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STATE OF CALIFORNIA

PUBLIC EMPLOYMENT RELATIONS BOARD

ROCKLIN TEACHERS PROFESSIONAL ASSOCIATION Petitioner, vs. ROCKLIN UNIFIED SCHOOL DISTRICT Respondent.	Case No. SA-CE-3136-E **RESPONDENT'S STATEMENT OF EXCEPTIONS** Administrative Law Judge: Camille K. Binon

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Respondent, Rocklin Unified School District ("District" or "Respondent"), hereby files exceptions to the following findings and conclusions of fact, law, and/or rationale contained in the Proposed Decision of the Administrative Law Judge Camille K. Binon in the above-entitled matter.

EXCEPTION NO. 1

The District did not give RTPA notice that the District Board was considering changing these policies nor offered to bargain. (Proposed Decision, p. 10.)

The notion that the Rocklin Teachers Professional Association ("RTPA" or "Charing Party") did not receive notice that the Board was considering changing its policies is not supported by the record. "Board of Education meetings and associated public documents generally do not afford a union sufficient notice of a potential change, ***unless*** the employer sends such a document to a union official, in a manner reasonably calculated to draw attention to a specific item and with adequate time for good faith negotiations to ensue." (*West Contra Costa Unified School District* (2023) PERB Decision 2881-E, p. 16, emphasis added.)

Here, RTPA President Travis Mougette testified at hearing that the "District's practice" is to post the "Board agendas with any appropriate documents on the public website," and that it was his practice to review these documents. (Record Transcript ["RT"] 44: 1—45:6.) When asked whether he received any "formal contact" that the District was considering amendments to the AR 5020 and AR 5145.3 (together, "Parent Notification Policy"), Mr. Mougette testified that Superintendent Stock personally called him in advance of the September 6, 2023 Board meeting to specifically "recommend" he "look at the Board docs when they're made public." (RT 45: 2-7.) Assistant Superintendent of Human Resources Tony Limoges' likewise testified that "Superintendent Stock reached out to Travis [Mougette] just to let him know to be aware of [the policies'] potential changes." (RT 47: 11-18.) Upon review of the Board Docs, Mr. Mougette "learned that . . . our Board was interested in discussing amending a policy with what looked to be a targeted action against a protected group," referring to the Parent Notification Policy. (RT 45: 14-16.) Thus, Superintendent Stock's call to Mr. Mougette clearly drew attention to the specific items at issue in advance of the Board meeting. And, at that time, RTPA's position was that the *effects* or *impacts* of the policy revisions were bargainable, not the decision to adopt the revisions itself. (RT 56: 17—57:

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10.) Indeed, as a result of their review of the proposed Parent Notification Policy, RTPA contacted the District on two occasions in advance of the Board meeting to request to bargain the impacts or effects of the policies at issue, further evidencing that RTPA was on notice of the same. (RT: 95: 20—96: 5 [regarding RTPA's September 4, 2023, request to bargain the effects of the Parent Notification Policy] and RT: 30: 11-18 [regarding RTPA's September 5, 2023, request to bargain the effects of the Parent Notification Policy].) Consistent with their obligation to bargain the *effects* of the Parent Notification Policy, the District responded by offering multiple dates to bargain, but RTPA did not reply with any available dates and instead filed an Unfair Practice Charge. (RT: 151: 18—152: 6 [Assistant Superintendent Limoges testifying that he e-mailed RTPA with a list of dates to bargain the Parent Notification Policy's impacts on September 8, 2023].) Therefore, although there was plenty of time to bargain the effects of the policy, as RTPA requested, RTPA instead filed an Unfair Practice Charge, thereby putting the District in an untenable position: either bargain over what the District reasonably understood to be their managerial prerogative—the routine adoption of Board Policies and Administrative Regulations—or refuse to meet RTPA's demands and risk a PERB decision ruling against the District.

