On Sunday, May 26, 2013, the Texas House and Senate passed House Bill 5 containing landmark changes for public education that include greater flexibility in high school graduation plans and fewer end-of-course exams. On June 10, Governor Perry signed the bill into law, thus elevating the status of arts education by creating an Arts and Humanities endorsement as one of five new areas of concentration high school students may pursue beyond the foundation program required of all students.

Rep. Jimmie Don Aycock, Chair of the House Public Education Committee and author of the bill, and Sen. Dan Patrick, Chair of the Senate Education Committee, along with all of their committee members, deserve our thanks for supporting fine arts education and for recognizing the role of the arts in the education of the whole child.

Key provisions will become effective in the 2014–15 school year under rules and transition provisions issued by the Education Commissioner. However, the requirement for districts to establish a local policy limiting removing students from class for remediation becomes effective for the 2013–14 school year. The following are brief descriptions of HB 5 provisions that affect arts education.

**Fine Arts Requirements Protected**

The high school foundation program will continue to require that all students complete one fine arts credit for graduation. The middle school fine arts course requirement in grades 6, 7, or 8 remains in law with no additional course requirements that would limit middle school student electives. (A required career exploration course in grade seven or eight was not included in the final version of the bill.) Finally, TEKS-based music, art, and theatre must continue to be taught in grades K–5.

Legislators did adopt a provision, not supported by TMEA but supported by key players, for a district to allow a student to meet the one-credit fine arts graduation requirement in high school with participation in a community-based fine arts program not provided by the school district in which the student is enrolled. The outside fine arts program would have to meet the TEKS of a current state-approved fine arts course. Substituting such a community-based program to meet the graduation requirement must be approved by the commissioner of education.

TMEA was able to work with the chairs and their staffs to accept amendments to assure the integrity and rigor of the fine arts requirement. This language was amended on both the floor of the House and Senate to strengthen the substitution requirements, and TMEA has submitted recommendations to the commissioner’s office for Texas Administrative Code (TAC) language that would guide commissioner’s rules to further limit program substitutions. Again, please note this is a district decision, and your district may simply decide that with so many fine arts options offered during the school day that such flexibility is not necessary, especially with no absolute assurance of program quality, rigor, and quality of instruction.

**Arts and Humanities Endorsement**

Students may receive an Arts and Humanities endorsement on their diploma and transcript for completing the 22 credits required in the foundation program plus four additional credits.
(one in math, one in science, and two electives). Seven of the 26 credits would be electives. The State Board of Education will determine endorsement-specific credit requirements. Among the five endorsements created in the bill, only the Arts and Humanities endorsement contains a special provision allowing students (with parental permission) to substitute an additional arts and humanities course for an advanced science credit. The plan will give students much greater flexibility to design a course of study tailored to their interests. The SBOE will determine what courses will be eligible to meet this substitution option.

Restrictions on Pulling Students Out of Classes
After unsuccessful attempts by TMEA in two previous sessions, legislators finally approved a provision in HB 5 requiring local school boards to adopt and strictly enforce a policy limiting removal of students from a regularly scheduled class for remedial tutoring or test preparation. TMEA partnered with the CTE lobby in this endeavor. Under the new law, a school may not remove a student more than ten percent of the days the class is offered without the permission of the parent.

The bill further requires that to receive a credit or final grade, students must be in class 90 percent of the days the class meets except under extenuating circumstances not related to remediation (or parent permission). It also clarifies that such policy applies not just to high school but to all classes in grades K–12.

Fine Arts Included in District and Campus Evaluations
Each district must evaluate the district as well as each campus for Community and Student Engagement compliance by August 8 every year beginning with the 2013–2014 school year. Local committees will develop criteria for evaluating the district and campuses as having exemplary, recognized, acceptable, or unacceptable performance in nine areas, one of which is fine arts. TMEA is in the process of developing recommended criteria that districts may use in developing such indicators. The bill contains many other provisions of interest to educators and parents including assessments, accountability, class rankings for college admissions, academic support systems, and much more. To read the complete text of the final bill, go to www.tmea.org/smlink/HB5.