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National Legislation and its Effects on Music Educators

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Abstract

The role music education has played in the American classroom has drastically changed over the last fifty years. This thesis will seek to understand the problems and impacts of federal legislation and funding as it pertains to the field of music education. The primary pieces of public law that have had an impact on music education are the Elementary and Secondary Education Act of 1965, No Child Left Behind Act of 2001, and Every Student Succeeds Act of 2015. These significant pieces of education literature should not be thought of as separate entities, but rather as reauthorizations of one another. Other, smaller (yet no less significant) federal mandates will also be examined, such as the National Endowment for the Arts, Goals 2000, and the Individuals with Disabilities Act. These federal public laws will be evaluated based upon 1) their historical contexts, 2) their legislative language, 3) budget implementations, and 4) their impact on music educators using first-hand accounts from teachers of varying socio-economic backgrounds and states. These accounts will be taken from the author's own research using open-ended and closed questions. In doing so, this thesis will seek out to understand the issues associated with these pieces of legislation and offer potential solutions to ensure that students are receiving a well-balanced education that includes the arts.

Keywords: federal legislation, public law, Elementary and Secondary Education Act of 1965, Goals 2000, No Child Left Behind Act of 2001, Every Student Succeeds Act of 2015, National Endowment for the Arts, Goals 2000, Individuals with Disabilities Act, impact on the educator, music education funding, challenges to music education

National Legislation and Its Effects on Music Educators

Music has long been a part of the United States' education system. From the days of singing schools to Lowell Mason's incorporation of music in public schools to the adaptation and creation of the 2014 National Core Arts Standards, music has remained an integral part of our entertainment, our culture, and our education system. Over the past few decades, however, the increased emphasis on classes that prepare students for "the workforce" has forced federal and state legislators to reexamine the role music education plays in developing a well-rounded student (Mark & Gary, 2007). These classes that are deemed appropriate fall into categories such as science, math, English, and technology. This raises several ethical issues regarding whether schools are only obligated prepare their students for the workforce or if there should be a deeper, philosophical meaning to education. In doing so, this philosophy of education threatens traditionally non-workforce related subjects such as music, dance, art, and photography, to name a few, and their places in the education system. While these subjects are not associated with white-collar or scientific endeavors, that by no means diminishes their value to society.

Music has undergone a tumultuous relationship with federal, state, and local governments in past decades with music educators continuously needing to justify their place within the curriculum (Mark & Madura, 2010). Some pieces of federal legislation have aimed to keep music's place in education as vague as possible while others have attempted to rectify and restore its place among the other, such as No Child Left Behind of 2002 and Every Student Succeeds Act, respectively (NCLB, 2002; ESSA, 2016). While most literature names music education or some other form of arts education as a necessary component to a students' success, there still appears to be a roadblock in getting this component implemented into schools nationwide. The most common and universal setback listed by teachers is funding (Mark &

Madura, 2010). This funding is controlled primarily the federal government through incentivized grants that are funneled down to the states. All funding is controlled by pieces of legislation and other federal committees.

Legislation, as expected, changes as the times and administrations do. It is a political cycle that perpetuates itself. It is to be expected that, as the needs of the people change, the legislative bills that govern them will change as well. Education is no exception. As more research has been done (particularly in the past few decades), the American education system has gone through some drastic changes to fulfill the needs of its students, teachers, parents, and administrators. This thesis examines three main pieces of legislation to influence music education in America: Elementary and Secondary Education Act of 1965, No Child Left Behind of 2001, and Every Student Succeeds Act of 2015. It is important to note that these three pieces of legislation are not to be taken out of context of one another; instead, each is a reauthorization and builds upon the foundations set forth by the previous iteration. Understanding the successes and failings of these three key legislations gives insight into 1) how our music educators are being treated in the field, 2) what steps can be taken in future reauthorizations to ensure any shortcomings are addressed, and 3) the quality of music and arts education our students are receiving. This thesis also examines a few other supplemental movements, federal organizations, and pieces of legislation that have had an impact on music education, as they are vital to understanding the full picture of how music education is affected by the federal government.

Equally as important to briefly note is the impact of outside factors on these bills. Education does not happen in a federal vacuum with only federal dollars going directly to schools. State and local governments are largely responsible for the funding that schools receive and the curriculums that are developed. The discretion of state and local districts and how they

provide funds will not be discussed in this paper in depth, but it warrants mentioning as those two levels of government are largely responsible for how funds are allocated to the schools to provide services (i.e. teacher salaries, general program funding, classes offered, etc.). More times than not, it has come down to state and local governments finding the money to keep arts programs alive in public education and not the federal government (Mark & Madura, 2010). This is understandable, especially when considering education is reserved to the states by the Tenth Amendment of the Constitution (U.S. Const. art. X). Proponents and strict followers of the U.S. Constitution and how it should be interpreted argue that the federal government has no part in education and believe the Department of Education should be abolished completely (Kamenetz, 2017). Regardless of political beliefs, the federal government has long had an impact on how education operates in the United States and how music education is implemented into the classroom with no indication of stopping.

A Brief Overview of Music in Early American Education

Until the 19th century, there were very few universally accepted conventions surrounding how music education should be implemented into the education system. Before the implementation of nationally accepted standards, music education varied from school to school, often depending upon the methods, backgrounds, and skills of the schoolteacher. Before school districts began adopting music as a part of their curriculum in the 1830s, many individuals received their musical training from private singing schools or choral societies. Singing schools and choral societies were dedicated to teaching the public how to sing and performing the work of musical masters such as Bach, Handel, and Mozart, respectively (Mark & Gary, 2007).

