



**Chualar Union School District
Proposition 28 School Plan
2024-2025**

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Proposition 28

Arts and Music in Schools Funding

The Arts and Music in Schools (AMS) initiative provides additional funding for arts education in California public schools.

On November 8, 2022, California voters approved Proposition 28: The Arts and Music in Schools (AMS) Funding Guarantee and Accountability Act. The measure required the state to establish a new, ongoing program supporting arts instruction in schools beginning in 2023–24.

Barely one in five California public schools have a full-time arts or music program. Prop. 28 provides additional funding to ensure every student in PK–12 public schools has access to arts and music education—without raising taxes. Protects existing education funding. Includes strict accountability and transparency with parents, teachers and children support.

The legislation allocates 1 percent of the kindergarten through grade twelve (K–12) portion of the Proposition 98 funding guarantee provided in the prior fiscal year, excluding funding appropriated for the AMS education program. Local educational agencies (LEAs) with 500 or more students are required to ensure that at least 80 percent of AMS funds to be expended are used to employ certificated or classified employees to provide arts education program instruction. The remaining funds must be used for training, supplies and materials, and arts educational partnership programs, with no more than 1 percent of funds received to be used for an LEA’s administrative expenses. The full text of the statute is available here: [Chapter 5.1 of Part 6 of Division 1 of Title 1 of the Education Code](#) (Section 8820 et seq.)

What will Proposition 28 do?

Proposition 98 requires the state to spend a certain percentage of its general fund on public education. [This measure will require](#) the state to add an amount equal to 1% of Prop. 98 funding — money guaranteed for public schools and community colleges in the state budget — for music and arts education. That’s estimated to be a [\\$1 billion annual](#) set aside. This measure would not raise taxes, so the additional money would have to come from elsewhere in the state’s general fund. Schools with high proportions of students from low-income households would get more funding. School districts will be required to spend 80% of the new funding on hiring arts and music instructors, and they will have to publish annual reports on how they spend the money.

Why was it on the ballot?

State law requires instruction in visual and performing arts for grades 1-6. For grades 7-8, schools must offer arts classes either during or after school. High school students must take either a year of art, a foreign language or career and technical education to graduate. But most California high schools require students to take art to align with the admissions requirements for the [California State University](#) and [University of California](#) systems.

But when school district budgets are cut during economic downturns, arts and music programs are often the first to be downsized. So former Los Angeles Unified Superintendent Austin Beutner said he launched the Prop. 28 campaign to turn the arts into a core subject along with math, science and reading.

He said the push for more arts education was inspired by conversations he had with educators during his time leading the state's largest school district. Citing a [2021 study](#) by the American Academy of Arts and Sciences, Beutner said giving students the space to express themselves creatively leads to a sense of belonging, which in turn helps them in math and reading.

“Math has rules. Grammar has rules. Art is unbounded,” Beutner said. “And if you think about preparing students for critical thinking, art isn’t just the sprinkles on an ice cream sundae. It’s an essential piece.”

Chualar School Proposition 28 Plan

In order to adhere to the State's Visual and Performing Arts Standards, it is imperative that we hire a music teacher to teach the fundamentals of music theory, vocal music, music composition and / or ensembles. There has been a lengthy period of music absence on this campus. We've just received 20 guitars donated by a philanthropist to add to our existing class set of acoustic guitars. We also have several marimbas and electronic keyboards that can be used to teach piano basics and music theory. A guitar instructional program would be the initial step to envision an extensive, impactful and long-term music program. Because of the size of our existing guitars, intermediate level students would be the best guitar instruction candidates.

We appreciate the opportunity to reinstate a music program at Chualar School and provide our students with several venues and events to show their talents through organized school or community presentations. Additionally, we would like to extend the opportunity to learn how to play an instrument to our parent community. Estudiantinas (guitar ensembles) are very popular in the Mexican / Hispanic communities. The estudiantinas do not have age requirements. Multi-aged musicians can perform together in organized guitar ensembles. There are no limitations to what can be taught musically.

The music program will include the following instructional days:

- 180 - Regular School year
- 10 - Spring Academy (2 planning and prep)
- 20 - Summer School (1 Prep Day)

EXHIBIT A - EDUCATION CODE - EDC - 8820 - 8822

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.)

