With the onset of fall, schools are in full gear, the general elections are days away, and the 83rd session of the Texas Legislature is right around the corner. Already, there is a buzz of activity in the halls of the capitol. Legislative staffs are busy with interim hearings and some are even in the process of drafting bills to be filed. Per the state constitution, the Texas Legislature shall meet for 140 days beginning in January of every odd-numbered year. The next regular session is set to begin on January 8, 2013.

In addition to waiting for the results of the November general elections, legislators and staff are also getting updated information on the status of the budget and appropriation requests from the myriad state agencies. While there are still numerous unknowns, many factors are already in place. Governor Perry and Lieutenant Governor Dewhurst will continue their service as chief executive and presiding officer of the Senate, respectively. The Speaker of the House, Joe Straus III, will seek re-election to another term, but that will not occur until the new House members are sworn in and the election is held in early January.

Historically, the two biggest budget drivers are education and health and human services. These policy areas have dominated discussions of the budget and have served to determine how much money will be left over for other purposes. This will prove true again during the 83rd session. While early projections indicate the state will have more money than it did for the last legislative session in 2011, many budgetary factors not in play before now exist.

### Changes in Leadership

There are other differences facing this session. The most glaring change is the high turnover in membership of both the House and Senate. We expect 5–6 new members of the 31-member Senate, and 48–50 members of the 150-member House will have served at the most in only one legislative session. This is a substantial change and will affect every corner of the capitol.

However, the significance of this unprecedented turnover is overshadowed by the loss of senior legislative leaders, most significantly in the area of education. Senator Florence Shapiro, a twenty-year warhorse of the Senate and decade-long chair of the powerful Senate Education Committee, is retiring. Her counterpart in the House, Representative Rob Eissler, was defeated in the Republican primary. The cumulative effect of these losses to the institutional knowledge of Texas education policy is significant for all education sectors, but nowhere more so than in fine arts. Additionally, the departure of TEA Commissioner Robert Scott, and the appointment of Michael Williams to fill that slot, is another significant change in the educational landscape.

### Spotlight on the Budget

Every legislative session begins with a fight over money and the expectations on how and where it should be spent. Education and Health and Human Services account for more than 80% of the Texas budget. Early projections by the Comptroller of Public Accounts usually set the stage for those fights. Most analysts are
predicting the next budget will be tight but better than it was in the 2011 session. However, no one will say that Texas has a budget surplus going into the next session. Texas Taxpayers and Research Association President Dale Craymer recently stated, “Current trends suggest that the Legislature may have near sufficient funds to pay for normal 2014–15 spending pressures.” Just what is meant by “normal” has yet to be determined, but it is clear that the effects of school finance lawsuits and the Affordable Care Act are not included in that definition.

A fight over the use of the state’s $8 billion Rainy Day Fund is almost a certainty. Another certainty is that the governor will hold a firm line on the growth of government. Recently he called for legislators to sign a budget compact, strictly limiting the state’s expenditures. Among the principles he articulated are truth in budgeting, supporting a stricter constitutional limit on spending (which he says should be limited, by constitution, to the rate of population growth, combined with the rate of inflation), opposing any new taxes or tax increases, preserving a strong Rainy Day Fund, and cutting wasteful and redundant government programs and agencies.

**Public Education Committee Interim Charges**

Between legislative sessions, the presiding officers of the House and Senate issue interim charges for committees to study between sessions. The lieutenant governor and speaker issued charges earlier this year. Currently, the House and Senate Public Education Committees are concluding public hearings on their respective charges and are expected to make their final reports in November.

The House Public Education Committee considered, among other charges, the following:

- A review of the University Interscholastic League with recommended changes.
- Monitoring implementation of the new state assessment system (STAAR), specifically the impact on students, instruction, teachers, and graduation and promotion rates.

TMEA has been closely monitoring these hearings and spending significant time with legislators and staff on the impact of these issues on fine arts programs across the state.

