

# SENATE BILL REPORT

## ESSB 5878

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As Amended by House, March 3, 2022

**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:** Early Learning & K-12 Education: 1/24/22, 1/28/22 [DPS, w/oRec].

**Floor Activity:** Passed Senate: 2/8/22, 47-2.

Passed House: 3/3/22, 92-4.

### Brief Summary of Engrossed First Substitute Bill

- Adds visual and performing arts to the statutory list of subjects included in the common school curriculum.
- Requires Washington State public schools to offer regular instruction in at least one visual art or one performing art throughout the academic school year, beginning with the 2023-24 school year.
- Requires arts instruction to be performed by qualified specialists who shall be consulted when determining course offerings.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5878 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier, Hunt, McCune and Pedersen.

**Minority Report:** That it be referred without recommendation.

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*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.*

Signed by Senator Mullet.

**Staff:** Benjamin Omdal (786-7442)

**Background:** High School Graduation Requirements. Washington State students must meet various requirements to graduate high school and receive a diploma. Currently, students must:

- complete 24 credits in specified subject areas as determined by the State Board of Education;
- complete a High School and Beyond Plan;
- meet the requirements of at least one graduation pathway; and
- satisfy any local requirements.

Of the 24 credits required for graduation, 17 credits are considered core credits and cannot be waived. The remaining seven credits are considered flexible credits that are either an elective credit or personalized pathway requirements. Personalized pathway requirements are up to three credits chosen by a student determined by the student's High School and Beyond Plan.

These rules also specify that one arts credit is considered a core credit, while one credit is considered a flexible credit which may be replaced with a personalized pathway requirement. The essential content in an arts credit may be satisfied in dance, media arts, music, theater, and visual arts.

School Curriculum in Washington State. Common schools in Washington are subject to curriculum requirements set by state law. These requirements include that all common schools provide instruction in, among other things, reading, arithmetic, and science with special reference to the environment. The Office of the Superintendent of Public Instruction may prescribe other required curriculum areas by rule.

**Summary of Engrossed First Substitute Bill:** Arts Instruction. Visual and performing arts are added to the areas in which all common schools shall give instruction.

Beginning in the 2023-24 school year, Washington State public schools must offer regular instruction in at least one visual art or at least one performing art throughout the academic school year. Each student must receive instruction in at least one arts discipline throughout their K-8 education experience. For grades 9 through 12, all students must be given the opportunity to take arts coursework each academic year.

Arts instruction must take place during the regular school day, with instruction time equal to other core subject areas, and must be given by qualified specialists in the area being taught. Arts instructors shall be consulted and given an equal part in the decision process to determine which specific visual and performing arts courses to offer at given grade levels.

**Appropriation:** None.

**Fiscal Note:** Requested on January 20, 2022.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Arts education is essential to our economy and its impact is all around us. Having a robust arts economy is central to a strong state economy. The reality of how arts education is included or not included in schools across the state is a patchwork of policies that reduces equity. Stronger arts education will help students and our economy. This is not another unfunded mandate, but rather a clarification on a law which has been misinterpreted. Arts help us make sense of our shared experience, and are especially important in modern times.

OTHER: The current language that limits waivers of arts credits could reduce flexibility for high school graduates. Classroom space is at a premium. There is a current teacher shortage in arts education. The quick turnaround of the bill may be difficult to implement.

**Persons Testifying:** PRO: Senator Christine Rolfes, Prime Sponsor; Karen Hanan, ArtsWA (WA State Arts Commission); Andy Jensen, SCPTSA and Inspire Washington; Mary Bená; James Andrews, Testifying as a private citizen & as Advocacy Co-Chair of the Washington Art Education Association.

OTHER: Linda Drake, State Board of Education; Nasue Nishida, Washington Education Association.

**Persons Signed In To Testify But Not Testifying:** No one.

#### **EFFECT OF HOUSE AMENDMENT(S):**

- Specifies that every student must have access to arts education as part of basic education.
- Limits the arts instruction requirements to school districts, charter schools, and state-tribal compact schools, with more than 200 enrolled students.
- 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).
- 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.
- Allows a person holding a limited teaching certificate to provide arts instruction while

either: (a) the school district recruits and hires a certificated teacher with, or actively pursuing, an endorsement in the relevant arts discipline; or (b) the certificated teacher with, or actively pursuing, an endorsement in the relevant arts discipline takes leave as provided in the school district's written leave policy.

- Removes the requirement that arts instructors be given an equal part in this decision process.
- Specifies that one of the purposes of consulting arts instructors is to properly align arts instruction to the state learning standards in the arts.