



Public Advocate for the City of New York

Out of Tune

A Survey on NYC Students' Access to Arts Education

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Executive Summary

In 2005, Department of Education (DOE) administrators testified that the Bloomberg administration had made arts education a priority. In 2007, however, the administration announced the elimination of dedicated funding¹ for arts education, giving principals the option of using the funds for other purposes beginning in the 2007-2008 school year.

It is still too early to judge the full impact of the elimination of dedicated funding in part because data on how much each principal spent on arts education in the current school year is not available. Many advocates, however, are concerned that budget cuts, particularly recent mid-year cuts due to the fiscal downturn, in combination with increased pressure to achieve gains on standardized tests in reading and math, create an environment in which principals will be motivated to spend funds previously dedicated to arts programs on other priorities. Eighty-five percent of each school's Progress Report² grade is based on test scores in reading, writing, and math. Schools that receive an F or D (or, a C for three years in a row) may face leadership change or even be closed.³

At present, however, school Progress Reports do not allow parents to evaluate the amount and quality of arts instruction at their child's school. Similarly, the DOE has not held principals accountable for the amount or quality of arts education in their schools to this point, or provided principals with detailed information on how these factors will be incorporated into the formula for determining their performance and financial bonuses.

At the same time, the DOE's first effort to collect and report system-wide information on arts education has produced troubling results. Survey results for the 2006-2007 school year released in the DOE's first Annual Arts in School Report⁴ in March 2008 show that most schools did not comply with the state's minimum requirements for arts education. Survey results for the 2007-2008 school year collected by the Office of the Public Advocate in January 2008 show that the majority of schools are still out of compliance. In the case of elementary school dance and theater, compliance has further deteriorated.

¹ The term "dedicated funding" refers to a budgetary allocation that can only be used for specified purposes. From 1996 until the fall of 2007, Project ARTS funding guaranteed each school a per capital allocation that could be used only for instruction in the arts, materials and instruments and partnerships with arts and cultural organizations. For more information on Project ARTS, please see the discussion in this report (p.9).

² The Progress Report evaluates schools with a letter grade A through F. School grades are based on three elements: 1. School Environment (15 percent of score), which combines schools' attendance records and results of parent, teacher and student surveys; 2. Student Performance (30 percent), which, for elementary and middle schools, is measured by students' scores on the New York State tests in English Language Arts and Mathematics; and 3. Student Progress (55 percent), measured by how much students' progress during the school year in reading, writing, math, science and history. See: <http://schools.nyc.gov/Accountability/SchoolReports/ProgressReports/default.htm>. Progress Report grades for the 2006-2007 school year were issued in February 2008.

³ New York City Department of Education (DOE), Student Performance and Accountability, Rewards and Consequences. See: <http://schools.nyc.gov/Accountability/RewardsandConsequences/default.htm>

⁴ DOE, *Annual Arts in Schools Report, 2006-2007*.

New York State Education Department (NYSED) Regulations of the Commissioner⁵ contain the following requirements and guidelines for arts education instruction:

- NYSED regulations⁶ require that all children in first through sixth grade receive instruction in visual arts, music, dance, and theater.⁷
- NYSED guidelines⁸ recommend that instruction in the arts for children in first through third grade comprise 20 percent of weekly instructional time, which is the equivalent of five instructional hours per week.⁹
- NYSED guidelines recommend that instruction in the arts for children in grades four through six,¹⁰ should comprise 10 percent of weekly instruction time, the equivalent of two-and-a-half instructional hours per week.

In January 2008, the Public Advocate's Office surveyed 100 randomly selected public elementary schools and 50 randomly selected public middle schools¹¹ in New York City. Surveyors asked specifically about arts education classes provided to third and fourth graders, or sixth graders in the case of middle schools.

The survey found that:

- Only seven percent of elementary schools and 27 percent of middle schools surveyed offered instruction in all four arts disciplines—music, visual arts, dance, and theater—as required by state regulations.
- Sixty-eight percent of elementary schools and 47 percent of middle schools surveyed offered only one or two arts discipline(s).
- Seventy-five percent of elementary schools surveyed offered only one period per week—an average of 45 minutes—of arts education to third graders despite state regulations recommending that students in 1st through 3rd grade receive the equivalent of five instructional hours of arts education a week.

⁵ New York State Standards, Provisions in the Part 100 of the Regulations of the Commissioner of Education (C.R. 100.3 and 100.4)

⁶ “Regulations have the force and effect of law.” DOE, *Summary of Arts Education Instructional Requirements for Schools and Students*. Footnote ii. See: <http://schools.nyc.gov/projectarts/Media/NY%20State%20and%20NYC%20City%20Arts%20Education%20Requirements%20and%20Guidelines.doc>

⁷ *Supra* note 5.

⁸ “Guidelines are provided as recommendations and should not be interpreted as requirements.” *Supra* note 6.

⁹ According to New York City Department of Education (DOE) documents, 20 percent of weekly time is equivalent to 186 hours per school year. In a 186-day school year, with each school day comprising 5 instructional hours, 20 percent of weekly time is equivalent to one instructional hour per day, or five instructional hours per week. *Supra* note 6, Footnote vi.