EXHIBIT B - EDUCATION CODE - EDC (Article 2 - 51210-51212)

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001] (*Title 2 enacted by Stats. 1976, Ch. 1010.*) **DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001]** (*Division 4 enacted by Stats. 1976, Ch. 1010.*)

PART 28. GENERAL INSTRUCTIONAL PROGRAMS [51000 - 53303] (*Part 28 enacted by Stats. 1976, Ch. 1010.*)

CHAPTER 2. Required Courses of Study [51200 - 51284.5] (*Chapter 2 enacted by Stats. 1976, Ch. 1010.*)

ARTICLE 2. Course of Study, Grades 1 to 6 [51210 - 51212] (*Article 2 enacted by Stats. 1976, Ch. 1010.*)

51210.

(a) The adopted course of study for grades 1 to 6, inclusive, shall include instruction, beginning in grade 1 and continuing through grade 6, in the following areas of study:

(1) English, including knowledge of, and appreciation for, literature and the language, as well as the skills of speaking, reading, listening, spelling, handwriting, including instruction in cursive or joined italics in the appropriate grade levels, and composition.

(2) Mathematics, including concepts, operational skills, and problem solving.

(3) Social sciences, drawing upon the disciplines of anthropology, economics, geography, history, political science, psychology, and sociology, designed to fit the maturity of the pupils. Instruction shall provide a foundation for understanding the history, resources, development, and government of California and the United States of America; the development of the American economic system, including the role of the entrepreneur and labor; the relations of persons to their human and natural environment; eastern and western cultures and civilizations; contemporary issues; and the wise use of natural resources.

(4) Science, including the biological and physical aspects, with emphasis on the processes of experimental inquiry, on the place of humans in ecological systems, on the causes and effects of climate change, and on the methods to mitigate and adapt to climate change. Appropriate coursework including material on the causes and effects of climate change and methods to mitigate and adapt to climate change shall be offered to pupils as soon as possible, commencing no later than the 2024–25 school year.

(5) Visual and performing arts, including instruction in the subjects of dance, music, theater, and visual arts, aimed at the development of aesthetic appreciation and the skills of creative expression.

(6) Health, including instruction in the principles and practices of individual, family, and community health.

(7) Physical education, with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind, for a total period of time of not less than 200 minutes each 10 schooldays, excluding recesses and the lunch period.

(8) Other studies that the governing board may prescribe.

(b) (1) A complaint that a school district or county superintendent of schools has not complied with the instructional minute requirements of paragraph (7) of subdivision (a) may be filed with a school district or county superintendent of schools pursuant to the Uniform Complaint Procedures set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a school district or county superintendent of schools may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and shall receive a written appeal decision within 60 days of the department's receipt of the appeal.

(3) If a school district or county superintendent of schools finds merit in a complaint, or the Superintendent finds merit in an appeal, the school district or county superintendent of schools shall provide a remedy to all affected pupils, parents, and guardians.

(c) The Legislature finds and declares that neither the original provisions of this section, nor any subsequent amendments to it, were intended to create a private right of action. However, nothing in this subdivision shall restrict or expand the existing right of any party to seek relief from noncompliance with this section pursuant to a writ of mandate.

(Amended by Stats. 2023, Ch. 804, Sec. 1.1. (AB 446) Effective January 1, 2024.)

EXHIBIT C - Proposition 28—Arts and Music in Schools FAQs

Frequently Asked Questions (FAQs) and answers regarding Proposition 28—The Arts and Music in Schools (AMS) Funding Guarantee and Accountability Act.

Funding Calculations and Apportionment of Funds

1. [Which schools will receive Arts and Music in Schools \(AMS\) funding? \(Updated 11-1-2023\)](#)

Recipients include eligible public preschools, Transitional Kindergarten through grade 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).

2. [Which preschools will receive funding? \(Updated 01-Nov-2023\)](#)

Funding for preschools is limited to local educational agency (LEA) based California state preschool programs and preschools for pupils with exceptional needs in an LEA. In accordance with statute, all funds will be apportioned to the LEA, which is required to

allocate funds to eligible school sites in the amounts calculated by the California Department of Education (CDE).

3. [When will schools learn how much funding they will receive each year? \(Added 01-Mar-2024\)](#)

Arts and Music in Schools (AMS) funding will be estimated each July as part of the Advance Apportionment certification using second prior year data and the current year budget appropriation. At First Principal Apportionment the following February, the California Department of Education (CDE) will publish AMS funding amounts based on updated data as required by statute. For example, Fiscal Year 2024-25 amounts will be estimated in July 2024 and recalculated in February 2025. Funding allocations will be published by fiscal year to the [Proposition 28: Arts and Music in Schools](#) webpage. Please refer to Frequently Asked Question (FAQ) 7 for detailed information about data sources for the purpose of the calculation of funding.

