

# HOUSE BILL REPORT

## ESSB 5878

---

---

**As Reported by House Committee On:**  
Education

**Title:** An act relating to visual and performing arts instruction.

**Brief Description:** Clarifying visual and performing arts instruction.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Rolfes, Wellman, Hunt, Lovick, Nobles and Wilson, C.).

**Brief History:**

**Committee Activity:**

Education: 2/18/22, 2/22/22 [DPA].

**Brief Summary of Engrossed Substitute Bill  
(As Amended By Committee)**

- Adds visual and performing arts to the list of subjects in which school districts and state-tribal compact schools must instruct students.
- Directs public schools to offer regular instruction in at least one visual art or at least one performing art, according to specified requirements, beginning with the 2023-24 school year.
- Requires that the arts instruction be provided by a certificated teacher with, or actively pursuing, an endorsement in the relevant arts discipline.

---

### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Santos, Chair; Dolan, Vice Chair; Berg, Bergquist, Callan, Ortiz-Self and Stonier.

**Minority Report:** Without recommendation. Signed by 6 members: Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; McCaslin, McEntire, Rude and Steele.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Megan Wargacki (786-7194)

**Background:**

Basic Education - Goals of School Districts.

A basic education is an evolving program of instruction that is intended to provide students with the opportunity to become responsible and respectful global citizens, to contribute to the economy, to explore and understand different perspectives, and to enjoy productive and satisfying lives. To these ends, the goals of each school district, with the involvement of parents and community members, are to provide opportunities for every student to develop the knowledge and skills essential to, among other things, know and apply the core concepts and principles of mathematics, social, physical, and life sciences, civics and history, geography, health and fitness, and arts.

State Learning Standards.

The Superintendent of Public Instruction (Superintendent) adopts state learning standards that describe what public school students must know and be able to do at each grade level. Public schools are the common schools within school districts, charter schools, state-tribal compact schools, and other publicly funded institutions of learning with a curriculum below college level.

The state learning standards for art include five disciplines: dance, media arts, music, theater, and visual arts. These standards are arranged under four artistic processes for each discipline: creating, performing/presenting/producing, responding, and connecting.

Instruction and Graduation Requirements.

School districts and state-tribal compact schools must instruct students in specified subjects, for example reading, arithmetic, and science. The Superintendent may prescribe other required subjects by rule.

To qualify for graduation from a public high school, among other requirements, students must complete 24 credits, including at least one credit in visual or performing arts aligned to the state learning standards.

Teacher Assignment.

An endorsement is the subject area in which a certificated teacher is authorized to teach, along with designated grade levels for that area. Among other subject areas, teachers can become endorsed in dance, music, theater arts, or visual arts by passing a test.

Assignment policy is the matching of teacher endorsements with courses. For example, a certificated teacher with an elementary education endorsement may be assigned to teach a variety of art disciplines to students in kindergarten through grade eight (K-8), whereas a certificated teacher with a drama endorsement may be assigned to teach drama to K-8 students, as well as teach stagecraft, playwriting, and other theater courses to high school

students. Career and technical education (CTE) courses, some of which may be deemed equivalent to art courses, must be taught by teachers with CTE certificates. A CTE teacher with an endorsement may be assigned to a non-CTE course in the subject area of the endorsement.

Certificated teachers with endorsements can be assigned to teach outside of their endorsement area if approved by the local school board and a written plan of assistance is developed to provide the teacher with a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment. In addition, under certain circumstances, school districts may request a limited certificate to allow a person who has not met full teacher certification requirements to teach in a classroom.

---

### **Summary of Amended Bill:**

#### Instruction Requirements.

Visual and performing arts are added to the list of subjects in which common and state-tribal compact schools must instruct students. Beginning with the 2023-24 school year, public schools must offer regular instruction in at least one visual art or at least one performing art, throughout the school year. Students must receive instruction in at least one arts discipline throughout their elementary education experience. Students in grades nine through twelve must be given the opportunity to take arts coursework each academic year.

Every student must have access to arts education, as part of basic education. Arts instruction must be accessible by all students, in a manner that is commensurate with instruction in other core subject areas. Arts instruction must be solely for the arts discipline in the skills and craft of each specific arts discipline as their own end, rather than as a vehicle to enhance learning in any other nonarts subject area. If schools wish to integrate or infuse the arts into other subject matter, they must do so in addition to the regular, formal arts instruction required by this section.

