

## ACT 306

H.B. NO. 1391

A Bill for an Act Relating to the Arts.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. In its efforts to ensure the development and implementation of content and performance standards for fine arts, including the four disciplines of the visual arts, music, drama and theatre, and dance, the legislature enacted Act 80, Session Laws of Hawaii 1999. In Act 80, the legislature directed the state foundation on culture and the arts to oversee the review, revisions, and completion of the Hawaii content and performance standards for the fine arts for all K-12 grade students, as well as to develop a statewide arts education strategic plan that incorporates and integrates the fine arts standards into the classroom curriculum. The legislature designated the state foundation on culture and the arts as the lead agency to ensure that all students attending schools in Hawaii will benefit from the legislative directive.

The legislature required the state foundation on culture and the arts to complete its duties by working in consultation with the department of education, the colleges of education and arts and humanities of the University of Hawaii at Manoa, and other arts education organizations with statewide representation. The legislature further required the coordinated cooperation of the specified entities because it recognized that no one entity or individual could sufficiently develop and implement quality arts education programs for the State. The needs are too great, and resources too limited.

By specifically focusing on the fine arts, the legislature demonstrates its understanding that the fine arts are a fundamental component of a student's comprehensive educational experience. The legislature recognizes and appreciates that the intellectual requirements of the fine arts help students develop problem-solving abilities and the powerful thinking skills of analysis, synthesis, and evaluation. It further recognizes and appreciates that the creative demands of the fine arts improve the students' verbal and nonverbal communication skills as well as their imagination and ability to be resourceful and pragmatic. Studying the fine arts can help students acquire and develop vocational, professional, and personal skills so they can eventually lead full and productive lives and become contributing members of their communities and society. In addition, the legislature recognizes and appreciates that the arts connect people across time, culture, and place, because they are both universal and culturally specific.

In response to the legislative mandate of Act 80, Session Laws of Hawaii 1999, the state foundation on culture and the arts convened its first meeting in July of 1999 with representatives from the department of education, the colleges of education and arts and humanities of the University of Hawaii at Manoa, the Hawaii Association of Independent Schools, and Hawaii Alliance for Arts Education. The various administrative heads of these arts educational institutions and organizations agreed to formalize their working relationship by creating the Hawaii arts education partners and the arts education strategic planning committee to complete the legisla-

tive directive. Throughout the second half of 1999 and first half of 2000, the arts education strategic planning committee diligently worked to fulfill its mandate. It further sought the advice from other members of the arts education community. Concurrently, the department of education refined the fine arts content standards in 1999.

The arts education strategic planning committee began its task by amassing data and information regarding the impact and importance of acquiring a quality arts education. This included representative examples of research, standards, curriculum and professional development, methodology, and mechanism by which implementation and attainment of fine arts content and performance standards can be ascertained and assessed. The arts education strategic planning committee also learned that currently there are no permanent department of education positions for fine arts specialists in the public elementary schools. For those schools able to secure the temporary classroom services of department of education certified fine arts educators, very few have music specialists, virtually none have visual arts specialists, and no entity provides for dance or drama specialists. In contrast, intermediate, middle, and secondary public schools have music and visual arts teachers, many of whom are certified in their discipline. Independent schools experience similar staffing challenges. Consequently, the arts education strategic planning committee developed a strategic plan that focuses on the school grades with the greatest needs, K-5, and emphasizes the integration and collective participation of classroom teachers, educators, artists, and supportive arts education organizations in developing arts education programs that include assessment tools.

The Hawaii arts education strategic plan 2001 includes the recommended strategies: advocacy, research and teaching, and standards. The first year is devoted to planning and marketing, and the implementation of the strategies will occur during the next five years. This includes but is not limited to:

- (1) Identifying and seeking resources from both private and public funding sources;
- (2) Augmenting the pool of qualified arts educators and specialists, and artists as educators;
- (3) Developing and acquiring curriculum and collateral instructional material;
- (4) Supporting a multi-year professional development institution for grades K-5 to help implement the fine arts standards;
- (5) Working to implement needed policy changes; and
- (6) Educating the decision-makers and public as to the importance of arts education.

The legislature finds that the fine arts are integral to a fully developed standards-based curriculum in public schools. Yet, the legislature specifically notes the problematic finding by the Hawaii arts education partners of the need to significantly increase the number of qualified arts educators at all levels within the public school system. The legislature recognizes and appreciates the current circumstances in that the department of education understands the fine arts include the four disciplines of the visual arts, music, drama and theatre, and dance, yet is able to fund only two state-level arts educational specialists positions. Currently, the two arts educational specialists not only serve as state resource specialists for the entire public school system in their respective areas of expertise of the visual arts and music but must also offer support for the remaining two disciplines, drama and theatre, and dance.

This problem is particularly acute at the elementary school level, where there are few teachers who can provide consistent incremental instruction in the fine arts. Generally, the only schools that have personnel dedicated to the fine arts are those which use instructional resource augmentation teachers in one of the fine arts

disciplines. However, these instructional resource augmentation positions can be used flexibly and are often used in the areas of technology or physical education rather than the arts. There will not be a consistent arts curriculum in Hawaii's public schools until there are dedicated positions at the school level for specialists in visual arts, music, drama and theatre, and dance.

The legislature recognizes the efforts and achievements to date of the Hawaii arts education partners. In addition to the submission of the Hawaii arts education strategic plan 2001, the Hawaii arts education partners are urged to continue to develop and deliver services to students, educators, artists, and the community-at-large as it successfully seeks federal and private sector funds and other resources by leveraging its legislative mandate.

