

Kentucky Coalition for Arts Education



Position Paper on 2017 Kentucky Accountability System

Despite the degree to which Kentucky's education decision-makers seem to value the visual and performing arts, the arts in public schools continue to be eroded due to incentives within accountability—incentives of the sort that drive schools to direct staffing dollars, budget dollars, and use of facilities to support tested subjects, and to allocate student time toward those same subjects. Measures in the new accountability system for Opportunity and Access, which could be configured to drive schools to provide a robust arts education, are without significant incentives such that it is easy to predict some schools will neglect the arts and other non-tested areas under this system in its current configuration.

The Kentucky Coalition for Arts Education, which represents Dance, Music, Theater, and Visual Art educators, has reviewed materials that the Kentucky Department of Education provided to the School Curriculum, Assessment and Accountability Council (SCAAC) on July 10, 2017. We are also taking into account KDE staff's presentation of the materials, and the discussion that took place between staff and SCAAC on that day. As further details about the new accountability system have been revealed we detect and wish to identify what we believe are disconnects between the accountability system as it was presented on July 10 versus what we understand to be reflected in Kentucky statute and court decisions regarding the best interest of children. We base our response on the following short history of Kentucky educational reform.

In June 1989, the Kentucky Supreme Court issued an opinion that the system of common schools in Kentucky was unconstitutional; an opinion we know as “the Rose decision.”¹ Part of the charge of the decision was that “The system of common schools must be substantially uniform throughout the state. Each child, every child, in this Commonwealth must be provided with an equal opportunity to have an adequate education.” The high court identified the minimum characteristics required of an efficient common school system which included, among other characteristics, that:

- It provides equal education opportunities to all Kentucky children.
- It is available to all Kentucky children
- It is substantially uniform throughout the state

¹ Alston, E. , et al (1994). The Kentucky Education Reform Act: A citizen's Handbook. Retrieved July 11, 2017, from http://www.wku.edu/library/dlps/documents/kera_handbook.pdf

In addition, it declared that an “adequate education is defined as one which develops the following seven capacities:

1. Skills enabling students to compete successfully with students from other states
2. Communication skills necessary to function in a complex, changing civilization
3. Knowledge to make economic, social, and political choices
4. Understanding of governmental processes as they affect the community, state and nation
5. Sufficient self-knowledge and knowledge of one’s mental and physical wellness
6. Sufficient grounding in the arts to enable each student to appreciate his or her cultural and historic heritage
7. Sufficient preparation for students to choose and pursue their life’s work intelligently

In July 1989, the leadership of the General Assembly appointed the Task Force on Education Reform. The Task Force adopted its final report on March 7, 1990, and the General Assembly and the Governor jointly developed a new plan for funding the education system. HB 940 (The Kentucky Education Reform Act) was approved by the 1990 General Assembly and signed into law by then-Gov. Wallace Wilkinson.

The act established the following:

- High educational goals to clearly state what we expect graduates to know and be able to do.
- An assessment process to measure whether goals are being attained.
- An accountability system that rewarded schools for increasing student achievement of the goals and intervened with schools failing to make progress.

Since 1990, KERA has undergone two major revisions: SB1 of 2009, and SB1 of 2017. Over the last twenty-seven years of high-stakes assessment and accountability it has become evident that what is emphasized in the assessment and accountability tools will become the focus of what is taught in our schools, even though this is sometimes at the expense of teaching toward achievement of the capacities and learner goals set forth in the Rose decision and KERA. To meet the intent of the Rose decision, an assessment and accountability system should truly measure the attainment of those capacities and goals.

Too often, because of federal intervention, pressured special interest agendas, popular education trends, and the difficulty of measuring some forms of learning, the weight and focus of assessment and accountability become skewed to the point that the system fails to do what it was intended—to measure the student achievement of those capacities and goals, and to hold accountable those who are responsible for providing the experiences that lead to that end. As KERA defined the purpose of Assessment and Accountability in terms of meeting state learning goals, it behooves decision-makers to develop a well-balanced Assessment and Accountability system that measures the attainment of *all* Kentucky Learner Goals, not just those easily measured.

The development of a large-scale Assessment and Accountability system is an arduous task. Within such a system, subjects that involve more than cognitive response (requiring performance-based measures), prove better suited to classroom assessment than statewide test batteries. Therefore, for subjects that are difficult to measure statewide, to be pragmatic Kentucky understandably has sought alternative accountability measures such as evaluating and rating program strength, or simply identifying access and opportunity.

