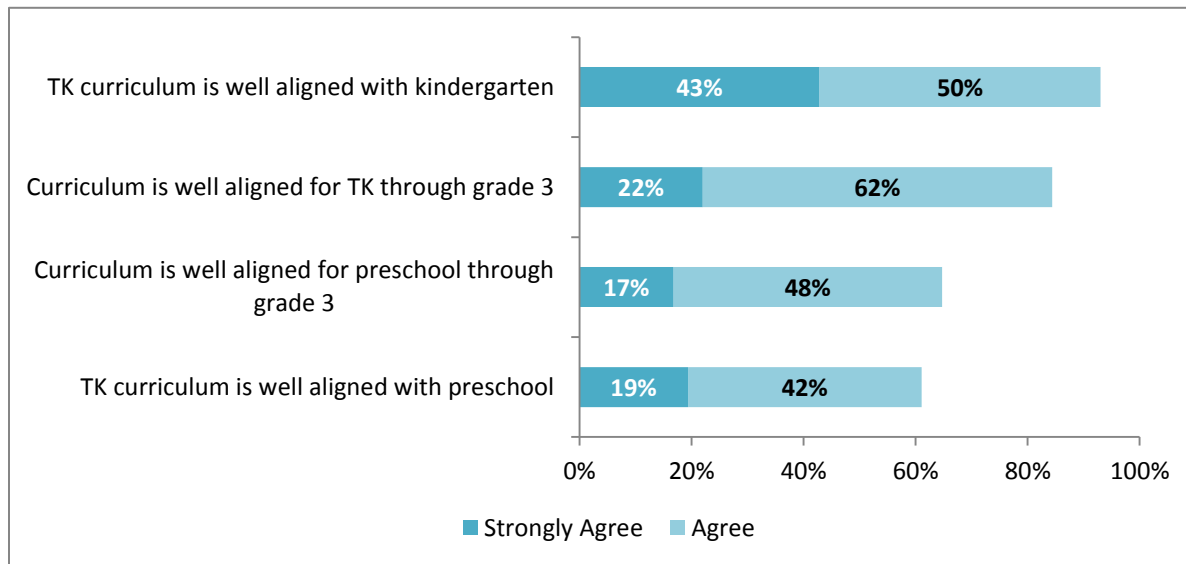
Note: Results presented are descriptive; statistical comparisons were not conducted.

Source: TK teacher survey ($n = 98$)

How Were Curricula, Assessments, and Instructional Practices Aligned?

In addition to opportunities to learn and collaborate together through shared planning time and PD, we asked about perceptions of the alignment of curricula, assessments, and instructional practices across grades to further support the continuity of learning experiences for students over time. As shown in Exhibit 7.2, a large majority of principals reported alignment between TK and kindergarten—93 percent agreed or strongly agreed with the statement “The TK curriculum is well aligned with the kindergarten curriculum”—and more broadly from TK through Grade 3—84 percent of principals agreed or strongly agreed with the statement “The curriculum is well aligned for TK through Grade 3.” Somewhat fewer principals reported alignment with preschool—61 percent agreed or strongly agreed with the statement “The TK curriculum is well aligned with the preschool curriculum”—and similarly for preschool through Grade 3—65 percent agreed or strongly agreed with the statement, “The curriculum is well aligned for preschool through grade 3.”

Exhibit 7.2. Principal Perceptions of TK Alignment Across Grades

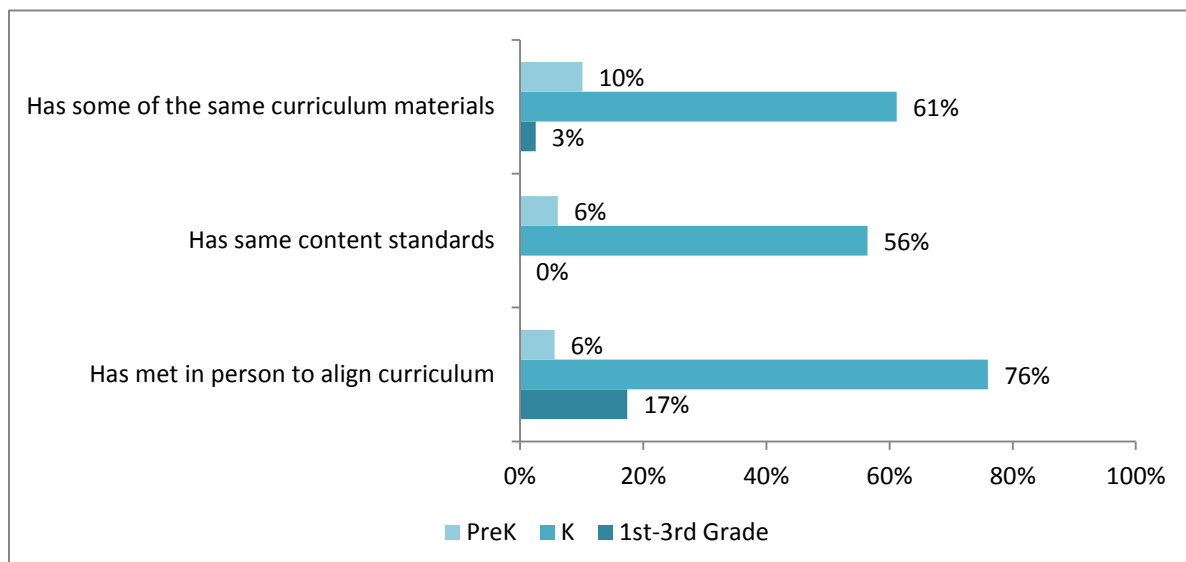


Note: “Disagree” and “Strongly Disagree” response categories are not shown.

Source: Principal survey ($n = 65$)

Teachers also were asked about the ways they align curriculum and content with those of teachers in other grades in their school or district. Many TK teachers reported having some of the same curricular materials as kindergarten teachers (61 percent) and reported meeting with kindergarten teachers regularly to align curricula (76 percent; see Exhibit 7.3). More than half of TK teachers also reported having the same content standards for their TK students as kindergarten teachers had for their kindergarten students (56 percent).

Exhibit 7.3. Percentage of TK Teachers Who Reported Aligning Curriculum and Content With Teachers From Other Grades in Various Ways



Note: Results presented are descriptive; statistical comparisons were not conducted.

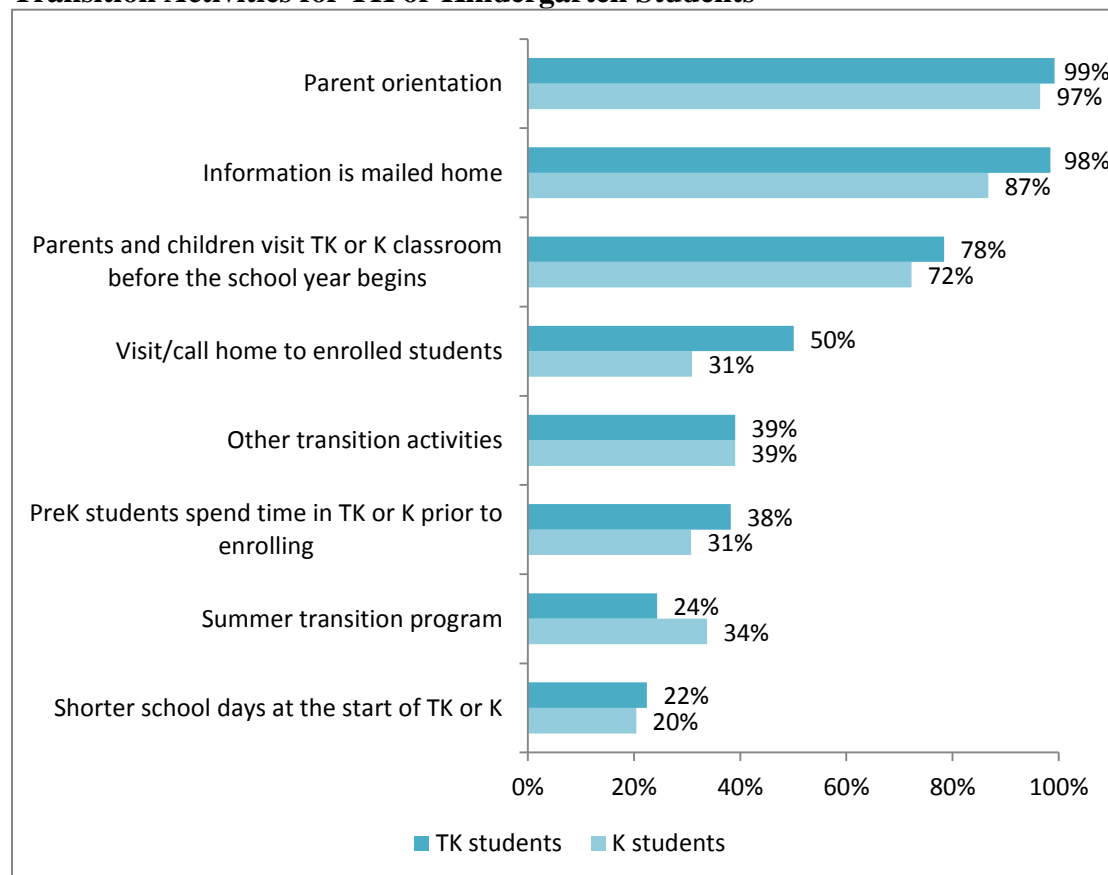
Source: TK teacher survey ($n = 98$)

Support for Transitions From Preschool to TK and Kindergarten

Entering school is a critical transition for children and may be particularly important for the younger students entering TK. This section describes principal reports of how schools supported transitions to kindergarten for both TK and kindergarten students and parent perspectives on transition activities.

Principals were asked to report on their use of various transition activities for TK and kindergarten students. The majority of principals reported that they used three transition activities for TK and kindergarten students: hosting parent orientations (99 percent and 97 percent, respectively), mailing information about TK home (98 percent and 87 percent, respectively), and allowing parents and children to visit the classroom before the start of the school year (78 percent and 72 percent, respectively) (Exhibit 7.4). Parents in most focus groups did not describe transition activities; in one district, parents did describe an orientation meeting that was held for TK families but said the information presented (particularly about promotion to first grade) was confusing. (For an additional discussion of districts' outreach efforts to parents, see Chapter 5.)

Exhibit 7.4. Percentage of Principals Reporting Their School Engages in Various Transition Activities for TK or Kindergarten Students



Note: Results presented are descriptive; statistical comparisons were not conducted.

Source: Principal survey ($n = 66$)

Summary

On average, principals reported that the highest levels of alignment were between TK and kindergarten, with moderate levels between preschool and third grade. Likewise, TK teachers reported more collaboration time with kindergarten teachers than with teachers of other grades.

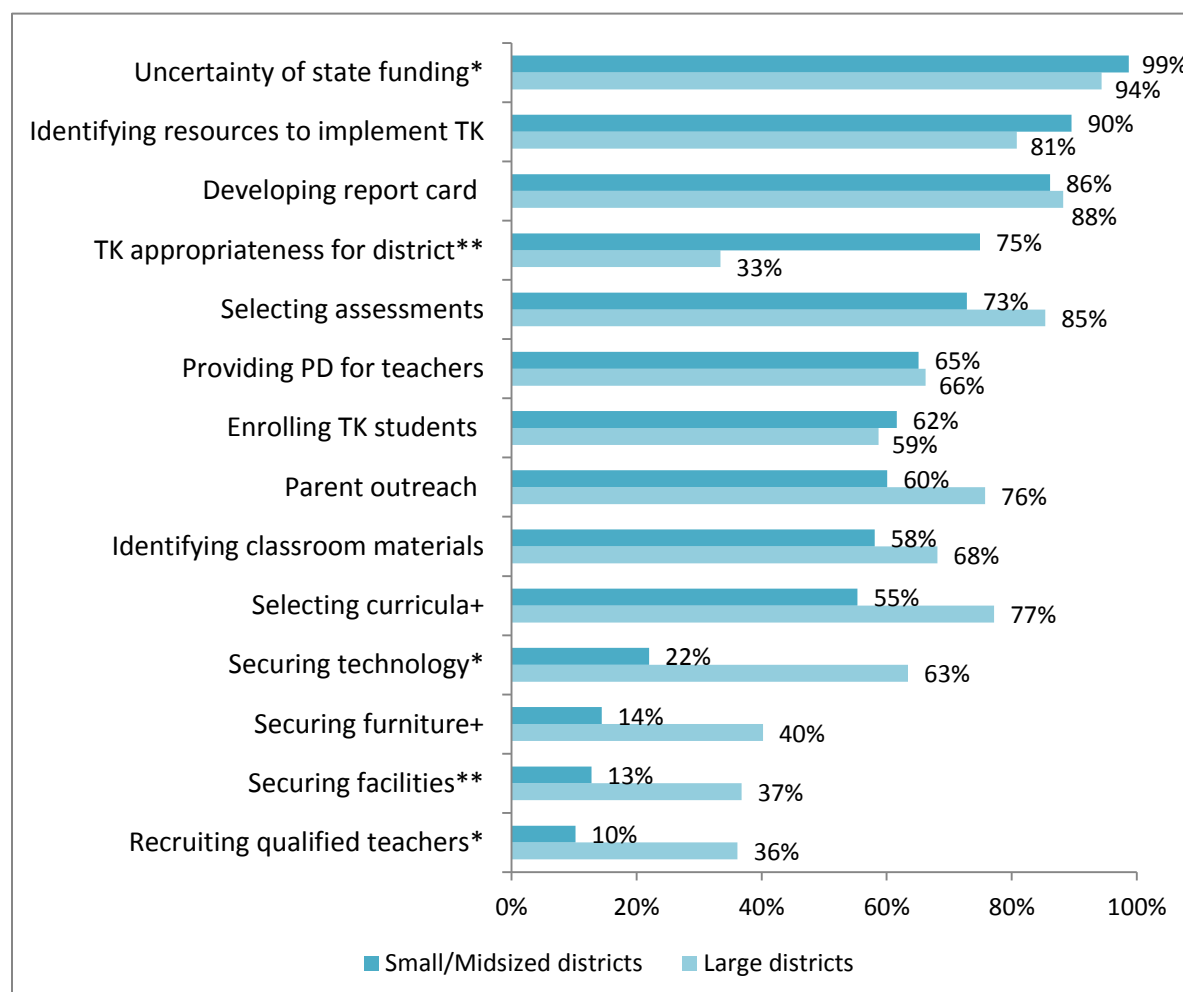
Chapter 8: Successes and Challenges in the First Year of TK

As with any new program, there were challenges to overcome as the program was rolled out, but there were success stories to acknowledge as well. This chapter explores the challenges to TK implementation as reported by district administrators, principals, and teachers. In addition, we present a discussion of opportunities, unanticipated benefits, and the perceived value of TK as reported by various stakeholders from case study districts and schools.

Challenges in Implementing TK

Districts reported facing a number of challenges during the implementation of TK in their district, with funding concerns at the top of the list. The most frequently cited challenge—reported by nearly all districts: 99 percent of small and midsize districts and 94 percent of large districts—was the uncertainty of state funding for TK for the 2012–13 school year (see Exhibit 8.1). Without clear guidance from the state until the late spring in 2012, many districts were left wondering whether they would receive funding for enrolling students in TK. Most districts—90 percent of small and midsize districts and 81 percent of large districts—also reported that identifying the resources needed to implement TK (such as funds and staff time) was a challenge. Many of the basic structures and practices, such as developing a TK report card, selecting assessments, providing PD for teachers, and reaching out to parents (65 percent), also were identified by districts as challenges. More small and midsize districts (75 percent) than large districts (33 percent) expressed concerns about the general appropriateness of TK for their districts. On the other hand, large districts were more likely to identify securing technology, securing facilities for TK, and recruiting qualified teachers as challenges.

Exhibit 8.1. Challenges Districts Encountered When Implementing TK in 2012–13, by District Size



*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

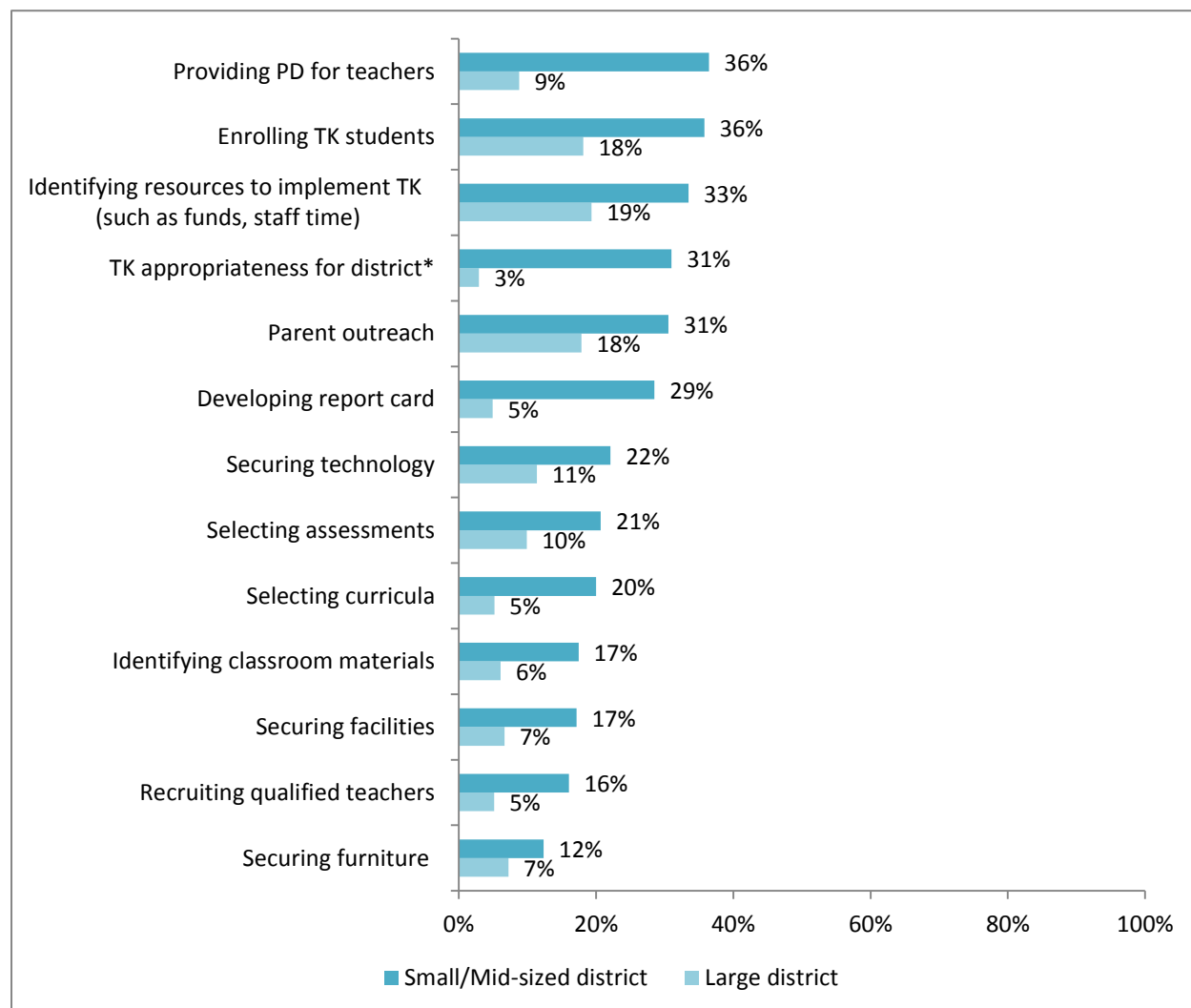
Notes: “Not a Challenge” response category is not shown. *P*-values represent differences by district size (i.e., large versus small to midsized districts).

Source: In-depth district survey ($n = 120$)

District survey respondents also identified their anticipated challenges in TK implementation for the 2013–14 school year (see Exhibit 8.2). Overall, with a year of TK under their belts, districts anticipated fewer challenges in the second year of statewide implementation of TK. Many districts, however, reported that they anticipate that identifying resources to implement TK will continue to be a challenge in 2013–14. Parent outreach and enrolling TK students also were identified as anticipated challenges by about half of districts. Recruiting qualified teachers continues to be infrequently cited, however, with only 16 percent of small and midsized districts and 5 percent of large districts reporting that this will be challenging during the second year of implementation. Similarly, securing furniture was not anticipated to be a challenge in 2013–14 by many districts, regardless of size. Administrators in small to midsized districts again reported that they anticipated that making decisions given concerns about the appropriateness of TK for

the district would continue to be a challenge—3 percent of large districts and 31 percent of small and midsized districts.

Exhibit 8.2. Anticipated District Challenges in TK Implementation in 2013–14, by District Size



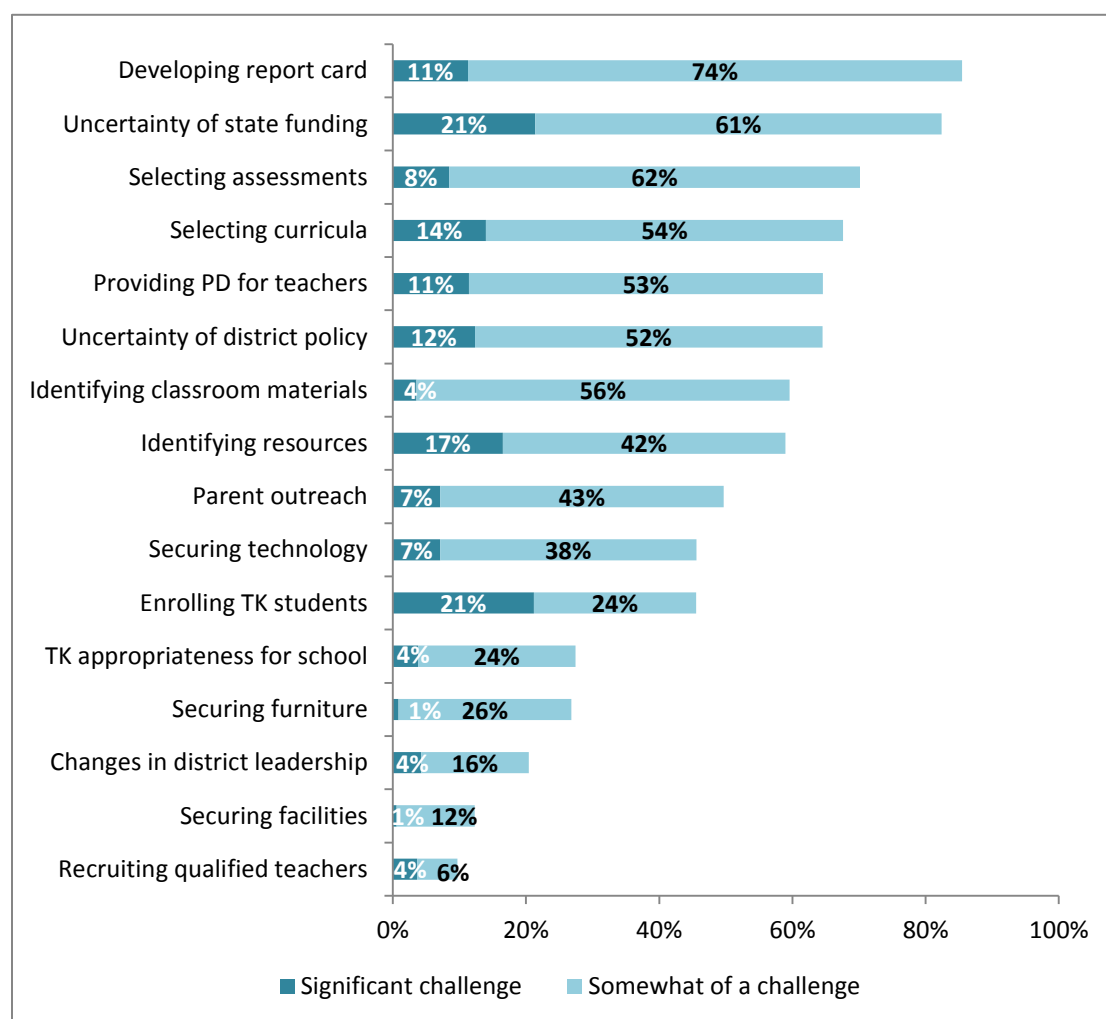
*** $p < .001$, ** $p < .01$, * $p < .05$, † $p < .10$

Notes: “Not a Challenge” response category not shown. *P*-values represent differences by district size (i.e., large versus small to midsized districts).

Source: In-depth district survey ($n = 117$)

When asked about challenges faced in the first year of implementation, principals reported many of the same challenges as district administrators (see Exhibit 8.3). For example, 85 percent of principals reported that developing TK report cards was a significant challenge or somewhat of a challenge, and 82 percent cited the uncertainty of state funding as a challenge. Selecting appropriate assessments and curricula for TK students also were commonly identified as challenges. Also, similar to district administrators overall, few principals reported that recruiting qualified teachers (10 percent) or securing facilities (13 percent) were challenges for effective TK implementation in 2012–13.

Exhibit 8.3. Challenges Principals Encountered When Implementing TK in 2012–13

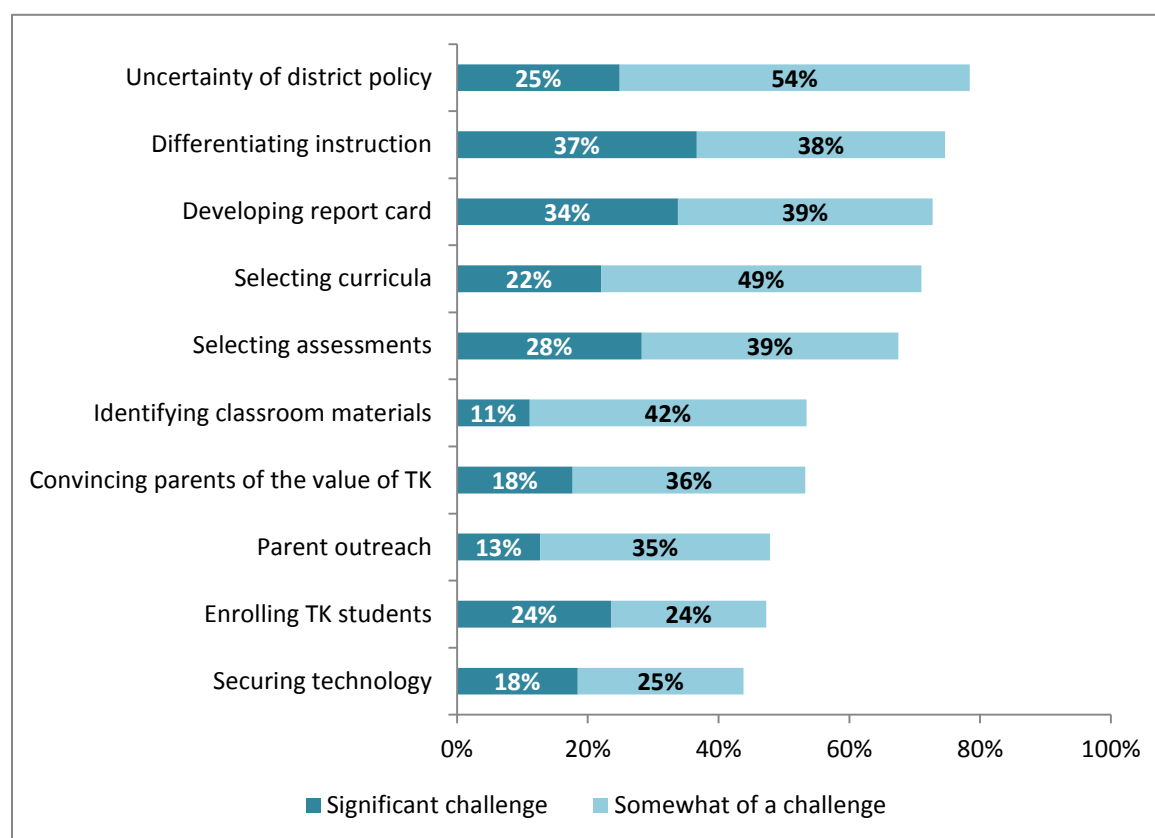


Note: “Not a Challenge” response category is not shown.

Source: Principal survey ($n = 65$)

Teachers face many unique challenges in the implementation of TK in their classrooms. Teachers reported many of the same challenges as district and school administrators, including developing a TK report card (91 percent), selecting assessments (77 percent), and selecting curricula (71 percent; see Exhibit 8.4). The most commonly reported significant challenge for TK teachers was differentiating instruction—52 percent reported this as a significant challenge, and another 24 percent said it was somewhat of a challenge. Teachers also were asked about challenges in any uncertainty in their district’s policies, and 80 percent identified this as a challenge.

Exhibit 8.4. Challenges TK Teachers Encountered When Implementing TK in 2012–13



Notes: “Not Applicable” response category recoded to missing. “Not a Significant Challenge” response category is not shown.

Source: TK teacher survey ($n = 96$)

Perceived Value of TK

Despite the implementation challenges experienced by school and district staff, reports from parents, principals, and administrators in case study districts suggest that, once it got started, the program was generally well received.

In a few case study districts, parents reported having initial reservations about TK. For example, two parents in one district shared that they were uncertain about the potential benefits of the program at the beginning of the school year, because they did not have much information about TK and how it differed from kindergarten. As one parent explained, “I didn’t know what it was, so that was something that I was worried about. [My son] went to preschool and he just excelled. He just did awesome in preschool. So I didn’t know whether this was going to be like kindergarten or what. But then once they did explain it, [they said] it is going to be somewhat like kindergarten. But they said the kindergarten would be focused more on ‘Learning! Learning! Learning!’ and not so much through play. So TK is a good thing; it offers a transition. It slowly pushes [children] into what will be the norm as they grow older. As they grow older, they focus more on learning and not so much on play.” Focus group participants in another district noted how initially, some parents had said, “Oh, [TK] is just preschool.” One father in this focus group

rejoined, “But it isn’t. It’s something above and beyond.” A parent in this same district explained how he compared the TK program to the preschool program on the campus, adding, “I thought [TK] was going to be more like preschool, where they play all day. But I feel like [my son] has learned a lot.”

As of spring 2013, the parents in all the focus groups were overwhelmingly positive about TK, in all areas of development. Several parents made note of their children’s academic progress. For example, one parent explained: “I believe that the level of learning has been at the kindergarten level. They’ve learned numbers, letters, shapes, colors, a great deal. To me, it was formidable.” Parents in another district noted that an extra year of instruction would position their children to be at the top of their kindergarten class the following year. In another district, a father said, “I think it’s given [my son] a jump start on mathematics and reading—so that when he does transition into kindergarten, he will be much [further] ahead.”

Parents also mentioned gains in their children’s social and emotional development. For example, a parent shared that her son has “learned quite a bit—especially the social part. He loves going to school.” Another parent in that same focus group added, “The children learned a great deal about how to be responsible in the classroom. For example, ‘It’s your turn to do this. Let’s clean this up.’” Parents in another focus group noted that their children’s patience and focus have improved, and the students are able to sit in one place for a long time as well.

Opportunities and Unanticipated Benefits Resulting From TK

TK was intended to support the learning and development of children who would previously have entered kindergarten before turning 5 years old, though case study respondents suggested that TK may be having an impact on other aspects of the system, such as kindergarten, as well. Case study participants reported benefits, such as an increased awareness of developmentally appropriate practice, fewer behavior problems in kindergarten classrooms (as the youngest students were in TK instead), greater socioeconomic integration of schools, and greater alignment between preschool and kindergarten. They also reported a few drawbacks including increases in class sizes.

In one district, awareness of developmentally appropriate curricular and assessment resources increased after implementation of TK. In this district, prior to TK implementation, the kindergarten teachers in the district were not familiar with tools and resources more commonly used in preschool contexts, such as the *California Preschool Learning Foundations* and the *Desired Results Developmental Profiles* (School Readiness version; DRDP-SR). During the first year of TK, however, one staff person showed the *Foundations* to several kindergarten teachers, who were, according to one interviewee, “very excited about it because of the developmental appropriateness of it and the milestones.” The interviewee said that “a lot of them commented that they wonder why it’s not used in kindergarten.”

In another case study district, the kindergarten teacher reported during an interview that her class has benefitted somewhat from having the youngest students in the TK classroom instead of in her kindergarten classroom, as they would have been the prior year. Although there have been behavior challenges in her class, she attributes fewer of them to developmental issues. And overall, she has been able to keep the class more focused and do much more with her students to

extend their learning. She felt that her kindergarten students have benefited greatly from the existence of the TK classroom in her school.

Respondents in one district reported some benefits of TK to their preschool programs, such as greater alignment with kindergarten. One administrator of the district's preschool program explained: "Learning about the K–12 world was actually beneficial to us, in that we're seeing ways in which to align now.... We're looking at 'What does the end of pre-K look like? What does the beginning of kindergarten look like?' We probably wouldn't really have explored it in as much depth without TK, because TK is really building that bridge for alignment."

In another district, an unexpected benefit of TK was that schools became more socioeconomically integrated. In this district, several schools were identified as hubs where TK was offered to all eligible students in the district. A school leader in one of the hub schools in that district said that initially, some families seemed to have reservations about bringing their child to the site because it was in a neighborhood with a lower socioeconomic demographic, but they now have children from different backgrounds working and playing together—something viewed as an added benefit of TK.

In contrast, in one rural district, both the principal and teacher interviewed reported that implementation of TK has had a negative impact on the class sizes of the kindergarten classrooms in the school. Prior to the existence of TK, there were four kindergarten teachers with approximately the same number of students per class; now, there is one TK teacher with 12 students in the morning session and 8 in the afternoon, and three kindergarten teachers with 28 or more students per class. Over time, however, the distribution of students across classrooms may even out, once the anticipated broader group of students is eligible for TK.

Summary

Overall, parents reported being pleased with their children's experience in TK. Although survey and case study respondents reported some challenges in initial implementation, most anticipated and unanticipated results were positive, including increased awareness of developmentally appropriate practices. Administrators expected that challenges would be fewer in 2013–14.

Chapter 9: Summary and Conclusions

The Study of Transitional Kindergarten in California examined the first year of implementation of the Kindergarten Readiness Act (S.B. 1381), which was signed into law in 2010 and required statewide implementation of TK to begin in 2012. Drawing on data primarily from surveys of district and school administrators and TK and kindergarten teachers, observations of TK classrooms, and case studies of nine districts, the study addressed the following overarching research questions:

1. What is the current landscape of TK programs in California?
2. How have districts and schools planned for, structured, and supported their TK programs?
3. How is TK being implemented at the classroom level, and how does TK differ from kindergarten?
4. Are districts using TK as an opportunity to build greater articulation between preschool and K–3? If so, how?
5. What are the challenges and lessons learned in planning for and implementing TK?

This chapter presents a brief summary of key findings and conclusions from the first year of statewide TK implementation.

Summary of Key Findings

The discussion that follows provides a summary of the key findings from the study organized by the overarching research questions.

1. What Is the Current Landscape of TK Programs in California?

Results from the survey of administrators in all elementary and unified districts in California indicate that despite the short timeframe for implementation, 89 percent of districts reported providing TK in 2012–13, and an additional 7 percent reported they had no students enroll. The remaining 4 percent of districts cited a variety of reasons for not implementing, including having too few students to warrant establishing a program and lack of resources or uncertainty about funding for the program. The 89 percent of districts offering TK, however, serve 96 percent of the state’s kindergarten population, and so a very small percentage of students eligible for TK are located in districts that were not yet implementing the program. Eighty-five percent of districts offering TK reported implementing the program for the first time in 2012–13; the remaining districts had preexisting TK or similar young-fives programs, thus providing models for districts establishing new programs. Most districts implementing TK (72 percent) reported serving students with birthdays between November 2 and December 2 as outlined in the law, and others expanded eligibility to include a broader age range.

Districts implementing TK reportedly served approximately 39,000 TK students in 2012–13, representing approximately 70 percent of eligible students (with eligibility determined by local policy). Overall, there do not seem to be differential rates of enrollment among demographic

groups, though there may be some room to improve outreach to families. District administrators and principals completing in-depth surveys reported taking various measures to reach out to parents to let them know about TK, but they faced a number of challenges. The most commonly reported challenges in recruiting families for TK were parents' desire to enroll their children in kindergarten instead of TK and their lack of awareness or understanding of the program. In focus groups, parents described hearing about the program in different ways, not always through formal communication channels.

2. How Have Districts and Schools Planned for, Structured, and Supported Their TK Programs?

With the uncertainty about the future of TK lingering well into the spring of 2012, many districts had little time to plan and implement their TK programs. Planning was typically led by district administrators in departments of curriculum and instruction or elementary education in large districts, but in half of these districts, directors of early childhood services were actively involved or even led the planning efforts. Though early childhood service departments often were involved in planning, only a very small percentage of districts (2 percent overall; 7 percent of large districts) assigned administrative responsibility to early childhood services. School staff also were often involved in planning. Many districts, including more than 80 percent of small or mid-sized districts, included teachers in active or lead roles in planning TK. Frequently used planning resources were CDE guidance, the TK California website, county offices of education, and the California County Superintendents Educational Services Association (CCSESA) TK Planning Guide.

Overall, almost two thirds of district respondents reported having sufficient resources to effectively implement TK in 2012–13, but more than half reported needing to shift resources (such as funding and staff time) from other programs to plan for and implement TK. Although a third of all districts reported using only base unrestricted funding (i.e., ADA in most districts) for TK, the remainder drew on additional funding sources such as Title I and Title II, Part A, funds.

TK program structures varied widely with no overwhelmingly prevalent model. Although 42 percent of districts offered TK in one or more hub schools, 58 percent had no TK hubs; 43 percent offered standalone TK classrooms and 57 percent had only combination classrooms; and 58 percent of TK classrooms were designated as full-day but 42 percent were half-day programs. Large districts, however, were more likely than small to mid-sized districts to have hubs (78 percent of large districts), offer one or more standalone classroom (68 percent of large districts), and offer half-day schedules (58 percent of classrooms in large districts).

TK classrooms were typically staffed with teachers who were reassigned from other positions in the school or district—most often from kindergarten classrooms—rather than new hires. Districts provided a range of professional developmental (PD) opportunities to support their TK instruction. On average, TK teachers reported receiving 11 hours of PD related to TK, though half of all teachers reported receiving no TK-related PD during the year. Teachers also reported receiving guidance from the district about implementing TK, including guidance on selecting curricula for TK. More than 80 percent of teachers and principals, however, reported substantial flexibility in creating their TK programs, and slightly more than 60 percent of both groups indicated that they were advised that TK should be similar to their kindergarten programs.

Guidance on practice was less available to teachers. Although 83 percent of principals reported that districts provided guidance on differentiating instruction in the TK classroom, only 26 percent of teachers reported receiving support for this.

3. How Is TK Being Implemented at the Classroom Level, and How Does TK Differ From Kindergarten?

Just as district approaches to structuring TK varied, TK teachers varied in their approach to classroom structures and practices. For example, teachers varied widely in their use of curricula; no single curriculum was used by a majority of teachers in any content area. Standalone TK classrooms and TK combination classrooms also differed in some ways. For example, many classrooms had a variety of interest centers; this was especially true in standalone TK classrooms. Having centers available in the classroom provides students with opportunities to follow their interests and explore during free-choice time—considered an important practice in preschool but also important for kindergarten (National Association for the Education of Young Children, 2009).³⁰

In addition, we observed a number of differences between TK and kindergarten classrooms, suggesting that, especially for standalone TK classrooms, TK is not simply a duplication of a standard kindergarten experience. In comparison with students in kindergarten classrooms, for example, TK students in standalone TK classrooms spent significantly less time engaged in whole-group activities and more time in child-selected activities. Thus, it appears that standalone TK classrooms were structured more like high-quality preschool classrooms than kindergarten classrooms, with more free-choice or exploration time.