As to the Proposed Decision's assertion that the District did not offer to bargain, this too is not supported by the facts in the record. In response to RTPA's two demands to bargain the impacts or effects of the Parent Notification Policy on September 4, 2023, and September 5, 2023, Assistant Superintendent of Human Resources Tony Limoges responded to RTPA on September 8, 2023, offering several dates to bargain the impacts of the policy. (RT: 152: 2-6.) RTPA refused to engage. (See Respondent's Opening Brief, p. 13.) The District again requested to bargain over the impacts of the Parent Notification Policy on various occasions during the fall of 2023, but each time RTPA refused to engage and instead insisted only on a full recission of the policy altogether. (Respondent's Opening Brief, pp. 13-14; RT: 153: 16—158: 23 [Assistant Superintendent Limoges recalling the Parties' negotiation sessions in which the District attempted to bargain the effects of the Parent Notification Policy without success].) To date, the Parent Notification Policy has not been implemented, and the District maintains its position that the policy has only an incidental effect on the rights of unit members and is thus subject only to effects-bargaining. (District Opening Brief, pp. 17-20.) For these reasons, the assertions that the District failed to provide notice or offer opportunities to bargain are not supported by the record.

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EXCEPTION NO. 2

However, the District did argue that the Chino Valley BP is not the same as the District's policy and thus is irrelevant. . . In fact, the only substantive differences between the two policies are: 1) item 1(c) of the Chino Valley policy extends to requests "to change any information contained in the student's official or unofficial records"; and 2) unlike the Chino Valley policy, the District policy specifies that educators must disclose the students' transgender or gender-nonconforming status even when there is credible evidence that doing so would result in substantial jeopardy to the child's safety. Thus, the policies are substantially similar for the purposes of analyzing this decision. Also, The Chino Valley policy is relevant to whether the District's policy is lawful and assists in the analysis of whether these policies are negotiable and may be recognized by judicial notice. (Proposed Decision 22-23.)

Although the text of Chino Valley Unified School District's ("Chino Valley") 5020.1 and the District's Parent Notification Policy appear to be substantially similar, there are two important material differences. First, Chino Valley's Board adopted an entirely new Board Policy, "5020.1 – Parental Notification," to set forth the rights of parents to be notified by certain triggering events. (A true and correct copy of the July 20, 2023, Board Agenda for Chino Valley Unified School District, containing the proposed policy and policy revisions, is attached hereto as **Exhibit 1**; see **Exhibit 1, p. 10**.) By contrast, the Rocklin Unified School District *already* had a parental notification policy in place, BP/AR 5020 – Parent Rights and Responsibilities, that set forth a non-exhaustive list of rights of parent Therefore, the District's Board simply added another parental right to that list—the right to be notified when their child requests certain accommodations at school related to gender identity. (RT: 119: 2-9.) Second, in adopting BP 5020.1, Chino Valley's Board removed the provisions regarding student privacy rights from AR 5145.3 – Nondiscrimination/Harassment of Students. (See **Exhibit 1, p. 212**.) Specifically, Chino Valley's Board, unlike Rocklin's Board, altogether eliminated the guarantee of a student's right to privacy by removing the following language from AR 5145.3:

> ~~Right to privacy: a student's transgender or gender-nonconforming status is his/her private information and the District shall only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the District has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the District shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the District pursuant to 34 CFR 99.31. Any District employee to~~

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~~whom a student's transgender or gender nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a District employee by a student, the employee shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the District's ability to meet the student's needs related to his/her status as a transgender or gender- nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.~~

(**Exhibit 1**, **p. 212,** emphasis in original.) By contrast, the only change that the District made to AR 5145.3 was to create an exception to the general prohibition on the disclosure of a student's gender identity in order to permit such a disclosure to the student's parents/guardians. (RT: 125: 22—126: 2.) Therefore, while Chino Valley's 5020.1 – Parent Notification and the District's AR 5020 may appear to be substantially similar, the District's Parent Notification Policy did not altogether eliminate a student's "right to privacy," as Chino Valley's Board did. Thus, the practical effect of the Chino Valley policy is very different from the District's and is not relevant to the District's actions here.

EXCEPTION NO. 3.

