

July 25, 2016

Meredith Miller  
U.S. Department of Education  
400 Maryland Ave. SW, Room 3C106  
Washington, DC 20202-2800

Dear Ms. Miller,

Thank you for the opportunity to provide input regarding the recent notice of proposed rulemaking on accountability and State consolidated applications in the Every Student Succeeds Act (ESSA). We strongly believe passage of this law presents a huge opportunity to more systemically integrate the arts into ESEA programs and our advice and recommendations below reflect the importance of effective implementation of this law.

Created in 1989, Grantmakers in the Arts is the only national association of private and public funders that make grants to artists and arts organizations in America. Grantmakers in the Arts also supports the Arts Education Funder's Coalition, which consists of 131 individual members representing 117 organizations from 41 states that make grants to schools and arts organizations for education purposes. As a group of funders who have contributed millions of dollars to the public education system or to the nonprofit arts sector to compensate for lack of arts education in public schools, Coalition members and other funders have a stake in developing effective policy that will secure the place of arts education in twenty-first century education.

With this stake in mind, while the regulation clearly lays out the authority to use certain ESEA funds for programs and activities for a well-rounded education, we would recommend ED update its proposed regulation in the following areas to be explicit in its guidance to help States, school districts and school officials take advantage of this new authority as it applies to arts programs and activities.

**Update proposed regulations to eliminate confusion over the inclusion of both “arts” and “music” in the definition of well-rounded education.**

Under the previous law, States and school districts expressed confusion about if and how program funds could be used for arts education, relying on informal guidance and dear colleagues from ED to justify their expenditures of funds. While some States and school districts permitted using ESEA funds for the arts, others did not. This led to not only confusion but also missed opportunities, particularly for disadvantaged students.

We believe §299.19 of the proposed regulation (page 479, clause (ii)), which calls for States to describe their strategies, timelines and plans for the use of federal funds to provide for a “well-rounded and supportive education for students” does little to combat this confusion. Not only does §299.19 glaringly omit “the arts” in the list of well-rounded education activities and coursework, it confusingly includes “music”, which is covered by the term “arts” in the statutory definition of well-rounded education, to the exclusion of all other art forms. In their current form, the proposed regulations could potentially lead to arts programs being systemically excluded from Title I program funds.

To combat this confusion, we would recommend that ED update the §299.19 of the regulation to clearly list “the arts” in order to eliminate ambiguity and open opportunities for disadvantaged students to receive the same access to the arts as that of their more advantaged peers. Furthermore, should each art form be explicitly listed, such as listing “music” independent from the “arts”, the full list encompassing the “arts” should include the following: “visual arts, music, dance, drama/theatre, and media arts.”

**Update the proposed regulations to include that completion of arts courses be the used as the additional indicator.**

The statute requires each State to establish and measure annual indicators, for all students and separately for each subgroup, including at least one 5th indicator of “school quality or student success” that allows for meaningful differentiation of school performance and is valid, reliable, comparable, and Statewide (except that such an indicator may vary by grade span).

As arts education drives attainment of skills in math, reading, and science, as well as key problem-solving and critical thinking skills necessary in today's competitive global economy, we believe it is a valuable indicator of school quality or student success. A growing number of studies show that student arts education can lead to a wide range of benefits, including higher scores on achievement tests and increased engagement of at-risk youth. As such, we would recommend that ED update the proposed regulations to include that completion of arts courses, or the completion of arts courses as part of graduation requirement fulfillment (in districts or schools as applicable) be the used as the additional indicator.

**Update the proposed regulations to include information on arts education access on “report cards.”**

Title I requires public reporting of student achievement, school accountability, and teacher quality information through "report cards." Under the proposed regulations, data for public charter schools is also required to be included. Though equally important, no information is provided on arts education offerings. This deprives the public, as well as policymakers, of essential information needed to make decisions on how to reform and strengthen schools. To remedy this, Title I report cards, at both the state and school district level, should report on:

- The quantity of arts courses being offered to students, including number, range, and sequence of course offerings, pupil-teacher ratios, amount of instructional time, and other such measures chosen by the state to be significant in the subject area
- As a percentage of the school population, the quantity of students taking arts courses per semester, including course titles, course length, and range of courses offered
- The percentage of arts courses taught by a highly qualified/effective teacher in that subject
- Comparisons of arts course offerings and take-up rates among high- and lowpoverty schools

Thank you for considering our advice and recommendations for guidance to implement ESSA. We appreciate the opportunity to provide these comments and look forward to working with the Department, States and school districts to implement this law.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet Brown", with a long horizontal flourish extending to the right.

Janet Brown

President and CEO