¹⁰ Instructional requirements for Arts Education are listed separately for Grades 1–4, and for Grades 5–6. The primary difference between the two sets of requirements is that the requirements for Grades 1–4 refer to the attainment of state elementary learning standards, while the requirements for Grades 5–6 refer to the attainment of state intermediate learning standards. The theater requirements for Grades 1–4 include two sets of guidelines for instructional time, one for Grades 1–3, the other for Grade 4. The guidelines for instructional time for Grade 4 are the same as the guidelines for Grades 5–6. *Supra* note 5.

¹¹ While sixth grade falls under the elementary-level requirements for arts education, most sixth graders attend middle schools. Grades 7–8 are subject to different requirements. Students in these grades must receive one-half unit of study in the visual arts and one half unit of study in music. A half-unit is the equivalent of 55 hours of instruction. *Supra* note 6.

- Seven percent of elementary schools and nine percent of middle schools surveyed had no arts education at all.
- While some schools complied with the state requirement that schools offer instruction in all four art disciplines and some followed state guidelines for the amount of instruction time for arts education, not a single elementary school complied with both.
- The percentage of schools offering dance and theater in third and fourth grade in the current school year is markedly lower than in the DOE Annual Arts in School Report for 2006-2007:

Percentage of elementary schools that offer each arts discipline by grade

Grade 3	Visual Arts	Music	Dance	Theater
DOE 06-07	83%	75%	47%	34%
OPA 08	80%	71%	24%	14%

Grade 4	Visual Arts	Music	Dance	Theater
DOE 06-07	80%	74%	45%	39%
OPA 08	80%	70%	27%	14%

Grade 6	Visual Arts	Music	Dance	Theater
DOE 06-07	98%	78%	54%	35%
OPA 08	89%	75%	35%	40%

The Public Advocate recommends that the DOE take the following actions:

- Ensure that all New York City public schools provide instruction in all four recognized arts disciplines (visual arts, music, dance and theater) as required by state regulations.
- Create a dedicated Arts Education funding line in budget allocations to individual schools.
- Promote a stated goal of one full-time certified arts teacher in at least one of the four recognized disciplines in every school.
- State recommended instructional time allocations for arts education in 60-minute hours instead of instructional hours.
- Create a more balanced school Progress Report that reports on multiple indicators including arts education.

Introduction

In 2005, the Department of Education (DOE) testified before the City Council that the Bloomberg Administration “has made arts education a priority.”¹² To reflect this priority, the DOE developed an ambitious set of learning benchmarks in the arts and proposed holding individual schools accountable for the provision of arts education.

In 2007, however, the administration announced the elimination of dedicated funding for arts education. Rather than receiving a set per capita funding amount specifically earmarked for arts education and primarily used to hire arts teachers, principals would now have the option of using the same funds for other purposes.

At the same time, the DOE’s first efforts to collect and report system-wide information on arts education produced troubling results. In the DOE’s Learning Environment survey¹³ for the 2006-2007 school year, forty-one percent of responding students reported that they were not offered a class in visual arts; 44 percent were not offered music; 69 percent were not offered dance; and 74 percent were not offered theater.¹⁴ Among parents responding to the survey, 32 percent of parents said their children received no arts education during the school day.¹⁵ In addition, the DOE’s first Annual Arts in Schools report, released on March 6, 2008, showed that only 4 percent of elementary schools were in a position to comply with the state’s minimum requirements for arts education.¹⁶

New York State Education Department (NYSED) Regulations of the Commissioner¹⁷ contain the following requirements and guidelines for arts education instruction:

- NYSED regulations¹⁸ require that all children in first through sixth grade receive instruction in visual arts, music, dance, and theater.¹⁹
- NYSED guidelines²⁰ recommend that instruction in the arts for children in first through third grade comprise 20 percent of weekly instructional time, which is the equivalent of five instructional hours per week.²¹
- NYSED guidelines recommend that instruction in the arts for children in grades four through six,²² should comprise 10 percent of weekly instruction time, the equivalent of two-and-a-half instructional hours per week.

¹² Testimony by Sharon Dunn, DOE Office of the Arts and Special Projects, City Council Hearing October 31, 2005, quoted in: Jonathan Mandell, “Arts Education,” *Gotham Gazette*, 29 November, 2005.

¹³ In 2007, the DOE conducted its first Learning Environment Survey of parents, teachers and students, See: <http://schools.nyc.gov/Accountability/SchoolReports/Surveys/2007survey.htm>. Results from the survey were factored into each school’s Progress Report, which evaluates the school with a letter grade A through F. For Progress Report, see: *Supra* note 2.

¹⁴ DOE, Learning Environment Survey 2006-2007. See: http://schools.nyc.gov/NR/rdonlyres/3C9B6404-D3C3-49D7-8FA8-36AC191BC328/25283/SurveyReport_Citywide.pdf

¹⁵ The Center for Arts Education (CAE), Letter to Public Advocate Betsy Gotbaum, February 8, 2008.

¹⁶ *Supra* note 4, p. 12.

¹⁷ *Supra* note 5.

¹⁸ *Supra* note 6.

¹⁹ *Supra* note 5.

²⁰ “Guidelines are provided as recommendations and should not be interpreted as requirements.”

Supra note 6.

²¹ *Supra* note 9.