The emergence of the singing school was largely brought on by the revitalization of religion during the Great Awakening of the early 18th century (Mark & Gary, 2007). These

schools mimicked early European choir schools and were a means for communities to learn how to sing by note from trained musical professionals (Mark & Gary, 2007). Singing schools were funded through private means, and those who had trouble paying the choir master could sometimes supplement services through trade. They operated in a manner that is not completely foreign to how musicians conduct music classes today: the singing master would advertise their classes, people would sign up and purchase the necessary materials, and the students would learn music notation, literature, and how to improve their voices (Mark & Madura, 2007). The amount of rehearsals in a week would depend on the choir master, but the culmination of all the students' work would lead to a concert at the end of the season (Mark & Madura, 2007). Singing schools would eventually be surpassed in popularity by choral societies, who would be strong proponents in the adaptation of music within public school curriculum. This push for music in public education curriculum along with a shift from conservative New England-style psalms to European-style secular music would lead to the decline in popularity of both singing schools and choral societies (Mark & Gary, 2007). One of many integral figures in the rise of support for publicly funded music education was Lowell Mason.

Lowell Mason (1792-1872) is one of the central figures in ensuring American students have access to music in their public education. Born and raised in Massachusetts, Mason spent much of his childhood engulfed in music between his singing schoolteacher and schoolmaster grandfather and choir singing father (Mark & Gary, 2007). In 1812, Mason traveled to Savannah, Georgia, and opened his own singing school. His musical journey only continued from there as he studied music theory and counterpoint before returning to Boston in the mid-1820's. In 1831, Mason (in collaboration with Elam Ives Jr. [1802-1864], another New England singing school

teacher), published *The Juvenile Lyre*, a book they claimed to be “the first school song book published in this country” (Mark & Gary, 2007, p. 137).

Much of Mason’s distinction came in 1838 when he, in coordinated effort with the Boston citizens the Boston Public Schools and the Boston Academy of Music (where Mason worked), convinced the Boston School Committee to make music a mandatory, funded subject in public schools (Mark & Gary, 2007). While music had been used by schoolteachers in the past, it had never been funded. For the first time in American history, a public school district had elected to fund music as they would studies in Mathematics or English (Mark & Gary, 2007). Although music would not be a nationally standardized subject for many years, other school districts in the country began to include it within their curriculum after its successes in the Boston Public Schools.

In the post-Civil War era, many schools turned to philosopher William James’ school of thought known as pragmatism (Mark & Gary, 2007). Once again, music had to prove its worth to the school systems as something beyond an aesthetically pleasing subject. The main concern was that music had become a class that was more focused on “entertainment than an educational experience” (Mark & Gary, 2007, p. 202). The next century of American music education history would see large strides in ensuring students have access to the arts, strides that warrant further investigation. Music education would be encouraged at the high school level. Bands and orchestras would be formed for showmanship. Music teacher organizations would be created and meet annually. After World War I, band competitions would become popularized (Mark & Gary, 2007). The Music Supervisors’ National Conference (MSNC) would be formulated in 1907, a conference that allowed for music educators to congregate and collaborate on issues surrounding music education. This organization would eventually become the Music Educators National

Conference (MENC) and is additionally known in the modern era as the National Association for Music Educators (NAfME). These are just some of the accomplishments that music programs across the country were able to achieve. They demonstrate how music evolved from a pastime to a phenomenon embedded into American culture and school curriculum. Up until the middle of the twentieth century, public music education was not federally funded or recognized. There were national chapters of music organizations that recognized the validity and importance of music for students, but the federal government did not recognize music (or the arts) as part of the curricula until the passage of the Elementary and Secondary Education Act of 1965 (Mark & Gary, 2007; ESEA, 1965). This piece of legislation set the foundation for music as a federally recognized subject in public education suitable for federal funding.

Elementary and Secondary Education Act of 1965

By passing this bill, we bridge the gap between helplessness and hope for more than five million educationally deprived children. We put into the hands of our youth more than 30 million new books, and into many of our schools their first libraries. We reduce the terrible lag in bringing new teaching techniques into the nation's classrooms. We strengthen state and local agencies which bear the burden and the challenge of better education, and we remind the revolution – the revolution of the spirit against the tyranny of ignorance. As the son of a tenant farmer, I know that education is the only valid... passport from poverty... As a former teacher – and I hope a future one – I have great expectations of what this law will mean for all our young people. As president of the United States, I believe deeply no law [I have] signed, or will ever sign, means more to the future of America. (Johnson, as cited by Chenoweth).

The Elementary and Secondary Education Act of 1965 (ESEA, P.L. 89-10) was revolutionary for American public education and was the first major piece of legislation to define the federal government's role in education. It was one of the many pieces of legislation brought about by the Johnson administration during the 1960s that was aimed at social welfare. Title I of the bill offered up more than \$1.3 billion of federal money to be administered to public education classrooms with the purpose of fulfilling many differing needs of the schools (Mark & Gary,

2007). ESEA offered up funds to increase and equalize accessibility to education for students who would not previously have access, particularly those of low-income families. Former President Lyndon B. Johnson wanted to ensure that the American government “bridge the gap between helplessness and hope for more than five million educationally deprived children” (Chenoweth, Paragraph 5). As one of the first types of laws of its kind, ESEA emphasized “high standards and accountability,” a notion that is frequently seen in education acts today (Paul, 2016).

In the following decades between ESEA’s introduction into public law and its reauthorization in the form of the 2001 bill No Child Left Behind, ESEA would be revisited and have new subsections and amendments introduced each time (Paul, 2016). Between 1965 and 1980 alone, ESEA was revisited four times. This would result in the clarification of language as to the distribution of the Title I funds and the assurance they were being used to fulfill their purpose: help students at a disadvantage (Hunt Institute). After the 1988 reauthorization of ESEA, funds were severely reduced and more emphasis was placed upon the states as a means to fund public education and not the federal government (Hunt Institute). More changes would follow in the decades leading up to No Child Left Behind, and those will be explained further in a later section of this thesis.