In terms of the content of instruction, teachers in kindergarten classrooms reported a larger amount of time that their students spent on reading and language arts lessons or projects than TK teachers reported, regardless of whether they taught in standalone TK or TK combination classrooms. Kindergarten teachers also reported a larger amount of time that their students spent in mathematics instruction than standalone TK teachers reported. TK teachers, in contrast, reported more time spent on developing the social-emotional skills of their TK students, as TK students (in standalone and combination contexts alike) spent more time in activities to support social-emotional skill development than kindergarten students in standalone classrooms.

TK-kindergarten combination teachers also endeavored to differentiate instruction for their TK and kindergarten students. Teachers of combination classrooms most commonly reported giving their TK students more support (70 percent) or extra time (63 percent) to complete activities, and 64 percent reported providing TK students with more hands-on activities. Differentiation within grade level also is important. Nearly all standalone TK teachers, TK combination teachers, and kindergarten teachers reported that they individualized instruction to meet students' needs.

³⁰ The National Association for the Education of Young Children's position statement on developmentally appropriate practice encourages teachers to, among other practices, "help children develop initiative, [by encouraging] them to choose and plan their own learning activities" (2009, p. 18).

Observations of teacher–child interactions in TK classrooms suggest comparable levels of emotional support, instructional support, and classroom organization (as measured by the CLASS tool) for standalone and combination TK classrooms. Overall, teachers scored in the midrange for emotional support and classroom organization, but, like many teachers in state and national studies, scored in the low range for instructional support—the measure most associated with children’s learning outcomes.

4. Are Districts Using TK as an Opportunity to Build Greater Articulation Between Preschool and K–3? If So, How?

One indirect benefit of TK anticipated by some was that it would create a space for more collaboration among teachers and alignment of curricula from preschool to Grade 3, considered an appropriate practice in sustaining the benefits of early education (e.g., Kagan & Kauerz, 2007). There is some evidence that TK teachers are collaborating with kindergarten teachers—62 percent reported having common planning time with kindergarten teachers and 66 percent reported participating in joint professional development with kindergarten teachers. But only 2 percent of TK teachers indicated such collaboration with other TK teachers, most likely because they are the only TK teacher in their school. Articulation with other early elementary grades also appears to be limited, with few TK teachers reporting planning with (8 percent) or attending PD with (17 percent) first- through third-grade teachers. Similarly, whereas more than half of teachers reported sharing curriculum materials (61 percent) and content standards (56 percent) with kindergarten, few reported these connections with preschool (10 percent and 6 percent, respectively) or first through third grade (3 percent and 0 percent, respectively).

5. What Are the Challenges and Lessons Learned in Planning for and Implementing TK?

As with any new program, districts and schools faced challenges as they implemented TK in its first official year. Funding issues topped the list of challenges for districts, with the uncertainty of funding from the state (also a primary concern of principals) and identifying resources to implement TK identified as concerns by the vast majority of districts. After funding, the most common challenge reported by district administrators was developing an appropriate report card for TK students. Developing a TK report card was also the most frequently reported challenge expressed by both principals and TK teachers. Other basic resources and practices, such as selecting curricula and assessments and providing professional development, also were big challenges reported by survey respondents. Teacher recruitment and securing appropriate facilities and furniture were not identified as major challenges overall, though large districts were more likely than small or midsize districts to report them as challenges.

But there were success stories as well. Interviews and focus groups with school staff, district staff, and parents in case study districts suggested that many parents were pleased with the program and felt their children were benefitting from the additional support prior to kindergarten. We also heard some suggestions that TK was benefitting kindergarten by exposing kindergarten teachers to resources such as the *Preschool Learning Foundations*, as reported by one school, or, as in another school, by removing the youngest students from the kindergarten classroom, thereby enabling the kindergarten teacher to focus more on the kindergarten content with fewer behavioral disruptions.

Conclusions and Recommendations

Though it is early in the statewide implementation of S.B. 1381, several conclusions from 2012–13 can be drawn. The following discussion highlights conclusions and recommendations from the study, which are summarized in Exhibit 9.1.

7. Transitional Kindergarten Served Many, but not all, Eligible Students in its First Year of Statewide Implementation in 2012–13.

Although most districts served children in TK or reported having no children to serve in the program (due to small student populations sometimes combined with lack of interest or awareness among parents), a small percentage of districts did not offer TK to their eligible students. Thus, there is room for further expansion of the program. Because many of the districts not implementing reported having few eligible students, further guidance from the CDE on providing an effective program when there are very few students to enroll may be warranted.

Further attention to expanding enrollment within implementing districts also is needed. Districts and schools reported a range of strategies for reaching out and recruiting families to enroll their children in TK, but it is clear that some families remained unaware of TK or opted out of participation in the program. Most districts reported that parents' preference to have their TK eligible child enroll in kindergarten instead of TK was a challenge for recruitment. More information about the program and its benefits may be needed before enrollment levels match those of kindergarten. Districts and schools could improve outreach efforts by engaging in more active advertising of the program, such as by reaching out to preschool programs and family service programs, and posting notices in the community where parents who are unaware that their child is eligible for TK might see them. Some coordinated statewide effort, such as a public awareness campaign, also could prove effective in spreading the word about TK. Over time, enrollment rates will likely improve as more students go through the program and overall awareness increases. Additional outreach efforts may be warranted in the meantime, however.

8. Funding Was a Particular Challenge in 2012–13, and Finding Sufficient Dedicated Resources for TK in Future Years May Continue to Be a Challenge.

Sufficiently funding school programs is always a challenge for districts and schools. TK is no different. Late decisions at the state level to provide ADA funding for TK created a challenge for districts because they had no dedicated resources for program planning until the fall. Districts identified finding resources for implementation as a primary challenge in 2012–13, and many reported that they had to shift resources away from other programs in order to implement TK. Administrators reported that they anticipate that finding resources for the program will be less of a challenge in 2013–14, now that state funding is not in question, and fewer anticipated having to shift resources from other programs. Still, however, only half agreed that their district will have sufficient resources to implement TK in the next two or three years. Districts may be able to allocate resources more effectively to TK under California's new Local Control Funding Formula (LCFF) (although it is unclear exactly how this will play out), and more resources may be available in future years given the state's improved fiscal condition beginning in 2013–14. How districts draw on different funding sources for TK should continue to be a focus for examination, as the new LCFF is implemented and TK enrollment grows.

9. There Is Substantial Variability in Districts’ Approaches to TK and More Guidance on Best Practices Is Needed.

It is not surprising that in its first year of statewide implementation, there is significant variation in TK programs across districts and schools. With minimal guidelines from the state for implementation, districts have had substantial discretion in the structure and emphasis of the program. This has likely resulted in some innovative approaches to TK but also some frustration and uncertainty among district and school staff.

In the first year, districts chose to structure their programs in different ways. Four in 10 districts offered hub programs, 58 percent provided TK in a full-day setting, and 57 percent offered TK only in combination with other grades (e.g., TK/kindergarten combination). And structure varied by district size, with large districts more likely to have hubs, half-day programs, and standalone classrooms. Further investigation of the benefits of different approaches is needed and will be explored in the next phase of the study (see Next Steps), though smaller districts with fewer students and resources have fewer choices about how to structure their programs.

TK programs also varied in terms of their emphasis, with some programs resembling kindergarten quite closely and others emphasizing child-directed activities with classrooms organized into activity centers much as high-quality preschool programs do. Nearly two thirds of principals and teachers reported that they received guidance from the district that TK should resemble kindergarten. In general, it appears that TK classrooms, especially standalone TK classrooms, differ from kindergarten in that they offer more opportunities for child-directed activities; students spend more time engaged in activities designed to support their social-emotional learning, and less time engaged in “academic” content such as reading and language arts and mathematics. More guidance on what an “age and developmentally appropriate” program might look like and how to effectively differentiate instruction would support better decision making at the district and school levels. The TK outcomes study, now under way, will provide additional information about the relationship between particular TK classroom practices and social-emotional and academic outcomes for participating children.

In addition, guidance on identifying or developing basic resources like curricula, assessments, and a TK report card are needed. Most district and school staff reported that identifying these basic building blocks was a challenge.

10. Many Districts Use TK/Kindergarten Combination Classrooms, but Further Guidance on How to Implement Combination Classrooms Effectively Is Needed.

As noted, TK combination classrooms were prevalent throughout the state. With only one twelfth of the kindergarten population eligible for TK in the first year (under the minimum eligibility guidelines), TK combination classrooms were the only option for many districts, especially small and/or rural districts. Although the proportion of students eligible for TK is increasing over time (with one sixth of the kindergarten population eligible for TK in 2013–14 and one fourth eligible in 2014–15), many districts will still not have the number of students needed to support standalone TK classrooms in each school at full implementation.

There is substantial variation in how districts and schools approach combination classrooms, but it appears that combination classrooms resemble kindergarten more closely than standalone TK classrooms do. If TK is to be developmentally appropriate and provide a qualitatively different experience from kindergarten, districts, schools, and teachers will likely need additional guidance on how to provide the highest quality instructional environments within TK combination classrooms. In particular, three quarters of combination classroom teachers reported that differentiating instruction for their TK and kindergarten students was a challenge. More information, guidance, mentoring, and ongoing professional development on how best to do this could help strengthen these programs.

11. There Is a Need for Additional Support and Professional Development for TK Teachers.

With the bulk of the responsibility on teachers for providing a TK program that supports students' learning and development, attention to targeted professional development for teachers will be critical. In addition to providing guidance on differentiating instruction for TK and kindergarten students in combination classrooms, teachers also need support for differentiating their instruction to meet the individual needs of their TK students. As noted, although most principals reported that their districts provided guidance on differentiating instruction, very few teachers reported receiving such guidance.

In addition, relatively low scores on the CLASS Instructional Support scale (which has been found to be linked to student outcomes) and the lower attention paid to academic content, such as reading and language arts and mathematics, compared with kindergarten suggest that some attention to teacher practice and strategies for integrating reading and math in a developmentally appropriate way would be beneficial. Professional development on developmentally appropriate practice, linkages to the *California Preschool Learning Foundations*,³¹ and instructional practices that support children's concept development and extend their language development could support teachers' ability to provide TK in developmentally appropriate instructional environments that ultimately improve outcomes for students.

Providing opportunities for teachers to engage with each other—to learn, plan lessons, and collaborate—also can enhance their ability to provide an effective TK experience for students. Many TK teachers report collaborating with their kindergarten colleagues, but far fewer reported having other TK teachers with whom to engage in shared learning opportunities. TK teachers are often alone in their schools, and in small districts, a TK teacher may have no other TK colleagues districtwide. Developing communities of practice among TK teachers could facilitate the sharing of ideas, strategies, and lessons learned as educators work together to improve TK programs.

³¹ For example, the newly developed Transitional Kindergarten *Frameworks* in mathematics include the Preschool Foundation (60 months) and the corresponding kindergarten standard from the California Common Core State Standards for Mathematics (CA CCSSM).

12. More Attention to Preschool-to-Grade 3 Alignment and Articulation Is Needed.

Even less common than TK teachers partnering with other TK teachers are opportunities for TK teachers to plan and participate in professional learning experiences with preschool teachers. Anecdotal evidence suggests that the divide between preschool and the K–12 system is being bridged by TK in some contexts, but there is still relatively little communication and coordination between the two systems. Although principals report some articulation from preschool to Grade 3, very few TK teachers reported having common curricular materials or meeting in person with preschool teachers to align curricula. If a seamless system from preschool to K–12 is the goal, there is more work to be done to better integrate and align preschool with TK, kindergarten, and the early elementary grades. More guidance on best practices for alignment and outreach by districts to preschool programs to develop coordinated plans could support these efforts.

Exhibit 9.1 Summary of TK Recommendations for the State and Field and for Districts and Schools

Role for the State and/or the Field	Role for Districts and/or Schools
Enrollment and Outreach	
<ul style="list-style-type: none"> • Provide guidance on implementing an effective TK program with few eligible students • Support a public awareness campaign to inform families about the benefits of TK 	<ul style="list-style-type: none"> • Improve awareness of TK by reaching out to parents in the community and actively engaging preschools and community service agencies in outreach efforts • Learn from existing district- and school-level models of effective outreach
Funding and Resources	
<ul style="list-style-type: none"> • Provide guidance to districts regarding how the Local Control Funding Formula will impact local funding and resource allocation for TK programs 	<ul style="list-style-type: none"> • Share effective resource allocation strategies for TK programs among districts and schools
TK Program Structure	
<ul style="list-style-type: none"> • Investigate further the costs and benefits of different approaches (e.g., hubs, full day/part day, standalone/combo) • Provide guidance on implementing an “age and developmentally appropriate” TK program • Provide guidance on identifying or developing basic resources, such as curricula, assessments, and a TK report card • Provide guidance to districts, schools, and teachers on providing high-quality instructional programs in combination settings, and on effective differentiation practices overall 	<ul style="list-style-type: none"> • Share information across schools and districts on lessons learned in implementing effective TK structures • Provide guidance to schools and teachers on best practices for instruction and differentiation in combination classrooms
Professional development for TK teachers	
<ul style="list-style-type: none"> • Consider the dissemination of <i>California Preschool Learning Foundations</i> to all TK teachers, with opportunities for TK teachers to participate in related training and technical assistance • Develop and support communities of practice for TK teachers • Consider a statewide mentoring program for new TK teachers 	<ul style="list-style-type: none"> • Provide professional development to TK teachers on: <ul style="list-style-type: none"> ○ differentiating instruction for TK students ○ developmentally appropriate practice ○ the <i>California Preschool Learning Foundations</i> ○ instructional practices that support students’ concept development and extend their language development • Provide opportunities for TK teachers to engage with each other to learn, plan lessons, and collaborate, such as participation in communities of practice
PreK–3 articulation and alignment	
<ul style="list-style-type: none"> • Provide guidance and technical assistance on effective practices for PreK–3 alignment within districts 	<ul style="list-style-type: none"> • Reach out to preschool programs in the community and develop coordinated plans for better articulation and alignment with TK programs • Share models of effective PreK-3 articulation and alignment across schools and districts

Next Steps

This report has presented results from the statewide study of the implementation of the Kindergarten Readiness Act (S.B. 1381) in its first year. We expect to see changes in implementation as district and school administrators as well as teachers refine their approaches to carrying out this program. The next phase of this study, currently under way, will examine the impacts of the TK program on student learning and development, and continue to track and document implementation of the program over time.

Building on findings from the implementation study, the second phase of the study will specifically examine: (1) outcomes for students who participated in TK compared with their similarly aged peers who did not attend TK, and (2) how these outcomes differ by TK classroom characteristics and practices. Two cohorts of students will be included in the study: (1) students who enter kindergarten in fall 2014, and (2) students who enter kindergarten in fall 2015. In each cohort, approximately half of the students will have attended TK and half will not have attended TK.

The study relies on a regression discontinuity (RD) approach to understanding program impacts by comparing outcomes for children on either side of the December 2 cutoff date for TK eligibility. Children born between October 2 and December 2, who are age eligible for TK, serve as the treatment group. Children who are too young to qualify for TK (i.e., those born between December 3 and February 2) are the comparison group. These younger children will enter kindergarten at the same time as the TK children but without the TK experience. This rigorous study design will enable us to estimate program impacts without needing to randomly assign some eligible students to receive TK and deny services to other eligible students.

Data collection activities for the new study will include a survey of district TK administrators; observations of TK classrooms; surveys of TK teachers regarding their classroom practices; surveys of kindergarten teachers regarding their classroom practices and assessment of their students' social skills; developmentally appropriate direct assessments of students; and, pending the availability of funding, an analysis of follow-up data on student progress and outcomes beyond kindergarten.

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Appendix A: Stakeholder Group and Technical Advisory Group Members

Stakeholder Group Members

Shelia Arnold
Orange County TK Network

Celia Ayala
Los Angeles Universal Preschool

Teri Burns
California School Boards Association

Nina Buthee
California Child Development Administrators Association

Ruthie Fagerstrom
California Teachers Association

Sandra Giarde
California Association for the Education of Young Children

Nancy Herota
California County Superintendents Educational Services Association (CCSESA)

Cory Jasperson
Senator Simitian's Office

Moira Kenney
First 5 Association of California

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Deb Meng
California Kindergarten Association

Elaine Merriweather
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Scott Moore
Early Edge California

Dave Murphy
California Association of Latino Superintendents and Administrators (CALSA)

Patricia Rucker
California Teachers Association

Lisa Simao
California Teachers of English to Speakers of Other Languages

Kathy Thompson
California Association for the Education of Young Children

Technical Advisory Group Members

Margaret Burchinal

Frank Porter Graham Child Development Institute, University of North Carolina at Chapel Hill

Megan Franke

University California, Los Angeles

Timothy Shanahan

University of Illinois at Chicago

Appendix B: Protocols and Surveys

District Census Survey

Thank you for taking a few minutes to complete this survey for the Transitional Kindergarten (TK) Study. Your response, along with others statewide, will help educators and policymakers understand the landscape of TK in California. Results of this survey will not be reported by district.

If you have any questions, please contact us at TK.study@air.org or call (650) 843-8123.

1. Is your district offering transitional kindergarten in the 2012-13 school year?

☐ Yes → If yes, go to *Question 3*

☐ No

2. What are the main reasons why your district is not implementing transitional kindergarten in the 2012-13 school year?

Enter response here: → Please go to *Question 7*

3. Which of the following statements best describes the timing of your district's implementation of transitional kindergarten (TK)?

☐ Transitional kindergarten **began this school year (2012-13)**, and students are currently enrolled and attending TK (or TK combination classes) in our district.

☐ Transitional kindergarten **will begin later this school year (2012-13)**, and students are NOT currently attending TK (or TK combination classes) in our district. → **Go to Question 6**

☐ Transitional kindergarten **began in the 2011-12 school year** in our district and has been continuously offered since then.

☐ Transitional kindergarten **began in the 2010-11 school year** in our district and has been continuously offered since then.

☐ Transitional kindergarten **began prior to 2010-11** in our district and has been continuously offered since then.

4. ***What is the total number of students currently enrolled in transitional kindergarten in your district?***

Enter number here:

5. ***Which children are eligible to attend TK in your district in the 2012-13 school year? Children who turn 5... (choose one)***

☐ Between November 1 and December 2

☐ Between October 1 and December 2

☐ Between September 1 and December 2

☐ Other (Please describe:)

Please go to Question 7

6. ***What are the main reasons why your district did not begin implementing transitional kindergarten at the start of the 2012-13 school year?***

Enter response here:

7. ***Who is the best person to contact in your district if we have additional questions regarding your district's transitional kindergarten program?***

First and Last name:

Job title:

Email address:

Telephone number:

Thank you for completing this survey! Please review your answers carefully. If you need to forward this survey to a district colleague for input, please do so.

Please also review the spreadsheet listing all elementary schools in your district that we sent to you. We would like to know what format your district is using for TK classrooms (e.g., combination classrooms vs. straight TK classrooms) at each school that offers TK. When you have completed the spreadsheet, please send it back to us at TK.study@air.org. Thank you!

TK Study

In-Depth District Administrator Survey

Thank you for taking a few moments to complete a survey for the Study of California's Transitional Kindergarten (TK) Program.

This is a statewide study being conducted by the American Institutes for Research (AIR) with funding from the Heising-Simons Foundation and The David and Lucille Packard Foundation. The purpose of the study is to learn about how districts and schools across the state planned for and are implementing TK.

Please review the following details before getting started:

- Your **participation in this study is voluntary**. You may choose not to participate or to skip questions you do not wish to answer, without penalty.
- However, we encourage you to participate, as completing the survey gives you the opportunity to share your experiences with TK and **inform future efforts to support schools and districts to improve early education**.
- There are **no foreseeable risks** to participating in this study.
- The survey should take **no more than 30-45 minutes**.
- Districts that complete this survey will be entered into a drawing to **win one of four \$500 gift-card prizes** to use in your district as you deem appropriate.
- **Your answers to the questions in this survey will be kept confidential** and will only be used for research purposes. Your individual answers will not be shared with other staff from your district or anyone other than the researchers working on this study. Results from this survey will never be presented in a way that would identify you or your district.
- For more information about the study, you may contact Mark Garibaldi, Project Coordinator, at 650-843-8132 or tk.study@air.org.

By completing this survey, you indicate that you have read and understood the information above and agree to participate in this study.

Thank you for participating!

If an item does not have skip specifications, go to the very next item, unless a previous skip specification indicates otherwise.

If a respondent does not answer an item, go to the very next item, unless otherwise specified.

History of Transitional Kindergarten (TK) in Your District

1. When did your district first implement transitional kindergarten (TK) or another similar program for young fives?
 - ☐ This school year, 2012-13 (Go to instructions before Q4)
 - ☐ Prior to this school year (Go to Q2)

If Q1=missing, go to instructions before Q4.

2. Prior to this school year, which groups of children were **targeted** for enrollment in your TK program?

	Yes	No
a. Children meeting the same age criteria as stated in the current law (e.g., September, October, and/or November birthdays)	<input type="checkbox"/>	<input type="checkbox"/>
b. Children eligible for kindergarten but considered “not ready” for kindergarten	<input type="checkbox"/>	<input type="checkbox"/>
c. English language learners	<input type="checkbox"/>	<input type="checkbox"/>
d. Children with little or no preschool experience	<input type="checkbox"/>	<input type="checkbox"/>
e. Children with special needs	<input type="checkbox"/>	<input type="checkbox"/>
f. Children considered “at risk” for other reasons	<input type="checkbox"/>	<input type="checkbox"/>

3. How much of a challenge was each of the following as your district prepared to implement TK in the first year it was implemented in your district?

	A significant challenge	Somewhat of a challenge	Not a challenge	Don't know – too long ago
a. Making decisions or progress on planning given concerns about the appropriateness of TK for your district or student population	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Recruiting and/or selecting well-qualified teachers to teach TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Securing appropriate facilities for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Securing appropriate classroom furniture for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Securing appropriate technology for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Identifying or developing appropriate curricula for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Identifying appropriate classroom materials or manipulatives for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Identifying appropriate assessments for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Developing a TK report card	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Identifying or providing appropriate professional development for TK teachers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Reaching parents of eligible students to provide information about TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Enrolling enough TK students to fill a classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	A significant challenge	Somewhat of a challenge	Not a challenge	Don't know – too long ago
m. Identifying resources (such as funds, staff time, etc.) to implement TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q3n="A significant challenge" or Q3n="Somewhat of a challenge", go to Q3Other.

Else go to the next section.

3Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

For the remainder of the survey, please tell us about planning and implementing your TK program for the **2012-13 school year**.

Structure of Your District's TK Program

4. Which department or administrator in your district has overall responsibility for the TK program?

- ☐ Curriculum/instruction department or administrator
☐ Elementary education department or administrator
☐ Early childhood services department or administrator
☐ Another department or administrator (Specify _____)

5. How many classrooms in your district have one or more TK students enrolled in them?

6. How many of the classrooms that enroll TK students are structured in each of the following ways? Please enter the number of classrooms below. Please enter "0" if there are no classrooms in the category.

	Number of classrooms with TK students
a. Half-day schedule	
b. Full-day schedule	
c. TK only (non-combination classroom)	
d. Combination of TK with regular kindergarten	
e. Combination of TK with preschool	
f. Combination of TK with other grades or multiple grades (specify)	
g. Other	

If Q6g > 0, then go to Q6Other.

Else:

If Q6c > 0, go to Q7.

If Q6c = 0 or missing & 6d > 0, go to Q8.

Else go to Q9.

6Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

If Q6c > 0, go to Q7.

If Q6c = 0 or missing & Q6d > 0, go to Q8.

Else go to Q9.

7. [IF 6C. ABOVE IS NON-ZERO]: What is the maximum class size for **TK only** (non-combination) classrooms in your district? _____ (If Q6d > 0, go to Q8; else go to Q9)
8. [IF 6D. ABOVE IS NON-ZERO]: What is the maximum class size for **TK/Kindergarten combination** classrooms in your district? _____ (Go to Q9)
9. Does your district offer one or more "TK Hub(s)" where TK students from across the district are enrolled in one centralized school for TK and then return to their home school for kindergarten and beyond?
☐ Yes
☐ No

For the remainder of the survey, please include all classrooms in your district that have one or more TK students enrolled in them (TK only **and** TK combination classrooms) when answering the questions.

Enrollment and Promotion Policies

10. Does your district **target** any of the following groups of children for enrollment in your TK program?

	Yes	No
a. Children eligible for kindergarten but considered “not ready” for kindergarten	<input type="checkbox"/>	<input type="checkbox"/>
b. English language learners	<input type="checkbox"/>	<input type="checkbox"/>
c. Children with little or no preschool experience	<input type="checkbox"/>	<input type="checkbox"/>
d. Children with special needs	<input type="checkbox"/>	<input type="checkbox"/>
e. Children considered “at risk” for other reasons	<input type="checkbox"/>	<input type="checkbox"/>

11. According to your district's policy, are children who turn 5 **between December 2 and the end of the school year** allowed to:

	YES, this is allowed and occurs frequently	YES, this is allowed and occurs occasionally	YES, this is allowed but rarely occurs	NO, this is not allowed
a. Enter TK at the beginning of the school year (before they turn 5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Enter TK when they turn 5 (mid-year)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Enter kindergarten when they turn 5 (mid-year)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If (Q11a NE "No, this is not allowed" and NE missing) OR (Q11b NE "No, this is not allowed" and NE missing), go to Q12. Else, go to Q13.

12. [IF YES FOR 11A. OR 11B. above]: Which of the following factors are considered when determining eligibility for TK for children who turn 5 between December 2 and the end of the school year? (Check all that apply.)

- ☐ Age
- ☐ English language development
- ☐ Readiness assessment
- ☐ Prior preschool experience
- ☐ Special needs
- ☐ Parent request
- ☐ Availability of space in the TK classroom
- ☐ Other (specify) _____
- ☐ Other (specify) _____

13. According to your district's policy, were children who turned 5 **between November 2 and December 2** (during the 2012-13 school year) allowed to:

	YES, this was allowed and occurred frequently	YES, this was allowed and occurred occasionally	YES, this was allowed but rarely occurred	NO, this was not allowed
a. Enter kindergarten at the beginning of the school year (before they turned 5)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Enter kindergarten when they turned 5 (mid-year)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q13a NE ("No, this is not allowed" and NE missing) OR Q13B NE ("No, this is not allowed" and NE missing), go to Q14. Else go to Q15.

14. [IF YES FOR 13A. OR 13B. above]: Which of the following factors were considered when determining whether children who turned 5 **between November 2 and December 2, 2012** could enroll in kindergarten during the 2012-13 school year? (Check all that apply)
- ☐ Kindergarten readiness assessment
 - ☐ Recommendation by preschool teacher
 - ☐ Recommendation by TK teacher
 - ☐ Parent request
 - ☐ Availability of space in the kindergarten classroom
 - ☐ Other (specify) _____
 - ☐ Other (specify) _____
15. Does your district allow students who have completed one year of TK to be promoted to first grade without attending regular kindergarten?
- ☐ Yes (Go to Q16)
 - ☐ No (Go to Q17)

If Q15 = missing, go to Q17.

16. [IF YES]: What factors are considered when determining readiness for promotion to first grade from TK? (Check all that apply)
- ☐ First grade readiness assessment
 - ☐ Other assessment results
 - ☐ Teacher recommendation
 - ☐ Parent request
 - ☐ Principal approval
 - ☐ District approval
 - ☐ Other assessment (specify) _____
 - ☐ Other method (specify) _____

Planning for Your District's 2012-13 TK Program

For the following questions on **TK planning**, please think about the work your district did to prepare for TK to be implemented in the **2012-13 school year**.

17. To what extent was each of the following staff involved in your district's TK planning efforts for the 2012-13 school year? Please select one response category for each type of staff.

	Led planning effort	Actively involved in planning	Somewhat involved in planning	Involved only in an advisory/ sign-off capacity	Not involved
a. Superintendent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. District staff in charge of curriculum/instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. District staff in charge of elementary education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. District staff in charge of early childhood services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. District staff in charge of assessments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. School principal(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Teacher(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Other district or school staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q17h NE "Not involved" and NE "missing" go to Q17Other. Else go to Q18.

17Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

18. What external resources did your district use when planning for TK implementation? (Check all that apply)
- ☐ California Department of Education guidance
 - ☐ Preschool California website and/or webinars
 - ☐ TK California website
 - ☐ Transitional Kindergarten Planning Guide (by CCSESA)
 - ☐ County Office of Education guidance, materials, trainings, or other resources
 - ☐ California Early Learning Advisory Council (CALELAC) website
 - ☐ California Preschool Instructional Network (CPIN) professional development sessions
 - ☐ School Services of California (SSC) website
 - ☐ TK Professional Learning Community organized by the Packard Foundation
 - ☐ Other TK Learning Communities
 - ☐ Other resources (specify) _____

19. In order to staff your district's TK (and TK combination) classrooms, did your district:

	Yes	No
a. Hire new teachers (not already employed by the district) specifically to teach TK?	<input type="checkbox"/>	<input type="checkbox"/>
b. Assign teachers to teach TK who were already on staff in the district?	<input type="checkbox"/>	<input type="checkbox"/>
c. Other	<input type="checkbox"/>	<input type="checkbox"/>

If Q19c = "Yes" go to Q19Other. Else, see box below 19other.

19Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

If 19a = "Yes" go to Q20. Else go to Q21.

20. [IF YES TO 19A. ABOVE]: How many new teachers (not already employed by the district) did you hire for your TK program? _____

21. How important was each of the following criteria for selecting teachers (for hire or re-assignment) to teach in your district's TK program?

	Very important	Somewhat important	Not very important	Not important at all	Don't Know - Decision made at school level
a. Previous experience teaching preschool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Previous experience teaching kindergarten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Seniority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Status as a recently laid off teacher eligible for re-hire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q21e = "Very important" or Q21e = "Somewhat important" or Q21e = "Not very important", go to Q21Other. Else go to Q22.

21Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

22. How much of a challenge was each of the following as your district prepared to implement TK this year?

	A significant challenge	Somewhat of a challenge	Not a challenge
a. Making decisions or progress on planning amid the uncertainty around the state budget and funding for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Making decisions or progress on planning given concerns about the appropriateness of TK for your district or student population	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Recruiting and/or selecting well-qualified teachers to teach TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Securing appropriate facilities for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Securing appropriate classroom furniture for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Securing appropriate technology for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Identifying or developing appropriate curricula for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Identifying appropriate classroom materials or manipulatives for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Identifying appropriate assessments for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Developing a TK report card	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Identifying or providing appropriate professional development for TK teachers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Reaching parents of eligible students to provide information about TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Enrolling enough TK students to fill a classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Identifying resources (such as funds, staff time, etc.) to implement TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q22o NE missing and 22o NE “not a challenge”, go to 22Other. Else go to Q23.

22Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

23. Which of the following are or will be challenges as your district plans for TK next year?

	A challenge	Not a challenge
a. Making decisions or progress on planning given concerns about the appropriateness of TK for your district or student population	<input type="checkbox"/>	<input type="checkbox"/>
b. Recruiting and/or selecting well-qualified teachers to teach TK	<input type="checkbox"/>	<input type="checkbox"/>
c. Securing appropriate facilities for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>
d. Securing appropriate classroom furniture for TK	<input type="checkbox"/>	<input type="checkbox"/>
e. Securing appropriate technology for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>
f. Identifying or developing appropriate curricula for TK	<input type="checkbox"/>	<input type="checkbox"/>
g. Identifying appropriate classroom materials or manipulatives for TK	<input type="checkbox"/>	<input type="checkbox"/>
h. Identifying appropriate assessments for TK students	<input type="checkbox"/>	<input type="checkbox"/>
i. Developing a TK report card	<input type="checkbox"/>	<input type="checkbox"/>
j. Identifying or providing appropriate professional development for TK teachers	<input type="checkbox"/>	<input type="checkbox"/>
k. Reaching parents of eligible students to provide information about TK	<input type="checkbox"/>	<input type="checkbox"/>
l. Enrolling enough TK students to fill a classroom	<input type="checkbox"/>	<input type="checkbox"/>
m. Identifying resources (such as funds, staff time, etc.) to implement TK	<input type="checkbox"/>	<input type="checkbox"/>
n. Other	<input type="checkbox"/>	<input type="checkbox"/>

If Q23n NE missing and NE “not at challenge”, go to Q23Other. Else go to Q24.

23Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Funding

24expense. For which of the following TK-related expenses did your district use funding sources other than base unrestricted funding? (Check all that apply)

- ☐ Staff time *before* the school year began dedicated to planning for TK
- ☐ Salaries and benefits for new teachers that had to be hired for TK
- ☐ Salaries and benefits for new district office staff that had to be hired to plan or oversee TK
- ☐ Upgrading or building new facilities for TK classrooms
- ☐ New classroom technology for TK classrooms
- ☐ New curriculum materials for TK
- ☐ New classroom materials for TK
- ☐ New assessments for TK
- ☐ Professional development related to TK for teachers or administrators
- ☐ Outreach materials for parents regarding TK
- ☐ Additional transportation costs for TK students
- ☐ Other (specify) _____
- ☐ Did not use other funding sources than base unrestricted funding

If respondent selects “did not use other funding sources” for 24expense, they should not be able to select any other response options for 24expense, and vice-versa.

ASK Q24a-I ONLY FOR THE EXPENSES A RESPONDENT CHECKED IN 24expense (i.e., if a respondent only selected the second response option in 24expense, show only response option b in 24). IF 24expense = “Did not use other funding sources...” or NO RESPONSE OPTIONS WAS SELECTED IN 24expense, SKIP TO Q25.

24. Select a primary, second, or third funding source your district used to cover the following TK-related expenses.

TK-related expenses	Primary funding source	Second funding source	Third funding source
a. Staff time <i>before</i> the school year began dedicated to planning for TK			
b. Salaries and benefits for new teachers that had to be hired for TK			
c. Salaries and benefits for new district office staff that had to be hired to plan or oversee TK			
d. Upgrading or building new facilities for TK classrooms			
e. New classroom technology for TK classrooms			
f. New curriculum materials for TK			
g. New classroom materials for TK			
h. New assessments for TK			
i. Professional development related to TK for teachers or administrators			
j. Outreach materials for parents regarding TK			

TK-related expenses	Primary funding source	Second funding source	Third funding source
k. Additional transportation costs for TK students			
l. Other			

25. Please indicate how much you agree or disagree with the following statements:

	Strongly agree	Agree	Disagree	Strongly disagree
a. Planning for and implementing TK in 2012-13 required the district to shift resources (such as funds, staff time, etc.) away from other programs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. The district has sufficient resources to effectively implement TK in 2012-13.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. The district has sufficient resources to effectively implement TK in the next 2-3 years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The district will likely have to shift resources away from other programs in order to effectively implement TK in the next 2-3 years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. The district will likely not have the resources needed for effectively implementing TK in the next 2-3 years.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

26. For which of the following TK-related expenses are additional funds needed to effectively implement TK in your district in the next 2-3 years?

TK-related expenses	Yes	No
a. Staff time dedicated to planning for TK		
b. Salaries and benefits for new teachers to be hired to teach TK		
c. Salaries and benefits for new district office staff to be hired to oversee or manage TK		
d. Upgrading or building new facilities for TK classrooms		
e. New classroom technology for TK classrooms		
f. New curriculum materials for TK		
g. New classroom materials for TK		
h. New assessments for TK		

TK-related expenses	Yes	No
i. Professional development related to TK for teachers		
j. Professional development related to TK for administrators		
k. Outreach materials for parents related to TK		
l. Additional transportation costs for TK students		
m. Other		

If Q26m = "Yes", go to Q26Other. Else go to Q27.

26Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Family Outreach

27. How did your district inform families with eligible children about the TK program for the 2012-13 school year? (Check all that apply)
- ☐ Told parents about TK when they came to the school/district to enroll their children in regular/traditional kindergarten
 - ☐ Discussed TK in parent information/orientation sessions for families who anticipated enrolling their children in kindergarten (e.g. a "Kindergarten Round-up" event)
 - ☐ Published information about TK on the district or school websites
 - ☐ Kept district office staff informed about TK policies and procedures in order to answer questions from parents
 - ☐ Kept school staff informed about TK policies and procedures in order to answer questions from parents
 - ☐ Ran advertisements or stories with local media outlets, such as newspaper or television
 - ☐ Mailed letters to families' homes
 - ☐ Posted on community bulletin boards
 - ☐ Put up billboards or banners in the community
 - ☐ Shared information about TK with local preschool programs
 - ☐ Shared information about TK with other family service providers, such as posting flyers in medical clinics or community assistance programs
 - ☐ Other (specify) _____

28. How much of a challenge was each of the following for recruiting students for your district's 2012-13 TK program?

	A significant challenge	Somewhat of a challenge	Not a challenge
a. Parents chose other early childhood education options for their child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Parents did not know TK existed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Parents thought TK was a remedial program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parents were unsure of what TK was about and did not want to send their children	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Parents wanted their child enrolled in kindergarten instead	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Parents did not want their children to attend the school where TK was located	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q28g NE missing and Q28g NE "Not a challenge", go to Q28Other. Else go to Q29.

28Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Professional Development

29. Thinking about the professional development activities that your district provides for TK teachers during the 2012-13 school year, how much emphasis is placed on the following topics?

	Major emphasis	Moderate emphasis	Minor emphasis	No emphasis/NA
a. Using developmentally appropriate practice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Supporting children's social-emotional development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Supporting children's learning in English language arts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Supporting children's learning in mathematics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Supporting children's learning in science	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Supporting children's learning in history-social science	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Integrating instruction across subject areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Meeting the needs of English learners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Major emphasis	Moderate emphasis	Minor emphasis	No emphasis/NA
i. Learning about tools for student assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Using student progress monitoring tools				
k. Reviewing student assessment data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Differentiating instruction for individual students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Differentiating instruction for students enrolled in TK versus regular kindergarten in combination classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Using response to intervention (RTI) strategies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Reporting student progress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p. Engaging families to support instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q. Articulation between preschool and TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r. Articulation between TK and kindergarten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q29s NE “No emphasis/NA” and Q29s NE missing, go to Q29Other. Else go to Q30

29Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Articulation Between Preschool, TK and K-3

30. With which teachers of other grades do TK teachers share each of the following? (Check all that apply)

	Preschool Teachers	Kindergarten Teachers	1st Grade Teachers	2nd Grade Teachers	3rd Grade Teachers	No other teachers
a. TK teachers have regularly-scheduled common planning time with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. TK teachers meet periodically to discuss what they are teaching and how it aligns across grades with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. TK teachers have joint professional development time with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. TK teachers use some of the same curricular materials as...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. TK teachers teach the same content standards as...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q30a-e: If respondent selects “no other teachers”, they should not be able to select any other response options for that item, and vice-versa.