By adopting a policy that created new expectations for bargaining unit members to disclose information to parents, the District changed a written policy, ***implemented*** *a new written policy, and/or enforced an existing policy in a new way. (See, e.g., Oakland Unified School District (2023) PERB Decision Number 2875-E, p. 13; citing Alameda County Management Employees Assn. v. Superior Court (2011) 195 Cal.App.4th 325, 345 [employer's duty to bargain over change in policy does not turn on whether policy was contained in a collective bargaining agreement].) (Proposed Decision, p. 24, emphasis added.)*

As discussed in detail in Exception 4, incorporated here, the record unequivocally demonstrates that the District has yet to implement the Parent Notification Policy. The District has also not "enforced an existing policy in a new way," because it has not enforced the policy at all since its adoption. (RT 100: 22—101: 25 [Superintendent Stock testifying to the announcement posted on the District website informing the public that the Parent Notification Policy was not being implemented]; RT 159: 13-22 [Assistant Superintendent Limoges testifying that the policy has not been enforced against any District employees that he is aware of].) Indeed, Charging Party has not set forth a single piece of evidence

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showing that the policy was implemented or "enforced." There is no evidence that any unit member has been directed to comply with the policy, and moreover the District publicly announced that the Parent Notification Policy was not to be implemented until the completion of negotiations. (RT 158: 24—159: 22.) Finally, Assistant Superintendent Limoges testified that the Parent Notification Policy is not set to go into effect at any specific time and that he has been "told not to implement" its provisions. (RT 159: 5-8.) For these reasons, the assertions that the Parent Notification Policy was "implemented" or "enforced in a new way" are not supported by the record.

EXCEPTION NO. 4

This also does not overcome the fact that the District failed to provide notice prior to the ***implementation*** *of the decision, which occurred on September 6, 2023, the date the amendments were approved. Thus, the change occurred without prior notice and opportunity to bargain. (Proposed Decision, p. 27, emphasis added.)*

There are two inaccuracies in this portion of the Proposed Decision. First, as described in detail in Exception 1, incorporated here, the District did provide RTPA with notice about the proposed revisions to the Parent Notification Policy in advance of the September 6, 2023, Board meeting. Superintendent Stock specifically contacted RTPA President Mougette to recommend that he review the Board docs for the September 6, 2023, meeting. (RT 44: 1—45:6.) Further, the fact that RTPA requested to bargain the impacts of the Parent Notification Policy on two occasions in advance of the September 6, 2023 Board meeting indicates that they were on full notice of the same.

Second, the Proposed Decision's allegation that the policy was ***implemented*** is categorically false and not supported by the record. Witness testimony and documentary evidence unequivocally demonstrate that the Parent Notification Policy has not been implemented. Superintendent Stock testified that, as of the date of the hearing, the Parent Notification Policy had not been implemented: the hearing took place on February 13, 2024, over five months after the adoption of the Parent Notification Policy. (RT 99: 4-13.) When asked why the District had decided not to implement the Parent Notification Policy, Superintendent Stock responded that the District was waiting to complete negotiations of the effects of the policy. (RT 99: 14-17.) Assistant Superintendent Limoges likewise testified at hearing that the Parent

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Notification Policy had not yet been implemented "[b]ecause we haven't bargained or negotiated the impacts and effects." (RT 158: 24—159: 4.) In fact, in order to prevent any confusion as to the status of the Parent Notification Policy, the District published an announcement on its website explicitly stating that the Parent Notification Policy would not be implemented until negotiations were completed. (RT 100: 22—101: 21.) The Parent Notification Policy also did not set forth a date of implementation. (RT 129: 6-12; RT 159: 5-8.) For these reasons, the Parent Notification Policy has not been implemented, and any assertions that it has been implemented are not supported by the record. (RT: 129: 13-19.)

EXCEPTION NO. 5

AR 5020 and 5145.3 could potentially risk placing a teacher or counselor in the position of being required to comply with two conflicting statutory mandates: adhere to the 5020 and 5145.3 and violate student privacy or unilaterally cease to honor the provision and be subject to discipline. Along with those reasons, there is the potential to jeopardize their teaching credential with the CTC could lead the member to be without a job. And when an employer creates a new type of evidence that may be used to support discipline or a new ground for discipline, those effects are negotiable. (Proposed Decision, p. 29.)

