



Comments on Negotiated Rulemaking for Title I of the Every Student Succeeds Act

The National Association for Music Education, representing 68,000 members bringing music education to our nation's students and schools, along with our coalition members in the Music Education Policy Roundtable believe that **all students should have access to high quality music education.**

As the U.S Department of Education considers rules dealing with the supplement, not supplant section, section 1118(b) of Title I under the Every Student Succeeds Act, we respectfully ask for consideration of our concerns regarding flexibility. In particular, we support the U.S. Department of Education allowing flexibility for *districts* in terms of determining supplement, not supplant tests and for *states* in terms of monitoring for compliance with the supplemental use of federal funds. Flexibility is especially vital for districts across the country that have moved to site-based decisions for how state and local funds are spent. This site-based management, while moving decision-making closer to community stakeholders such as parents, often leads to disparate offerings of educational programs and services across a school district.

One example involving music education comes from the Tucson Unified School District in Tucson, Arizona. Site-based management meant that only a handful of elementary schools within the 88-school district had a music specialist on staff (either full or part-time) in the early 2000's. Receiving Title I-F Comprehensive School Reform funds to support arts integration as a whole school reform strategy in 2004, Tucson Unified petitioned the Arizona Department of Education to allow Title I-F dollars to fund music education positions at participating schools. Arizona's Title I director allowed Title I-F dollars to be used to support music educator positions, even in a district that did support *some* music educators with local and state dollars, after the district proved that music educators had not been supported by state and local funds at those particular school sites for at least three years prior to the Title I-F application.

While the scenario described above is similar to the guidance example in the February, 2008 non-regulatory guidance on supplement, not supplant; such variations in programmatic funding and support are not found just when state and local funding sources changeⁱ. They exist as part of the "new normal" in site-based managed districts. As the Department and its negotiated rulemaking committee consider language for supplement, not supplant rules, NAFME asks that site-based management be kept in mind, allowing flexibility in terms of how districts and states determine supplemental use of all Title I funds.

ⁱ www2.ed.gov/programs/titleiparta/fiscalguid.doc – February, 2008 Non-Regulatory Guidance, p. 39.