

Chapter 150. Commissioner's Rules Concerning Educator Appraisal

Statutory Authority: The provisions of this Chapter 150 issued under the Texas Education Code, §§21.351-21.356, unless otherwise noted.

Subchapter AA. Teacher Appraisal

§150.1001. General Provisions.

- (a) Beginning with the 1997-1998 school year, all school districts have two choices in selecting a method to appraise teachers: a teacher-appraisal system recommended by the Texas commissioner of education or a local teacher-appraisal system.
- (b) The commissioner's recommended teacher-appraisal system, the Professional Development and Appraisal System (PDAS), was developed in accordance with Texas Education Code (TEC), §21.351.
- (c) The superintendent of each school district, with the approval of the school district board of trustees, may select the PDAS. Each school district or campus wanting to select or develop an alternative teacher-appraisal system must follow TEC, §21.352.
- (d) The commissioner may designate a regional education service center to serve as the PDAS certification provider for the state. The designated regional education service center may collect appropriate fees under TEC, §8.053, from school districts and open-enrollment charter schools for training and certification.

Source: The provisions of this §150.1001 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective February 17, 2010, 35 TexReg 1205.

§150.1002. Assessment of Teacher Performance.

- (a) The teacher proficiencies described in *Learner-Centered Schools for Texas: A Vision of Texas Educators*, approved by the State Board of Education on February 11, 1994, shall be the foundation for the Professional Development and Appraisal System (PDAS).
- (b) Each teacher shall be appraised on the following domains:
 - (1) Domain I: Active, successful student participation in the learning process;
 - (2) Domain II: Learner-centered instruction;
 - (3) Domain III: Evaluation and feedback on student progress;
 - (4) Domain IV: Management of student discipline, instructional strategies, time and materials;
 - (5) Domain V: Professional communication;
 - (6) Domain VI: Professional development;
 - (7) Domain VII: Compliance with policies, operating procedures and requirements; and
 - (8) Domain VIII: Improvement of academic performance of all students on the campus (based on indicators included in the Academic Excellence Indicator System (AEIS)).
- (c) Each domain shall be scored independently. The evaluation of each of the domains shall consider all data generated in the appraisal process. The data for the appraisal of each domain shall be gathered from observations, the Teacher Self-Report Form, and other documented sources. The data shall describe teacher contributions in increasing student achievement, making the whole school safe and orderly, and creating a stimulating learning environment for children.
- (d) Each teacher shall be evaluated on Domains I through VIII using the following categories:
 - (1) exceeds expectations;
 - (2) proficient;

- (3) below expectations; and
- (4) unsatisfactory.
- (e) The teacher evaluation in Domain VIII shall include the following areas:
 - (1) efforts to enhance academic performance;
 - (2) efforts to enhance student attendance;
 - (3) efforts to identify and assist students in at-risk situations; and
 - (4) campus performance rating.
- (f) Campus performance rating data for Domain VIII shall be reported (not scored) by a campus or district for the first year of the PDAS implementation and/or during the first year for new teachers to a campus.

Source: The provisions of this §150.1002 adopted to be effective August 1, 1997, 22 TexReg 4200.

§150.1003. Appraisals, Data Sources, and Conferences.

- (a) Each teacher must be appraised each school year, except as provided by subsection (1) of this section. Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified.
- (b) The annual teacher appraisal shall include:
 - (1) at least one classroom observation of a minimum of 45 minutes as identified in subsection (g) of this section, with additional walk-throughs and observations conducted at the discretion of the certified appraiser;
 - (2) a written summary of each observation, which shall be given to teachers within ten working days after the completion of an observation, with a pre- and post-observation conference conducted at the request of the teacher or certified appraiser;
 - (3) completion of Section I of the Teacher Self-Report Form that shall be presented to the principal:
 - (A) within the first three weeks from the day of completion of the Professional Development and Appraisal System (PDAS) orientation as described in §150.1007 of this title (relating to Teacher Orientation);
 - (B) within the first three weeks from the day of completion of the PDAS orientation as described in §150.1007 of this title for teachers new to the PDAS; or
 - (C) within the first three weeks of instruction in the school years when the PDAS orientation is not required pursuant to §150.1007 of this title.
 - (4) revision of Section I (if necessary) and completion of Sections II and III of the Teacher Self-Report Form that shall be presented to the principal at least two weeks prior to the summative annual conference;
 - (5) cumulative data of written documentation collected regarding job-related teacher performance, in addition to formal classroom observations;
 - (6) a written summative annual appraisal report; and
 - (7) a summative annual conference.
- (c) A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required.
- (d) Each school district shall establish a calendar for the appraisal of teachers. The appraisal period for each teacher must include all of the days of a teacher's contract. Observations during the appraisal period must be conducted during the required days of instruction for students during one school year. The appraisal calendar shall:

