

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 10-0479.02 Julie Pelegrin

HOUSE BILL 10-1273

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Spence and Steadman, Newell, Hudak, Bacon, Boyd, Foster, Gibbs, Heath, Johnston, Romer, Tapia, Williams

House Committees
Education

Senate Committees
Education

SENATE
3rd Reading Unam ended
April 14, 2010

A BILL FOR AN ACT

101 **CONCERNING IMPROVED WORKFORCE DEVELOPMENT THROUGH**
102 **INCREASED PARTICIPATION IN ARTS EDUCATION IN PUBLIC**
103 **SCHOOLS.**

SENATE
Am ended 2nd Reading
April 13, 2010

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

HOUSE
3rd Reading Unam ended
March 8, 2010

In **section 1**, the bill recognizes the importance of visual arts and performing arts in public education. **Section 2** of the bill requires each public school in the state to provide visual arts and performing arts education. Demonstration of proficiency regarding the visual arts and

HOUSE
Am ended 2nd Reading
March 5, 2010

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

performing arts standards will be a condition of high school graduation from the public schools of the state beginning with the ninth-grade class of 2010-11.

Under current law, the state board of education must adopt rules describing the minimum contents of each student's individual career and academic plan. **Section 3** of the bill requires each plan to include the student's progress in visual arts and performing arts classes.

Sections 4-8 of the bill amend several provisions of the "Preschool to Postsecondary Education Alignment Act" to specifically incorporate visual arts and performing arts education into the standards, assessments, and postsecondary and workforce readiness program that the state board of education and local education providers adopt.

Sections 9-13 of the bill recognize the importance of visual arts and performing arts education in preventing student dropouts and in helping local education providers re-engage students in school. Under current law, the office of dropout prevention and student re-engagement, in the department of education, collaborates with several community organizations. The bill includes private nonprofit or for-profit community arts organizations in the list of collaborative agencies. Certain local education providers are currently required to assess their practices related to student dropouts and re-engagement. The bill includes policies and practices related to visual arts and performing arts education in the assessment. Those local education providers that adopt student graduation and completion plans are encouraged to include increased availability of visual arts and performing arts education in those plans. The bill also specifies visual arts and performing arts education as education services for which a local education provider may seek grant moneys under the student re-engagement grant program.

Sections 14 and 15 of the bill conform the definition of arts-based activity in the dropout prevention activity grant program with the definitions of visual arts and performing arts created in the bill.

Section 16 of the bill clarifies that career and technical education for which a school district, board of cooperative services, or charter school may receive funding includes visual arts and performing arts education.

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

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

4 (a) Recent studies have shown that education in visual arts and
5 performing arts has positive effects on children's behavior, attitudes, and

1 academic performance and on career and workforce readiness;

2 (b) The opportunity to study and build skills in the visual arts and
3 performing arts increases students' self-confidence, nurtures students'
4 creativity and curiosity, provides on-going challenges for students, helps
5 students remain engaged in school, facilitates building positive
6 relationships between students and teachers, and, as a result of these
7 effects, helps reduce the school dropout rate;

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

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

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

25 (2) The general assembly finds, therefore, that requiring school
26 districts and charter schools to fully integrate visual arts and performing
27 arts education into the elementary and secondary school curriculum and

1 into the description of postsecondary and workforce readiness is
2 necessary to more fully support workforce development within the state
3 and ensure that Colorado is able to compete economically on both a
4 national and global scale.

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

7 **22-1-104.5. Teaching of visual arts and performing arts -**
8 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES:

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

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

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

26 (2) EACH PUBLIC SCHOOL IN THE STATE IS STRONGLY ENCOURAGED
27 TO PROVIDE COURSES IN VISUAL ARTS AND IN PERFORMING ARTS, WHICH

1 COURSES SHALL BE BASED ON CONTENT STANDARDS FOR VISUAL ARTS AND
2 PERFORMING ARTS AND PROVIDED IN COMPLIANCE WITH STATE AND
3 FEDERAL LAW. SCHOOL DISTRICTS AND PUBLIC SCHOOLS ARE STRONGLY
4 ENCOURAGED TO EXPLORE AND IMPLEMENT INNOVATIVE DELIVERY
5 MECHANISMS FOR PERFORMING ARTS AND VISUAL ARTS COURSES,
6 INCLUDING BUT NOT LIMITED TO USING ON-SITE TECHNOLOGY AND
7 SOFTWARE, ON-LINE EDUCATION, AND COLLABORATION AMONG
8 COMMUNITY COLLEGES, OTHER SCHOOL DISTRICTS OR PUBLIC SCHOOLS,
9 BOARDS OF COOPERATIVE SERVICES, AND REGIONAL SERVICE AREAS.

