



David W. Gordon
Superintendent

August 25, 2025

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The Honorable Bunmi Awoniyi
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento CA 95814

Re: Are Sacramento County Schools Leaving Millions of Dollars for Arts Education on the Table

Dear Honorable Bunmi Awoniyi:

We, the undersigned Sacramento County School Districts and Superintendents, appreciate the opportunity to respond to the 2024-2025 Sacramento County Grand Jury report, which was publicly released on June 5, 2025. Since the voters approved Proposition 28 and we began receiving additional funding for arts education we have been expanding arts education in our schools. This has included, but is not limited to:

- Increasing the number of arts educators in our schools.
- Building a robust pipeline of arts educators through recruitment, hiring, and training.
- Increasing instructional minutes for arts education.
- Adding new arts course sections, creating advanced art courses, and reducing class sizes.
- Partnering with community arts organizations to bring professional artists into our schools to provide arts education and to enhance student learning through field trips and artist residencies.
- Providing professional development to artists to support and enrich student learning.
- Investing in arts instructional supplies, instruments, equipment, and furniture.
- Upgrading multipurpose rooms and classrooms to create flexible spaces for visual arts, media arts, music, theater, and dance.

We have been able to accomplish all the above in a short amount of time. Proposition 28 was approved by the voters in November 2022 and was intended to be implemented in the 2022-2023 school year. However, the data needed by the California Department of Education (CDE) to determine how much Proposition 28 funding to allocate to each LEA was not available

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until months after the year had ended. As a result, LEAs did not receive their first year of funding until June 2024.

In addition, our implementation of Proposition 28 has been impeded by the statewide shortage of arts educators, restrictions on the allowable uses of the Proposition 28 funding, and the lack of guidance from the state on allowable expenditures of the funds. Despite all this, we do not anticipate leaving significant dollars for arts education “on the table.”

Our response to the specific findings and recommendations in the Grand Jury’s report are as follows:

Findings and Associated Recommendations:

F1. The lack of transparency and independent validation of a school’s calculation of the amount of existing funds it spends on arts education creates an opportunity for schools to underestimate that amount, thereby reducing arts education spending from the level required by Proposition 28.

R1. The Grand Jury recommends that governing boards direct appropriate budget staff to disclose the calculation of prior year spending on arts education at the same annual public hearing at which Proposition 28 spending reports are adopted, beginning no later than December 15, 2025.

F2. Failure to supplement spending from one-time funds with Proposition 28 funds subjects schools to potential litigation, which could result in the loss of funds.

R2. The Grand Jury recommends that governing boards either (1) direct appropriate budget staff to include spending from one-time revenues in the calculation of prior year arts education spending or (2) seek independent legal advice on how to account for such funds, by December 15, 2025.

Response to Findings 1-2 and Associated Recommendations 1-2

We do not agree with these findings and the associated recommendations are unnecessary. Education Code Section 8820(i) requires that, as part of each local educational agency’s (LEA’s) annual compliance audit, the independent auditor verify that LEAs used Proposition 28 funds to supplement existing funding for arts education programs. The [2025-26 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting \(Audit Guide\)](#) issued by the California Education Audit Appeals Panel includes detailed procedures for LEAs and auditors to verify compliance with this requirement. Additionally, the CDE has developed an Excel worksheet that may be used to assist LEAs in demonstrating they have met the requirement, which is available at: [Arts and Music in Schools Audit Compliance Worksheets](#).

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As a result, state law already provides for the independent validation of an LEA's calculations and LEAs which follow the detailed calculations in the Audit Guide and CDE's Excel worksheet can be assured that they will not lose funds. In addition, if any questions arise, LEAs are advised to verify these calculations with their auditor and seek guidance from their legal counsel.

F3. Failure to post Proposition 28 annual reports on their websites puts schools at risk of losing this funding.

F4. By placing the spending reports in hard-to-find places on their websites, schools make it difficult for parents and the public to get information about how Proposition 28 funds are being spent, thereby falling short of the level of transparency required by the measure.

R3. The Grand Jury recommends that governing boards direct appropriate staff to post Proposition 28 annual spending reports on an easy-to-find page on the school or district website by December 15, 2025.

Response to Findings 3-4 and Associated Recommendation 3

We do not agree with these findings, and the associated recommendation is unnecessary. Education Code Section 8820(g)(4) requires that each LEA post on its website its annual Proposition 28 report. Failure to do so results in an audit finding and loss of funding. All our districts have complied with this requirement. However, state law does not specify where on an LEA's website the report shall be placed. This is because it will need to differ for each LEA based on the needs of its community. LEAs are required to post multiple mandated reports and items on their websites and, as a result, must prioritize the placement of items to ensure the items most critical for and of most interest to their communities are readily available.

In addition, we note that CDE maintains a master file of all LEA Proposition 28 reports on its website: [The Arts and Music in Schools Funding Guarantee and Accountability Act LEA Annual Reports](#).

F5. By not taking full advantage of multiple opportunities to recruit and hire more arts teachers, schools fall short of meeting the goal of increasing arts education.

R4. The Grand Jury recommends that governing boards direct appropriate staff to explore all available programs to hire arts teachers and classified employees with Proposition 28 funds by December 15, 2025.

F6. By not engaging in district-wide, multi-year planning, districts risk losing funds by being out of compliance with the 80/20 spending requirement and lose the opportunity to integrate expanded arts education into the regular curriculum.

R5. The Grand Jury recommends that governing boards adopt multi-year arts education plans to help ensure compliance with the law and to integrate new and expanded arts education programs into the overall curriculum by December 15, 2025.