For information about the Principal Apportionment, go to the [CDE Principal Apportionment](#) webpage.

4. [How much funding is available? \(Updated 01-Mar-2024\)](#)

The amount of funding available each fiscal year for the Arts and Music in Schools (AMS) program will be one percent of the kindergarten through grade 12 (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.

Approximately \$938 million has been appropriated in the Budget Act for 2023 for the AMS program for the 2023–24 fiscal year. The amount available for the 2024–25 fiscal year is scheduled to be announced by the Department of Finance in May 2024.

5. [Will the amount of funding for each fiscal year change? \(Updated 24-Jul-2023\)](#)

The amount of funding available for each fiscal year will be determined prior to the beginning of the fiscal year by the Department of Finance as part of the May Revision of the Governor’s Budget. This total appropriation amount is final.

6. [Does my local educational agency \(LEA\) need to apply for Arts and Music in Schools \(AMS\) funds? How will allocations be calculated? \(Updated 01-Nov-2023\)](#)

Local education agencies (LEAs) do not need to apply for AMS funds. Funding will be automatically allocated by the California Department of Education (CDE) to each kindergarten through grade 12 (K–12) LEA using the methodology outlined in subdivision (c) of [Education Code Section 8820](#), which is based on the share of statewide total enrollment and the share of enrollment of economically disadvantaged pupils, as defined in [Education Code Section 8821](#), at each eligible schoolsite of the K–12 LEA.

Funding will be calculated at the school site level and allocated to the LEA, which is required to allocate funds to eligible school sites in the amounts calculated by the CDE.

7. [What data is used in the funding calculation?](#)

Arts and Music in Schools (AMS) funding is calculated based on prior year pupil enrollment and prior year enrollment of pupils eligible for free or reduced-price meals (FRPM).

Transition Kindergarten through grade 12 (TK–12) Census Day total enrollment and enrollment of FRPM-eligible pupils are reported in the California Longitudinal Pupil Achievement Data System (CALPADS) as part of the Fall 1 data submission. This data is publicly available on the [Free or Reduced-Price Meal \(Student Poverty\) Data](#) web page.

Preschool enrollment used to calculate AMS funding includes pupils enrolled in local educational agency (LEA) based California state preschool programs and pupils three through five years of age enrolled in preschool programs for pupils with exceptional needs in an LEA. California state preschool program enrollment is from the prior year October report in the Child Development Management Information System. Preschool enrollment for special education programs is from prior year Census Day enrollment data reported via CALPADS.

8. [How is the determinative elementary school selected for the purpose of calculating an individual school site's free and reduced price meal \(FRPM\) eligible preschool pupil count? \(Added 11-6-2023\)](#)

For schools serving preschool pupils that are eligible for Arts and Music in Schools (AMS) funding, a proxy count of economically disadvantaged preschool pupils is calculated by multiplying the school's prior-year preschool enrollment by the prior-year percentage of FRPM-eligible kindergarten through grade 12 (K–12) pupils at a determinative elementary school, pursuant to *Education Code* Section 8820(c)(2). The determinative elementary school is the elementary or K–12 school in the local educational agency (LEA) with the highest percentage of FRPM-eligible pupils enrolled. If there is no elementary or K–12 school within the LEA, then the determinative elementary school is the elementary or K–12 school within the county with the highest percentage of FRPM-eligible pupils.

9. [What enrollment is used to determine if my local educational agency \(LEA\) is above the 500 pupils or more threshold and subject to the requirement to use at least 80 percent of Arts and Music in Schools\(AMS\) expenditures to employ certificated or classified employees to provide arts education program instruction?](#)

The enrollment count used to determine whether an LEA is subject to this requirement is based on the total enrollment of the LEA that was used to calculate the LEA's funding for the allocation year. For example, funding allocated in Fiscal Year 2023–24 is based on the LEA's enrollment in Fiscal Year 2022–23. See Frequently Asked Question (FAQ) 7 for details on sources of enrollment data.

10. [How can I determine whether planned expenditures are allowable?](#)

The California Department of Education (CDE) is not approving or denying individual

local educational agency (LEA) requests for allowable expenditures. All expenditures should be consistent with statute.

