

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education November 2021 Agenda Item #08

## Subject

2021 Arts Education Adoption of K–8 Instructional Materials: Instructional Quality Commission Recommendations

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

*Education Code (EC)* Section 60200(a)(6) calls for the State Board of Education (SBE) to adopt instructional materials in subjects and disciplines for which the adoption of instructional materials may be necessary or desirable. The previous adoption of arts instructional materials was completed in 2006, but *EC* Section 60200.7 suspended all work on instructional materials adoptions from July 2009 through July 1, 2015. *EC* Section 60212 authorizes the SBE to collect fees from participating publishers to fund the activities of the adoption.

*EC* Section 60204 directs the Instructional Quality Commission (IQC) to study and evaluate instructional materials submitted for adoption and to recommend materials for adoption to the SBE. The IQC has reviewed the five instructional materials programs that were submitted by publishers for the 2021 Arts Education Adoption and is recommending three programs for adoption with edits and corrections and changes to address social content issues that were cited during the process.

## Recommendation

The California Department of Education (CDE) recommends that the SBE act on the following two recommendations: (1) adopt the two visual arts and one music program recommended by the IQC, and (2) direct CDE staff, in conjunction with members of the IQC and/or Content Review Experts (CREs), as needed, to work with publishers to ensure that the IQC-recommended edits and corrections and other publisher errata and administrative updates adopted by the SBE have been made to their revised instructional materials.

In order to meet the requirement of *EC* Section 60200(e), the CDE recommends that the SBE specifically find that fewer than five programs per grade level met the criteria for the adoption.

## Brief History of Key Issues

### Background

The SBE adopted the California Arts Standards for Public Schools, Prekindergarten Through Grade Twelve (Arts Standards) (<https://www.cde.ca.gov/be/st/ss/documents/caartsstandards.pdf>) in 2019 and the Arts Education Framework for California Public Schools, Transitional Kindergarten Through Grade Twelve (*Arts Framework*) (<https://www.cde.ca.gov/ci/vp/cf/>)in 2020. Pursuant to *EC* 60200(c)(1), instructional materials the SBE adopts will be consistent with the criteria and the standards of quality prescribed in the state board’s adopted curriculum framework and (4) aligned to the content standards adopted by the SBE.

The *Arts Framework* provides guidance for implementing the *Arts Standards*, which outline new outcomes in four arts disciplines—dance, music, theatre, and visual arts—and include new standards for media arts as a discrete discipline. The framework is designed to support standards-based curriculum for teachers, administrators, other educators, parents/guardians, and other education stakeholders. The *Arts Framework* articulates California’s vision of artistic literacy—one that is grounded in the foundational concepts of the *Arts Standards* which provide a portrait of artistic literacy. The *Arts Standards*’ philosophical principles and lifelong goals extend arts education beyond high school and help to create involvement in the arts that promotes lifelong learning in creative global communities.

The *Arts* *Framework* also includes the Criteria for Evaluating Instructional Materials for Arts Education in Kindergarten Through Grade Eight*,* which serve as the evaluation instrument for determining whether instructional materials align to the content standards, curriculum framework, and the other requirements established by the SBE. The criteria are organized into five categories. Materials that fail to meet the criteria in Category 1: Alignment with the California Arts Standards, will not be considered suitable for adoption. All criteria statements in category 1 that are appropriate for the grade levels submitted must be met for a program to be adopted. In addition, programs must have strengths in each of categories 2 through 5 to be suitable for adoption.

The SBE adopted the Schedule of Significant Events for the 2021 Arts Education Adoption on July 8, 2020, at the same meeting it adopted the *Arts Framework*.