Monitoring Implementation of TK

31. Does your district do any of the following to monitor the implementation of TK in your schools?

	Yes	No	Don't Know
a. District office staff conduct regular site visits to schools to monitor implementation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. District office staff gather feedback from teachers on how TK is going.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. District office staff gather feedback from school administrators on how TK is going at their school sites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. The district receives written reports from schools that are implementing TK.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. District office staff review data on student progress and outcomes for TK students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. The district shares information with school staff about how different TK models are working in the district.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q31g = "Yes", go to Q31Other. Else go to Q32

31Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Data and Assessments

32. Are any children who are eligible or potentially eligible for TK given a readiness or placement assessment before or shortly after the beginning of the school year?

☐ Yes (Go to Q33)

☐ No (Go to Q35)

If Q32=missing, go to Q35.

33. [IF YES IN Q32]: What measures are used for these initial child assessments? (Check all that apply)

- ☐ Boehm 3-Test of Basic Concepts
- ☐ California English Language Development Test (CELDT)
- ☐ Children's Progress Academic Assessment (CPAA)
- ☐ Desired Results Developmental Profile –School Readiness (DRDP-SR)
- ☐ Developmental Reading Assessment 2 (DRA2)
- ☐ Dynamic Indicators of Basic Early Literacy Skills - Next (DIBELS)
- ☐ Emerging Literacy Survey – Houghton-Mifflin Reading
- ☐ Educational Software for Guiding Instruction (ESGI)
- ☐ Gesell Developmental Observation
- ☐ GOLD by Teaching Strategies
- ☐ Houghton/Mifflin Pre-K Splash
- ☐ Listening & Speaking Rubric
- ☐ Maturation Assessment Test (MAT)
- ☐ Peabody Picture Vocabulary Test (PPVT or Spanish version, TVIP)
- ☐ Phonological Awareness Literacy Screening (PALS)
- ☐ Pre-LAS
- ☐ Writing Rubric
- ☐ Pre-K assessment designed by the county, district, or school
- ☐ TK assessment designed by the county, district, or school
- ☐ Kindergarten assessment designed by the county, district, or school
- ☐ Other (specify) _____
- ☐ Other (specify) _____

34. [IF YES in Q32]: How are these initial assessments used? (Check all that apply)
- ☐ To determine eligibility for enrollment in TK for children born after December 2
 - ☐ To determine eligibility for enrollment in TK for children born between November 2 and December 2
 - ☐ To determine eligibility for enrollment in kindergarten
 - ☐ To help schools determine which students should be grouped together in classrooms.
 - ☐ To identify children who may need additional evaluation (for example, for a learning problem)
 - ☐ To help teachers individualize instruction
 - ☐ Other (specify) _____
35. In the current school year (2012-13), are schools in your district administering **progress assessments** (also called “interim,” “benchmark,” or “diagnostic” assessments) for TK students? *By progress assessments, we mean required tests administered periodically to monitor students’ progress. We do not mean the annual state assessment nor the tests or quizzes teachers administer on their own.*
- ☐ Yes (**Go to Q36**)
 - ☐ No (**Go to Q41**)
36. [IF YES in Q35]: On average, how often are children given progress assessments?
- ☐ Once a year
 - ☐ Twice a year
 - ☐ Three times a year
 - ☐ Four or more times a year
 - ☐ Don’t Know
37. Does the district require that a specific progress assessment tool or tools be used in all TK classrooms?
- ☐ Yes (**Go to Q38**)
 - ☐ No (**Go to Q39**)
38. [IF YES in Q37]: Is the same assessment tool required for TK and regular kindergarten students?
- ☐ Yes
 - ☐ No
39. What measures does the district use to assess the academic progress of TK students during the school year? (Check all that apply)
- ☐ Boehm 3-Test of Basic Concepts
 - ☐ Children’s Progress Academic Assessment (CPAA)
 - ☐ Desired Results Developmental Profile –School Readiness (DRDP-SR)
 - ☐ Developmental Reading Assessment 2 (DRA2)
 - ☐ Dynamic Indicators of Basic Early Literacy Skills - Next (DIBELS)
 - ☐ Emerging Literacy Survey – Houghton-Mifflin Reading
 - ☐ Gesell Developmental Observation
 - ☐ GOLD by Teaching Strategies
 - ☐ Houghton/Mifflin Pre-K Splash
 - ☐ Listening & Speaking Rubric
 - ☐ Maturation Assessment Test (MAT)
 - ☐ Peabody Picture Vocabulary Test (PPVT)
 - ☐ Phonological Awareness Literacy Screening (PALS)
 - ☐ Pre-LAS (PPVT)
 - ☐ Writing Rubric
 - ☐ TK assessment designed by the county, district, or school
 - ☐ Kindergarten assessment designed by the county, district, or school
 - ☐ Other (specify) _____
 - ☐ Other (specify) _____

40. With whom are progress assessment results shared? (Check all that apply)

- ☐ District office staff
- ☐ TK teachers
- ☐ Kindergarten teachers
- ☐ School administrators
- ☐ Parents
- ☐ Other (specify) _____

41. Which of the following types of student data are recorded and maintained for TK students in an electronic data system by the district? (Check all that apply)

- ☐ Student readiness assessment results
- ☐ Student progress assessment results
- ☐ TK enrollment
- ☐ TK student demographics
- ☐ None of the above

If respondent selects “none of the above” for Q41, they should not be able to select any other response options for Q41, and vice-versa.

Enrollment

42total: What is the total number of students currently enrolled in transitional kindergarten in your district? _____

42. How many of the children enrolled in your TK program are in the following demographic groups? Please enter the number of TK children on each line. Please enter "0" if there are no TK children in the demographic group.

	Number of TK children
a. Male:	
b. Female:	
c. English language learners (ELLs)	
d. Special education	
e. Eligible for free or reduced-price lunch	
f. Hispanic or Latino (of any race)	
g. American Indian or Alaskan Native	
h. Asian	
i. Native Hawaiian or other Pacific Islander	
j. Filipino	
k. Black or African American	

l. White	
m. Two or More Races	
n. Other racial/ethnic group	

If Q42n NE 0 or missing, go to Q42Other. Else go to Q43.

42Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Contact

43. In the event we have any questions, please record your name and email address below:

Name: _____

Email: _____

Your responses have been received. Thank you for participating in The Study of California's Transitional Kindergarten Program! Your district will be entered into a drawing to win one of four \$500 gift card prizes. We will let you know the winners of that drawing as soon as all district responses are in.

TK Principal Questionnaire

Thank you for taking the time to complete a survey for the Study of California's Transitional Kindergarten (TK) Program.

This is a statewide study being conducted by the American Institutes for Research (AIR) with funding from the Heising-Simons Foundation and The David and Lucile Packard Foundation. The purpose of the study is to learn about how districts and schools across the state planned for and are implementing TK.

Please review the following details before getting started:

- Your **participation in this study is voluntary**. You may choose not to participate or to skip questions you do not wish to answer, without penalty.
- However, we encourage you to participate, as completing the survey gives you the opportunity to share your experiences with TK and **inform future efforts to support schools and districts to improve early education**.
- There are **no foreseeable risks** to participating in this study.
- The survey should take **about 30 minutes**.
- To thank you for your time and contributions, **we sent a \$25 gift card code to you** with the invitation to complete this survey. Please let us know if you have any trouble using the gift card code.
- **Your answers to the questions in this survey will be kept confidential** and will only be used for research purposes. Your individual answers will not be shared with other staff from your school or district or anyone other than the researchers working on this study. Results from this survey will never be presented in a way that would identify you or your school.
- **For more information** about the study, you may contact Mark Garibaldi, Project Coordinator, at 650-843-8132 or tk.study@air.org. For more information about your rights as a participant in this study, you may contact AIR's Institutional Review Board at IRBChair@AIR.org or 800-634-0797.

By completing this survey, you indicate that you have read and understood the information above and agree to participate in this study.

Thank you for participating!

History of Transitional Kindergarten (TK) in Your School

1. When did your school first implement transitional kindergarten (TK) or another similar program for young fives?
 - ☐ This school year, 2012-13
 - ☐ Prior to this school year (year TK was first implemented in your school: _____)

Enrollment

2. How many of each of the following types of classrooms do you currently have at your school?

	Number of Classrooms
a. Dedicated TK classrooms (all TK students)	
b. TK/kindergarten combination classrooms	
c. Other TK combination classrooms where TK is combined with other grades (e.g., TK/PreK or TK/K/1)	
d. Dedicated kindergarten classrooms (all K students)	
e. Dedicated PreK (4 year-old) classrooms	

3. What is the total number of students currently enrolled in transitional kindergarten in your school? *Please include all students classified as TK whether they are enrolled in a dedicated TK classroom or a combination classroom (such as a TK/K combo classroom)* _____

4. (1.3)How many of the students enrolled in TK in your school are in the following demographic groups? Please enter the number of TK students on each line. Please enter "0" if there are no TK students in the demographic group.

	Number of TK students
a. Male	
b. Female	
c. English learners (ELs)	
d. Special education	
e. Eligible for free or reduced-price lunch	
f. Hispanic or Latino (of any race)	
g. American Indian or Alaskan Native	
h. Asian	
i. Native Hawaiian or other Pacific Islander	
j. Filipino	
k. Black or African American	
l. White	
m. Two or More Races	
n. Other racial/ethnic group	

5. Which children are eligible to attend TK in your district in the 2012-13 school year? Children who turn 5...

- ☐ Between November 1 and December 2
- ☐ Between October 1 and December 2
- ☐ Between September 1 and December 2
- ☐ Other (Please describe: _____)

6. Although they may meet the eligibility criteria based on their age, some students who are eligible for kindergarten may be deemed not ready for kindergarten, and some students who are eligible for TK may be deemed ready for kindergarten. Please tell us about the exceptions to your district's TK and kindergarten enrollment policies that have been made at your school by answering the following questions.

	Number of TK students
a. How many students who are currently enrolled in TK in your school are age eligible for kindergarten based on your district's enrollment policy?	
b. How many students who are currently enrolled in TK in your school are younger than typically eligible for TK based on your district's enrollment policy (for example, students who turned 5 after December 2)?	
c. How many students who are currently enrolled in kindergarten in your school are age eligible for TK based on your district's enrollment policy?	

7. Is your school a "TK Hub" for the district? That is, does your school enroll students in TK who live outside of your school attendance area and would ordinarily attend another school in the district, with the expectation that these students would return to their "home school" after they attend TK at your school?

- ☐ Yes
- ☐ No
- ☐ Don't know

Family Outreach

8. How did your school inform families with eligible children about the TK program for the 2012-13 school year? (Check all that apply)

- ☐ Told parents about TK when they came to the school/district to enroll their children in regular/traditional kindergarten
- ☐ Discussed TK in parent information/orientation sessions for families who anticipated enrolling their children in kindergarten (e.g., a "Kindergarten Round-up" event)
- ☐ Published information about TK on the school website
- ☐ Kept school staff informed about TK policies and procedures in order to answer questions from parents
- ☐ Ran advertisements or stories with local media outlets, such as newspaper or television
- ☐ Mailed letters to families' homes
- ☐ Posted on community bulletin boards
- ☐ Put up billboards or banners in the community
- ☐ Shared information about TK with local preschool programs
- ☐ Shared information about TK with other family service providers, such as posting flyers in medical clinics or community assistance programs
- ☐ Other (specify)_____
- ☐ The district or county office was responsible for outreach to parents; my school was not involved.

If respondent selects “The district or county office was responsible...”, they may not select any other items in the list. If the respondent selects any other items in the list, they may not select “The district or county office was responsible...”.

Planning for Your School's 2012-13 TK Program

For the following questions on **TK planning**, please think about the work your school did to prepare for TK to be implemented in the **2012-13 school year**.

9. What external resources did your school use when planning for TK implementation? (Check all that apply)

- ☐ California Department of Education guidance
- ☐ Preschool California website and/or webinars
- ☐ TK California website
- ☐ Transitional Kindergarten Planning Guide (by CCSESA)
- ☐ County Office of Education guidance, materials, trainings, or other resources
- ☐ California Early Learning Advisory Council (CALELAC) website
- ☐ California Preschool Instructional Network (CPIN) professional development sessions
- ☐ California Preschool Learning Foundations
- ☐ School Services of California (SSC) website
- ☐ Kindergarten Common Core State Standards
- ☐ TK Professional Learning Community organized by the Packard Foundation
- ☐ Meetings organized by CCSESA and sponsored by the Packard Foundation
- ☐ Other TK Learning Communities
- ☐ Other schools or districts implementing TK
- ☐ Other resources (specify) _____
- ☐ Other resources (specify) _____

10. Which, if any, of the following did your district do to support your school's planning and implementation of TK in the 2012-13 school year?

	Yes	No
a. Provided a clear plan for how TK should be implemented at the school level	<input type="checkbox"/>	<input type="checkbox"/>
b. Gave your school the flexibility to plan and implement TK as the school deemed appropriate for your students	<input type="checkbox"/>	<input type="checkbox"/>
c. Advised your school that your TK classroom(s) and instructional practices should closely resemble your kindergarten classroom(s) and instructional practices	<input type="checkbox"/>	<input type="checkbox"/>
d. Specified a required curriculum in one or more content areas for TK students	<input type="checkbox"/>	<input type="checkbox"/>
e. Provided guidance on selecting a curriculum for TK students	<input type="checkbox"/>	<input type="checkbox"/>
f. Provided guidance on assessment practices for TK students	<input type="checkbox"/>	<input type="checkbox"/>

g. Provided guidance for differentiating instruction for TK students	<input type="checkbox"/>	<input type="checkbox"/>
h. Encouraged your school to serve TK eligible students by enrolling them as kindergarteners rather than as TK students	<input type="checkbox"/>	<input type="checkbox"/>
i. Directed school staff to outside resources for guidance on how to implement TK	<input type="checkbox"/>	<input type="checkbox"/>
j. Provided suggestions for outreach to parents to encourage enrollment in TK	<input type="checkbox"/>	<input type="checkbox"/>
k. Provided meeting time for TK teachers to get together to help plan for TK implementation	<input type="checkbox"/>	<input type="checkbox"/>
l. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>

If Q10L="Yes", go to Q10Other. If Q10L="No" or Q10L=missing, go to Q11.

10Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

11. To what extent was each of the following staff involved in your school's TK planning efforts for the 2012-13 school year? Please select one response category for each type of staff.

	Led planning effort	Actively involved in planning	Somewhat involved in planning	Involved only in an advisory/ sign-off capacity	Not involved
a. Superintendent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Other district administrators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Principal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Assistant principal(s)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. TK teachers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Kindergarten teachers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Preschool teachers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Other district or school staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

12. How much of a challenge was each of the following as your school prepared to implement TK this year?

	A significant challenge	Somewhat of a challenge	Not a challenge
a. Making decisions or progress on planning amid the uncertainty around the state budget and funding for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Making decisions or progress on planning given uncertainty about district policies regarding TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Making decisions or progress on planning given changes in district leadership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Making decisions or progress on planning given concerns about the appropriateness of TK for your school or student population	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Recruiting and/or selecting well-qualified teachers to teach TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Securing appropriate facilities for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Securing appropriate classroom furniture for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Securing appropriate technology for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Identifying or developing appropriate curricula for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Identifying appropriate classroom materials or manipulatives for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Identifying or developing appropriate assessments for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Developing a TK report card	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Identifying or providing appropriate professional development for TK teachers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Reaching parents of eligible students to provide information about TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Enrolling enough TK students to fill a classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p. Identifying resources (such as funds, staff time, etc.) to implement TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q12q="A significant challenge" or Q12q="Somewhat of a challenge", go to Q12Other.
If Q12q="not a challenge" or Q12q=missing, go to Q13.

12Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

TK Staff

13. How important was each of the following criteria for selecting teachers (for hire or re-assignment) to teach TK in your school?

	Very important	Somewhat important	Not very important	Not important at all	Don't Know - Decision made at district level
a. Previous experience teaching preschool	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Previous experience teaching kindergarten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Seniority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Status as a recently laid off teacher eligible for re-hire	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Teacher preferences	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Other (specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q13f="Very important" or Q13f="Somewhat important" or Q13f="not very important, go to Q13Other. If Q13f="not important at all", Q13f="don't know" or Q13f="missing, go to Q14.

13Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Articulation Between Preschool, TK and K-3

14. Please indicate your level of agreement with the following statements about TK at your school.

	Strongly Agree	Agree	Disagree	Strongly Disagree
a. It is clear to me what TK students are expected to know and be able to do upon completion of TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. In my school, the TK curriculum is well aligned with the preschool curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. In my school, the TK curriculum is well aligned with the kindergarten curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. In my school, the curriculum is well aligned for TK through grade 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. In my school, the curriculum is well aligned for preschool through grade 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. In our school, TK teachers adjust instruction to the differing needs of their students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. In our school, TK instruction looks much the same as preschool instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

h. In our school, TK instruction looks much the same as kindergarten instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. TK teachers were well-prepared for this school year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Our TK teachers need more training in the differences in instruction of TK versus K students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Students who complete a year of TK should be well prepared for success in kindergarten the next school year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Students who complete a year of TK should be able to move to first grade the next school year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

15. In some schools, special efforts are made to make the transition into elementary school less difficult for children. Which of the following are done for entering TK and/or kindergarten students in your school?

	For both entering TK and entering K students	For entering TK students only	For entering K students only	For neither entering TK nor entering K students
a. A teacher or other school staff sends home information about the TK or K program to parents prior to the start of the school year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. A teacher or other school staff visits or calls the homes of the children enrolled in TK or K at the beginning of the school year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Preschoolers spend some time in the TK or K classroom prior to entering TK or K.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Parents and children visit the TK or K classroom together prior to the start of the school year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Parents come to the school for orientation prior to the start of the school year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. The school days are shortened at the beginning of the school year.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. We offer a summer transition program for students the summer before they enter TK or K.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Other transition activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Monitoring Implementation of TK

16. Does your **school** do any of the following to monitor the implementation of TK in your school?

	Yes	No	Don't Know
a. School administrators conduct classroom walk-throughs to monitor implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. School administrators gather feedback from teachers on how TK is going	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. School administrators review data on student progress for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. School administrators review data on student outcomes for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Teachers review data on student progress and outcomes for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. School administrators and teachers have regular meetings to discuss TK implementation in our school	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. The district shares information with school staff about how different TK models are working in other schools to help us reflect on our implementation of TK.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Funding

17. How important are each of the following TK-related expenses to effectively implement TK in your district in the next 2-3 years?

TK-related expenses	Very important	Somewhat important	Not very important	Not important at all
a. Staff time dedicated to planning for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Salaries and benefits for new teachers to be hired to teach TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Salaries and benefits for new district office staff to be hired to oversee or manage TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Upgrading or building new facilities for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. New classroom technology for TK classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. New curriculum materials for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. New classroom materials for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. New assessments for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Professional development related to TK for teachers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

j. Professional development related to TK for administrators	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Outreach materials for parents related to TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Additional transportation services for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q17m="Very important" or Q17m="Somewhat important" or Q17m="Not very important", go to Q17Other. If Q17m="Not important at all" or missing, go to Q18.

17Other. In the previous question, you selected "other." Please describe below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Assessments

18. Are any children who are eligible or potentially eligible for TK given a readiness or placement assessment before or shortly after the beginning of the school year?

- ☐ Yes → go to Q19
- ☐ No → skip to Q20

IF Q18=missing, go to Q20.

19.)(IF Q18=YES): How are these initial assessments used? (Check all that apply)

- ☐ To determine eligibility for enrollment in TK for children born after December 2
- ☐ To determine eligibility for enrollment in TK for children born between November 2 and December 2
- ☐ To determine eligibility for enrollment in TK for children born before November 1
- ☐ To determine eligibility for enrollment in kindergarten for children born after November 1
- ☐ To help the school determine which students should be grouped together in classrooms
- ☐ To identify students who may need additional evaluation (for example, for a learning or behavior issue)
- ☐ To help teachers individualize instruction
- ☐ Other (specify) _____

20. Are there any assessments used to test TK students at the end of the year to determine kindergarten readiness?

- ☐ Yes → go to Q21
- ☐ No → skip to submit page

IF Q20=missing, go to submit page.

21. [IF YES] What measures does the school use to assess kindergarten readiness? (Check all that apply)

- ☐ Teacher created assessments
- ☐ Boehm 3- Test of Basic Concepts
- ☐ California English Language Development Test (CELDT)
- ☐ Children's Progress Academic Assessment (CPAA)
- ☐ Desired Results Developmental Profile –School Readiness (DRDP-SR)
- ☐ Developmental Reading Assessment 2 (DRA2)
- ☐ Dynamic Indicators of Basic Early Literacy Skills - Next (DIBELS)
- ☐ Emerging Literacy Survey – Houghton-Mifflin Reading
- ☐ GOLD by Teaching Strategies
- ☐ Listening & Speaking Rubric
- ☐ Writing Rubric
- ☐ Other _____

Your responses have been received. Thank you for participating in The Study of California's Transitional Kindergarten Program!

TK Teacher Questionnaire

Thank you for taking the time to complete a survey for the Study of California's Transitional Kindergarten (TK) Program.

This is a statewide study being conducted by the American Institutes for Research (AIR) with funding from the Heising-Simons Foundation and The David and Lucile Packard Foundation. The purpose of the study is to learn about how districts and schools across the state planned for and are implementing TK.

Please review the following details before getting started:

- Your **participation in this study is voluntary**. You may choose not to participate or to skip questions you do not wish to answer, without penalty.
- However, we encourage you to participate, as completing the survey gives you the opportunity to share your experiences with TK and **inform future efforts to support schools and districts to improve early education**.
- There are **no foreseeable risks** to participating in this study.
- The survey should take **about 30 minutes**.
- To thank you for your time and contributions, **we sent a \$25 gift card code to you** with the invitation to complete this survey. Please let us know if you have any trouble using the gift card code.
- **Your answers to the questions in this survey will be kept confidential** and will only be used for research purposes. Your individual answers will not be shared with other staff from your school or district or anyone other than the researchers working on this study. Results from this survey will never be presented in a way that would identify you or your school.
- **For more information** about the study, you may contact Mark Garibaldi, Project Coordinator, at 650-843-8132 or tk.study@air.org. For more information about your rights as a participant in this study, you may contact AIR's Institutional Review Board at IRBChair@AIR.org or 800-634-0797.

By completing this survey, you indicate that you have read and understood the information above and agree to participate in this study.

Thank you for participating!

If an item does not have skip specifications, go to the very next item, unless a previous skip specification indicates otherwise.

If a respondent does not answer an item, go to the very next item, unless otherwise specified.

Structure of Your Classroom

1. Which of the following do you currently teach? (Check all that apply.)
 - ☐ Dedicated TK class (only TK students) → GO TO Q2
 - ☐ Combination of TK and kindergarten → GO TO Q2
 - ☐ Combination of TK, kindergarten, and one or more other grades (e.g., TK/K/1) → GO TO Q2
 - ☐ Combination of TK with grades other than kindergarten (e.g., TK/PreK) → GO TO Q2
 - ☐ Dedicated kindergarten class (only K students) → IF ONLY THIS OPTION SELECTED GO TO INELIGIBLE PAGE; IF OTHER OPTIONS ALSO SELECTED GO TO Q2

Response to q1 is required; respondent cannot proceed if it is blank.

2. Please tell us more about the grades you teach by completing the table below. For each session you teach, please enter the total number of students and the number of students in each grade level. If you do not teach the session or grade level, leave the cell blank.

	Total number of students	PreK	TK	K	1st grade	2nd grade	3rd grade	4th grade	5th grade	Other
a. Half-day session #1 (e.g., morning class)										
b. Half-day session #2 (e.g., afternoon class)										
c. Full-day session										
d. Other										

If any cell in row D is greater than 0, go to Q2Other. Otherwise, go to Q3.

2Other. In the previous question, you selected "other." Please describe the other session you teach below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

3. (2.2) How many hours per week do your TK students attend class? _____

If Q1="Combination of TK and kindergarten", "Combo of TK, kindergarten, and one or more other grades" or "Dedicated kindergarten class", go to Q4. Else skip to instructions before Q5.

4. (2.2) How many hours per week do your kindergarten students attend class? _____

If you teach multiple sessions, please answer all remaining questions about the session with the most TK students.

5. (1.3, 2.2) How many of the students enrolled in your classroom are in the following demographic groups? Please enter the number of TK and kindergarten students (if applicable) on each line. Please enter "0" if there are no students in the demographic group.

	Number of TK Students	Number of K students
a. Male		
b. Female		
c. English learners (ELs)		
d. Special education		
e. Hispanic or Latino (of any race)		
f. American Indian or Alaska Native		

g. Asian		
h. Native Hawaiian or other Pacific Islander		
i. Filipino		
j. Black or African American		
k. White		
l. Two or more races		
m. Other racial/ethnic group		

6. How many hours per week do different types of staff usually assist **in your classroom** in the following ways? Write the number of hours in the appropriate boxes below.

	Teachers (other than you)	Regular Teachers' Assistants or Aides	Special Education Aides	ESL or Bilingual Education Aides
a. Hours per week spent working directly with students on instructional tasks				
b. Hours per week spent doing non-instructional work (such as photocopying, preparing materials, etc.)				

7. (3.2, 5.2) How often do you have parent volunteers in your classroom working directly with students?
- ☐ Every day
- ☐ 2-3 times per week
- ☐ Once a week
- ☐ Once a month
- ☐ Only occasionally
- ☐ Never

Planning for TK

8. To what extent were you involved in each of the following aspects of your school's **TK planning efforts** for the 2012-13 school year?

	Large extent	Moderate extent	Small extent	Not at all
a. Developing or choosing the curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Developing a TK report card	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Recruiting TK students to come to the program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Describing the TK program to parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Setting up the TK or TK combo classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. How much of a challenge was each of the following as you prepared to implement TK in your classroom this year?

	A significant challenge	Somewhat of a challenge	Not a challenge	Not applicable
a. Making decisions or progress on planning given uncertainty about district policies regarding TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Securing appropriate technology for my TK classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Identifying or developing appropriate curricula for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Identifying or developing appropriate assessments for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Identifying appropriate classroom materials or manipulatives for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Figuring out how to differentiate instruction for TK and K students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Developing a TK report card	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Reaching parents of eligible students to provide information about TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Convincing parents of the value of TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Enrolling enough TK students to fill a classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q9K="A significant challenge" or "Somewhat of a challenge", go to Q9Other. If Q9K="Not a challenge", "Not applicable", or missing, go to Q10.

9Other. In the previous question, you selected "other." Please describe the other challenges below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

10. Which, if any, of the following did your district do to support your school's planning and implementation of TK in the 2012-13 school year?

	Yes	No	Don't know
a. Provided a clear plan for how TK should be implemented at the school level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Gave your school the flexibility to plan and implement TK as your school deemed appropriate for your students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Advised your school that your TK classroom(s) and instructional practices should closely resemble your kindergarten classroom(s) and instructional practices	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Specified a required curriculum in one or more content areas for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Provided guidance on selecting a curriculum for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Provided guidance on assessment practices for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Provided guidance for differentiating instruction for TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Encouraged your school to serve TK eligible students by enrolling them as kindergarteners rather than as TK students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Directed school staff to outside resources for guidance on how to implement TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Provided suggestions for outreach to parents to encourage enrollment in TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Provided meeting time for TK teachers to get together to help plan for TK implementation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Collaboration and Professional Development

11. With which teachers in your school or district do you share each of the following? (Check all that apply.)

	Preschool Teachers	Other TK Teachers	Kinder-garten Teachers	1st Grade Teachers	2nd Grade Teachers	3rd Grade Teachers	No other teachers
a. I have regularly-scheduled common planning time with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I meet periodically to discuss what teachers are teaching and how it aligns across grades with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Preschool Teachers	Other TK Teachers	Kinder-garten Teachers	1st Grade Teachers	2nd Grade Teachers	3rd Grade Teachers	No other teachers
c. I collaborate online to discuss what teachers are teaching and how it aligns across grades with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I have joint professional development time with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I use some of the same curricular materials for my TK students as...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. I teach the same content standards to my TK students as...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q11A-F: If “No other teachers” selected, no other responses may be selected for that item. If any other responses have been selected, “No other teachers” may not also be selected for that item.

12. Think about all the professional development (PD) experiences you have had since June 2012. This can include PD offered by any provider on any topic, and can be in many formats, for example as part of staff meetings, formal trainings, conferences, webinars or coaching.

Thinking about all the professional development activities that you have participated in since June 2012, how much emphasis was placed on the following topics?

	Major emphasis	Moderate emphasis	Minor emphasis	No emphasis/ NA
a. Using developmentally appropriate practice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Supporting students' social-emotional development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Supporting students' learning in English language arts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Supporting students' learning in mathematics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Supporting students' learning in science	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Supporting students' learning in history-social science	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Integrating instruction across subject areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Meeting the needs of English learners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Learning a specific published curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Major emphasis	Moderate emphasis	Minor emphasis	No emphasis/ NA
j. Learning about tools for student assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Using student progress monitoring tools for instructional planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Reviewing student assessment data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Differentiating instruction for individual students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Differentiating instruction for students enrolled in TK versus regular kindergarten in combination classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Using Response to Intervention (RTI) strategies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p. Reporting student progress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q. Engaging families to support instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r. Articulation between preschool and TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s. Articulation between TK and kindergarten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

13. (3.1) Altogether, how many hours of professional development have you received since June 2012?

14. (3.1) How many of these professional development hours were specifically focused on TK?

15. (3.1) Thinking about the professional development specifically focused on TK that you have received since June 2012, approximately how much of this time was spent in the following formats?

	Hours spent in TK-focused professional development since June 2012
a. Workshops or training sessions	
b. Online training sessions or webinars	
c. One-on-one coaching	
d. In-person meetings with other TK teachers from your school or other schools	
e. Online learning communities or discussion groups	
f. In-person conferences related to TK	

16. (2.3; 3.1) Which of the following types of individuals have provided professional development or technical assistance to you related to implementing TK? (Check all that apply.)

- ☐ School administrators
☐ District office staff
☐ County office of education staff
☐ Teachers from other schools within the district
☐ Teachers from other districts that are implementing TK
☐ Other external coaches or trainers hired by the district or school
☐ Other: _____

Curriculum

17. To what extent do you use the following resources when planning classroom instruction?

	I am not at all familiar with this.	I am familiar with this but do not use it to plan classroom activities.	I use this to plan classroom activities.	Not applicable
a. Preschool California website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. TK California website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. TK monthly calls/webinars (sponsored by Preschool California)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. California Kindergarten Association website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. California Preschool Learning Foundations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. California Preschool Curriculum Framework	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Common Core State Standards for Kindergarten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	I am not at all familiar with this.	I am familiar with this but do not use it to plan classroom activities.	I use this to plan classroom activities.	Not applicable
h. California Kindergarten Content Standards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. District or County Office of Education standards or frameworks for TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. California Department of Education's <i>Alignment of the California Preschool Learning Foundations with Key Early Education Resources</i> (which shows alignment between preschool guidelines and kindergarten standards)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. Please select the English Language Arts curricula you use for TK **and** K students (if applicable) in your classroom. (Check all that apply.)

English Language Arts curricula	TK curriculum	K curriculum
Alpha Chants	<input type="checkbox"/>	<input type="checkbox"/>
Alpha-Friends Kit	<input type="checkbox"/>	<input type="checkbox"/>
Avenues	<input type="checkbox"/>	<input type="checkbox"/>
Born to Learn	<input type="checkbox"/>	<input type="checkbox"/>
California Treasures Kindergarten Curriculum	<input type="checkbox"/>	<input type="checkbox"/>
Circle Strategies for Language and Literacy	<input type="checkbox"/>	<input type="checkbox"/>
Creative Curriculum	<input type="checkbox"/>	<input type="checkbox"/>
Curiosity Corner	<input type="checkbox"/>	<input type="checkbox"/>
DLM Early Childhood Express	<input type="checkbox"/>	<input type="checkbox"/>
Doors to Discovery	<input type="checkbox"/>	<input type="checkbox"/>
Gilroy Core Literature	<input type="checkbox"/>	<input type="checkbox"/>
Guided Reading	<input type="checkbox"/>	<input type="checkbox"/>
Hands-On Alphabet Activities	<input type="checkbox"/>	<input type="checkbox"/>
Handwriting without Tears	<input type="checkbox"/>	<input type="checkbox"/>
High/Scope	<input type="checkbox"/>	<input type="checkbox"/>
Houghton Mifflin Preschool Curriculum	<input type="checkbox"/>	<input type="checkbox"/>
Houghton Mifflin Kindergarten Curriculum	<input type="checkbox"/>	<input type="checkbox"/>
Imaginet	<input type="checkbox"/>	<input type="checkbox"/>
Leveled Readers Preschool	<input type="checkbox"/>	<input type="checkbox"/>
Leveled Readers Kindergarten	<input type="checkbox"/>	<input type="checkbox"/>
Little Reader for Little Readers	<input type="checkbox"/>	<input type="checkbox"/>
Open Court	<input type="checkbox"/>	<input type="checkbox"/>
Opening the World of Learning (OWL)	<input type="checkbox"/>	<input type="checkbox"/>
P.O.L.L. strategies	<input type="checkbox"/>	<input type="checkbox"/>
Play for Social Studies (Scott Foresman program)	<input type="checkbox"/>	<input type="checkbox"/>
Reader's Theater	<input type="checkbox"/>	<input type="checkbox"/>
Scholastic Big Day	<input type="checkbox"/>	<input type="checkbox"/>
Scholastic Everyday Counts	<input type="checkbox"/>	<input type="checkbox"/>
Treasures and Little Treasures	<input type="checkbox"/>	<input type="checkbox"/>

English Language Arts curricula	TK curriculum	K curriculum
Virtual Pre-K (VPK)	<input type="checkbox"/>	<input type="checkbox"/>
Writer's Workshop	<input type="checkbox"/>	<input type="checkbox"/>
ELA program designed by our district	<input type="checkbox"/>	<input type="checkbox"/>
Other ELA curriculum	<input type="checkbox"/>	<input type="checkbox"/>

Q18: If "Other ELA curriculum" is selected, go to Q18Other. If it is not selected, go to Q19.

18Other. In the previous question, you selected "other." Please describe the other TK and/or K curriculum below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

19. Please select the Math curricula you use for TK **and** K students (if applicable) in your classroom. (Check all that apply.)

Math curricula	TK curriculum	K curriculum
Activities that Incorporate Math and Science (AIMS)	<input type="checkbox"/>	<input type="checkbox"/>
Big Math for Little Kids	<input type="checkbox"/>	<input type="checkbox"/>
Building Blocks	<input type="checkbox"/>	<input type="checkbox"/>
Envision It	<input type="checkbox"/>	<input type="checkbox"/>
Every Day Counts	<input type="checkbox"/>	<input type="checkbox"/>
Everyday Math	<input type="checkbox"/>	<input type="checkbox"/>
Family Math	<input type="checkbox"/>	<input type="checkbox"/>
Go Math	<input type="checkbox"/>	<input type="checkbox"/>
Growing with Math (McGraw Hill)	<input type="checkbox"/>	<input type="checkbox"/>
Harcourt Math	<input type="checkbox"/>	<input type="checkbox"/>
Math Their Way	<input type="checkbox"/>	<input type="checkbox"/>
Mathematics: The Creative Curriculum Approach	<input type="checkbox"/>	<input type="checkbox"/>
Mountain Math	<input type="checkbox"/>	<input type="checkbox"/>
Numbers Plus (High/Scope)	<input type="checkbox"/>	<input type="checkbox"/>
Number Worlds	<input type="checkbox"/>	<input type="checkbox"/>
Pre-K Mathematics	<input type="checkbox"/>	<input type="checkbox"/>
Touch Math	<input type="checkbox"/>	<input type="checkbox"/>
Scholastic Big Day	<input type="checkbox"/>	<input type="checkbox"/>
Math program designed by our district	<input type="checkbox"/>	<input type="checkbox"/>
Other math curriculum	<input type="checkbox"/>	<input type="checkbox"/>

Q19: If "Other math curriculum" is selected, go to Q19Other. If it is not selected, go to Q20.

19Other. In the previous question, you selected "other." Please describe the other TK and/or K curriculum below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

20. Please select the Science curricula you use for TK **and** K students (if applicable) in your classroom. (Check all that apply.)

Science curricula	TK curriculum	K curriculum
Activities that Incorporate Math and Science (AIMS)	<input type="checkbox"/>	<input type="checkbox"/>
FOSS Science K program	<input type="checkbox"/>	<input type="checkbox"/>
Headstart on Science	<input type="checkbox"/>	<input type="checkbox"/>
McMillan	<input type="checkbox"/>	<input type="checkbox"/>
Treasures and Little Treasures	<input type="checkbox"/>	<input type="checkbox"/>
Scholastic Big Day	<input type="checkbox"/>	<input type="checkbox"/>
Science program designed by our district	<input type="checkbox"/>	<input type="checkbox"/>
Other science curriculum	<input type="checkbox"/>	<input type="checkbox"/>

Q20: If “Other science curriculum” is selected, go to Q20Other. If it is not selected, go to Q21.

20Other. In the previous question, you selected "other." Please describe the other TK and/or K curriculum below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

21. Please select the Social Studies curricula you use for TK **and** K students (if applicable) in your classroom. (Check all that apply.)

Social Studies curricula	TK curriculum	K curriculum
California Vistas (McMillan/McGraw Hill)	<input type="checkbox"/>	<input type="checkbox"/>
High/Scope	<input type="checkbox"/>	<input type="checkbox"/>
Houghton Mifflin History-Social Science	<input type="checkbox"/>	<input type="checkbox"/>
Reflections California Series (Houghton Mifflin Harcourt)	<input type="checkbox"/>	<input type="checkbox"/>
Scott Foresman History-Social Science for California	<input type="checkbox"/>	<input type="checkbox"/>
Social Studies program designed by our district	<input type="checkbox"/>	<input type="checkbox"/>
Other social studies curriculum	<input type="checkbox"/>	<input type="checkbox"/>

Q21: If “Other social studies curriculum” is selected, go to Q21Other. If it is not selected, go to Q22.

21Other. In the previous question, you selected "other." Please describe the other TK and/or K curriculum below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

Please select the Social-Emotional curricula you use, if any, for TK **and** K students (if applicable) in your classroom. (Check all that apply.)

Social-Emotional curriculum	TK curriculum	K curriculum
First Step to Success	<input type="checkbox"/>	<input type="checkbox"/>
Families and Schools Together (FAST)	<input type="checkbox"/>	<input type="checkbox"/>
AI's Pals	<input type="checkbox"/>	<input type="checkbox"/>
Emotions Course	<input type="checkbox"/>	<input type="checkbox"/>
Incredible Years: Dina Dinosaur Classroom Curriculum	<input type="checkbox"/>	<input type="checkbox"/>
Positive Behavioral Interventions & Supports (PBIS)	<input type="checkbox"/>	<input type="checkbox"/>
Second Step	<input type="checkbox"/>	<input type="checkbox"/>
Social Skills in Pictures, Stories, and Songs	<input type="checkbox"/>	<input type="checkbox"/>
Social-Emotional program designed by our district	<input type="checkbox"/>	<input type="checkbox"/>
Social-Emotional program designed by the teacher(s)	<input type="checkbox"/>	<input type="checkbox"/>
Other social-emotional curriculum	<input type="checkbox"/>	<input type="checkbox"/>

Q22: If "Other social-emotional curriculum" is selected, go to Q22Other. If it is not selected, go to Q23.

