



MEMO

To: Arts Education Network  
From: Americans for the Arts, Government & Public Affairs  
Date: October 28, 2011  
Re: U.S. Senate Committee Approves Education Reauthorization Bill

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On October 19<sup>th</sup> & 20<sup>th</sup> the Senate Health, Education, Labor and Pensions (HELP) Committee began marking up the Senate version of the Elementary and Secondary Education Act (ESEA) reauthorization bill (last reauthorized by the *No Child Left Behind Act* of 2002), co-authored by HELP Committee Chairman Tom Harkin (D-IA) and Ranking Member Mike Enzi (R-WY). Americans for the Arts lobbied on several of these issues on behalf of its members.

The legislation as amended has several items that are of interest to the arts education sector.

- 1) Arts education was retained as a “core academic subject” – ensuring that the arts maintains this designation is critical for eligibility to use federal funds locally.
- 2) The term “core academic subject” has been incorporated into far more programs than No Child Left Behind did. It now places core academic subjects, including the arts, as central to extended learning programs, “highly qualified teacher” qualifications, parental engagement programs, advanced placement and international baccalaureate programs, reading or language arts, and STEM initiatives. This is a giant leap from the diminutive position that “core academic subject” held in the No Child Left Behind Act.
- 3) A new program called Extended Learning was created to provide competitive grants to school districts to extend their school day – and the arts and music are among the specified reasons for this new program.
- 4) The Well Rounded Education Amendment, described in more detail below, and based on the Obama Administration “Blueprint” proposal, creates a single competitive grant program to provide support to: arts, civics and government, economics, environmental education, financial literacy, foreign languages, geography, health education, history, physical education and social studies. The authorized funding level for this grant program would be \$500 million – a set of similar programs currently receives \$265 million this year. This amendment sustains direct federal support for arts education, which would have been terminated otherwise.

5) Among ten programs of “National Significance” is specific direction for the Department of Education to support “projects that encourage the involvement of persons with disabilities in the arts.”

6) The most substantial changes from current law in the legislation are: it ends Adequate Yearly Progress (AYP) in favor of a measure of “continuous improvement” and it no longer forces states and local school districts to create evaluation systems in order to receive funding for teacher and principal development. Both of these changes could reduce the “teaching to the test” and reverse the narrowing of the curriculum that has occurred since NCLB was implemented. It might also mean that art and music teachers could be evaluated in their subject area, if a state so chooses, instead of being evaluated on their student’s math and reading scores.

Dozens of amendments were introduced during the markup. Specifically Senator Bob Casey (D-PA) introduced the new Well Rounded Education Amendment, which attempts to address the narrow focus of No Child Left Behind. In his introduction of the amendment, Senator Casey cited the College Board [study](#) that demonstrated the importance of an arts education: students with one year of arts and/or music education performed 91 points higher on the SAT than students without arts and/or music education. Chairman Harkin also expressed support for the amendment which passed by a voice vote.

The Senate Education Committee will hold a hearing on this legislation on November 8<sup>th</sup>. Chairman Harkin hopes to bring this bill to the floor by December where it will undergo further changes through an amendment process. Harkin faces challenges from some Republican Senators who don’t like the bill’s support for Education Secretary Arne Duncan’s competition grant programs Race to the Top and Investing in Innovation, and concerns from some Democrats about the reduction in accountability measures, as mentioned above. There are also challenges in addressing this legislation in the U.S. House of Representatives, which has only taken legislative action on a few small items and has shown little interest in considering far-reaching education policy.

After years of inaction and internal debate, this Senate Committee markup took place just weeks after Secretary Duncan announced a plan to issue waivers to states “in exchange for rigorous and comprehensive State-developed plans.” Chairman Harkin and Senator Enzi consider Duncan’s plan an intrusion into a Congressional prerogative to set education policy and it has motivated them to act.

Americans for the Arts and our national partners have used a set of legislative recommendations as the basis for our advocacy in support of arts education. To read more about these recommendations and our support for arts education at the U.S. Department of Education, please visit our [Legislative Priorities](#).

Questions? Please contact Senior Director of Federal Affairs and Arts Education Narric Rome at [nrome@artsusa.org](mailto:nrome@artsusa.org), or follow him on Twitter @NarricAFTA.