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An Act

HOUSE BILL 10-1273

BY REPRESENTATIVE(S) Merrifield, Rice, Ryden, Apuan, Benefield, Carroll T., Casso, Gagliardi, Gerou, Kerr A., May, McKinley, Middleton, Nikkel, Peniston, Primavera, Roberts, Scanlan, Schafer S., Solano, Todd, Tyler, Court, Fischer, Frangas, Labuda, Looper, McNulty, Pace, Pommer, Priola, Riesberg, Vigil, Ferrandino, Massey;
also SENATOR(S) Spence and Steadman, Newell, Hudak, Bacon, Boyd, Foster, Gibbs, Heath, Johnston, Romer, Tapia, Williams, Sandoval, Shaffer B., Whitehead.

CONCERNING IMPROVED WORKFORCE DEVELOPMENT THROUGH INCREASED PARTICIPATION IN ARTS EDUCATION IN PUBLIC SCHOOLS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Recent studies have shown that education in visual arts and performing arts has positive effects on children's behavior, attitudes, and academic performance and on career and workforce readiness;

(b) The opportunity to study and build skills in the visual arts and performing arts increases students' self-confidence, nurtures students'

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

creativity and curiosity, provides on-going challenges for students, helps students remain engaged in school, facilitates building positive relationships between students and teachers, and, as a result of these effects, helps reduce the school dropout rate;

(c) Visual arts and performing arts education provide an alternative method of reaching struggling students, including those who are disadvantaged, those for whom English is a second language, and students with disabilities;

(d) The innovation and creativity that students exercise and foster in visual arts and performing arts education enables them to innovate, creatively solve problems, and bring greater creativity to their thinking in the more traditional education areas of reading, mathematics, and science and to develop the twenty-first-century critical thinking, collaboration, communication, and leadership skills that are crucial to success in today's workforce;

(e) Because of the level of innovation and creativity demanded for Colorado and the nation to stay competitive in the global economy, it is crucial that each student graduate from a public high school in Colorado with a solid foundation in visual arts and performing arts education that will enable the student to participate fully, creatively, and successfully in the state's economy and workforce.

(2) The general assembly finds, therefore, that requiring school districts and charter schools to fully integrate visual arts and performing arts education into the elementary and secondary school curriculum and into the description of postsecondary and workforce readiness is necessary to more fully support workforce development within the state and ensure that Colorado is able to compete economically on both a national and global scale.

SECTION 2. Article 1 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-1-104.5. Teaching of visual arts and performing arts - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COURSE" INCLUDES, BUT NEED NOT BE LIMITED TO, A TRADITIONAL CLASS, AN ON-LINE COURSE OF STUDY, AN INTERNSHIP, AN EXTERNSHIP, A MENTOR EXPERIENCE, OR AN INDEPENDENT STUDY COURSE THAT CULMINATES IN AN INTEGRATIVE OR SPECIALIZED PERFORMANCE, SHOWCASE, OR EXHIBITION.

(b) "PERFORMING ARTS" MEANS ART FORMS THAT ARE EXPRESSED BY INDIVIDUALS OR GROUPS THAT INVOLVE PERFORMANCE THROUGH MULTI-SENSORY EXPERIENCES, WHICH PERFORMANCES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, DANCE, MUSIC, THEATER, AND DIGITAL OR ELECTRONIC PRODUCTIONS.

(c) "VISUAL ARTS" MEANS ART WORKS CREATED BY INDIVIDUALS OR GROUPS USING A VARIETY OF MEDIA AND PROCESSES, WHICH ART WORKS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, DRAWING, PAINTING, CERAMIC ARTS, SCULPTURE, PHOTOGRAPHY, GRAPHIC ARTS, PRINTMAKING, MEDIA ARTS, ELECTRONIC OR DIGITAL DESIGN, TEXTILES, JEWELRY, GLASS ARTS, AND FINE WOODWORKING.

