

## Chapter 150. Commissioner's Rules Concerning Educator Appraisal

### Subchapter AA. Teacher Appraisal

#### §150.1001. General Provisions.

- (a) All school districts have two choices in selecting a method to appraise teachers: a teacher appraisal system recommended by the commissioner of education or a local teacher appraisal system.
- (b) The commissioner's recommended teacher appraisal system, the Texas Teacher Evaluation and Support System (T-TESS), was developed in accordance with the 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 T-TESS. Each school district or campus wanting to select or develop an alternative teacher appraisal system must follow the TEC, §21.352, and §150.1007 of this title (relating to Alternatives to the Commissioner's Recommended Appraisal System).
- (d) The commissioner may designate a regional education service center to serve as the T-TESS certification provider for the state. The designated regional education service center may collect appropriate fees under the TEC, §8.053, from school districts and open-enrollment charter schools for training and certification.
- (e) Sections 150.1002 through 150.1006 of this title apply only to the T-TESS and not to local teacher appraisal systems.
- (f) The statutorily required components of teacher appraisal are defined as follows.
  - (1) The implementation of discipline management procedures is the teacher's pedagogical practices that produce student engagement and establish the learning environment.
  - (2) The performance of teachers' students is how the individual teacher's students progress academically in response to the teacher's pedagogical practice as measured at the individual teacher level by one or more of the following student growth measures:
    - (A) student learning objectives;
    - (B) student portfolios;
    - (C) pre- and post-test results on district-level assessments; or
    - (D) value-added data based on student state assessment results.

*Source: The provisions of this §150.1001 adopted to be effective July 1, 2016, 41 TexReg 2957.*

*Statutory Authority: The provisions of this §150.1001 issued under the Texas Education Code, §21.351.*

#### §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, 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 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) 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.
- (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.

*Source: The provisions of this §150.1002 adopted to be effective July 1, 2016, 41 TexReg 2957.*

*Statutory Authority: The provisions of this §150.1002 issued under the Texas Education Code, §21.351.*

**§150.1003. Appraisals, Data Sources, and Conferences.**

- (a) Each teacher must be appraised each school year, except as provided by subsection (l) 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, or full appraisal, shall include:
  - (1) a completed and appraiser-approved Goal-Setting and Professional Development Plan that shall be:
    - (A) submitted to the teacher's appraiser within the first six weeks from the day of completion of the Texas Teacher Evaluation and Support System (T-TESS) orientation, as described in §150.1006 of this title (relating to Teacher Orientation), for teachers in their first year of appraisal under the T-TESS or for teachers new to the district; or
    - (B) initially drafted in conjunction with the teacher's end-of-year conference from the previous year, revised as needed based on changes to the context of the teacher's assignment during the current school year, and submitted to the teacher's appraiser within the first six weeks of instruction; and
    - (C) maintained throughout the course of the school year by the teacher to track progress in the attainment of goals and participation in professional development activities detailed in the approved plan;
    - (D) shared with the teacher's appraiser prior to the end-of-year conference; and
    - (E) used after the end-of-year conference in the determination of ratings for the goal setting and professional development dimensions of the T-TESS rubric;
  - (2) for a teacher in the first year of appraisal under the T-TESS or for teachers new to the district, a Goal-Setting and Professional Development Plan conference prior to the teacher submitting the plan to the teacher's appraiser;
  - (3) after a teacher's first year of appraisal under the T-TESS within the district, an observation pre-conference conducted prior to announced observations;
  - (4) at least one classroom observation of a minimum of 45 minutes, as described in subsection (g) of this section, with additional walk-throughs and observations conducted at the discretion of the certified appraiser and in accordance with the Texas Education Code, §21.352(c-1). Additional observations and walk-throughs do not require an observation post-conference. Additional observations and walk-throughs do require a written summary if the data gathered during the additional observation or walk-through will impact the teacher's summative appraisal ratings, in which case the written summary shall be shared within 10 working days after the completion of the additional observation or walk-through. Section 150.1004 of this title (relating to Teacher Response and Appeals) applies to a written summary of an additional observation or walk-through that will impact the teacher's summative appraisal ratings;
  - (5) an observation post-conference that:
    - (A) shall be conducted within 10 working days after the completion of an observation;
    - (B) is diagnostic and prescriptive in nature;
    - (C) includes a written report of the rating of each dimension observed that is presented to the teacher only after a discussion of the areas for reinforcement and areas for refinement; and
    - (D) can allow for, at the discretion of the appraiser, a revision to an area for reinforcement or refinement based on the post-conference discussion with the teacher;
  - (6) cumulative data, as described in subsection (f) of this section, from written documentation collected regarding job-related teacher performance in addition to formal classroom observations;