Historical Context

Sputnik, the Space Race, and the Cold War. After World War II, the United States was the economic and militaristic superpower of the world. The biggest threat to the American democracy was the events happening elsewhere in the world triggered by American intervention: the rise of the Soviet Union, civil unrest in Korea, the Cold War, and anti-communist propaganda (Mark & Madura, 2014). The October 5, 1957, launching of Sputnik I marked a turning point for

American education. Mass paranoia overcame American citizens as, for the first time, it was revealed that the United States was not as far ahead of its rivals as it had once thought (Mark & Gary, 2007). This shifted the American public's focus from a generally well-rounded education to heavy emphasis on subjects that could be seen to prepare students for a career in mathematical and scientific careers. In the following years, the United States deemed it crucial for new education policies to be adopted that would further the country's ability "to defend itself through technology, military might, and economic prowess" (Mark & Madura, 2014, p. 12). Thus, the ever-driving focus of American public schools on more "practical" subjects began. This change in attitude towards education is the most probable cause for the United States' attitudes towards education today. Before the Cold War, music and arts had enjoyed a relatively safe position in public schools, and no national legislation was required to maintain its funding or legitimacy as it is in the modern day. It would be safe to assume the events of Sputnik I and the Cold War triggered a domino effect of education policies that we see in the modern day.

The Civil Rights Movement. The Civil Rights Movement of the 1960s had little direct impact on legislation developed for music education, though it did change the scope of the curriculum. With *Brown v. Topeka Board of Education* ruling that segregation was unconstitutional, the American music curriculum began to move towards one that showcased diversity (*Brown v. Topeka Board of Education*, 1954). The new emphasis on utilizing a multicultural curriculum in the classroom led to the incorporation of jazz in public music education (and the subsequent formation of the National Association for Jazz Education, or NAJE), with educators citing the need "to further the understanding and appreciation of jazz and popular music, and to promote its artistic performance" (Hall, as cited in Mark and Madura, 2014, p. 137). The NAJE would eventually form into the modern-day Jazz Education Network

(JEN). This trend of having jazz in the classroom has continued beyond the age of ESEA and through its various reauthorizations. Today, many schools across the country have a formalized jazz program incorporated into their curriculum. This access to diversity has set the footholds for other ethnic and cultural to be expressed in the music classroom, expressions that extend beyond the traditional classical training of western music.

ESEA and Music: The Legislative Language

ESEA was the first significant piece of national legislation to mention music and the arts while also providing subsequent funding. Section 4107 of the bill states that “programs and projects” are to be created that are to be used by local education agencies using the bill’s funding (ESEA, 1965, sec. 503). It provided many schools the opportunities to purchase instruments, equipment, and other education opportunities they otherwise would not have been able to afford. As the foundation for many future pieces of legislation dictating how education funds are dictated at the federal level, it should come as no surprise that ESEA discusses implementing the arts into science, technology, engineering, and mathematical (STEM) subjects. In the original law, a document about fifty-eight pages long, the terms “music” or “musician” are used only twice.

The first time musicians are brought up is under section 303, where the bill states programs are to be created to “enrich the programs of local and secondary schools” by offering a “diverse range of educational experience[s]” (ESEA, 1965, sec. 303). Music itself is not specifically listed as an enrichment practice – and certainly not as a permanent enrichment experience – as the implementation of “modern educational equipment” such as “artists and musicians” is to be made available to public schools and institutions “on a temporary basis” (ESEA, 1965, sec. 303). It should be noted that these programs (in total there are seven that are

recommended as supplementary educational practices) are not guaranteed by any means under ESEA. Instead, they are suggestions by the federal government on how to use supplemental funding provided by the national level. Music – or any of the arts – is not guaranteed by any means.

The subsequent section, Section 304, creates the terms for grant creation and approval by the federal government. These grants are specifically made for “cultural and educational resources,” or resources that are devoted to developing a more rounded student (ESEA, 1965, sec. 304). Grants such as these provide schools the means to fund enrichment activities, such as music, dance, art, and physical education. However, these grants are also very competitive. It is not just public schools competing for them, but higher institutions, nonprofit private schools, libraries, museums, musical and artistic organizations, educational radio and television, and all other manners of educational and cultural institutions and resources (ESEA, 1965). It is up to the discretion of the Commissioner, or Department of Education head in today’s terms, to determine if a district needs financial aid.

Vague language such as this in federal legislation has allowed music and other enrichment courses to be treated as inferior subjects. In 1965, it was up to the individual school district to provide such opportunities for their students. Schools from rural towns or underfunded schools who lack the staff to know about grants such as those provided by ESEA may not have had the means or knowledge to apply. Even upon application, there was no guarantee of approval in a timely manner for the school year. ESEA laid the foundation for the arts to be included in legislative language, though it still fell short of the necessary measures to ensure that they were a part of the national curriculum. Later renditions of the bill would still fall short of these measures.

ESEA: Real World Implications

Most of the teachers who lived through the ESEA era are now retired, as the original version of the legislation was published nearly half a century ago. The implications of ESEA still remain, however. ESEA set the precedent of language by mentioning the need to have well-rounded students, as defined in Title I as a “high quality education” (ESEA, Title I, Sec. 1001). In terms of ESEA, this included arts education, though music education is, again, not explicitly mentioned in the legal wording. This set a precedent – whether intentional or unintentional – for arts education to be a secondary thought in the American education system, a precedent that still affects how the arts are perceived and funded today.

