

The Texas Education Agency (TEA) proposes amendments to §150.1002 and §150.1004, concerning teacher appraisal. The proposed amendments would allow districts to begin using the Alternate Domain I rubric as part of the Texas Teacher Evaluation and Support System (T-TESS) beginning with the 2024-2025 school year.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 150.1002 defines the requirements a school district must meet each school year regarding the assessment of teacher performance. Section 150.1004 defines the requirements for a teachers' response and appeal to a written observation summary or any other written documentation related to appraisal ratings.

The proposed amendment to §150.1002 would add language that allows districts to use the Alternate Domain I rubric as part of the T-TESS beginning with the 2024-2025 school year. The proposed amendment to §150.1004 would add language that allows teachers to respond or appeal written documentation for Alternate Domain I ratings.

The Alternate Domain I rubric was developed to address the shift in teacher responsibilities from lesson planning to lesson internalization. The proposed changes would allow districts to use either the current Domain I rubric or the Alternate Domain I rubric to assess teacher performance.

FISCAL IMPACT: Andrew Hodge, associate commissioner for system innovation, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand existing regulations by allowing districts to begin using the Alternate Domain I rubric as part of the T-TESS beginning with the 2024-2025 school year and allowing teachers to respond to or appeal written documentation for Alternate Domain I ratings.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not limit or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Hodge has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be allowing districts to begin using the Alternate Domain I rubric as part of the T-TESS beginning with the 2024-2025 school year. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins August 11, 2023, and ends September 11, 2023. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on August 11, 2023. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.351, which requires the commissioner of education to adopt a state-recommended appraisal process for teachers.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §21.351.

<rule>

§150.1002. Assessment of Teacher Performance.

- (a) Each teacher shall be appraised on the following domains and dimensions of the Texas Teacher Evaluation and Support System (T-TESS) rubric that is aligned to the Texas Teacher Standards in Chapter 149 of this title (relating to Commissioner's Rules Concerning Educator Standards).
 - (1) Domain I. Planning or Alternate Domain I. Lesson Internalization , which includes the following dimensions:
 - (A) standards and alignment;
 - (B) data and assessment;
 - (C) knowledge of students; and
 - (D) activities.
 - (2) Domain II. Instruction, which includes the following dimensions:
 - (A) achieving expectations;
 - (B) content knowledge and expertise;
 - (C) communication;
 - (D) differentiation; and
 - (E) monitor and adjust.
 - (3) Domain III. Learning Environment, which includes the following dimensions:
 - (A) classroom environment, routines, and procedures;
 - (B) managing student behavior; and
 - (C) classroom culture.
 - (4) Domain IV. Professional Practices and Responsibilities, which includes the following dimensions:
 - (A) professional demeanor and ethics;
 - (B) goal setting;
 - (C) professional development; and
 - (D) school community involvement.

- (b) The evaluation of each of the dimensions identified in subsection (a) of this section shall consider all data generated in the appraisal process. The data for the appraisal of each dimension shall be gathered from pre-conferences, observations, post-conferences, end-of-year conferences, the Goal-Setting and Professional Development Plan process, and other documented sources.
- (c) Each teacher shall be evaluated on the 16 dimensions in Domain I or Alternate Domain I and Domains II-IV [~~Domains I-IV~~] identified in subsection (a) of this section using the following categories:
 - (1) distinguished;
 - (2) accomplished;
 - (3) proficient;
 - (4) developing; and
 - (5) improvement needed.
- (d) Beginning with the 2017-2018 school year, each teacher appraisal shall include the performance of teachers' students, as defined in §150.1001(f)(2) of this title (relating to General Provisions).
- ~~(e) Beginning with the 2024-2025 school year, teachers may be appraised using Domain I or Alternate Domain I based on the alignment of teacher responsibilities to lesson planning or lesson internalization.~~
- ~~(f) [(e)]~~ If calculating a single overall summative appraisal score for teachers, the performance of teachers' students, as defined in §150.1001(f)(2) of this title, shall count for at least 20% of a teacher's summative score.
- ~~(g) [(f)]~~ Each teacher shall be evaluated on the performance of teachers' students using one of the terms from the following categories:
 - (1) distinguished or well above expectations;
 - (2) accomplished or above expectations;
 - (3) proficient or at expectations;
 - (4) developing or below expectations; or
 - (5) improvement needed or well below expectations.

§150.1004. Teacher Response and Appeals.

- (a) A teacher may submit a written response or rebuttal at the following times:
 - (1) for Domain I or Alternate Domain I, Domain II, and Domain III [~~Domains I, II, and III~~], as identified in §150.1002(a) of this title (relating to Assessment of Teacher Performance), after receiving a written observation summary or any other written documentation related to the ratings of those three domains; or
 - (2) for Domain IV, as identified in §150.1002(a) of this title, and for the performance of teachers' students, as defined in §150.1001(f)(2) of this title (relating to General Provisions), after receiving a written summative annual appraisal report.
- (b) Any written response or rebuttal must be submitted within 10 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. A teacher may not submit a written response or rebuttal to a written summative annual appraisal report for the ratings in Domain I or Alternate Domain I, Domain II, and Domain III [~~Domains I, II, and III~~], as identified in §150.1002(a) of this title, if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to submit a written response or rebuttal.
- (c) A teacher may request a second appraisal by another certified appraiser at the following times:
 - (1) for Domain I or Alternate Domain I, Domain II, and Domain III [~~Domains I, II, and III~~], as identified in §150.1002(a) of this title, after receiving a written observation summary with which the teacher disagrees; or

- (2) for Domain IV, as identified in §150.1002(a) of this title, and for the performance of teachers' students, as defined in §150.1001(f)(2) of this title, after receiving a written summative annual appraisal report with which the teacher disagrees.
- (d) The second appraisal must be requested within 10 working days of receiving a written observation summary or a written summative annual appraisal report. A teacher may not request a second appraisal by another certified appraiser in response to a written summative annual appraisal report for the ratings of dimensions in Domain I or Alternate Domain I, Domain II, and Domain III [~~Domains I, II, and III~~], as identified in §150.1002(a) of this title, if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to request a second appraisal.
- (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 make observations and walk-throughs as necessary to evaluate the dimensions in Domain I or Alternate Domain I, Domain II, and Domain III [~~Domains I-III~~] or shall review the Goal-Setting and Professional Development Plan for evidence of goal attainment and professional development activities, when applicable. Cumulative data may also be used by the second appraiser to evaluate other dimensions.
- (g) Each school district shall 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.