Q22Other. In the previous question, you selected "other." Please describe the other TK and/or K curriculum below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

22. Please indicate your level of agreement with the following statements.

	Strongly Agree	Agree	Disagree	Strongly Disagree
a. In my school, the TK curriculum is well aligned with the preschool curriculum.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. In my school, the TK curriculum is well aligned with the kindergarten curriculum.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. In my school, the curriculum is well aligned for preschool through grade 3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. In my school, the curriculum is well aligned for TK through grade 3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Instructional Strategies

23. How **often** AND **how much time** do your **TK students** usually work on lessons or projects in the following general topic areas, whether as a whole class, in small groups, or in individualized arrangements?

	How often					How much time			
	Never	Less than once a week	1-2 times a week	3-4 times a week	Daily	1-30 minutes a day	31-60 minutes a day	61-90 minutes a day	More than 90 minutes a day
a. Reading and language arts									
b. Mathematics									
c. Social studies									
d. Science									
e. Music and/or dance									
f. Art									
g. Social-emotional skills									

If Q1="Combination of TK and kindergarten", "Combo of TK, kindergarten, and one or more other grades" or "Dedicated kindergarten class", go to Q25. Else skip to Q26.

24. How **often** AND **how much time** do your **kindergarten students** usually work on lessons or projects in the following general topic areas, whether as a whole class, in small groups, or in individualized arrangements?

	How often					How much time			
	Never	Less than once a week	1-2 times a week	3-4 times a week	Daily	1-30 minutes a day	31-60 minutes a day	61-90 minutes a day	More than 90 minutes a day
a. Reading and language arts									
b. Mathematics									
c. Social studies									
d. Science									
e. Music and/or dance									
f. Art									
g. Social-emotional skills									

25. In a typical **day**, how much time do your **TK students** spend in the following activities? Do not include lunch or recess breaks.

	No time	Half hour or less	About one hour	About two hours	Three hours or more
a. Teacher-directed whole class activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Teacher-directed small group activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Teacher-directed individual activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Child-selected activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q1="Combination of TK and kindergarten", "Combo of TK, kindergarten, and one or more other grades" or "Dedicated kindergarten class", go to Q27. Else skip to Q28.

26. In a typical **day**, how much time do your **kindergarten students** spend in the following activities? Do not include lunch or recess breaks.

	No time	Half hour or less	About one hour	About two hours	Three hours or more
a. Teacher-directed whole class activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Teacher-directed small group activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Teacher-directed individual activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Child-selected activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27. To what extent do you use the following instructional strategies in your classroom?

	Large extent	Moderate extent	Small extent	Not at all
a. Group students according to ability levels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Group students according to age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Use mixed ability groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

28. Please indicate your level of agreement with the following statements about your teaching?

	Strongly Agree	Agree	Disagree	Strongly Disagree
a. I individualize instruction to ensure that I meet individual student learning needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I know how to provide instruction in English so it can be understood by English learners (ELs).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Differentiating instruction for all my students is impossible, given the range of needs or size of my class.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I use developmentally appropriate practice with all of my students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I use student ability level rather than age to guide my practice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. I use Response to Intervention (RTI) strategies for students who are having difficulty learning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

29. Do your **TK students** who are English learners (ELs) receive instruction in their home language at school?
- ☐ Yes
- ☐ No
- ☐ None of my TK students are ELs.

If Q1="Combination of TK and kindergarten", "Combo of TK, kindergarten, and one or more other grades" or "Dedicated kindergarten class", go to Q31. Else skip to Q32.

30. (3.3) Do your **kindergarten** students who are English learners (ELs) receive instruction in their home language at school?
- ☐ Yes
- ☐ No
- ☐ None of my kindergarten students are ELs.

31. To what extent do you agree or disagree with each of the following statements about teaching **TK students**?

	Strongly Agree	Agree	Disagree	Strongly Disagree
a. TK is a worthwhile and necessary grade level.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. TK provides a good opportunity to spend extra time on social and emotional development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. TK instruction in my classroom is mostly play-based.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. It is clear to me what is expected of students upon completion of TK.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. TK instruction looks much the same as kindergarten instruction in my classroom.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Children who do not meet the age cutoff for kindergarten should be in preschool rather than TK.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. TK students should not be expected to learn about academic subjects such as reading and math.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. TK students are too young for homework.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. TK students learn best through play-based activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Learning about math in TK is as important as literacy for supporting student's future school success.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. I use assessment results to individualize instruction for my TK students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. I use kindergarten activities for TK students who are more advanced.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If Q1="Combination of TK and kindergarten", "Combo of TK, kindergarten, and one or more other grades" or "Dedicated kindergarten class", go to Q33. Else skip to Q36.

32. To what extent do you agree or disagree with each of the following statements about teaching **kindergarten students**?

	Strongly Agree	Agree	Disagree	Strongly Disagree
a. Kindergarten provides a good opportunity to spend extra time on social and emotional development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Kindergarten instruction in my classroom is mostly play-based.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. It is clear to me what is expected of students upon completion of kindergarten.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Kindergarten students should not be expected to learn about academic subjects such as reading and math.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Kindergarten students are too young for homework.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Kindergarten students learn best through play-based activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Learning about math in kindergarten is as important as literacy for supporting student's future school success.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. I use assessment results to help individualize instruction for my kindergarten students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. I use TK activities for kindergarten students who need extra support.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

33.

34. To what extent do you do each of the following to differentiate instruction for TK versus K students?

	Large extent	Moderate extent	Small extent	Not at all
a. I give TK students more hands-on activities than my kindergarten students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I assess TK students less frequently than my kindergarten students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I allow TK students to choose whether they want to do the kindergarten activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I give TK students extra time to complete a given activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I give TK students more support to complete a given activity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. TK students have more free-choice time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. I give TK students less homework.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. TK students do simplified versions of the kindergarten activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. TK students do completely different activities from kindergarten students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. My expectations are higher for my kindergarten students than my TK students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35. Please describe any other strategies you use to differentiate instruction for TK and kindergarten students.

Transitions

36. At the end of this school year, how many of your TK students do you think will be ready for first grade? _____

If Q1="Combination of TK and kindergarten", "Combo of TK, kindergarten, and one or more other grades" or "Dedicated kindergarten class", go to Q37. Else skip to Q38.

37. At the end of this school year, how many of your kindergarten students do you think will be recommended to repeat kindergarten? _____

Assessment

38. In the current school year (2012-13), is your school administering progress assessments (also called "interim", "benchmark", or "diagnostic" assessments) for TK students? By progress assessments, we mean required tests administered periodically to monitor students' progress. We do not mean the annual state assessment nor the tests or quizzes teachers administer on their own.

- ☐ Yes → GO TO Q39
- ☐ No → SKIP TO Q41

If Q38=missing, go to Q41.

39. [IF Q38=YES]: On average, how often are children given progress assessments?

- ☐ Once a year
- ☐ Twice a year
- ☐ Three times a year
- ☐ Four or more times a year
- ☐ Don't know

40. To what extent have you used the results from these progress assessments for the following activities?

	Large extent	Moderate extent	Small extent	Not at all
a. Identify individual TK students who need additional instructional support such as tutoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Tailor instruction to individual TK students' needs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Identify and correct gaps in the TK curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Improve or increase the involvement of parents in student learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Group students for instruction (either within or across grade levels)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Provide information to parents on how their child is doing in the classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Family Engagement

41. To what extent do you use the following strategies to engage parents of students in your classroom?

	Large extent	Moderate extent	Small extent	Not at all
a. Talk with parents about the skills their child must learn to succeed in the next grade level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Provide specific activities for parents to do with their child in the home to support their learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Share with parents what children are doing and learning in class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Review resources designed to promote family involvement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Encourage parents to volunteer in the classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Communicate with parents in their home language about their child's learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Your Background

42. What is the highest level of education that you have completed?

- ☐ High school diploma or GED
- ☐ Some college
- ☐ 2 year college degree (AA or AS)
- ☐ 4 year college degree (BA or BS)
- ☐ Some graduate school
- ☐ MA or MS degree
- ☐ PhD
- ☐ Specialist degree

43. What certificates and/or credentials, if any, do you hold? (Check all that apply.)

- ☐ Multiple subject credential
- ☐ Single subject credential (Specify Subject): _____
- ☐ CLAD -Cross-cultural, Language, and Academic Development
- ☐ BCLAD – Bilingual Cross-cultural, Language, and Academic Development
- ☐ Special Education Certification
- ☐ Substitute Credential
- ☐ Emergency Credential
- ☐ California Child Development Teacher Permit
- ☐ Child Development Associate Credential (CDA)
- ☐ Other

44. Counting this school year, how many years have you taught in any grade? _____

Provided response may NOT be 0.

If Q44="1", skip to Q47. If Q44>1 or missing, go to Q45.

45. Counting this school year, how many years have you taught each of the following grades or programs? Please enter "0" for the grades and programs you have never taught full- or part-time.

	Years
a. Preschool or Head Start	
b. Transitional Kindergarten	
c. Kindergarten	
d. Transitional/Pre-1st Grade	
e. 1st Grade	
f. 2nd grade	
g. 3rd grade	
h. 4th grade	
i. 5th grade	
j. 6th grade or higher	
k. English as a Second Language (ESL) Program	
l. Bilingual Education Program	
m. Special Education Program	

46. Which grade(s) or program(s) did you teach last year (in 2011-2012)? (Check all that apply.)

- ☐ Preschool or Head Start
- ☐ Transitional Kindergarten
- ☐ Kindergarten
- ☐ Transitional/Pre-1st Grade
- ☐ 1st Grade
- ☐ 2nd grade
- ☐ 3rd grade
- ☐ 4th grade
- ☐ 5th grade
- ☐ 6th grade or higher
- ☐ English as a Second Language (ESL) Program
- ☐ Bilingual Education Program
- ☐ Special Education Program

47. Do you speak a language other than English in your home?

- ☐ No → GO TO “SUBMIT SURVEY” PAGE
- ☐ Yes → GO TO Q48

If Q47=missing, go to “submit survey” page.

48. What other language(s) do you speak at home? (Check all that apply.)

- ☐ Spanish
- ☐ Cantonese
- ☐ Mandarin
- ☐ Tagalog
- ☐ Vietnamese
- ☐ Other (specify): _____

Your responses have been received. Thank you for participating in The Study of California’s Transitional Kindergarten Program!

Kindergarten Teacher Questionnaire

Thank you for taking the time to complete the Kindergarten Teacher survey for the Study of California's Transitional Kindergarten (TK) Program.

This is a statewide study being conducted by the American Institutes for Research (AIR) with funding from the Heising-Simons Foundation and The David and Lucile Packard Foundation. The purpose of the study is to learn about how districts and schools across the state planned for and are implementing TK. As part of this study, we are surveying TK teachers and kindergarten teachers to better understand the early learning experiences of students across the state.

Please review the following details before getting started:

- Your **participation in this study is voluntary**. You may choose not to participate or to skip questions you do not wish to answer, without penalty.
- However, we encourage you to participate, as completing the survey gives you the opportunity to share your experiences with TK and kindergarten and **inform future efforts to support schools and districts to improve early education**.
- There are **no foreseeable risks** to participating in this study.
- The survey should take **about 30 minutes**.
- To thank you for your time and contributions, **we sent a \$25 gift card code to you** with the invitation to complete this survey. Please let us know if you have any trouble using the gift card code.
- **Your answers to the questions in this survey will be kept confidential** and will only be used for research purposes. Your individual answers will not be shared with other staff from your school or district or anyone other than the researchers working on this study. Results from this survey will never be presented in a way that would identify you or your school.
- **For more information** about the study, you may contact Mark Garibaldi, Project Coordinator, at 650-843-8132 or tk.study@air.org. For more information about your rights as a participant in this study, you may contact AIR's Institutional Review Board at IRBChair@AIR.org or 800-634-0797.

By completing this survey, you indicate that you have read and understood the information above and agree to participate in this study.

Thank you for participating!

If an item does not have skip specifications, go to the very next item, unless a previous skip specification indicates otherwise.

If a respondent does not answer an item, go to the very next item, unless otherwise specified.

Structure of Your Classroom

- Which of the following do you currently teach? (Check all that apply.)
 - ☐ Dedicated TK class (only TK students) → GO TO “INELIGIBLE” PAGE
 - ☐ Combination of TK and kindergarten → GO TO “INELIGIBLE” PAGE
 - ☐ Combination of TK, kindergarten, and one or more other grades (e.g., TK/K/1) → GO TO “INELIGIBLE” PAGE
 - ☐ Combination of TK with grades other than kindergarten (e.g., TK/PreK) → GO TO “INELIGIBLE” PAGE
 - ☐ Dedicated kindergarten class (only K students) → IF ONLY THIS OPTION IS SELECTED, GO TO Q2; IF THIS OPTION AND ANOTHER OPTION ARE SELECTED, GO TO “INELIGIBLE” PAGE

Response to q1 is required; respondent cannot proceed if it is blank

- Please tell us more about the grades you teach by completing the table below. For each session you teach, please enter the total number of students and the number of students in each grade level. If you do not teach the session or grade level, leave the cell blank.

	Total number of students	PreK	TK	Kin der gar ten	1st gra de	2nd gra de	3rd gra de	4th gra de	5th gra de	Other
a. Half-day session #1 (e.g., morning class)										
b. Half-day session #2 (e.g., afternoon class)										
c. Full-day session										
d. Other										

If any cell in row D is greater than 0, go to Q2Other. Otherwise, go to Q3.

2Other. In the previous question, you selected "other." Please describe the other session you teach below.

[ADD TEXT FIELD FOR WRITE-IN ANSWER]

- How many hours per week do your kindergarten students attend class? _____

If you teach multiple sessions, please answer all remaining questions about the first session of the day.

4. How many of the students enrolled in your classroom are in the following demographic groups? Please enter the number of kindergarten students on each line. Please enter "0" if there are no students in the demographic group.

	Number of K students
a. Male	
b. Female	
c. English learners (ELs)	
d. Special education	
e. Hispanic or Latino (of any race)	
f. American Indian or Alaska Native	
g. Asian	
h. Native Hawaiian or other Pacific Islander	
i. Filipino	
j. Black or African American	
k. White	
l. Two or more races	
m. Other racial/ethnic group	

5. How many hours per week do different types of staff usually assist **in your classroom** in the following ways? Write the number of hours in the appropriate boxes below.

	Teachers (other than you)	Regular Teachers' Assistants or Aides	Special Education Aides	ESL or Bilingual Education Aides
a. Hours per week spent working directly with students on instructional tasks				
b. Hours per week spent doing non-instructional work (such as photocopying, preparing materials, etc.)				

6. How often do you have parent volunteers in your classroom working directly with students?
- ☐ Every day
- ☐ 2-3 times per week
- ☐ Once a week
- ☐ Once a month
- ☐ Only occasionally
- ☐ Never

Planning for TK

7. To what extent were you involved in each of the following aspects of your school's **TK planning efforts** for the 2012-13 school year?

	Large extent	Moderate extent	Small extent	Not at all
a. Developing or choosing the curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Developing a TK report card	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Recruiting TK students to come to the program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Describing the TK program to parents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Setting up the TK or TK combo classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Collaboration and Professional Development

8. With which teachers in your school or district do you share each of the following? (Check all that apply.)

	Preschool Teachers	TK Teachers	Other Kindergarten Teachers	1st Grade Teachers	2nd Grade Teachers	3rd Grade Teachers	No other teachers
a. I have regularly-scheduled common planning time with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. I meet periodically to discuss what teachers are teaching and how it aligns across grades with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. I collaborate online to discuss what teachers are teaching and how it aligns across grades with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. I have joint professional development time with...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I use some of the same curricular materials for my K students as...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. I teach the same content standards to my K students as...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q8A-F: If "No other teachers" selected, no other responses may be selected for that item. If any other responses have been selected, "No other teachers" may not also be selected for that item.

Think about all the professional development (PD) experiences you have had since June 2012. This can include PD offered by any provider on any topic, and can be in many formats, for example as part of staff meetings, formal trainings, conferences, webinars or coaching.

9. Thinking about all the professional development activities that you have participated in since June 2012, how much emphasis was placed on the following topics?

	Major emphasis	Moderate emphasis	Minor emphasis	No emphasis/ NA
a. Using developmentally appropriate practice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Supporting students' social-emotional development	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Supporting students' learning in English language arts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Supporting students' learning in mathematics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Supporting students' learning in science	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Supporting students' learning in history-social science	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Integrating instruction across subject areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Meeting the needs of English learners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Learning a specific published curriculum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Learning about tools for student assessment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Using student progress monitoring tools for instructional planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Reviewing student assessment data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Differentiating instruction for individual students	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Differentiating instruction for students enrolled in TK versus regular kindergarten in combination classrooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Using Response to Intervention (RTI) strategies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p. Reporting student progress	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q. Engaging families to support instruction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r. Articulation between preschool and TK	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Major emphasis	Moderate emphasis	Minor emphasis	No emphasis/ NA
s. Articulation between TK and kindergarten	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

10. (3.1) All together, how many hours of professional development have you received since June 2012?

Curriculum

11. Please select the English Language Arts curricula you use in your classroom. (Check all that apply.)

English Language Arts curricula:	K curriculum
Alpha Chants	<input type="checkbox"/>
Alpha-Friends Kit	<input type="checkbox"/>
Avenues	<input type="checkbox"/>
Born to Learn	<input type="checkbox"/>
California Treasures Kindergarten Curriculum	<input type="checkbox"/>
Circle Strategies for Language and Literacy	<input type="checkbox"/>
Creative Curriculum	<input type="checkbox"/>
Curiosity Corner	<input type="checkbox"/>
DLM Early Childhood Express	<input type="checkbox"/>
Doors to Discovery	<input type="checkbox"/>
Gilroy Core Literature	<input type="checkbox"/>
Guided Reading	<input type="checkbox"/>
Hands-On Alphabet Activities	<input type="checkbox"/>
Handwriting without Tears	<input type="checkbox"/>
High/Scope	<input type="checkbox"/>
Houghton Mifflin Preschool Curriculum	<input type="checkbox"/>
Houghton Mifflin Kindergarten Curriculum	<input type="checkbox"/>
Imaginet	<input type="checkbox"/>
Leveled Readers Preschool	<input type="checkbox"/>
Leveled Readers Kindergarten	<input type="checkbox"/>
Little Reader for Little Readers	<input type="checkbox"/>
Open Court	<input type="checkbox"/>
Opening the World of Learning (OWL)	<input type="checkbox"/>
P.O.L.L. strategies	<input type="checkbox"/>
Play for Social Studies (Scott Foresman program)	<input type="checkbox"/>
Reader's Theater	<input type="checkbox"/>
Scholastic Big Day	<input type="checkbox"/>
Scholastic Everyday Counts	<input type="checkbox"/>
Treasures and Little Treasures	<input type="checkbox"/>
Virtual Pre-K (VPK)	<input type="checkbox"/>
Writer's Workshop	<input type="checkbox"/>
ELA program designed by our district	<input type="checkbox"/>
Other ELA curriculum (specify):	<input type="checkbox"/>

12. Please select the Math curricula you use in your classroom. (Check all that apply.)

Math curricula:	K curriculum
Activities that Incorporate Math and Science (AIMS)	<input type="checkbox"/>
Big Math for Little Kids	<input type="checkbox"/>
Building Blocks	<input type="checkbox"/>
Envision It	<input type="checkbox"/>
Every Day Counts	<input type="checkbox"/>
Everyday Math	<input type="checkbox"/>
Family Math	<input type="checkbox"/>
Go Math	<input type="checkbox"/>
Growing with Math (McGraw Hill)	<input type="checkbox"/>
Harcourt Math	<input type="checkbox"/>
Math Their Way	<input type="checkbox"/>
Mathematics: The Creative Curriculum Approach	<input type="checkbox"/>
Mountain Math	<input type="checkbox"/>
Numbers Plus (High/Scope)	<input type="checkbox"/>
Number Worlds	<input type="checkbox"/>
Pre-K Mathematics	<input type="checkbox"/>
Touch Math	<input type="checkbox"/>
Scholastic Big Day	<input type="checkbox"/>
Math program designed by our district	<input type="checkbox"/>
Other math curriculum (specify):	<input type="checkbox"/>

13. Please select the Science curricula you use in your classroom. (Check all that apply.)

Science curricula:	K curriculum
Activities that Incorporate Math and Science (AIMS)	<input type="checkbox"/>
FOSS Science K program	<input type="checkbox"/>
Headstart on Science	<input type="checkbox"/>
McMillan	<input type="checkbox"/>
Treasures and Little Treasures	<input type="checkbox"/>
Scholastic Big Day	<input type="checkbox"/>
Science program designed by our district	<input type="checkbox"/>
Other science curriculum (specify):	<input type="checkbox"/>

14. Please select the Social Studies curricula you use in your classroom. (Check all that apply.)

Social Studies curricula:	K curriculum
California Vistas (McMillan/McGraw Hill)	<input type="checkbox"/>
High/Scope	<input type="checkbox"/>
Houghton Mifflin History-Social Science	<input type="checkbox"/>
Reflections California Series (Houghton Mifflin Harcourt)	<input type="checkbox"/>
Scott Foresman History-Social Science for California	<input type="checkbox"/>
Social Studies program designed by our district	<input type="checkbox"/>
Other social science curriculum (specify):	<input type="checkbox"/>

15. Please select the Social-Emotional curricula you use, if any, in your classroom. (Check all that apply.)

Social-Emotional curriculum:	K curriculum
First Step to Success	<input type="checkbox"/>
Families and Schools Together (FAST)	<input type="checkbox"/>
AI's Pals	<input type="checkbox"/>
Emotions Course	<input type="checkbox"/>
Incredible Years: Dina Dinosaur Classroom Curriculum	<input type="checkbox"/>
Positive Behavioral Interventions & Supports (PBIS)	<input type="checkbox"/>
Second Step	<input type="checkbox"/>
Social Skills in Pictures, Stories, and Songs	<input type="checkbox"/>
Social-Emotional program designed by our district	<input type="checkbox"/>
Social-Emotional program designed by the teacher(s)	<input type="checkbox"/>
Other social-emotional curriculum (specify):	<input type="checkbox"/>

Instructional Strategies

16. How **often** AND **how much time** do your kindergarten students usually work on lessons or projects in the following general topic areas, whether as a whole class, in small groups, or in individualized arrangements?

	How often					How much time			
	Never	Less than once a week	1-2 times a week	3-4 times a week	Daily	1-30 minutes a day	31-60 minutes a day	61-90 minutes a day	More than 90 minutes a day
a. Reading and language arts									
b. Mathematics									
c. Social studies									
d. Science									
e. Music and/or dance									
f. Art									
g. Social-emotional skills									

17. In a typical **day**, how much time do your kindergarten students spend in the following activities? Do not include lunch or recess breaks.

	No time	Half hour or less	About one hour	About two hours	Three hours or more
e. Teacher-directed whole class activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Teacher-directed small group activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Teacher-directed individual activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Child-selected activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. To what extent do you use the following instructional strategies in your classroom?

	Large extent	Moderate extent	Small extent	Not at all
d. Group students according to ability levels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Group students according to age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Use mixed ability groups	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19. Please indicate your level of agreement with the following statements about your teaching.

	Strongly Agree	Agree	Disagree	Strongly Disagree
g. I individualize instruction to ensure that I meet individual student learning needs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. I know how to provide instruction in English so it can be understood by English learners (ELs).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Differentiating instruction for all my students is impossible, given the range of needs or size of my class.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. I use developmentally appropriate practice with all of my students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. I use student ability level rather than age to guide my practice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. I use Response to Intervention (RTI) strategies for students who are having difficulty learning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

20. Do your kindergarten students who are English learners (ELs) receive instruction in their home language at school?

- ☐ Yes
- ☐ No
- ☐ None of my kindergarten students are ELs.

21. To what extent do you agree or disagree with each of the following statements about teaching kindergarten students?

	Strongly Agree	Agree	Disagree	Strongly Disagree
j. Kindergarten provides a good opportunity to spend extra time on social and emotional development.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Kindergarten instruction in my classroom is mostly play-based.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. It is clear to me what is expected of students upon completion of kindergarten.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Kindergarten students should not be expected to learn about academic subjects such as reading and math.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n. Kindergarten students are too young for homework.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o. Kindergarten students learn best through play-based activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p. Learning about math in kindergarten is as important as literacy for supporting student's future school success.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q. I use assessment results to help individualize instruction for my kindergarten students.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r. I use TK activities for kindergarten students who need extra support.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

22. At the end of this school year, how many of your kindergarten students do you think will be recommended to repeat kindergarten? _____

Family Engagement

23. To what extent do you use the following strategies to engage parents of students in your classroom?

	Large extent	Moderate extent	Small extent	Not at all
g. Talk with parents about the skills their child must learn to succeed in the next grade level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Provide specific activities for parents to do with their child in the home to support their learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Share with parents what children are doing and learning in class	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Review resources designed to promote family involvement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Encourage parents to volunteer in the classroom	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. Communicate with parents in their home language about their child's learning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Your Background

24. What is the highest level of education you have completed?

- ☐ High school diploma or GED
- ☐ Some college
- ☐ 2 year college degree (AA or AS)
- ☐ 4 year college degree (BA or BS)
- ☐ Some graduate school
- ☐ MA or MS degree
- ☐ PhD
- ☐ Specialist degree

25. What certificates and/or credentials, if any, do you hold? (Check all that apply.)

- ☐ Multiple subject credential
- ☐ Single subject credential (Specify Subject): _____
- ☐ CLAD - Cross-cultural, Language, and Academic Development
- ☐ BCLAD – Bilingual Cross-cultural, Language, and Academic Development
- ☐ Special Education Certification
- ☐ Substitute Credential
- ☐ Emergency Credential
- ☐ California Child Development Teacher Permit
- ☐ Child Development Associate Credential (CDA)
- ☐ Other

26. Counting this school year, how many years have you taught in any grade? _____

Provided response may NOT be 0.

If q26="1", skip to q29; if q26 greater than 1 or missing, go to q27.

27. Counting this school year, how many years have you taught each of the following grades or programs? Please enter "0" for the grades and programs you have never taught full- or part-time.

	Years
n. Preschool or Head Start	
o. Transitional Kindergarten	
p. Kindergarten	
q. Transitional/Pre-1st Grade	
r. 1st Grade	
s. 2nd grade	
t. 3rd grade	
u. 4th grade	
v. 5th grade	
w. 6th grade or higher	
x. English as a Second Language (ESL) Program	
y. Bilingual Education Program	
z. Special Education Program	

28. Which grade(s) or program(s) did you teach last year (in 2011-2012)? (Check all that apply.)

- ☐ Preschool or Head Start
- ☐ Transitional Kindergarten
- ☐ Kindergarten
- ☐ Transitional/Pre-1st grade
- ☐ 1st grade
- ☐ 2nd grade
- ☐ 3rd grade
- ☐ 4th grade
- ☐ 5th grade
- ☐ 6th grade or higher
- ☐ English as a Second Language (ESL) Program
- ☐ Bilingual Education Program
- ☐ Special Education Program

29. Do you speak a language other than English in your home?

- ☐ No → GO TO “SUBMIT SURVEY” PAGE
- ☐ Yes → GO TO Q30

If Q29=missing, go to “submit survey” page.
--

30. What other language(s) do you speak at home? (Check all that apply.)

- ☐ Spanish
- ☐ Cantonese
- ☐ Mandarin
- ☐ Tagalog
- ☐ Vietnamese
- ☐ Other (specify): _____

Your responses have been received. Thank you for participating in The Study of California’s Transitional Kindergarten Program!

Supplemental Observation Checklist

Teacher _____ School _____ Date _____

		Yes	No	Notes
Furniture	Most furniture is child-sized	<input type="checkbox"/>	<input type="checkbox"/>	
	Most students sit at tables	<input type="checkbox"/>	<input type="checkbox"/>	
	Most students sit at individual desks	<input type="checkbox"/>	<input type="checkbox"/>	
Relaxation and Comfort	A “cozy” area is accessible to students ³²	<input type="checkbox"/>	<input type="checkbox"/>	
Interest Centers	Does the classroom have the following interest centers:	Yes	No	
	Art	<input type="checkbox"/>	<input type="checkbox"/>	
	Science/nature	<input type="checkbox"/>	<input type="checkbox"/>	
	Mathematics	<input type="checkbox"/>	<input type="checkbox"/>	
	Blocks	<input type="checkbox"/>	<input type="checkbox"/>	
	Books/literacy (e.g., library corner)	<input type="checkbox"/>	<input type="checkbox"/>	
	Dramatic play	<input type="checkbox"/>	<input type="checkbox"/>	
	Music/movement	<input type="checkbox"/>	<input type="checkbox"/>	
	Writing	<input type="checkbox"/>	<input type="checkbox"/>	
	<i>Other: specify</i>	<input type="checkbox"/>	—	
Display	Most of the display (art or classwork) is work done by students	<input type="checkbox"/>	<input type="checkbox"/>	
Circle Area	The classroom has a clearly designated area for whole group activities or “circle time” with a rug	<input type="checkbox"/>	<input type="checkbox"/>	
Literacy	The room offers a “print-rich” environment (e.g., names on cubbies, posters on walls, labels on objects).	<input type="checkbox"/>	<input type="checkbox"/>	

³² A cozy area is a clearly defined space with a substantial amount of softness, where students may lounge, daydream, read, or play quietly, such as a soft rug with several cushions. One small thing, in itself, does not create a cozy area.

		Accessible to Students	Visible But Not Accessible	Not Visible	Notes
Fine motor	Fine motor materials (e.g., small building toys, art materials, manipulatives such as beads of different sizes, and puzzles) are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Art	Art materials are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Music & movement	Music materials (e.g., music center w/instruments, tape player, dance props) are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Blocks	Enough space, blocks, and accessories for three or more students to build at the same time are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Sand and water	Sand play or equivalent (e.g., cornmeal, rice) OR water play are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dramatic play	Dramatic play materials (e.g., dress up clothes, housekeeping props, dolls) are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Nature and science	Nature/science games, materials, and activities (e.g., collections of natural objects, rocks, insects, seed pods, living things, books, games or toys, activities such as cooking and experiments with magnets, magnifying glasses, sink-and-float) are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mathematics and numeracy	Mathematics-related materials (e.g., counting materials, measuring, learning shape & size, balance scales, number puzzles, puzzles w/different geometric shapes, games such as dominoes or number lotto, and shapes/manipulatives) are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Writing	Writing materials (e.g., cans of pencils, erasers, dry erase boards; high frequency or “sight” word charts) and/or evidence of students’ writing activities (worksheets to practice letters) are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Computers	Computers, iPads, or similar are:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Books	Students <u>have access</u> to (circle one):	Less than 40 books	Between 40 and 80 books	More than 80 books	

District TK Administrator Interview Protocol

Spring 2013

Name of District	
Name of Administrator	
Title of Administrator	
Name of School(s) in District that will be part of Site Visit	
Name of Senior Site Visitor	
Name of Junior Site Visitor	
Date of Interview	
Duration of Interview	

District TK Administrator Interview Protocol

The District TK Administrator interview should take approximately 60 minutes.

You should be able to cover all the questions in 60 minutes. However, if you have less time, make sure you cover the questions marked in bold.

Interview tips:

- *Before the site visit, review the school information form about the district's demographics, TK model(s), and any other information pertinent to this district and its schools that are implementing TK.*
- *Tailor the interview protocol to this particular district and the school(s) within that district that will be visited.*
- *Prior to the interview, review the consent form and ask the district budget officer to sign it. **If interviewing by phone, read the consent information and ask for his/her verbal agreement.***
- *Record the interview using a DVR (be sure to bring extra batteries and test out the device prior to the visit).*
- *Notify Raquel that the audio file can be sent for transcription.*
- *After the interview, add information from this interview to the site visit summary form.*

Materials for the interview:

- *Signed consent form*
- *Interview protocol*
- *Interview summary form*

The following is a suggested introduction. When you begin the interview, make these points, but use your own words for a more personal introduction.

Introduction

Thanks again for taking the time to speak with my colleague [insert name of junior site visitor, if applicable] and me this morning/afternoon. Before we start, I'd like to provide a little background on our work, and answer any questions you might have for us.

Evaluation of California's Transitional Kindergarten Program

We work for an independent non-profit research organization called the American Institutes for Research, and we are conducting research under a grant from the Heising-Simons Foundation and the David and Lucile Packard Foundation. The purpose of the study is to learn about how TK is being implemented in California, including understanding decision-making processes, challenges, and successes that selected districts, schools and teachers have encountered with TK. We have been surveying teachers, principals and district administrators throughout the state to explore these issues, and we are now visiting 8-10 districts within the state of California to learn about TK in more depth [*Don't mention other districts'/schools' names.*]

Our discussion should take about an hour, and we will be asking you questions about your district's approach to transitional kindergarten. Participation in the study is voluntary. You may choose not to participate or stop participating at any time without penalty.

Confidentiality

Before we start, I want to assure you that all information you share today will be kept confidential and will only be used for research purposes. We will not use your name or your district's name in any of our reports. We also will not share what you and I discuss with other people in this district.

I would also like to give you a chance to read and sign the consent form. This consent form describes the evaluation in more detail and explains that we will keep your identity and the information you supply private. The form also provides a phone number you can call should you have any questions.

Recording

If you don't mind, we would like to record this interview simply for note-taking purposes. No one outside of our research team would hear the recording; it would just be for our own reference. If you would like us to turn off the recorder at any point, just let us know. Would that be OK?

[Wait for the recording to start.] Do you have any questions before we begin?

A. Administrator's Role

1. I'd like to start by asking you to tell me about your role in the district and how transitional kindergarten fits in.
 - a. What percentage of your time is focused on work related to TK?
2. Are there other staff in the district who do work related to TK?
 - a. If yes: Who are these colleagues and what is/are their specific role(s)?

B. Early Implementers

Ask if district implemented prior to 2012-13:

3. When did your district decide to implement transitional kindergarten?
 - a. When did TK actually begin in your district?
4. Tell me about the decision to implement TK early. How was the decision made? What were the main motivating factors?

5. How has your program changed this year, if at all, given the legislation requiring districts implement TK?

C. Standard Implementers

Ask if district implemented in 2012-13:

6. Tell me about the decision to implement TK. Who made the decision? Was it a clear-cut decision, or were there concerns?
- [If not discussed]* How did the uncertainty around the Governor's budget and whether TK would be funded influence your district's decision?
 - Was moving forward with implementing TK a good decision? Why or why not?
 - [If the respondent is NOT the superintendent:]* How supportive of TK was (and is) the superintendent?
7. How supportive were principals and teachers of the decision to implement transitional kindergarten in your district?
- What were their concerns?
 - Have their views changed since the beginning of the school year? What do you hear from principals and teachers about TK now? What do you think influenced the change, if there was one?

D. Planning/Structure

8. When you and your staff were planning your TK program, what sources of information or guidance about implementation did you draw on?
9. How did you decide how to structure your TK program? That is, how did you decide whether to offer TK combination classrooms, a straight TK classroom, or a TK hub—where students from across the district would attend TK in one or more centralized schools and then return to their home school after TK?

E. Staffing and Professional Development

10. How were teachers selected (or hired) to teach TK? *Possible probes: Were decisions about the selection of TK teachers made at the district or school level? What factors were considered in selection/hiring?*
11. What information or guidance were teachers given about how to implement TK?
12. Were professional development opportunities offered to TK teachers about how to implement TK? *If yes, probe for specifics.*
13. Is PD for TK teachers different in any way from PD offered to K or other teachers? If so, how?

F. Student Demographics and Outreach to Families

14. Tell me about the students enrolled in transitional kindergarten in your district. Do they reflect the demographics of the rest of your student population? Or are they different in some way?
- Did you target certain populations or types of students? If so, who?
 - Did certain types of parents opt in or out at higher rates than others? If so, who? Why do you think this happened?
15. How do you share information about TK with families? How did most families who enrolled find out about TK?
16. Did you try to recruit families for TK? How? Or, were there families who wanted to enroll in TK whose children were ineligible?

G. Enrollment and Promotion Policies

17. I understand in your district, children who turned five between [TIMEFRAME] were eligible for TK in 2012-13, is that correct? Why did you decide to use this timeframe instead of [NOVEMBER ONLY/SEP-NOV]?
18. Are any other factors used for determining eligibility? For example, are other students who are older but deemed not yet ready for kindergarten sometimes placed in TK? How do you make this decision?
- Are some students who are age-eligible for TK but otherwise developmentally ready for kindergarten sometimes placed directly into kindergarten? How do you make this decision?
 - And what about children who are younger—those born after December 2—does your district allow these children into TK? Under what circumstances?
19. Do you have a policy for promoting students from TK to first grade? If so, what is the policy? What criteria are used for this decision? Are any exceptions made?

H. Curricula

20. Are teachers using a formal curriculum for TK? Are decisions about curriculum made at the district or school level?
- [If district decision or if district had any oversight:]*
21. What factors were considered when selecting the TK curriculum?
22. Were teachers given any training on using the curriculum? *[If yes,]* What was involved in this training?

I. Assessment and Data Tracking

23. How is student progress in TK assessed?
- What assessment is used and how was it developed?

- b. How are assessment results used?
- 24. Are assessment results maintained in a data system at the district?
- 25. Do you have assessment results—for example, a report of fall-spring assessment results—that you could share with us?

J. Budget and Staffing Implications

- 26. Did you have to hire additional teachers to implement TK?
- 27. How many students are in your TK classrooms? How many in your kindergarten classrooms? Did this change as a result of TK implementation? If so, how?

Note: Only ask these questions if you are NOT interviewing the District Budget Officer separately.

- 28. In general, how has TK implementation impacted your budget? *Probes: what elements of TK had the biggest impact on the budget, and why? Were you able to use for TK materials, furniture, and space that the district already had?*
- 29. What funding sources did you use to cover materials, space, professional development, and staff salaries for TK?
- 30. How will TK impact the district's budget in future years?

K. Articulation across TK, K, and Primary Grades

- 31. How has the introduction of TK supported articulation between PreK and K-3, if at all?
- 32. Has TK implementation impacted interactions between TK, K and other elementary grade teachers—and if so, how?
- 33. Do you have processes or structures in place to encourage alignment in curricula, assessment, and practice between Prek, TK, and K-3? If so, what does this look like?
- 34. What processes are in place to support students' transition from Prek to TK or from TK to kindergarten?

35. Were combined professional development opportunities offered to Prek, TK, and K-3 teachers? *If yes, probe for specifics.*

L. TK Successes, Challenges, and Opportunities

36. What do you think the value of TK is for students? For your district?

37. In your district, what is the biggest difference between TK and K?

38. What challenges have you faced so far with TK implementation?

39. What successes have you experienced with TK implementation?

40. Has your district experienced any unanticipated benefits of having transitional kindergarten in your schools?

41. Since implementation of TK, has your district made any changes based on lessons learned? *Probe for examples of changes in model, instructional approach(es), staffing, and/or professional development.*

M. Closing

42. Is there anything else you'd like to share with us about TK in your district?

Before you finish the interview, be sure to thank the district administrator for his/her time.

District Budget Officer Interview Protocol

Spring 2013

Name of District	
Name of District Budget Officer	
Title of District Budget Officer	
Name of School(s) in District that will be part of Site Visit	
Name of Senior Site Visitor	
Name of Junior Site Visitor	
Date of Interview	
Duration of Interview	

District Budget Officer Interview Protocol

The District Budget Officer interview should take approximately 30-45 minutes.