No Child Left Behind of 2001

The new, federal “No Child Left Behind” law, has changed a lot of things in school... Reading and math are the only subjects tested by national exams, so schools are desperate to have their students do well in those subjects... Something’s wrong here. Any time teaching is done just to help kids pass an exam, it’s wrong. The purpose of teaching is to provide an education, not to help kids pass a test... Subjects like science, art, history and music are being taught very little in a lot of schools. We’re going to raise a generation of cultural idiots – people who don’t know Beethoven from Mozart, Cezanne from Van Gogh, or Albert Einstein from Charles Darwin. (Rooney, as cited in Mark and Gary, 2007, pp. 453-454)

The controversial legislation known as No Child Left Behind (NCLB), or P.L. 107-110, was the 2001 reauthorization of the 1965 Elementary and Secondary Education Act. With education now at the forefront of most administrations’ domestic policies, it should come as no surprise that then President George W. Bush made the NCLB (2001) bill the crux of his domestic affairs. It was announced just four days after his inauguration. The NCLB era spans from 2002 to 2014 and brought about an era of education focused upon standardized testing, much to the dismay of many educators.

Historical Context

The announcement of NCLB (2001) came on the crux of a four-decade long battle with declining education competency among students. Despite the efforts of ESEA (1965), SAT and other academic scores were stunted and declining in some school districts (Mark & Madura, 2014). Most of the funds that had been reserved for education in the middle of the century had been reserved for technological purposes, with arts receiving little to no federal funding as a subject (Mark & Madura, 2014). The 1983 study *A Nation at Risk: The Imperative for Educational Reform*, written by the president's National Commission on Excellence in Education, highlighted the shortcomings of the American education system and, much to the dissatisfaction of arts educators, did little to fully advocate for fine and performing arts' place in the general curriculum (Mark & Gary, 2007). After decades of seemingly laissez-faire attitudes from the federal government towards public education, the 1990s saw a doubling in federal spending for education as well as the adoption of national education standards (Mark & Madura, 2014). National standards were developed for multiple subjects – including music – setting the foothold for government to begin creeping into the education business in the form of NCLB (2001).

The Computer and the Internet. The conception of the computer and the Internet are arguably the greatest technological events of the century. The decade leading up to one of ESEA's most notable reauthorizations saw the creation of the World Wide Web – a place where information and communications moved about freely and instantaneously. Anyone had a platform to share whatever they choose to whenever they would like. For music, this meant the sharing of “interactive audio, video, and instruction supported by browsers” and websites such as YouTube and MySpace (Mark & Madura, 2014, p. 148). Computers are also capable of

supporting music software that allows young artists to have greater access to theory, aural skill, and keyboard skill classes (Mark & Madura, 2014). This new software allows for music educators to not only teach some basic skills remotely, but also document their students' progress and assignments (Mark & Madura, 2014).

9/11 and the War on Terror. The launching of Sputnik was only the springboard for a decades-long pursuit to educating American youth. The events of September 11, 2001, and the following October's beginning of the War on Terror reinvigorated the United States' need for a more thoroughly educated youth. In his January 2002 speech, Bush said, "we need to win the war against illiteracy here at home" as the United States was "going to win the [War on Terror] overseas." Though NCLB was already in development the March before 9/11, it was not until the December conference report that both the House of Representatives and Senate reached compromise.

The parallels between the creation of ESEA and NCLB would be of interest to note. In both instances, the United States was threatened as a leading superpower (the Cold War and 9/11, respectively). Both focus on STEM subjects as a means of improving education. Both presidents spoke about these courses of education being necessary to better equip the United States against foreign adversaries. Both pieces of legislation were brought upon after decades of declining American public education. These similarities are not coincidences, as the historical context of these pieces of legislation realize education as a means of militaristic might as opposed to a human right.

NCLB and its Legislative Language

NCLB mentions arts education in Subpart 15, adequately titled “Arts in Education.” Like many other pieces of legislation, this section is left vague and largely undefined, giving the Department of Education the power to administer “grants to... eligible entities” (entities that include “state... [and] local educational agencies... institutions of higher education... museums or other cultural institutions... [and] any other public or private agencies, institutions, or organizations”) at the discretion of the Secretary of Education (No Child Left Behind Act of 2001). These agencies were to be given funds for the purposes of supporting “systemic education reform,” ensuring “that all students meet” the State and local standards outlined for the arts, and to “support the national effort to enable all students to demonstrate competence in the arts” (No Child Left Behind Act of 2001). At no point in the legislation does it say funds *must* be allocated for the arts.

This opens a host of problems for music educators. The word choice of pieces of legislation this influential must be inclusive. Based on the language, NCLB was created to deal with a long-term problem in a short-term manner. NCLB was neither designed nor worded in a manner to deal with the economic nuances that create a successful, well-rounded education for students. Too much discretion was given to the Secretary of Education, as the legislation suggests they “may make assistance” to the agencies previously listed (No Child Left Behind Act of 2001). This discretion opens the opportunity for the Secretary to take away from the total on-budget spending.

In federal funding, there are two distinct types of funding: on-budget and off-budget funding. Off-budget funding deals with aspects of the budget that are non-negotiable (Social Security, the Postal Service, etc.). This is money that has been “excluded from the budget by law” (Sonnenberg, 2004). On-budget funding entails the rest of the budget and its discretionary

items and these objects are the most susceptible to budgetary change. Though Social Security and the Post Service are off budget, however, they still will appear in the total budget. It should be noted that there was an on-budget increase between 2002 and 2003 (the beginning of NCLB being in effect) for the National Endowment for the Arts in education (the agency responsible for dealing with art grants), meaning arts education did represent more of the total budget than it had in previous years. The estimated support for the National Endowment for the Arts in education for the 2003 fiscal year was 11.4 (in millions of U.S. Dollars) (Sonnenberg, 2004). This increase was likely a result of the recent push in education, though it still failed to holistically solve the issues of music department funding in the public schools. As will be discussed below, music educators still find they are scrambling to find money to support their students in the arts programs at their schools.