By the action of this legislative body, the legislature recognizes and appreciates the intended goal of developing and implementing fine arts standards is to enable every student to study and experience the fine arts by means of sequential, consistent, and meaningful arts-infused, standards-based curricula delivered by qualified arts educators, arts specialists, and artists as educators. It further recognizes and appreciates the need to augment statewide resources for, and standards-based classroom instruction in all disciplines of the fine arts, particularly in the underserved areas of visual arts, music, drama and theater, and dance.

The purpose of this Act is to:

- (1) Continue the existence of the Hawaii arts education partners;
- (2) Encourage the Hawaii arts education partners to persevere in its efforts to fully implement the terms of the Hawaii arts education strategic plan 2001;
- (3) Continue the annual reports from the state foundation on culture and the arts including the reporting of the progress of the Hawaii arts education partners; and
- (4) Appropriate funds for school-level positions in each of the four main disciplines of the fine arts, namely the visual arts, music, drama and theatre, and dance.

SECTION 2. Section 9-3, Hawaii Revised Statutes, is amended to read as follows:

**“§9-3 Duties.** The foundation shall:

- (1) Assist in coordinating the plans, programs, and activities of individuals, associations, corporations, and agencies concerned with the preservation and furtherance of culture and the arts and history and the humanities;
- (2) Establish written standards and criteria by which grant contracts shall be evaluated;
- (3) Appraise the availability, adequacy, and accessibility of culture and the arts and history and the humanities to all persons throughout the State and devise programs whereby culture and the arts and history and the humanities can be brought to those who would otherwise not have the opportunity to participate;
- (4) Stimulate, guide, and promote culture and the arts and history and the humanities throughout the State;
- (5) Devise and recommend legislative and administrative action for the preservation and furtherance of culture and the arts and history and the humanities;
- (6) Study the availability of private and governmental grants for the promotion and furtherance of culture and the arts and history and the humanities;

- (7) Through its executive director:
  - (A) Administer funds allocated by grant, gift, or bequest to the foundation; accept, hold, disburse, and allocate funds which may become available from other governmental and private sources; provided that all those funds shall be disbursed or allocated in compliance with any specific designation stated by the donor and in the absence of any designation, the funds shall be disbursed or allocated for the promotion and furtherance of culture and the arts and history and the humanities; and
  - (B) Accept, hold, disburse, and allocate public funds that are made available to the foundation by the legislature for disbursement or allocation, pursuant to the standards and procedures established in part II, for the promotion and furtherance of culture and the arts and history and the humanities;
- (8) Submit an annual report with recommendations to the governor and legislature, prior to February 1, of each year. Annual reports shall include the total number and amount of gifts received, payroll disbursements, contracts entered into, and progress and accomplishments made during the year[;], including the efforts of the Hawaii arts education partners and its progress in implementing the Hawaii arts education strategic plan;
- ~~(9) In consultation with the department of education, the colleges of education and arts and humanities of the University of Hawaii at Manoa, and other arts education organizations with statewide representation:~~
  - ~~(A) Review, revise, and complete the Hawaii content and performance standards in the arts for all K-12 grade students; and~~
  - ~~(B) Develop a statewide strategic plan for grades K-12 arts education that incorporates and integrates the arts content and performance standards established in subparagraph (A). The plan shall address curriculum development for classroom instruction, professional development for educators and artists, and the methodology and mechanisms by which implementation and attainment of fine arts content and performance standards can be ascertained and assessed;]~~
- (9) Convene the Hawaii arts education partners, which is composed of the department of education, the colleges of education and arts and humanities of the University of Hawaii at Manoa, the Hawaii Association of Independent Schools, and the Hawaii Alliance for Art Education, to fully implement the terms of the Hawaii arts education strategic plan;
- (10) Display student art works in public buildings, sponsor student art displays, promote arts education, and in other ways encourage the development of creative talent among the young people of Hawaii;
- (11) In cooperation with qualified organizations conduct research, studies, and investigations in the fields of ethnohistory and the humanities; make, publish, and distribute works documenting the contributions of individual ethnic groups in their relationship to one another and to the whole population of Hawaii; place ethnohistorical and cultural materials developed by the foundation or received by the foundation as gifts and donations in public archives, libraries, and other suitable institutions accessible to the public; and maintain a register of the location of such materials;
- (12) Cooperate with and assist the department of land and natural resources and other state agencies in developing and implementing programs

- relating to historic preservation, research, restoration, and presentation, as well as museum activities; and
- (13) Establish an individual artist fellowship program to encourage artists to remain and work in Hawaii and to reaffirm the importance of Hawaii's artists and their cultural and economic contributions to the State by:
- (A) Recognizing and honoring Hawaii's exceptionally talented visual and performing artists for their outstanding work and commitment in the arts; and
  - (B) Enabling these artists to further their artistic goals.''

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2001-2002 and the sum of \$400,000 or so much thereof as may be necessary for fiscal year 2002-2003 for at least twelve full-time equivalent (12.00 FTE) permanent state resource teachers in the fine arts in the department of education. There shall be at least:

- (1) One specialist in the visual arts;
- (2) One specialist in music;
- (3) One specialist in drama and theatre; and
- (4) One specialist in dance,

provided that:

- (1) The director of the school renewal branch of the department of education shall provide oversight for each state resource teacher who is either certified to teach a specific fine arts discipline or possesses the requisite knowledge and skills of a traditionally trained cultural practitioner; and
- (2) The Hawaii arts education partners, in cooperation with the state resource teachers, shall continue to implement the various elements of the strategic plan, including the acquisition of needed resources for elementary schools that are willing to actively adopt, integrate, and implement arts-infused, standards-based arts education into the curricula for grades K-5.

The sums appropriated shall be expended by the department of education for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2001.

(Approved July 2, 2001.)