Additionally, there have been recent discussions about possible changes to the new STAAR and End of Course assessments, some of which include legislative changes to fine arts programs and credits. For example, some staff and policymakers have discussed refining the newly implemented provisions of HB 3, including changes to the Recommended Plan for graduation. TMEA, representing all fine arts programs, has been invited to participate in these discussions and will be a significant voice in any proposed changes to such programs should they occur. Be prepared to hear a great debate over the issue of accountability and the application of the current assessment system on public education.

The Senate Education Committee was given several charges that could ultimately affect fine arts, including the following:

- Studying educator and principal preparation programs through colleges of education and alternative certification.
• Examining strategies to improve recruitment of high-quality teachers and making recommendations accordingly.

• Studying the impact of school choice programs in other states on students, parents, and teachers and exploring the use of education tax credits and its potential impact on state funding.

The last charge has already received much attention in the press and spurred a vibrant debate about the efficacy of introducing some form of vouchers in Texas. Governor Perry and Lieutenant Governor Dewhurst, along with recently-appointed Senate Education Chair Dan Patrick and other key legislators, have already indicated their support for some form of education choice. This will likely be a high-profile education issue.

School Finance Litigation
Another significant factor facing policymakers will be the litany of lawsuits challenging Texas’s school finance system. Five separate suits, representing over 500 districts and 3 million Texas public school students, have been filed against the state alleging several grounds of violations of the Texas Constitution. These suits were brought by the following:

• Texas School Coalition (representing 60 property-wealthy districts)

• Taxpayer and Student Fairness Coalition (representing 400+ districts)

• Big District Coalition (representing the largest school districts)

• Mexican-American Legal Defense and Education Fund (MALDEF, Congresswoman Hilda Solis, and Congresswoman Linda Sanchez have filed a suit challenging the formula for distributing state funds that they claim is unconstitutional for failing to provide sufficient funding to poorer school districts. A related suit was filed by the Texas Civil Rights Project (TCRP), which claims that the formula does not include the state’s debt payments to districts for services they provided.

These suits are likely to have a major impact on the state’s education system and may lead to significant changes in the way school funds are distributed.
representing a variety of districts with a high percentage of low-income/English language learners, including Edgewood ISD)

• Texans for Real Equity and Efficiency in Education (TREE, representing parents and some third party organizations including the Texas Association of Business)

The TREE Coalition is represented by former House Public Education Chairman Kent Grusendorf, and their principal claim is different from the other suits in that they assert that more money “may or may not” lead to more efficient public schools.

Recently, the presiding judge consolidated many of the common claims in order to expedite discovery and trial proceedings. The trial was scheduled to begin on October 22 of this year.

It is widely assumed that any decision by the trial court will ultimately result in an appeal to the Texas Supreme Court. There is much discussion on when the Supreme Court would render a decision and if that decision would be made before or after the Legislature concludes its regular session. For example, if the Supreme Court were to rule on an appeal while the Legislature were still in regular session, then one could assume a flurry of legislative activity to address the decision made by the court. However, if the Supreme Court does not issue a decision until the regular legislative session has concluded, one or more special sessions would likely be called, keeping legislators in Austin through much of the summer—or beyond. At any rate, onlookers should prepare for a feisty, and likely long, school finance discussion.

**TMEA Legislative Goals**

TMEA leaders have been closely monitoring these legislative and regulatory activities and constructing a legislative program to position fine arts at the front of the education policy agenda. Receiving input from teachers and administrators is critical to this process as it is important to have the collective fine arts voice heard in Austin. TMEA recognizes its members’ ongoing concerns about students being removed from classes for testing remediation. TMEA will continue state and local efforts to address this challenge to the quality of programs and the threat it creates to sound educational outcomes.

During the last two sessions, TMEA pursued legislation to address student pull-out. While this legislation did not ultimately pass, in each session these bills did not fail on substantive concerns but instead because of legislative time running out and on procedural grounds. TMEA will continue its efforts on this front and others and will keep its members informed on the status of its legislative agenda.

Thanks go to all who have taken the time to communicate their concerns about the upcoming session. It is only through the unselfish actions of individuals that sound education policy is achieved in government. TMEA leadership truly appreciates the deep passion and concern of the professionals in its membership and remembers your commitment in all they do.

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Matt Matthews is a registered lobbyist and is under contract with TMEA to assist us in our fine arts education initiatives.