- (1) exclude observations in the three weeks following the day of completion of the PDAS orientation in the school years when an orientation is required as described in §150.1007 of this title;
 - (2) exclude observations in the three weeks following the day of completion of the PDAS orientation for teachers new to the PDAS as described in §150.1007 of this title;
 - (3) exclude observations in the first three weeks of instruction in the school years when the PDAS orientation is not required pursuant to §150.1007 of this title;
 - (4) prohibit observations on the last day of instruction before any official school holiday or on any other day deemed inappropriate by the school district board of trustees; and
 - (5) indicate a period for summative annual conferences that ends no later than 15 working days before the last day of instruction for students.
- (e) During the appraisal period, the certified appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in §150.1002(b) of this title (relating to Assessment of Teacher Performance).
- (f) The certified appraiser is responsible for documentation of the cumulative data identified in subsection (b)(5) of this section. Any third-party information from a source other than the certified appraiser that the certified appraiser wishes to include as cumulative data shall be verified and documented by the certified appraiser. Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within ten working days of the certified appraiser's knowledge of the occurrence. The principal shall also be notified in writing when the certified appraiser is not the teacher's principal.
- (g) By mutual consent of the teacher and the certified appraiser, the required minimum of 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes.
- (h) A written summative annual appraisal report shall be shared with the teacher no later than five working days before the summative conference and no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period.
- (i) Unless waived in writing by the teacher, a summative conference shall be held within a time frame specified on the school district calendar and no later than 15 working days before the last day of instruction for students. The summative conference shall focus on the written summative report and related data sources.
- (j) In cases where the certified appraiser is not an administrator on the teacher's campus, either the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus must participate in the summative annual conference.
- (k) Any documentation collected after the summative conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any domain, another summative report shall be developed and another summative conference shall be held to inform the teacher of the change(s).
- (l) Except as otherwise provided by this subsection, appraisal must be done at least once during each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent appraisal rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years.
- (1) District policy may stipulate:
 - (A) whether the appraisal option is to be made available to teachers;
 - (B) whether the appraisal option is to be adopted districtwide or is to be campus specific;

- (C) if the appraisal accompanying a teacher new to a district or campus meets the option as specified in this subsection, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and
 - (D) whether a certified appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies documented in accordance with subsections (b)(5) and (f) of this section.
- (2) A school district may choose annually to review the written agreement with the teacher. However, at the conclusion of the school year, the district may modify appraisal options through board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous year(s).
 - (3) For purposes of this subsection, in the teacher-appraisal system recommended by the commissioner, an area of deficiency is a domain. A teacher must be rated as at least proficient for each domain (i.e., for all domains) to be eligible for less frequent appraisals under this subsection.

Source: The provisions of this §150.1003 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective April 15, 1999, 24 TexReg 2934; amended to be effective May 31, 2004, 29 TexReg 5345; amended to be effective February 17, 2010, 35 TexReg 1205.

§150.1004. Teacher in Need of Assistance.

- (a) A teacher whose performance meets one of the following circumstances will be designated as a "teacher in need of assistance":
 - (1) a teacher who is evaluated as unsatisfactory in one or more domains; or
 - (2) a teacher who is evaluated as below expectations in two or more domains.
- (b) When a teacher is designated as a teacher in need of assistance, the certified appraiser and the campus principal or designee shall, in consultation with the teacher, develop an intervention plan that includes the following:
 - (1) domain(s) that designate a teacher as a teacher in need of assistance;
 - (2) directives or recommendations for professional improvement activities;
 - (3) evidence that is used to determine successful completion of professional improvement activities;
 - (4) directives for changes in teacher behavior;
 - (5) evidence that is used to determine if teacher behavior has changed; and
 - (6) specific time line for successful completion.
- (c) In cases when the teacher's appraiser is not the teacher's principal, the principal shall be involved in the development and evaluation of the intervention plan.
- (d) A teacher who has not met all requirements of the intervention plan for teachers in need of assistance by the time specified may be considered for separation from the assignment, campus, and/or district.
- (e) The intervention plan shall include options for professional development activities designed to enhance teacher proficiency. At least one option shall not place significant financial burden on either the teacher or the school district.
- (f) An intervention plan may be developed at any time at the discretion of the certified appraiser when the certified appraiser has documentation that would potentially produce an evaluation rating of "below expectations" or "unsatisfactory."