### Adoption Process and Timeline

* **Publisher Briefings:** An initial publisher bulletin posted September 24, 2020, marked the beginning of the process to initiate the scheduled 2021 Arts Education Adoption.
* **Appointment of Reviewers**: On January 13, 2020, the SBE appointed 28 Instructional Materials Reviewers (IMRs) and 15 CREs recommended by the IQC to serve as reviewers for the 2021 Arts Education Adoption. Pursuant to the *California Code of Regulations, Title 5* [Education] (*5 CCR*), Section 9512, a majority of the IMRs were classroom teachers at the time of appointment.
* **Invitation to Submit Meeting with Publishers:** OnJanuary 27, 2021, CDE staff and members of the IQC held an online Publisher Invitation to Submit meeting focusing on the process of participation in the adoption. The presentation covered the evaluation criteria and the technical aspects of timely and appropriate publisher participation. Additionally, the CDE provided ongoing and individual guidance to inquiring publishers and posted online regular updates to a list of frequently asked questions.
* **Training:** The training process took place under Executive Order N-29-20, issued by Governor Gavin Newsom March 17, 2020, which allows state bodies covered by the Bagley-Keene Open Meeting Act to hold public meetings via web and/or audio teleconferencing. From April 12–16, 2021, CDE staff and members of the IQC trained reviewers with materials designed to prepare them for independent review and subsequent deliberations. Reviewers were arranged into three panels: the music panel consisted of 10 reviewers, and two visual arts panels were made up of seven and five members. These groups of educators met in whole-group synchronous sessions to review the content standards, curriculum framework, and evaluation criteria, and learn about the social content requirements and other elements of the adoption process. The training materials were organized in Google Classroom and included asynchronous learning modules designed to prepare reviewers for the synchronous presentations. The week also included publisher presentations delivered to program review panels on the final day of the training and answered reviewer questions.
* **Independent Review:** Reviewers received materials on May 7, 2021; they conducted independent reviews of the submitted programs through July 2021. Each of the three panels of reviewers was assigned one or two programs to review.
* **Deliberations:** Reviewers met in panel-specific virtual meetings held July 19–23. A member of the IQC and two CDE staff facilitated each panel while additional CDE staff provided administrative support. In addition to the twice-daily public comment periods, publishers receiving formal questions from the panel shared responses in 15-minute presentations.
* **Public Comment Hearing:** The IQC hosted a virtual meeting on August 17, 2021, to receive public comment on the 2021 Arts Education Adoption. A publisher representative and two members of the public provided comment at the meeting. Written public comment was provided in the form of publisher handouts and publisher-submitted errata. Copies of all public comments received were made available to members of the IQC and SBE. Furthermore, all public comments received no later than July 5, 2021, were shared with the appropriate review panels.
* **IQC Action:** On September 22–23, 2021, the members of the IQC considered the recommendations from the IMR/CRE review panels, public comments, and reports from individual Commissioners to determine whether each program satisfied or did not satisfy the SBE-adopted evaluation criteria for this adoption. Prior to action, the IQC conducted two public hearings, one during the Arts Subject Matter Committee (Arts SMC) meeting on September 22, 2021, and one during the full IQC meeting on September 23, 2021. Public comment was received by the IQC both in writing and in testimony at the public hearings. All public comments received by the IQC throughout the adoption process have been forwarded to the SBE.
* **Edits and Corrections:** Edits and corrections meetings will be scheduled with individual publishers after the SBE considers the IQC recommendations and takes its final action on the adoption. The process and timeline for edits and corrections meetings are specified in *5 CCR* Section 9525, titled “Post Adoption Edits and Corrections Procedures.” These meetings with publishers will address any edits and corrections identified in the IMR/CRE Report of Findings and approved by the IQC at its September 23, 2021, meeting; all edits and corrections identified by the IQC and included in its recommendation to the SBE; and any additional edits and corrections, including publisher-submitted errata, that are required by the SBE. Publishers whose programs are adopted by the SBE will be required to complete all edits and corrections within 60 days of CDE notification of the results of the edits and corrections meetings pursuant to *5 CCR* Section 9525(e). No programs will be added to the CDE Price List of Adopted Instructional Materials online database until all edits and corrections have been made and verified.

### Publisher Fees

*EC* Section 60212 includes the provision that, upon the request of a small publisher or small manufacturer, the SBE may reduce the fee for participation in the adoption. This law defines “small publisher” and “small manufacturer” as “an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees, and has average annual gross receipts of ten million dollars ($10,000,000) or less over the previous three years.”

Pursuant to *EC* Section 60213, the CDE assessed publishers participating in the 2021 Arts Adoption a fee for each grade level of each program a publisher submitted for consideration of adoption. The proposed participation fee was $8,000 for each grade level per *5 CCR* Section 9517.3.

### Reports of Findings

Through virtual collaboration during deliberations, IMRs and CREs engaged with facilitators in in-depth discussion to reach consensus and produce a Report of Findings for each program. The reports include panel recommendations for each evaluation criterion, and include exemplary citations to support the panels’ findings. These reports are included as Attachment 2 and are posted on the CDE Arts Education Adoption web page.

The panels recommended three of the five submitted programs, with some contingent on the amendment of panel-identified edits and corrections and/or social content citations. Edits and corrections are defined as inexact language, imprecise definitions, mistaken notations, mislabeling, misspellings, and grammatical errors. Edits and corrections do not include rewrites, including revisions of sections, chapters, or entire pages, or adding new content to a program; rewrites are not allowed during the adoption process (pursuant to *5 CCR* sections 9510 and 9519). When apparent, the review panels also cited any social content violations (pursuant to *5 CCR* Section 9518).

### Instructional Quality Commission Recommendations

On September 22, 2021, the Arts SMC held a public hearing and discussed in depth the IMR/CRE Reports of Findings. The Arts SMC heard testimony from four members of the public during the public hearing. The committee’s discussion included the lists of edits and corrections included in the reports, social content citations, public comment received, and findings from Commissioners’ own independent reviews.

