



National Association  
for Music Education



## Comments on Proposed ESSA Accountability and State Plans Regulations

### § 200.14 Accountability Indicators

(d) A State must demonstrate in its State plan under section 1111 of the Act that each measure it selects to include within the indicators of Academic Progress and School Quality or Student Success is supported by research that performance or progress on such measures is likely to increase student achievement or, for measures within indicators at the high school level, graduation rates.

#### NAfME Request:

NAfME supports high quality and measurable accountability indicators for all public schools as envisioned in the proposed regulations published by the Department of Education. Section (d) of 200.14, Accountability Indicators, however, too narrowly define what might be included in a school quality or student success indicator. We suggest broadening section (d) to include additional language stating “**OR** that performance or progress on such measures is likely to increase student access to and participation in well-rounded education subject areas.”

#### Rationale:

Referring to the supporting language for the state plan regulations found in the Federal Register (page 34586), the Department states “Requiring a State to consider a student’s education from preschool through grade 12 would support that State’s efforts to ensure that all students, beginning at the earliest stage in their education and continuing through high school, have the opportunity to acquire the skills and abilities necessary to earn a high school diploma, which is critical to allow them to pursue postsecondary education or a career of their choosing. *Because these skills and abilities increase over the course of a child’s schooling, it is essential for States to consider equitable access across a student’s educational experience, beginning in preschool and ensure that all subgroups of students have access to a well-rounded education, including accelerated and advanced coursework.*”

One way to determine equitable access, and to focus attention on equitable access in the areas of a well-rounded education, is to give states the ability to include access and participation in the well-rounded education subjects as part of a state’s accountability system. Ensuring access to a well-rounded education is one of the intents of the ESSA, and providing measurable, annual data on access and participation for all students, disaggregated by subgroup, should be a supportable measure of school quality within the Accountability Indicators.

## **§ 200.18 Annual meaningful differentiation of school performance.**

(b) A State must define annual meaningful differentiation in a manner that—

(4) Results in a single rating from among at least three distinct rating categories for each school, based on a school's level of performance on each indicator, to describe a school's summative performance as part of the description of the State's system for annual meaningful differentiation on LEA report cards under §§ 200.31 and 200.32;

### NAfME Request:

NAfME does not support the creation of a single, summative rating for each school. We ask that (b)(4) be removed from regulation 200.18.

### Rationale:

Creating a single rating per school brings the federal education accountability system back in time to *No Child Left Behind* where the laser-like focus on English and mathematics proficiency led to fewer opportunities for children from diverse backgrounds, including students of color and students of poverty, to participate in a well-rounded education as envisioned by both the ESSA and the U.S. Department of Education. Creating a single summative rating per school, with substantive weight being given to these two subject areas, will again force administrators to limit their focus to these areas and limit access to all other areas, including music education, for children who are academically at risk.

If the intent of Title I is, in part, “to provide all children significant opportunity to receive a fair, equitable and high-quality education,” as included by the Department within the explanatory language of the draft regulations (federal register, 34540), then the accountability system must be flexible enough to support access to a high-quality education that includes well-rounded education subject areas. Narrowing the results of the accountability system to a single rating hampers meeting this intent of Title I.

## **§ 200.21 Comprehensive support and improvement.**

(d) *Comprehensive support and improvement plan.* Each LEA must, with respect to each school identified by the State for comprehensive support and improvement, develop and implement a comprehensive support and improvement plan for the school to improve student outcomes that—

(3) Includes one or more interventions

### NAfME Request:

NAfME respectfully requests the Department to consider including an additional sub paragraph preserving access to a well-rounded education for students under the interventions requirement for schools required to undertake comprehensive support and improvement after being designated as underperforming under the ESSA accountability system. Such language could read as *200.21(d)(3)(v) maintain access to well-rounded education for all students, including those receiving supplemental support under the school's comprehensive support and improvement plan.*

### Rationale:

Studies have shown that, during the era of *No Child Left Behind*, students, especially disadvantaged students including students of color, students in poverty, and English Language Learners, had less access to music and the arts due in part to the accountability systems and standardized testing brought about

by *No Child Left Behind*<sup>i</sup>. Including a statement that interventions provided must not interfere with access to a well-rounded education may help students maintain access and participation in music and the arts as well as other well-rounded education subjects supported by ESSA.

### **§ 200.21 Comprehensive support and improvement.**

(d) *Comprehensive support and improvement plan.* Each LEA must, with respect to each school identified by the State for comprehensive support and improvement, develop and implement a comprehensive support and improvement plan for the school to improve student outcomes that—

(4) Identifies and addresses resource inequities, by—

#### NAfME Request:

Include an additional indicator of resource allocation and potential inequities focused on well-rounded education. Such language could read as *200.21(d)(4)(B)(ii)(D) well-rounded educational subjects*

#### Rationale:

Providing data on the availability of well-rounded education within the context of comprehensive support and improvement for underperforming schools speaks to resource inequities within our public schooling system, similar to the other resource allocation queries included in this part of the regulation.

### **§ 200.22 Targeted support and improvement.**

(c) *Targeted support and improvement plan.* Upon receiving the notification from the LEA under paragraph (a)(2) of this section, each school must develop and implement a school-level targeted support and improvement plan to address the reason or reasons for identification and improve student outcomes for the lowest-performing students in the school that

— (4) Includes one or more interventions

#### NAfME Request:

NAfME respectfully requests the Department to consider including an additional sub paragraph preserving access to a well-rounded education for students under the interventions requirement for schools required to undertake comprehensive support and improvement after being designated as underperforming under the ESSA accountability system. Such language could read as *200.22(c)(4)(v) maintain access to well-rounded education for targeted students receiving supplemental support under the school's targeted support and improvement plan.*

#### Rationale:

Studies have shown that students in school improvement schools under *No Child Left Behind* had less access to music and arts education as the students were routinely removed from such classes and/or such classes were no longer offered as the school attempted to meet its school improvement requirements. [NEED CITATION – Bob Sabol's work is possible one to include] Including a statement that interventions provided must not interfere with access to a well-rounded education may help targeted students maintain access and participation in music and the arts as well as other well-rounded education subjects supported by ESSA. This language mirrors language found within the Targeted Assistance section of Title I-A of ESSA, “minimize the removal of children from the regular classroom during regular school hours for instruction provided under this part” (Section 1009, ii).

