



May 10, 2024

The Honorable Gavin Newsom  
Governor  
1021 O Street, Suite 9000  
Sacramento, CA 95814

The Honorable Mike McGuire  
Senate President pro Tempore  
1021 O Street, Suite 8518  
Sacramento, CA 95814

The Honorable Tony Thurmond  
State Superintendent of Public Instruction  
California Department of Education  
1430 N Street  
Sacramento, CA 95814-5901

The Honorable Robert Rivas  
Speaker of the Assembly  
1021 O Street, Suite 8330  
Sacramento, CA 95814

**Re: Proposition 28, The Arts and Music In Schools Implementation Concerns**

Dear Governor, State Superintendent, Senate President, and Assembly Speaker,

Voters overwhelmingly passed Proposition 28, The Arts and Music In Schools— Funding Guarantee And Accountability Act, to supplement (i.e., increase) spending on and access to arts education in every public school. This landmark proposition is a testament to the value California voters place on arts education. Prop 28 requires schools to use the funding primarily to hire new arts staff and requires districts to certify that they spent the funds in addition to existing funding for arts education programs. Prop 28 also encourages schools, in collaboration with their stakeholders, to determine how to utilize this funding best to meet the arts education needs of their students.

We are concerned that some school districts are making decisions without input from their communities and not complying with Prop 28's supplement requirements by using the funds to replace existing arts education funding. For example, some school districts are encouraging arts education teachers to resign, promising to rehire these teachers using Prop 28 funds. The proposition requires that "at least 80 percent of funds to be expended will be used to employ certificated or classified employees to provide arts education instruction." Simply put, if a school district is spending Prop 28 funds and has not increased the number of arts teachers it employs, then by definition, it is using the funds to supplant prior spending.

Some school districts claim that since prior funding sources for arts teachers, school staff, and supplies are one-time, expiring, or zeroed out by the district, they can use Prop 28 funds to replace those funds. That is not correct. **Nowhere does Prop 28 say that the source of funds for existing arts programs (federal, state, local, or private) creates any exception to the initiative's clear and plain language.**

However, we firmly believe that with your support, we can rectify this situation and ensure that school districts properly implement the law. As voters intended, proper implementation will provide millions more students access to the arts.

We urge California leadership to direct school districts to submit to the CDE and make the following information publicly available within 30 days to ensure the proper implementation of Prop 28:

- A certification stating that Prop 28 funds have not been used to supplant any existing spending for arts education at any school.
- A listing of additional arts and music teachers employed by each school district in SY 2023-24, and how that compares to SY 2022-23.
- Prop 28 Expenditure Plans for each school site detailing how funds have been or will be spent.

Prop 28 is a historic opportunity to reverse years of underinvestment in arts education and help provide equitable access to the arts to all of California’s public school students. If school districts are allowed to violate the law, it will maintain the status quo of only the more affluent students having consistent access to the arts and ignore the voters' wishes.

Thank you for your immediate attention to this matter.

Sincerely,



**Abe Flores,**  
Deputy Director of  
Policy & Programs



**Ricky Abilez,**  
Director of Policy &  
Advocacy



**Kathe Madrigal**  
President  
World Executive  
Committee Member



**Janet Phinick**  
President



**Rafael Gonzalez**  
President & CEO



**Sarah Brothers**  
Arts Education Director



**Amanda Chiado**  
Director of Arts  
Education



**Dain Olsen**  
President/CEO  
National Association for  
Media Arts Edu



**Bill Thompson**  
President



**Alison Korman**  
Executive/Artistic  
Director



**Alejandro Cohen**  
Executive Director



**Ifunanya Nweke**  
Executive Director



**Barbara Palley**  
Executive Director



**Eliza Tudor**  
Executive Director



**Larry Laboe**  
Executive Director



**Naomi Sukenik**  
Director



**Melissa Chalsma**  
Artistic Director



**Meghan Joy O'Keefe,**  
Executive Director



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and Architecture



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Center ARTES and  
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**Executive Director**  
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**Literary Arts Center**



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**Cindy Abbott**  
**Executive Director**



**Sean Cawelti**  
**Artistic Director**



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**Executive Director**



**Jessy Kronenberg**  
**Co-President**



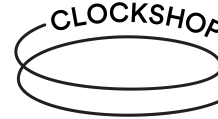
**Can Foster**  
**Youth Program Director**



**Cheryl Gleason**  
**Art Director/Curator**



**Danny Feldman**  
**Producing Artistic Director**



**Sue Bell Yank,**  
**Executive Director**



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**Operations Director**



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**Michael Angelo Camacho**, Director of  
Government & Field  
Engagement



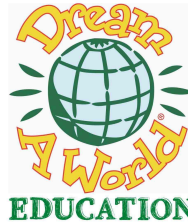
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Music Educators  
Association



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Author of Prop 28