NCLB: Real World Implications

With the heavy emphasis that NCLB left on testing, many educators (particularly those of the arts or other non-STEM classrooms) saw time and resources being drained from their own classrooms to ensure students were meeting the necessary standards imposed by the federal government. With the surge of emphasis on nationwide testing that had been developing over the past few decades, music found itself at odds with other classrooms that had been granted recognition in the bill (Mark & Madura, 2014). Despite the resources devoted to producing higher test scores, a study done by the National Assessment of Educational Progress (NAEP) found that these diverted resources were largely unsuccessful in producing significant results for both mathematics and reading from 2005 to 2015 in twelfth-grade students (The Nation's Report Card, 2015). These scores did not just reflect poorly on the national average, but would also reflect negatively on school districts and district teachers. When students failed to do well, the

teacher and school would be given a grade. Funding would be withheld depending on how low the score was.

These figures are disheartening to any educator who seeks to ensure their students are receiving the highest quality of education possible. To better understand this situation, in 2020 the author conducted a survey of twelve music educators. Twelve teachers from varying school districts in four states were questioned as to their stances on influential pieces of music education legislation (Appendix). Of the twelve teachers who were polled, half were educators during the initial NCLB transition. Those that were found a noticeable shift in the way arts were approached from the previous ESEA era, one that shifted away from a well-rounded curriculum and toward a curriculum centered around English, mathematics, and science. For some, it was a catalyst to standardized music education in their districts, leading to additional pressures of ensuring every student was up to par for the state's performing average.

NCLB was not the end of an era. As we will investigate in Every Student Succeeds Act of 2015 (ESSA), similar problems would plague the next rendition of education legislation, particularly for those who were not recognized as a core subject. While some of the problems would be rectified, it would still leave music educators wondering if the federal government cared about their place in the classroom.

Every Student Succeeds Act of 2015

I want this not just because it's good for the students themselves, not just because it's good for the communities involved, not only because it's good for our economy, but because it really goes to the essence of what we are about as Americans. There's nothing more essential to living up to the ideals of this nation than making sure every child is able to achieve their God-given potential. (Obama, as cited by Amos)

The December 10, 2015 signing of Every Student Succeeds Act (ESSA) marked the end of the No Child Left Behind era. Under the Obama Administration, NCLB was reauthorized to provide teachers leeway from some provisions that had proven to make teaching more difficult than it needed to be (Paul, 2016). The legislation also saw a shift from a more federal government-centered approach to education to one that allowed the states to oversee more of their academic lives (Klein, 2016). It allows for the states to determine which of the federal goals they wished to adopt that acknowledge components of graduation rates, English literacy, and proficiency on standardized testing (Klein, 2016). States are also allowed to create their own accountability systems, allowing for more relevant issues to be addressed within their school systems. In addition to these new state freedoms, the testing situation was also made easier for states. The national standardized tests were reduced, with some districts permitted to utilize their own resources for testing purposes. This takes a great deal of pressure off educators who had concerns over the rigorous standardized testing of NCLB (Klein, 2016).

Historical Context

With the reauthorization of NCLB only taking place five years ago at the date this thesis was written, there is both the most knowledge known about its historical context and the least about what is to come of its implications. ESSA comes in the wake of a worldwide pushback against terrorism, unprecedented technological advances, and significant immigration reform. These are only a few of the historical events that have occurred in the last decade, but they have had significant impacts on the education sphere and, thus, warrant mentioning.

Terrorism and Malala Yousafzai. As established earlier with the anti-terror War in Iraq, foreign policy has long been an establishing feature in domestic policies such as education. While domestic terrorism has always been a central theme dominating American politics, foreign

terrorism also stands to have as great of an impact on political agendas. Malala Yousafzai became a household name in 2012 when a masked gunman boarded her school bus and shot her because of her public support for girls going to school in Pakistan. Yousafzai's story and humanitarian work has led to the establishment of the Malala Fund's Education Champion Network, a coalition that seeks to empower local educators with the resources they need to successfully integrate young women into the classroom. Because of Yousafzai's work, the world has begun rethinking education and education access as a fundamental right.

The Smartphone and Smart Technology. By 2015, smartphone usage had expanded exponentially. A national survey conducted in 2019 by Common Sense Media, a nonprofit dedicated to reviewing and testing online media sources for children and families, found that 53 percent of children ages 11 and older own a smartphone (NPR, 2019). Technology in other fields had also expanded, allowing quicker and easier access to the Internet and other teaching resources. More and more classrooms and schools are implementing smart technology, purchasing individual electronic devices for students, and utilizing online learning applications to aid in the teaching process. At the height of 2020 lockdowns due to the Covid-19 pandemic, teachers (including music teachers) had to depend on the technological resources available to them. For the music teacher, this meant expanding beyond the traditional performance classroom and expanding to applications such as Acapella, Quaver, YouTube, and NoteFlight, among others, to teach the curriculum provided.

Domestic Immigration Policies. In 2012, just a few years before the introduction of ESSA, the United States passed the Deferred Action for Childhood Arrivals (DACA) program into legislation. This piece of legislation single handedly allowed for DREAMers - qualifying minors who had entered the United States through their parents under the Development, Relief

and Education for Alien Minors (DREAM) Act – the opportunity to be granted temporary citizenship so that they may seek employment, apply for loans, and begin their own families. While the legislation does not allow for DREAMers to seek permanent residency through the program, it does give them opportunities that may not have otherwise been afforded to them. The access to free K-12 education has been a contentious subject in the United States since its introduction, but no one can deny it has fundamentally changed the way diversity and accessibility are viewed in public schools.