Arts instructors in each school district, as subject matter experts, must be consulted to determine which specific visual and performing arts courses to offer at given grade levels, so that instruction is properly aligned to state learning standards in the arts and students' developmental stages and vertically aligned to give arts-focused students the best chance for success in their arts college or career pathway.

#### Teacher Assignment.

The required arts instruction must be provided by either: a certificated teacher with an endorsement in the relevant arts discipline; or a certificated teacher actively pursuing an endorsement in the relevant arts discipline.

### **Amended Bill Compared to Engrossed Substitute Bill:**

The amended bill specifies that every student must have access to arts education, as part of basic education, and provides that arts instruction be accessible to all students, in a manner that is commensurate with instruction in other core subject areas (rather than requiring arts instruction to take place during the regular school day and with instruction time equal to time devoted to other core subject areas). It requires arts instruction to be provided by either: a certificated teacher with an endorsement in the relevant arts discipline; or a certificated teacher actively pursuing an endorsement in the relevant arts discipline. The amended bill continues to require that arts instructors be "consulted" in the process of determining which arts courses to offer in the district, but removes the requirement that arts instructors be "given an equal part in this decision process." It also specifies that one of the purposes of consulting arts instructors is to properly align arts instruction to the state learning standards in the arts.

---

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 22, 2022.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The arts are a part of basic education and are already funded by general apportionment. There is no hierarchy of core subjects. Students are not receiving equitable access to arts education, so their opportunities for future success are also not equitable. When students have consistent, sequential instruction in the arts, the achievement gap is eliminated. Level of performance follows them after their school years. The arts are the best, most authentic pathway for social emotional learning. The people that are already in the buildings can provide the arts instruction, rather than spending money on social emotional curricula. In order to increase the number of qualified arts instructors, the state should consider expedited certification for the arts that is similar to the emergency substitute and career and technical education expedited certification processes already in place.

The arts teach that practice makes perfect, that small difference can have large effects, and that collaboration leads to creativity. The arts are inherently transcultural, which means they provide an opportunity to reach students of all racial, ethnic, and cultural backgrounds. Music is stimulatory to every area of the brain, which means that music stimulates learning. The arts are also the most effective way to cultivate intrinsic motivation to learn regardless of the subject area.

Arts and culture account for 4.3 percent of national gross domestic product, which is about \$920 billion, more than agriculture or construction. Washington has one of the fastest

growing arts and culture sectors at about 11.9 percent growth. The economy depends on artists as well as engineers, builders, and others. Artists make products beautiful and easy to use. There are challenges in providing arts education in small school districts and in rural areas. There may be some technical edits that need to be made to the bill. This bill is not an unfunded mandate, but clarifies a basic promise made to the citizens of this state.

(Opposed) Elementary schools often provide 90 minutes for English language arts and 90 minutes for mathematics. To require these schools to also provide 90 minutes of art instruction would not leave much room in the day for other subjects. Requiring arts instruction to be stand-alone, rather than integrated, should be changed. There is a lack of qualified specialists in the arts. It is an unfunded mandate to not provide support for training and materials.

(Other) Access to arts instruction is not only a student's right as part of basic education, but essential to nourishing young minds and innovative thinkers. There are some implementation questions about the bill, particularly in kindergarten through eighth grade. Some school districts will not be able to comply with provisions of the bill as written. It is nearly impossible for some school districts to fill arts instructor vacancies. Some districts emergency certify local artists to teach these courses, but even local artists with masters degrees do not meet the arts instructor requirements in the bill. Requiring arts instruction to be given equal time to other subjects will be difficult. It is short-sighted that arts instruction cannot be integrated into other subject areas.

**Persons Testifying:** (In support) Senator Christine Rolfes, prime sponsor; Manny Cawaling, Inspire Washington; Andy Jensen, Seattle Council of PTAs; Matthew Melendez, Great Bend Center for Music; Glenda Carino; and Faye Scannell and James Andrews, Washington Art Education Association.

(Opposed) Jim Kowalkowski, Davenport Schools and Rural Education Center.

(Other) Anna Hernandez-French, Office of the Superintendent of Public Instruction; and Paul Clark, Eastern Washington Quality Schools Coalition and Colton School District.

**Persons Signed In To Testify But Not Testifying:** Andrew Goldstein, Emerald City Music; Tanya Durand; and Marie Sullivan, Eastern Washington Quality Schools Coalition.