

What Can We Expect?

82nd Legislative Session Preview

By Matt Matthews

Unlike most state legislatures, the Texas Legislature meets only for 140 days in every odd-numbered year. This requires lawmakers to look into the future to design and adopt a two-year budget. In addition, our state constitution requires the legislature to pass a *balanced budget*. Although an extremely difficult task to accomplish, this requirement has served as a valuable asset to Texas taxpayers in helping our state avoid the budget pitfalls that states such as California can, and often have, experienced, as they borrowed well into the future, binding taxpayers with future debt.

In these economically difficult and unpredictable times, this constitutional requirement poses serious and unique challenges to Texas lawmakers. There probably hasn't been a legislative session in the last 20+ years greeted with as much anxiety and angst as the upcoming 82nd regular session beginning in January 2011.

With the national economy in uncertain waters, our state finds itself having to address many difficult issues on a variety of fronts. The two-headed dragon of an estimated \$15–\$20 billion budget shortfall and the constitutionally required decennial reapportionment (better known as redistricting) has legislators, educators, and citizens alike scratching their heads and battenning down the hatches. In the coming days, expect much of the press coverage to be about redistricting, the budget, and public education related issues.

Education Spending

In anticipation of such a difficult session, there is a flurry of activity already underway on various education policy fronts. As one might expect, most of this activity is focused on money. With more than 40% of the state's budget being encumbered by education spending, that piece of the budget pie is exceptionally vulnerable during tough budgetary times. The Texas Education Agency, the State Board of Education, and the House and Senate Committees on Education, Appropriation, and Finance are all busy identifying and prioritizing the many areas of education

spending and analyzing the impact of changes or cuts to programs, assessments, curriculum and textbooks. This process is made more difficult by the requirement that the decisions being made in the 82nd session will be in place for the next two years.

Both the House and Senate committees with jurisdiction over public education have been charged to study the implementation of legislation signed into law from the last session. In particular, TEA representatives have been appearing before legislators and staff with great regularity reporting on the implementation of HB 3, dealing primarily with the new accountability system. The cornerstone of this new accountability system is the replacement of TAKS with end-of-course assessments at the high school level. In addition, the new graduation programs that include the restored one-credit fine arts requirement, as well as the inclusion of the one fine arts course middle school requirement, have gone into effect with this current school year.

TAKS Pull-out Relief Plan Continues

While TMEA will be closely monitoring any discussions involving the new fine arts requirements in HB 3, TMEA will also be working on new legislation for next session. One of the key legislative priorities for TMEA last session was the passage of the TAKS pull-out bill, filed by Senate Education Committee Chair Florence Shapiro (R-Plano). Unfortunately, that bill died on the House floor as time ran out on the session. However, Senator Shapiro has indicated her intent to refile this bill in the 82nd session and again, fight for its passage.

Another education fight looms over the issue of textbook funding. This issue is worthy of monitoring not just because of the proclamations which have already been made for 2011 (English Language Arts) and 2012 (Science), but because there is discussion of postponing some or part of these proclamations and pushing them out to future years for budgetary reasons. Also, there is discussion of postponing future proclamations (including Fine Arts content) indefinitely. It is assumed that in this

legislative session, at a minimum, there will be significant changes that may affect future textbook adoption cycles.

School Finance Review

On the school finance front, the Select Committee on Public School Finance is also actively discussing possible changes to the entire funding system. The committee was expected to meet again in mid-October to discuss various alternate funding options. While there is no clear consensus of what, if anything, can be done to change the system, there does appear to be agreement that the status quo is overly complicated and not working. It will be interesting to learn what, at this late hour, this committee can agree upon and recommend to the 82nd Legislature. The Texas Association of School Boards has recently placed a new school finance plan on the table for consideration and many school districts will be supporting the adoption of what many believe to be this more simplified and equitable plan.


Redistricting to Set the Pace

Besides the difficulties of balancing

a budget, the other issue that will determine the pace of the 2011 legislative process will be redistricting. Very few issues inject Washington-style politics into Texas government like redistricting. By its nature, the process of redrawing House, Senate, and Congressional district boundaries is, at a very minimum, a partisan undertaking. Democrats and Republicans alike attempt to draw districts in their favor to maximize the number of seats each party has in their respective chambers. In the 2008 election cycle, republicans lost a handful of seats that their leadership is attempting to win back. At this writing, the party makeup of the House is 77 Republicans and 73 Democrats. The Senate is 19 Republicans and 12 Democrats.

While the outcome of the November general election results are unknown at this time, the party in power can be presumed to have control over the ultimate redistricting plan which will most likely aid that party in future elections. The larger point for spectators is the inherent difficulties a redistricting session has on the passage or defeat of other substantive

legislation. It is a frequent phenomenon in redistricting sessions that other substantive policy decisions get lost in the partisanship of the moment. Redistricting adds a sense of frustration and “hostage-taking” to an otherwise serious policy discussion during these precious 140 days.

With so many difficult issues to tackle and a general election to be conducted, there remains a great deal of uncertainty of what will transpire in the next legislative session. However, those who have advocated for fine arts, especially TMEA, have made a significant gain in the minds of legislators and advances in Texas public policy. There is little doubt among legislators that fine arts advocates intend to once again make their voices heard in the 82nd session. 

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

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