

**Comments to the U.S. Department of Education on
Non-Regulatory Guidance on Implementation of the Every Student Succeeds Act
May 25, 2016**

Thank you for the opportunity to provide comments regarding implementation of the Every Student Succeeds Act (ESSA), which amends the Elementary and Secondary Education Act.

The League of American Orchestras (the League) is the national service organization for the more than 1,300 youth, collegiate, community, and professional orchestras throughout this country. As nonprofit community-based organizations, orchestras partner with parents, educators, and other public stakeholders in pursuing more equitable access to a complete education for all students in our nation's schools and communities.

Arts education has proven to improve student achievement and transform the learning environment. The Arts Education Partnership's publication, "Preparing Students for the Next America: The Benefits of an Arts Education" (available here: <http://www.aep-arts.org/wp-content/uploads/2013/04/Preparing-Students-for-the-Next-America-FINAL.pdf>) provides research-backed evidence of the capacity of arts education to better prepare students for success in school, work, and life. And yet, the U.S. Department of Education's 2012 Fast Response Statistical Survey found that the highest poverty schools have the least access to arts education. In its definition of a "Well-Rounded" education, the new federal law recognizes music and the arts as essential to a complete education for *all* students.

The inclusion of music and the arts in the Well-Rounded education definition under ESSA offers opportunities for supporting the arts throughout a broad array of federal resources. The League, in partnership with dozens of other national arts and education associations is rapidly equipping individuals and organizations to seek support for the arts as education policies and priorities are developed at the local and state levels. In order for those efforts to reach their potential, it is essential that the U.S. Department of Education send clear messages to state and local education agencies conveying the full array of ESSA provisions that may be used to support increased access to arts education.

We ask that the Department's preparation of non-regulatory guidance include a formal letter, provision-by-provision analysis, and examples related to the arts similar to the Dear Colleague letter that was delivered to states, school districts, schools, and education partners on how to maximize federal funds to support and enhance innovative science, technology, engineering and math (STEM) on April 13, 2016. Experience under the No Child Left Behind Act has demonstrated that the initial ambiguity at the state and local levels over whether the arts could be eligible for Title I support were helpfully addressed by messages from the U.S. Department of Education. We ask that the Department act as soon as possible to issue a communication specific to the arts to help ensure that the full potential of ESSA to close arts access gaps is realized.

We offer the following comments to suggest additional forms of non-regulatory guidance related to arts education, and to offer examples to be brought forward in such guidance:

Title I

- Guidance from the U.S. Department of Education should encourage states to measure and publicly report the gaps in access to arts education in schools. Such information to be reported may include the number and range of course offerings, student enrollment, pupil/teacher ratios, amount of instructional time, budget allocation, subject teacher certification, full time equivalent teacher employment, amount of professional development, and other measures that can inform policies to improve equitable access to arts learning.
- U.S. Department of Education guidance can bring forward examples of how the arts are effective in meeting Title I goals. In identifying examples, the Department can highlight projects supported by its own Arts Education Model Development and Dissemination program. This program has supported projects proven to improve student achievement in Title I schools.

Assessments

- The assessment frameworks that accompany the National Arts Standards can be brought forward by the U.S Department of Education as dynamic examples of portfolio- and performance-based practices in measuring what students know and are able to do. These examples can serve as helpful resources as states develop new assessment strategies for *all* subjects that contribute to a complete education.

Title II

- U.S. Department of Education guidance can also bring forward examples of how the arts are effective in meeting Title II goals for teacher preparation and professional development. In identifying examples, the Department can highlight projects supported by its Professional Development for Arts Educators program, which supports the implementation of high-quality model professional development programs in elementary and secondary arts education for educators and other arts instructional staff of kindergarten through grade 12 students in high-poverty schools.

Title IV

- Data that identifies access gaps and maps resources available to address them is key to meeting the needs of students who are underrepresented in arts activities and programs. To advance the goals of the Student Support and Academic Enrichment Grants under Title IV, Part A, ESSA requires states to review existing resources, and requires local education agencies to complete a needs assessment. The law removes the needs assessment requirement for local education agencies (LEA) for grants in amounts less than \$30,000. Given the uncertainty of overall funding levels for the Student Support and

Academic Enrichment Grants, we ask the Department to strongly encourage LEAs to conduct some form of needs assessments and map assets available, regardless the size of grant awards.

- ESSA contains multiple references to incentivize consultation by state education agencies and LEAs with other stakeholders and educational partners, including parents and community-based organizations. Title IV, Part A specifically requires LEAs to consult with community-based organizations in shaping their applications, and to continue to consult with them in the process of implementing grants. Further, a portion of grant funds are to be used for programs and activities that are coordinated with community-based services and programs. Orchestras have long engaged in deep partnerships with schools to improve access to arts learning opportunities and stand ready to collaborate with LEAs aiming to fulfill the goals of Title IV, Part A. We encourage the Department to highlight the capacity of nonprofit arts organizations to serve as effective collaborators, and offer by way of example orchestra programs from across the United States that the League of American Orchestras has recognized through 2015-16 Getty Education and Community Investment Grants. Examples of outstanding education partnerships supporting long-term in-school and after-school music programs are available on the League website here: <http://americanorchestras.org/youth-education-community/getty/getty-grants-round-4-2015-2016/school-and-after-school-programs.html>

U.S. Department of Education Data Collection

- In support of ESSA's goal of providing equitable access to a complete education, we urge the Department to more frequently incorporate data regarding the arts in its routine data collection instruments, and through more frequent implementation of the National Assessment of Educational Progress in the Arts.

Thank you for the opportunity to participate in this process. The League of American Orchestras looks forward to continued engagement with the U.S. Department of Education throughout the process of federal implementation of the Every Student Succeeds Act. We and our member orchestras also look forward to partnering with stakeholders at the state and local levels, to advance a complete education for all students. Should you require further information, please contact Heather Noonan, League Vice President for Advocacy, hnoonan@americanorchestras.org. Thank you.