Use of Arts and Music in Schools (AMS) Funds

11. [What type of arts programs can these funds be used for? \(Updated 01-Mar-2024\)](#)

"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.

[California Education Code sections 51210](#) and [51220](#) recognize dance, music, theatre, and visual arts as courses of study, aimed at the development of aesthetic appreciation and the skills of creative expression.

The 2019 [California Arts Standards for Public Schools, Prekindergarten Through Grade Twelve \(Arts Standards\)](#)(PDF) add an additional course of study: media arts.

The table below captures recognized courses of study, along with a non-exhaustive list of examples accessed on the California Longitudinal Pupil Achievement Data System (CALPADS) [System Documentation](#) webpage. The document that lists codes that can only be used in specific combinations in CALPADS is titled [CALPADS Valid Code Combinations v15.1](#)(XLSX). Note: When viewing the document titled "CALPADS Valid Code Combinations v15.1," navigate using the arrows at the bottom left of the document to the sheet titled "Course Group Master Combos." This tab includes all course group names, course group codes, and content area assignments, etc. An additional sheet on this document titled "CrsGrpSt-ContentSbctgy" details all associated course subcategories, including their course names, course codes, and effective academic years.

Dance	Theatre	Music	Visual Arts	Media Arts
ballet	costume design	music theory	folk art	graphic arts and design
folk/traditional	script writing	vocal music	painting	computer coding
hip hop	acting	music composition and ensembles	sculpture	animation
jazz	directing	music appreciation	craft arts	film and video
modern	stagecraft		drawing	photography

12.

[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.

13. [Are there restrictions on how schools can use this funding? \(Updated 01-Mar-2024\)](#)

All funds must be used to provide arts education programs, as described in Frequently Asked Question (FAQ) 11. *Education Code (EC)* Section 8820(g)(1) requires that local educational agencies (LEAs) with an enrollment of 500 or more pupils ensure that at least 80 percent of expended funds will be used to employ certificated or classified employees to provide arts education program instruction. Up to 20 percent of the expended Arts and Music in Schools (AMS) funds may be used for “training, supplies and materials, and arts educational partnership programs,” which includes outside contractors. The department may, for good cause shown, provide a waiver from this requirement.

Additionally, no more than 1 percent of funds received may be used for a local educational agency's (LEA's) administrative expenses, including indirect costs, to implement this program.

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. See *EC* sections 46300(a) and 47612.5(e)(1).

Information about attendance accounting and instructional time requirements is available on the [CDE Instructional Time and Attendance Accounting](#) web page.

14. [Can Arts and Music in Schools \(AMS\) funds be used for arts instruction outside of the regular school day or off campus? \(Added 01-Mar-2024\)](#)

Yes. All expenditures should be consistent with statute. For information regarding restrictions on the use of AMS funds, see Frequently Asked Question (FAQ) 13. For information regarding reporting and certification requirements, see FAQ 21. Information about attendance accounting and instructional time requirements is available on the [CDE Instructional Time and Attendance Accounting](#) web page.

15. [What counts as certificated or classified employees for the purpose of Arts and Music in Schools\(AMS\)? \(Added 01-Mar-2024\)](#)

Both the California School Accounting Manual (CSAM) and California Education Code provide information regarding employment classification.

The 2019 CSAM, including object codes, definitions, instructions, and procedures, is located on the [Definitions, Instructions, and Procedures](#) web page.

[Education Code \(EC\) Section 44006](#) refers to a “certificated person” as a person who holds one or more documents such as a certificate, a credential, or a life diploma which singly or in combination license the holder to engage in the school service designated in the document or documents. (Enacted by Stats. 1976, Ch. 1010.)

EC sections 45103, 45104, 45256 specify what is considered a classified employee.

- [EC 45103 text](#)
- [EC 45104 text](#)
- [EC 45256 text](#)

16. [Are school sites with enrollment of fewer than 500 pupils required to expend at least 80 percent of Arts and Music in Schools \(AMS\) funds for salaries? \(Added 18-Dec-2023\)](#)

The requirement that at least 80 percent of AMS expenditures be used for certificated and classified salaries for providing arts education program instruction is based on the total enrollment of the local educational agency (LEA), not the school site. All LEAs, including charter schools, with enrollment of fewer than 500 pupils are exempt from this requirement. See Frequently Asked Question (FAQ) 9 for details about what enrollment is used to make this determination.

