

NFHS Performing Arts Conference

Empower, Innovate, & Lead

Legislative Impacts



Anne Fennell

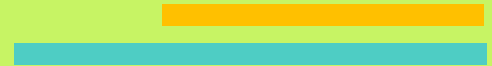


Kathleen Sanz

Tuesday, Sept 19, 2023

Impacts of Legislation

Legislative Processes
Divisive Concepts Laws
Prop 28



Divisive Concepts Laws and Music Education

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Frequently Asked Questions

What are Divisive Concepts Laws?

1

Where are DCL in operation, and what exactly do they say?

3

How are DCL impacting teachers and education in general?

5

Why are they called Divisive Concepts Laws?

2

How are other professional education associations responding?

4

Why is NAFME concerning itself with DCL?

6



Divisive Concepts Laws are legislative and executive actions that seek to restrict teaching, professional learning, and student learning in K–12 schools and higher education regarding race, gender, sexuality, and U.S. history.



Terms explicitly used in DCL:

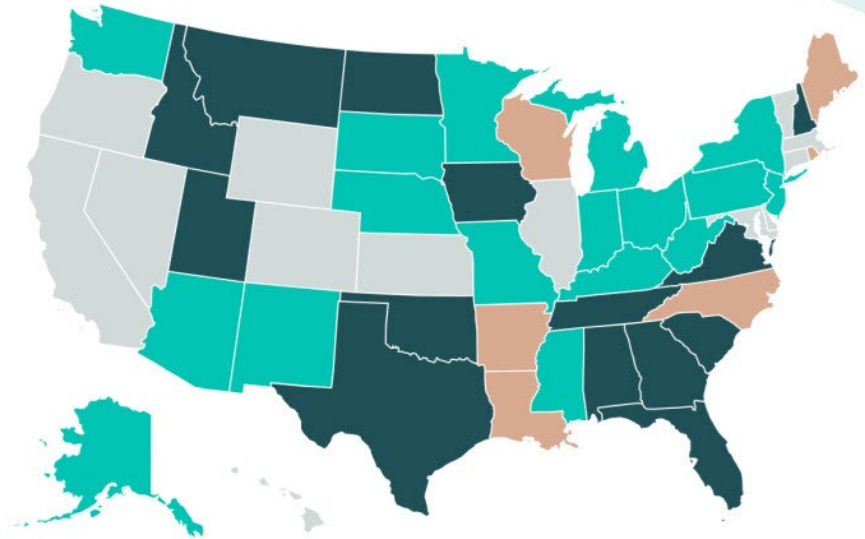
- Critical Race Theory
- Meritocracy
- Social and Emotional Learning
- 1619 Project
- DEI (e.g., DEI offices at universities)
- LGBTQ
- Discomfort



Where are DCLs?

Efforts to restrict critical race theory or race discussions are taking place in 37 states