You should be able to cover all the questions in 30-45 minutes. However, if you have less time, make sure you cover the questions marked in bold.

Interview tips:

- ***Before the interview, send the budget officer the budget worksheet*** (saved on the LAN in the same folder as this interview protocol) and ask for them to send it back to you prior to the interview if possible.
- *Before the interview, review the school information form about the district's demographics, TK model(s), and any other information pertinent to this district (e.g., if it's a Basic Aid district) and its schools that are implementing TK.*
- *Tailor the interview protocol to this particular district and the school(s) within that district that will be visited.*
- *Prior to the interview, review the consent form and ask the district budget officer to sign it. **If interviewing by phone, read the consent information and ask for his/her verbal agreement.***
- *Record the interview using a DVR (be sure to bring extra batteries and test out the device prior to the visit).*
- *Notify Raquel that the audio file can be sent for transcription.*
- *After the interview, add information from this interview to the site visit summary form.*

Materials for the interview:

- *Budget officer worksheet*
- *Signed consent form (if in person)*
- *Interview protocol*
- *Interview summary form*

The following is a suggested introduction. When you begin the interview, make these points, but use your own words for a more personal introduction.

Introduction

Thanks again for taking the time to speak with my colleague [insert name of junior site visitor, if applicable] and me this morning/afternoon. Before we start, I'd like to provide a little background on our work, and answer any questions you might have for us.

Evaluation of California's Transitional Kindergarten Program

We work for an independent non-profit research organization called the American Institutes for Research, and we are conducting research under a grant from the Heising-Simons Foundation and the David and Lucile Packard Foundation. The purpose of the study is to learn about how TK is being implemented in California, including understanding decision-making processes, challenges, and successes that selected districts, schools and teachers have encountered with TK. We have been surveying teachers, principals and district administrators throughout the state to explore these issues, and we are now visiting 8-10 districts within the state of California to learn about TK in more depth *[Don't mention other districts'/schools' names.]*

Our discussion should take about 30-45 minutes, and we will be asking you questions about your district's approach to funding transitional kindergarten. Participation in the study is voluntary. You may choose not to participate or stop participating at any time without penalty.

Confidentiality

Before we start, I want to assure you that all information you share today will be kept confidential and will only be used for research purposes. We will not use your name, or your district's name in any of our reports. We also will not share what you and I discuss with other people in this district.

I would also like to give you a chance to read and sign the consent form. This consent form describes the evaluation in more detail and explains that we will keep your identity and the information you supply private. The form also provides a phone number you can call should you have any questions.

Recording

If you don't mind, we would like to record this interview simply for note-taking purposes. No one outside of our research team would hear the recording; it would just be for our own reference. If you would like us to turn off the recorder at any point, just let us know. Would that be OK?

[Wait for the recording to start.] Do you have any questions before we begin?

A. Role and Background

1. I'd like to start by asking you to tell me a bit about your role in the district. What is your position, and, briefly, what are your job responsibilities?
2. As the district was planning to implement TK, how much were you involved in those planning conversations? What role did you play?

B. Planning

3. Did your district have to draw on resources other than base ADA (or basic aid) funding to *plan for* TK? I'll ask some questions later about funding used to implement TK—but right now, we are interested in the planning phase. If yes, which sources?

C. Implementation

4. Did your district have to draw on funding sources other than base ADA (or basic aid) funding to *implement* TK? If yes, which sources were used to fund TK activities? *Probe for funding sources used to fund a) hiring of teachers, b) curriculum, c) other classroom materials, d) planning activities?*
5. *If a Basic Aid District (e.g., Campbell):* How does implementing TK as a Basic Aid district differ from if you had received ADA from the state?

6. How has your district's budgeting changed as a result of TK implementation, if at all? Did you have to move resources from other district programs in order to fund TK? *Probe: If line items were changed, how were these decisions made?*

D. Funding Sources

7. We had asked you to fill out a worksheet that indicates how much was drawn from each revenue source to support TK implementation... were you able to complete that?
[Ask any clarifying questions]

E. Sustainability

8. Do you have enough resources to sustain the TK program in your district over the long-term? Why or why not?
9. Are there challenges in funding TK adequately? What other resources are needed, if any?

F. Closing

10. Is there anything else you'd like to share with us about funding TK in your district?

Before you finish the interview, be sure to thank the district budget officer for his/her time.

Case Study District Budget Officer Interview Supplemental Questionnaire

Thank you for taking the time to talk with us about how TK has been funded and how it has impacted your district's finances. We would like to better understand what resources districts have used to implement TK. Please take a moment to answer the brief questions below regarding expenditures and funding sources. All information will be kept confidential; it will be seen only by AIR's research team. Results will be reported only in aggregate, and you and your district will never be identified in any report.

If your interview is scheduled in person, you may return this survey to the interviewer at that time. If your interview is by phone, you may return this survey to us by email at tk.study@air.org by fax at 650-843-8200.

Thank you very much for your participation in the study!

1. In addition to average daily attendance state funding (or basic aid funds), have you used funding or resources from any of the following sources to support the day-to-day activities of running your transitional kindergarten program this year? Check Yes, No, or Don't Know on each line.

	Yes	No	Don't Know
a. Title I, regular			
b. Title I, ARRA (American Recovery and Reinvestment Act)			
c. Title I, Professional Development set-aside			
d. Title II, Part A (Teacher and Principal Training and Recruiting Fund)			
e. Title II, Part D (Enhancing Education through Technology)			
f. Title III English Language Acquisition Program (ELAP)			
g. Economic Impact Aid - State Compensatory Education			
h. Economic Impact Aid - Limited English Proficient			
i. School Improvement Grants			
j. Tier III programs, including Instructional Materials, School and Library Improvement Block Grant, and/or Senate Bill (SB) 472/Assembly Bill (AB) 430			
k. State categorical funding (Please specify: _____)			
l. Other local sources of funding (e.g., district education foundation, PTA) (Please specify: _____)			
m. Other grants? (Please specify: _____)			

2. *Aside from district staff time for planning*, what other costs has your district incurred to get your TK program up and running? Please give your best estimate of the cost of the following in the 2012-13 school year, and then indicate if the amount you had available to spend on each was sufficient.

TK-related expenses	Estimated cost you have incurred for the 2012-13 school year	Were available resources sufficient?		
		No	Yes	Don't Know
Hiring additional teachers (salaries and benefits)				
Hiring additional aides/paraprofessionals (salaries and benefits)				
New curriculum materials				
New classroom materials				
New classroom technology				
New assessments				
Fees for external trainers to provide training related to TK for teachers or administrators				
Outreach materials for parents				
Additional transportation costs				
Upgrading or building new facilities				
Other (Specify _____)				
Other (Specify _____)				

3. Please give your best estimate below of how much your district will need to spend over the next two school years to reach full implementation of TK.

TK-related expenses	Estimated costs you anticipate for:	
	2013-14 school year	2014-15 school year
Hiring additional teachers (<i>salaries and benefits over and above salary/benefit costs you are paying in 2012-13</i>)		
Hiring additional aides/paraprofessionals		
New curriculum materials		
New classroom materials		
New classroom technology		
New assessments		
Fees for external trainers to provide training related to TK for teachers or administrators		
Outreach materials for parents		
Additional transportation costs		
Upgrading or building new facilities		
Other (Specify _____)		
Other (Specify _____)		

Kindergarten Teacher Interview Protocol

Spring 2013

Name of District	
Name of School	
Name of Teacher	
Name of Senior Site Visitor	
Name of Junior Site Visitor	
Date of Interview	
Duration of Interview	

K Teacher Interview Protocol

A. Teacher's Tenure and Background

1. I'd like to start by asking you to tell me a bit about yourself.
 - a. How long have you been teaching at this school? And overall?
 - b. How long have you been teaching kindergarten?
2. What experience, if any, do you have teaching at the preschool level?
3. How were teachers chosen to teach TK at this school?

B. Classroom Demographics

Let's talk a bit about the students in your class. *Note: If the teacher has a morning and afternoon session, ask about both sessions.*

4. How many total students do you have in your class?
5. What is the age range of students in your class?
 - a. Did any of your students turn 5 between [TK ELIGIBILITY TIMEFRAME ACCORDING TO DISTRICT]?
 - b. How many were age eligible for kindergarten last year (that is, turned 6 by Dec 2 of 2012)?
6. How many of your students are:
 - c. Boys and how many are girls?
 - d. English learners?
 - e. Students with disabilities or special needs?

7. Aside from age, do your kindergarten students look like the TK students in this school in terms of these characteristics—gender, ELs, students with disabilities—or other characteristics?
- a. *[If they differ,]* How are they different? Why do you think that is?
-

C. Curricula and Teaching Strategies

8. Tell me about kindergarten in your school. What is your approach to teaching kindergarten, and how is this different, if at all, from TK?
- a. What are kindergarten students expected to know and be able to do by the end of the year? Is this different from TK expectations?
- b. How does the experience of the kindergarten students in your classroom differ, if at all, from the experience of the TK students?
9. What guidance were you given from your district or school administrators about how kindergarten should look different from TK?
10. How do you decide what to teach in kindergarten?
- a. What curricula do you use?
- b. *[if using multiple curricula or some hybrid approach, probe for details.]*
- c. Has this curriculum or approach changed since TK was introduced?
11. Are you using the Common Core State Standards for kindergarten to guide your instruction?
- a. *[If yes,]* How?
12. Do you group students for instruction? *[if needed, probe: by ability, by age, or do you use mixed ability groups?]*
- a. *[if yes,]* How do you group students?
- b. What do you hope to achieve by grouping students this way?
13. To what extent are you able to differentiate instruction for your students—that is, to adjust your instruction to meet the individual learning needs of your students? How do you do this? Can you give me an example—perhaps from the session I observed?
14. Do you ever use TK or preschool curriculum activities for struggling kindergarten students? *If yes, probe for an example.*

15. How does free choice or free play time fit into your approach to kindergarten? How does it fit into TK teachers' approach to TK?

16. How has your approach changed since the beginning of the year, if at all? Why?

D. Follow-up on Observation

17. Let's talk about the lessons I observed this morning/afternoon. Was this a typical day in your classroom? *[If not typical,]* What was different about today?

18. [Pick out a lesson you observed and ask]: Tell me a little more about [DESCRIBE THE ACTIVITY BRIEFLY]—tell me about your goal for that activity.

a. How do you feel this went?

E. Professional Development

19. What professional development experiences have you received this year to help you teach kindergarten? *Probe for a description of these opportunities.*

20. Of these professional development opportunities, which were most helpful, and why?

21. What additional support or professional development would be helpful for you in terms of teaching your kindergarten class?

F. Articulation Across TK, K, and Primary Grades

We're interested in articulation—or alignment—between preK, TK, kindergarten, and 1st-3rd grades.

22. Tell me about how you communicate and/or coordinate with the TK teachers in your school. In your view, are TK and K well aligned?

23. How much interaction, if any, do you have with preschool teachers in your district or in your community? With TK teachers in your school? Has TK helped to increase communication or improve alignment between preK and primary grades (including K)? How?

24. How much interaction, if any, do you have with 1st through 3rd grade teachers in your school? Are TK, K and K-3 well aligned?

G. Assessment and Promotion

25. How is student progress in kindergarten assessed?

- a. What assessments are used?
- b. *[If a formal assessment,]* Are these assessments used in kindergarten districtwide?
- c. Are these the same assessments used in TK classrooms?
- d. How are assessment results used?
- e. Are assessment results maintained in a data system at the school or district level?

26. How will you determine whether your students will be retained or promoted to first grade?

- a. Who makes these decisions?
- b. If children are retained, what criteria are used for retention? *Probe for what (e.g., assessment) and who (e.g., teacher, teacher-parent) informs these decisions.*

H. Outreach to Families

27. Did you have a role in sharing information about TK with families? How did you do so?

28. How involved in your classroom are parents, if at all?

29. How do you encourage parent involvement in your classroom?

30. Are there any strategies that you use to encourage parents to support their child's learning at home? Can you give me some examples?

I. TK Implementation: Successes, Challenges, and Lessons Learned

31. What do you think the value of TK is?

- a. for students?
- b. for your school?
- c. for the district?

32. In your school, what is the biggest difference between TK and K?
33. What challenges has your school faced so far with TK implementation?
34. What successes have you or your school experienced with TK implementation?
35. Has your school experienced any unanticipated benefits of having TK?
36. Since implementation of TK, has your school made any changes based on what you've learned? *Probe for examples of changes in model, instructional approach(es), staffing, and/or professional development.*

J. Closing

37. Is there anything else you'd like to share with us about TK in your school?

Thank you very much for your time!

TK Teacher Interview Protocol

Spring 2013

Name of District	
Name of School	
Name of Teacher	
Name of Senior Site Visitor	
Name of Junior Site Visitor	
Date of Interview	
Duration of Interview	

TK Teacher Interview

Thanks again for taking the time to speak with my colleague [insert name of junior site visitor] and me this morning/afternoon. Before we start, I'd like to provide a little background on our work, and answer any questions you might have for us.

Study of California's Transitional Kindergarten Program

We work for an independent non-profit research organization called the American Institutes for Research, and we are conducting research under a grant from the Heising-Simons Foundation and the David and Lucile Packard Foundation. The purpose of the study is to learn about how TK is being implemented in California, including understanding decision-making processes, challenges, and successes that selected districts, schools and teachers have encountered with TK. We have been surveying teachers, principals and district administrators throughout the state to explore these issues, and we are now visiting 8-10 districts within the state of California to learn about TK in more depth *[Don't mention other districts'/schools' names.]*

Our discussion should take about an hour, and we will be asking you questions about [YOUR DISTRICT'S/YOUR SCHOOL'S/YOUR] approach to transitional kindergarten. Participation in the study is voluntary. You may choose not to participate or stop participating at any time without penalty.

Confidentiality

Before we start, I want to assure you that all information you share today will be kept confidential and will only be used for research purposes. We will not use your name or your [SCHOOL'S/DISTRICT'S] name in any of our reports. We also will not share what you and I discuss with other people in this district/school.

I would also like to give you a chance to read and sign the consent form. This consent form describes the evaluation in more detail and explains that we will keep your identity and the information you supply private. The form also provides a phone number you can call should you have any questions.

Recording

If you don't mind, we would like to record this interview simply for note-taking purposes. No one outside of our research team would hear the recording; it would just be for our own reference. If you would like us to turn off the recorder at any point, just let us know. Would that be OK?

[Wait for the recording to start.] Do you have any questions before we begin?

TK Teacher Interview Protocol

A. Teacher's Tenure and Background

1. I'd like to start by asking you to tell me a bit about yourself.
 - a. How long have you been teaching at this school? And overall?
 - b. What grade levels have you taught?
 - c. *Probe for how many years taught kindergarten and/or TK (young fives).*
2. What experience, if any, do you have teaching at the preschool level?
3. How did you come to be the TK teacher at this school? *Probe for interest, experience, seniority issues.*

B. Classroom Demographics

Let's talk a bit about the students in your class. *Note: If the teacher has a morning and afternoon session and both have TK students, ask about both sessions.*

4. How many total students do you have in your class?
 - a. *[If a TK combo class:]* How many of your students are classified as TK students?
5. What is the age range of TK students in your class? Did they all turn 5 between [TK ELIGIBILITY TIMEFRAME ACCORDING TO DISTRICT]?
[If no]
 - a. How many are older than this? (i.e., born before the eligibility timeframe, e.g., before September 1)
 - b. How many are younger than this? (i.e., born after the eligibility timeframe, e.g., after December 2)
6. How many of your TK students are:
 - a. Boys and how many are girls?
 - b. English learners?
 - c. Students with disabilities or special needs?

7. Aside from age, do your TK students look like [YOUR K STUDENTS/THE OTHER K STUDENTS IN THE SCHOOL] in terms of these characteristics—gender, ELs, students with disabilities—or other characteristics?
- a. *[If they differ,] How are they different? Why do you think that is?*

C. Curricula

8. Tell me about TK in your school. What is your approach to teaching TK, and how is this different, if at all, from kindergarten?
- a. What are TK students expected to know and be able to do by the end of the year? Is this different from kindergarten expectations?
- b. How does the experience of the TK students in your classroom differ, if at all, from the experience of the kindergarten students?
9. What guidance were you given from your district or school administrators on what TK should look like?
10. How do you decide what to teach in TK?
- a. Do you follow the kindergarten curriculum, or do you use a different curriculum for TK students? What curricula do you use?
- b. *[if using multiple curricula or some hybrid approach, probe for details.]*
11. *[If not mentioned,] Were you involved in the decision regarding which curricula to use?*
- a. *[If yes,] What factors were considered when choosing the TK curriculum?*
- b. *[If no,] Who made the decisions about which TK curriculum is used? Probe whether the decision was made at the district or school level.*
12. Are you using the Common Core State Standards for kindergarten to guide your TK instruction?
- a. *[If yes,] How?*
- b. *[For TK/K combination classes] Are you using the Common Core State Standards to guide kindergarten instruction?*
13. Are you using the California Preschool Learning Foundations to guide your TK instruction?
- a. *[If yes,] How?*

D. Teaching Strategies

14. I'd like to ask you a little more about instruction for TK students, and how this may be different from kindergarten. For each content area, can you tell me whether your approach to teaching TK students is essentially the same as kindergarten, or how it differs:
- a. Language arts (i.e., early literacy skills, writing)

- b. English language development (for English learners)
- c. Mathematics
- d. Social-emotional development (e.g., self-regulation, behavior, social competence, sharing)
- e. Approaches to learning (e.g., ability to remain on task, problem solving, working independently)

15. Do you group students for instruction? *[if needed, probe: by ability, by age, or do you use mixed ability groups?]*

- a. *[if yes,]* How do you group students?
- b. What do you hope to achieve by grouping students this way?
- c. *[For TK/K combination classes, if not mentioned]* Do you group TK students together and K students together in order to provide separate instruction? If so:
- d. *[If TK/K combination, and group TK and K separately,]* Are all TK students always together?

16. To what extent are you able to differentiate instruction for your students—that is, to adjust your instruction to meet the individual learning needs of your students? How do you do this? Can you give me an example—perhaps from the session I observed?

- a. *[If TK combo,]* Do you differentiate instruction from your TK versus kindergarten students? How do you do this? Can you give me an example—perhaps from the session I observed?

17. Do you ever use kindergarten curriculum activities for TK students who seem ready for them? In what circumstances? *If yes, probe for an example.*

- a. *[If the teacher has a TK/K combo class]:* Do you ever use TK curriculum activities for struggling kindergarten students? *If yes, probe for an example.*

18. How does free choice or free play time fit into your approach to TK? How does it fit into [YOUR APPROACH/OTHER TEACHERS' APPROACH] to kindergarten?

19. How has your approach changed since the beginning of the year? Why?

E. Follow-up on Observation

20. Let's talk about the lessons I observed this morning/afternoon. Was this a typical day in your classroom? *[If not typical,]* What was different about today?

21. *[if TK combo,]* Tell me about what you were doing with your TK students and what you were doing with your TK students.

22. [Pick out a lesson you observed and ask]: Tell me a little more about [DESCRIBE THE ACTIVITY BRIEFLY]—tell me about your goal for that activity.
- a. How do you feel this went?

F. Professional Development

23. What professional development experiences have you received to help you prepare for teaching TK? *Probe for a description of these opportunities.*
24. What other professional development opportunities have informed your TK instruction? *Probe for ECE units, professional degrees in child development.*
25. Of these professional development opportunities, which were most helpful, and why?
26. What additional support or professional development would be helpful for you in terms of teaching your [TK/TK COMBINATION] class?

G. Resources

27. What new resources have you needed that are specific to TK? Probe for specifics (e.g., materials, curricula)? Were these resources available?

H. Articulation Across TK, K, and Primary Grades

We're interested in articulation—or alignment—between preK, TK, kindergarten, and 1st-3rd grades.

28. How much interaction, if any, do you have with preschool teachers in your district or in your community?
- a. Has TK helped to increase communication or improve alignment between preK and primary grades (TK, K, 1-3)? How?
29. Tell me about how you communicate and/or coordinate with the *[other]* kindergarten teachers in your school.
- a. In your view, are TK and K well aligned?

30. How much interaction, if any, do you have with 1st through 3rd grade teachers in your school? Are TK and K-3 well aligned?

I. Assessment and Promotion

31. How is student progress in TK assessed?
- a. What assessments are used?
 - b. *[If a formal assessment,] Are these assessments used districtwide?*
 - c. How are assessment results used?
 - d. Are assessment results maintained in a data system at the school or district level?
32. Will any of your TK students be promoted to first grade without enrolling in kindergarten?
- a. *[If yes,] How are these decisions made? Probe for what (e.g., assessment) and who (e.g., teacher, teacher-parent) informs these decisions.*

J. Outreach to Families

33. How do you share information about TK with families? Were you involved in helping the school recruit families for TK? How?
34. How involved in your classroom are TK parents, if at all?
35. How do you encourage parent involvement in your classroom?
36. Are there any strategies that you use to encourage parents to support their child's learning at home? Can you give me some examples?

K. TK Implementation: Successes, Challenges, and Lessons Learned

37. What do you think the value of TK is?
- a. For students?
 - b. For your school?
 - c. For the district?
38. *[If not already addressed,] In your school, what is the biggest difference between TK and K?*

39. What challenges have you faced so far with TK implementation?
40. What successes have you or your school experienced with TK implementation?
41. Has your school experienced any unanticipated benefits of having transitional kindergarten?
42. Since implementation of TK, has your school made any changes based on what you've learned?
Probe for examples of changes in model, instructional approach(es), staffing, and/or professional development.

L. Closing

43. Is there anything else you'd like to share with us about TK in your school?

Before you finish the call, be sure to thank the teacher for his/her time.

Principal Interview Protocol

Spring 2013

Name of District	
Name of School	
Name of Principal	
Name of Senior Site Visitor	
Name of Junior Site Visitor	
Date of Interview	
Duration of Interview	

TK Principal Interview Protocol

A. Principal's Tenure and Background

1. I'd like to start by asking you to tell me a bit about yourself. How long have you been a principal at this school?
2. Did you work at other schools before you came to [insert name of school]? Were you a teacher before becoming a principal? For which grades? *If yes, probe for more details on education-related work experience.*

B. School's Goals for TK and Timing

3. When did your school first have students enrolled in TK? *Probe for school year if early implementer, or month during this school year if they delayed starting the TK class.*
4. What are the primary goals of TK in your school? *Probe for specific populations who are expected to benefit from TK.*
 - a. *[for early implementers,]* How has this changed over time?
5. How was the decision made to have TK at your school?
 - a. Were you supportive of this decision?
 - b. Now, after nearly a year *[or whatever the timeframe]*, do you think it was a good idea? Why or why not?

C. Planning/Degree of Guidance and Autonomy in Implementation

6. Who makes/made the decisions about TK implementation at your school? Were decisions made at the school or district level about:
 - a. *Whether TK would be a standalone or combination class with K (or other grades)?*
 - b. *Which teachers would teach TK?*
 - c. *What professional development opportunities teachers would get?*
 - d. *What curriculum would be used?*
 - e. *What assessments would be used?*
7. How much guidance and support regarding TK implementation have you received from the district? *Probe for examples of guidance and resources (e.g., meetings, training sessions, information packets).* In what areas have they provided support?

8. What *new* resources have you needed, that the district did not already have available, to implement TK? *Probe for specifics (e.g., materials, curricula)?* Has the district supported your need for these resources, and if so, how? Did you receive the resources you need?

D. TK/K Staff

Now I wanted to talk a bit about your staff who teach TK.

9. Did you have to hire additional teachers to implement TK?
10. How were teachers selected (or hired) to teach TK? *Possible probes: Were decisions about the selection of TK teachers made at the district or school level? What factors were considered in selection/hiring?*
11. *[If school selected TK teachers,]* Did you experience any challenges selecting or hiring staff to teach TK? *If yes, probe for specific challenges and how the principal addressed these challenges.*

E. Professional Development

12. Did you receive any professional development regarding the implementation of TK at your school? If so, how helpful were these?
13. What information or guidance were teachers given about how to implement TK and how it should differ from kindergarten? Who provided the guidance? *[Probe for district, principal, county office, other?]*
14. Were professional development opportunities offered to TK teachers about how to implement TK? *If yes, probe for specifics.*
15. Is PD for TK teachers different in any way from PD offered to K or other teachers? If so, how?

F. Student Demographics

Let's talk a bit about the students in your school.

16. How many K students are enrolled on your campus? How many TK students are enrolled on your campus? I understand this school has [TK-K/standalone TK] classrooms, is that correct?
17. Did kindergarten class size change as a result of TK implementation? If so, how?
18. Tell me about the students enrolled in transitional kindergarten in your school. Do they reflect the demographics of the rest of the school? Or are they different in some way?
- a. Do they all come from this school's attendance area, or do they come from all over the district?

G. Outreach to Families

19. How do you share information about TK with families? How did most families who enrolled find out about TK?
20. Did you actively recruit families for the TK program here? If so, how, and why did you choose to do so?
21. Did you have any parents who had reservations about TK? If yes, how did you address these reservations?
22. Did you have any parents who decided against enrolling their children in TK? If yes, why? What did they choose for their children instead of TK?
23. Did certain types of parents opt in or out at higher rates than others? If so, who? Why do you think this happened?
24. Were there families who wanted to enroll in TK whose children were ineligible?

H. Policies

25. I understand in your district, children who turned five between [TIMEFRAME] were eligible for TK in 2012-13, is that correct? Why did you decide to use this timeframe instead of [NOVEMBER ONLY/SEP-NOV]?
26. Are any other factors used for determining eligibility? For example, are other students who are older but deemed not yet ready for kindergarten sometimes placed in TK? How do you make this decision?
- a. Are some students who are age-eligible for TK but otherwise developmentally ready for kindergarten sometimes placed directly into kindergarten? How do you make this decision?

- b. And what about children who are younger—those born after December 2—does your district allow these children into TK? Under what circumstances?
27. Will any TK students be promoted to first grade? If so, how are these decisions made, and by whom? *Probe for what (e.g., assessment) and who (e.g., teacher, teacher-parent) informs these decisions.*

I. Curriculum and Teaching Strategies

28. Are teachers using a formal curriculum for TK? Are decisions about curriculum made at the district or school level?

[If school decision:]

29. What factors were considered when selecting the TK curriculum?
30. Were teachers given any training on using the curriculum? *[If yes,]* What was involved in this training?
31. How do TK classrooms on your campus differ from kindergarten classrooms?
32. How does the instruction for TK students differ from instruction for K students?
Possible probes: How does it differ for the following content areas:
- i. *Language Arts (i.e., early literacy, writing)*
 - ii. *English language development*
 - iii. *Mathematics*
 - iv. *Social-emotional development (e.g., self-regulation, behavior, social competence, sharing)*
 - v. *Approaches to learning (e.g., ability to remain on task, problem solving, working independently)*
33. Are TK teachers in your school using the Common Core State Standards for kindergarten to guide their TK instruction? *[If yes,]* How?
- a. Are kindergarten teachers in your school using the Common Core State Standards to guide kindergarten instruction?

J. Assessment and Data Tracking

34. How is student progress in TK assessed?
- a. What assessment is used, and how was it developed?

b. How are assessment results used?

35. Are assessment results maintained in a data system at the school or district level?

36. Do you have assessment results- for example, a report of fall-spring assessment results- that you could share with us?

K. Articulation across TK, K, and Primary Grades

37. How has the introduction of TK supported articulation between PreK and K-3, if at all?

38. Has TK implementation impacted interactions between TK, kindergarten and other elementary grade teachers on this campus? If so, how?

39. What processes has your district put into place to support children's transition from Prek to TK or from TK to kindergarten?

40. What processes and structures, if any, are in place to ensure alignment in curricula, assessment, and practice between Prek, TK, and K-3?

41. Were combined professional development opportunities offered to Prek, TK, and K-3 teachers? *If yes, probe for specifics.*

L. TK Implementation: Successes, Challenges, and Lessons Learned

42. What do you think the value of TK is?

- a. for students?
- b. for your school?
- c. for the district?

43. How has the implementation of TK affected kindergarten, if at all?

44. In your school, what is the biggest difference between TK and K?

45. What challenges have you faced so far with TK implementation?

46. What successes have you experienced with TK implementation?

47. Has your school experienced any unanticipated benefits of having transitional kindergarten in your schools?

48. Since implementing TK, has your school made any changes based on lessons learned? *Probe for examples of changes in model, instructional approach(es), staffing, and/or professional development.*

M. Closing

49. Is there anything else you'd like to share with us about TK in your school?

Before you finish the call, be sure to thank the principal for his/her time.

Parent Focus Group Protocol

Spring 2013

Parent Focus Group Protocol

Introduction for the Interviewer

Text below is provided as a suggestion for what to say. Your goal here is to build rapport, so avoid reading verbatim from this sheet.

Give an explanation of the purpose of the group

Hi, everyone. My name is [INSERT NAME] and this is my colleague [INSERT NAME]. We are researchers from AIR, an organization that conducts research about education. Thanks for helping with our study. The purpose of the study is to learn about TK implementation in California, including understanding how decisions about planning and enrollment were made and the successes and challenges that districts, schools, teachers and families have encountered with TK. We are visiting 8-10 districts within the state of California.

Today's focus group will take about an hour and will give you a chance to express your opinions about TK and how well you feel this new program is working for your child. There are no right or wrong answers. You can disagree with each other and you can change your mind. I'd like you to feel comfortable saying what you really think and what you really feel. We hope all of you will give us your ideas, since each of your opinions is important to us.

It's important to us that we all be respectful. There may be times when you disagree with what someone say—which is fine. We want this to be a group discussion, so feel free to respond to me and to other members in the group without waiting to be called on. There is just one ground rule: it's important that only one person talk at a time. Our note taker has a hard time writing two sentences at once. This discussion will last about an hour. There's a lot I want to discuss, so at times I may move us along a bit.

Before we start, I want to make sure that each of you has time to read and sign the consent form. This form describes the study in more detail and provides a phone number you can call if you have any questions. The form explains that everything is confidential, and your name and the name of your school will not be included in our report. No one will know who said what. We will not repeat what you've said here, and we'd also like to ask you not to share what you hear today with others. The form also explains that this study is voluntary, so you can choose not to participate or stop participating at any time without penalty. And if there's a question you don't want to answer, you can skip it.

Are there any questions before we get started?

[INSERT NAME] will be taking notes. Also, if you don't mind, we would like to record this interview simply for note-taking purposes, so that I don't miss anything you have to say. No one outside of our research team would hear the recording; it would just be for our own reference. If you would like us to turn off the recorder at any point, just let us know. Would that be OK?

A. Rapport Building

1. Now, let's start by going around the room so you can each introduce yourself by giving me your first name and telling us how many children you have and what grades they are in.

***Notetaker:** Be sure to note the following: First name, grade of child (confirm child is in TK), and gender.*

(Skip if time is short)

2. Now I want each of you to think about what you've liked best about your child's education at this school so far, and what has been a challenge.

***Note:** Do not probe parents any further after their initial comments. Just take notes on the types of things parents identify and come back to them later in the protocol if time allows.*

B. TK Information

3. Now let's talk about Transitional Kindergarten, or TK.

➤ How did you hear about TK? *Probe for whether parents heard about TK from the school, other parents, or other sources.*

➤ Did the school provide any information about TK? If so, what resources were provided and how? Info sheets or brochures? Information on a website? Did you call someone at the school or district office? Were there information nights or tours of TK classrooms?

C. Initial Impressions of TK

In this section, we cover parents' initial impressions of the program, and their concerns or reservations.

4. Now I want you tell me your initial thoughts about and impressions of TK.

- After hearing about TK, what were your initial thoughts about the program?
- Did you have any concerns about the TK program? If so, what were those concerns? If you shared them with the school or district, how did the school or district address them, if at all?

D. Degree of Choice

In this section, we cover the options that schools offered to parents regarding TK enrollment.

5. Now I want you to think about decisions regarding TK enrollment.

- Why did you choose to enroll your child in TK?
- What kinds of options did the school provide you in terms of TK enrollment? In other words, did you get to choose whether or not you wanted to enroll your child in TK? Did you get to choose what type of class or schedule, like half or full day?
- If you wanted to do so, could you have enrolled your child in another year of preschool instead of TK?
- Did you get to choose the school your child attended?
- Did you or any parents you know decide to not to enroll their child in TK? Why or why not? Where are their children in school now?
- Did you know any parents who wanted to enroll their child in TK but could not? Why weren't they able to? What did they choose to do instead? *Probe for reasons (e.g., not enough space, school was located far away from home).*

F. Overall Feelings about TK

In this section, we cover parents' current impressions of the program.

6. Now I'd like to hear about how you feel TK is going and how well it is working for your child.

- What do you think of your child's teacher? The classroom activities?
- What are the main things your child has been learning this year?
- Does your child have homework in TK?
- What do you think the value of TK is for your child, if at all?
- Has there been anything about TK that has surprised you or that you didn't expect?
- What would you like to see done differently?
- Do you think TK is developmentally appropriate for your child? In other words, do you feel that the things they are learning are right for their age or does it feel "too young" or "too challenging"?
- If there wasn't a TK program—where would your child be during the day? Probes: Would your child be at your home or with a relative or friend? Enrolled in a preschool? In a family child care home?
- Will your child go to kindergarten next year or on to first grade? What do you think of this transition? [*probe about the idea of repeating K, being the youngest in 1st, etc.*]

E. Family Engagement

In this section, we discuss the extent to which parents help in the TK classroom.

7. Now I want to discuss volunteer work in the classroom.

- Does anyone help out in their child's TK classroom? *Probe for reasons why/why not.*
- [For those parents who do help out], What has been your experience in the classroom? What kinds of activities do you help with? How often? *Possible probes: Discuss a typical experience in the classroom.*
- Has your child's teacher given you suggestions about things you could be doing at home to support their learning at school? *Probe for an example.*

Be sure to thank the parents for their participation and valuable feedback.

Case Study Observation Form

Teacher: __ __ School: _____ Observer: _____	CLASSROOM TYPE <input type="checkbox"/> TK only <input type="checkbox"/> Kindergarten only <input type="checkbox"/> TK combo (specify grades): _____	NUMBER OF STUDENTS # of TK students: _____ # of K students: _____ # of other grade students: _____	NUMBER OF ADULTS # of teachers: _____ # of aides: _____ # of other adults: _____	Start time: _____ End time: _____
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DAILY SCHEDULE: 	SEATING ARRANGEMENT: Describe how students are seated (e.g., at desks or at tables? In assigned seats?). If a TK combo class, describe how TK vs. other students are grouped.
--------------------------------	--

DESCRIBE CLASSROOM ACTIVITIES:

Time: 	Subject: <input type="checkbox"/> Literacy/ELA <input type="checkbox"/> Math <input type="checkbox"/> Science <input type="checkbox"/> Social Stud. <input type="checkbox"/> Art/Music <input type="checkbox"/> Other:	Grouping: <input type="checkbox"/> Tchr-directed whole class <input type="checkbox"/> Tchr-directed small group <input type="checkbox"/> Tchr-directed individual <input type="checkbox"/> Stud-selected	Describe Activity (note evidence of differentiation): 	Level of student engagement: <input type="checkbox"/> High (all or most Ss engaged) <input type="checkbox"/> Mid (50-75% of Ss engaged) <input type="checkbox"/> Low (<50% of Ss engaged) Notes re engagement:
Students: <input type="checkbox"/> TK <input type="checkbox"/> other				
Time: 	Subject: <input type="checkbox"/> Literacy/ELA <input type="checkbox"/> Math <input type="checkbox"/> Science <input type="checkbox"/> Social Stud. <input type="checkbox"/> Art/Music <input type="checkbox"/> Other:	Grouping: <input type="checkbox"/> Tchr-directed whole class <input type="checkbox"/> Tchr-directed small group <input type="checkbox"/> Tchr-directed individual <input type="checkbox"/> Stud-selected		Level of student engagement: <input type="checkbox"/> High (all or most Ss engaged) <input type="checkbox"/> Mid (50-75% of Ss engaged) <input type="checkbox"/> Low (<50% of Ss engaged) Notes re engagement:
Students: <input type="checkbox"/> TK <input type="checkbox"/> other				

Time: Students: <input type="checkbox"/> TK <input type="checkbox"/> other	Subject: <input type="checkbox"/> Literacy/ELA <input type="checkbox"/> Math <input type="checkbox"/> Science <input type="checkbox"/> Social Stud. <input type="checkbox"/> Art/Music <input type="checkbox"/> Other:	Grouping: <input type="checkbox"/> Tchr-directed whole class <input type="checkbox"/> Tchr-directed small group <input type="checkbox"/> Tchr-directed individual <input type="checkbox"/> Stud-selected		Level of student engagement: <input type="checkbox"/> High (all or most Ss engaged) <input type="checkbox"/> Mid (50-75% of Ss engaged) <input type="checkbox"/> Low (<50% of Ss engaged) Notes re engagement:
Time: Students: <input type="checkbox"/> TK <input type="checkbox"/> other	Subject: <input type="checkbox"/> Literacy/ELA <input type="checkbox"/> Math <input type="checkbox"/> Science <input type="checkbox"/> Social Stud. <input type="checkbox"/> Art/Music <input type="checkbox"/> Other:	Grouping: <input type="checkbox"/> Tchr-directed whole class <input type="checkbox"/> Tchr-directed small group <input type="checkbox"/> Tchr-directed individual <input type="checkbox"/> Stud-selected	Describe Activity (note evidence of differentiation):	Level of student engagement: <input type="checkbox"/> High (all or most Ss engaged) <input type="checkbox"/> Mid (50-75% of Ss engaged) <input type="checkbox"/> Low (<50% of Ss engaged) Notes re engagement:

DESCRIBE STRATEGIES USED TO DIFFERENTIATE INSTRUCTION FOR... (e.g., grouped by ability level; materials of different readability or interest; different homework; choices about how to work (alone, in groups); students produce different products (writing, drawing); additional/different help or scaffolding)

A. INDIVIDUAL STUDENTS ACCORDING TO DEVELOPMENTAL/LEARNING NEEDS:

B. TK STUDENTS IN A COMBO CLASSROOM (How does the teacher provide a different experience for TK students?):

Appendix C: CLASS Regression Model Table

Exhibit C.1. OLS Regression Models Factors, Predicting CLASS Scale Scores

	Instructional Support	Emotional Support	Classroom Organization
Standalone	-0.1920	-0.0301	0.2855
District advised that TK should resemble kindergarten	0.3206	0.1372	0.3145
Director of ECE led planning effort	0.4125	0.8842	0.9799
PD on developmentally appropriate practice	-0.0016	0.1674	-0.0569
Total PD hours (z-score)	0.2878	0.0446	-0.2867
Years of teaching experience (z-score)	-0.0401	-0.0407	-0.0493
Years of PK teaching experience (z-score)	0.0963	-0.0019	-0.2246
Intercept	1.8381	4.2930	3.9050
<i>N</i>	39	39	39
<i>R</i> ²	0.1278	0.2939	0.3309

****p* < .001, ***p* < .01, **p* < .05, †*p* < .10

Note: Models use robust standard errors clustered on school districts to account for the nesting of schools and classrooms within districts.

Source: Short district census survey, TK teacher survey, and CLASS observation

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NEWS

Transitional kindergarten debate: Required or not?

