

Teach Art. It's the Law.

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I started my career as an instrumental music teacher in 1957. This was in the Ontario-Montclair School District. Since then, I've been a music consultant, teacher, supervisor of a visual arts program, elementary school principal (I lost my mind for eight years), founding principal of an elementary school with the arts as core curriculum (Buena Vista Arts-Integrated School—it's still thriving nearly 20 years later), adjunct university instructor at Cal State San Bernardino and Fullerton, and full-time faculty member at California Baptist University in Riverside.

To teach arts is to advocate for the arts. For more than 40 years, I've been doing just that—by talking to school boards, speaking to public groups, attending rallies, sending letters to politicians, meeting with legislators, organizing parents, and serving on the board of the California Alliance for Arts Education. I've heard every possible excuse for why our schools have reduced or eliminated arts programs—budget cuts, limited instructional time, the cost of materials, the difficulty of finding instructors, greater emphasis on math and language arts and, like a lot of people in the arts, I've spent a ton of time thinking of creative ways to make the point that the arts are vital and that they shouldn't be eliminated from school curricula.

But then, a year ago, I came to a simple realization. I'd been spending my time on advocacy when, legally speaking, it wasn't necessary at all. While browsing through the state Education Code online, I learned (embarrassingly late in my career) that the law couldn't be clearer. Since 1995, the teaching of the arts has been mandatory in California for grades one to 12.

Section 51210(e) mandates the Visual and Performing Arts (VAPA), which includes music, dance, visual art, and theater, be included in the school curriculum for all students in grades one to six. Section 51220(g) mandates that the VAPA be offered to all students in grades seven through 12. Arts is a "course of study," and Section 51050 states "The governing board of every school district shall enforce in its schools the courses of study".

In short, if a school district is not teaching the arts right now, it is breaking the law.

Despite all of these mandates, however, there has been no effort by any authority in California to require compliance. For the last year, I've been trying to figure out why.

My investigation has been enlightening—and frustrating. In July 2012, I made a presentation to the State Board of Education and was told that the board does not have the authority to enforce the Education Code. Last December, at a meeting with members of the California Department of Education, I was told that neither the State Superintendent of Instruction nor the department has the authority to enforce the Education Code. In the legislature, I met with staff of the 12 members of the California Legislature Joint Committee on the Arts, which has produced various arts-education-related recommendations, but none related to enforcement.

I'm trying everything I can think of. New legislation directs the State Superintendent of Instruction to revise the criteria for high school review (the Academic Performance Index), so I've asked that the arts be included in the criteria. I've asked the California Arts Council to provide leadership in getting enforcement too. I shall see what happens. If none of this works, I will pursue litigation.

If the code were to be enforced, school boards could apply for waivers from the State Board of Education on arts. I do not object to that, as long as the waiver process provides for parent, student, teacher, and public input. But to simply allow non-compliance with the California Education Code is unacceptable. We should teach our children that the arts matter. And so does the law.