17. [What is a local educational agency \(LEA\) for the purpose of Arts and Music School \(AMS\)? \(Added 18-Dec-2023\)](#)

For the purpose of the AMS, statute defines LEA as kindergarten through grade 12 (K–12)

school districts, county offices of education, charter schools, and the California School for the Blind and the California school for the Deaf.

18. [Can a local educational agency \(LEA\) spend more than 1 percent of Arts and Music in Schools \(AMS\) funds on administrative expenses?](#)

No more than 1 percent of funds received may be used for an LEA's administrative expenses, including indirect costs, to implement this program.

19. [Can schools pool their Arts and Music Schools \(AMS\) funds, and can school districts help to facilitate inter-school programs? \(Updated 24-Jul-2023\)](#)

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, local educational agencies (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 Time and Attendance Accounting](#) web page.

20. [Can local educational agencies \(LEAs\) reallocate funds from one school to another or others? \(Added 02-Jan-2024\)](#)

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):

(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).

Expenditure Reporting, Annual Audits, and Waivers

21. [What are the reporting requirements for this program? \(Added 18-Dec-2023\)](#)

There are several reporting requirements for this program, both at the school site and local educational agency (LEA) level. Please review the four areas below:

Report Name	Arts and Music in Schools (AMS) Statute	Responsible Party	Frequency	Requirements
School Site Expenditure Plan	8820(e)	School site	Annual	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.

<p>Annual Report</p>	<p>8820(g)(4)</p>	<p>LEA</p>	<p>Annual</p>	<p>This annual report must be board approved, submitted to the CDE, and posted to the LEA's website. (Note: The CDE reporting tool is under development.) The mandated information for this report includes:</p> <p>The number of full-time equivalent teachers, classified personnel, and teaching aides</p> <p>The number of pupils served</p> <p>The number of school sites providing arts</p>
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				education programs with AMS funds
Annual Certification	8820(g)(1-3)	LEA	Annual	Local educational agencies (LEAs) must annually certify that all funds will be used to provide arts education programs, among other assurances. See FAQ 26, conditions a–d, for the specific information the annual certification must include. Note that the certification must be kept for auditing purposes but is not required to be posted on the LEA web page or submitted to the CDE.

Expenditure Report	8820(f)(2)	LEA	By October 1 after the three-year expenditure spending period concludes, or 60 days after ceasing operation (charter schools only)	LEAs are required to report to the CDE the amount of unexpended AMS funds. The CDE reporting tool is under development and will be provided here upon completion
Auditing	8820(I)	LEA	Annual	Pursuant to California <i>Education Code</i> Section 41020, these funds are subject to the annual state compliance audit. See FAQ 27 for

				additional information.
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22.

[Do any "supplement not supplant" requirements apply to Arts and Music in Schools \(AMS\)? \(Updated 18-Dec-2023\)](#)

Yes, California *Education Code (EC)* Chapter 5.1, Section 8820, subdivision (g), paragraph (2), states that as a condition of receipt of funds pursuant to this chapter, a local educational agency (LEA) shall annually: “Certify that such funds received will be used to supplement funding for arts education programs and that funds received in the prior fiscal year were, in fact, used to supplement arts education programs.” For the purpose of this program, “supplement” means that the funds appropriated by this chapter shall be used by local educational agencies (LEAs) to increase funding of arts education programs and not to supplant existing funding for those programs (*Education Code (EC)* Section 8821[e]). The California Department of Education (CDE) recommends that each LEA seek guidance from their legal counsel for guidance relative to their annual usage of AMS funds and whether they can make this certification each year. The CDE is not approving or denying individual LEA requests for allowable expenditures. All expenditures should be consistent with statute. Additional guidance for LEAs can substantiate compliance with this requirement via the annual audit (i.e., example worksheets, etc.) will be available on the [Proposition 28: Arts and Music in Schools](#) web page after the 2023–24 audit guide supplement is adopted by the Education Audit Appeals Panel in spring of 2024.

23. [Has a Resource Code been established for these funds? \(Updated 24-Jul-2023\)](#)

Standardized Account Code Structure (SACS) Resource Code 6770 has been established for Arts and Music in Schools (AMS) funding.