(2) EACH PUBLIC SCHOOL IN THE STATE IS STRONGLY ENCOURAGED TO PROVIDE COURSES IN VISUAL ARTS AND IN PERFORMING ARTS, WHICH COURSES SHALL BE BASED ON CONTENT STANDARDS FOR VISUAL ARTS AND PERFORMING ARTS AND PROVIDED IN COMPLIANCE WITH STATE AND FEDERAL LAW. SCHOOL DISTRICTS AND PUBLIC SCHOOLS ARE STRONGLY ENCOURAGED TO EXPLORE AND IMPLEMENT INNOVATIVE DELIVERY MECHANISMS FOR PERFORMING ARTS AND VISUAL ARTS COURSES, INCLUDING BUT NOT LIMITED TO USING ON-SITE TECHNOLOGY AND SOFTWARE, ON-LINE EDUCATION, AND COLLABORATION AMONG COMMUNITY COLLEGES, OTHER SCHOOL DISTRICTS OR PUBLIC SCHOOLS, BOARDS OF COOPERATIVE SERVICES, AND REGIONAL SERVICE AREAS.

SECTION 3. The introductory portion to 22-2-106 (1) (a.5) and 22-2-106 (1) (a.5) (III) and (1) (a.5) (VI), Colorado Revised Statutes, are amended, and the said 22-2-106 (1) (a.5) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-2-106. State board - duties. (1) It is the duty of the state board:

(a.5) To adopt, on or before December 15, ~~2009~~ 2011, a comprehensive set of guidelines for the establishment of high school

graduation requirements to be used by each school district board of education in developing local high school graduation requirements. Each school district board of education shall retain the authority to develop its own unique high school graduation requirements, so long as those local high school graduation requirements meet or exceed any minimum standards or basic core competencies or skills identified in the comprehensive set of guidelines for high school graduation developed by the state board pursuant to this paragraph (a.5). In developing the guidelines for high school graduation, the state board shall utilize the recommendations of the state graduation guidelines development council established in section 22-7-414, as it existed prior to July 1, 2008, and shall:

(III) Work with the Colorado commission on higher education to ensure that the state board's guidelines for high school graduation adopted pursuant to this paragraph (a.5) and the postsecondary academic admission standards established pursuant to section 23-1-113, C.R.S., are aligned for students entering a four-year public postsecondary education institution on or after August 1, ~~2012~~ 2013;

(VI) Recognize and acknowledge the importance of obtaining the core competency skills and standards to succeed in the twenty-first century, including but not limited to proficiency in math, science, and written and verbal communication skills; ~~and~~

(VI.5) RECOGNIZE AND ACKNOWLEDGE THE IMPORTANCE OF EDUCATION IN PERFORMING ARTS, AS DEFINED IN SECTION 22-1-104.5 (1) (b), AND VISUAL ARTS, AS DEFINED IN SECTION 22-1-104.5 (1) (c), IN STRENGTHENING STUDENT LEARNING IN OTHER SUBJECTS AND IN SUPPORTING STUDENTS' ABILITY TO SUCCEED IN THE TWENTY-FIRST CENTURY; AND

SECTION 4. 22-2-136 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

22-2-136. Additional duty - state board - individual career and academic plans - standards - rules. (2) In establishing the standards for individual career and academic plans, the state board shall ensure, at a minimum, that:

(a) Each individual career and academic plan includes a career

planning and guidance component and a portfolio that reflects, at a minimum:

(II.5) THE STUDENT'S PROGRESS IN VISUAL ARTS AND PERFORMING ARTS COURSES;

SECTION 5. 22-7-1003, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

22-7-1003. Definitions. As used in this part 10, unless the context otherwise requires:

(11.5) "PERFORMING ARTS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-1-104.5 (1) (b).

(25) "VISUAL ARTS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-1-104.5 (1) (c).

SECTION 6. 22-7-1005 (2) (a), Colorado Revised Statutes, is amended to read:

22-7-1005. Preschool through elementary and secondary education - aligned standards - adoption - revisions. (2) (a) The state board shall ensure that the preschool through elementary and secondary education standards, at a minimum, include standards in reading, writing, mathematics, science, history, geography, visual ~~and~~ ARTS, performing arts, physical education, world languages, English language competency, economics, civics, financial literacy, and any other instructional areas for which the state board had adopted standards as of January 1, 2008.

