

Proposition 28



Who is eligible to receive AMS funding?

Certain public preschools, TK-12 public schools (including charter schools), and the State Special Schools (California School for the Blind, Fremont; California School for the Deaf, Fremont; and California School for the Deaf, Riverside). Funding will be calculated at the school site level and allocated to the local educational agency (LEA).



Which preschools will receive funding?

Funding for preschools is limited to LEA-based California state preschool programs and preschools for pupils with exceptional needs in an LEA. All funds will be apportioned to the LEA, which is required to allocate funds to eligible school sites in the amounts calculated by CDE.



How much funding is available?

The amount of funding available each fiscal year for the AMS program will be one percent of the K-12 portion of the Proposition 98 funding guarantee provided in the prior fiscal year, excluding funding appropriated for the AMS program. The measure specifies that this funding is on top of the minimum Proposition 98 guarantee calculated for the year excluding the amount provided under the AMS program.



Will the amount of funding for each fiscal year change?

Yes. Before the start of each fiscal year cycle, the amount available for the AMS program will be estimated by the Department of Finance (DOF). The final amount will be provided by the DOF the following January.



Has a Resource Code been established for these funds?

A Standardized Account Code Structure (SACS) Resource Code will be issued by CDE for AMS funds. Once identified, this response will be updated.



Is there a timeline available for the rollout of funding to LEAs?

While Proposition 28 was passed by California voters in November 2022, the first year of funding for the program cannot occur until after the passage of the 2023-24 Budget Act by the Legislature and Governor, when the amount of funds available will be known. The CDE anticipates it will be able to allocate AMS funds no sooner than fall of 2023 due to the complexity required to implement a new program of this magnitude and will communicate with LEAs as soon as updates on timing for the allocation of funds is available.



What type of arts programs can these funds be used for?

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, craft arts, creative expression including graphic arts and design, computer coding, animation, music composition, ensembles, script writing, costume design, film, and video.



Are there restrictions on how schools can use this funding?

LEAs with more than 500 pupils must expend at least 80 percent of the funds to employ certificated or classified employees to provide arts education instruction. The remaining funds can be used for training supplies, curriculum, professional learning, materials, and arts educational partnership programs. LEAs that use AMS funds for arts 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.

No more than one percent of AMS funds may be expended on administrative costs, including indirect costs.



Who decides which program a school will offer?

Each school can determine which program or programs it will offer. School administrators—in collaboration with teachers, families, and students—should together make the choice that best serves students in their local school community.



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.



Will these funds be subject to the annual state compliance audit pursuant to EC Section 41020?

Yes, AMS funds are subject to an annual audit to include verification that LEAs expended funds in accordance with their certifications and the requirements in EC Section 8220 beginning with the 2023-24 annual audit.



What are the reporting requirements for this program?

Each school is required to submit an annual board-approved report to be posted on the school district's and Department of Education's websites 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 school sites providing arts education programs with such funds.