The Effects of the Senate Bill 1 – 2017 on Quality Arts Education in Kentucky

KCAE and its member organizations—the Kentucky Music Educators Association; the Kentucky Association of Arts Education; the Kentucky Theatre Association; and the Kentucky Association for Health, Physical Education, Recreation, and Dance—respectfully remind members of the General Assembly that arts education must have statutory support if we are to ensure that schools will provide equal access to courses that develop students’ abilities to apply core concepts in the visual and performing arts, and express their creative talents and interests in the arts (KRS 158.6451). Further, it must provide a sufficient grounding in the visual and performing arts to help children appreciate their cultural and historical heritage (KRS 158:645).

If Kentucky is to provide equal access to visual and performing arts instruction as part of a well-rounded education for all of Kentucky's children (as described in ESSA 2015), the following foundational components of a quality arts education must be provided for by the General Assembly, and by governing agencies and institutions that direct the educational system of the Commonwealth:

- **Protect time** for the specific study of the visual and performing arts in the school day.
- **Provide support** for a sequenced, standards-based, K–12 visual and performing arts curriculum.
- **Provide clear program benchmarks and hold schools accountable** for providing adequate staffing, resources, facilities, and instructional support for arts education.
- **Ensure that certifications** support truly qualified arts teachers delivering instruction.

The Kentucky Coalition for Arts Education acknowledges that in some respects SB 1 – 2017 contains substantial improvements on behalf of arts education over its 2016 counterpart by providing statutory support for the foundational components outlined above; however, the bill does not ensure that time is protected for the development of artistic skills and understandings beyond the eighth grade level, or that schools are held to a standard of expectation for quality programs that provide equal opportunity to learn in the arts. In these respects, SB 1 2017 fails to fully provide the necessary support for the Commonwealth's capacities and learner goals that set forth an expectation for the development of the talents and artistic understandings of our children.

We recommend the following changes to the current Senate Bill 1 to ensure a well-rounded education that provides standards-based arts education in dance, media arts, music, theatre, and visual arts for all students.
KCAE’s analysis of Senate Bill 2017 and recommendations for strengthening the bill to support arts education.

HIGH SCHOOL VISUAL AND PERFORMING ARTS CREDIT

SB 1 2017
Section 2

KRS 1546.160
(1) (a) (3) If a high school offers a foreign language course, career and technical education course, or a computer technology or programming course that incorporates standards of design, creativity, interpretation, and personal meaning, the course shall be accepted as meeting the visual and performing arts requirement for high school graduation if approved as meeting the requirement by the local school district, notwithstanding other provisions of law. The administrative regulations shall incorporate written guidelines for a local school district to follow for approving courses that shall be accepted as meeting the requirement;

What would change?

Currently, fulfillment of the high school fine arts course requirement is limited to the visual and performing arts classes (music, visual art, theater, dance and media arts). Those classes are aligned with the Kentucky Academic Standards for Visual and Performing Arts. The visual and performing arts requirement can be met through a History and Appreciation of the Visual and Performing Arts course that addresses the study of all art forms, or a specialized art class addressing a single art form (visual art, music, theater, dance, or media arts) that delves into the artistic processes more deeply in a manner specific to one or more art forms.

This statutory change would allow students to meet the visual and performing arts graduation requirement with the following content courses: a “foreign language course, career and technical education course, or a computer technology or programming course that incorporates standards of design, creativity, interpretation, and personal meaning,” none of which contain content that focuses on developing artistic skills and understandings through all of the artistic processes.

How this change would affect students

Not all students would be exposed to a secondary Visual and Performing Arts experience.

This subsection, as written, could result in students graduating without having any arts course experience at the secondary level. Critical and creative thinking and problem solving, communication, and collaboration are all skills for the 20th century workforce and are “value added” byproducts from high engagement and active participation in the making of the arts. (A vast amount of research supports the correlation between higher levels of education attainment, academic achievement, school and civic engagement with high engagement in the arts). However, those “byproduct skills,” and the similar skills described as attributes of the proposed substitute courses, do not equate to the study and making of art. Therefore, they do not stand to provide the same benefit or achieve the same artistic goals and results.

Not all students would have the opportunity to develop artist independence and informed consumerism.

Non-arts course substitutions compromise the development of students’ artistic capacities to levels of independence that enable them to be capable adult consumers of the arts and life-long participants in artistic activities. These capacities enhance the overall well being of our citizens, and contribute to the
economic engine of the Commonwealth. The need for their development cannot be underestimated.

Some students will be pulled from participation in highly-engaged arts study.

Removing the placeholder in the secondary graduation requirements for an arts course, combined with the proposed extra accountability incentive for channeling students into high demand career paths (Section 5 (7) (b) KRS 158.6455), will make it more difficult for interested students to schedule multiple levels of arts courses or participate in school performing groups during each of their high school years. Further, it is particularly problematic for students whose long-term career goals include advanced arts study as a pathway to a career or as a precursor to other fields (medicine, law, etc.).