Las Lomitas district doesn't offer it, but state says it's mandatory



by **Staff**

October 20, 2013 11:19 pm

By Barbara Wood, *Special to the Almanac*

In June 2012 Phil and Christie Kiekhaefer moved from Redwood City to Menlo Park, downsizing their family of four into a tiny two-bedroom, one-bath rental they owned, because they felt the Las Lomitas School District would provide a superior education for their children.

Their daughter started kindergarten a few months later and is now in first grade. They planned that their son, who will be 4 in November, would attend a private preschool before entering the Las Lomitas district's new transitional kindergarten program next fall.

In 2010, such two-year kindergarten programs were written into the state Kindergarten Readiness Act, which moved the date by which children must turn 5 in order to enter kindergarten from Dec. 2 to Sept. 1, making the change a month at a time over three school years. Last year, the first year in which the eligibility date was changed, only 4 percent of California districts that had any eligible children did not have a two-year kindergarten, a study by the American Institutes of Research found.

Unfortunately for the Kiekhaefers, the Las Lomitas School District is one of that 4 percent. The family did not realize this earlier, Mr. Kiekhaefer said, because while the district website had a link to information on transitional kindergarten, it led only to an error message.

Mr. Kiekhaefer figures the lack of a program means they will have to pay at least \$15,000 to send their son to one more year of preschool, an expense not in the budget they used to help them decide on the move to Menlo Park.

Next year, the Menlo Park City School District may also drop its two-year kindergarten program, which the California Department of Education's website says is mandatory. "Each elementary or unified school district must offer transitional kindergarten and kindergarten classes for all children eligible to attend," the site states on its "frequently asked questions" page.

The school districts' lawyers answer that question differently, however.

"The CDE website seems to conflict with what the law says," said Eugene Whitlock, San Mateo County deputy county counsel and legal adviser for the Las Lomas district. "The law doesn't say that it's mandatory," he said.

Of course, a judge could, he said, have a different interpretation. "If you go to court or you get sued, you never know what might happen," he said.

Mr. Whitlock said the Legislature should clear up the law. "Because of the confusion and different interpretations, the best thing for the Legislature to do would be to go back and clarify ... if it is mandatory," Mr. Whitlock said.

Santa Clara County Supervisor Joe Simitian, who was a state senator at the time, was the author of the Kindergarten Readiness Act. He does not agree with Mr. Whitlock.

"The clear intent and expectation is that TK (transitional kindergarten) is required in every K-12 school setting," he said. "That is borne out by the clear direction on the California Department of Education website."

Supervisor Simitian said he does not think the Kindergarten Readiness Act would have passed without the two-year-kindergarten provision, because it would have meant the parents of 125,000 students born before the date California had used for admission for 60 years would have suddenly found that their children had one more year at home.

However, Supervisor Simitian said, he does understand the local districts' incentive to not follow his law. The changed admission date means fewer entering kindergarteners for Las Lomas for three years while the program phases in. Those class sizes will remain smaller the entire time the children are at the school.

"It is regrettable, but perhaps understandable, that districts dealing with an enrollment crunch would be looking for any way to manage their growing enrollment," he said.

Both the Las Lomitas and Menlo Park districts are facing growing enrollment that is overcrowding schools.

While all the elementary school districts in the Almanac's circulation area also use attorneys from the county counsel's office, and, according to Mr. Whitlock "the office gives the same advice to all our schools," they are each taking the advice differently.

In the Portola Valley School District, which has two schools and 656 students, Superintendent Lisa Gonzales said they have three children in their transitional kindergarten program this year and "a well-trained, credentialed teacher who provides a nurturing environment for our youngest students," who share a classroom with one-year kindergarten students. The district has no plans to drop the program, she said.

In Woodside, the smallest local district, with one school and 451 students, the two-year kindergarten class has 16 students, who have their own classroom. Woodside allows any child to attend the two-year kindergarten who the teachers and parents think would benefit from the two-year program, regardless of birthdate.

In the Menlo Park City School District, with four schools and 2,926 students, there are 30 children in a transitional kindergarten program, which, like Portola Valley, incorporates the two-year kindergarteners into one-year kindergarten classrooms.

Next year, however, when the Kindergarten Readiness Act says children born between Sept. 1 and Dec. 2 would be eligible for two-year kindergarten, the district "does not anticipate enrolling students in a two-year Kindergarten program unless State funding to provide an extra year of Kindergarten for them becomes available, or other circumstances change," the district website says.

Not having a transitional kindergarten could decrease the size of next year's kindergarten classes in the Menlo Park district by 25 percent because children born between Sept. 2 and Dec. 2, who would have been admitted to a transitional kindergarten under the new law, and to regular kindergarten under the previous cut-off date, will not be allowed to attend their school.

Menlo Park district board president Terry Thygesen said the board will make a final decision on whether or not it will have a two-year kindergarten next year some time before the enrollment period for the 2014-15 kindergarten class opens early in 2014.

In Woodside, where the school currently has three one-year kindergarten classes and one two-year class, Superintendent Beth Polito is a champion of the two-year program. She believes it could save the district money because it will reduce the number of children who repeat a grade as well as those who require expensive special services.

“Hopefully it’s (fewer) referrals for early intervention. It’s (fewer) referrals for special education services if you can get them right at the beginning for two solid years.”

Even if a judge says the program is not a legal requirement, the district would keep it, she said, “if I had anything to do with it.” Why? “Because it’s the right thing to do for kids.”

Supervisor Simitian said that parents in the districts not offering the two-year kindergarten have limited options. “They can either persuade their board to provide the program that every other district in the state is providing,” he said, “or they can litigate, or they can ask the state Legislature to reconfirm the fact that (transitional kindergarten) is a requirement.”

Mr. Kiekhaefer said he’s tried to get the Las Lomitas board to revisit the issue. He asked Las Lomitas board president Richard Ginn to put a discussion about transitional kindergarten on the board agenda, but, he said, Mr. Ginn told him he would not.

Mr. Ginn said that because he has been advised the program is not mandatory, he sees no reason for the board to discuss it. The program, he said, is unfair because it gives 25 percent of students, those who under the new cut-off date would be the oldest in their classes, an extra year of public school. “That doesn’t seem like something I want to do in my district take one-fourth of the kids and give them an extra year,” he said.



LLESD parent

October 21, 2013 8:07 pm at 8:07 pm

If the clear intent of the law was to provide transition Kindergarten for the young 5’s, why is LLESD dodging this responsibility? Do they assume because its population is largely wealthy that everyone can afford to send kids to private pre-K? What about house poor families, not to mention Tinsley families?



LLESD parent

October 21, 2013 9:43 pm at 9:43 pm

I like the leadership and sense of community the Woodside School is showing.



Failing Grade for Menlo Park School =s

October 21, 2013 11:04 pm at 11:04 pm

You're kidding me, right? The school is going to violate STATE law and not offer a Transitional Kindergarten program in Menlo Park – and then wait to get sued? What an incredibly misinformed and unethical decision. The school board needs to get on this ASAP and make sure that the students are provided with a T-K program BEFORE the district gets sued by the State. Mr. Ginn is bad news for the school district, and the Board needs to talk to a competent attorney about how to proceed before it's too late.



Ginn-less

October 22, 2013 4:42 am at 4:42 am

Mr. Ginn's comments are asinine. It's not about giving these kids "an extra year." The 25% of kids he refers to would have been entitled to attend kindergarten prior to the change in law to the new cut off date. The change in law adversely affects these kids!

This is the same board that approved the \$60M bond measure when terminating the Phillips Brooks School lease and taking that space back would be far more cost effective (see financial information, for example, at http://www.llesd.k12.ca.us/EEE_BCA-PresentationHandouts9-29-09.pdf).

Mr. Ginn – let's not give kids the public school education they are entitled to, but let's subsidize the private school kids in your district with a nice big bond measure!



MD

October 22, 2013 7:16 pm at 7:16 pm

Our family was told there would be transitional Kindergarten as well. We pulled our child out of a private school, lost our deposit and place in the school in anticipation of attending the transitional kindergarten at Las Lomitas only to be told that the program had been canceled shortly before the school year began.



Frustrated

October 22, 2013 7:38 pm at 7:38 pm

Joe Simitian is completely irresponsible in enacting legislation that created this problem and then not following through with fixing the consequences. Asking parents to persuade the school board to comply with the law or to sue is no fix at all.



Live and Learn

October 22, 2013 7:40 pm at 7:40 pm

I am not surprised those who believe they can better themselves and their children by keeping up with the Jones's, miss an enormous opportunity to better the school right in their neighborhood. But with RCSD taking top performing kids and encouraging them to go to their 'academy', only hurts the diversity of children in the long run.

How is the family enjoying the rental? Was it worth it?



MPCSD parent

October 23, 2013 3:21 am at 3:21 am

It's not just Las Lomas. Menlo Park City School District is doing the same. We attended an informational meeting last year informing us of the TK program. Then, after many of us gave up spots at our preschools, they announced that the TK students would be scattered amongst the kindergarten classes. Sounds like it is their way of killing the program on this side of town as well. I'm sure we can expect a similar announcement for next year.



LMAO

October 23, 2013 3:59 am at 3:59 am

Lawyers have reviewed the text of the Kinder Readiness Act and found there to be no legal mandate for TK, even though that was clearly the intention of the bill. I am not surprised that Joe Simitian didn't even know what the text of his law said, given how bad his math and logic was.

Whatever one thinks of the Act, one thing was clear. The authors of the bill either couldn't do simple math or blatantly lied to the California public. They claimed \$700M in ANNUAL cost savings to schools statewide from the 100,000 students whose entry into Kindergarten would be delayed. The stupidity of that claim lay in two faults. The first is the notion that money was being "saved" by delaying Kinder entry. It wasn't being saved, costs were just being delayed by one year. The 100,000 students weren't taken out of circulation. The second fallacy was in the notion of lower expenditures at all, since districts were supposed to create a new TK program for the 100,000 pre-K students. New programs cost money.

Delaying Kinder entry might be a good idea, although I know numerous children born in the fall who entered Kindergarten at the age of 4 and are currently thriving in middle school and high school. But when the authors tried to sell it on the basis of non-existent cost savings, I lost all respect for them. And given the failed logic of the cost savings argument, I am not surprised by the ambiguity of the text.



Common Sense

October 23, 2013 5:05 am at 5:05 am

Las Lomas is doing the right and fair thing with taxpayer money. Providing an extra year of Kindergarten for only the oldest fourth of students makes absolutely no sense at all. I applaud Las Lomas for standing up to all of this and using our taxpayer funds in a way that provides the most benefit to ALL students. If two years of Kindergarten is really needed for students, then it should be available to ALL students. Why should the district have to take away resources from all the other students to provide what is essentially just a year of free childcare to the oldest 1/4 of kids who all the data show are the LEAST likely to need extra help. This is not just wasteful, it's unfair.



LLESD voter

October 23, 2013 3:51 pm at 3:51 pm

If LLESD is side-stepping this law, why should it get extra funding through S? That doesn't seem right.



long time resident

October 23, 2013 5:38 pm at 5:38 pm

LLESD is not "side-stepping" the law according to the San Mateo County lawyers quoted in the article, and I for one really appreciate that LLESD is trying to do what's best for all kids. As the parent of a child who is among the youngest 3/4ths of kids who don't qualify

for getting an extra year of Kindergarten under this ill-conceived “transitional kindergarten” legislation, it really makes me angry to think that our education dollars would be spent by in such an unfair way. Haven’t they read Malcolm Gladwell’s book “Outliers”? The oldest kids are the ones who are statistically the most advantaged already. Thank you Las Lomitas for providing some sanity and not being bullied into wasting public money.



Concerned

October 23, 2013 6:57 pm at 6:57 pm

I find a lot of the comments above very unfair to the caring parents and educators at Las Lomitas, and the people donating their time to education (ie their Board). These parents and educators are people who have committed their entire lives to education and children. Mr. Ginn’s comments are not asinine. Those very few children WOULD get nine years of schooling on uncle Sam, while the other 95% would get 8 years—irrespective of financial need. The rest of us pay for preschool, and wish we didn’t have to also. When you change a date, there is a brief transitional time. Starting a whole new expensive program is one option, but not the only caring or good idea or choice, and do not act like you have final say on the law when lawyers see it very differently. Second, re ‘not surprising they would not choose the closest high school.’ I’m sure Woodside can provide a great education and Man and Superman probably was very unfair to that school, I do not doubt it, but we made sacrifices and choices, scrimped to live in the M/A district believing that that school was what we wanted for our kids. When education and your kids are your first priority that is part of what you think about everyday and when when you choose where to live, how to spend or not spend your money, what jobs to do with your time, and so on. You DO care. Changing the boundaries is undercutting our lives and decisions and of course we want to believe in what we were told when we made those choices (ie to live here when we could live very differently most anywhere else, including in Redwood City, or could have worked less and gone on vacation, etc). Not to say these issues are not super knotty, hard, and very very deep seated and complicated, and some parents absolutely are making obnoxious comments...but it is facile and unfair to dismiss people who care deeply about parenting, education, hard work and schools. We all do.



long time resident

October 23, 2013 7:20 pm at 7:20 pm

To “Concerned”: SUHSD’s superintendent made it very clear at the Las Lomitas community meeting last week his plan keeps all of the Las Lomitas district feeding into MA. Of course, any Las Lomitas parent who prefers to send their child to Woodside can still do so easily as is currently the case through open enrollment.



Live and Learn

October 23, 2013 7:28 pm at 7:28 pm

@ Concerned...” sacrifices and choices, scrimped to live in the M/A district” versus living where else? Whom would you Not want to live next to? Schools and their districts are only as successful as parents are involved and hold them accountable. But the snobs and bigots appear to thrive in every neighborhood. What Lesson can be learned from this?



Very Concerned

October 23, 2013 11:06 pm at 11:06 pm

@Common Sense, @Concerned. I just want to correct the fallacy and misunderstanding that the parents of the newly categorized Young-5s are seeking an extra year of “free” education. That is simply not the case. My child was born in early November 2009 and under the legislation existing at that time, would have been entitled to enroll in kindergarten in 2014. However, the law changed shortly after my child was born. Consequently, my child is not entitled to enroll in kindergarten (in the absence of an exception) until 2015. The law has mandated my child’s “red-shirting.” To specifically address this issue, the legislation proposed by Mr. Simitian included provisions for transitional kindergarten since there is a class of children (albeit small) who are effectively being deprived of a year of kindergarten by the legislatively mandated kindergarten delayed start date. If my child could start in 2014, we would enroll, but my child cannot.

Some parents are fortunate enough to have the resources to send their children to private programs but what about the low income children whose parents can’t afford alternative programs? There is no doubt that those children and even the children in the “wealthier” areas that are part of the newly categorized “Young-5s” are being denied a year of schooling; not being conferred with a year of “free schooling.”

This is what Mr. Ginn and even Mr. Simitian fail to understand. It is irresponsible to leave these children behind.

Lastly, I don’t see how any of the above posted comments are unfair or impugn the parents, public school educators or school board. There is definitely a gap here between the intent and effect of the law.

Mr. Ginn and Mr. Simitian need to be more proactive to address and redress the failure to act.



local parent

October 24, 2013 12:04 am at 12:04 am

I wonder if Mr. Ginn ever considers the children who every year are retained in kindergarten. Having a transitional class would be wonderful and economical in terms of educating children who are of age to attend kindergarten but because of maturity or disabilities repeat with a different teacher. If Woodside and Portola Valley offer it, and if Menlo Park schools offer full school day for their kinder through second graders, why can’t Las Lomitas? If we can give them ipads, can’t give them better actual learning conditions?



agree with Las Lomitas

October 24, 2013 12:55 am at 12:55 am

Local Parent:

You are mixing apples and oranges.

The issue at hand is whether the oldest 1/4th of students have a special need to have 14 years of public schooling instead of the regular 13. I do not see how anyone can make a rational case the the oldest students are somehow disadvantaged and need an extra year of Kindergarten to be ready to start Kindergarten!

If you believe that all children need free preschool, then you should be advocating for ALL children to get free preschool — not just the ones that happen to have fall birthdays.

If you believe that the new age cutoffs (which finally correspond to the rest of the country) are forcing you to “redshirt” your child, and that your child would benefit by start Kindergarten earlier than the new Sept 1 age cutoff allows, all you have to do is go talk to the Principal at Las Lomitas and initiate the process for early entry to Kindergarten. But bear in mind that this means your child will go on to first grade the following year and always be among the youngest in his or her class. That’s your choice — have at it.



Matter of Law

October 24, 2013 3:31 am at 3:31 am

The fact of the matter is that transitional kindergarten is mandated by law. How counsel can interpret what is expressly mandated by law as being permissive is beyond me when the California Department of Education states on its own website that the offering of transitional kindergarten is mandatory. See <http://www.cde.ca.gov/ci/gs/em/kinderfaq.asp#E6>.



Alternatives?

October 24, 2013 3:49 am at 3:49 am

@Agree with Los Lomitas. The solution you propose is not a solution. The district has also taken the position that early enrollment is prohibited by law and will make no exceptions. I guess Los Lomitas has decided to selectively enforce the law.

To all locals who are in support of the decision not to offer transitional kindergarten, I would ask what you would do as a parent in this circumstance. Would you do nothing despite what the law says? Would you just pay for a private education or would you fight for the right to transitional kindergarten? Even less affluent districts have been able to offer transitional kindergarten. Why not Los Lomitas?



read the article

October 24, 2013 4:55 am at 4:55 am

Alternatives, The legislature is the governing body on this issue, and according to the article, San Mateo County counsel says that the law itself does not say it is mandatory.



LLESD parent

October 24, 2013 5:34 am at 5:34 am

The clear intent of the law is to offer transitional kindergarten as a result of the change in cut-off date for kindergartners. If challenged, LLESD would be hard-pressed to squeeze through the loophole the asst counsel at the county board has cited. From a legal standpoint, the LLESD position is untenable. Beyond that, there is an arrogance in its position, and if it holds to its no TK guns the kids in real need of TK—the Tinsley kids—will be at a clear disadvantage. All the affluent kids in the district will be fine either way, but Tinsley kids and families who are house poor and stretched financially to be in this district will suffer. That other affluent districts (like Woodside and PV) have found ways to make this work and are happy about the results—not to mention the 96% of districts in CA who have willingly complied b/c it's good educational—points out the weakness of LLESD's stance. With current Kindergarten expectations for Grade 1 of our day, all research supports the efficacy of such pre-K programs.



Parent of a fall birthday kid

October 24, 2013 7:09 am at 7:09 am

Las Lomitas is such a rich district that it will be really easy for them to cut services for their regular K-8 students to come up with the funding to pay for a year of free preschool for the the oldest 1/4th of their students. They can just talk the Las Lomitas teachers into taking a pay cut, or they can just raise K-8 class sizes on all the regular K-8 students. Or they can just ask their voters to fund a new parcel tax to pay for this.

**Parent in LLESD**

October 24, 2013 7:36 am at 7:36 am

The vast majority of school districts in California are revenue limited districts which means they get money from the state for each child enrolled in the schools in their district (up to the state guarantee of around \$6,500 per student as measured in the ADA, Average Daily Attendance). The new Kindergarten age limits meant a reduction in the students attending revenue limited school districts and thus a reduction in the money they received from the state. The intent of the last minute addition of “transitional kindergarten” was to restore those moneys to the revenue limited districts. Hence, it defined “transitional kindergarten” as the kids who previously qualified for kindergarten with 5 year birthdays between Sept 2nd and Dec 2nd. This restored the money that they would otherwise lose from the State. The intent was not to provide pre-kindergarten education for all kids prior to their first year in Kindergarten which would be the fair and equitable thing to do but to NOT reduce funding to the majority of school districts that rely on State funding resulting from the change in the age eligibility for kindergarten.

The legislature set an appropriate age requirement for Kindergarteners (which is common in most states), that they be 5 years old when attending kindergarten and then realized that an unintended consequence would be to reduce funding to most of the school districts in the state. To correct this unintended consequence, it added a condition that if the school admitted those “three month” 5’s (sep – Nov birthdays) they would receive the money for their education and not have their revenue reduced. Since Las Lomitas is not a revenue limited school district it does not have to have a program for the Sep – Nov 5’s as it does not receive any state money to meet the \$6,500 guarantee revenue per ADA.

If you believe that pre-kindergarten public education is vital, then it should be for ALL children in the year prior to Kindergarten not just those born in the last three months of the year prior to Kindergarten eligibility. Since the State does not provide LLESD with any revenue limited funds for this education, a way would need to be found to finance this additional year of free public pre-kindergarten education.

**Onlooker**

October 24, 2013 4:01 pm at 4:01 pm

Interesting that Woodside, which is also a basic aid district like Las Lomitas, and not receiving any additional funding, is providing the TK year for ALL students who need it, even though they received the same advice from their attorney. Their superintendent says it should actually save the district money in the long run by providing these kids with services they need while they’re young instead of for longer periods later, and should drastically reduce the need for retention, which can be very traumatic for a child.

**Parent in LLESD**

October 24, 2013 5:59 pm at 5:59 pm

Not all Basic Aid districts have the same revenue/student situation. Woodside has about 1/3 the students that Las Lomitas has and about 1/2 the revenue.

**RE Live And Learn**

October 24, 2013 7:17 pm at 7:17 pm

Re Live and Learn, I agree that race and economics and education are very tough and sometimes tragic issues but you are awfully quick to call someone a racist or a bigot because they make economic choices to be in a certain school district. Check with any realtor. Most of

the market does that, even excluding those who can and do pay for private school. It is not about who you do not want to live next to, it is about the school you want your kids to attend. That said, your kids may well do “better” than all kinds of kids who hang out at expensive country clubs and think money is the answer. Of course. Money is not the answer. Family, learning, values, studying, working hard, being a kind person.. these are the answer, and these things can be taught and leaned, or not, in many environments.



New reality

October 24, 2013 9:33 pm at 9:33 pm

I believe that California was one of only five states with a kinder cut-off birthdate in December rather than September. How many of those other 45 states do you think offer a transitional kindergarten? I am thinking it's few to none. Parents just have to get used to the “new” idea that a child is not eligible for kindergarten until they are five (and yes, I have a child who is effected by this change). With more stringent requirements for kindergarteners now, I would think that academically this would be in the best interest of those youngest students. School now begins when you turn 5 by September 1st. All the arguments that have been presented with regard to the change in the law indicated this was better academically for kids, which I thought was the point of public school. Rather than be pleased by this change, there seems to be a lot of grumbling over the perceived loss of free babysitting for a year.

Nowhere is it mentioned how Palo Alto has been effected by the change in kinder eligibility...because they already have a young fives program in place to help the youngest kindergarteners. I wonder how that program compares to TK?



oldmom

October 25, 2013 4:49 pm at 4:49 pm

“Why would any parent not want to give their child the gift of another year of childhood, if they could?” What could a child and parent do with this year to help the child prepare for life better, not just prepare them to sit still in an large kindergarten class with a 16-month age span and even wider span in levels of “kindergarten readiness”?

I know there are many reasons to put a child into school early. I just wanted to add the above 2 questions into the discussion just as my doctor did with me when I asked her about weather I should enroll my son into the early 5's program in MPCSD 13 years ago.



Another LLESD Parent

October 25, 2013 11:24 pm at 11:24 pm

to LLESD parent

and others stating as fact that basic aid districts are exempt from providing TK because they aren't receiving funds for it.

The California Department of Education's lawyers and the legislators who wrote the law disagree with this reading of the law.

They say all districts are required to provided TK if they provide kindergarten.



Another LLESD Parent

October 25, 2013 11:26 pm at 11:26 pm

Excuse the typo. Should be:

They say all districts are required to provide TK if they provide kindergarten.



Test Score Watcher

October 31, 2013 4:22 am at 4:22 am

What if, instead of “essentially just a year of free daycare” as commentor Common Sense asserts, transitional kindergarten is a social, emotional, and academic foundation laid by a certified teacher trained in the new Common Core standards and collaborating with colleagues teaching in the grades being tested, and if almost all other districts offer TK but not LLESB, then wouldn’t LLESB likely experience a test score disadvantage in a few years?



Stewartmen

September 14, 2017 4:27 pm at 4:27 pm

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Thank you for contacting Alexander Valley Elementary School . After completing this form, you will receive a confirmation email with next steps.

*Please complete a form for each student you are wishing to enroll.

Program Overview

Alexander Valley Elementary School maintains one classroom per grade level, offering unique enrichment programs and a warm and supportive environment for learning. Kindergarteners must turn five by September 1st.

Please visit our website [enrollment page](#) to learn more about our enrollment and lottery process.

How to Enroll

Residents, siblings, students of alumni, district employees, and property owners have priority registration. To start the enrollment process, complete this form. You will receive an email response with additional information regarding our enrollment process. If you have any questions, please contact Tina Moore at tmoore@alexandervalleyusd.org or 707.433.1375. A lottery is held at the February School Board Meeting for non-residents of the district to fill the available openings in Kindergarten. Most of our students continue through Sixth Grade but occasionally there are openings in First - Sixth grades.

** Indicates required question*

1. Email *

2. Email Address: *

3. **Parent Name:** *

4. **Address:** *

5. **Phone Number:** *

6. **District of Residence:** *

7. **What school is your student currently enrolled?** *

8. **Student Last, First Name:** *

9. Student to enroll - Birth Date* *

10. Student to enroll - Grade* Which grade level will your child be when they start attending Alexander Valley School? Please be aware, Alexander Valley School District will not serve TK students for the 2025-26 school year. **Check all that apply.*

- ☐ Kindergarten
- ☐ First
- ☐ Second
- ☐ Third
- ☐ Fourth
- ☐ Fifth
- ☐ Sixth

11. Is this student the sibling of a CURRENTLY enrolled Alexander Valley School student? If so, what is the enrolled student's name? *

12. What services, or support does your student currently have or need? (Examples: IEP, 504, etc.) none: *

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Annual online registration is required for all
"returning" Cardiff School District students.

To be eligible for enrollment, a student must reside in the Cardiff
School District.

Please enter your home address on our [Boundary Map](#) web page to
verify eligibility.

ENROLLMENT (new students)

SIBLING ENROLLMENT

- If you are enrolling a new student, and are also registering a returning student, first complete registration for the returning student then add the new student when prompted.

NEW FAMILIES

- All **new** families are required to create a ParentVue account and complete Online Enrollment via ParentVUE.

During the enrollment process, you will be asked to upload or bring the following required documents to the school office to complete your child's enrollment:

- **Proof of Residency Form** (2 proofs of verification documents must be provided) (download fillable pdf, save, and upload to ParentVUE)
- **Age Verification Document** (Birth certificate, passport, statement by the local registrar or county recorder, baptism certificate, or an affidavit of the parent/guardian or custodian of the minor) Kindergarten children must be five years old on or before 9/1/2024
- **Immunization Record** (State law requires that students are up-to-date on vaccinations in order to be registered as a student in the district) **Required vaccines** for school entry.
- **School Entry Health Exam Requirement** (This requirement is not needed if the student was enrolled in a California school prior to enrolling here)
- **Oral Health Assessment Form** (This form is only needed for enrolling a Kindergarten student)
- **Student Information Form** (This form provides additional helpful information)
- **Physician's Recommendation for Medication During the School Day Form** (if applicable)

SHARED HOUSING: If a parent and child(ren) are living with someone in a residence other than their own (shared housing), you must contact the school and make an appointment to provide proof of residency documents and sign the shared housing form with the primary resident.

SHARED CUSTODY: If applicable, please provide custody documents to the school office.

SIBLING ENROLLMENT	<ul style="list-style-type: none"> • CLICK HERE If you have (or had) a student enrolled in the Cardiff School District and would like to enroll a sibling; you will be redirected to your ParentVUE account.
NEW FAMILIES	<ul style="list-style-type: none"> • CLICK HERE To create a ParentVue account and begin the enrollment process. • CLICK HERE For helpful guided steps.

If you have any questions about the enrollment process, please contact our office managers.

- Cardiff School Office Manager **Anne Neal** 760-632-5892 (Kindergarten - 2nd grade).
- Ada Harris School Office Manager **Emily Bumps** 760-532-5894 (3rd - 6th grade).

REGISTRATION

(returning students)

SIBLING ENROLLMENT

- If you are enrolling a new student, and are also registering a returning student, first complete registration for the returning student then add the new student when prompted.

RETURNING FAMILIES

- All **returning** families are required to complete the 2024-2025 Annual Online Registration process via ParentVUE.

During the registration process, you will be asked to upload or bring the following required documents to the school office to complete your child’s registration:

- **Proof of Residency Form** (2 proofs of verification documents must be provided) (download fillable pdf, save, and upload to ParentVUE)
- **Physician's Recommendation for Medication During the School Day Form** (if applicable)

ADDRESS CHANGE: If you have moved, your address must be changed by a school official, and you will be required to provide two forms of residency verification. Families should contact their schools to request an address change.

SHARED HOUSING: If a parent and child(ren) are living with someone in a residence other than their own (shared housing), you must contact the school and make an appointment to provide proof of residency documents and sign the shared housing form with the primary resident.

SHARED CUSTODY: If applicable, please provide custody documents to the school office.

RETURNING FAMILIES	<ul style="list-style-type: none">• CLICK HERE to complete online registration via ParentVUE.CLICK HERE For helpful guided steps.
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If you have any questions about the registration process, please contact our office managers.

- Cardiff School Office Manager **Anne Neal** 760-632-5892 (Kindergarten - 2nd grade).
- Ada Harris School Office Manager **Emily Bumps** 760-532-5894 (3rd - 6th grade).

NEW STUDENT REGISTRATION

New Student Registration

To be eligible for enrollment for kindergarten, students must be five (5) on or before September 1 ([CA Education Code 48000](#))

(https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=48000) and must currently reside within the boundaries of the Encinitas Union School District. Families in the process of moving to EUSD may register their students once their residency within the District is established. [Click here](#) for the Encinitas Union School District boundaries (<https://www.schoolsitelocator.com/apps/encinitas/>).

STEPS TO REGISTER YOUR CHILD(REN)

Registration:

1. Please be sure to choose the correct academic year to register your child.

2025-2026 NEW STUDENT REGISTRATION IS NOW OPEN

2025-2026 NEW STUDENT ONLINE REGISTRATION

[. \(HTTPS://REGISTRATION.POWERSCHOOL.COM/FAMILY/GOSNAP.ASP ACTION=42879&CULTURE=EN\)](https://registration.powerschool.com/family/gosnap.asp?ACTION=42879&CULTURE=EN)

2024-2025 NEW STUDENT ONLINE REGISTRATION

(<https://registration.powerschool.com/family/gosnap.aspx?action=39114&culture=en>)

2. Create a PowerSchool Family Account and follow the steps to continue.

3. Please contact the school secretary for any questions regarding registration. Contact information can be found at www.eusd.net (<http://www.eusd.net>) under the Schools link.

Provide Verification of Age (.pdf is preferred):

- Certified copy of a birth certificate or a statement by the local registrar or county recorder certifying the date of birth,
- a duly attested baptism certificate,
- passport, or
- Submit this notarized [Declaration in Lieu of Birth Certificate \(/fs/resource-manager/view/7786a563-6a7d-4ed1-87c4-85a5256649ad\)](#) and upload where indicated.

Provide Verification of Residency (.pdf is preferred):

In order to verify District residence, the parent/legal guardian/foster parent/custodial relative or caregiver with which the student is residing on a full-time basis (person establishing residency) must present one (1) document from Category 1 and one (1) document from Category 2 of the below listed items:

CATEGORY 1 - ONLY USE ONE

- SDG&E Utility Service Billing Statement from within the last 30 days
- SDG&E Letter of Service dated within the last 30 days
- Letter from lessor or owner and a signed copy of a current rental Agreement or Rental Agreement Addendum stating that utilities are included.

CATEGORY 2 - ONLY USE ONE

- Grant Deed or property tax payment receipts
- Income Tax Document (current tax year)
- Cable Service Billing Statement within the last 30 days
- Residential Water Service or Waste Management Billing Statement within the last 30 days
- Payroll check stub with name and address within the last 30 days
- Voter Registration Card
- Social Services Document or Correspondence from a government agency within the last 30 days

*If you are not able to provide any of the documents listed above but believe that you reside in the District. Please contact your school front office for assistance.

Provide current student immunizations:

Upload where indicated (.pdf is preferred).

INTRA-DISTRICT TRANSFER REQUESTS:

If you checked the box to request an Intra-District Transfer, you will receive an email with a link to access the form. Please be advised that your child's registration must be complete and approved prior to receiving the form. Please check your spam/junk folder for an email from Amy.Leon@eusd.net (<mailto:Amy.Leon@eusd.net>)

Additional Health Requirements for Kindergarten

The District complies with state-mandated health requirements and requires the following:

1. Oral Health Assessment (/fs/resource-manager/view/445fe160-dbac-4d34-87c4-07adfb671f5) must be signed by the dentist performing the examination. (Due by May of the Kindergarten year.)

Once you have completed your online registration form and hit "Submit" you will receive emails from noreplyregistration@powerschool.com (<mailto:noreplyregistration@powerschool.com>) with updates regarding the status of your registration. To prevent these emails from going to your Spam folder, please add noreplyregistration@powerschool.com (<mailto:noreplyregistration@powerschool.com>) to your contacts.

Enrollment Information

Welcome to the Rancho Santa Fe School District. We look forward to supporting your family during the enrollment process.

To enroll in the current school year, please use the "Current School Year Pre-Registration" link below.

For the upcoming 2025-2026 school year please use the 2025-2026 Pre-Registration Next School Year link below to begin the Pre-registration process for enrollment. If you would like additional help for enrolling your child please set up an appointment through the "NEW STUDENT - Enrollment Appointment" link.

If you have any questions, please contact Norberto Victorio at nvictorio@rsf.k12.ca.us (<mailto:nvictorio@rsf.k12.ca.us>).

Current School Year Pre-Registration

(<https://rsf.powerschool.com/public/formbuilder/form.html?formid=615607>)

NEW STUDENT - Enrollment Appointments - Click Here

(<https://www.signupgenius.com/go/60B0A4FA8AD238-48195767-kindergarten>)

2025-2026 (https://rsf.powerschool.com/public/formbuilder/form.html?formid=922389&request_locale=en_US)
Pre-Registration Next School Year link
(https://rsf.powerschool.com/public/formbuilder/form.html?formid=922389&request_locale=en_US)

Please note that incoming Kindergarten students for FALL 2025 must be 5 years of age on or before September 1, 2025 .

Rancho Santa Fe School District Residency Verification

The following proofs of residency are required ANNUALLY for EVERY family (no exceptions).

[Skip To Main Content](#)

California law requires public school districts to annually verify the residency of pupils. To comply with this requirement and to verify eligibility for enrollment of a child in the Rancho Santa Fe School District, the parent or legal guardian must submit reasonable evidence of proof of residency within the Rancho Santa Fe School District boundaries. The District's residency rules are set forth in **Board Policy 5027, "Enrollment of Children Whose Parents or Guardians Reside within the District. (/fs/resource-manager/view/b84f69d1-0767-40c5-b86e-7811feeae4f3)"**

If you **rent/own property** within the boundaries of the District, Proof of residency must be established by submitting a Annual Residency Verification Affidavit **AND** two proofs of residency:

First Proof:

1. **Property Tax Payment Receipt:** Current Year Property tax payment receipt with parent/legal guardian's name, physical address, and APN. (If property is held in trust, please submit documentation establishing parent/legal guardian's relationship to trust).
2. **Current Rental/Lease Agreement:** Current rental/lease agreement signed by Lessee and Lessor, including physical address and APN. Lease agreements must be updated each year by submitting new lease/extension papers to the District prior to the expiration of the lease. Lease agreements that convert to a month-to-month lease require an updated lease or two current forms of residency verification every 3 months.

Second Proof:

1. A utility company service contract, statement, or payment receipts with parent/legal guardian's name and physical address (must be within 3 months of registration)
2. Current Payroll Stub
3. Current voter registration card with parent/legal guardian's name and physical address
4. Correspondence from a government agency

Rancho Santa Fe School District Co-Residency Verification

If you are a Co-Resident and **reside with another individual within the boundaries of the District and the property/lease is not in your name**, you must provide all of the following:

[Skip To Main Content](#)

1. A **Notarized Property Owner/Lessor Declaration of Residency Form**;
(<https://rsfschoolnet.finalsite.com/fs/resource-manager/view/764d400c-b434-4ebb-8925-35bb3b456146>) and
2. All of the following proofs of residency:
 - Two proofs of residency for the owner/landlord.
 - One proof of residency for the parent/legal guardian.

If you have any questions please contact Norberto Victorio at nvictorio@rsf.k12.ca.us (<mailto:nvictorio@rsf.k12.ca.us>).

2024-2025 Parent Notification Letter (<https://rsfschoolnet.finalsite.com/fs/resource-manager/view/15f2e45f-4600-4ce8-9aa9-dbca102fbb0c>)

Virtual Tour



(<https://www.youtube.com/watch?v=UyldgEt2mWQ>).

KINDERGARTEN REGISTRATION 2025

ELIGIBILITY

Students with a 5th birthday on or before September 1, 2025 are eligible to register for kindergarten.

[Click here](#) for our Redshirting Policy

1



REGISTRATION

Registration opens on Monday, January 13, 2025 - [click here to start registration.](#)

2

3

KINDER INFO MEETING

January 30, 2025 - School Library @ 2:30
Come meet the Teachers and Principal for a short presentation on our kindergarten program and upcoming events.



PLAYDATES

All students who have completed registrations will be invited to a playdate where students will meet the teachers and see the kinder playground and classroom. We also take this time to get to know your child. Playdates will occur the week of March 24th.

4

5

BEGINNING OF THE SCHOOL YEAR

School begins on Tuesday, 8/19, dismissal is 12:30 for the first 6 weeks

2:00 Dismissal begins on Monday, 9/29



MORE INFO?

[Click here for a trifold brochure](#)

6



Solana Beach School District

Inspiring Wonder and Discovery in Learning and Life

Registration/New Student Information

Registration for new students for the current school year is available year-round at [Aeries Internet Registration](#) (AIR). Pre-enrollment will be available for the 2025-2026 school year beginning February 1, 2025. Please visit [My School Locator](#) for attendance boundaries.

As of February 1, 2025 all required documents (listed below) will be uploaded during the registration process using [Aeries Internet Registration](#) (AIR). If you have any issues, please contact your school office.

- For Kindergarten/First Grade Only:
These forms are also available within Aeries Online Enrollment and the Parent Portal Data Confirmation Area
 - [Oral Health Assessment Form](#)
 - Effective July 1, 2024, the Child Health and Disability Prevention (CHDP) Program was discontinued. It is no longer required for school-aged children to have a physical exam before enrolling. Therefore, the Report of Health Examination for School Entry (PM 171 A) and the Waiver of Health Examination for School Entry (PM 171B) are no longer required forms. Families are still encouraged to maintain annual wellness exams. **All required immunizations are still mandated for school enrollment.**

[Step by Step Instructions for Aeries Internet Registration.](#)

Please provide the following documents:

1. Verification of Age:

One (1) of the following:

- Certified copy of a birth record
- Statement by a local registrar or a county recorder certifying the date of birth
- Baptismal Certificate
- Passport

acceptable.