Pursuant to the New York City Charter, the Public Advocate is authorized to review and investigate the programs, operations, and activities of city agencies.²³ In accordance with this responsibility, the Office of the Public Advocate initiated a review of elementary-level students' access to arts education in New York City public schools as required by state regulations.²⁴

Background

Benefits of Arts Education

Testifying before the City Council in April 2008, actress Phylicia Rashad noted that children draw before they write and sing before they speak.²⁵ The arts provide “a tool for students to make meaning and contribute to the world around them.”²⁶ Acquiring skills such as playing a musical instrument gives children a sense of accomplishment and self-esteem, provides emotional outlets, and offers opportunities for social engagement.

While the core justification for teaching arts in schools is to provide students with artistic skills and knowledge, arts education confers additional academic benefits.²⁷ Evidence suggests that arts education may encourage students to stay in school rather than drop out.²⁸ Many teachers confirm that arts education helps students who are not academically inclined engage with academic subjects.²⁹ A preliminary analysis of data provided by the NYC DOE as part of the 2006-2007 Annual Arts in Schools Report by The Center for Arts Education points to a correlation between high school graduation rates and arts participation and instruction.³⁰

Studies have also linked arts education to improved academic achievement. In 2006, the Guggenheim Museum released research suggesting that arts education improves literacy

²² *Supra* note 10.

²³ New York City Charter §24.

²⁴ While sixth grade falls under the elementary-level requirements for arts education, most sixth graders attend middle schools. The survey included 50 middle schools. Surveyors asked specifically about arts instruction for sixth graders. Grades 7–8 are subject to different requirements and were not included in the survey.

²⁵ Phylicia Rashaad, New York City Council (NYC Council) Oversight Hearing Committee on Education and Committee on Cultural Affairs, Libraries and International Intergroup Relations (Joint Oversight Hearing), April 8, 2008. Note: No official written testimony available. At the time of the report's release, the Council's hearing transcript was still processed.

²⁶ NYC Council, *A Picture is Worth A Thousand Words. Arts Education in New York City Public Schools.*, Committee on Education, June 11, 2003, p.5.

²⁷ Winner, E., Hetland, L., “Does Studying the Arts Enhance Academic Achievement?” *Education Week*, Vol. 20, No. 9, November 1, 2000, pp. 46-64. See: www.edweek.org/ew/articles/2000/11/01/09winner.h20.html?print=1 (p.3 of 4)

²⁸ Richard J. Deasy, *Critical Links: Learning in the Arts and Student Achievement and Social Development*, 2002, in: NYC Council, *The State of Arts Education in New York City Public Schools*, Joint Oversight Hearing, April 8, 2008, p.15.

²⁹ *Supra* note 27, (p.2 of 4)

³⁰ CAE, *Briefing Paper: Arts Education Participation and Instruction in New York City Public Schools*, April 8, 2008.

skills among elementary school students.³¹ Theater instruction in particular has been shown to have direct educational benefits. Research indicates that children’s verbal skills, including comprehension, improve when they act out stories as opposed to simply reading and discussing them.³²

The arts also develop and strengthen higher-order thinking skills and good work habits because they require students to deal with open-ended problems that do not necessarily have right or wrong answers.³³ Testifying before the City Council in 2003, Judith Burton, Director of Programs in Art and Arts education at Columbia University’s Teachers College made the connection between arts education and real-life problem-solving:

The problems of life are much more like the problems encountered in the arts. They are problems that seldom have a single correct solution; they are problems that are often subtle, occasionally ambiguous, and sometimes dilemma-like...Life outside of school is seldom like school assignments –and hardly ever like a multiple-choice test.³⁴

In 2004, Mayor Bloomberg summarized the benefits of arts education: “An education in the arts is crucial to the development of our city’s children. In addition to engaging all of a child’s interests and promoting self-expression, excellent arts education programs can play a major role in improving attendance, retention and parental involvement in children’s education.”³⁵

Arts Education in New York City Public Schools

Funding

Prior to 1975, New York City public schools followed a citywide arts curriculum and students had “opportunities to take part in dance, theater, music, visual, and literary arts at every stage of their education.”³⁶ However, during the fiscal crisis of the mid-70s, more than 14,000 teachers, including a majority of arts teachers, were laid off, effectively ending arts education in New York City public schools for more than twenty years.³⁷

In 1996, the Annenberg Foundation sponsored a multi-million dollar initiative to provide schools with arts education grants funded by the public and private sectors and administered by the newly created non-profit organization, The Center for Arts Education

³¹ NYC Council, *The State of Arts Education in New York City Public Schools*, Briefing Paper, Joint Oversight Hearing, April 8, 2008, p.15.

³² *Supra* note 27 (p.2 of 4)

³³ *Ibid.*

³⁴ Testimony by Judith Burton, Professor and Director, Programs in Art and Arts Education, Teachers College, Columbia University, in: *Supra* note 26, p.5.

³⁵ Office of the Mayor, Press Release, “Mayor Michael R. Bloomberg and Schools Chancellor Joel I. Klein Announce Teacher Training in New Arts Curriculum and Appointment of Dance and Theater Directors,” June 1, 2004., in: *Supra* note 31, p.8.

³⁶ *Supra* note 31, p.2.

³⁷ *Ibid.*

(CAE).³⁸ Grants were awarded to public schools for establishing partnerships with museums, orchestras, and other arts and cultural organizations. One third of all public schools applied for 81 awards.³⁹ Spurred by the overwhelming interest, the Giuliani administration created an institutionalized funding stream to promote arts instruction called Project ARTS (“Arts Restoration Throughout the Schools”).

