

Code: Section: [Up^](#) [Add To My Favorites](#)**EDUCATION CODE - EDC****TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527]** ( Title 1 enacted by Stats. 1976, Ch. 1010. )**DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527]** ( Division 1 enacted by Stats. 1976, Ch. 1010. )**PART 6. EDUCATION PROGRAMS—STATE MASTER PLANS [8006 - 9004]** ( Part 6 enacted by Stats. 1976, Ch. 1010. )**CHAPTER 5.1. The Arts and Music in Schools—Funding Guarantee and Accountability Act [8820 - 8822]** ( Chapter 5.1 added November 8, 2022, by initiative Proposition 28, Sec. 2.1. )

**8820.** (a) The Arts and Music in Schools—Funding Guarantee and Accountability Act is hereby established for the purpose of providing a minimum source of annual funding K–12 public schools, including public charter schools, to supplement arts education programs for pupils attending those schools.

(b) (1) Commencing with the first fiscal year following enactment of this act, and for each fiscal year thereafter, there shall be continuously appropriated without regard to fiscal years from the General Fund to the department for the purposes of this chapter, an amount which is equal to 1 percent of the total state and local revenues received by local educational agencies in the preceding fiscal year that are included in the calculation of the minimum funding guarantee established by Sections 8 and 8.5 of Article XVI of the California Constitution, excluding the appropriation made pursuant to this chapter.

(2) The Director of Finance shall calculate and publish the amount required to be appropriated by this chapter as part of the annual May Revision of the Governor’s Budget. The amount required to be appropriated by this chapter for each subsequent fiscal year shall be considered final as of the annual May Revision of the Governor’s Budget for the subsequent fiscal year. The Director of Finance shall publish the required appropriation amount by January 10 each fiscal year as part of the director’s duties pursuant to subdivision (d) of Section 41206.01.

(3) Notwithstanding any other law, for purposes of making the computations required by subdivision (b) of Section 8 of Article XVI of the California Constitution:

(A) For the first fiscal year following enactment of this chapter, the appropriations made pursuant to this subdivision shall be deemed supplementary payments in excess of the minimum amount required for that fiscal year pursuant to Section 8 of Article XVI of the California Constitution and shall not be considered towards fulfilling the requirements of Section 8 of Article XVI of the California Constitution for that fiscal year.

(B) For subsequent fiscal years, the appropriations made pursuant to this subdivision shall be considered moneys that were allocated to school districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B of the California Constitution.

(C) Commencing with the second fiscal year following the enactment of this act, and each fiscal year thereafter, “the percentage of General Fund revenues appropriated for school districts and community college districts, respectively, in fiscal year 1986–87,” for purposes of paragraph (1) of subdivision (b) of Section 8 of Article XVI of the California Constitution, shall be deemed to be the percentage of General Fund revenues that would have been appropriated for those entities if the share of the General Fund of the supplementary payments calculated pursuant to this subdivision in the prior fiscal year had been included in the percentage of General Fund revenues appropriated for school districts and community college districts, respectively, in fiscal year 1986–87.

(c) Funds appropriated pursuant to this chapter shall be allocated by the department to each local educational agency as the sum of the amount calculated pursuant to paragraph (1) and the amount calculated pursuant to

paragraph (2) for each schoolsite in that local educational agency, as follows:

(1) An amount equal to the product of 70 percent of the funding appropriated in subdivision (b) times the school's enrollment in the prior fiscal year, divided by the total statewide enrollment in the prior fiscal year of local educational agencies.

(2) An amount equal to the product of 30 percent of the funds appropriated in subdivision (b) times the school's enrollment of economically disadvantaged pupils in the prior fiscal year, divided by the total statewide enrollment of economically disadvantaged pupils in the prior fiscal year of local educational agencies. For schools serving preschool pupils, the enrollment of economically disadvantaged preschool pupils shall be deemed to equal the enrollment of preschool pupils in the prior fiscal year times the same percentage of pupils that are economically disadvantaged at the elementary schoolsite with the highest percentage of economically disadvantaged pupils in the prior year within the preschool's local educational agency. If there is no elementary school within the preschool's local educational agency, the enrollment of economically disadvantaged preschool pupils shall be deemed to equal the enrollment of preschool pupils in the prior fiscal year times the same percentage of pupils that are economically disadvantaged at the elementary schoolsite with the highest percentage of economically disadvantaged pupils in the prior year within the preschool's county.