2. Proof of Residency: Evidence of residency may be established by documentation showing the name and address of the parent/guardian within the district, including, but not limited to, any of the following: (Education Code 48204.1)

One (1) of the following:

- Production of a grant deed to residence property, or property tax payment receipts indicating the name of the student's parent/guardian as owner of the property.
- Production of a current, valid lease agreement. All lease agreements must contain the management company or real estate agency name and telephone number. The district may contact the management company to verify residency and to require the management company or real estate agency to provide evidence of ownership of the property. In this event, the rental property will sign a Declaration under Penalty of Perjury indicating ownership of the property and validity of the lease.
- Production of a current, valid private party lease agreement. All private party lease agreements require: a [Declaration under Penalty of Perjury indicating ownership of the property and validity of the lease](#) **and** a [Parent Verification Statement](#).

and

One (1) of the following (containing the name and address of the student's parent/guardian):

- Gas/Electric
- Cable
- Water

3. Required Health Forms:

- Immunization Record listing all up-to-date vaccinations
- [Immunization Guide \(English\)](#)
- [Immunization Guide \(Spanish\)](#)

NOTE: Children entering Kindergarten must be 5 years of age on or before September 1st of the current school year. State law and Board Policy 5111 require a child to be 5 years old on or before September 1 to enroll in Kindergarten. Early entrance to kindergarten is not permitted. The District makes no exceptions to this age cutoff.

La inscripción para nuevos estudiantes para el año escolar actual está disponible durante todo el año en [Aeries Internet Registration \(AIR\)](#). La preinscripción ya está disponible para el año escolar 2025-2026. Visite My School Locator para conocer los límites de asistencia.



cargarán durante el proceso de registro utilizando [Aeries Internet Registration](#) (AIR). Si tiene algún problema, comuníquese con la oficina de su escuela.

Se deben presentar los siguientes documentos originales:

1. Comprobante de edad:

Uno (1) de los siguientes:

- Acta de nacimiento
- Certificado de bautizo
- Pasaporte

2. Comprobante de domicilio:

Uno (1) de los siguientes:

- Las escrituras de la casa o la declaración del impuesto predial
- Un contrato de renta/arrendamiento vigente y válido emitido por una compañía de gestión inmobiliaria o agencia de bienes raíces (para los CONTRATOS DE ARRENDAMIENTO ENTRE PARTICULARES, el dueño de la propiedad debe presentar una declaración jurada notariada. Los formularios están disponibles en la oficina de la escuela).

Y

Uno (1) de los siguientes:

Una factura original actual de algún servicio público que indique el nombre y domicilio de los padres/tutores del alumno)

- Gas/Luz
- Cable
- Agua

3. Requisito y formularios de salud:

Solamente para alumnos que van a ingresar a kindergarten/1º grado:
Los siguientes formularios están disponibles en el portal AIR y en el Portal de Padres• La cartilla de vacunación con todas la vacunas al corrient

4. La hoja de confirmación firmada de la inscripción en línea (se debe descargar e imprimir en el portal AIR)

NOTA: Los niños que van a ingresar a kindergarten deben tener los 5 años cumplidos al 1.º de septiembre o antes de esa fecha del presente año escolar.



Address

309 North Rios Ave., Solana Beach, CA 92075

Phone

858-794-7100

Fax

Fax: 858-794-7120



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SB-1381 Kindergarten: age of admission. (2009-2010)

Current Version: 09/30/10 - Chaptered Compared to Version: 03/23/10 - Amended Senate [Compare Versions](#) ⓘ

~~SEC. 3. SECTION 1. It is the intent of the Legislature to appropriate in the annual Budget Act one-half of the savings resulting from changes enacted by this bill for purposes of expanding the state preschool program. This act shall be known and may be cited as the Kindergarten Readiness Act of 2010.~~

SEC. 2. Section 46300 of the Education Code is amended to read:

46300. (a) In computing average daily attendance of a school district or county office of education, there shall be included the attendance of pupils while engaged in educational activities required of those pupils and under the immediate supervision and control of an employee of the district or county office who possessed a valid certification document, registered as required by law.

(b) (1) For purposes of a work experience education program in a secondary school that meets the standards of the California State Plan for Career Technical Education, "immediate supervision," in the context of off-campus work training stations, means pupil participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and certificated school personnel share the responsibility for on-the-job supervision.

(2) The pupil-teacher ratio in a work experience program shall not exceed 125 pupils per full-time equivalent certificated teacher coordinator. This ratio may be waived by the state board pursuant to Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2 under criteria developed by the state board.

(3) A pupil enrolled in a work experience program shall not be credited with more than one day of attendance per calendar day, and shall be a full-time pupil enrolled in regular classes that meet the requirements of Section 46141 or 46144.

(c) (1) For purposes of the rehabilitative schools, classes, or programs described in Section 48917 that require immediate supervision, "immediate supervision" means that the person to whom the pupil is required to report for training, counseling, tutoring, or other prescribed activity shares the responsibility for the supervision of the pupils in the rehabilitative activities with certificated personnel of the district.

(2) A pupil enrolled in a rehabilitative school, class, or program shall not be credited with more than one day of attendance per calendar day.

(d) (1) For purposes of computing the average daily attendance of pupils engaged in the educational activities required of high school pupils who are also enrolled in a regional occupational center or regional occupational program, the school district shall receive proportional average daily attendance credit for those educational activities that are less than the minimum schoolday, pursuant to regulations adopted by the state board; however, none of that attendance shall be counted for purposes of computing attendance pursuant to Section 52324.

(2) A school district shall not receive proportional average daily attendance credit pursuant to this subdivision for a pupil in attendance for less than 145 minutes each day.

(3) The divisor for computing proportional average daily attendance pursuant to this subdivision is 240, except that, in the case of a pupil excused from physical education classes pursuant to Section 52316, the divisor is 180.

(4) Notwithstanding any other provision of law, travel time of pupils to attend a regional occupational center or regional occupational program shall not be used in any manner in the computation of average daily attendance.

(e) (1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for five or more consecutive schooldays.

(2) A pupil participating in independent study shall not be credited with more than one day of attendance per calendar day.

(f) For purposes of cooperative career technical education programs and community classrooms described in Section 52372.1, "immediate supervision" means pupil participation in paid and unpaid on-the-job experiences, as outlined under a training agreement and individualized training plans wherein the supervisor of the training site and certificated school personnel share the responsibility for the supervision of on-the-job experiences.

(g) (1) In computing the average daily attendance of a school district, there shall be included the attendance of pupils in kindergarten after they have completed one school year in kindergarten or pupils in a transitional kindergarten program after they have completed one year in that program if one of the following conditions is met:

(A) The school district has on file for each of those pupils an agreement made pursuant to Section 48011, approved in form and content by the department and signed by the pupil's parent or guardian, that the pupil may continue in kindergarten for not more than one additional school year.

(B) The pupils participated in a transitional kindergarten program pursuant to subdivision (c) of Section 48000.

(2) A school district may not include for apportionment purposes the attendance of any pupil for more than two years in kindergarten or for more than two years in a combination of transitional kindergarten and kindergarten.

SECTION 4. SEC. 3. Section 48000 of the Education Code is amended to read:

48000. (a) A child shall be admitted to a kindergarten *maintained by the school district* at the beginning of a school year, or at a later time in the same year if the child will have his or her fifth birthday on or before one of the following dates:

- (1) December 2 of the 2011–12 school year.
- (2) November 1 of the 2012–13 school year.
- (3) October 1 of the 2013–14 school year.
- (4) September 1 of the 2014–15 school year and each school year thereafter.

~~(b) A child who will have his or her fifth birthday on or before one of the dates described in paragraphs (1) to (4), inclusive, of subdivision (a) may be admitted to the prekindergarten summer program maintained by the school district for pupils who will be enrolling in kindergarten in September.~~

~~(c)~~ (b) The governing board of a school district maintaining one or more kindergartens may, on a case-by-case basis, admit to a kindergarten a child having attained the age of five years at any time during the school year with the approval of the parent or guardian, subject to the following conditions:

- (1) The governing board determines that the admittance is in the best interests of the child.
- (2) The parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance.

(c) As a condition of receipt of apportionment for pupils in a transitional kindergarten program pursuant to subdivision (g) of Section 46300, a school district or charter school shall ensure the following:

(1) In the 2012–13 school year, a child who will have his or her fifth birthday between November 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district.

(2) In the 2013–14 school year, a child who will have his or her fifth birthday between October 2 and December 2 shall be admitted to a transitional kindergarten program maintained by the school district.

(3) In the 2014–15 school year and each school year thereafter, a child who will have his or her fifth birthday between September 2 and December 2 shall be admitted to a transitional kindergarten program maintained by

the school district.

(d) For purposes of this section, "transitional kindergarten" means the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

(e) A transitional kindergarten shall not be construed as a new program or higher level of service.

SEC. 2: 4. Section 48010 of the Education Code is amended to read:

48010. (a) A child shall be admitted to the first grade of an elementary school during the first month of a school year if the child will have his or her sixth birthday on or before one of the following dates:

- (1) December 2 of the 2011–12 school year.
- (2) November 1 of the 2012–13 school year.
- (3) October 1 of the 2013–14 school year.
- (4) September 1 of the 2014–15 school year and each school year thereafter.

(b) For good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term.

~~**SEC. 4: 5.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~ *The Legislature finds and declares that pupils participating in transitional kindergarten are to be included in computing the average daily attendance of a school district for purposes of calculating school district apportionments and the funding requirements of Section 8 of Article XVI of the California Constitution.*

***SEC. 6.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

Senate Appropriations Committee Fiscal Summary
Senator Christine Kehoe, Chair

SB 1381 (Simitian)

Hearing Date: 08/31/2010
Consultant: Dan Troy

Amended: 08/30/2010
Policy Vote: ED 8-0

BILL SUMMARY: SB 1381 would change the date by which a child is required to be admitted to kindergarten at the beginning of the school year (or any time later in the school year) from December 2 of the year in which the child will have his or her 5th birthday to November 1 for the 2012-13 school year, October 1 of the 2013-14 school year, and September 1 for the 2014-15 school year and each year thereafter. A corresponding change for admittance to 1st grade would be made for a child having his or her 6th birthday during the year.

The bill would also create an ongoing “transitional” kindergarten program – the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate – for those pupils impacted by the change in age of admission date. Effectively, this bill would allow districts to claim funding for two years of kindergarten for children born between September and December, assuming certain conditions are met.

Fiscal Impact (in thousands)				
<u>Major Provisions</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>Fund</u>
Age of admission/ Transitional Kindergarten	Major savings from K age of admission change. These savings would likely be more than offset by creation of a 2-year Transitional Kindergarten program. Major costs to state once initial cohorts exit from the K-12 system. (See analysis).			General*

*Counts toward meeting the Proposition 98 minimum funding guarantee

STAFF COMMENTS: This bill meets the criteria for referral to the Suspense File.

Current law makes education compulsory for individuals aged 6 through 18. While current law does not compel kindergarten attendance, it requires districts to offer admittance to kindergarten at the beginning of the school year for a child who will turn 5 on before December 2 of that calendar year. Thus many children begin kindergarten several months before their fifth birthday. By moving the cutoff date of admission to September 1 (the change would be phased in over 3 years), this bill would essentially ensure that kindergarteners would be aged 5 or older at or near the beginning of the school year.

Current law provides for general purpose funding to school districts through the revenue limit program. Each district has a defined revenue limit per unit of average daily attendance (ADA) that is based on historical expenditures on education as modified through various statutory adjustments. A district's total revenue limit apportionment is calculated based on the greater of current or prior year ADA.

Current law establishes the state preschool program, for purposes of providing part-day and full-day programs of educational development for three- and four-year old children. Costs for full day preschool are approximately \$3,700 per child, annually.

This bill would phase in a change to the date by which districts must offer kindergarten admission one month at a time, so that the current cutoff of December 2 of the year in which a child turns 5 would move back one month per year, commencing with the 2012-13 fiscal year, until settling in at September 1 in the 2014-15 year and each year thereafter. The bill would make a conforming adjustment for 6-year olds entering the first grade.

The bill would further allow district to claim ADA for children participating in transitional kindergarten (TK) who turn 5 between September 2 and December 2 of the year in which they turn 5. A TK program is defined as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is both age and developmentally appropriate. The bill specifies that districts could not claim more than two years of funding for a pupil in kindergarten or a combination of two years in kindergarten or transitional kindergarten. The bill would specify that for good cause, the governing board of a school district may permit a child of proper age to be admitted to a class after the first school month of the school term. The bill further states Legislative intent that the ADA claimed through TK counts for calculating revenue limit apportionments and for the funding requirements of Proposition 98.

By adjusting the date of admission back one month in three successive years, this bill would reduce the size of the kindergarten cohort by approximately 1/12th of the size it would otherwise have been for three successive years. These reduced cohorts will flow through the K-12 system for 13 years each, achieving programmatic savings in Proposition 98 programs during that time. The largest programmatic cost savings would be in the revenue limit program.

These savings, however, are unlikely to materialize due to the bill's creation of a transitional kindergarten for pupils who turn age 5 during the between September 2 and December 2 (this would also be phased in over three years). By allowing pupils born between September 2 and December 2 to attend transitional kindergarten, this bill would lead to ongoing costs once the initial smaller cohorts leave the system, if not sooner. This is because the TK program essentially allows certain children to attend two years of kindergarten instead of one depending on their date of birth.

According to data provided by the Legislative Analyst's Office, the earlier version of this bill would have reduced the number of students in the K-12 system by approximately 43,000 in the 2012-13 school year, by 89,000 in the 2013-14 school year, and by

126,000 for the 2014-15 school year and for several years thereafter, until these cohorts begin exiting the system in 2026-27. These estimates assumed 8 percent of eligible kindergartners were “red shirted” (i.e., voluntarily held out of school for a year even though eligible), annually.

Whether this bill will lead to immediate costs or savings depends on the attractiveness of the new TK program to parents of eligible children. The Assembly Committee on Appropriations, using the LAO data, for example, finds that if all parents who would have otherwise chosen to red shirt their children choose to enroll their children in the TK program, this bill would result in new costs of approximately \$19.8 million in the 2012-13 fiscal, \$40.4 million in the 2013-14 fiscal year, and \$57.2 million in 2014-15 and several years thereafter.

The TK option may be an attractive one for parents, as it would be free, presumably have a curriculum more aligned with the K-12 curriculum than would a typical preschool or day care situation, and would represent a good landing spot for parents who would otherwise hold a child back out of concern that he or she were not quite ready for traditional kindergarten. On the other hand, to the extent parents hold their children back for competitive purposes (i.e., they would prefer their child to be older than other children in their class), this bill would be unlikely to impact their decision to red shirt the child. Staff anticipates that while some parents will continue to hold their children back, this bill will likely result in costs in the millions, though perhaps not to the full extent estimated by Assembly Committee on Appropriations.

Once the initial cohorts begin to move out of the K-12 system, this bill would clearly result in major costs to the state. In the 2027-28 fiscal year, the reduced initial kindergarten cohorts will have moved out of the system, but the state commitment to fund TK for 130,000 to 150,000 children would remain. These costs would be approximately \$700 to \$900 million, annually.

It's possible the bill would also result in other costs or cost pressures. The bill indicates that transitional kindergarten is to involve a modified curriculum that is age appropriate. While it is not clear how districts would address this issue, the design of a modified curriculum could lead to local costs for administration, professional development, and materials. These costs would likely be in the millions, though they would likely be local rather than reimbursable at the state level. There would likely be pressure at the state level to fund these costs, though.

Broadly, the Committee should consider whether delaying the age of admission for traditional kindergarten is worth the cost exposure to the state of providing an additional ongoing year of transitional kindergarten for children that is accessible only to children who are born between September 2 and December 2 and that is not based on need.

A previous version of this bill passed out of the committee in a different form. That bill phased in the change in age for kindergarten admission and expressed the intent of the Legislature that half of the revenue limit savings resulting from

the reduction in ADA be used to expand access to preschool. That version provided major programmatic savings the state over a 15-year period.



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Kindergarten in California

California state law and information regarding admission to kindergarten.

This guidance material is designed to address several public school kindergarten issues: enrollment age, continuance, and extended-day kindergarten. Although the pertinent kindergarten statutes apply only to public schools, some private schools voluntarily adhere to the state kindergarten statutes, and this guidance may be of assistance to them. This information may also be helpful to parents and guardians, as well as teachers of preschool, kindergarten, and first grade.

Kindergarten Enrollment

Since school is mandatory for six year old students, parents and guardians of six year old students must enroll their children in school ([*Education Code*](#) [\[EC\]](#) Section 48200). Admission of age-eligible children must occur at the beginning of the school year or whenever the students move into the school district.

While local education officials may need a day or two to identify the particular assigned kindergarten classroom, no age-eligible child may be denied access to school by being placed on a waiting list. Although demographics and class size reduction restrictions may prevent parents/guardians from enrolling their children in the neighborhood school, the district must provide the name(s) of available schools. Parents/guardians may discuss school choice options with district officials. To help make placement decisions, parents/guardians may compare schools online at either [Ed-Data](#) [or](#) [Data and Statistics](#). Both sites offer information on schools' demographics and characteristics.

Age-Eligible Children

Districts must admit children at the beginning of the school year (or whenever they move into a district) if they will be five years of age on or before September 1 (*EC* Section 48000[a]). Children who are age-eligible for kindergarten may attend any pre-kindergarten summer program maintained by the school district.

Information about items constituting proof of age supplied by parent or guardian is found in *EC* Section 48002. Immunization requirements are found in [*Health and Safety Code*](#) [\[HSC\]](#) Section 120325 and Section 120335 and on the California Department of Education (CDE) [Factbook](#) Web page.

Early Admission for Under-Age Children to Kindergarten

Districts and CDE staff are frequently requested by parents/guardians to enroll children who are not age-eligible for transitional kindergarten, kindergarten, or first grade. The CDE has no authority to require districts to admit or accelerate under-age children. In addition to the laws mentioned above

(in Age-Eligible Children), there is an additional local control option for admitting children to kindergarten. These children may not begin school at the beginning of the school year, but they **must wait until their fifth birth date occurs** (*EC* Section 48000[b]). While *EC* Section 48000(b) allows a child to be admitted early on a case-by-case basis, districts offering this option to families would be wise to have local governing board-adopted criteria by which students are accepted. Some districts base early admissions on test results, maturity of the child, or preschool records in order to be consistent with the early admission policy and to avoid being challenged by parents/guardians of whose children were denied early admission. It is a local control decision how this is accomplished, whether it is in writing, and whether there is an appeals process. If these children continue in kindergarten past the anniversary dates of their admission, the school must have signed Kindergarten Continuance Forms on file to continue the children in kindergarten to the end of the school year, and to avoid jeopardizing audit findings and result in a loss of apportionment.

Private School Considerations: Private schools are not required to comply with the California statutes defining kindergarten. However, the California Association of Private Schools Organizations (CAPSO) indicates that many private schools do voluntarily follow *EC* sections referred to in this document. Public school officials may not automatically enroll those students, who attended a private school kindergarten, to first grade (see First Grade Enrollment below).

Kindergarten Continuance

Continuance is defined as more than one school year in kindergarten. *EC* Section 48011 requires a child who has completed a year of kindergarten to be promoted to first grade, unless the parent or guardian and the district agree that the child may continue in kindergarten not more than one additional school year.

A parent/guardian who agrees their child is to continue in kindergarten must sign the Kindergarten Continuance Form (PDF) (available translations). **Failure to have signed forms on file may jeopardize audit findings and result in a loss of apportionment.**

EC sections 48070-48070.5 set forth requirements for pupil promotion and retention (PPR). While kindergarten was not a grade level included by legislators, *EC* Section 48070.5(j) enables local boards to adopt additional PPR policies. Districts considering continuance of kindergartners may want to consider:

- Reviewing current research;
- Developing a plan to reduce the rate of continuance;
- Improving the instructional program for students at risk of continuance; and
- Monitoring the progress of schools in reducing continuance rates, including the differential effects of continuance for different ethnic groups, non-English-speaking children, and over-representation based on gender.

Section 3934, subdivision (b), located in Title 5 of the *California Code of Regulations*, states:

(b) No program utilizing consolidated application funds shall:

- Create special tracks for the educationally disadvantaged;
- Establish adjustment, pregrade, or junior grade classes for the educationally disadvantaged.

Current literature reveals that retention may have a negative effect on student achievement, school attendance, attitude toward school, and student dropout rates. The CDE points to the need for districts and school staff to provide interventions for students who are at risk of failure and to prevent the need for retention. Therefore, appropriate interventions should not be delayed for kindergarten students.

Transitional Kindergarten

Transitional kindergarten (TK) is the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Senate Bill (SB) 858 establishes the intent that TK curriculum be aligned to the *California Preschool Learning Foundations* and *California Preschool Curriculum Frameworks* developed by the CDE. Each elementary or unified school district must offer TK classes for all children eligible to attend. A child who completes one year in a TK program, may continue in a kindergarten program for one additional year. A Kindergarten Continuance Form is not needed for children who are age-eligible for TK. A child is eligible for TK if they have their fifth birthday between September 2 and December 2 (inclusive) and each school year thereafter (EC 48000[c]).

However, pursuant to AB 104, EC 48000(c)(3)(B)(i) a school district or charter school **may**, at any time during a school year (including at the beginning of the school year) admit a child to a TK program who will have his or her fifth birthday after December 2 but during that same school year, with the approval of the parent or guardian, if the governing board of the school district or the governing body of the charter school determines that the admittance is in the best interests of the child and the parent or guardian is given information regarding the advantages and disadvantages and any other explanatory information about the effect of this early admittance. If these children continue in kindergarten past the anniversary dates of their TK admission, the school must have signed Kindergarten Continuance Forms on file to continue the children in kindergarten to the end of the school year, and to avoid jeopardizing audit findings and result in a loss of apportionment. Average Daily Attendance (ADA) can be claimed for these students once they attain the age of five (EC 48000(c)(B)(ii)).

Extended-Day Kindergarten

Extended-day kindergarten (EDK) is defined as a class, taught by the same certificated staff member, that exceeds the four-hour maximum number of school day minutes. In some districts, EDK is the same length of day as that for older elementary students. While local educational agencies (LEAs) do not receive additional apportionment funds to lengthen the kindergarten day, there is a growing interest in this topic. In 2009, about two thirds of United States kindergarten children attended full-day classes; in California, the percentage of students in full-day classes

increased by 43%. For further information, visit The Public Policy Institute of California Web site on ~~Full-Day Kindergarten in California~~ [Link no longer available]. Educators may wish to extend the kindergarten day for a number of reasons, including the following:

- To improve the educational program
- To provide more time for the teacher to get to know each child
- To encourage children's maximum social, emotional, physical, and academic growth
- To address transportation issues related to district bus schedules
- To address parental/guardian needs for child care

EC sections 46110-46119 detail the minimum and maximum lengths of the school day for kindergarten and other elementary grade classrooms. The maximum number of minutes for kindergarten is four hours, (*EC* Section 46111), excluding recess. However, recess time may be counted as instructional minutes, at the district's discretion, if teacher supervision occurs.

EC Section 8973 allows schools to offer EDK if both of the following conditions are met:

- The kindergarten program does not exceed the length of the primary school day, and,
- The extended-day kindergarten program takes into account ample opportunity for both active and quiet activities with an integrated, experiential, and developmentally appropriate educational program.

To establish EDK, districts should adopt a formal policy in keeping with an Early Primary Program (*EC* sections 8970-8974). They may also consider the implications of curriculum and instruction changes, class size reduction, facilities, parental/guardian issues, potential bargaining unit agreements, and fiscal considerations. Districts may also carefully evaluate lengthened programs to determine if children are benefiting in all domains (academic, social, emotional, and physical).

First Grade Enrollment

California law requires a child to be six years old on or before September 1 for the 2014–15 school year and each school year thereafter to be legally eligible for first grade *EC* Section 48010.

A child who was *legally enrolled* in an out-of-state kindergarten for one school year (using that state's requirements), but who does not meet California age eligibility for first grade, may, with parental consent, be enrolled by the district in first grade (*EC* Section 48011).

A child who was *not age-eligible* for kindergarten (that is, the child turned five after September 1 in the 2014-15 school year or thereafter) and who attended a California private school kindergarten for a year is viewed by the CDE as *not legally enrolled* in kindergarten, pursuant to *EC* Section 48000 requirements. Therefore, this child, upon enrollment in public school, is enrolled in kindergarten, assessed, and may (but is not required to) be immediately promoted to first grade if the child meets the following State Board of Education criteria, pursuant to Title 5, Section 200:

- *The child is at least five years of age.*

- *The child has attended a public school kindergarten for a long enough time to enable school personnel to evaluate the child's ability.*
- *The child is in the upper 5 percent of the child's age group in terms of general mental ability.*
- *The physical development and social maturity of the child are consistent with the child's advanced mental ability.*
- *The parent or guardian has filed a written statement with the district that approves placement in first grade.*

A statement, signed by the district and parent/guardian, is placed in the official school records for these five-year-olds who have been advanced to first grade (EC Section 48011). This action prevents a subsequent audit exception for first grade placement of an *age-ineligible* student.

Considerations. Young children who are placed in kindergarten or first grade may feel stress as they try to achieve academic expectations and relate to older children. Parents/guardians and early childhood educators are the best judges regarding what may be gained by acceleration and whether it is worth the price. CDE recommends that educators and district employees explain to parents/guardians of under-age children the following:

- *The academic, social, physical, and emotional readiness required for kindergarten or first grade*
- *The rigorous nature of the academic standards*
- *The potential for harm to a child's disposition to learn by inappropriate acceleration, and,*
- *The important concepts, skills, and knowledge imparted at each stage of a child's education, including preschool.*

Often it is helpful if school or district staff members arrange for parents/guardians to read content standards for kindergarten through first grade, visit classrooms, and observe instruction. Districts may provide additional information for parents/guardian.

Transitions to Elementary School

Helping children get a good start in school is important to families, teachers, and children. Transition plans are required by the federal No Child Left Behind Act of 2001. Title I, Part A, Section 1114(b)(1)(G) of the Act requires Schoolwide Projects to plan children's transitions from early childhood programs to local elementary school programs. Section 1115(c)(1)(D) of the Act requires Targeted Assistance programs to assist preschool children in their transitions to elementary school. Head Start programs are also required to plan transitions and share relevant child-centered information (Section 642A of 42 U.S.C. 9837A). Students with exceptional needs are also provided appropriate transitions, pursuant to *EC* Section 56445.

A state law offers an additional opportunity for preschool and elementary educators to help children transition to school. The California Preschool Transfer Act of 2001 (Assembly Bill 1539, Chapter 629, Statutes of 2001) requires state-funded preschools to provide to the parent/guardian(s)

developmental and any other information deemed beneficial to the child and public school teacher (see *EC* sections 56435, 56449, and 58930). If parents/guardians authorize it, preschools may provide this information directly to the schools.

Note: The guidance in this document is not binding on LEAs or other entities. Except for the statutes, regulations, and court decisions that are referenced herein, this document is exemplary, and compliance with it is not mandatory. (See *Education Code* Section 33308.5.)

California Department of Education Resources

Name	Contact	Topic
Early Education Division	UPK@cde.ca.gov	Preschool; TK and kindergarten technical assistance
DataQuest	https://www.cde.ca.gov/ds/ad/dataquest.asp	Access to a wide variety of reports
School Fiscal Services Division	AttendanceAccounting@cde.ca.gov	Average daily attendance; fiscal reports; apportionment; audits
Child Development Management and Information System (CDMIS)	CDMIS@cde.ca.gov	

Resources Cited

CDE Press 1999. *First Class: A Guide for Early Primary Education*. Sacramento, CA, Department of Education.

Developmentally Appropriate Practice in Early Childhood Programs, Rev. Ed. 2009. Sue Bredekamp and Carol Copple, Eds. Washington, DC: National Association for the Education of Young Children.

Questions: Early Education Division | UPK@cde.ca.gov

Last Reviewed: Wednesday, September 25, 2024



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DMUSD will offer a Transitional Kindergarten Early Intervention (TKEI) Program beginning in the 2024-2025 school year. This program will serve students who reside within the district boundaries, turn 4 years old by September 1st, and are low-income eligible, homeless, or foster youth.

Registration for the 2024-2025 program is now open. If you believe your student will be eligible for this program, please complete an initial application [HERE](#).

Registration for the 2025-2026 program will open Monday, March 3, 2025.

For questions regarding registration, please contact Justine Stacy in Student Services at jstacy@dmusd.org or 858-755-9301 x3688.



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The Local Control Funding Formula for School Districts and Charter Schools

GABRIEL PETEK | LEGISLATIVE ANALYST | JANUARY 2023

SUMMARY

In 2013-14, the state created the Local Control Funding Formula (LCFF)—a major change to the school finance system. The LCFF was intended to simplify school funding and distribute funding based on student demographics. School districts and charter schools receive most of their LCFF apportionment through a per-student formula—based on average daily attendance (ADA)—that provides a base amount of funding by different grade spans. Almost one-fifth of LCFF funding for school districts and charter schools is provided through two separate calculations based on the proportion of their student population that is an English learner, from a low-income family, or a foster youth. The formula also includes a few add-ons that remain from the previous funding system. (The state also retained a few other categorical programs, such as special education and child nutrition.) The 2022-23 budget package provides \$75.5 billion in LCFF funding, which represents about 80 percent of state funding for public schools. In this brief, we provide some historical background on LCFF's implementation, describe how the formula works for school districts and charter schools, describe how the formula was phased in, and explain requirements for districts to adopt plans that describe how LCFF funding will be spent.

INTRODUCTION

Proposition 98 requires the state to annually set aside a minimum amount of General Fund and local property tax revenue for public schools and community colleges. Whereas Proposition 98 establishes a minimum funding level, the Legislature decides how to allocate this funding among school and community college programs. About 80 percent of Proposition 98 funding to public schools is allocated through the LCFF, which was established in 2013. In this brief, we discuss the LCFF for school districts and charter schools. For brevity, we refer to both as school districts throughout this brief unless otherwise noted. (We do not discuss the LCFF for county offices of education.)

LCFF Replaced System of Revenue Limits and Numerous Categorical Programs. Prior to LCFF, the state distributed about two-thirds of school funding through revenue limits—general purpose grants that could be used for any educational purpose. Revenue limits were allocated to districts based on a per-student rate (using student ADA), with the specific rate varying significantly by district. This variation was largely based on historical local levels of

funding prior to the state becoming more involved in financing K-12 education in the early 1970s. (The state took several steps to equalize rates in subsequent decades, but some variation in per-student rates remained.) In addition to revenue limits, the state had more than 50 categorical programs. The level of categorical funding also varied significantly by district, as each categorical program had its own allocation formula and spending restrictions.

LCFF Was Intended to Address Flaws of Previous System. In the years leading up to LCFF, policy makers and researchers had concerns with the state's K-12 funding system. Most notably, there was a broad-based consensus that the system was:

- ***Overly Complex.*** The system consisted of a myriad of programs, each with different allocation formulas and different spending requirements, which made tracking difficult for school districts.
- ***Antiquated.*** The allocation formulas for numerous programs were based on historical factors that no longer had relevance—which led to variation in funding across districts with no rationale.

- **Inequitable.** Although some funding was targeted to support specific student groups, such as low-income students and English learners, the state’s school finance system as a whole was not well-aligned to student need.
- **Inefficient.** Due to the multiple funding streams, districts often took a compliance-oriented approach that did not attempt to coordinate activities across various programs.
- **Highly Centralized.** State restrictions limited districts’ ability to design educational programs based on local needs and priorities.

During the Great Recession, the state reduced funding for the majority of categorical programs and temporarily exempted districts from most categorical program spending requirements. As the state was coming out of the recession and categorical restrictions were scheduled to return, the Governor, Legislature, and stakeholders began to discuss options for reforming the existing system. In 2013, as part of the 2013-14 budget package, the state replaced its general purpose grants and most categorical programs with the LCFF. The new funding formula is much simpler than the previous funding system, treats districts similarly, and provides dedicated funding to certain student populations with greater needs. The new system

also gives districts more control over how to spend state funding, while also creating a local planning process that is intended to increase transparency and stakeholder engagement.

COMPONENTS OF FORMULA

As **Figure 1** shows, school districts receive virtually all of their LCFF apportionment (about 98 percent) through a per-student formula, with the remainder provided through several “add-ons.” Schools pay for most of their general operating expenses (including employee salaries and benefits, supplies, and student services) using these funds. In this section, we describe how the formula works in more detail.

Main Components

LCFF Is Based on ADA. The state allocates LCFF funding to school districts and charter schools based on their ADA—the average number of students in class each day throughout the school year. For funding purposes, the state credits school districts with their ADA in the current year, prior year, or the average of three prior years, whichever is higher. (The option to fund based on the average of three prior years was established in 2022-23.) Charter schools, by contrast, are funded according to their ADA in the current year only.

Figure 1

Overview of the Local Control Funding Formula

(In Billions)

Components	Description	2022-23 Funding (LAO Estimates)
Base grant	Provides a uniform level of funding per student in different grade spans. Includes two grade span adjustments—one for smaller class sizes in grades K-3 and one to acknowledge costs of providing career technical education in high schools. Beginning in 2022-23, also includes additional funding for students in transitional kindergarten.	\$60.8
Supplemental grant	Provides an additional 20 percent of the adjusted base grant rate for each student that is an English learner, low income, or foster youth.	7.5
Concentration grant	Each English learner, low-income student, and foster youth above 55 percent of enrollment generates an additional 65 percent of the adjusted base rate.	5.5
Total, Main Components		\$73.8
Add-ons	Includes Targeted Instructional Improvement Block Grant, Home-to-School Transportation, Economic Recovery Target, Education Protection Account, and Minimum State Aid.	\$1.7
Total		\$75.5

Base Grant Varies by Grade Span. As **Figure 2** shows, school districts receive the bulk of their LCFF funding based on their ADA in four grade spans. (This includes two grade span adjustments that will be discussed in the next paragraph.) The base funding rates are higher for students in higher grade spans—reflecting generally higher costs of education at higher grade levels. Districts may use their base funding for any educational purpose. As described in the box on the next page, the base grant calculations differ for attendance associated with certain small schools.

Grade Span Adjustments for Early Elementary and High School Grades. The LCFF base rates include two specific grade span adjustments that increase the base rates, with the goal of maintaining some aspects of the previous finance system. The K-3 adjustment increases the base rate for grades K-3 by 10.4 percent. To receive this adjustment, districts must maintain average K-3 class sizes of 24 students or fewer for each of their school sites—unless the district has a collective bargaining agreement for a higher class size. This adjustment reflects a state commitment to have relatively smaller classes in grades K-3. Prior to the LCFF, the K-3 Class Size Reduction program provided funding to districts for this purpose. Absent a related collective bargaining provision, a district could lose its entire K-3 adjustment if at least one school site in the district has an average class size that is greater than 24. (Charter schools receive the K-3 adjustment but are exempt from the class size requirement.) The adjustment for grades 9-12 increases the base rate by 2.6 percent and was intended to account for the additional cost of providing career technical education to high school students—though this funding is not explicitly restricted for this purpose.

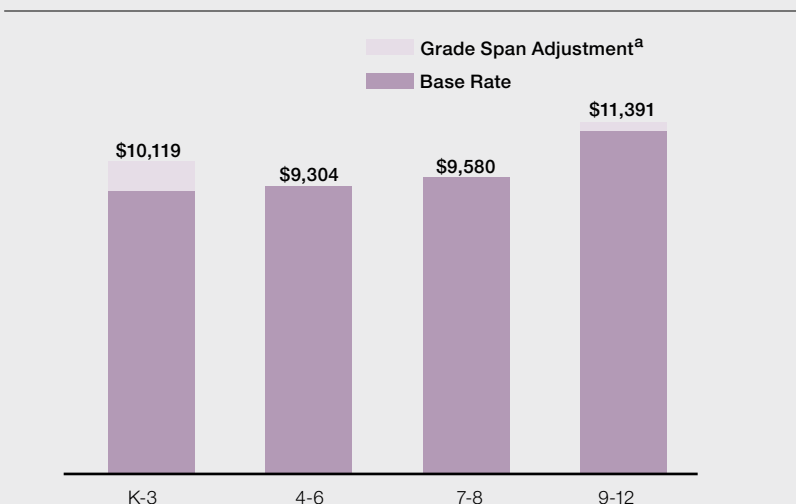
New Funding for Transitional Kindergarten Staffing Beginning in 2022-23. As part of the 2021-22 budget, the state enacted an

increase in funding for transitional kindergarten attendance, set to begin in 2022-23. (Transitional kindergarten is considered the first year of a two-year kindergarten program and is therefore funded using the K-3 base rates.) In addition to the funding generated through the base grant and K-3 grade span adjustment, school districts will receive \$2,813 per transitional kindergarten ADA. To receive this funding in 2022-23, districts must maintain an average of 1 adult for every 12 students in transitional kindergarten classrooms at each school site. Beginning in 2023-24, districts must maintain an average of 1 adult for every 10 students in their transitional kindergarten classrooms at each school site. Unlike the K-3 adjustment, districts cannot collectively bargain for higher transitional kindergarten staffing ratios. (Charter schools can receive this adjustment, but unlike the K-3 adjustment, must meet the transitional kindergarten staffing requirements to receive the funding.)

Supplemental Grant Funding Based on Proportion of English Learners/Low-Income (EL/LI) Students and Foster Youth. The LCFF provides additional funds to districts based on the proportion of their students who are EL/LI (based on eligibility to receive free or reduced-price

Figure 2

LCFF Adjusted Base Rates by Grade Span 2022-23



^a Reflects a 10.4 percent adjustment to the K-3 base rate and a 2.6 percent adjustment to the 9-12 base rate.
LCFF = Local Control Funding Formula.

LAO

school meals under a federal nutrition program) or foster youth. This proportion is commonly called the unduplicated pupil percentage. The additional funding is intended to recognize that, on average, these student groups typically require additional support to meet grade level standards. For each EL/LI student, a district receives a supplemental grant equal to 20 percent of the base grant (including the K-3 and 9-12 grade span adjustments). A student who is both EL and LI generates the same funding rate as a student who belongs to only one of these groups. (Because all foster youth also meet the state's LI definition, we do not refer to them as a separate subgroup for the remainder of the brief.). For the purposes of calculating LCFF allotments, the state uses a three-year rolling average of the district's EL/LI percentage.

Concentration Grant Funding for Districts With Relatively High Shares of EL/LI Students.

Districts serving a student population of more than 55 percent EL/LI also receive a concentration grant equal to 65 percent of the adjusted base grant for each EL/LI student above the 55 percent threshold. (A charter school's concentration grant funding is calculated based on the proportion of EL/LI students in the district in which it resides, if it is lower.) **Figure 3** illustrates how the concentration grant is calculated. The state adopted concentration grants in response to numerous studies that showed EL/LI students face greater educational challenges when they are enrolled in higher-poverty schools. When LCFF was first enacted, the concentration grant amount was equal to 50 percent of the adjusted base grant. The 2021-22 budget plan increased the concentration grant rate to 65 percent of the adjusted base grant.

Base Grant Differs for Some School Districts With Necessary Small Schools

What Is a Necessary Small School? The Necessary Small Schools (NSS) program provides an alternative base grant funding methodology for districts with average daily attendance (ADA) of 2,500 or fewer that operate very small schools (less than 96 ADA for an elementary school or less than 286 ADA for a high school). To be classified as an NSS, schools also must demonstrate that (1) students who attend the small school would otherwise be required to travel relatively long distances from their home to attend school, or (2) geographic or other conditions (such as annual snowfall) make busing students an unusual hardship.