ESSA and how its Language Treats Music Education

ESSA is slightly more explicative in how the funds should be allocated to the performing and liberal arts than its predecessor, NCLB. It gives more options for local governments to apply for federal funding in a more inclusive manner.

In terms of budgeting, ESSA lays out its budget in a much more inclusive manner than NCLB did. A vast simplification is as follows: a local government has the option of applying for federal funding if they can document how that funding will be used in the schools and surrounding areas. Of the funding they receive (which can be no less than \$10,000), “not less than 95 percent of the allotment” must go to the “local educational agencies” listed under section 4105 (ESSA, 2015). These “agencies” are, simply put, school districts. Surrounding school districts can “form a consortium” with other, close-by school districts and “jointly carry out the local activities” that have been federally approved (ESSA, 2015). “Not more than 1 percent” may be used administrative and research purposes as to how the responsibilities are being carried out. The remaining sum of money (approximately zero to four percent, depending on how much is allocated to local educational agencies) is specifically targeted to provide “monitoring... and training... to local educational agencies,” “identifying and eliminating State barriers to the...

integration of programs,” and “supporting local educational agencies in providing programs and activities that... offer well-rounded educational experiences to all students,” particularly those who are “often under-represented in critical and enriching subjects” (ESSA, 2015). Listed as one of these “experiences” is “activities and programs in music and the arts” (ESSA, 2015). This is significant because, for the first time in a piece of American legislation, the choice of wording supports arts initiatives.

This type of legitimacy is only the tip of the iceberg for music and its place in public education. Section 4642 outlines the assistance arts education may receive. Reserved funds *shall* be used to apply for competitive “grants, contracts, or cooperative agreements” that seek to “promote arts education for students” (ESSA, 2015). While these grants do not technically fall under the 95 percent allotted to local agencies for funding educational programs (more on that later), they do offer school districts and local governments direct access to asking for funding for the specific purpose of arts education, or “academic enrichment,” as the legislation calls it.

ESSA: Real World Implications

The author’s research also highlights some of the downfalls of ESSA in the classroom. Again, ESSA is in the unique position of that it is current legislation that was only enacted a

Current national legislation, such as the Every Student Succeeds Act (ESSA, 2015), adequately recognizes music educators and their needs in the classroom.
12 responses

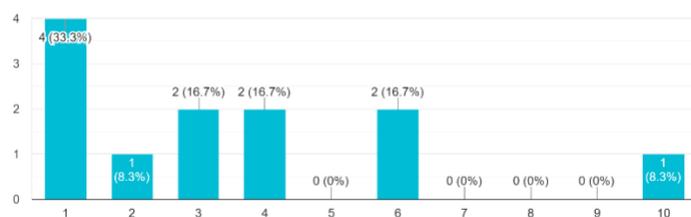


Figure 1

handful of years ago. Five years into the program, there are certainly areas that have shown growth from the NCLB era, but there are music educators who feel as though more could be done to ensure more

resources are being divulged to their classroom. Twelve music educators from varying school

districts and economic backgrounds across the country were polled to answer the question of whether current national legislation, such as ESSA, adequately recognized music educators and their needs in the classroom. Respondents were asked to gauge their views on a scale of 1 to 10, with 1 being they strongly disagree and 10 being they strongly agree. Of the 12 respondents who answered, an overwhelming majority found that current national government was barely adequate in providing them the resources they needed (Figure 1). The average of the participants' answers was 3.5, closer to the "strongly disagree" end of the scale. The median answer was 3, which is to be expected with more participants answering at the lower end of the scale. Further research will need to be conducted on a larger scale to determine whether these conclusions hold true over a larger sample population.

These conclusions are not unexpected, especially in the wake of the results from the NCLB questions. However, they point to a larger problem: the problem of music educators not receiving the necessary funds or other resources necessary to successfully conduct their classrooms. Often, these resources extend beyond simple budgetary needs. Standardized testing still takes away a great deal of time from music and other elective classes, making it difficult for teachers to prepare for contests or performances that would otherwise offer validity to their program. All twelve respondents cited grievances regarding standardized testing and its effects on the classroom, with the teachers responding it added unnecessary stress to the students, loss of time in the arts, physical education, and wellness classes due to students being pulled, and an overall shift of importance from real-world skills to those needed for a test.

ESSA had attempted to fix the problems brought on by NCLB. In some respects, it did. It took away the rating system for school districts and teachers, alleviating some of the pressure for educators as they try and prepare their students for the real world. However, some of the

lingering, fundamental issues of NCLB still linger with its newest iteration. Only by listening to the needs and wants of teachers and administrators across the country can these grievances be addressed and rectified in a manner that will not lead to future, catastrophic problems for the education industry.

Other Influential Pieces of Federal Legislation and Movements

While large-scale national legislation regarding education has played a role in how music is viewed as a subject, there have been other pieces of national legislation and rulings that have had their share of influence. Unlike ESEA, NCLB, and ESSA, these bills are not reauthorizations of one another but are instead stand-alone pieces of federal legislation. While these bills have limited acknowledgment of the arts in their wording, they still have had an impact in how arts are accessed and installed into classrooms across the United States. In addition to other pieces of legislation, there are federally created organizations and programs that contribute to music education. Institutions such as the National Endowment for the Arts ensure that music education is funded.

The U.S. Department of Education

The United States Department of Education (ED) is the executive cabinet responsible for the distribution of funds from the federal budget to state agencies (Mark & Madura, 2014). The Department of Education has many resources available for educators. Music educators can use the Educational Resources Information Center (ERIC) to access educational literature (Mark & Madura, 2014). As mentioned above, the Department of Education is also responsible for fund allocations. For music and arts programs, this funding is funneled through the National Endowment for the Arts. This program will be discussed in further detail in the following

subsection, but the Department of Education is responsible for determining the discretionary and competitive grants available to local school districts (Mark & Madura, 2014). These grants go towards ensuring music and other arts subjects are adequately funded in schools.

