

CAUSE NO. D-1-GN-16-001685

TEXAS STATE TEACHERS ASSOCIATION, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
TEXAS EDUCATION AGENCY, MIKE MORATH, IN HIS OFFICIAL CAPACITY AS COMMISSIONER OF EDUCATION FOR THE STATE OF TEXAS, COMMISSIONER OF EDUCATION, <i>Defendants.</i>	§	
	§	
	§	345TH JUDICIAL DISTRICT

CAUSE NO. D-1-GN-16-001697

TEXAS CLASSROOM TEACHERS ASSOCIATION, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
MIKE MORATH, TEXAS COMMISSIONER OF EDUCATION, <i>Defendant.</i>	§	
	§	
	§	419TH JUDICIAL DISTRICT

CAUSE NO. D-1-GN-16-001984

TEXAS AMERICAN FEDERATION OF TEACHERS, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
MIKE MORATH, COMMISSIONER OF EDUCATION, in his official capacity, and TEXAS EDUCATION AGENCY <i>Defendants.</i>	§	
	§	
	§	201ST JUDICIAL DISTRICT

CAUSE NO. D-1-GN-16-006153

ASSOCIATION OF TEXAS PROFESSIONAL EDUCATORS, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT OF
	§	
	§	

v.	§	
	§	TRAVIS COUNTY, TEXAS
	§	
MIKE MORATH, THE COMMISSIONER	§	
OF EDUCATION, and THE TEXAS	§	
EDUCATION AGENCY	§	
<i>Defendants.</i>	§	200TH JUDICIAL DISTRICT

SETTLEMENT AND RULE 11 AGREEMENT

The Plaintiffs Texas State Teachers Association, Texas Classroom Teachers Association, Texas American Federation of Teachers, and Association of Texas Professional Educators and Defendants the Texas Commissioner of Education and Texas Education Agency file this agreement.

1. **Rule revision.** The Defendants will make the following revision to 19 Tex. Admin. Code § 150.1001:

(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.~~

2. **Written confirmation.** The following will appear in the Texas Register in the preamble accompanying the rule amendment:

A. The rules do not restrict additional factors a school district may consider. So in addition to considering how the individual teacher’s students progress, under the local appraisal system school districts may also consider how teachers’ students progress as a group. For

example, a school district can have an additional collective component for eighth grade English teachers considering how all eighth grade English students have progressed.

B. Under the local appraisal system, there is no required weighting for each measure. If districts are providing a single overall summative rating to teachers, they can weight each component, including student growth, at a level determined by the district. Districts can also adopt an appraisal system that does not provide a single, overall summative rating.

3. **Timeline.** The Defendants will propose the rule amendment in the Texas Register on or before July 14, 2017, and will adopt the rule amendment on or before October 12, 2017.

4. **Stay.** The parties will inform the assigned judge of this agreement, request to pass all pending deadlines and hearings, and request that the Court not rule on any pending motions.

5. **Dismissal.** Upon adoption of the rule amendment and written confirmation above through publication in the Texas Register, the Plaintiffs' suits are nonsuited with prejudice.

6. **Rule 11.** The signatures below are evidence of intent that this is a Rule 11 agreement and enforceable upon filing with the court. Tex. R. Civ. P. 11.

AGREED:



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