24. [Is there an Arts and Music in Schools \(AMS\) school site expenditure plan template available? \(Added 18-Dec-2023\)](#)

No. The California Department of Education (CDE) does not intend to provide a template for an AMS individual school site plan required pursuant to *Education Code (EC)* Section 8820, subdivision (e). Each school site should develop its own plan. The statute does not require school site expenditure plans to be submitted to or approved by the CDE.

25. [Do local educational agencies \(LEAs\) have three years to use the funds apportioned for a particular school year? \(Added 18-Dec-2023\)](#)

Yes. *Education Code (EC)* Section 8820 governs the expenditure period for Arts and Music in Schools (AMS) funds, and it indicates that allocated funds are available for use for up to three fiscal years. At the end of the third year, the amount of unexpended funds shall be reported to the California Department of Education (CDE) by October 1. Unexpended funds will be collected by the CDE and allocated to all LEAs in the following fiscal year.

The reporting tool webpage is still in development and will be included here when it becomes available.

26. [What are the conditions for using Arts and Music in Schools \(AMS\) funds? \(Added 18-Dec-2023\)](#)

As a condition of receipt of funds, a local educational agency (LEA) shall annually

1. certify that all AMS funds will be used to provide arts education programs and that AMS funds expended in the prior fiscal year were, in fact, used for those purposes;
2. for local educational agencies (LEAs) with an enrollment of 500 or more pupils, the certification shall also ensure that at least 80 percent of AMS 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—unless a waiver has been granted (see Frequently Asked Questions (FAQs)) 27 and 28 for information on waivers);
3. certify that AMS funds received will be used to supplement funding for arts education programs and that AMS funds expended in the prior fiscal year were, in fact, used to supplement arts education programs;
4. certify that no more than 1 percent of AMS funds received will be used for a LEA's administrative expenses to implement this chapter and that AMS funds received in the prior fiscal year were, in fact, used within that limit; and
5. submit an annual board- or body-approved report in a manner determined by the Superintendent, that shall be posted on the LEA's and the California Department of Education's (CDE) 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 school sites providing arts education programs with those funds.

27. [Will these funds be subject to the annual state compliance audit pursuant to *Education Code \(EC\) Section 41020*? \(Added 18-Dec-2023\)](#)

Yes, Arts and Music in Schools (AMS) funds are subject to an annual audit to include verification that local educational agencies (LEAs) expended funds in accordance with their certifications and the requirements in *EC* Section 8220 beginning with the 2023–24 annual audit. Audit procedures are currently under development and will be released in March 2024 as part of the 2023–24 Guide for Annual Audits of kindergarten through grade 12 (K–12) Local Education Agencies and State Compliance Reporting.

1. [What is the waiver process for Arts and Music in Schools \(AMS\) funds? \(Added 18-Dec-2023\)](#)

Education Code (EC) Chapter 5.1, Section 8820, subsection (h) states that the California Department of Education (CDE) may, for good cause shown, provide a waiver to exempt them from *EC* Chapter 5.1, Section 8820, subsection (g)(1). Local educational agencies (LEAs) are required to submit a written request for a waiver once for each allocation year within the three-year expenditure period. The waiver tool/web page is still in development and will be included here when it becomes available.

2. [Does each school site submit their own waiver, or do local educational agencies \(LEAs\) submit waivers on behalf of schools seeking a waiver? \(Added 18-Dec-2023\)](#)

LEAs are responsible for submitting a waiver, not individual schools. The waiver tool/web page is still in development and will be included here when it becomes available.

**Chualar Union School District
Proposition 28 School Plan
2024-2025
EXHIBIT D**

BUDGET

PERSONNEL SERVICES	
Salary and Wages	
• Music Teacher (\$60/hr x 3hrs daily x 180 days)	\$32,400
Subtotal Salary and Wages	
• Benefits	\$7,293.24
Total Personnel Services	\$39,693.44
Operating Expenses	
• Instrument Maintenance and Repair	\$500
• Instrument Replacement	\$500
• Audio, Sound, Amplification Equipment	\$1,624.87
• Instructional Materials - For Various Instruments	\$1,500
• Double Stack Mobile Guitar / Case Storage Unit (\$1300 x 2)	\$2,600
• Performance Uniforms for 20 performers	\$1,000
• Music Stands (30)	\$2,100
• Music Stand Rack (Double Deck Stand)	\$650
Total Operating Expenses	\$10,474.87
Indirect Cost	\$501.69
Total Budget	\$50,670