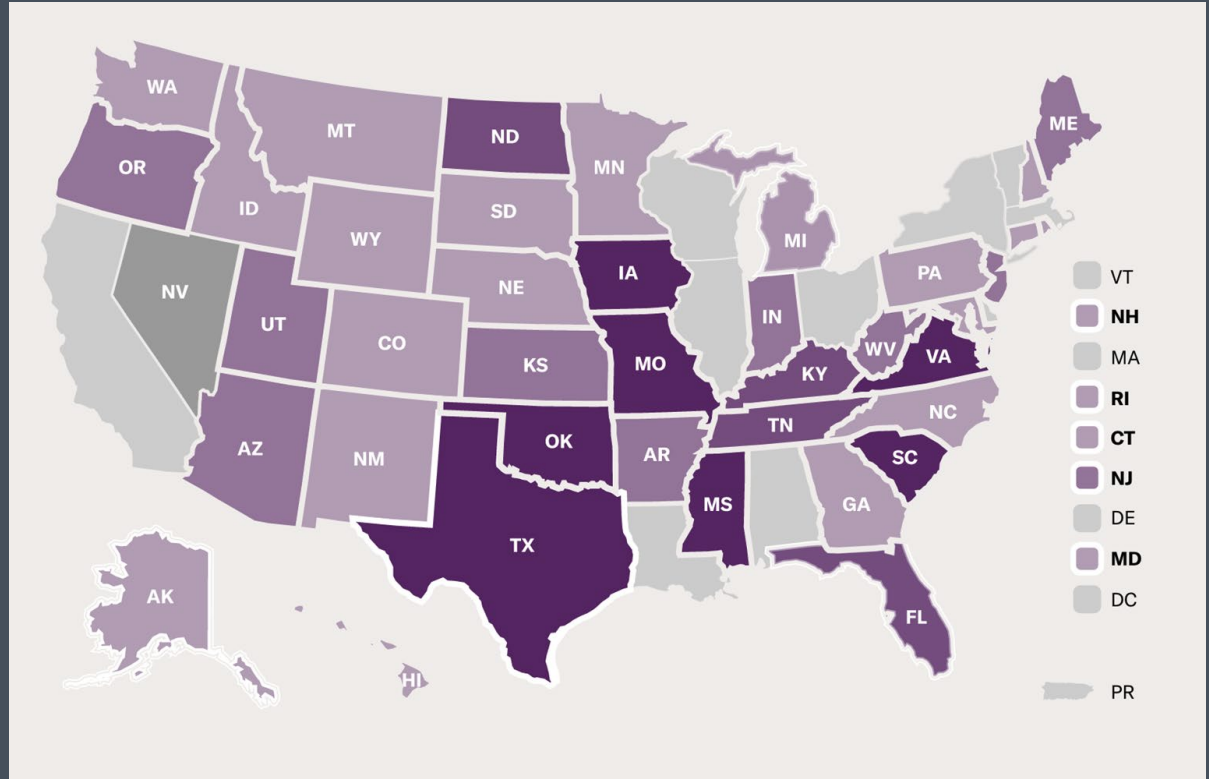
- A law or similar state action has been approved
- A bill is in the works
- No action taken
- Bill stopped



Note: This map was last updated February 16, 2022.

Credit: Education Week

Where are DCLs?