Remove Section 2 (1)(a)(3) from the bill. Do not expand the courses that satisfy the arts credit requirement to include non-arts courses. Leave the credit as is—to be fulfilled with a standards-based History and Appreciation of the Visual and Performing Arts course or a standards-based course in a specialized art discipline (dance, music, theatre, or visual arts, media arts) that genuinely addresses ALL of the artistic processes.

The Rose decision of 1989 determined that “efficient” schools by definition, included equal access to learning opportunities that develop a specific set of capacities. “Sufficient grounding in the arts that: (a) Enables each student to appreciate his or her cultural and historical heritage;” was identified as one of those capacities.

The Kentucky Academic Standards for Visual and Performing Arts, adopted by the Kentucky Board of Education in June 2015, are discipline-specific to the arts (visual art, music, theater, dance, and media arts) and designed to meet the aforementioned capacity (KRS 158.645) and the learner goals (KRS 158.6451) set forth in Kentucky statutes. Each of the arts incorporate a specific discipline in which Creating, Performing/Presenting/Producing, Responding, and Connecting processes are applied in the process of making art and communicating art with others through a distinct medium.

Courses that do not use an art form(s) as a basis for creating and communicating meaning, such as the proposed courses in the bill, cannot be fully aligned with the Kentucky Academic Standards for the Visual and Performing Arts, do not effectively contribute to statutorily-mandated artistic capacities, and should not be permitted to fulfill the graduation requirement.

VISUAL AND PERFORMING STANDARDS

KRS 158.6453(18)(a)

Is amended to read:

Beginning in fiscal year 2017–2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts and practical living skills and career studies for all levels and in foreign language for middle and high schools. The department shall develop review committees for the standards for each of the content areas that include representation from certified specialist public school teachers and postsecondary teachers in those subject areas.
What would change?  
The Kentucky Board of Education adopted the Kentucky Academic Standards for Visual and Performing Arts in June 2015.

This language in SB 1 provides statutory support for Visual and Performing Arts Standards by specifying a six-year cycle for developing arts standards and specifying the qualifications and education levels of those responsible for the development.

How this change would affect students  
The bill provides statutory support for developing and maintaining high quality learning standards in the arts for every child. The standards will provide guidance for sequenced based learning with clear benchmarks and learner goals.

KCAE Recommendation  
Maintain this language in the bill.

Sequenced, standards-based instruction in the arts is essential for students to achieve the artistic capacities and learner goals set forth by the General Assembly. Every core subject, including the Visual and Performing arts as defined in Kentucky statute (KRS 158.035), must have the statutory support for developing, implementing, maintaining, and reviewing its standards. Any statute that addresses the selection of standards and sets a system for on-going review and revision must include the visual and performing arts. We view the bill’s language as meeting these expectations, and view this as a positive change from SB 1, 2016.

SCHOOL REPORT CARD

SB 1 2017 Section 4

KRS 158.6453 (17)... The reporting structure shall include the following components:

(a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and information on electronic access to a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:

This language provides additional items for inclusion in the school report card, including addition of the Cambridge Advanced International exam for advanced placement, data on student transition to postsecondary, and any other data required by the ESSA.

What would change?  
These changes will provide more detail to parents regarding school and overall student performance on various measures of success. However, there is no provision to ensure parents will be able to ascertain program quality of the school’s Visual and Performing Arts program from the report.

How this change would affect students  
Include a requirement for reporting the quality of a school’s Visual and Performing Arts program in the school report card.

KCAE Recommendation  
Parents should have easy access to information on the quality of programs that are not part of the statewide assessment battery. We recommend that the KDE develop a rating system with benchmarked levels that can quickly convey the quality of a school’s Visual and Performing Arts program in terms of program length and time, courses offered, staffing, resources, and facilities and include them in the most accessible format for parents, which is the school report card.
VISUAL AND PERFORMING ARTS ACCOUNTABILITY

SB 1 2017  
Section 4

KRS 158.6453 (18) (b)

The department shall provide to all schools recommendations for including programs in visual and performing arts and practical living and career studies. The department shall provide to middle and high schools recommendations for including a foreign language program. The recommendations shall address program length and time, courses offered, staffing, resources, and facilities.

And . . .

KRS 158.6453 (20) (a), (b), (c)

(a) The Kentucky Department of Education shall develop a school profile report to be used by schools to describe how they will address the state-mandated standards in their implementation of the programs as described in subsection (18) of this section, which may include student opportunities and experiences in extracurricular activities.

(b) By October 1 of each year, each school principal shall complete the school profile report, which shall be signed by the members of the school council, or the principal if no school council exists, and the superintendent. The report shall be electronically transmitted to the Kentucky Department of Education, and the original shall be maintained on file at the local board office and made available to the public upon request.

(c) If a school staff member, student, or a student’s parent has concerns regarding deficiencies in a school’s implementation of the programs described in subsection (18) of this section, he or she may submit a written inquiry to the school council.

What would change?

