

# SAN GABRIEL VALLEY TRIBUNE

**OPINION**

## **Fight for arts education in California**



Third grade students draw wildlife from Africa during the English Language Development Science and Art Camp at Topaz Elementary School in Fullerton. The program is a joint partnership between the Placentia-Yorba Linda Unified School District and Cal State Fullerton's SchoolsFirst Federal Credit Union Center for Creativity and Critical Thinking.

By CARL SCHAFER |

PUBLISHED: November 4, 2017 at 6:10 pm | UPDATED: November 4, 2017 at 9:38 pm

The California Education Code mandates that the public schools provide arts education. But hundreds of thousands of California students have been denied arts

education because school governing boards have not been required to comply with the Education Code.

Since 1995 the Education Code has mandated that all students in grades 1-6 receive instruction, based on a course of study, in music, dance, theater and visual art, and that all four disciplines be offered in grades 7-12.

For over five years I have been working to find a way to require compliance, but with little success. It might seem an easy task since in a public opinion poll conducted by Americans for the Arts in 2016, it was found that 89 percent of Americans believe that the arts are part of a well-rounded education and 90 percent agree that the arts are important for K-12 students. However, only 27 percent believe that there is enough access to the arts.

In my investigation I have presented to the State Board of Education, and had several meetings with Department of Education staff, including the advisor to the superintendent of public instruction. From this I learned that neither has the authority to require compliance! At the CDE I was advised to seek legislation, and so over time I have met with either the legislator or staff of all the members of both the Senate and Assembly Education Committees and Joint Committee on the Arts. I also met with the California Arts Council, the California PTA and testified at hearings. In another approach, I presented to four local school boards, but my requests to comply were not implemented.

In December 2015, state Sen. Ben Allen, now Chair of the Senate Education Committee, in response to my advocacy, held an oversight hearing on the issue. A positive result was the reinstatement of the theater and dance teaching credentials — but with no legislation resulted that would require compliance. Recently, the California Alliance for Arts Education (CAAE), led by Executive Director Joe Landon, has been working with Sen. Allen and a place-holding bill was introduced. The hope is that it will be modified to address this issue, but currently the bill is stalled.

From the outset I have said that my last resort would be litigation and it now appears that it is time to pursue that possibility. Education Code 51050, Governing Boards Enforcement Requirement, places the responsibility for enforcing the courses of study on the local school board. Therefore it is the local school boards that are vulnerable for litigation. Past court cases have verified that parents can sue on behalf of their children. With the assistance of the ACLU I have identified a law firm and attorney that would work pro bono to pursue this course. What is needed now are parents who would be willing to participate, and I would be pleased to hear from any interested parents.

In the beginning it appeared very simple to me for a governing board to comply. To do so, it can require the implementation of the Education Code requirements, or, if the determination is made that there will not be full compliance, there is another option. After a public hearing to present the rationale for not complying, the board can apply

to the State Board of Education for a waiver. Compliance does not absolutely mean that courses of study in the arts must be implemented, but it does mean if they are not, it is because a conscious and transparent decision not to do so has been made by a responsible governing body.

My purpose is not to advocate for the value of arts education — that is a given. My goal is to require compliance with a law that has been in place for 22 years. I believe that through a combination of legislation and/or litigation, that goal can be achieved.

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