



PROP 28 RESOURCE DOC: COMMUNITY BASED ORGANIZATIONS

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OVERVIEW

In November 2022, California voters overwhelmingly approved Proposition 28, which provides annual funding for arts education programs in public and charter schools from pre-K through 12th grade. The measure adds a minimum source of funding to supplement existing arts education programs, and the [California Department of Education](#) will be the lead for implementation and establishing guidelines.

As written, the statute states that 80% of funds must be spent on staffing, 19% on materials, and the remaining 1% on administrative costs. We know that as a result of Prop 28, an estimated 15,000 arts teachers will be needed statewide, but experts say there are only about 5,000 credentialed arts teachers currently in the field. Additionally, community based organizations are concerned that meaningful partnerships will not be an outcome of Prop 28. This document contains pertinent information about funding distribution, district planning, the waiver process, FAQs, and resources.

FUNDING

Funding is apportioned to school districts, county offices of education, charter schools, and state special schools based on the share of statewide total enrollment and enrollment of economically disadvantaged pupils in the prior year. The purpose of these funds, which schools have 3 years to spend, is to **supplement** (*i.e. expand*) arts education programs. Therefore, districts and their schools **should not be using funds to supplant or replace dollars being used for existing programs**.

Funding for this program will be allocated according to the statutory [Principal Apportionment payment schedule](#), which began with the First Principal Apportionment on **February 20, 2024**.

- [2023–24 Funding Profile](#) - Program Description and Funding
- [2023–24 Funding Results](#) - Preliminary Entitlements

DISTRICT PLANNING

Numerous districts have utilized cash on hand to hire staff and expand programming based on the Prop 28 apportionment. For example, Pasadena Unified School District filled all teaching positions and scheduled programming prior to the February distribution. One important thing to note for PUSD is that their interpretation of the law's language led to hiring teaching artists under the 80% staffing rule. In order to accomplish this, the district has hired Teaching Artists as classified employees. If a school or district is partnering directly with a CBO to contract services, that must fall under the 20% rule. San Gabriel Unified shared [this video](#) detailing their expenditure plan.

WAIVERS

LEAs must specify which portion they want to waive for which allocation year (a separate waiver must be submitted each year). Should a waiver be granted, there will not be additional auditing procedures related to the proposed estimate. The waiver request must include:

- A problem statement explaining why the waiver is needed, inclusive of justification and prior efforts made to meet AMS statute requirements.
- A narrative proposal and estimate of how the AMS funds will be spent compared to the statute's 80/20 mandate.
- A measurable outcome of how the waiver will allow AMS funds to supplement arts programming.

FAQs

Question	Answer
Who is reviewing waivers at CDE and overseeing implementation?	The Curriculum Frameworks and Instructional Resources Division
What can waivers be used on? How will CDE ensure that districts won't use them to avoid "putting in the effort?"	If a waiver is granted, funds can be used on any items that support and supplement arts programming (partnerships, materials, professional development, etc.) All allocated funds must be used for arts and music in schools.
Do formal spending plans need to be created and board approved prior to spending? Would such a plan need to be in the SPSA?	No, but it is highly recommended for schools to do so. We also recommend these two items stay separate due to auditing concerns. While each school is required to create an expenditure plan, it is not mandated that it be posted on the LEA website, be board approved, or submitted to the California Department of Education (CDE). For details see Frequently Asked Question (FAQ) 16.
What needs to be included in the final report?	Online reporting tool; CDE is not creating a template. Create CA has created an informal template to help with planning. Reporting use of the funds.
When is the final report due?	We don't know yet.
If one school doesn't spend the entire allocated amount, is redistributing funds to other schools in the district with high need permitted?	See FAQ #20 "No. The language in the statute mandates how the funding is calculated and must be allocated. Statute does not provide for the reallocation of funds. See California Education Code sections 8820(c) and 8820(d)"
Can schools pool their AMS funds, and can school districts help to facilitate inter-school programs?	Yes, schools can share teachers and teacher aides as well as community arts partners, and school districts can help facilitate this sharing among schools. For example, a teacher could teach at one school on Monday and Tuesday