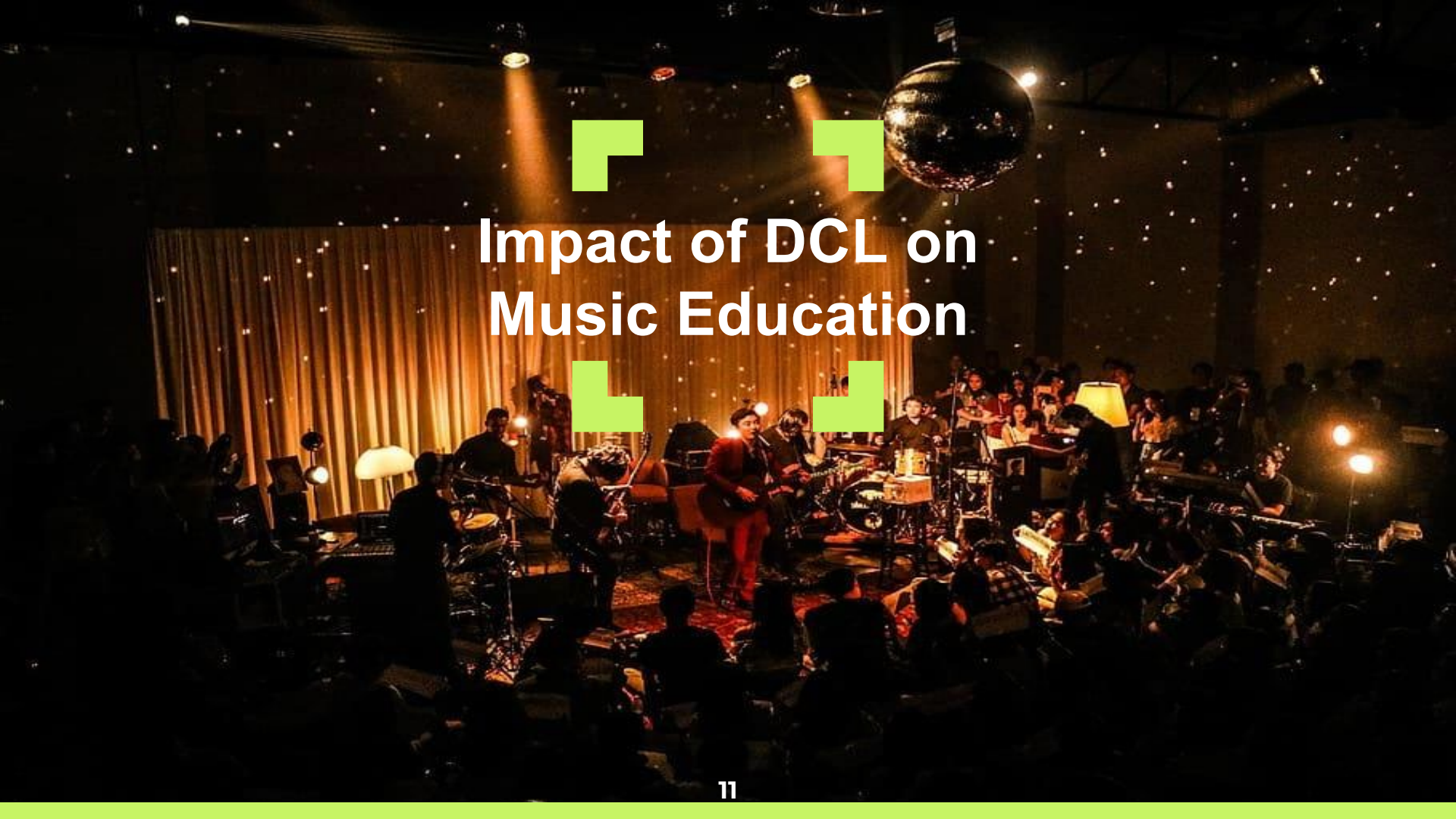


<https://www.aclu.org/legislative-attacks-on-lgbtq-rights?impact=school>

What do DCLs say?

Example: ND Law HB 1508

Requires that all instruction in public K-12 schools be "factual" and "objective."
Prohibits the inclusion of any instruction related to critical race theory, defined as "the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality."



Impact of DCL on Music Education

Respondent Content Areas and Teaching Levels

Teaching Level(s)	<i>Early Childhood</i>	<i>Elementary</i>	<i>Middle School</i>	<i>High School</i>	<i>College</i>
%	7.9	41.6	47.3	50.5	14
Content Areas	<i>Band (Traditional)</i>	<i>Band (Modern)</i>	<i>Choir</i>	<i>General Music</i>	<i>Jazz</i>
%	41.6	11.7	43.8	55.9	21.9
Content Areas (continued)	<i>Guitar</i>	<i>Orchestra</i>	<i>Songwriting or similar</i>	<i>Technology</i>	<i>Theory</i>
%	13	14.6	7	14.9	10.5

DCLs are not affecting me



I agree with them.

Small Group within this 1/3



I won't let them affect me.

"If that gets me in trouble, so be it."



I teach music and nothing else.

See identity, culture, and history as separate from music instruction.



I teach at a private/parochial school

Note: more recent laws aim to close this loophole.



I'm left alone

Instructional autonomy/trust from admin/community.



"They are not"

Short answers that were difficult to interpret given the variation in reasons people gave for no effect.

Impacts on Music Education and Music Educators



Restricted Curriculum

Even when they know it is not against the law, still censoring



Have to watch what I say

Even if something comes up organically



Confusing/Hard to know what I'm allowed to do



Impacts on students and relationships with students



Not affecting my teaching (yet) but affecting me

Stress/burnout, feeling attacked, issues with recruitment and retention of educators



PEN America State Actions



ACLU LGBTQIA in ED



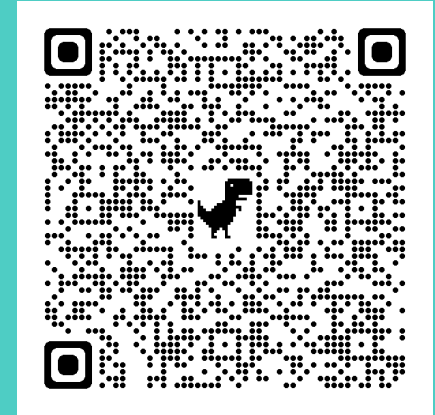
UCLA CRT FORWARD

**Most Important Takeaway:
Know the Laws Where You Are**

Moving Forward:

What DCL exist and are impacting arts education?

