

State of Texas: Selected Educational Code Pertaining to Fine Arts

The State of Texas places the Fine Arts, defined in 19 Texas Administrative Code as “*the study of dance, music, theatre, and the visual arts,*” squarely in the center of the academic instruction that districts are expected to provide their students. Texas Education Code § 28.002 states that:

REQUIRED CURRICULUM. (a) Each school district that offers kindergarten through grade 12 *shall offer, as a required curriculum:*

(1) a foundation curriculum that includes:

- (A) English language arts;
- (B) mathematics;
- (C) science; and
- (D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; *and*

(2) *an enrichment curriculum* that includes:

- (A) to the extent possible, languages other than English;
- (B) health, with emphasis on the importance of proper nutrition and exercise;
- (C) physical education;
- (D) fine arts;*
- (E) career and technology education;
- (F) technology applications;
- (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
- (H) personal financial literacy.

The curriculum requirements spelled out in 19 Texas Administrative Code, Chapter 74.1b state that a “school district *must provide instruction* in the essential knowledge and skills of the appropriate grade levels in the *foundation and enrichment curriculum* as specified” (the State of Texas has adopted essential knowledge and skills for all four fine arts disciplines) and that a “school district may add elements at its discretion *but must not delete or omit instruction in the foundation and enrichment curriculum.*”

Simply providing limited exposure to the fine arts is not enough, 19 Texas Administrative Code, Chapter 74.2a, 3a, and 3b continues by establishing the expectation that:

The district must *ensure that sufficient time is provided for teachers to teach and for students to learn* English language arts and reading, mathematics, science, social studies, *fine arts*, health, physical education, technology applications, and to the extent possible, languages other than English.

These expectations are in place to ensure the overarching purpose of the state laws governing the essential knowledge and skills articulated in the Texas Administrative Code, § 28.001:

PURPOSE. It is the intent of the legislature that the essential knowledge and skills developed by the State Board of Education under this subchapter *shall require all students to demonstrate* the knowledge and skills necessary to read, write, compute, problem solve, think critically, apply technology, and communicate *across all subject areas*.

Districts must ensure that high standards for instruction across all academic areas (including both foundation and enrichment curriculum) are met. Chapter 21.003a of the Texas Education Code ensures effective implementation of the Fine Arts TEKS by establishing that a “*person may not be employed as a teacher ... unless the person holds an appropriate certificate or permit*” issued in accordance with the law. Chapter 21.031a recognizes “public school educators as professionals” and therefore the district must ensure that *teachers providing academic fine arts instruction are expected have specialized expertise in the fine arts discipline that they teach*.

Finally, students must be present in their classes to receive instruction, therefore Chapter 25.083b of the Texas Education Code states that “a *district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation* if, as a result of the removal, the student would miss more than 10 percent of the schools days on which the class is offered ...”

Taken together, the legal framework of the Texas Administrative and Education Codes provides a clear expectation that *all four fine arts disciplines are a core element of the academic instruction that every student in the State of Texas shall receive. Each discipline is supported by Texas Essential Knowledge and Skills and care must be given to ensure that students receive high quality instruction.*

(Emphasis added for clarity.)