As discussed in Exception No. 6, incorporated here, the notion that teachers are jeopardizing their credentials due to the adoption of the Parent Notification Policy appears to originate from the following statement in Charging Party's opening argument: "the Commission [on Teacher Credentialing] *could* take action against a unit member's credential for knowingly violating a student's constitutional right, which is what the District is asking them to do" and the California Commission on Teacher Credentialing's ("CTC") general authority to discipline certificated unit members who fail to comply with the law (RT 24: 9-1, emphasis added; Charging Party's Opening Brief, p. 8.) However, the record does not support a finding that compliance with the Parent Notification Policy amounts to a "knowing violation of a student's constitutional right," as Charging Party stated. In reality, the law is not settled as to whether students have a constitutional right to privacy in their gender identity. (Proposed Decision, p. 37.) And without a constitutional right to privacy in one's gender identity, there cannot be a "knowing violation of a student's constitutional right," upon which the CTC could discipline a unit member. Importantly, state and federal law does already *expressly provide parents the absolute right* to their student's records and thus a right to information regarding accommodations at school based upon their transgender status. (See 20 U.S.C. §

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1232g; 34 C.F.R. §§ 99.3-99.4; Ed. Code, § 49069.7 ["Parents of currently enrolled or former pupils have an absolute right to access to any and all pupil records related to their children that are maintained by school districts or private schools."].)

Second, as testified to repeatedly at hearing, the Parent Notification Policy has not been implemented; therefore, not a single unit member is expected to comply with its provisions. (RT: 129: 6-17; RT: 158: 24—159: 1; RT 161: 9-12.) Unit members cannot be disciplined for conduct that they do not engage in, so the notion that unit members risk discipline as a result of the adoption of the Parent Notification Policy is illogical and without merit. Finally, there was no evidence presented that any unit members would be disciplined based upon anything in the Parent Notification Policy and thus this finding is wholly without support in the record.

EXCEPTION NO. 6

The amendments to AR 5020 and 5145.3 require the teachers and counselors to disclose this information in a very short time period and thus open them up to potential discipline. The disclosure also potentially subjects them to scrutiny by the CTC. Because teachers and counselors could face discipline for not following the new requirements, the District's changes fall within the scope. (Proposed Decision, p. 29.)

As noted in Exception 5, incorporated here, the Proposed Decision's assertions that unit members risk discipline by the District for failure to comply with the Parent Notification Policy is pure speculation. And, the allegation that unit members risk discipline by the CTC relies on the unsupported conclusion that the Policy violates external law. Therefore, it also constitutes speculation.

First, RTPA's single witness *hypothesized* that unit members could face discipline for failure to comply with the policy, but his testimony was nothing more than conjecture and thus cannot support such a finding. (*United Teachers-Los Angeles* (1992) PERB Decision No. 944, p. 6; RT: 70: 4—71: 17.) RTPA set forth no evidence of any unit member facing discipline for failure to comply with this policy nor for failure to comply with *any* similarly situated policy for that matter. Moreover, the District's Assistant Superintendent of Human Resources, who ultimately oversees employee discipline, likewise testified that he is not aware of any unit member having been ordered to comply with the

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policy, much less having faced discipline for failure to comply with its provisions. (RT 144: 22-25; RT 159: 13-23.)

With respect to the Proposed Decision's statement that the CTC may subject unit members to "scrutiny" for failure to comply with the policy, this assertion is also conjecture as it appears to hinge on Mr. Mougette's testimony as to his "sense or concerns about what *might* happen on that front if [unit members] were to comply with this policy" and Respondent's overarching argument that the policy itself is unlawful. (RT 70: 4-17 [Mougette testifying as to his concerns about the risks related to the CTC], emphasis added; RTPA's Opening Brief, p. 8 [stating that the CTC has the authority to discipline certificated employees for failure to obey the law].) As mere speculation or conjecture, Mr. Mougette's testimony as to his "concerns" about "what might happen" cannot support a finding that unit members may be disciplined for non-compliance with the Parent Notification Policy. (*United Teachers-Los Angeles* (1992) PERB Decision No. 944, p. 6.) Specifically, Mr. Mougette merely testified that he had "seen *examples* of employees in the State that have faced consequences from the CTC with credential suspensions and things for following Board policies that were in violation of State laws." (RT: 70: 14-17, emphasis added.) However, Mr. Mougette did not elaborate on what those "examples" were nor did he expand as to what types of Board Policies were at issue in those "examples." Also fatal to his testimony, the Parent Notification Policy does not violate state law. (See Opening Brief, pp. 22-25.) Therefore, the CTC would not have the authority to execute discipline, as alleged in Charging Party's Opening Brief. (Charging Party's Opening Brief, p. 8 [stating that the CTC is required to "admonish, publicly reprove, revoke or suspend . . . for persistent defiance of, and ***refusal to obey, the laws*** regulating the duties of persons serving in the public school system"], emphasis added.)