Kentucky statute sets forth one learner capacity, or “expectation,” that directly focuses on the visual and performing arts, as well as *Kentucky Learner Goals #2* (Students shall apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives) and #7 (Students shall express their creative talents and interests in visual arts, music, dance, and dramatic arts) that support students’ abilities to apply artistic concepts and demonstrate skills. These are not selective or considered optional, nor do we believe they should be treated as bonuses to the education process. Additionally, the *Kentucky Learner* goals are not listed in order of value; instead they are considered equally important as goals and outcomes regarding what we want a Kentucky child to know and be able to do at the completion of his or her formal K–12 schooling. Therefore, it is critical that any assessment and accountability system incorporates accountability for arts instruction—not as an extra or enrichment, but as basic to the schooling of every Kentucky child. Any accountability system that does less, fails to achieve the fundamental purpose of the Assessment and Accountability system of Kentucky, and the mandates of the Rose decision.

We know that the most important indicators of students’ success are instructional time and highly effective teachers. Therefore, at minimum, an accountability system for non-tested subjects must ensure time and quality instructional staffing. We also know that under high-stakes accountability, a reality that will be in place as long as student enrollment, school resources, school autonomy, and adult jobs are at stake, the things that are counted will receive support. Therefore, if Kentucky children are to achieve the artistic goals set forth by the general assembly, and if schools are to reach their desired level of “efficiency,” Visual and Performing Arts instruction must play into accountability measures and must “count.”

Kentucky has a long history of valuing and supporting policy that ensures all students achieve the Kentucky Learner artistic goals. However, we are disappointed, even dismayed, to note that with every revision of Assessment and Accountability measures starting with KERA, supports ensuring that ALL Kentucky students have access to arts instruction have eroded, as demonstrated in the following.

An Historical Timeline for State/School Accountability in the Visual and Performing Arts Education in Kentucky

1984–prior to the passage of KERA

The 1984 goals established by the Kentucky State Board of Education emphasized that the arts and aesthetic areas of study were a responsibility of education. The KBE established minimum requirements for arts education for all students in elementary and middle and high school course requirements as follows:

- Kindergarten: daily
- Grades 1–4: 120 minutes weekly
- Grades 5–8: 75 minutes weekly
- High School: no graduation credit required, but every high school must offer 3 levels of music [arts] courses at the high school level. (It is unclear if this included all four art forms)²

1990 Passage of KERA: Statewide Assessment and Accountability System is initiated

Arts Accountability:

- No specified, required instructional time in the arts

Arts Assessment of students:

- The *KIRIS test* initially included performance-based assessment in the arts at grades 5, 8, and 11 for individual student assessment.

1999 Arts Accountability:

- All students at the high school level are required to compete a graduation credit for the History and Appreciation of the Visual and Performing Arts, modified in 2004 to include “or other standards based arts course which incorporates this content,” allowing for students to choose to specialize in an art form.

Arts Assessment of students:

- Statewide written assessment (*CATS*) in *Arts and Humanities* (all arts-based content). Weight of the test in the total school score equals: elementary 5% MS 6.25% HS 7.5%.

2009

Arts Accountability:

- All Elementary, Middle, and High Schools complete the *Arts and Humanities Program Review*. Program Reviews (four at middle and high and five at elementary) receive twenty-three percent of a school’s total score. Program Reviews are reported at the school and district level. These Program Reviews were phased in from 2009 through 2015.

² Ky. Dept. of Education, The Kentucky Standards for Grading, Classifying, and Accrediting Elementary, Middle and Secondary Schools (Frankfort, 1984), p. 10.

- All high school students are required to complete a credit for the History and Appreciation of the Visual and Performing Arts OR another specialized arts course containing the standards content for that art form.

Arts Assessment of students: None K–12.

2015

Arts Assessment of students:

- At the high school level, Career Pathways for both college-bound and non-college-bound students were developed, although in 2015 the KDE did not approve Career Pathways in the Arts, compromising the opportunity for students who are career-bound in the visual and performing arts (or are using that pathway as a requisite for other career goals) to secure the needed instructional hours for post-secondary readiness.

2017 Proposed Accountability:

Arts Accountability:

- All high school students: are required to complete a credit for the History and Appreciation of the Visual and Performing Arts OR another specialized arts course containing the standards content for that art form.
- Elementary, Middle, and High School: The Rich Curriculum portion of Opportunity and Access is measured in points awarded for the amount of time in non-tested subjects (including the arts) and the percentage of the student body enrolled in them. Access by a portion of the student body receives recognition. Optional credit is also offered under “Selected Measures” for classes taught by certified arts specialist teachers. These contribute to an overall 5-star school rating system comprising other multi-indicators, including Equitable Access, School Quality, and a locally determined district measure.

Arts Assessment of students:

- None K–12.

What we like about the new Assessment and Accountability plan as it impacts arts education:

- We like that the Kentucky Department of Education (KDE) has listened to citizens and stakeholders’ beliefs about what should be in an accountability system, and that it has built a system responsive to those concerns. Particularly we note that a component measuring a “well rounded,” Rich Curriculum of non-tested subjects is included in the accountability plan and that the framework of the system supports those subjects being “counted” in the accountability rating and reporting.
- We like that the KDE has utilized a planned approach to developing the system.