Project ARTS funded schools on a per capita basis starting in Fiscal Year (FY) 1998. The funds could be used only for direct instructional services in art, music, dance, and theater; allocations for equipment, resource materials, supplies; and partnerships with arts and cultural services that would allow schools to effectively attract additional resources from outside their own budget.⁴⁰ Funds allocated for arts education in public schools through Project ARTS peaked at \$75 million in FY 2000 and 2001 (approximately \$63 per student).⁴¹

At the beginning of the 2007 school year, the DOE announced that in order to give principals more control over their budgets, there would no longer be dedicated Project ARTS funding. Instead of earmarking roughly \$67.5 million for arts programs, the funds would be folded into schools’ general budgets and principals could decide to continue to fund arts programs or shift money according to their own priorities.⁴² At the time, DOE spokesman David Cantor pointed out that, among 300 empowerment schools,⁴³ where principals were already given discretion over Project ARTS funds, “schools are spending all but 15 percent of Project Arts money on arts.”⁴⁴ However, some education experts believe this projection to be overly optimistic. According to Jerold Ross, the Dean of St. John’s University’s School of Education, the administration’s latest reorganization created a system that “amounts to 1,400 ‘fiefdoms’ where, although principals have moderate control of their budgets, there is no specific expectation that a decent percentage of those budgets be spent on the arts.”⁴⁵

It is still too early to judge the full impact of the elimination of Project ARTS in part because data on how much each principal spent on arts education in the current school year is not available. Many advocates are concerned, however, that budget cuts, particularly recent mid-year cuts due to the fiscal downturn, in combination with increased pressure to achieve gains on standardized tests in reading and math, create an

³⁸ CAE, “Our History.” See: <http://www.cae-nyc.org/pages/our-history/>

³⁹ *Ibid.*

⁴⁰ *Supra* note 31, p.4.

⁴¹ *Supra* note 26, p.2.

⁴² Elissa Gootman, “Principals May Win Control of Millions in School Funds,” *The New York Times*, February 22, 2007.

⁴³ Beginning in the fall of 2006, the Bloomberg administration reorganized 331 schools by moving them outside the administrative structure of their district and into a new “empowerment zone.” In empowerment schools, principals have wide discretion over decisions within their schools, from scheduling to vendor contracts—as long as they follow state laws and existing union contracts. See: Clara Hempill, “Giving Principals More Control,” *Gotham Gazette*, June 2006. The empowerment zone now comprises 500 schools. See: <http://schools.nyc.gov/Offices/Empowerment/default.htm>

⁴⁴ *Supra* note 42.

⁴⁵ Testimony of Jerrold Ross, Dean, The School of Education, St. John’s University, NYC Council, Joint Oversight Hearing, April 8, 2008.

environment in which principals will be motivated to spend funds previously dedicated to arts programs on other priorities. Eighty-five percent of each school's Progress Report⁴⁶ grade is based on test scores in reading, writing, and math. Schools that receive an F or D (or, a C for three years in a row) may face leadership change or even be closed.⁴⁷

The United Federation of Teachers' (UFT) Vice President Leo Casey testified before the City Council that teachers are seeing arts education pushed out of their classrooms:

With the elimination of Project Arts, cuts to the school budget, a lack of licensed arts teachers, and many school administrators lacking the skills needed to administer the arts, we're looking at a dire forecast. [...] Let's look at the early grades first. Where have the crayons, scissors, clay and finger-paints gone? We're seeing the near-disappearance of these materials during classroom visits. Something is seriously amiss when the message is that there's no longer any time or money for children to be children. We're paying a terrible price for the emphasis on test preparation.⁴⁸

Advocates point to FY 2002 when the DOE reduced funding for Project ARTS allocations from \$75 million to \$52 million and eliminated dedicated purposes for the funds (i.e. direct instructional services, resources and equipment, and partnerships). The result was a 50 percent reduction in arts education spending.⁴⁹

Richard Kessler, Executive Director of the Center for Arts Education, described the situation as "the gathering of a perfect storm":⁵⁰

[W]e are witnessing ... [a] storm that is poised to damage access to arts education in ways not experienced since the fiscal crisis of the mid-1070s. What we are seeing today in the city's public schools is a profound new shift away from the arts, and the other elements of a well-rounded education, including subjects such as history, foreign language, physical education—all content deemed expendable for test preparation.⁵¹

Partnerships with Arts and Cultural Organizations

City-based non-profit arts and cultural organizations have played an integral role in bringing arts education back into New York City public schools. More than 340 arts and cultural organizations worked with schools in the 2006-2007 school year.⁵² According to

⁴⁶ *Supra* note 2.

⁴⁷ *Supra* note 3.

⁴⁸ Testimony of Leo Casey, Vice President, United Federation of Teachers. NYC Council, Joint Oversight Hearing, April 8, 2008, p.2.

⁴⁹ *Supra* note 31, p.17.

⁵⁰ Testimony of Richard Kessler, Executive Director, CAE. NYC Council, Joint Oversight Hearing, April 8, 2008, p. 1.

⁵¹ *Ibid*, pp 1-2.

⁵² *Supra* note 4, p. 22.