10 SECTION 3. The introductory portion to 22-2-106 (1) (a.5) and
11 22-2-106 (1) (a.5) (III) and (1) (a.5) (VI), Colorado Revised Statutes, are
12 amended, and the said 22-2-106 (1) (a.5) is further amended BY THE
13 ADDITION OF A NEW SUBPARAGRAPH, to read:

14 22-2-106. State board - duties. (1) It is the duty of the state
15 board:

16 (a.5) To adopt, on or before December 15, 2009 2011, a
17 comprehensive set of guidelines for the establishment of high school
18 graduation requirements to be used by each school district board of
19 education in developing local high school graduation requirements. Each
20 school district board of education shall retain the authority to develop its
21 own unique high school graduation requirements, so long as those local
22 high school graduation requirements meet or exceed any minimum
23 standards or basic core competencies or skills identified in the
24 comprehensive set of guidelines for high school graduation developed by
25 the state board pursuant to this paragraph (a.5). In developing the
26 guidelines for high school graduation, the state board shall utilize the
27 recommendations of the state graduation guidelines development council

1 established in section 22-7-414, as it existed prior to July 1, 2008, and
2 shall:

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

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

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

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

21 **22-2-136. Additional duty - state board - individual career and**
22 **academic plans - standards - rules.** (2) In establishing the standards for
23 individual career and academic plans, the state board shall ensure, at a
24 minimum, that:

25 (a) Each individual career and academic plan includes a career
26 planning and guidance component and a portfolio that reflects, at a
27 minimum:

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

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

6 **22-7-1003. Definitions.** As used in this part 10, unless the
7 context otherwise requires:

8 (11.5) "PERFORMING ARTS" SHALL HAVE THE SAME MEANING AS
9 PROVIDED IN SECTION 22-1-104.5 (1) (b).

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

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

14 **22-7-1005. Preschool through elementary and secondary**
15 **education - aligned standards - adoption - revisions.** (2) (a) The state
16 board shall ensure that the preschool through elementary and secondary
17 education standards, at a minimum, include standards in reading, writing,
18 mathematics, science, history, geography, visual ~~and~~ ARTS, performing
19 arts, physical education, world languages, English language competency,
20 economics, civics, financial literacy, and any other instructional areas for
21 which the state board had adopted standards as of January 1, 2008.

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

24 **22-7-1009. Diploma endorsements - adoption - revisions.**
25 (4) The state board shall also consider and may adopt criteria for a range
26 of additional endorsements that a school district, BOCES, or institute
27 charter high school may choose to grant to graduating students to

1 recognize concentrated focus and outstanding achievement in a variety of
2 subject areas, including but not limited to ~~performance and fine~~ VISUAL
3 ARTS, PERFORMING arts, career and technical education, history and civics,
4 mathematics, and science.

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

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

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

17 **22-7-1015. Postsecondary and workforce readiness program**
18 **- technical assistance.** (2) (b) A local education provider may
19 accommodate the range of student interests and aspirations by adopting
20 multiple curricula that, combined, create multiple postsecondary and
21 workforce readiness programs within a school district or within a high
22 school that are designed to prepare a student for differing post-graduation
23 goals, including but not limited to immediate entry into the workforce or
24 matriculation into career and technical education or higher education.
25 The local education provider shall ensure, however, that every
26 postsecondary and workforce readiness program adopted by the local
27 education provider:

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

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

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

9 **22-14-102. Definitions.** As used in this article, unless the context
10 otherwise requires:

11 (10.5) "PERFORMING ARTS" SHALL HAVE THE SAME MEANING AS
12 PROVIDED IN SECTION 22-1-104.5 (1) (b).

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

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

19 **22-14-103. Office of dropout prevention and student**
20 **re-engagement - created - purpose - duties.** (3) To accomplish the
21 purposes specified in subsection (2) of this section, the office shall also:

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

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

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

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

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

10 **22-14-106. Local education provider practices assessment -**
11 **technical assistance - rules.** (2) Each practices assessment, at a
12 minimum, shall address the high priority or priority local education
13 provider's:

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

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

25 **22-14-107. Student graduation and completion plans -**
26 **adoption - evaluation.** (3) In designing its student graduation and
27 completion plan, each high priority or priority local education provider is

1 encouraged to:

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

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

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

18 **22-14-109. Student re-engagement grant program - rules -**
19 **application - grants - fund created - report.** (2) The state board shall
20 adopt rules pursuant to the "State Administrative Procedure Act", article
21 4 of title 24, C.R.S., for implementing the grant program. At a minimum,
22 the rules shall include:

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

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

27 (H) Innovations to address barriers to school engagement and

1 success; and

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

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

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

8 **22-27.5-101. Legislative declaration.** (1) The general assembly
9 hereby finds that:

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

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

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

4 **22-27.5-102. Definitions.** As used in this article, unless the
5 context otherwise requires:

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

11 (5.5) "PERFORMING ARTS" SHALL HAVE THE SAME MEANING AS
12 PROVIDED IN SECTION 22-1-104.5 (1) (b).

13 (8.5) "VISUAL ARTS" SHALL HAVE THE SAME MEANING AS
14 PROVIDED IN SECTION 22-1-104.5 (1) (c).

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

17 **23-8-103. Standards for eligibility for grants - rules.** (2) Any
18 course approved pursuant to subsection (1) of this section shall:

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

24 **SECTION 18. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.