- We like that the Assessment and Accountability system compares schools against a standard rather than against each other.
- We like that reporting has moved away from a single school score.
- We like that each subject included in the Rich Curriculum component will be rated and reported out separately.
- We like the dashboard approach that is capable of providing additional details related to the rating. (We hope that School Profiles for the non-tested subjects, including Visual and Performing Arts will be part of the detail links on the dashboard for Opportunity and Access).
- We like that there has been an attempt to relieve pressure on students to be College AND Career Ready.
- We like that the Whole Child Support component includes a measure for crediting schools for engaging qualified teaching specialists for specialized subjects.

Our concerns with the Rich Curriculum Required Measure:

We note in the *Rich Curriculum* component of *Opportunity and Access* that student participation and instructional time are the measures. We are encouraged by Deputy Commissioner Sims' comment to SCAAC (July 10, 2017) that these are starting points and that at some point we might "grow the measure" to include other things.

However, Ms. Sims also said [SCAAC 7-10-17], "it [the measure] does not attempt to measure quality." We see this as an omission, and an erosion of any effort to encourage and help develop robust programs, as was the intent of the Program Reviews in the Unbridled Learning system. However, as an accessible measure, we believe that the measure of instructional time, *is* a legitimate program measure, and as a simple measure, we believe instructional time defined by course codes is valid. We have concerns at the elementary and middle school levels with using a "student body arts class participation rate" in tandem with instructional time as a measure of calculated reward. The Rose decision clearly directs that schools must "provide equal education opportunities to all Kentucky children."³ Any figure then, at the elementary school and middle level (where students are not making Carnegie Unit credit choices as they do in high school), must start with 100% student participation as a baseline with "time" being the measured variable. For example, consider the inequity built into the most recent revision of the table for Elementary "participation and time" (Kentucky Accountability System Overview DRAFT 7/6/17), which appears as follows:

³ *Rose v. Council for Better Education*, 790 S.W.2d 186, 60 Ed. Law Rep. 1289 (1989)

Points Earned for Rich Curriculum					
Percent of Students	Weeks of Instruction	1-7	8-15	16-31	32 or more
	67% or more	0	1	2	3
	33% to 66%	0	1	2	2
	11% to 32%	0	1	2	2
	10% or Less	0	1	1	1

Rich Curriculum Table, *Kentucky Accountability System Overview*, 7/6/17 draft

Note that in the proposed formula it is possible for a school to receive two-thirds of the maximum allowable points even if one third of a school’s total elementary school population does not have access to visual and performing arts classes. Under this scenario, it is conceivable that a child could be in this “one-third” group throughout his or her elementary school years and NEVER have access to a visual and performing arts class. Further, it seems improper to us that a school could be rewarded any points for a scenario where 90% of the students had no arts during the year and the 10% who did, had it for only half a year of instructional time. We do not see how the accountability system can justifiably reward a school for failing to provided access and adequate instruction to any student.

It is evident that this formula provides no real support or encouragement for providing opportunity and access to a rich curriculum that includes the arts. In many respects, this table provides justification—and even reward—for all but eliminating arts programs. If there is to be substance to this accountability measure, then time alone must be the variable, with 100% access being substantiated by the school. As it stands, this fails to promote equity in instruction across the Commonwealth, since to gain points by this measure schools can manipulate their arts instructional program in numerous ways, modifying instructional time for students and failing to provide “equal opportunities to all Kentucky children.”

Further, in the proposed chart, the “week” is used as the unit of time. We hope this measure can be expressed in minutes per weekly cycle. The National Association for Music Education’s *Opportunity to Learn Standards* recommends 90 minutes for music instruction per week grades K–8. This does not take in to account the three other art forms. It is critical that students “explore all art forms” and develop a firm literacy foundation in those subjects at the K–5 level.

KCAE Grades K–5 Recommendations

- Distinguished, 3 points: All students receive a minimum of 150 minutes of instruction per week in the arts at the elementary level (8% of total instructional time) as defined by course codes.

- Proficient, 2 points: All students receive a minimum of 120 minutes of instruction per week in the arts at the elementary level (6% of total instructional time) as defined by course codes.
- Apprentice, 1 point: All students receive a minimum of 90 minutes of instruction per week in the visual and performing arts as defined by course codes. (5% of instruction time).
- Novice, 0 points: Any student receives less than 90 minutes of instruction per week in the visual and performing arts as defined by course codes. (Less than 5% of instructional time)

KCAE Middle School/Grades 6–8 Recommendations

By the middle school level, many students are beginning to identify the art form that is best suited to their individual artistic voice. This is the beginning of “specialization in an art form,” whether band, chorus, orchestra, dance, theater, or visual arts. These middle school courses set foundations for advanced specialized study and the high school level. We believe students who do not specialize should continue to receive a “firm grounding” in the arts. Therefore, we believe a modified participation rate along with instructional time that allows for students to take general arts courses and specialized arts courses would be prudent.