Cultural Affairs Commissioner Kate Levin, “1,400 non-profit cultural organizations [are] poised to extend and enhance the learning that begins in the classroom.”⁵³

With the help of arts and cultural organizations, students have greater access to arts disciplines and expertise. Based on 2006-2007 data, the DOE reported that 77 percent of elementary schools received direct student services from at least one arts and cultural organization.⁵⁴

However, the elimination of Project ARTS at the beginning of the 2007-2008 school year has already diminished the role of community arts groups in schools. For example, in April 2008, the Executive Director of a non-profit theater education company testified before the City Council that the organization’s roster of partnerships had declined from 150 schools to 85 schools as principals diverted Project ARTS funding to other needs.⁵⁵

Instructional Goals

In 2003, the DOE partnered with experts from the cultural and academic communities to develop blueprints for teaching and learning in the four arts disciplines for Grades Pre-K through 12. The stated goal of these blueprints, which were released for use beginning in 2004,⁵⁶ is to establish “clear standards of excellence for what teachers should teach and what students should learn in every art form.”⁵⁷

The blueprints set benchmarks for 2nd, 5th, 8th, and 12th grade students. They do not include a traditional curriculum layout with sequential teaching units. Instead, they include suggested activities for each of the skills identified in the different arts disciplines, as well as bibliographies and online resource lists for teachers and students.⁵⁸

The new blueprints will undoubtedly improve some existing arts education classes if implemented, and the many voluntary partnerships with arts and cultural organizations enrich those schools where they are available and for those students who participate. Neither the blueprints nor voluntary partnerships, however, address the fact that the majority of schools fail to meet state regulations requiring them to provide all students in grade one through six access to all four arts disciplines each year. Schools cannot begin to implement the blueprints until they meet state requirements for instruction in all four arts disciplines and guidelines for weekly instructional time.

⁵³ DOE, *First-Time Report Describes New Supports to Boost Arts Education*, Press Release, March 6th, 2008.

⁵⁴ *Supra* note 4, p.12

⁵⁵ Testimony by Michael Presser, Executive Director of Inside Broadway. NYC Council, Joint Oversight Hearing, April 8, 2008.

⁵⁶ The blueprint for visual arts was printed in a second edition in 2007 and the Blueprint for music is currently under revision. Blueprints were provided by Deputy Chancellor for Teaching and Learning, Dr. Marcia V. Lyles, at the NYC Council Joint Oversight Hearing, April 8, 2008.

⁵⁷ Testimony by Deputy Chancellor for Teaching and Learning, Dr. Marcia V. Lyles, at the NYC Council Joint Oversight Hearing April 8, 2008.

⁵⁸ The blueprints contain many resources useful for students and parents. However, it is not clear how widely the blueprints are distributed.

ArtsCount

In July 2007, Mayor Bloomberg and Chancellor Klein announced the creation of a new quality improvement and accountability initiative called ArtsCount.⁵⁹ Under ArtsCount, the DOE proposed the following actions: incorporate the results of schools' Learning Environment Surveys⁶⁰ into the School Progress Report⁶¹ grades; add arts education to the criteria for schools' Quality Reviews⁶²; and include compliance with state requirements for arts education in principals' annual performance evaluations.⁶³

At present, school Progress Reports give only a single overall grade, 85 percent of which is based on performance on state-mandated tests,⁶⁴ and do not allow parents to evaluate the amount and quality of arts instruction at their child's school. Similarly, the DOE has stated that compliance with New York State regulations for arts education, as well as other indicators for the provision of quality arts education, will factor into principals' performance evaluations and eligibility for financial bonuses.⁶⁵

However, the DOE has not held principals accountable for the amount or quality of arts education in their schools to this point, nor provided principals with detailed information on how exactly the amount and quality of arts education in their schools will be incorporated into the formula for determining their performance and financial bonuses. Based on the incomplete information provided in *ArtsCount, A Guide for Principals*, it appears that arts education is a negligible factor compared to improvement on year-to-year math and reading test scores.

Annual Arts in the Schools Report 2006-2007

As the centerpiece for the ArtsCount initiative, the DOE released its first Annual Arts in the Schools report on March 6, 2008. According to the DOE, the report was designed to provide "baseline data from the 2006-2007 school year, the year prior to the launch of

⁵⁹ *Supra* note 31, p.9.

⁶⁰ *Supra* note 14.

⁶¹ *Supra* note 2.

⁶² Quality Reviews are designed to measure how successful each school's organization is in improving student achievement. DOE reviewers assess student performance and talk to principals, teachers, students, and parents to find out how schools use information about outcomes to guide teaching and learning and set goals for improvement. Each school receives a Quality Review report that includes an overall Quality Score (outstanding, well developed, proficient, underdeveloped with proficient features, or underdeveloped). Quality Scores are independent from the grade each school receives in its Progress Report. However, Quality Reviews are a factor in determining the exact monetary reward for a high grade and the institutional consequences for a low grade. See:

<http://schools.nyc.gov/Accountability/SchoolReports/QualityReviews/default.htm> and

<http://schools.nyc.gov/Accountability/RewardsandConsequences/default.htm>

⁶³ *Supra* note 31, p.9.

⁶⁴ *Supra* note 2.

⁶⁵ DOE, *ArtsCount, A Guide for Principals*. See:

<http://schools.nyc.gov/offices/teachlearn/arts/oaspimages/FINAL.pdf>.