	and at another on Wednesday, Thursday, and Friday. However, other restrictions outside of AMS could prohibit or restrict this. For example, LEAs that use AMS funds for arts education program instruction as part of the regular school day should keep in mind that statute requires that students be under the immediate supervision and control of a certificated employee of the LEA in order to generate attendance for apportionment and receive instructional time credit. Information about attendance accounting and instructional time requirements is available on the CDE Instructional web page.
How can teaching artists be hired? Can they be hired as part of the 80% staffing requirement?	Yes, but the teaching artist must be hired by the school district as a classified employee. In other words, they must be paid by the school district, not an associated CBO.
How will districts sustain the positions that now exist for arts educators once the funding has expired?	Plans will vary by district, but we encourage you to review this resource by Create CA.
Are there opportunities for schools to use funds to hire our organization to provide services?	Yes! Schools can use 19% of allocated funds for partnerships. We encourage you to reach out to your school or district to see how they plan to use the funds and whether they will be requesting a waiver.
How can we ensure our programs align with the overarching goals of prop 28, and how can we message this well in our communications?	It is important to align programming with state standards. We also highly recommend offering professional development and arts integration. The message should be that teachers and teaching artists can learn from each other to create a sustainable curriculum in the classroom even after a partnership ends.
Insurance requirements are exceptionally high, where can I find affordable insurance as a small nonprofit?	We have heard that NIAC and Cal Nonprofits are helpful providers in overcoming this barrier.
How can nonprofits best collaborate with local school districts?	Lean heavily into professional development for teachers, arts integration, culturally responsive curriculum, state arts standards, ongoing communication, and relationship building. Consider IDEA : (1) Initiate partnerships by identifying key stakeholders and decision makers - start small/local and follow up frequently; (2) Develop programming <i>with</i> school leaders and teachers based on the needs of their students; (3) Evaluate programming by distributing pre and post surveys; (4) Adjust programming based on partner feedback.

RESOURCES

Templates

- [Letter Template](#) to request an expenditure plan from your local district.

One-Stops

- California Department of Education
 - [One-Sheet Guidance](#)
 - [Prop 28 in Practice Webinar](#) (Minute 28)
 - [Prop 28 – Arts and Music in Schools Main Page](#)
- [Arts Ed Alliance of the Bay Area](#)
 - This is a state and local resource hub that includes various toolkits, additional FAQs, and helpful links to CDE webinar slides.
- [Create CA Planning Toolkit](#)
 - The toolkit includes profiles of school districts' efforts to develop arts programs, common questions, and templates to aid Prop 28 AMS planning.
- [CA Arts Education Framework](#)
 - The California Arts Education Framework operates as a touchstone for the goals, academic languages, and thought processes that community and cultural assets should be familiar with when working with K-12 students in California schools. You can find those assets here.

Exemplary Programs/Partnerships

- [San Benito Arts Council](#)
 - High-quality diverse programs that promote accessibility, equity, cultural diversity and student growth while enriching the community as a whole.
- Arts Council of Santa Cruz [Artist-Teacher Partnerships Guide](#)
 - The artist-in-residence guide for classroom teachers and teaching artists is a step-by-step handbook on how to manage a successful Artist Teacher Partnership residency that is a collaborative process between artist, teacher, and student, and all mutually benefit.
- [Chicago Partnerships Network](#)
 - Arts education partnerships are key to CAPE's success and longevity. Rather than pre-designed, one-time programs, we focus on long-term, committed, and sustained work with our schools that are partnerships in the truest sense. In each CAPE classroom, you'll find a [teacher](#) and [teaching artist](#) learning, planning, experimenting, teaching, and growing collaboratively with each of their students.

Other

- **Coming Soon:** [The LA Enrichment Hub](#)
 - A comprehensive web portal that will connect organizations to schools and families.
- [San Diego Office of Education](#)
- [Artist in Residence Directory | Riverside County Office of Education](#)
- [Audit Guide](#)