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Response to Findings 5-6 and Associated Recommendations 4-5

We partially agree with Findings 5-6 and are already implementing Recommendations 4-5. Education Code Section 8820(g)(1) requires LEAs to spend at least 80 percent of Proposition 28 funds to employ certificated or classified employees to provide arts education program instruction. This requirement has resulted in a significant statewide shortage of arts instructors, and, as a result, our districts have had difficulty hiring enough teachers to fully implement Proposition 28. Furthermore, as noted above, LEAs did not receive funding allocations from the CDE until June 2024. This delay in funding exacerbated the difficulty of hiring art teachers for 2024-2025 as most districts had to begin teacher recruitment efforts in January 2024 without knowing how many, if any, arts teachers they could fund.

However, several of our districts have already developed multi-year implementation plans to address this issue as well as the other barriers to the expansion of arts education. In addition, our districts have:

- Attended and hosted university, county, and regional recruitment fairs.
- Launched initiatives to identify and support aspiring educators from within the community, including alumni, parents, and classified staff.
- Worked with post-secondary institutions across the state to diversify recruitment pipelines, expand partnerships with credentialing programs, and increase awareness of new teaching opportunities in the arts.
- Partnered with community arts organizations to not only provide immediate access to high-quality arts instruction for students but also serve as a pipeline for identifying potential educators who may transition into permanent positions with a district.
- Created positions specifically to support and monitor arts implementation in the district.

Several of our districts have also sought and obtained temporary waivers from the CDE of the requirement to spend at least 80 percent of Proposition 28 funds to employ certificated or classified employees. This has allowed them the flexibility to address several other barriers to expanding arts education including:

- Retrofitting and furnishing existing classrooms and multipurpose rooms for arts instruction and to create performing spaces.
- Purchasing high-quality arts instructional materials, instruments, equipment, and supplies.
- Partnering with community arts organizations bringing professional artists and art educators into schools to provide additional learning opportunities.

Additionally, the Sacramento County Office of Education's (SCOE) School of Education is approved by the Commission on Teacher Credentialing to support the preparation and development of high-quality teachers for Sacramento County. The School of Education

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is now approved to offer credentials in the arts. These new opportunities include options for current teachers to add a single-subject TK-12 credential in Visual Art, Dance, Music, or Theatre, as well as a pathway to earn a preliminary credential in these subject areas. In addition, teachers may pursue a Career Technical Education Credential in Arts, Media, and Entertainment. SCOE's expanded credentials, along with the expansion of credentials for the arts from institutions of higher education, will positively impact the increase in the number of arts teachers in the coming years.

Although our districts are expanding arts education and expect to fully expend the Proposition 28 funding, the restrictions on the use of the funds combined with the arts teacher shortage will continue to be a challenge, particularly in these early years of implementation. The efforts to recruit staff and expanded opportunities for educators to obtain arts credentials will increase qualified art educators in future years.

F7. By not involving parents in the development of Proposition 28 spending plans, districts violate state law and deny parents the opportunity to contribute.

R6. The Grand Jury recommends that governing boards direct school site administrators to include parents in developing school site Proposition 28 spending plans by December 15, 2025.

Response to Finding 7 and Associated Recommendation 6

We do not agree with this finding and the associated recommendation is unnecessary. Education Code Section 8820(e) requires the principal of each school site to develop an expenditure plan for the Proposition 28 funds and Education Code Section 8820(g)(4) requires that each LEA annually adopt a report that details the type of arts education programs funded by Proposition 28, among other things. However, there are no provisions in Proposition 28 or elsewhere in state law requiring parental participation in the development of these spending plans.

Nevertheless, our districts have included parents in their planning processes or have solicited their input in other ways. All the districts that have developed a multi-year strategic arts plan sought input from families and community members. In addition, there are multiple other opportunities for parents to provide input on an LEA's programs, including its arts education programs. As the Grand Jury's report points out, parents are included in the development of the LEA's Local Control and Accountability Plan (LCAP) and each school site's School Plan for Student Achievement. Further, LEAs must hold a public hearing for their budget as well as for their LCAP and must make these documents available to the public in advance of the hearing so that the community can review and provide input prior to their adoption by the LEA's Governing Board.

Thank you for the opportunity to respond to the Grand Jury report. If you have any questions regarding our response, please feel free to call Nicolas Schweizer, Sacramento

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County Office of Education Associate Superintendent of Business Services, at 916.228.2561.

Sincerely,

Signed by:

David W. Gordon

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David W. Gordon

Sacramento County Superintendent of Schools

On behalf of Sacramento County Office of Education and its Board of Trustees

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Troy Miller

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Troy Miller, Superintendent

On behalf of Arcohe Union School District and its Board of Trustees

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Christopher R. Hoffman

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Christopher R. Hoffman, Superintendent

On behalf of Elk Grove Unified School District and its Board of Trustees

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Erik Swanson

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Erik Swanson, Superintendent

On behalf of Folsom Cordova Unified School District and its Board of Trustees

Signed by:

Robyn Castillo

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Robyn Castillo, Superintendent

On behalf of Natomas Unified School District and its Board of Trustees

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Eileen Aguba Chen

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On behalf of Robla School District and its Board of Trustees

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Melissa Bassanelli

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On behalf of San Juan Unified School District and its Board of Trustees

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Steve Martinez

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Steve Martinez, Superintendent

On behalf of Twin Rivers Unified School District and its Board of Trustees