ArtsCount,” and to “help the DOE identify underserved schools and develop targeted supports for them.”⁶⁶

The DOE sent the Annual Arts Education Survey to 1,244 of the more than 1,400 schools it oversees⁶⁷ and received 939 completed responses, a response rate of 75 percent. All new schools, conversion programs, and charter schools were excluded from the survey.⁶⁸ The report is based on the completed survey responses, as well as DOE data base information for scheduling, human resources, and budget.⁶⁹ Survey results for individual schools were posted on the schools’ websites.

The DOE report shows that despite a decade-long effort to restore arts education in public schools, a large percentage of New York City public school children still do not receive any or receive only limited arts education.

At the elementary school level, key findings of the DOE report include:⁷⁰

- Only four percent of schools offer all four arts disciplines in each grade. The Public Advocate’s survey shows similar results for 2007-2008.⁷¹
- More than 30 percent of schools do not offer at least one of the four arts disciplines to students in each grade.⁷²
- 28 percent of elementary schools do not have any certified arts teachers on staff. Nearly half of all elementary schools have no certified visual arts teachers, and nearly two-thirds of all elementary schools do not have a certified music teacher.⁷³
- Seventy-seven percent of elementary schools receive direct student services from at least one arts or cultural organization.

⁶⁶ *Supra* note 4, p. 9.

⁶⁷ Mayor’s Office of Operations, Preliminary Fiscal 2008 Mayor’s Management Report, Department of Education, See: http://www.nyc.gov/html/ops/downloads/pdf/_mmr/doe.pdf

⁶⁸ *Supra* note 4, p. 31, Footnote 15.

⁶⁹ *Supra* note 4, p. 31. Some schools that did not respond to the initial Annual Arts Education Survey responded during one of two data verification rounds with corrections to information derived by the DOE from its data bases. By adding those schools, the DOE calculated its statistics using a population of 1,079 schools (or an 85-percent response rate). See: p.34. However, because the total number of schools in the system is closer to 1,400 than the 1,244 contacted by the DOE, the Annual Arts in Schools report still only accounts for about three quarters of all schools in the system.

⁷⁰ *Supra* note 4, p.12.

⁷¹ Seven elementary schools, or 7.1 percent of the 98 elementary schools that provided information for the Public Advocate’s survey, offered all four art disciplines. See: p.15.

⁷² The report states, “Although many elementary schools provide instruction in more than one arts discipline, many do not provide instruction in all grades. Sixty-seven percent of all elementary schools offer one arts discipline in each grade.” *Supra* note 4, p.12

⁷³ The report states: “At the elementary level, the State recommends (but does not require) that arts classes be taught by certified arts teachers in order to provide students with the highest quality of arts experiences when studying these important subjects. 72 % of elementary schools have certified arts teachers on their staff. Fifty-five percent and 44% of elementary schools have certified visual arts and music teachers respectively, while fewer have visual arts and music teachers respectively, while fewer have certified dance and theater teachers.” *Supra* note 4, p.12.

While the first Annual Arts in School report is an important and positive step in providing the public with information about students' access to arts education, there are a number of concerns that the DOE should address in its next report. First, while the report includes information on the availability of the four arts disciplines in each school, it does not include any information on the time each school spends on arts education. Without this information, it is impossible to judge whether the reported availability of an arts discipline in a school has any significant bearing on students' access to arts education.

According to an analysis by The Center for Arts Education, other concerns include:⁷⁴

- A likely under-representation in the report of schools with the least arts education offerings due to the voluntary nature of participation in the survey;
- Lack of information on actual student participation in specified arts activities (contributing artwork to an exhibition or participating in a dance, theater, or concert performance) as data is reported as either “yes” or “no” for participation without regards to how many or what percentage of students participate;
- Unclear reporting on student/teacher ratios as data provided in the report includes ratios only for those students attending schools that actually have teachers in the specified arts disciplines, and not the ratio of arts teachers to the entire New York City student population;
- Inexact reporting on funding for arts education as figures were based on how much was budgeted for arts at each school, not how much was actually spent.

Methodology

In January 2008, prior to the release of the DOE's Annual Arts in School Report for 2006-2007, the Office of the Public Advocate conducted a survey on arts education in public elementary and middle schools for the 2007-2008 school year.

Questions were formulated to determine whether students attending New York City public schools in the 2007-2008 school year have access to instruction in the four arts disciplines—visual arts, music, dance, theater—required by state regulation for students in grades one through six. The Office of the Public Advocate used a random number generator to select 20 elementary schools and 10 middle schools from each of the five boroughs for a total of 100 elementary schools and 50 middle schools.⁷⁵

Using phone numbers available on the DOE's website,⁷⁶ surveyors called the randomly selected elementary and middle schools. Surveyors called the main office number for each school and requested to speak to an administrator familiar with subjects offered in

⁷⁴ CAE, Memo to Office of the Public Advocate, “Annual Arts in Schools Report 2006-2007—Issues of Concern,” April 22, 2008.

⁷⁵ Random number generator available at <http://www.random.org>.