(d) Local educational agencies shall allocate to each schoolsite an amount equal to the sum of the amount calculated pursuant to paragraph (1) of subdivision (c) and the amount calculated pursuant to paragraph (2) of subdivision (c).

(e) For each schoolsite or preschool, the principal or program director shall develop an expenditure plan for the funds allocated pursuant to subdivision (d).

(f) (1) Funds allocated pursuant to subdivision (d) shall be available for use for up to three fiscal years after which time the unexpended funds shall be reverted to the department, which shall reallocate those funds to all local educational agencies in the following fiscal year pursuant to subdivision (c).

(2) Local educational agencies are required to report to the department the amount of unexpended funds by October 1 following the conclusion of the expenditure period pursuant to paragraph (1). If a charter school ceases to operate, a final expenditure report shall be due to the department within 60 days of the effective date of closure and the department shall collect any unexpended amounts.

(3) The department may withhold the release of a local educational agency's allocation pursuant to this section for the fiscal year in which the expenditure report required by paragraph (2) is due until that local educational agency has submitted the required expenditure report.

(g) As a condition of receipt of funds pursuant to this chapter, a local educational agency shall annually:

(1) Certify that all funds will be used to provide arts education programs, and that funds expended in the prior fiscal year were, in fact, used for those purposes, except as provided in paragraph (3). For local educational agencies with an enrollment of 500 or more pupils, the certification shall also ensure that at least 80 percent of funds to be expended will be used to employ certificated or classified employees to provide arts education program instruction and that the remaining funds will be used for training, supplies and materials, and arts educational partnership programs.

(2) Certify that such funds received will be used to supplement funding for arts education programs and that funds expended in the prior fiscal year were, in fact, used to supplement arts education programs.

(3) Certify that no more than 1 percent of funds received will be used for a local educational agency's administrative expenses to implement this chapter and that funds received in the prior fiscal year were, in fact, used within that limit.

(4) Submit an annual board- or body-approved report in a manner determined by the Superintendent, that shall be posted on the local educational agency's and the department's internet websites and that details the type of arts education programs funded by the program, the number of full-time equivalent teachers, classified personnel, and teaching aides, the number of pupils served, and the number of schoolsites providing arts education programs with those funds.

(h) The department may, for good cause shown, provide a waiver from the requirement pursuant to paragraph (1) of subdivision (g) upon written request from the local educational agency.

(i) Annual audits conducted in accordance with Section 41020 shall include all funds received and distributed by the local educational agency pursuant to this section, and shall include a determination of whether the funds were expended pursuant to the certifications submitted and the requirements of this section.

(j) The Legislature may reduce the annual appropriation required by this chapter if the Legislature suspends the operation of Proposition 98 by the enactment of an urgency statute pursuant to subdivision (h) of Section 8 of Article XVI of the California Constitution. The percent of the reduction in the annual appropriation required by this chapter shall not exceed the percent of reduction in funding provided to K–12 schools and community colleges for the fiscal year below the funding level of minimum guarantee that would have been provided pursuant to Section 8 of Article XVI of the California Constitution if the suspension of the operation of Proposition 98 had not occurred.

(k) Nothing in this section prohibits the Legislature from appropriating funds for the program in excess of this minimum annual appropriation.

*(Amended by Stats. 2023, Ch. 49, Sec. 1. (SB 115) Effective July 10, 2023.)*

**8821.** For purposes of this chapter, the following definitions apply:

(a) "Arts education program" includes, but is not limited to, instruction and training, supplies, materials, and arts educational partnership programs, for instruction in: dance, media arts, music, theatre, and visual arts, including folk art, painting, sculpture, photography, and craft arts, creative expressions, including graphic arts and design, computer coding, animation, music composition and ensembles, and script writing, costume design, film, and video.

(b) "Economically disadvantaged pupil" means a pupil who is eligible for the federal National School Lunch Act (42 U.S.C. Sec. 1751 et seq.) or any successor program.

(c) "Enrollment" means every preschool, transitional kindergarten, and K–12 pupil enrolled in a local educational agency and schoolsite. A "preschool pupil" means a pupil enrolled in the California state preschool program or a pupil three years of age through five years of age enrolled in a preschool program for pupils with exceptional needs in a local educational agency.

