

Cal. Ed. Code § 8820

Section 8820 - [See Note]Arts and Music in Schools—Funding Guarantee and Accountability Act

(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 an estimate of the amount necessary to fund the amount required to be appropriated by this chapter as part of the annual May Revision of the Governor’s Budget, and shall finalize the calculation and 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 school's enrollment of economically disadvantaged pupils shall be deemed to equal the preschool's enrollment times the same percentage of pupils that are economically disadvantaged at the closest elementary schoolsite within the preschool's local educational agency, if applicable.

(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) Funds allocated pursuant to subdivision (d) shall be available for use for up to three fiscal years after which time the 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) .

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

(1) Certify that all funds are used to provide arts education, 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 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 received 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 principal of a schoolsite.

(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.

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Added November 8, 2022 by initiative Proposition 28, sec. 2.1. eff. on the fifth day after the Secretary of State files the final Statement of Vote..

Repealed by Stats 2015 ch 538 (SB 416),s 4, eff. 1/1/2016.

Added by Stats 2003 ch 580 (AB 1512),s 2, eff. 1/1/2004.

Former §8820 renumbered as Ca. Educ. Code § 8819.5 by Stats 2003 ch 580 (AB 1512),s 1, eff. 1/1/2004.