- (7) an end-of-year conference that:
    - (A) reviews the appraisal data collected throughout the current school year and previous school years, if available;
    - (B) examines and discusses the evidence related to the teacher's performance on the four dimensions of Domain IV of the T-TESS rubric, as described in §150.1002(a)(4) of this title (relating to Assessment of Teacher Performance);
    - (C) examines and discusses evidence related to the performance of teachers' students, as defined in §150.1001(f)(2) of this title (relating to General Provisions), when available; and
    - (D) identifies potential goals and professional development activities for the teacher for the next school year; and
  - (8) a written summative annual appraisal report to be provided to the teacher within 10 working days of the conclusion of the end-of-year conference.
- (c) A teacher may be given advance notice of the date or time of an observation, but advance notice is not required.
  - (d) Each school district shall establish a calendar for the appraisal of teachers and provide that calendar to teachers within three weeks from the first day of instruction. 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 two weeks following the day of completion of the T-TESS orientation in the school years when an orientation is required, as described in §150.1006 of this title; and
    - (2) indicate a period for end-of-year 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(a) of this title, and the performance of teachers' students, as defined in §150.1001(f)(2) of this title.
  - (f) The certified appraiser is responsible for documentation of the cumulative data identified in subsection (b)(6) 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 10 working days of the certified appraiser's knowledge of the occurrence. The principal shall also be notified in writing of the cumulative data when the certified appraiser is not the teacher's principal.
  - (g) By written, 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 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) An end-of-year conference shall be held within a time frame specified on the school district calendar, no later than 15 working days before the last day of instruction for students. The end-of-year conference shall focus on the data and evidence gathered throughout the appraisal year; the teacher's efforts as they pertain to Domain IV, as identified in §150.1002(a) of this title; the results of the performance of teachers' students, when available, as defined in §150.1001(f)(2) of this title; and the potential goals and professional development plans, as identified in subsection (b) of this section, for the following year. The written summative annual appraisal report shall be shared with the teacher within 10 working days following the

conclusion of the end-of-year conference but no later than 15 working days before the last day of instruction.

- (j) In cases where the certified appraiser is not an administrator on the teacher's campus, as defined in §150.1005(b) of this title (relating to Appraiser Qualifications), either the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus must participate in the end-of-year conference.
- (k) Any documentation collected after the end-of-year 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 dimension, another summative report shall be developed to inform the teacher of the change(s).
- (l) Except as otherwise provided by this subsection, a full appraisal must be done at least once during each school year. A teacher may receive a full appraisal less frequently if the teacher agrees in writing and the teacher's most recent full appraisal resulted in the teacher receiving summative ratings of at least proficient on nine of the sixteen dimensions identified in §150.1002(a) of this title and did not identify any area of deficiency, defined as a rating of Improvement Needed or its equivalent, on any of the sixteen dimensions identified in §150.1002(a) of this title or the performance of teachers' students, as defined in §150.1001(f)(2) of this title. A teacher who receives a full appraisal less than annually must receive a full appraisal at least once during each period of five school years.
  - (1) District policy may stipulate:
    - (A) whether the option to receive a full appraisal less frequently than annually is to be made available to teachers;
    - (B) whether the option to receive a full appraisal less frequently than annually 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)(6) and (f) of this section.
  - (2) A school district may choose annually to review the written agreement to have less frequent full appraisals 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) In a year in which a teacher does not receive a full appraisal due to meeting the requirements identified in this subsection, a teacher shall participate in:
    - (A) the Goal-Setting and Professional Development Plan process, as identified in subsection (b)(1) of this section;
    - (B) the performance of teachers' students, as defined in §150.1001(f)(2) of this title; and
    - (C) a modified end-of-year conference that addresses:
      - (i) the progress on the Goal-Setting and Professional Development Plan;
      - (ii) the performance of teachers' students, as defined in §150.1001(f)(2) of this title; and
      - (iii) the following year's Goal-Setting and Professional Development plan.