(d) "Local educational agency" includes K–12 school districts, county offices of education, charter schools, and the California school for the blind and the California school for the deaf.

(e) "Supplement" means that the funds appropriated by this chapter shall be used by local educational agencies to increase funding of arts education programs and not to supplant existing funding for those programs.

*(Amended by Stats. 2023, Ch. 49, Sec. 2. (SB 115) Effective July 10, 2023.)*

**8822.** (a) If any provision of this act or application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

(b) This act is intended to be comprehensive. It is the intent of the people that in the event this act or acts relating to the same subject shall appear on the same statewide election ballot, the provisions of the other act or acts shall be deemed to be in conflict with this act. In the event that this act receives a greater number of affirmative votes, the provisions of this act shall prevail in their entirety, and all provisions of the other act or acts shall be null and void.

(c) Except as provided in subdivision (j) of Section 8820, the Legislature may amend this chapter to further its purposes by a bill passed in each house by rollcall vote entered into the journal, two-thirds of the membership of each house concurring.

*(Added November 8, 2022, by initiative Proposition 28, Sec. 2.1. Effective December 21, 2022.)*

Preliminary School Site Entitlements for Proposition 28: Arts and Music in Schools

Fiscal Year 2023–24

The 2023–24 estimated entitlements are based on 2022–23 total enrollment and enrollment of FRPM eligible pupils. Only eligible school sites with prior year TK/K-12, special education, or California State Preschool Program enrollment will have a preliminary entitlement calculated.

LEGEND: AMS = Arts and Music in Schools; CDS = County District School; COE = County Office of Education; D = Direct Funded; FRPM = Free and Reduced Price Meals; L = Local Funded; LEA = Local Educational Agency; TK/K = Transitional Kindergarten/Kindergarten

\*School Name and School Type reflect information in the California School Directory as of October 2, 2023.

County Code	District Code	School Code	Charter Number	Charter Fund Type	School Name*	School Type*	Prior Year TK/K-12 Enrollment A-1	Prior Year TK/K-12 FRPM Pupil Count A-2	Elementary School Prior Year TK/K-12 Percentage of FRPM Pupils (For Elementary or K-12 School Type, A-2 / A-1; also 0) A-3	Percentage of FRPM Eligible Pupils for Determinative Elementary School B-1	Prior Year Preschool Enrollment B-2	Prior Year Preschool FRPM Eligible Pupil Count (B-1 * B-2) B-3	Total Prior Year Enrollment (A-1 + B-2) C-1	Per Enrollment Funding Rate (70% of Total Appropriation, Divided by Statewide Enrollment) C-2	AMS Funding Based on Share of Enrollment (C-1 * C-2) C-3	Total Prior Year Count of FRPM Eligible Pupils (A-2 + B-3) D-1	Per FRPM Eligible Pupil Funding Rate (30% of Total Appropriation, Divided by Statewide Enrollment of FRPM Eligible Pupils) D-2	AMS Funding Based on Share of FRPM Eligible Pupils (D-1 * D-2) D-3	Total School Site AMS Allocation (C-3 + D-3) E-1
30	10306	0132910	1761	L	College and Career Preparatory Academy	High School	156	143	-	0.9769	-	-	156	110.5016528000	17.238	143	78.4189736000	11,214	28,452
30	10306	3030426	N/A	N/A	ACCESS Juvenile Hall	Juvenile Court Schools	237	237	-	0.9769	-	-	237	110.5016528000	26,189	237	78.4189736000	18,585	44,774
30	10306	3030632	N/A	N/A	OCCS.CHEP/PCHS	Opportunity	361	145	-	0.9769	-	-	361	110.5016528000	39,891	145	78.4189736000	11,371	51,262
30	10306	3030764	N/A	N/A	ACCESS County Community	County Community	1,225	977	-	0.9769	-	-	1,225	110.5016528000	135,365	977	78.4189736000	76,615	211,980
30	10306	6069553	N/A	N/A	Orange County Special Education	Special Ed	347	149	-	0.9769	23	22	370	110.5016528000	40,886	171	78.4189736000	13,410	54,296
TOTAL							2,326	1,651			23	22	2,349		\$ 259,569	1,673		\$ 131,195	\$ 390,764

Prepared by:  
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School Fiscal Services Division  
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