Finally, unit members cannot be disciplined for a policy that they are not expected to follow, such as a policy that has not been implemented. Thus, if unit members do not comply with the Parent Notification Policy, there is no risk of discipline by either the District or the CTC. For these reasons, the Proposed Decision's findings that unit members could face discipline for non-compliance are nothing more than conjecture as the facts cannot support a finding that unit members are risking discipline due to the District's adoption of a policy that is not in effect.

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EXCEPTION NO. 7

First, the Guidance Counselor job description does not mention board policies or administrative regulations; thus, nothing in that job description would incorporate AR 5020 and 5145.3 into Guidance Counselors job duties. (Proposed Decision, p. 30.)

As testified to at hearing and as a matter of common practice in any school district, school teachers and guidance counselors are expected to communicate with parents on a variety of matters that may or may not be explicitly identified in their respective job duties. (RT 104: 20-23.) Indeed, it is not feasible for a teacher or counselor's job description to capture every possible topic an employee might discuss with a student's parents because each student's needs are unique. As testified to at hearing, there are many reasons why "staff would talk to parents [about] a child," such as concerns related to a student's mental or physical health, including sensitive matters such as "substance [abuse] issues" or "sudden changes in a student." (RT: 104: 20—105: 14.) It is likely for this reason that the job description for counselors sets forth a *non*-exhaustive list of the general duties of counselors and includes as a provision "other duties as assigned." (See Proposed Decision, p. 7.) Therefore, the suggestion that the job description for counselors must have been amended to "incorporate AR 5020 and 5145.3 into Guidance Counselors job duties" creates an impractical expectation for the District and other school districts as well.

EXCEPTION NO. 8

However, before amendment to AR [sic], it previously forbade teachers from disclosing a student's transgender or gender-nonconforming status without the student's prior written consent and if the student refused to give permission, the teacher was required to keep the student's information confidential. Now AR 5020 requires a teacher to disclose the transgender or gender-nonconforming status to the parent within three school days and can only be delayed 48 hours to fulfill mandated reporter requirements. (Proposed Decision, p. 30.)

The characterization of AR 5145.3, prior to the revisions at issue, is inaccurate. As stated elsewhere in the Proposed Decision, prior to its amendments, AR 5145.3 provided for an exception to the general prohibition on keeping certain student information confidential by permitting a disclosure "when required by law or to preserve the student's physical or mental well-being." (Proposed Decision,

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p. 9.) Thus, prior to the revisions adopted on September 6, 2023, District policy already permitted the disclosure of such information to parents, under certain circumstances. Therefore, any characterization of the former policy as a categorical ban on the disclosure of confidential student information is inaccurate and not supported by the record.

Additionally, the teacher job description expressly states that teachers shall "[c]ommunicate with students and parents on the educational and social progress of the student. . . ." (Proposed Decision, p. 4.) Thus, teachers have always been expected and required to communicate with parents on various items involving their students and the Parent Notification Policy did not change the applicable job descriptions or duties of unit members.

EXCEPTION NO. 9

AR 5020 and 5145.3 now require teachers and counselors to disclose private information that materially changes their job duties. Thus the change to teachers and counselors' job duties is within the scope of representation." (Proposed Decision, p. 33.)