*Source: The provisions of this §150.1003 adopted to be effective July 1, 2016, 41 TexReg 2957.*

*Statutory Authority: The provisions of this §150.1003 issued under the Texas Education Code, §21.351.*

**§150.1004. Teacher Response and Appeals.**

- (a) A teacher may submit a written response or rebuttal at the following times:
  - (1) for 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 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 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 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 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.

*Source: The provisions of this §150.1004 adopted to be effective July 1, 2016, 41 TexReg 2957.*

*Statutory Authority: The provisions of this §150.1004 issued under the Texas Education Code, §21.351.*

**§150.1005. Appraiser Qualifications.**

- (a) The teacher appraisal process requires at least one certified appraiser.
- (b) Under the Texas Teacher Evaluation and Support System (T-TESS), a campus administrator includes a principal, an assistant principal, an administrator who holds a comparable administrator/supervisor certificate established by the State Board for Educator Certification, or supervisory staff whose job description includes the appraisal of teachers and who is not a classroom teacher. 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 the state-approved T-TESS appraiser training and having passed the T-TESS certification examination, and must have received Instructional Leadership Training (ILT), Instructional Leadership Development (ILD), or Advancing Educational Leadership (AEL) certification. Appraisers without ILT, ILD, or AEL certification before January 1, 2016, may not take ILT or ILD to satisfy this requirement. Periodic recertification and training shall be required.
- (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; and
  - (2) 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 §150.1005 adopted to be effective July 1, 2016, 41 TexReg 2957.*

*Statutory Authority: The provisions of this §150.1005 issued under the Texas Education Code, §21.351.*

**§150.1006. Teacher Orientation.**

- (a) A school district shall ensure that a teacher is provided with an orientation of the Texas Teacher Evaluation and Support System (T-TESS) no later than the final day of the first three weeks of school and at least two weeks before the first observation when:
  - (1) the teacher is new to the district;
  - (2) the teacher has never been appraised under the T-TESS; or
  - (3) district policy regarding teacher appraisal has changed since the last time the teacher was provided with an orientation to the T-TESS.
- (b) The teacher orientation shall be conducted in a face-to-face setting during a district's first year of T-TESS implementation and include all state and local appraisal policies and the local appraisal calendar. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to actively participate in a discussion of the T-TESS specifics and to have their questions answered.

*Source: The provisions of this §150.1006 adopted to be effective July 1, 2016, 41 TexReg 2957.*

*Statutory Authority: The provisions of this §150.1006 issued under the Texas Education Code, §21.351.*

**§150.1007. Alternatives to the Commissioner's Recommended Appraisal System.**

- (a) District option. A school district that does not choose to use the commissioner's recommended appraisal system must develop its own teacher appraisal system supported by locally adopted policy and procedures and by the processes outlined in the Texas Education Code (TEC), §21.352.
  - (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 teacher's 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, or less frequently if in accordance with the TEC, §21.352(c);
  - (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) the teacher's implementation of discipline management procedures, as defined in §150.1001(f)(1) of this title (relating to General Provisions); and
    - (ii) beginning with the 2017-2018 school year, the performance of teachers' students, as defined in §150.1001(f)(2) of this title.
- (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 subsection.
  - (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 teacher's 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, or less frequently if in accordance with the TEC, §21.352(c);
    - (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) the teacher's implementation of discipline management procedures, as defined in §150.1001(f)(1) of this title; and
      - (ii) beginning with the 2017-2018 school year, the performance of teachers' students, as defined in §150.1001(f)(2) of this title.
  - (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 §150.1007 adopted to be effective July 1, 2016, 41 TexReg 2957.



*Statutory Authority: The provisions of this §150.1007 issued under the Texas Education Code, §21.351.*

**§150.1008. District Submissions to Regional Education Service Center.**

- (a) The superintendent shall notify the executive director of its regional education service center in writing of the district's choice of appraisal system when using an alternative to the commissioner's recommended appraisal system and detail the components of that system by the first day of instruction for the school year in which the alternative system is used.
- (b) Each school district shall submit annually to its regional education service center a summary of the campus-level evaluation scores from the Texas Teacher Evaluation and Support System, or the district's locally adopted appraisal system, in a manner prescribed by the commissioner of education.

*Source: The provisions of this §150.1008 adopted to be effective July 1, 2016, 41 TexReg 2957.*

*Statutory Authority: The provisions of this §150.1008 issued under the Texas Education Code, §21.351.*