⁷⁶ DOE. See:

<http://schools.nyc.gov/FindASchool/AdvanceSearch.htm?level=03&actn=&geo=1&bbindex=1&dbindex=0&ddindex=0&zipcode=&stype=0&sso=0&hszone=0&repname=&showdist75=0&showspschls=0&networkcode=&new=0>

third and fourth grade, or sixth grade in the case of middle schools. Callers were typically transferred to the parent coordinator or the guidance counselor for the respective grades; questions were sometimes answered by staff in the main office.

Posing as parents, the surveyors asked the school staff which arts disciplines are taught at the school and how much time third, fourth, and sixth graders (in the case of middle schools) spend in those art classes per week. Specifically, surveyors asked how often students receive arts instruction during the week and how long are those class periods.

Surveyors also asked whether the disciplines are taught during the regular school day or after school. Arts education classes in after-school programs were considered electives and not counted towards a school's provision of arts instruction as required by the state's arts education regulations. The survey was conducted between January 15th and January 25th 2008.

Schools that did not provide clear information on the amount of time third, fourth, or sixth graders spent in arts classes during the January survey were called a second time between April 14th and April 16th 2008. Schools that still did not provide clear information after this second call were excluded from the sample.⁷⁷ Survey questions are listed in the Appendix.

The following findings are based on this survey.

Findings

The vast majority of schools surveyed are in violation of New York State arts education requirements.

- Only seven elementary schools, or 7.1 percent of the 98 elementary schools that provided information for the survey, are in compliance with the state regulation requiring schools to offer instruction in all four arts disciplines—music, visual arts, dance and theater.
- Twelve middle schools, or 26.7 percent of the 45 middle schools that provided information for the survey, are in compliance with the state regulation requiring schools to offer instruction in all four arts disciplines to sixth graders.

⁷⁷ Two elementary schools and five middle schools did not provide the requested information and were excluded from the sample. Percentages were then calculated using a sample base of 98 elementary schools and 45 middle schools.

Percentage of schools offering dance and theater in third and fourth grade is markedly lower than in the DOE Annual Arts in School Report for 2006-2007.

Percentage of elementary schools that offer each arts discipline by grade

Grade 3	Visual Arts	Music	Dance	Theater
DOE 06-07	83%	75%	47%	34%
OPA 08	80%	71%	24%	14%

Grade 4	Visual Arts	Music	Dance	Theater
DOE 06-07	80%	74%	45%	39%
OPA 08	80%	70%	27%	14%

Grade 6	Visual Arts	Music	Dance	Theater
DOE 06-07	98%	78%	54%	35%
OPA 08	89%	75%	35%	40%

The vast majority of elementary and middle schools surveyed fail to follow state instructional guidelines for the amount of instructional time to be devoted to arts education.

- Ninety-seven elementary schools, or 99 percent of the 98 elementary schools that provided information for the survey, fail to follow the state’s arts education guidelines for third grade, which recommend that 20 percent of weekly time spent in school, or five instructional hours per week, be allocated to arts education. The one school providing the recommended amount of instructional time for arts education is out of compliance with the state regulation, requiring schools to offer instruction in all four arts disciplines.
- Ninety-six elementary schools, or 98 percent of the 98 elementary schools that provided information for the survey, fail to follow the state’s arts education guidelines for fourth grade, which recommend that 10 percent of weekly time spent in school, or two-and-a-half instructional hours per week, be allocated to arts education. The two schools providing the recommended amount of instructional time for arts education are out of compliance with the state regulation requiring schools to offer instruction in all four arts disciplines.
- Fourteen middle schools, or 31 percent of the 45 middle schools that provided information for the survey, fail to follow the state’s arts education guidelines for grade 6, which recommend that 10 percent of weekly time spent in school, or two-and-a-half instructional hours per week, be allocated to arts education. Eight of the 14 schools providing the recommended amount of instructional time are out of compliance with the state regulation requiring schools to offer instruction in all four arts disciplines to sixth grade students.

Length of instructional periods varies widely from school to school

- Schools consider instructional hours to be equal to instructional periods. In our survey, school personnel reported instructional periods that range from 35 to 60 minutes. The most common scenario appeared to be 45 minute periods, with between one to five minutes either subtracted or added for transitions between classes.

A large percentage of violations among elementary schools are severe.

- Seven elementary schools, or 7.1 percent of the 98 elementary schools that provided information for the survey, and four middle schools, or 8.9 percent of the 45 middle schools that provided information for the survey, have no arts education at all.
- Sixty-seven elementary schools, or 68.3 percent of the 98 elementary schools, and twenty-one middle schools, or 46.6 percent of the 45 middle schools, offer only one or two arts subject(s).
- Seventy-four elementary schools, or 75.5 percent of the 98 elementary schools, offer only one period per week of arts education to third graders, and 72 elementary schools, or 73.5 percent, offer only one period per week of arts education to fourth graders. Sixteen middle schools, or 35.5 percent of the 45 middle schools, offer only one period per week of arts education to sixth graders.

Recommendations

Based on the findings of this report, the Public Advocate’s Office recommends that the DOE:

Ensure that all New York City public schools provide instruction in all four recognized arts disciplines (visual arts, music, dance and theater) as required by state regulations.

A vast majority of elementary and middle schools are in violation of the New York State Commissioner’s Regulations. It is the DOE’s obligation to support and hold schools accountable until it achieves 100-percent compliance with state regulations. To accomplish this goal, the DOE should develop a system-wide plan to ensure that all schools meet the minimum state requirements for arts education for all students.