Source: The provisions of this §150.1004 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective February 17, 2010, 35 TexReg 1205.

§150.1005. Teacher Response and Appeals.

- (a) A teacher may submit a written response or rebuttal at one or both of the following times:
 - (1) after receiving a written observation summary, or any other written documentation associated with the teacher's appraisal; or
 - (2) after receiving a written summative annual appraisal report.
- (b) Any written response or rebuttal must be submitted within ten working days of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation associated with the teacher's appraisal. At the discretion of the certified appraiser, the time period may be extended to 15 working days.
- (c) A teacher may request a second appraisal by another certified appraiser at one or both of the following times:
 - (1) after receiving a written observation summary with which the teacher disagrees; or
 - (2) after receiving a written summative annual appraisal report with which the teacher disagrees.
- (d) The second appraisal must be requested within ten working days of receiving a written observation summary or a written summative annual appraisal report. At the discretion of the certified appraiser, the time period may be extended to 15 working days.
- (e) A teacher may be given advance notice of the date or time of a second appraisal, but advance notice is not required.
- (f) The second appraiser shall appraise the teacher in all domains. The second appraiser shall make observations and walk-throughs as necessary to evaluate Domains I through V. The second appraiser shall use the Teacher Self-Report Form and cumulative data from the first appraisal to evaluate Domains VI through VIII. Cumulative data may also be used by the second appraiser to evaluate other domains.
- (g) Each school district shall adopt written procedures for a teacher to present grievances and receive written comments in response to the written annual report. Each district shall also adopt written procedures for determining the selection of second appraisers. These procedures shall be disseminated to each teacher at the time of employment and updated annually or as needed.

Source: The provisions of this §150.1005 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective February 17, 2010, 35 TexReg 1205.

§150.1006. Appraiser Qualifications.

- (a) The teacher-appraisal process requires at least one certified appraiser.
- (b) Under the Professional Development and Appraisal System (PDAS), a campus administrator includes a principal, an assistant principal, or other supervisory staff designated as an administrator of an open-enrollment charter school or as an administrator who holds a comparable administrator/supervisor certificate established by the State Board for Educator Certification. A campus administrator who is a certified PDAS appraiser and approved by the school district board of trustees shall conduct a teacher's appraisal. Only in the event of the circumstances identified in subsection (d) of this section may an individual other than a campus administrator act as a certified appraiser.
- (c) Before conducting an appraisal, an appraiser must be certified by having satisfactorily completed uniform appraiser training, including required Instructional Leadership Training (ILT) or Instructional Leadership Development (ILD) certification, with a trainer and curriculum approved by the commissioner of education. Periodic recertification and training shall be required.
 - (1) Educators certified as appraisers for the Texas Teacher Appraisal System (TTAS) before January 1997 shall be required to take only the PDAS training to qualify as a certified appraiser for the new system. Beginning June 1, 2002, individuals seeking to become certified PDAS appraisers must comply with requirements specified in paragraph (3) of this subsection.

- (2) Educators seeking certification as an appraiser for the PDAS after January 1, 1997, and no later than June 1, 2002, holding no prior TTAS certification, shall be required to complete the ILT or ILD training and the PDAS training with the successful completion of ILT or ILD certification as a prerequisite to the PDAS training.
- (3) Educators seeking certification as an appraiser for the PDAS after June 1, 2002, shall be required to complete ILD training and the PDAS training with successful completion of ILD certification as a prerequisite to the PDAS training.
- (d) An individual other than a campus administrator may act as a certified appraiser if:
 - (1) the individual has been certified by completing the training required under subsection (c) of this section prior to conducting appraisals;
 - (2) the district lacks sufficient certified appraisers to complete appraisals in a timely manner; and
 - (3) in the case where the certified appraiser is a classroom teacher, the certified appraiser:
 - (A) conducts appraisals at the same school campus at which the certified appraiser teaches if the certified appraiser is the chair of a department or grade level whose job description includes classroom observation responsibilities; or
 - (B) does not conduct appraisals of classroom teachers who teach at the same campus as the certified appraiser if the certified appraiser is not a department or grade-level chair.

