



November 9, 2009

The Honorable Arne Duncan  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington D. C. 20202

**Docket ID: ED-2009-OII-0012-0001**

**Attention: Investing in Innovation Comments of the Performing Arts Alliance**

Dear Secretary Duncan:

On behalf of the members of the Performing Arts Alliance, a national network of more than 18,000 organizational and individual members comprising the professional, not-for-profit performing arts and presenting fields, we would like to again express our appreciation for your recent support of the importance of arts education in your letter to school leaders in August 2009, emphasizing that the arts are a core subject of learning and that states and localities can use Title I and Title II federal funds to support the arts. Your letter also affirms that American Recovery and Reinvestment Act (ARRA) State Fiscal Stabilization funds may be used to support arts education. We welcome this opportunity to comment on draft guidelines that will determine how the Investing in Innovation Fund will be administered.

The September 24 issue of the U.S. Department of Education's newsletter *The Innovator*, included an interview with Deputy Assistant Secretary for Innovation and Improvement Jim Shelton. In it he says the following about the Innovation Fund: "I also see us looking to our arts and financial-literary programs for opportunities to push the envelope and really craft solutions that drive a different level of academic achievement and school performance." The performing arts community looks forward to opportunities to partner with schools to advance student learning and support the educational environment, and offers the following comments to improve opportunities for arts organizations to participate in the Investing in Innovation Fund.

We would like to register two concerns regarding eligibility requirements that will limit the capacity of arts education programs to participate in the Innovation Fund. The Regulatory Flexibility Act Certification section states that within the nonprofit education universe, 98% are considered "small entities" (under \$5 million in revenues). The section further states that "the Secretary believes that only a small number of these entities would be interested in applying for funds under this program." Nonprofit organizations of all sizes in communities large and small, including many of the nation's 5,000 performing arts organizations we represent, participate in partnerships with school systems and community-based organizations that offer innovative approaches to improving student achievement and the school environment. Those organizations and communities with the institutional capacity to meet the Innovation Fund priorities should be

supported in considering forming an application. Final guidelines should encourage nonprofit entities with revenues under \$5 million to participate in the Innovation Fund grant program in an effort to ensure a diverse applicant pool.

Further, the guidelines call for local education agencies and their partner nonprofit organizations to demonstrate the ability to secure 20 percent matching funds. So, even for the smaller Innovation grants in the amount of \$5 million, the grantee must present \$1 million in matching funds. This funding requirement will prove enormously prohibitive to the arts education sector. While the guidelines provide a possible waiver by the Secretary, we hope that the final guidelines will reduce this matching level to at least 10 percent. By accommodating these two changes, the Fund will encourage participation by arts education-related applicants and also improve opportunities for the Fund to support its stated priority of supporting "Innovation in Schools that Serve Rural LEA's."

A strong body of research supports the conclusion that the skills and knowledge provided through a comprehensive arts education can boost student achievement in school, work, and life. We support the Department's emphasis on the use of data to demonstrate success in innovation and are confident that the arts education field can draw upon a rich body of rigorous research. However, we have two concerns related to the emphasis on data in the proposed guidelines.

Under the proposed priorities, Absolute Priority 2 – Innovations That Improve the Use of Data places an emphasis on support for student achievement and growth data that exists for math, reading and science, but is only available in limited form in the arts. The guidelines state, "this priority is designed to increase the availability and use of practices, strategies, and programs that provide teachers, principals, administrators, families, and other stakeholders with the data they need to inform and improve school and classroom instructional practices, decision-making, and overall effectiveness." We believe that collecting and reporting data regarding the status and condition of arts education (such as the number and range of course offerings, student enrollment in each of the core subjects, pupil/teacher ratios, amount of instructional time, full time equivalent teacher employment, etc.) and other core academic subjects is critical to ensuring equitable access to a comprehensive education for all students. We support broadening the language in the proposed priorities to encompass such data collection.

The proposed definitions for Strong Evidence, Moderate Evidence, and Experimental Study, present a threshold focus on a form of pure research that might bar many arts education programs and other programs of innovative organizations from applying for the Innovation Fund grants. The guidelines propose an emphasis on strong evidence of causation through experimental and quasi-experimental studies. We recommend instead a mixture of research methods that will effectively help to ensure that important innovations uncovered through the project can be understood, accepted, and implemented locally.

We are concerned that proposed eligibility requirements may result in exacerbating the unintended consequences of the accountability provisions of the No Child Left Behind Act (NCLB). A 2007 study from the Center on Education Policy has found that, since the enactment of NCLB, 30 percent of districts with at least one school identified as needing improvement have decreased instruction time for arts and music. The proposed requirements for eligible applicants include sections that call for an applicant to have achieved certain objectives according to No Child Left Behind annual yearly progress (AYP). We understand that the FY2010 education appropriations bill may include language permitting the U.S. Department of Education to remove the AYP

sections. We support that action, as an increased focus on progress in math and reading has marginalized student access to other core academic subjects of learning, including the arts.

We thank you for this opportunity to respond with comments and if further clarification is needed, please do not hesitate to contact the Performing Arts Alliance at (202) 207-3850 or [tclardy@artspresenters.org](mailto:tclardy@artspresenters.org).

Sincerely,



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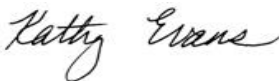
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