A table describing that participation rate paired with instructional time for grades 6–8 might look something like this:

To be designated Distinguished and receive 3 pts, a school must meet or exceed both criteria.	Every student participates in <ul style="list-style-type: none"> • more than 120 minutes of general arts study per week or its time equivalent throughout the year, or • in specialized arts courses (instrumental music, vocal music, visual art, dance, drama, fine arts media) meet 200 minutes per week.
	At least 30% of the student body is enrolled in specialized arts courses.
To be designated Proficient and receive 2 pts, a school must meet or exceed both criteria.	Every student participates in <ul style="list-style-type: none"> • 120 minutes of general arts study per week or its time equivalent throughout the year, or • in specialized arts courses (music (instrumental, vocal), visual art, dance, drama, fine arts media) meet at least 135 minutes per week.
	At least 20% of the student body is enrolled in specialized arts courses.

To be designated Apprentice and receive 1 pt, a school must meet or exceed both criteria.	Every student participates in <ul style="list-style-type: none"> • 120 minutes of general arts study per week or its time equivalent throughout the year, or • in specialized arts courses (music (instrumental, vocal, visual art, dance, drama, fine arts media) meet at least 135 minutes per week.
	At least 10% of the student body is enrolled in specialized arts courses.
A school that meets any of the three criteria will be designated Novice and receive 0 pts.	Any student who is not in specialized arts courses participates in less than 120 minutes of general arts study per week or its time equivalent throughout the year.
	Students in specialized arts courses (music (instrumental, vocal, visual art, dance, drama, fine arts media) meet less than 3 times per week.
	Less than 10% of the student body is enrolled in arts courses.

At the high school level, we strongly believe that the History and Appreciation for the Visual and Performing Arts OR a specialized arts course requirement for graduation is sound and consistent with the Rose decision. It supports a strong, sequenced approach to achieving the Kentucky Learner Goals, and capacities set forth in statute and the Rose decision. We believe it should be maintained as a graduation requirement. That being said, any measure used for assessing Opportunity and Access that includes students attaining the required arts credit is an invalid measure of a school’s effort to provide access. We believe that measuring time and participation must not include the required credit in the arts. Excluding it will provide a better measure of equity. We hope that high schools will offer multi-level opportunities for students to build on the foundations they have developed in specialized arts courses at the middle level. Therefore, we believe that at the high school level, accounting for student participation rate along with instructional time after students satisfy the visual and performing arts credit is an appropriate formula.

Here is our suggestion:

- Distinguished, 3 points: 35% of the school population is enrolled in a Visual or Performing Arts course after satisfying the required Visual and Performing Arts Graduation credit.
- Proficient, 2 points: 25% of the school population is enrolled in a Visual or Performing Arts course after satisfying the required Visual and Performing Arts Graduation credit.
- Apprentice, 1 point: 15% of the school population is enrolled in a Visual or Performing Arts course after satisfying the required Visual and Performing Arts Graduation credit.

- Novice, 0 points: Less than 15% of the school population is enrolled in a Visual or Performing Arts course after satisfying the required Visual and Performing Arts Graduation credit.

We believe adoption of these criteria would increase the validity of using instructional time and participation to measure Opportunity and Access. The current proposal that includes a required course will provide deceptive data, and it will not serve to move schools toward better rich curriculum opportunities.

KCAE's concern with the Whole Child Support measure:

Our concern echoes that of many SCAAC members that the requirement to choose two selected measures will most likely leave all schools where they are rather than encouraging them to strengthen their support for the measured areas. Considering the growing number of items under the category, we suggest that choosing three is more appropriate. We particularly liked the idea that schools would be required to pick two or three measures, but would get extra credit for doing more. This would provide a margin of grace for smaller schools working on more limited budgets, but it would also recognize schools that make exceptional effort to incorporate as many whole child supports as possible.

KCAE's concern with the role of the opportunity and access measure in assessing the overall school rating:

It is difficult to ascertain through the models provided in the Overview draft the degree to which the Opportunity and Access component will impact the overall rating of a school. We encourage the Kentucky Department of Education and Kentucky Board of Education to ensure that the Opportunity and Access component “matters” and is not rendered inconsequential. Our courts, our legislature, and the public have communicated their expectation that our children will have a well-rounded education that provides a rich education experience, which in turn will provide them skills and understandings contributing to a satisfying life. It is KCAE’s belief that the accountability system being created must include high expectations for fully realized programs in the non-tested areas including the visual and performing arts. Doing so will provide the well-rounded educational opportunities that have been mandated by our courts and legislature.