Source: The provisions of this §150.1006 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective July 31, 2001, 26 TexReg 5638; amended to be effective February 17, 2010, 35 TexReg 1205.

§150.1007. Teacher Orientation.

- (a) A school district shall ensure that all teachers are provided with an orientation of the Professional Development and Appraisal System (PDAS) no later than the final day of the first three weeks of school and at least three weeks before the first observation.
 - (1) Additional orientations shall be provided any time substantial changes occur in the PDAS.
 - (2) A teacher new to the district shall be provided with an orientation of the PDAS at least three weeks before the teacher's first observation.
 - (3) At least three weeks prior to the first formal observation, all teachers to be appraised under the PDAS shall be provided an annual review of this subchapter and district policy regarding teacher appraisal.
- (b) Teachers' orientation shall include materials approved by the commissioner of education. These materials shall include all state and local appraisal policies, the local appraisal calendar, and information on the requirements for the completion of the Teacher Self-Report Form. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to actively participate in a discussion of the PDAS specifics and to have their questions answered.

Source: The provisions of this §150.1007 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective February 17, 2010, 35 TexReg 1205.

§150.1009. Alternatives to the Commissioner's Recommended Appraisal System.

- (a) District option. Beginning with the 1997-1998 school year, a school district not wanting to use the commissioner's recommended Professional Development and Appraisal System must develop its own teacher-appraisal system supported by locally adopted policy and procedures and by the processes outlined in Texas Education Code (TEC), §21.352. The Texas Teacher Appraisal System (TTAS) is no longer a state-recommended system; however, it may become a local option governed by the process outlined in TEC, §21.352. If adopted as a local option, the TTAS must be modified to comply with TEC, §21.351(a)(1) and (2).

- (1) The school district-level planning and decision-making committee shall:
 - (A) develop an appraisal process;
 - (B) develop evaluation criteria, including discipline management and performance of the teachers' students; and
 - (C) consult with the campus planning and decision-making committee on each campus in the school district.
 - (2) The appraisal process shall include:
 - (A) at least one appraisal each year;
 - (B) a conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
 - (C) criteria based on observable, job-related behavior, including:
 - (i) teachers' implementation of discipline management procedures; and
 - (ii) performance of the teachers' students.
 - (3) The school district-level planning and decision-making committee shall submit the appraisal process and criteria to the superintendent, who shall submit the appraisal process and criteria to the school district board of trustees with a recommendation to accept or reject. The school district board of trustees may accept or reject an appraisal process and performance criteria, with comments, but may not modify the process or criteria.
- (b) Campus option. A campus within a school district may choose to develop a local system as provided in this section.
- (1) The campus planning and decision-making committee shall:
 - (A) develop an appraisal process;
 - (B) develop evaluation criteria, including discipline management and performance of the teachers' students; and
 - (C) submit the process and criteria to the district-level planning and decision-making committee.
 - (2) The appraisal process shall include:
 - (A) at least one appraisal each year;
 - (B) a conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
 - (C) criteria based on observable, job-related behavior, including:
 - (i) teachers' implementation of discipline management procedures; and
 - (ii) performance of the teachers' students.
 - (3) Upon submission of the appraisal process and criteria to the school district-level planning and decision-making committee, the committee shall make a recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the superintendent.
 - (4) The superintendent shall submit the recommended campus appraisal process and criteria, the school district-level planning and decision-making committee's recommendation, and the superintendent's recommendation to the school district board of trustees. The school district board of trustees may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

Source: The provisions of this §150.1009 adopted to be effective August 1, 1997, 22 TexReg 4200.

§150.1010. District Submissions to Regional Education Service Center.

- (a) For purposes of providing training and support, the superintendent shall notify the executive director of its regional education service center of the district's choice of appraisal system(s) and provide a sample copy of the instrument used by a time designated by the commissioner of education.
- (b) Each school district shall submit annually to its regional education service center a summary of the campus-level evaluation scores from the Professional Development and Appraisal System, or the district's locally adopted appraisal system, in a manner prescribed by the commissioner.

Source: The provisions of this §150.1010 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective February 17, 2010, 35 TexReg 1205.