## **§ 200.22 Targeted support and improvement.**

(c) *Targeted support and improvement plan.* Upon receiving the notification from the LEA under paragraph (a)(2) of this section, each school must develop and implement a school-level targeted support and improvement plan to address the reason or reasons for identification and improve student outcomes for the lowest-performing students in the school that

(7) In the case of a school with low performing subgroups as described in § 200.19(b)(2), identifies and addresses resource inequities and their effect on each low-performing subgroup in the school by—

### NAfME Request:

Include an additional indicator of resource allocation and potential inequities focused on well-rounded education. Such language could read as *200.21(c)(7)(b)(ii)(D) well-rounded educational subjects*

### Rationale:

Providing data on the availability of well-rounded education within the context of targeted support and improvement for underperforming schools speaks to resource inequities within our public schooling system, similar to the other resource allocation queries included in this part of the regulation.

## **§ 200.24 Resources to support continued improvement.**

(4) If a State has insufficient school improvement funds to award a grant of sufficient size to each LEA that submits an approvable application consistent with paragraph (c)(1) of this section, the State must, whether awarding funds through a formula or competition—

(iii) Give priority in funding to an LEA that demonstrates the strongest commitment to use such funds to enable the lowest-performing schools to improve academic achievement and student outcomes, taking into consideration, with respect to the school or schools to be served—

(A) The proposed use of evidence based interventions that are supported by the strongest level of evidence available; and

(B) Commitment to family and community engagement.

### NAfME Request:

Include a third area of consideration under (4)(iii) to include commitment to delivering a well-rounded education for all students. Suggested language would read: *(C) Commitment to providing a well-rounded education for all students.*

### Rationale:

Maintaining a focus on access to a well-rounded education throughout the regulations dealing with underperforming schools underlines the commitment that both ESSA and the Department bring to supporting well-rounded educational opportunities for all children, including students and schools which are academically at-risk. Without such focus, schools may fall back into the unintended practices found during the era of *No Child Left Behind*, when access to music and the arts, part of a well-rounded education, became severely restricted for students in underperforming school environments.

## § 299.19 Supporting all students.

(a) *Well-rounded and supportive education for students.*

(1) In its consolidated State plan, each SEA must describe its strategies, its rationale for the selected strategies, timelines, and how it will use funds under the programs included in its consolidated State plan and support LEA use of funds to ensure that all children have a significant opportunity to meet challenging State academic standards and career and technical standards, as applicable, and attain, at a minimum, a regular high school diploma consistent with § 200.34, for, at a minimum, the following:

(ii) Equitable access to a well-rounded education and rigorous coursework in subjects such as English, reading/language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, history, geography, computer science, music, career and technical education, health, physical education, and any other subjects in which female students, minority students, English learners, children with disabilities, and low income students are underrepresented;

### NAfME Request

Include “arts” in the listing of well-rounded education subjects included in 299.19 so that the listing of well-rounded education subjects in 299.19 exactly matches the listing found in ESSA.

### Rationale:

The arts are the only subject area listed in the definition of well-rounded education subjects in Section 8002 of ESSA and not included in the listing of well-rounded education subjects in the Department’s draft rules for ESSA. This appears to be a typo and should be fixed. The regulations issued by the Department should exactly match the language of ESSA when dealing with definitional areas such as well-rounded education.

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1. Abril, Carlos R. and Brent M. Gault (2006). The State of Music in the Elementary School: The Principal's Perspective. *Journal of Research in Music Education*, 54(1), 6-20

*Results revealed that principals were generally satisfied with their music programs' ability to meet music education standards and broad educational goals. However, significant differences between the current and ideal conditions imply that they believe improvement is possible. Principals reported that the No Child Left Behind Act, budgets, standardized tests, and scheduling had the most negative effects on their music programs.*

Abril, Carlos R. and Brent M. Gault (2008). The State of Music in Secondary Schools: The Principal's Perspective. *Journal of Research in Music Education*, 56(1), 68-81.

*There were significant differences in the diversity of course offerings based on school socioeconomic status profiles. Standardized tests and No Child Left Behind were thought to have the most negative impact on music programs.*

Elpus, Kenneth (2014). Evaluating the Effect of No Child Left Behind on U.S. Music Course Enrollments. *Journal of Research in Music Education*, 62(3), 215-233.

*Abbreviated interrupted time series analyses suggest that NCLB had no effect on overall music enrollment rates but exacerbated the preexisting underrepresentation in music courses of Hispanic students, English language learners, and students with Individualized Education Plans.*

Sabol, F. Robert (2010). *No Child Left Behind: A Study of Its Impact on Art Education*. Purdue University, West Lafayette, Indiana.

*Findings from the study identified a number of areas where visual art education programs have experienced*

significant negative effects, which teachers in those programs attributed to the restructuring of educational priorities resulting from NCLB. For example, respondents reported that NCLB has had negative effects on scheduling, workloads, and funding for their art education programs. A vast majority of respondents (84%) reported that because of NCLB, schedules in their programs either have increased interruptions, conflicts and problems, or have become more complicated.