After the discussion by the Arts SMC, a roll-call vote was taken on the submitted programs. The five programs submitted by publishers received individual motions and votes. Each motion was stated in the affirmative in each case. A majority vote from the Arts SMC was required for any program to be recommended to the full IQC for adoption. The Arts SMC recommended three of the five programs that had been recommended by the review panels. The Arts SMC did not recommend the program *Arts Attack,* K–8, by Arts Attack, or *OpusYou Learning*, by OpusYou, Inc. In its recommendation to the full Commission, the Arts SMC accepted the edits and corrections and social content citations issued by the review panels, including the addition of edits taken from the public comment submitted for the adoption and errata submitted by the publishers.

On September 23, 2021, after holding a second open hearing that featured no members of the public speaking, the full IQC engaged in a discussion of the Arts SMC’s recommendations before it took action to recommend programs to the SBE. Again, each program received individual roll-call votes. Nine Commissioners were required to vote in the affirmative to recommend any program.

The IQC adoption recommendations to the SBE are included in Attachment 1. Supporting details are provided in Attachment 3, the 2021 Arts Education Adoption Instructional Quality Commission Advisory Report, which is posted on the CDE Arts Education Instructional Materials web page at <https://www.cde.ca.gov/ci/vp/im/>.

### *EC* Section 60200(e) Finding

*EC* Section 60200(e) requires specific findings related to the number of programs adopted by the SBE. In this adoption, the total number of recommended programs does not provide five or more basic instructional materials programs for each arts discipline in K–8 grade levels.

An initial publisher bulletin posted September 24, 2020, marked the beginning of a widely publicized process to initiate the scheduled California 2021 Arts Education Instructional Materials Adoption. Information posted to the CDE website and notifications sent to known publishers ultimately yielded five arts publisher program submissions—three in visual arts and two in music.

The outcome of this adoption may result in the recommendation of fewer than five of the submitted programs. The SBE’s recommendations—following consideration of review panels’ Reports of Findings, the IQC Advisory Report, and public comment—and the process outlined above satisfy *EC* Section 60200(a) allowing the SBE to adopt fewer than five programs when fewer than five satisfy the SBE’s related curriculum framework and its instructional materials adoption evaluation criteria.

Liaisons from the SBE attended all meetings of the IQC related to this adoption, including select training and deliberations of reviewers, and can attest to the extent to which the process aligns to the SBE-adopted framework.

## Summary of Previous State Board of Education Discussion and Action

**January 9, 2019:** The SBE adopted the *California Arts Standards for Public Schools, Prekindergarten Through Grade Twelve*.

**July 8, 2020:** The SBE adopted the *California Arts Education Framework for Public Schools, Transitional Kindergarten Through Grade Twelve*.

**January 13, 2021:** The SBE appointed 28 IMRs and 15 CREs as recommended by the IQC. The SBE also approved the Standards and Evaluation Criteria Maps for use by publishers and review panels.

## Fiscal Analysis (as appropriate)

The 2021 Arts Adoption is funded through the collection of publisher participation fees. The estimated cost for this virtual meeting is approximately $35,000, exclusive of staff costs. The total amount collected from publishers who participated in the adoption was $97,221.

## Attachment(s)

**Attachment 1:** Instructional Quality Commission Recommendations to the State Board of Education on the 2021 Arts Education Adoption (1 page)

**Attachment 2:** The 2021 Arts Adoption Review Panel Reports of Findings (five reports). This attachment is available on the CDE Arts Education Instructional Materials web page at <https://www.cde.ca.gov/ci/vp/im/2021artrofs.asp>

**Attachment 3:** 2021 Arts Education Adoption Instructional Quality Commission Advisory Report (121 pages) on the CDE Arts Education Instructional Materials adoption web page at <https://www.cde.ca.gov/ci/vp/im/>

# Attachment 1: Instructional Quality Commission Recommendations to the State Board of Education on the 2021 Arts Education Adoption

*As of the posting date of this attachment, these programs have not been adopted by the State Board of Education*

The reports of the IMR/CRE review panels are posted in their entirety on the CDE Arts Education Instructional Materials Adoption web page at <https://www.cde.ca.gov/ci/vp/im/2021artrofs.asp>.

| **Publisher** | **Program Title** | **Grade Level(s)** | **IMR/CRE Recommendation** | **IQC Recommendation** |
| --- | --- | --- | --- | --- |
| The Art of Education University | *FLEX Curriculum* | K–8 | Recommended | Recommended |
| Arts Attack | *Arts Attack* | K–8 | Not Recommended | Not Recommended |
| Davis Publications, Inc. | *Explorations in Art, 2nd Edition* | 1–6 | Recommended | Recommended |
| OpusYou, Inc. | *OpusYou Learning* | K–8 | Not Recommended | Not Recommended |
| QuaverEd, Inc. | *QuaverEd Music* | K–5 | Recommended | Recommended |