The Department of Education, like just about every other department in the executive cabinet, does not work alone. The Department of Education engages in many collaborative projects, but perhaps the most lucrative for music educators is the Arts Education Program (AEP). AEP is the collaborative effort of the Department of Education, the National Endowment for the Arts, the National Assembly of State Arts Agencies, and the Council of Chief State School Officers (Mark & Madura, 2014). It seeks to discuss and provide solutions for the problems music educators are faced with in addition to providing a database of resources for educators to pull from. It also has a database for educators and advocacy groups to search for policies and procedures from the fifty states (Mark & Madura, 2014).

National Endowment for the Arts

As illustrated above in the various public laws, little to no funding comes directly out of federal legislation. While some pieces of legislation say that arts will get funding from the federal government (such as ESSA), the money is not explicitly set aside in the bill. The question must then be asked: where does arts education get its federal funding if not directly from pieces of legislation discussing education? While it is common knowledge that most education programs are funded through state and local governments, there is still a reliance on federal funds. Since its conception in the sixties, arts education has been federally funded through the National Endowment for the Arts. Also known as the National Endowment on the Arts and the Humanities, the National Endowment for the Arts (NEA) is an independent federal agency that

was brought about in 1965 and established federal funding for the arts and the humanities. Currently, it is the only direct means for arts programs to receive federal funding.

Budget. NEA, like every other federal mandate, is funded through yearly allocations of money from congress (Stubbs & Mullaney-Loss, 2018). These allocations are distributed to local and state governments through grants that they must have requested. In the 2018 fiscal year, about \$1.37 billion was set aside by federal, state, and local agencies for the arts across the nation. Of this, NEA comprised \$152.8 million in appropriations, representing a 2 percent increase from the 2017 fiscal year (Stubbs & Mullaney-Loss, 2018). In the past two decades, overall “public funding for the arts increased by 24 percent,” which sounds as though it would be an extraordinary feat. However, these numbers fail to account for inflation rates. After accounting for inflation, “public funding for the arts... decreased by 16.1 percent” since the passing of NCLB, despite overall federal funds increasing by 5.4 percent (Stubbs & Mullaney-Loss, 2018, Trends over Time).

Distribution. It is important to consider where the money is distributed when considering any budget. As mentioned above, NEA distributes its funds based upon a grant application process. School districts who may lack the knowledge or resources to apply for these grants may find themselves at a disadvantage compared to better staffed and more knowledgeable school districts. Still, NEA awarded forty percent of its 2,422 grants in the 2018 fiscal year to school districts situated in high-poverty neighborhoods (Stubbs & Mullaney-Loss, 2018). Additionally, 13 percent of those 2,422 grants went to rural communities (Stubbs & Mullaney-Loss, 2018). Stubbs and Mullaney-Loss (2018) also found that nearly 58 percent of the grants awarded in the 2018 fiscal year were less than \$25,000. For smaller music programs, \$25,000 may be enough to cover expenditures for the year. However, as the program expands, so does its monetary needs.

Using these numbers as a measurement for how schools get money for arts education, it would be acceptable to conclude that the arts are not adequately funded by the federal government through NEA. Though funding has technically increased, it has not increased in a manner that has kept up with both the growing inflation rates in the United States and the growing demand of student needs. Ultimately, it is congress who decides how much money is allocated to NEA, as it is a federally funded program. However, the inability of congress to continuously support arts through NEA has led to increased pressure on local and state governments to make up for the lack of funding, often leading to music and other arts programs being cut altogether to ensure money can go to basic operating functions. From a legislative standpoint, it makes sense the federal government would want to back off and allow for states and local governments to have more control over the monetary aspects of education, as education is constitutionally a state ordeal. Despite this, the federal government has long been involved in the affairs of education and, concurrently, music education. For nearly sixty years, there has been a precedent of the federal government's involvement in music education, and that precedent should be respected to ensure all students have access to music in their school.

Goals 2000 and the National Standards for Arts Education

Goals 2000: Educate America (P.L. 103-227), was a revolutionary education project initiated by the federal government. Started under President George H. W. Bush in the 1990s, the bill was eventually passed under the Clinton administration on February 8, 1994. Goals 2000 laid out the educational ambitions of the 21st century for American school children. The original focus of the bill was mostly on standards for classes such as mathematics, social studies, sciences, and English classes. Pressures from advocacy groups of other subjects led to the eventual inclusion of them in the final bill. Without the assistance of national music advocacy

organizations such as the National Association for Music Educators (NAfME), it is unlikely the arts – and by extension, music – would have been included at all. In 1991, NAfME had published *Growing Up Complete: The Imperative for Music Education*, a work that notes the importance of music education for students. After being distributed to officials of the White House and various other organizations, *Growing Up Complete* convinced both the public and public officials that music education was a necessary component to a child’s full development (Mark & Madura, 2014).

Part of the reason why Goals 2000 was such a success for music educators is that it directly led to the implementation of arts education standards in the classroom. Mark and Madura (2014) note the most important aspect of the act for music educators is Title I. This section of the act mentions arts among other subjects that had been historically deemed less important as a necessity for students to “demonstrate competency” at a more advanced level (Goals 2000, 1994).

Individuals with Disabilities Education Act

The *Individuals with Disabilities Education Act* (IDEA, P.L. 101-476), first enacted in 1975 as the *Education for All Handicapped Children Act* (P.L. 94-142), requires federal funds to go to states to ensure that students with disabilities have access to “a free, appropriate education in the ‘least restrictive environment’ that meets their individual needs” (Mark & Madura, 2014, p. 162). IDEA would later be reauthorized in 2004 to the *Individuals with Disabilities Education Improvement Act* (IDEIA). The topic of disabilities and accommodating students with them has been at the center of music educators’ concerns for the past several decades. Many educators have little no experience or training in accommodating students with additional needs, lack

administrative help, and lack resources and money, effectively making it difficult for them to fulfill federal mandates.