How Is Funding Determined for Necessary Small Schools? The NSS allocation uses funding bands based on the combination of a school's ADA and its staffing levels, whichever provides the lesser amount. The number of full-time teachers is used for elementary schools that serve students in grades K-8, while the number of full-time equivalent certificated employees is used for high schools. The funding bands for elementary schools are shown in the figure below. Districts receive NSS funding for their eligible schools in place of Local Control Funding Formula (LCFF) base grants, but they still receive LCFF base grant funding for all other schools in their district. Supplemental and concentration funding for NSS is calculated in the same way for all other ADA. As with the base grant, the NSS amounts are annually adjusted by the LCFF statutory cost-of-living adjustment.

Funding Bands for Necessary Small Elementary Schools

2022-23 Rates

Number of Certificated Teachers	Average Daily Attendance	Funding Amount
1	1-24	\$247,965
2	25-48	490,709
3	49-72	733,666
4	73-96	976,409

Figure 3

Illustration of How Main LCFF Components Are Calculated

For a School District With 10,000 K-3 ADA and an EL/LI Share of 75 percent

Grant Type	Associated ADA ^a	Rate ^b	Funding	Funding Per Total District ADA
Base grant	10,000	\$10,119	\$101,190,000	\$10,119
Supplemental grant	7,500	2,024	15,180,000	1,518
Concentration grant	2,000	6,577	13,154,000	1,315
Totals			\$129,524,000	\$12,952

^a Total ADA for base grant. For supplemental grant, consists of total ADA multiplied by EL/LI share. For concentration grant, consists of total ADA multiplied by 20 percent (the 75 percent EL/LI share minus 55 percent).

Base grants reflect adjusted K-3 base rate, supplemental grants reflect 20 percent of adjusted K-3 base rate, and concentration grants reflect 65 percent of adjusted K-3 base rate.

LCFF = Local Control Funding Formula; ADA = average daily attendance; and EL/LI = English learner/low income.

Districts Must Ensure “Proportionality” When Spending Supplemental and Concentration Grant Funds.

A district must use their supplemental and concentration grant funding to proportionally increase or improve services for their EL/LI students, relative to the base amount of funding they receive. Statute also allows districts to use supplemental and concentration funding on a districtwide or schoolwide basis. The State Board of Education (SBE) is required to develop regulations implementing these provisions. The existing regulations allow districts to reflect their increase or improvement in services in quantitative or qualitative ways. Districts must report the total amount of supplemental and concentration funding they expect to receive, as well as describe how they plan to use their supplemental and concentration funding for the benefit of EL/LI students. They also must report how the proportional increase in supplemental and concentration grant meets a proportional increase in services for EL/LI students. If districts choose to use supplemental funding for a schoolwide or districtwide purpose, they must explain how this approach will benefit EL/LI students. Districts demonstrate adherence with these requirements through their Local Control and Accountability Plans (LCAPs), which we discuss in greater detail later in this brief.

Two Recent Changes Related to Supplemental and Concentration Grant Funding.

Since the enactment of LCFF, the state made two notable changes related to how supplemental and concentration grant funding must be spent.

- **Restrictions on Unspent Supplemental and Concentration Grants.** Trailer legislation included in the 2021-22 budget package introduced a new requirement that districts track their unspent supplemental and concentration grant funding and use the funding to increase or improve services for EL/LI students in future years. Prior to this change, districts could use unspent supplemental and concentration grant funding in subsequent years for any educational purpose.
- **Use of Concentration Grant Funding for Staffing at High Needs Schools.** When the state increased the concentration grant rate to 65 percent of the base grant, it also specified that the associated increase in funding must be used by school districts to increase the number of staff that provide direct services to students in schools where more than 55 percent of students are EL/LI.

Effect of Supplemental and Concentration Grants on Per-Student Funding. Supplemental and concentration grant funding provides higher levels of total LCFF funding per ADA for districts with higher proportions of EL/LI students. **Figure 4** on the next page shows how variation in a districts' EL/LI share affects their total per-pupil funding. A district with an EL/LI share of 25 percent will receive an additional \$506 per ADA from the supplemental grant (a 5 percent increase from the base rate). Comparatively, a district with an EL/LI share of 75 percent will receive \$1,518 per

ADA from the supplemental grant and \$1,315 from the concentration grant—for a total of \$2,833 in additional funding (a 28 percent increase from the base rate). This results in a district with an EL/LI share of 75 percent receiving 22 percent more funding per student than a district with an EL/LI share of 25 percent.

Statute Requires a Cost-of-Living Adjustment (COLA) for LCFF. The COLA rate is based on a price index published by the federal government. This index reflects changes in the cost of goods and services purchased by state and local governments across the country. State law provides an automatic COLA for LCFF unless the constitutionally required Proposition 98 funding level is insufficient to cover the associated costs. In these cases, the law reduces the COLA rate to fit within the available funding. The state applies the COLA to LCFF by increasing the grade span base rates, necessary small schools rates, and the transitional kindergarten staffing adjustment. These rate increases also result in proportional increases to the grade span adjustments and supplemental and concentration grants, since the value of these components are funded as a percentage of the base grant.

Add-Ons to the Formula

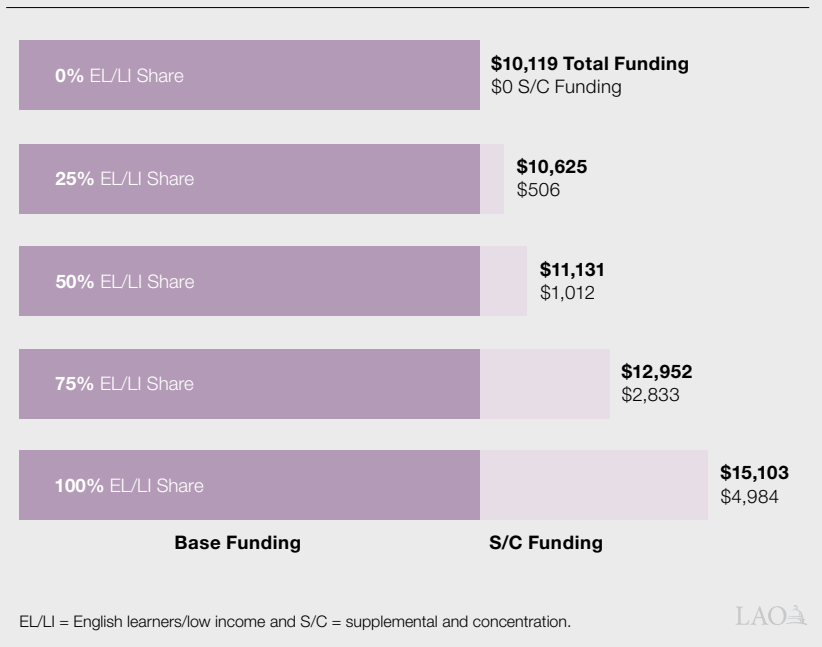
In addition to the main components of the LCFF, the state also included several add-ons to the formula. In this section, we describe three major add-ons. A certain subset of school districts with relatively high local property tax revenue also benefit from other LCFF add-ons. We discuss local property tax revenue and the associated add-ons in the nearby box.

Two Categorical Programs Remain as LCFF Add-Ons. With the implementation of LCFF, funds from two pre-existing categorical programs—the

Figure 4

Supplemental and Concentration Grants Increase Effective Funding Per Student

2022-23 K-3 Funding Rates Per Student Based on District's EL/LI Share



Targeted Instructional Improvement Block Grant (TIIG) and Home-to-School (HTS) Transportation program—were treated as add-ons. Districts that received funding from these programs in 2012-13 continue to receive that same amount of funding in addition to what the LCFF provides each year. Districts can use their TIIG funding for any educational purpose. Regarding the HTS add-on, districts must spend at least as much on school transportation as they spent from state funds in 2012-13. As long as districts meet this requirement, they can spend the HTS add-on for any purpose. In 2021-22, the TIIG and HTS add-ons totaled \$1.3 billion statewide.

2022-23 Budget Included Changes to School Transportation Funding. The 2022-23 budget package included two major changes to how the state funds school transportation. Beginning in 2023-24, the existing HTS add-on will receive the same COLA as the rest of LCFF. The budget also established a new funding stream, beginning in 2022-23, for school districts and county offices of education (COEs) to be reimbursed for 60 percent of eligible transportation expenditures

How Local Property Tax Revenue Affects Total LCFF Funding

LCFF Is Funded Through a Combination of State General Fund and Local Property Tax Revenue. The Local Control Funding Formula (LCFF) and add-ons are used to determine a district's total LCFF target. To meet each district's target, the state first credits each district with its share of local property tax revenue. For the vast majority of school districts, local property tax revenue is insufficient to cover their total LCFF target. The state provides funding to cover the remaining amount.

School Districts With Local Property Tax Revenue Above Their LCFF Target Are Known as Basic Aid Districts. The term is derived from the section of the State Constitution guaranteeing all school districts at least \$120 per student from the state. The property tax revenue in excess of their LCFF allotments is known as excess property tax revenue. Basic aid school districts can use their excess property tax revenue on their local education priorities. In 2021-22, the state had 118 basic aid school districts (about 13 percent of all districts), with a statewide total of \$1.2 billion in excess property tax revenues.

For Basic Aid Districts, Changes in Funding Are Driven by Property Taxes. For most districts, changes in LCFF funding are driven by changes in their average daily attendance (ADA); the per-ADA base rates; and the share of their students that are English learners, low income, or foster youth. For basic aid school districts, changes in their LCFF allotments typically have no effect on funding. Rather, changes in funding are driven by changes in local property tax revenue. A district's status as a basic aid district can change over time. For example, a basic aid district with local property tax revenue slightly above their LCFF target might no longer be basic aid if the state made large increases to the LCFF rates, resulting in the LCFF target exceeding local property tax revenue. Similarly, a school district can become basic aid over time if its local property tax revenue grows at faster rates than its LCFF target.

Basic Aid Districts Also Uniquely Benefit From Two Other Provisions. In addition to receiving excess property tax revenue above their LCFF targets, basic aid districts also receive additional funding due to two other provisions, discussed below.

Minimum State Aid. The legislation creating LCFF includes a provision that specifies no district is to receive less state aid from LCFF than it received in 2012-13 from the pre-existing programs that were replaced by LCFF. For most school districts, the state General Fund they receive for their LCFF targets is sufficient to meet this provision. Since basic aid districts do not receive state aid towards their LCFF target, the state must provide additional General Fund to meet this requirement. (Other school districts with relatively high property tax revenue also receive additional funding due to this provision.) In 2021-22, the state provided \$192 million in addition to the LCFF target to meet this provision.

Education Protection Account. Proposition 30 (2012) temporarily increased tax revenues and required the revenue to be deposited into the Education Protection Account (EPA). (Proposition 55 [2016] extended some portion of these tax increases to 2030.) The state allocates EPA funding to schools and community colleges as part of their primary funding formulas—LCFF in the case of school districts. The state must also must provide at least \$200 per student from the EPA to all school districts, charter schools, and county offices of education and at least \$100 per full-time equivalent student to community college districts. For most school districts, EPA allocations count toward their LCFF targets and do not affect their individual funding levels. For basic aid school districts (and a few other districts with relatively high property tax revenue), the state must provide additional funding to meet this requirement. In 2021-22, the state provided \$64 million in EPA funding in excess of the LCFF targets.

they reported in the previous year. (Charter schools are not eligible to receive this funding.) A district's HTS add-on would count towards meeting the 60 percent threshold. To qualify for this funding, districts and COEs must adopt local plans describing the transportation services they will provide for their students. These plans must prioritize transportation for students in grade 6 or below and LI students. For 2022-23, the cost of the new transportation increases is estimated to be \$637 million.

LCFF Also Provides Economic Recovery Target to Some Districts. Some districts were expected to receive less total LCFF funding than they would have received if the state had maintained its previous funding system and adjusted it for inflation. The state provided some of these districts with an Economic Recovery Target in addition to their base, supplemental, and concentration grants. This funding was phased in over seven years (from 2013-14 through 2019-20), and is now a permanent, fixed add-on. Funding from the Economic Recovery Target can be used for any educational purpose. More than 120 districts (13 percent of districts statewide) receive funding through the Economic Recovery Target, for total costs of \$61 million.

LCFF IMPLEMENTATION AND FUNDING

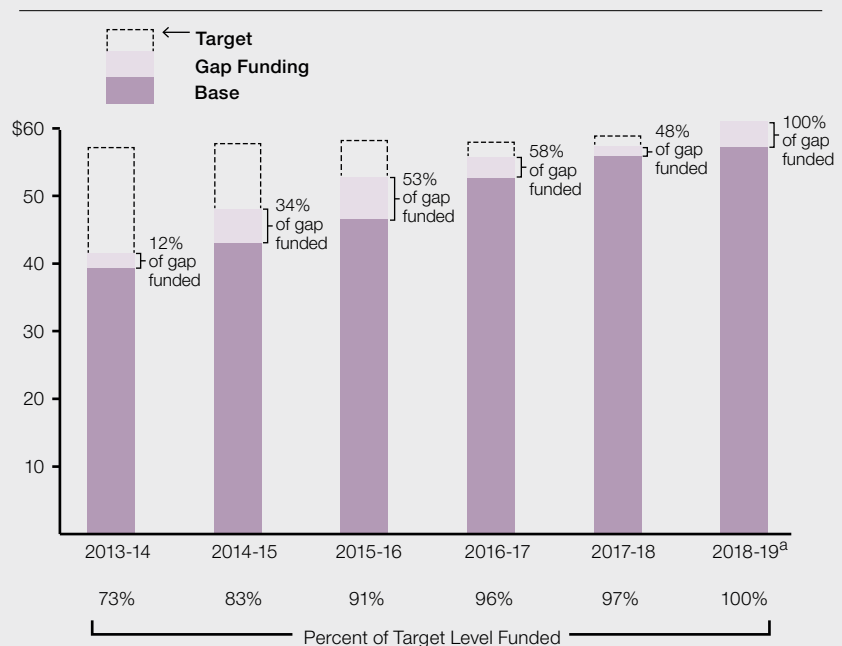
LCFF Was Phased In Over Multiple Years. When first enacted in 2013-14, LCFF was estimated to cost \$18 billion more than the previous funding system. In order to accommodate this increase, LCFF was to be implemented over a multiyear period using a transition formula that increased LCFF rates as more funding became available. The administration projected the state would fully fund LCFF by 2020-21. As **Figure 5** shows, LCFF was fully implemented by 2018-19—two years ahead of schedule. This

was largely due to greater-than-anticipated revenue increases during the period. In several instances, the state also has provided increases to the main LCFF components beyond COLA. Specifically, the state provided increases to LCFF beyond COLA of \$570 million in 2018-19, \$520 million in 2021-22, and \$4.2 billion in 2022-23.

LCFF Now Represents About 80 Percent of School Funding. As **Figure 6** shows, out of the \$95.5 billion Proposition 98 funding provided to K-12 education in 2022-23, \$75.5 billion went towards funding the LCFF for school districts and charter schools (about 80 percent). Outside of the LCFF, roughly half of the remaining funding is provided through two large categorical programs for special education (\$6.1 billion) and providing before/after and summer school programs (\$4 billion). Of the total LCFF funding, the state allocates 81 percent through base grants, 17 percent through supplemental and concentration grants combined, and 2 percent through the add-ons.

Figure 5

LCFF Was Phased In Over Six Years (In Billions)



^a The 2018-19 budget package increased LCFF by an additional 1 percent beyond full implementation.
LCFF = Local Control Funding Formula.

Most Students Attend Districts Receiving Concentration Grant Funding. In 2021-22, 62 percent of the state's 5.9 million students enrolled in public schools were classified as EL/LI students. As **Figure 7** shows, about 64 percent of statewide enrollment is in districts with an EL/LI share of at least 55 percent. Figure 7 also shows that 79 percent of the state's EL/LI students attend districts that receive concentration grant funding.

LOCAL CONTROL AND ACCOUNTABILITY PLANS

In conjunction with creating the LCFF, the state established a new system of transparency and accountability centered around eight state priority areas. To provide transparency regarding how LCFF funding is spent, the state requires districts to adopt LCAPs. Districts must develop and adopt their LCAPs with specific requirements for stakeholder engagement. In their LCAPs, districts must set goals in the eight state priority areas and specify actions they will take to meet these goals. In this section, we discuss the specific requirements in more detail. (In this brief, we do not discuss the state's system of accountability, which was developed in conjunction with LCAPs and is also based around the eight state priority areas.)

LCAPs Based on Eight State Priority Areas and Associated Performance Measures.

The legislation enacting LCFF establishes a framework for LCAPs based around goals in eight state priority areas. Statute also directs

Figure 6

LCFF Represents Majority of Proposition 98 Funding for K-12 Education

2022-23 (In Billions)

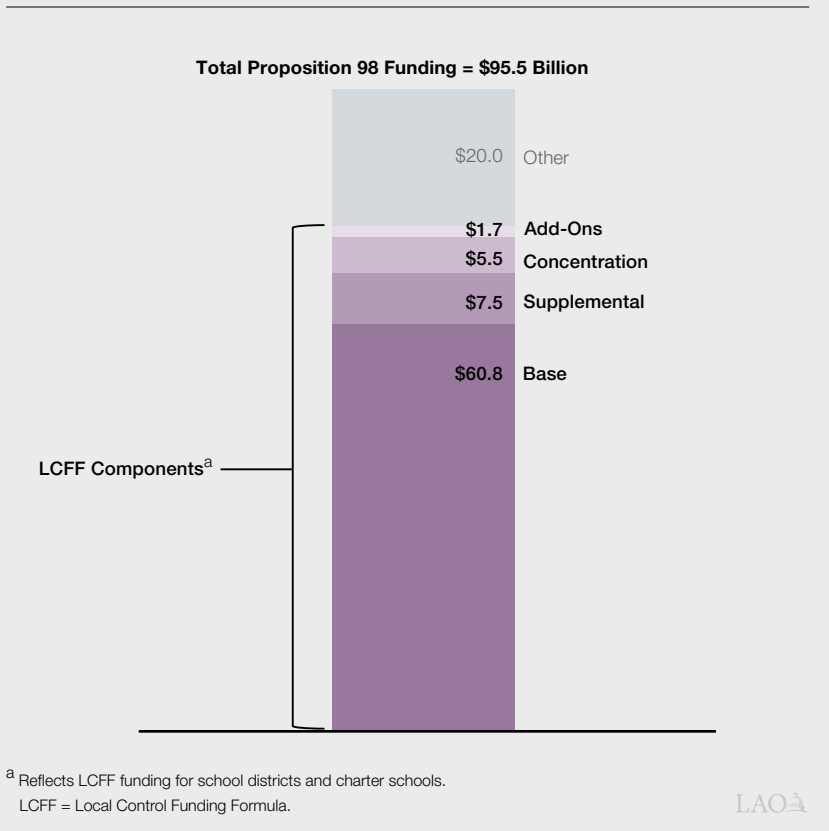
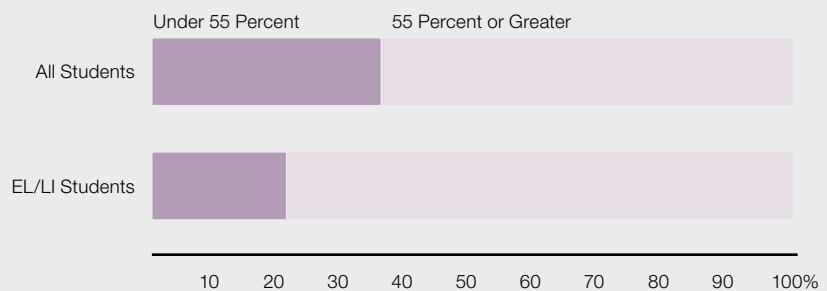


Figure 7

Majority of Students Attend Concentration Grant Districts

2021-22 Statewide Share of Enrollment by District EL/LI Percentage



EL/LI = English learners/low income.

SBE to address several implementation details, such as developing an LCAP template that all districts must use. As shown in **Figure 8**, some priority areas focus on academic success (such as student achievement and course access), while others address issues outside of academics (such as parental involvement and school climate). SBE also has established 13 performance measures in the state priority areas intended to monitor districts' performance. As Figure 8 shows, seven of the performance measures are metrics that districts report to the state and are measured consistently statewide. The remaining six measures are local indicators for which districts report locally developed metrics or qualitative information describing their progress in the priority area. In addition to these required state and local measures, districts may include other performance measures in their LCAPs.

Statute Requires Districts to Set Goals in State Priority Areas.

For each of the state and local measures, statute requires districts to establish performance targets for all students and student subgroups and schools. (Statute identifies 13 student subgroups—eight racial and ethnic groups as well as English Learners, low-income students, foster youth, students with disabilities, and homeless students.) Statute requires that districts establish these targets for the coming school year as well as the next two years.

Districts Must Specify Actions They Will Take to Achieve Goals.

A district's LCAP must specify the actions the district plans to take to achieve its goals. The specified actions must be aligned with the school district's adopted budget. For example, a school district could specify that it intends to provide tutors to all EL students reading below grade level to improve its EL reclassification rate. To ensure the LCAP and adopted budget are

aligned, the school district would be required to include sufficient funding for EL tutors in its adopted budget plan.

LCAPs Must Include Information on Services for EL/LI Students. As mentioned earlier in the brief, districts must include information demonstrating that they are increasing or improving services for EL/LI students in proportion to their supplemental and concentration funding. As part of these requirements, districts must provide justification for spending their supplemental and concentration funding for districtwide or schoolwide purposes.

Districts Must Solicit Input From Various Stakeholders in Developing Plan. **Figure 9** outlines the process a district must follow in adopting its LCAP. One of the main procedural requirements is that a district consult with its school employees, local bargaining units, parents,

Figure 8

State Priority Areas and Associated Performance Measures

	State Measure	Local Measure
Basic Conditions of Learning		
Access to instructional materials, appropriately assigned teachers, and facility conditions		X
Implementation of State Standards		
Implementation of academic standards		X
Parent Engagement		
Parent and family engagement		X
Student Achievement		
English Language Arts assessment	X	
Mathematics assessment	X	
English learner progress	X	
College and career readiness	X	
Student Engagement		
High school graduation rate	X	
Chronic absenteeism	X	
School Climate		
Suspension rate	X	
Local climate survey		X
Course Access		
Access to a broad course of study		X
Other Student Outcomes		
— ^a		X

^a The state has not adopted specific indicators that districts must use for this priority area. Districts may choose to include specific measures as part of their local planning process.

and students. As part of this consultation process, districts must present their proposed plans to a parent advisory committee and, in some cases, a separate EL parent advisory committee. (EL parent advisory committees are required if ELs comprise at least 15 percent of the district's enrollment and the district has at least 50 EL students.) The advisory committees can review and comment on the proposed plan. Districts must respond in writing to the comments of the advisory committees. Consulting with students may include conducting student surveys, holding student forums, or working with student advisory committees. Districts also are required to notify members of the public that they may submit written comments regarding the specific actions and expenditures proposed in the LCAP.

LCAPs Must Include an LCFF Budget

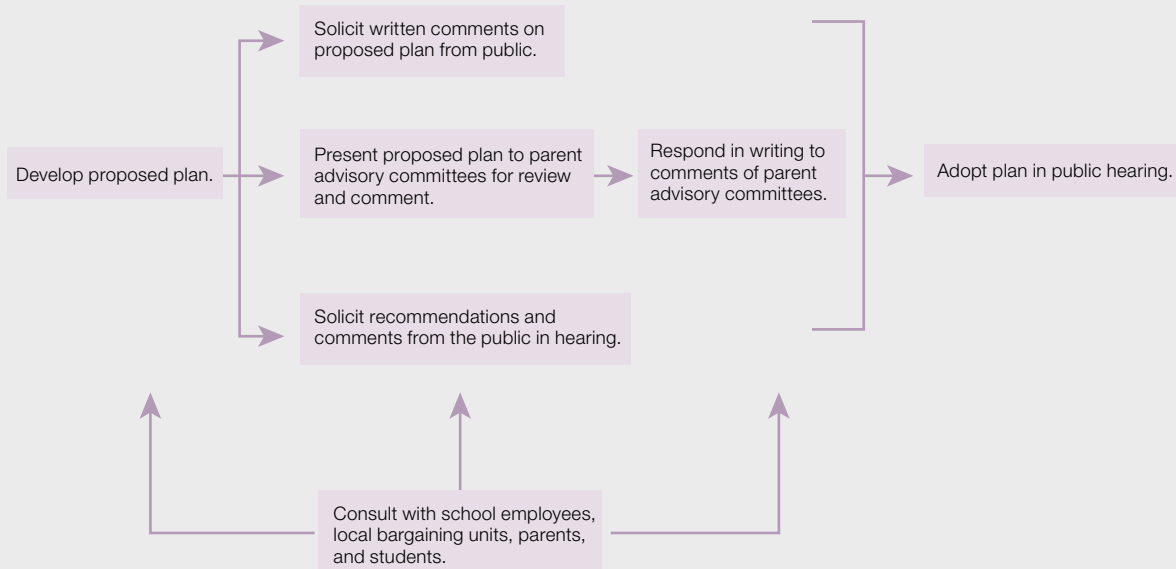
Overview for Parents and Guardians. Beginning in 2019-20, districts must include in their LCAPs a short summary for parents and guardians. This summary must include projected total revenue for the upcoming fiscal year (including LCFF and other state, local, and federal funding), projected

expenditures, and budgeted expenditures for planned actions and services. The summary must also break out LCFF funding by component type and provide estimates of current-year expenditures to increase or improve services for EL/LI students. In addition, the overview must contain a brief description of the activities or programs supported by general fund expenditures that are not included in the LCAP.

Districts Must Adopt LCAPs Every Three Years and Update Them Annually. LCAPs are three-year plans that school districts must update annually. Through a vote of their local governing board, districts must adopt (or update) their LCAP by July 1 every year, in conjunction with their annual budget adoption. Districts also are required to hold at least two public hearings to discuss and adopt (or update) their LCAPs. The district must first hold at least one hearing to solicit recommendations and comments from the public regarding expenditures proposed in the plan. It then must adopt (or officially update) the LCAP at a subsequent hearing.

Figure 9

School District LCAP Adoption Process



LCAP = Local Control and Accountability Plan.

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COEs Must Review and Approve a School District's LCAP. Each district must submit its LCAP to its COE for review. The COE must approve a district's LCAP if it determines that (1) the LCAP adheres to the required template, (2) the district's budgeted expenditures are sufficient to implement the strategies outlined in the LCAP, and (3) the LCAP adheres to the expenditure requirements for supplemental and concentration funding. As part of its review, the COE can then seek clarification from the district about the contents of its LCAP. If a COE seeks such clarification, a district must respond in writing. Based on a district's response, the COE can submit recommendations for amendments to the LCAP back to the district. The district must consider any COE recommendations at a public hearing, but the district is not required to make changes to its plan. The annual deadline for approval or rejection of a district's LCAP by a COE is October 8. Charter schools are not required to have their LCAPs reviewed and approved by a COE.

CONCLUSION

The state created the LCFF with many goals in mind: to simplify school finance, give more discretion to school districts, distribute funding more equitably based on student needs, and avoid a compliance-oriented approach to operating programs. As the state approaches ten years since the LCFF was enacted, the Legislature may want to consider whether the LCFF has met these intended goals. Some effects, such as the simplification of the school finance system and greater local control, are easier to assess. Others, such as the effects on student outcomes, are more challenging to determine. Some preliminary studies (using pre-pandemic data) suggest that the LCFF has resulted in improvements on standardized tests and graduation rates for EL/LI students, most notably in districts with high concentrations of EL/LI students. The Legislature may also want to consider whether changes to the formula could help in further meeting the intended goals. For example, the Legislature could evaluate whether the levels of funding for the main components of the formula (base, supplemental, and concentration grants) are distributed in a way that aligns with best practices for serving EL/LI students.

LAO PUBLICATIONS

This report was prepared by Michael Alferes, and reviewed by Edgar Cabral and Anthony Simbol. The Legislative Analyst's Office (LAO) is a nonpartisan office that provides fiscal and policy information and advice to the Legislature.

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**California Department of Education
Official Letter**

March 21, 2025

Dear County and District Superintendents and Charter School Administrators:

Celebrating Universal Transitional Kindergarten and Reminder of Expectations

As we approach the 2025–26 school year, the California Department of Education (CDE) is excited to celebrate a significant milestone in early childhood education: the final stage in expansion toward Universal Transitional Kindergarten (UTK) to include all four-year-old children across California. This ambitious initiative marks a historic moment for our state's commitment to providing high-quality educational opportunities from an early age.

By the start of the 2025–26 school year, every four-year-old child will have access to Transitional Kindergarten (TK), regardless of background, race, zip code, immigration status, or income level. Under California *Education Code* Section 48000, **any school district that offers kindergarten is required to also offer TK** and comply with the TK requirements, such as adult-to-student ratio, class size, and teacher credentialing. **This requirement includes basic aid districts**, which primarily rely on local property tax revenue to fund their Local Control Funding Formula entitlement.

The vast majority of school districts and charter schools have embraced TK and are working hard on implementation of UTK, because early learning is the most effective strategy to close the socioeconomic achievement gap and helps build a strong school community by connecting families to their local schools, starting with four-year-olds.

As you prepare for this expansion, the CDE encourages you to focus on ensuring that your facilities are appropriate to accommodate the developmental needs of four-year-olds. Additionally, districts should engage with local communities to raise awareness about the availability and benefits of UTK. To support the successful implementation of UTK, the CDE will continue to provide resources and guidance, including assistance with fostering equity-grounded emotional relationships with students and families, incorporating playful learning

across the preschool through third grade continuum, workforce development, and community outreach. We are committed to working closely with all districts to ensure that every child has access to high-quality early learning opportunities.

Thank you for your dedication to providing exceptional educational experiences for California's children. Together, we can make a lasting impact on their future success.

Sincerely,

Tony Thurmond
State Superintendent of Public Instruction

Last Reviewed: Tuesday, March 25, 2025

Transitional Kindergarten FAQs

Frequently asked questions regarding California state law relating to kindergarten.

1. What is the Kindergarten Readiness Act of 2010?
2. What is the minimum age for admittance to kindergarten in California?
3. What is transitional kindergarten?
4. Will transitional kindergarten continue after 2014?
5. Must children attend transitional kindergarten or kindergarten?
6. Is a district required to offer transitional kindergarten and kindergarten programs?
7. Can transitional kindergarten and kindergarten students be enrolled in the same classrooms?
8. How many years can a district claim apportionment for transitional kindergarten and kindergarten?
9. Can a district claim apportionment for transitional kindergarten if it does not use a modified curriculum that is age and developmentally appropriate?
10. How does transitional kindergarten affect basic aid districts?
11. How many minutes does a transitional kindergarten program have to offer?
12. How long is the transitional kindergarten day?
13. Is there a parental permission form to continue a child from transitional kindergarten into kindergarten?
14. Are standards available for transitional kindergarten?
15. What is the curriculum for transitional kindergarten?
16. How will the needs of English learners be addressed in transitional kindergarten?
17. How will the needs of parents of English learners be addressed in transitional kindergarten?
18. What are the William's requirements for students in transitional kindergarten?
19. Can students who are age eligible for kindergarten attend transitional kindergarten?
20. What type of facility should be used for transitional kindergarten?
21. Will transitional kindergarten enrollment generate eligibility under the State School Facility Program (changes in kindergarten enrollment have a dramatic impact on the 5 year enrollment projections for calculating new construction eligibility)?
22. Will transitional kindergarten have the same statutory class size limits as regular kindergarten (33 maximum/31 average)? What about Class Size Reduction for transitional kindergarten?
23. What is the teacher-student ratio for transitional kindergarten?
24. Does the transitional kindergarten teacher need a teaching credential?
25. Does the Kindergarten Readiness Act of 2010 provide funding for any other staffing?
26. Are districts required to use DataQuest to report information about transitional kindergarten?
27. Does the Kindergarten Readiness Act of 2010 provide funding for professional development?
28. Can a transitional kindergarten teacher "loop" with his/her students to kindergarten?
29. Can the same federal funds used to fund kindergarten be used to fund transitional kindergarten (for example Title 1, Title III, EIA, etc...)?

1. What is the Kindergarten Readiness Act of 2010?

Senate Bill (SB) 1381 (Chapter 705, Statutes of 2010) amended California Education Code (Section 46300, 48000, and 48010) to change the required birthday for admission to kindergarten and first grade and established a transitional kindergarten program beginning in the 2012–2013 school year.

2. What is the minimum age for admittance to kindergarten in California?

A child shall be admitted to a kindergarten maintained by the school district at the beginning of a school year, or at a later time in the same year if the child will have his or her fifth birthday on or before one of the following dates (EC 48000[a]):

For the 2010–11 school year the date is December 2

For the 2011–12 school year the date is December 2

For the 2012–13 school year the date is November 1

For the 2013–14 school year the date is October 1

For the 2014–15 school year and each school year thereafter the date is September 1.

3. What is transitional kindergarten?

A transitional kindergarten is the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Pursuant to law, (EC 48000[c]), a child is eligible for transitional kindergarten if a child will have his or her fifth birthday between:

For the 2012–13 school year November 2 and December 2

For the 2013–14 school year October 2 and December 2

For the 2014–15 school year and each school year thereafter September 2 and December 2.

4. Will transitional kindergarten continue after 2014?

Yes.

5. Must children attend transitional kindergarten or kindergarten?

Parents and guardians are currently not required to enroll children in transitional kindergarten or kindergarten (EC Section 48200).

6. Is a district required to offer transitional kindergarten and kindergarten programs?

Each elementary or unified school district must offer transitional kindergarten and kindergarten classes for all children eligible to attend.

7. Can transitional kindergarten and kindergarten students be enrolled in the same classrooms?

Although the intent of the law is to provide separate and unique experiences for transitional kindergarten and kindergarten students, districts have flexibility to determine how best to meet the curricular needs of each child.

8. How many years can a district claim apportionment for transitional kindergarten and kindergarten?

Pursuant to law (EC 46300[g]), districts may claim apportionment for a child for not more than two years in kindergarten or two years in a combination of transitional kindergarten and kindergarten.

9. Can a district claim apportionment for transitional kindergarten if it does not use a modified curriculum that is age and developmentally appropriate?

In order to claim apportionment for transitional kindergarten, districts must use a modified curriculum that is age and developmentally appropriate. California law (EC 48000) defines transitional kindergarten as “the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.”

10. How does transitional kindergarten affect basic aid districts?

The laws apply equally to all districts, whether they receive State revenue limit funding or are basic aid.

11. How many minutes does a transitional kindergarten program have to offer?

The number of required instructional minutes for transitional kindergarten is 36,000 minutes per year. The minimum length of instructional time that must be offered to constitute a school day is 180 minutes. (*Education Code sections 46117 and 46201*)

12. How long is the transitional kindergarten day?

Pursuant to law (EC 48000), a transitional kindergarten shall not be construed as a new program or higher level of service. By statute, the maximum school day in kindergarten is four hours (EC 46110). An exception to this statute allows schools that have adopted an early primary program (extended-day kindergarten) to exceed four hours (EC

8973).

13. Is there a parental permission form to continue a child from transitional kindergarten into kindergarten?

Children enrolled in transitional kindergarten do not need a signed parental permission form to continue in kindergarten.

14. Are standards available for transitional kindergarten?

While recommended standards at all grade levels are not mandatory but voluntary. Local Education Agencies will make the decision of what standards or learning foundations are to be part of the local course of study. For guidance in creating a transitional kindergarten course, local education agencies may look at California's Preschool Learning Foundations (<http://www.cde.ca.gov/sp/cd/re/psfoundations.asp>) California Academic Content Standards (<http://www.cde.ca.gov/be/st/ss/>), and the Common Core State Standards for English Language Art and Mathematics (<http://www.cde.ca.gov/ci/cc/>).

15. What is the curriculum for transitional kindergarten?

California law (EC 48000) defines transitional kindergarten as "the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate." While no state curriculum is mandated, local education agencies must modify the local course of study in order to provide age and developmentally appropriate curriculum for transitional kindergarten.

16. How will the needs of English learners be addressed in transitional kindergarten?

Local educational agencies will provide a Home Language Survey to be completed by the parent or guardian which will aid the school in determining whether or not the student should be administered the California English Language Development Test (CELDT). Students who are English learners in a transitional kindergarten will have the same level of services as those in kindergarten.

17. How will the needs of parents of English learners be addressed in transitional kindergarten?

California law (EC 48985) requires that "all notices, reports, statements, or records sent to the parent or guardian of any such pupil by the school or school district shall, in addition to being written in English, be written in the primary language, and maybe responded to either in English or the primary language." This applies to parents of English learners in transitional kindergarten.

18. What are the William's requirements for students in transitional kindergarten?

While instructional materials must be provided to all pupils, the governing board of a school district determines standards-aligned instructional materials and how those materials are to be modified and age-appropriate for transitional kindergarten. Education Code 60119 states "'sufficient textbooks or instructional materials' means that each pupil, including English learners, has a standards-aligned textbook, instructional materials, or both, to use in class and to take home. This paragraph does not require two sets of textbooks or instructional materials for each pupil. The materials may be in a digital format as long as each pupil, at a minimum, has and can access the same materials in the class and to take home, as all other pupils in the same class or course in the district and has the ability to use and access them at home."

19. Can students who are age eligible for kindergarten attend transitional kindergarten?

The Kindergarten Readiness Act of 2010 does not change the established procedures of early admittance for students who do not meet the age eligibility requirement (EC 48000[b]).

20. What type of facility should be used for transitional kindergarten?

Facility requirements will be the same as they presently are for kindergarten.

21. Will transitional kindergarten enrollment generate eligibility under the State School Facility Program (changes in kindergarten enrollment have a dramatic impact on the 5 year enrollment projections for calculating new construction eligibility)?

Eligibility for this program should remain unchanged because transitional kindergarten ADA would be included in the kindergarten ADA that is currently used to calculate eligibility.

22. Will transitional kindergarten have the same statutory class size limits as regular kindergarten (33 maximum/31 average)? What about Class Size Reduction for transitional kindergarten?

The same requirements that apply to kindergarten also apply to transitional kindergarten.

23. What is the teacher-student ratio for transitional kindergarten?

This is a local district decision and will most likely be impacted by budget and contract agreements.

24. Does the transitional kindergarten teacher need a teaching credential?

The teacher must be properly credentialed as is currently required of kindergarten teachers.

25. Does the Kindergarten Readiness Act of 2010 provide funding for any other staffing?

No, although other available funding may be used.

26. Are districts required to use DataQuest to report information about transitional kindergarten?

Yes, districts are required to use DataQuest to report data and statistics in order to identify trends and educational needs of transitional kindergarten students.

27. Does the Kindergarten Readiness Act of 2010 provide funding for professional development?

No, although other available funding may be used.

28. Can a transitional kindergarten teacher “loop” with his/her students to kindergarten?

The decision to “loop” a teacher with their students from the transitional kindergarten to the kindergarten year would be a local decision.

29. Can the same federal funds used to fund kindergarten be used to fund transitional kindergarten (for example Title 1, Title III, EIA, etc.)?

Yes. The same funds and compliance requirements associated with the use of the funds apply.

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Related Content

- [Extended-Day Kindergarten](#) - Assembly Bill 2407 (Chapter 946, Statutes of 2004) amending the CA *Education Code* Section 37202 pertaining to extended-day kindergarten classes.
- [Kindergarten in California](#) - California state law and information regarding admission to kindergarten.

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