The record does not support a finding that requiring teachers to disclose private information materially changes their job duties. As discussed in Exceptions 7 and 8, incorporated here, teachers have always been required to disclose private information to parents. Such information includes the disclosure of "sudden changes" in a student, concerns about a student's mental health, or a student's academic progress. (RT: 104: 20—105: 14.) Additionally, to the extent a student's preferred name and/or pronouns are indicated in their records, parents have an "absolute right" to access that information under state and federal law. (See e.g., Ed. Code, § 49069.7 ["Parents of currently enrolled or former pupils have an absolute right to access any and all pupil records related to their children that are maintained by school districts or private schools" and the withholding of such information "is prohibited."]; see also 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.3-99.4.) Therefore, even prior to the revisions to the Parent Notification Policy, teachers were required by law to provide information regarding a student's gender identity to the extent it was indicated on the student's records, upon request. (*Id.*) Finally, also under the unrevised Parent Notification Policy, unit members were already permitted to share private information about a student's gender identity to the student's parents "when required by law or to preserve the student's physical or mental well-being." (Proposed Decision, p. 9.)

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Therefore, the notion that disclosure of confidential information regarding a student's gender identity amounts to a material change in a teacher's job duties is not supported by the record.

EXCEPTION NO. 10

Policy Violates External Law (Proposed Decision, p. 33, emphasis in original.)

The assertion that the Parent Notification Policy violates external law is misleading and false. As discussed in detail in the District's Opening and Reply Briefs, the law related to parent notification policies is unsettled. (See District Opening Brief, pp. 21-25; District's Reply Brief, pp. 5-6.) Indeed, the Proposed Decision itself expressly states that "the lawfulness of these policies under state law is still unsettled." (Proposed Decision, p. 37.) Specifically, there is no law currently in effect—state or federal—that addresses the balance of student privacy rights against parental rights in the context of the disclosure of a student's gender identity or expression without student consent. However, it is settled under state and federal law that parents have an absolute right to their student's records and thus a right to information regarding accommodations at school based upon their transgender status. (See 20 U.S.C. § 1232g; 34 C.F.R. §§ 99.3-99.4; Ed. Code, § 49069.7.) Therefore, the heading in the Proposed Decision stating "Policy Violates External Law," is not only legally inaccurate but inconsistent with the text of the Proposed Decision itself.

EXCEPTION NO. 11

The District failed to provide notice and an opportunity to bargain over the amendments to AR 5020 and 5145.3 in violation of EERA section 3543.5, subdivision (c).

As addressed in detail in Exception 1, incorporated here, the record does not support a finding that the District failed to provide notice and an opportunity to bargain the Parent Notification Policy. To the contrary, District Superintendent Roger Stock called Union President Mougette prior to the September 6, 2023 Board meeting, to specifically recommend that Mr. Mougette review the Board Docs. (RT: 45: 2-7.) Evidently, Superintendent Stock's call sufficed to put RTPA on notice of the proposed Parent Notification Policy, as evidenced by the fact that RTPA then contacted the District twice to negotiate the Parental Notification Policy's effects. The District obliged on September 8, 2023, by providing a number of dates to negotiate impacts, but RTPA later shifted its position, now insisting the contents of the Parent Notification Policy itself was bargainable. (RT 56: 17—57: 10.)

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CONCLUSION

For the foregoing reasons Respondent Rocklin Unified School District hereby requests that the Board reverse the findings and conclusions to which it takes the above exceptions, and that the Board vacate the Proposed Order of ALJ Binon and associated remedy and dismiss the Complaint.

Dated: _____, 2024

Respectfully submitted,

LOZANO SMITH

_____
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PROOF OF SERVICE

I, **Jamonte Wyatt**, am employed in the County of Sacramento, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is One Capitol Mall, Suite 640, Sacramento, CA, 95814. My e-mail address is jwyatt@lozanosmith.com.

On July 12, 2024, I served the attached:

RESPONDENT'S STATEMENT OF EXCEPTIONS

on the interested parties in said cause, by causing delivery to be made by the mode of service indicated below:

Brian Schmidt, Staff Attorney
California Teachers Association
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Email: bschmidt@cta.org

Brendan P. White, Senior Regional Attorney
Public Employment Relations Board
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[X] (***By Electronic Filing Service Provider***) By transmitting a true and correct copy thereof by electronic filing service provider (EFSP), ePERB, to the interested party(s) or their attorney of record to said action at the e-mail address(es) of record and contained within the relevant EFSP database listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication from the EFSP that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 14, 2024, at Sacramento, California.

Jamonte Wyatt

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