In the author's research, most teachers expressed concerns over having the necessary resources at their disposal to teach students who have learning disabilities, speech barriers, or other special needs. On a scale of 1 to 10, with 1 being "strongly disagree" and 10 being "strongly agree," the average answer was 4, signaling a mediocre access to necessary materials. Teachers expanded further by saying they would wish to promote more diversity and cater to a more diverse student set that caters to the needs of all its learners, but met unexpected limitations such as technology shortcoming. Most cited they were able to "make it work," though they would appreciate the extra resources to make their curriculum work.

A Closing Argument: Where do we go from here?

If we want our world to be still, gray and silent, then we should take the arts out of school, shut down the neighborhood theatre, and barricade the museum doors. When we let the arts into the arena of learning, we run the risk that color and motion and music will enter our lives. (Rockefeller, as cited by Mark and Madura, 2014, p. 74)

Legislative policies have a direct and profound impact on how music education is perceived by the public and how music educators are impacted in their classrooms. Through a historical lens, music in public education has as much of a claim as any other subject. Each iteration of federal legislation finds music education more validated than the previous. It is impossible to say for certain what future pieces of legislation will say regarding music and other arts programs, but advocacy groups at the local, state, and federal levels are actively working to ensure music education is as included into the curriculum as possible.

Teachers want to be involved in the process. They want to see their students succeed and they want to feel as though they have been successful, too. In their final answers, the respondents

expressed a want and a need for school districts and school programs at the federal, state, and local levels to have a more purposeful emphasis on the holistic child. Beyond that, music educators are also seeking more a deeper respect for the profession, a respect that can only be offered through support and supportive resources.

The future is optimistic for music educators. Though federal funding has faltered in recent decades, music and other arts subjects are well on their way to becoming traditional subjects of the curriculum. Music is becoming a more expected subject in schools as more and more research comes out revealing its importance. It is a tireless fight, but ensuring that music appears in national legislative language ensures its validity in the grand scheme of American education. It takes effort from all levels – local, state, and federal - to ensure students are receiving education that will not only benefit them but also their future workplaces.

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Appendix

Survey for the Impacts of National Legislation on the Music Educator

My department is fully funded by the state and national governments.

Scale Rating	Percentage of Participants
1 (Strongly Disagree)	25%
2	25%
3	0%
4	16.7%
5	0%
6	16.7%
7	0%
8	8.3%
9	0%
10 (Strongly Agree)	8.3%

Current and past Secretary of Educations have adequately consulted with institutions, arts educators (including professional arts education associations), and organizations representing the arts in order to create an arts education that supports student and teacher success.

Scale Rating	Percentage of Participants
1 (Strongly Disagree)	25%
2	25%
3	16.7%

4	0%
5	0%
6	16.7%
7	8.3%
8	0%
9	0%
10 (Strongly Agree)	8.3%

Current national legislation, such as the Every Student Succeeds Act (ESSA, 2015), adequately recognizes music educators and their needs in the classroom.

Scale Rating	Percentage of Participants
1 (Strongly Disagree)	33.3%
2	25%
3	16.7%
4	0%
5	0%
6	16.7%
7	8.3%
8	0%
9	0%
10 (Strongly Agree)	8.3%

Organizations, such as the National Association for Music Educators (NAfME), state music educator associations, etc., help me as an educator to find the resources I need to be successful in the classroom.

Scale Rating	Percentage of Participants
1 (Strongly Disagree)	8.3%
2	0%
3	16.7%
4	0%
5	0%
6	8.3%
7	16.7%
8	16.7%
9	16.7%
10 (Strongly Agree)	16.7%

I feel I have all the necessary resources at my disposal to teach students who have learning disabilities, speech barriers, etc.

Scale Rating	Percentage of Participants
1 (Strongly Disagree)	16.7%
2	16.7%
3	8.3%
4	25%

5	16.7%
6	0%
7	8.3%
8	0%
9	0%
10 (Strongly Agree)	8.3%

How has standardized testing affected your classroom?

Please Explain: _____

Connotation Analysis	Percentage of Participants
Positive association to standardized testing	0%
Neutral/Other	16.7%
Negative association to standardized testing	83.3%

Do you find it difficult to meet the needs of diverse students in your classroom (racial diversity, ethnic diversity, linguistic diversity, sexual identity diversity, etc.)? How do you, as a music teacher, promote diversity in the curriculum?

Please Explain: _____

Connotation Analysis	Percentage of Participants
Greater ease in meeting needs of diverse students	8.3%
Neutral/Other	41.7%

Greater difficulty meeting needs of diverse students	50%
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Were you a teacher during the No Child Left Behind (2002 - 2015) era? If so, how did the initial transition change your classroom? If not, please put "No" as your answer.

Please Explain: _____

Content Analysis	Percentage of Participants
Positive association to transitions during NCLB	0%
Neutral/Not a teacher during the transition/Other	70%
Negative association to transitions during NCLB	25%

How has your classroom needed to adapt in order to fulfill the needs of all its learners? Do you find these adaptations were fully supported and, if necessary, funded?

Please Explain: _____

Content Analysis	Percentage of Participants
Greater access to school support for adaptations to fulfill needs of all learners	50%
Neutral/Other	16.7%
Less access to school support for adaptations to fulfill needs of all learners	33.3%

What changes in education would you like to see for the future students, teachers, and administrators?

Please Explain: _____

Content Analysis	Percentage of Participants
Less emphasis on standardized testing	41.7%
More staff/funding/resources	33.3%
More professional development opportunities	25%