- Program Reviews would no longer be required. Instead schools would complete a school profile describing how they will address visual and performing arts academic standards in the implementation of their arts programs. However, there is no indication of any established benchmarks or best practice program expectations.
- The KDE would be required to provide recommendations for including visual and performing arts programs. The recommendations should address program length and time, courses offered, staffing, resources, and facilities. There is no indication that these recommendations have any expectation of compliance or would be reflected in the profile.
- There is no provision that schools will evaluate their visual and performing arts programs on a regular, ongoing basis for program improvement, or incorporate program goals in the school improvement plan.
- Program reviews would no longer be part of a school’s accountability score.
- There is no provision for ensuring the accuracy of school reporting. (By comparison, Program Reviews provided for audits). The statement that anyone concerned with program quality, can make a formal complaint to the school council does not reassure those of us who consider the realities of school culture.
- There is no provision for reporting program quality to parents, and other
KCAE Recommendation

Revise and strengthen this portion of the bill. “Opportunities to Learn” in the Visual and Performing Arts must remain, in some form, part of school accountability, and any accountability measure must provide clear benchmarks for levels of implementation, clear feedback to schools, parents, and communities, as well as protocol for ensuring consistency in reporting.

There must be stronger language that more effectively encourages and supports Visual and Performing Arts programs. We believe that the expression "program quality standards" should be substituted for the term "recommendations" in section (18) (b). In addition, stronger language should direct the KDE to:

- Develop clear "program quality standards" for Visual and Performing Arts programs including standards for program length and time, courses offered, staffing, resources, and facilities. Provide standard benchmarks for levels of program quality that are easily determined and easily interpreted.
- Develop a protocol for reporting and validating a school’s program quality in the Visual and Performing Arts, and for documenting that school’s program quality in the accountability system.
- Include the quality level of a school’s Visual and Performing Arts program as part of the school report card.
- Develop tools and protocol for helping schools use the program quality reports to set goals in the school improvement plan.
- Compile a yearly, statewide report on the status of Visual and Performing Arts programs to be presented to the Interim Joint Committee on Education and published on the KDE website. The report should include data reflecting the status of arts programs in Kentucky. The data should be derived from the school reports and address the program standards of program length and time, courses offered, staffing (including projections for teacher workforce in these program areas), resources, and facilities.

**POSTSECONDARY READINESS**

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<td>(1)The Kentucky Board of Education shall create an accountability system to classify districts and schools . . .</td>
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(b) The accountability system shall include: . . .

(7) Postsecondary readiness for each high school measured by: . . .

(b) Student achievement of dual credit, postsecondary articulated credit, or apprenticeship time toward a credential or associate degree, and any industry-recognized certifications, licensures, or credentials, with more weight in accountability scoring for industry-recognized certifications, licensures, or credentials identified as high demand in accordance with the process described in paragraph (c) of this subsection.

What would change?

Extra weight would be given in the accountability score for students that achieve licensures in careers identified as “high demand.”

How this change would affect students

This will predictably encourage student exploitation for the purpose of school accountability ratings.

Extra school accountability credit for every student that gains certification in a high demand occupation incentivizes schools to pressure students into career pathways and away from visual and performing arts and other enrichment courses in order to improve the school’s accountability scores. The Kentucky Board of Education recently acknowledged the negative effect caused by a similar .5 bonus point incentivizing schools to have students designated both college and career.

This compromises opportunity for a well-rounded secondary experience and free choice.

This would discourage school support of student participation in a “well-rounded” secondary course of study when that might be more in the student’s interest. There is considerable language in the newly authorized ESSA that supports a well-rounded curriculum that includes the arts.

This devalues the importance of the role all occupations contribute to society and creates equity issues for gifted students.

This would create an equity issue for artistically gifted students with strong career possibilities in the visual and performing arts, or students who use this path as the gateway to other advanced degree programs.

This does not provide any language adjustments to accommodate specialized visual and performing arts schools.

KCAE Recommendation

Remove this language from the bill. Kentucky must move toward developing students who will succeed in a global economy where only people who have the knowledge and skills to negotiate constant change and reinvent themselves for new situations and a changing job market will succeed (Preparing 21st Century Students for a Global Society, NEA).

We fully support that students graduating from Kentucky high schools must be postsecondary ready. However, giving extra weight to students who earn licensures or certificates, or credentials in what are defined as “high demand” industries today, promotes a narrow view of the philosophical purpose of education and does not work towards developing all the capacities expected of today’s students. Our children will live in a global economy and need to develop 21st centuries skills that can be applied to a wide variety of careers.
A copy of this analysis may be retrieved at: 
https://kmea.org/SB1-17Analysis

To contact the Kentucky Coalition for Arts Education write to 
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The Kentucky Coalition for Arts Education has published a white paper outlining a vision for arts education in Kentucky that may be accessed here: https://kmea.org/VisionPaper.pdf and five-point plan for achieving that vision that may be accessed here: https://kmea.org/VisionPamphlet.pdf