How do we support arts educators?



See full report and
more information

Thanks!

Any questions?

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Legislative Impacts

Anne Fennell
CMEA (CA), President
K-12 Music Program Manager, San Diego Unified, San Diego, CA





To make an impact

- advocate every day
- create relationships
- be seen and known
- meet and play well with all arts orgs and plan with the arts education organizations
- be in the room

California

- every Tuesday at 7:15 AM, standing advocacy meeting
- lobbyist
- Stand Up 4 Arts – Sacramento, CA 4/30/24



Prop 28

Arts and Music in Schools Funding Guarantee and Accountability Act

Anne Fennell

CMEA (CA), President

K-12 Music Program Manager, San Diego Unified, San Diego, CA





TIMELINE

**Prior to
2021**

Austin Beutner
former Supt of LAUSD
- personal story
- team of writers (lawyers, etc.)
- industry backers

**Fall
2021**

CMEA
- editing wording prior to submission
- team of writers (lawyers, etc.)





TIMELINE

**April
2022**

**1 million signatures
no opposition**

**Nov
2022**

**Prop 28 passes
CMEA creates open doc Q & A**

**Spring
2023**

rumors and rollout?





TIMELINE

**Summer
2023**

**2 employees on
finance side at CDE**

**Feb
2024**

Monies to be released

?





WHAT

- Amendment to the state constitution. Law would take a $\frac{2}{3}$ vote to repeal - this is guaranteed funding, in perpetuity
 - passed with 64.4% (35.6% no)
- Provides a 'minimum source' of **new funding for arts and music education** IN ADDITION to existing the CA Education Budget (Prop 98).
 - amount is equivalent to 1% of the annual education
 - funds are taken from the **General Fund** (not ed budget)
 - based on enrollment
 - \$113.45 per student plus \$84,15 per Title 1 student
 - monies can be rolled over for up to 3 years



WHAT

- Annual amount is based on previous year's education budget (supports planning)
- at least **80%** for credentialed and/or classified employees (schools of 500 or more)
- **19%** for professional learning, materials, supplies, etc.
- **1%** administrative
- programs are to be supplemented *not supplanted* to expand arts offerings
- funds can be rolled over for up to 3 years
- annual accountability report submitted each year



WHAT

- waivers for LEAs with more than 500 pupils must
 - “..expend at least 80 percent of the funds to employ certificated or classified employees to provide arts education instruction and the remaining funds for training supplies, curriculum, professional learning, materials, and arts educational partnership programs. The department may, for good cause shown, provide a waiver from this requirement.”



CMEA'S CONNECTION

- Fall 2021 – April 2022
 - supported with the editing and wording
 - emails and signatures through members
 - music video for 1 million signatures via CMEA

January 2023 – present

- on 'advisory group'
- on a chase



LESSONS LEARNED are LEARNING

- + Arts approval by general public, funding in perpetuity
- + Delete old narrative (arts teachers will be fired)
- +/- Marketing campaign targeted using current pop stars (TV, music, movies, etc.) – lean towards teaching artists
- +/- creator of prop creating media events (teaching artists)
- +/- rogue groups are emerging – mixed messages
- CA Dept of Ed – slow roll out (2 on finance side, not program)



LESSONS we are LEARNING

- based on enrollment – the haves/have notes, rural need
- schools are out of physical space or schedule space
- some administrators are choosing own definitions to supplement/supplant offerings
- +/- 7800-8200 teachers needed - nudging towards alternative certifications or using CTE
- + Connected industry with education (Fender, Guitar Center, NAMM)



LESSONS we are LEARNING

- + Aligned with new single subject theatre and dance credential rollout – 2022
- Prop didn't allocate money to employ CA Dept of Ed to employ workers for its implementation
- + Strengthened arts education organizations to unite, stay in the know
- + Jobs created (large districts created positions and will back fill)
- + You CAN create an open Google Doc and share it with 1,000s and people will respect it 