Create a dedicated per capita Arts Education funding line in budget allocations to individual schools.

In order to build on the gains in funding for arts education achieved under Project Arts and in order to move all New York City public schools toward compliance with state regulations, all city public schools should receive a per-pupil allocation specifically

designated for the hiring of arts teachers; the purchase of arts resources, materials, and instruments; and partnerships with cultural organizations.

Ensure a stated goal of one full-time certified arts teacher in at least one of the four arts disciplines.

State regulations recommend that elementary-level instruction be provided by certified arts teachers in all four disciplines. State regulations also indicate that if the classroom teacher must provide the instruction without the help of a certified arts teacher, he or she should nonetheless address state arts education standards and provide the recommended amount of instructional time for arts education. At a minimum, every school should retain one full-time certified arts teacher to direct and support classroom teachers, as well as representatives of arts organizations working in the school, in addressing state standards and coordinate arts education on the school level.

State the recommended instructional time allocations for arts education in 60-minute hours instead of instructional hours.

The DOE should state the time allocations in 60-minute hours instead of instructional hours in order to further clarify and standardize instructional time allocations for arts education. Physical education regulations are very clear, requiring for example that children in fourth through sixth grade participate in P.E. classes a minimum of three times per week for a total of at least 120 minutes.⁷⁸ According to the DOE's *Summary of Arts Education Instructional Requirements for Schools and Students*, however, percentage of weekly instructional time for arts education—which is how the state expresses its recommendations—is calculated on the basis of a 186-day school year, with five instructional hours per day.⁷⁹ An instructional hour, in this context is equivalent to 60 minutes.⁸⁰ Yet, in practice, schools consider instructional hours to be equal to instructional periods, which vary by school and are in most cases shorter than 60 minutes. Stating time allocations in 60-minute hours instead of instructional hours would eliminate any potential ambiguity about how much arts education the state recommends and whether or not city schools are following the state's guidelines.

Create a more balanced Progress Report that reports on multiple indicators including one for arts education.

Instead of awarding one compound grade for school performance that relies heavily on progress of students in math and reading tests, school progress reports should rate and

⁷⁸ Section 135.4 of Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York. (8 NYCRR 135.4)

⁷⁹ *Supra* note 6.

⁸⁰ The document states that 20 percent of weekly time spent in school is the equivalent of approximately 186 hours throughout the entire school year, based on a 186-day school year with five instructional hours per school day. See: *Ibid.* Footnote vi. Furthermore, the document states one half unit of credit is the equivalent of 55.8 hours of instruction, based on 36 minutes per day for 93 days (1/2 semester). See: *Ibid.* Footnote xiv. This calculation is based on the assumption that an hour of instruction is 60 minutes. $36 \times 93 = 3348$ $3348 : 60 = 55.8$

report on multiple indicators, including the amount and quality of arts education offered at each school, and the ability of schools to provide a well-rounded education, to provide a more complete picture for parents, educators, and decision-makers.

Improve the Annual Arts in Schools report to more accurately reflect the arts education environment in New York City public schools.

If the DOE intends to use data collected for the Annual Arts in Schools report as a basis for evaluation of schools' provision of arts education and decision-making regarding arts education policy, it should take the following steps:

- Require all schools to respond to the survey rather than basing information on the percentage of school that volunteer information.
- Collect and report information on the time each school spends on arts education for each grade.
- Collect and report information for each school on the percentage of students per grade participating in arts performances and exhibitions.
- Report student/teacher ratios for the entire student population in addition to school-based ratios.
- Report the amount of money each schools actually spent on arts education instead of how much was budgeted.

Clarify accountability measures and ensure that the provision of arts education is a specific and significant factor

The DOE should state exactly what percentage of the formula used to determine principals' eligibility for financial bonuses is based on compliance with New York State arts education regulations. Furthermore, the DOE should ensure that indicators for the provision of quality arts education are a specific and significant factor in accountability measures such as school progress reports and quality reviews and principals' annual performance reviews. Arts education must be more than a vague and possibly insignificant component of compound measures that rely primarily on student progress on standardized tests.

Appendix:

Elementary Schools

Phone Survey Questions, January 2008:

1. Hi, my name is
2. I'm calling because we are new to the area and I want to register my son and daughter for school soon. They are in third and fourth grade.
3. I would like to find out what arts programs you have.
What subjects are taught and what amount of time is devoted to those subjects?

[Note for surveyor: If any of the four subjects—music, visual arts, dance and theater—is not mentioned, ask specifically whether the school has any program for that particular subject]

4. Are these subjects taught during the school day or are they after-school programs?

Middle Schools

Phone Survey Questions, January 2008:

1. Hi, my name is ...
2. I'm calling because we are new to the area and I want to register my daughter for school soon. She is in sixth grade.
3. I would like to find out what arts programs you have.
What subjects are taught and what amount of time is devoted to those subjects?

[Note for surveyor: If any of the four subjects—music, visual arts, dance and theater—is not mentioned, ask specifically whether the school has any program for that particular subject]

4. Are these subjects taught during the school day or are they after-school programs?

Follow –up Phone Survey Questions April 2008 for Elementary and Middle Schools:

1. Hi, my name is... I am a prospective parent.
2. I have previously called for information, but I would like to ask a follow-up question. How many times a week do sixth graders receive arts education?
3. How long are the arts education classes/periods?