SECTION 7. 22-7-1009 (4), Colorado Revised Statutes, is amended to read:

22-7-1009. Diploma endorsements - adoption - revisions. (4) The state board shall also consider and may adopt criteria for a range of additional endorsements that a school district, BOCES, or institute charter high school may choose to grant to graduating students to recognize concentrated focus and outstanding achievement in a variety of subject areas, including but not limited to ~~performance and fine~~ VISUAL ARTS,

PERFORMING arts, career and technical education, history and civics, mathematics, and science.

SECTION 8. 22-7-1013 (1) (b), Colorado Revised Statutes, is amended to read:

22-7-1013. Local education provider - preschool through elementary and secondary education standards - adoption. (1) (b) In revising its preschool through elementary and secondary education standards, each local education provider shall ensure that it adopts standards, at a minimum, in those subject matter areas that are included in the state preschool through elementary and secondary education standards, including but not limited to English language competency AND VISUAL ARTS AND PERFORMING ARTS EDUCATION.

SECTION 9. 22-7-1015 (2) (b), Colorado Revised Statutes, is amended to read:

22-7-1015. Postsecondary and workforce readiness program - technical assistance. (2) (b) A local education provider may accommodate the range of student interests and aspirations by adopting multiple curricula that, combined, create multiple postsecondary and workforce readiness programs within a school district or within a high school that are designed to prepare a student for differing post-graduation goals, including but not limited to immediate entry into the workforce or matriculation into career and technical education or higher education. The local education provider shall ensure, however, that every postsecondary and workforce readiness program adopted by the local education provider:

(I) Is aligned with postsecondary and workforce readiness such that a student who successfully completes the program will be prepared to demonstrate postsecondary and workforce readiness prior to or upon attaining a high school diploma; AND

(II) INCLUDES COURSES IN VISUAL ARTS AND PERFORMING ARTS.

SECTION 10. 22-14-102, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

22-14-102. Definitions. As used in this article, unless the context otherwise requires:

(10.5) "PERFORMING ARTS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-1-104.5 (1) (b).

(17) "VISUAL ARTS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-1-104.5 (1) (c).

SECTION 11. 22-14-103 (3) (c) (XII) and (3) (c) (XIII), Colorado Revised Statutes, are amended, and the said 22-14-103 (3) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties. (3) To accomplish the purposes specified in subsection (2) of this section, the office shall also:

(c) Develop interagency agreements and otherwise cooperate with other state and federal agencies and with private, nonprofit agencies to collect and review student data and develop and recommend methods for reducing student dropout rates and increasing student engagement and re-engagement. The office shall, to the extent possible, collaborate with, at a minimum:

(XII) Agencies and nonprofit organizations within the child welfare system; and

(XIII) Private, nonprofit organizations that provide services for homeless families and youth; AND

(XIV) PRIVATE NONPROFIT OR FOR-PROFIT COMMUNITY ARTS ORGANIZATIONS THAT WORK IN EITHER VISUAL ARTS OR PERFORMING ARTS;

SECTION 12. 22-14-106 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-14-106. Local education provider practices assessment - technical assistance - rules. (2) Each practices assessment, at a minimum, shall address the high priority or priority local education provider's:

(g.5) PRACTICES RELATING TO VISUAL ARTS AND PERFORMING ARTS EDUCATION, INCLUDING BUT NOT LIMITED TO THE AVAILABILITY OF COURSES IN VISUAL ARTS AND PERFORMING ARTS, REQUIREMENTS FOR OBTAINING VISUAL ARTS OR PERFORMING ARTS COURSE CREDITS, THE AVAILABILITY OF EXTRACURRICULAR ACTIVITIES THAT INVOLVE VISUAL ARTS OR PERFORMING ARTS, AND THE HIGH PRIORITY OR PRIORITY LOCAL EDUCATION PROVIDER'S RELATIONSHIPS WITH NONPROFIT OR FOR-PROFIT COMMUNITY ARTS ORGANIZATIONS;

SECTION 13. 22-14-107 (3) (a), Colorado Revised Statutes, is amended, and the said 22-14-107 (3) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-14-107. Student graduation and completion plans - adoption - evaluation. (3) In designing its student graduation and completion plan, each high priority or priority local education provider is encouraged to:

(a) Include a variety of innovative dropout reduction efforts in the plan, including new schools and programs that provide educational environments that are specifically designed to promote student re-engagement, including policies and programs that create alternative pathways to high school graduation; ~~and~~

(a.5) EXPAND THE AVAILABILITY OF VISUAL ARTS AND PERFORMING ARTS COURSES AND OPPORTUNITIES THROUGH THE REGULAR SCHOOL CURRICULUM AND THROUGH INCREASED ACCESS TO EXTRACURRICULAR ACTIVITIES, INCLUDING BUT NOT LIMITED TO ENTERING INTO AGREEMENTS WITH NONPROFIT OR FOR-PROFIT COMMUNITY ARTS ORGANIZATIONS TO PROVIDE EXPANDED VISUAL ARTS AND PERFORMING ARTS EDUCATIONAL PROGRAMS; AND

SECTION 14. 22-14-109 (2) (b) (V) (H) and (2) (b) (V) (I), Colorado Revised Statutes, are amended, and the said 22-14-109 (2) (b) (V) is further amended BY THE ADDITION OF A NEW SUB-SUBPARAGRAPH, to read:

22-14-109. Student re-engagement grant program - rules - application - grants - fund created - report. (2) The state board shall adopt rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., for implementing the grant program. At a minimum, the

rules shall include:

(b) The information to be included on grant applications, including at a minimum:

(V) A description of the local education provider's policies and practices related to:

(H) Innovations to address barriers to school engagement and success; ~~and~~

(I) Transference of student records to and receipt of student records from other local education providers; AND

(J) STUDENT PARTICIPATION IN AND THE AVAILABILITY OF VISUAL ARTS AND PERFORMING ARTS EDUCATION.

SECTION 15. 22-27.5-101 (1) (c) and (1) (e), Colorado Revised Statutes, are amended to read:

22-27.5-101. Legislative declaration. (1) The general assembly hereby finds that:

(c) With the increased difficulties in funding public education and increased emphasis on core academic subjects, schools have been forced to focus their resources on teaching the core curriculum subjects of reading, writing, and mathematics and have been less able to fund ~~education in music, dance, theater, and the~~ visual arts OR PERFORMING ARTS EDUCATION or to provide ~~vocational~~ CAREER AND TECHNICAL education;

(e) A grant program to provide additional funding for schools to sponsor before- and after-school programs in ~~the~~ VISUAL ARTS AND PERFORMING arts and in ~~vocational~~ CAREER AND TECHNICAL EDUCATION subjects will have the combined benefits of providing a wider range of VISUAL ARTS, PERFORMING arts, and ~~vocational~~ CAREER AND TECHNICAL education, exposing students to a wide range of opportunities in ~~music, dance, creative writing, theater, photography, and other~~ visual arts AND PERFORMING ARTS, assisting students in obtaining skills in a wide variety of vocations, enabling students to discover their artistic and ~~vocational~~ VOCATION-RELATED talents, and providing greater incentives for some

students to stay in school.

SECTION 16. 22-27.5-102 (1), Colorado Revised Statutes, is amended, and the said 22-27.5-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

22-27.5-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "Arts-based activity program" means a before- or after-school program that provides students with an opportunity to learn about and participate in an ~~arts-based activity including but not limited to theater, music, dance, creative writing, photography, ceramics, sculpture, painting, and any other form of~~ IN VISUAL ARTS OR PERFORMING ARTS.

(5.5) "PERFORMING ARTS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-1-104.5 (1) (b).

(8.5) "VISUAL ARTS" SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION 22-1-104.5 (1) (c).

SECTION 17. 23-8-103 (2) (a), Colorado Revised Statutes, is amended to read:

23-8-103. Standards for eligibility for grants - rules. (2) Any course approved pursuant to subsection (1) of this section shall:

(a) Be designed to provide students with an entry-level occupational skill or prepare students for further education, INCLUDING BUT NOT LIMITED TO SKILLS OR PREPARATION IN THE AREAS OF VISUAL ARTS, AS DEFINED IN SECTION 22-1-104.5 (1) (c), C.R.S., OR PERFORMING ARTS, AS DEFINED IN SECTION 22-1-104.5 (1) (b), C.R.S.;

SECTION 18. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO