

OVERVIEW of the Prop 28 Waiver Process

Below is an image from the CDE on the waiver process:



WHY	WHO	WHAT	WHEN
✓ An LEA plans to spend the funding originally intended for staffing on other arts-related materials, equipment, or supplies. ✓ An LEA has or plans to work with non-certificated staff or non-classified staff to support arts programming.	✓ LEAs are responsible for submitting all waiver requests. ✓ Waivers will be granted at the LEA level. ✓ Waivers will apply to the entire LEA, not individual school sites.	✓ Waivers must be submitted to the CDE as a written request. ✓ The CDE created suggested waiver components (<i>detailed on a future slide</i>). ✓ The CDE created a web portal to streamline the submission of waiver requests.	✓ LEAs that want a waiver, must submit a new request for each allocation year. ✓ The request may be submitted at any point within the three-year expenditure period. ✓ If a waiver request is approved, it applies for the duration of the expenditure period.

Tools to Submit the Waiver:

The LEA will submit the waiver at the AMS Portal. <https://www8.cde.ca.gov/ams>

[Here](#) is a Template of the Waiver Request you can use.

Requirements of the Waiver:

California Education Code (EC) Chapter 5.1, Section 8820, subdivision (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, subdivision (g)(1).

If a local educational agency (LEA) decides to submit a written waiver request of the requirement found in EC Section 8820(g)(1), the request will be submitted to the CDE by the LEA, not individual school sites, and the waiver, if granted, will apply to the entire LEA.

If an LEA wishes to submit a waiver request for multiple allocation years, they must submit a separate waiver request for each allocation year within that allocation's three-year expenditure period. LEAs that want a waiver must submit a new request for each allocation year. The request may be submitted at any point within the three-year expenditure period for each allocation. If a waiver request is approved, it applies for the duration of the expenditure period. Suggested components of the waiver request include:



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- Request Type & Allocation Year: LEAs should specify which portion of EC Section 8820(g)(1) they want to waive and for which allocation year.
- Budgetary Proposal: LEAs should provide an estimate of how the funds will be spent compared to the statute's mandate of 80 percent on staffing.
- Problem Statement: LEAs should write a clear explanation of why a waiver is needed, inclusive of a justification and prior efforts made to meet AMS statute requirements.
- Narrative Proposal: LEAs should outline a plan detailing how AMS funds will be spent should a waiver be granted. The proposal should clearly address the problem statement.
- Desired Outcome: LEAs should provide a measurable outcome of how a waiver will allow AMS funds to supplement arts programming.

Access to the waiver tool is available on the AMS Portal. After LEAs submit the waiver request, the CDE will review the waiver submissions on a rolling basis and either approve or return the waiver. Should the waiver request be returned, LEAs will be provided written feedback from the CDE, and they will have the opportunity to edit and resubmit the waiver request.

Webinar:

There is a helpful CDE Webinar on the waiver process. You can access it here:

<https://youtu.be/LV70z47SMgo?si=tAsh1y2IVRluqFki>

The waiver information begins at 21:40

This information is from the <https://www.cde.ca.gov/eo/in/prop28artsandmusicedfundingfaq.asp>

Remember, you are submitting the waiver for the LEA. Consider all the schools and programs that can fall under the waiver.

For local support, please contact Jeannine Flores, Arts & STEAM Coordinator at flores_jeannine@lacoed.edu or 562-401-5499.



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