KODELY · FIELD GUIDE NO. 08

The Prop 28 Compliance Checklist

For California Superintendents, CBOs, and Arts Coordinators — the §8820 discipline map, the 80/20 spend rule, the supplement-not-supplant test, and a 12-line audit-prep checklist. Updated for 2026-27.

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§8820 ARTS EDUCATIONAL PARTNERSHIP PROGRAMS

01 Why this checklist exists

> Prop 28 (California Education Code §8820) sends roughly $1 billion a year to California schools for arts and music education — with specific rules on what counts, who gets paid, and how it is reported.

This checklist is a plain-language version of those rules to read before you commit next year's dollars.

Lead reference: CDE Prop 28 Arts and Music in Schools page at cde.ca.gov/eo/in/prop28artsandmusicedfunding.asp

02 The 5 §8820 arts disciplines — memorize these

Prop 28 funds the following arts disciplines **ONLY**:

§8820 · 01

Dance

Movement-based artistic expression across styles.

§8820 · 02

Media Arts

Animation · film · video · photography · graphic design · creative-coding for artistic expression · music composition + production.

§8820 · 03

Music

Instrumental, vocal, composition, ensemble work.

§8820 · 04

Theatre

Acting, playwriting, technical theatre.

§8820 · 05

Visual Arts

Drawing, painting, sculpture, mixed media, ceramics.

NOT ELIGIBLE UNDER PROP 28

STEM/science · Robotics · Pure coding (unless framed as creative-coding for artistic expression) · **Culinary arts · Financial literacy · Sports/PE · Academic tutoring.**

Fund those programs from other lanes that fit them, such as ELO-P, ASES, CCSPP, Title IV-A or 21st CCLC. Never Prop 28.

03 The 80/20 spend rule

- **At least 80%** goes to certificated and classified staff providing arts instruction

- **Up to 20%** goes to training, supplies and materials, and arts educational partnership programs (this is where vendor programming falls)

SMALL-LEA EXEMPTION

LEAs with fewer than 500 pupils are exempt from the 80/20 split. Larger LEAs can request a good-cause waiver from CDE.

04 The vendor partnership rule

Under the 20% share, districts can contract with outside providers ("arts educational partnership programs") to **supplement — not replace —** credentialed arts staff.

✓ MUST BE TRUE

- Vendor supplements existing arts staff (not a substitute for a credentialed art teacher)
- Vendor programming aligns to §8820 discipline definitions
- Vendor delivers during the instructional day OR expanded learning block
- Written scope of services on file
- Invoiced against the 20% partnership line, not the 80% staff line

✗ CANNOT BE TRUE

- Vendor is the only arts programming in the school (this signals replacement, not supplement)
- Vendor delivers non-arts content and labels it "arts adjacent"
- Vendor costs coded to the 80% staff share (that share is for the LEA's own certificated and classified staff)

05 The 12-line compliance checklist

Print this. Tape it to your CBO's monitor.

- ☐ 01 **Discipline verification** — every funded activity maps to one of the 5 §8820 disciplines
- ☐ 02 **Site-by-site allocation** — funds follow the statutory formula: 70% on prior-year enrollment, 30% on prior-year unduplicated pupils
- ☐ 03 **80/20 split** — documented for each year's allocation (unless small-LEA exempt or under a CDE waiver)
- ☐ 04 **Certificated staff hires** — the 80% funds staff who actually provide arts instruction
- ☐ 05 **Partnership documentation** — each vendor has a written scope, staff clearances on file, and a signed agreement
- ☐ 06 **Supplement-not-supplant** — you can show Prop 28 adds to your prior-year arts spending from other sources, not replaces it

- [ ] 07 **Encumbrance deadlines** — each year's allocation has a fixed spending window (2023-24 dollars had to be encumbered by June 30, 2026). Check the date on every open allocation.
- [ ] 08 **Board-approved annual report** — your annual Prop 28 report is approved by the governing board
- [ ] 09 **Posting and submission** — the report is posted on your website and submitted to CDE
- [ ] 10 **Resource coding** — Prop 28 spending is coded to its own resource so it can be traced in audit
- [ ] 11 **Waiver request (if applicable)** — if you requested a good-cause waiver of the 80/20 split, the approval is on file
- [ ] 12 **Audit trail** — every vendor invoice, staff timesheet, and materials receipt filed and cross-referenced to §8820 discipline

06 Common Prop 28 audit risks (avoid these)

1. **Non-arts programming coded to Prop 28** — science, robotics, culinary or pure coding with no artistic output does not qualify.
2. **Vendor replacing (not supplementing) a credentialed arts teacher** — fails the supplement-not-supplant test.
3. **Late encumbrance** — an allocation not encumbered inside its window.
4. **No board-approved annual report** — the report is required, not optional.
5. **Site-level allocation mismatch** — site amounts that do not follow the 70% enrollment / 30% unduplicated formula.

07 The Prop 28 vendor short-list checklist

- [ ] Vendor delivers only §8820 disciplines (or clearly separates non-§8820 offerings)
- [ ] Vendor has scope-of-services + MOU template ready
- [ ] Vendor invoicing supports 20% partnership line coding
- [ ] Vendor can give references from other California schools for arts programming
- [ ] Vendor's instructors are cleared (Live Scan, TB) and trained
- [ ] Vendor's programming supplements — does not replace — your credentialed arts staff
- [ ] Vendor's certifications (M/WBE, DVBE, SB) checked against your own supplier-diversity goals

FREE · 20 MINUTES

Want a second read on your Prop 28 plan?

Book a 20-minute call with Kodely. We'll walk through which of your arts ideas fit §8820 and how a partnership program would be scoped — whether or not we ever work together.

BOOK THE 20-MINUTE CALL →

KODELY.

Kodely runs hands-on K-8 enrichment across STEM, arts, entrepreneurship, sports and SEL. Our arts studios (animation, film, photography, graphic design, creative coding, music composition, theatre, visual arts) are offered as §8820 arts educational partnership programs that supplement your arts staff, never replace them. NYC SBS-certified M/WBE.

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