

## 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 student growth measures.

*Source: The provisions of this §150.1001 adopted to be effective July 1, 2016, 41 TexReg 2957; amended to be effective October 10, 2017, 42 TexReg 5439.*

*Statutory Authority: The provisions of this §150.1001 issued under the Texas Education Code, §21.351 and §21.352.*

#### §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.*

**§150.1012. Local Optional Teacher Designation System.**

- (a) General provisions.
- (1) Definitions. The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise.
- (A) Beginning of course--The first nine weeks of a year-long course or the first six weeks of a semester course.
- (B) Charter school--A Texas public school that meets one of the following criteria:
- (i) is operated by a charter holder under an open-enrollment charter granted either by the State Board of Education or commissioner of education pursuant to Texas Education Code (TEC), §12.101, identified with its own county district number;
- (ii) has a charter granted under TEC, Chapter 12, Subchapter C, and is eligible for benefits under TEC, §11.174 and §48.252;
- (iii) has a charter granted under TEC, §29.259, and Human Resources Code, §221.002; or
- (iv) has a charter granted under TEC, §11.157(b).
- (C) Classroom teacher--An educator, as defined by TEC, §5.001, who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.
- (D) Data capture year--The school year in which the teacher observation and student growth measure data is collected based on the proposed local teacher designation system.
- (E) Designated teacher--An exemplary, master, or recognized teacher.
- (F) Eligible teaching assignment--An assignment based on campus, subject taught, or grade taught.
- (G) End of course--The last twelve weeks of a year-long course or the last six weeks of a semester course.
- (H) National Board certification--Certification issued by the National Board for Professional Teaching Standards.
- (I) Provisional approval--Conditional approval of a school district local optional teacher designation system that would require resubmission of system review, data validation, additional required documentation, video submission, and/or other technical assistance for further data submission.
- (J) Reliability--The degree to which an instrument used to measure teacher performance and student growth produces stable and consistent results.
- (K) Rural--A campus within a school district with fewer than 5,000 enrolled students that is categorized as a rural, non-metropolitan: stable, or non-metropolitan: fast growing district type by the Texas Education Agency (TEA); a campus within a school district with fewer than 5,000 enrolled students categorized as rural by the National Center for Education Statistics; or a campus defined in TEC, §48.112(a)(1).
- (L) School district--The definition of a school district includes charter schools as defined in subparagraph (B) of this paragraph.
- (M) Student growth--Student academic progress achieved in response to the pedagogical practices of teachers, as measured at the individual teacher level by one or more measures of student growth aligned to the standards of the course.

- (N) Teacher category--One or more eligible teaching assignments evaluated with the same teacher observation rubric, student growth measure, and optional components and weighting as defined in a district's local designation system.
  - (O) Teacher observation--One or more observations of a teacher instructing students for a minimum of 45 minutes or multiple observations that aggregate to at least 45 minutes.
  - (P) Texas Student Data System (TSDS) --Data collected annually during the Class Roster Winter Submission.
  - (Q) Validity--The degree to which an instrument used to measure teacher performance and student growth measures what it is intended to measure.
- (2) Fees for teacher incentive allotment teacher designation and system renewal. A school district requesting approval of a teacher designation system or renewal of such a system shall pay the applicable fees from the following list:
- (A) a \$500 fee for each teacher submitted for designation to TEA; or
  - (B) a system renewal fee to be determined by the commissioner and established in rule.
- (b) Teacher eligibility.
- (1) Teachers eligible to earn or receive designations under an approved local optional teacher designation system must meet the following requirements:
- (A) the teacher is employed by the recommending school district or charter partner pursuant to subsection (a)(1)(B)(ii) or (iv) of this section in a role ID coded as 087 (Teacher) and corresponding class roles of 01, 02, or 03, if applicable, in TSDS for 90 days at 100% of the day (equivalent to four and one-half months or a full semester) or 180 days at 50-99% of the day and compensated for that employment. A charter partner operating under subsection (a)(1)(B)(ii) or (iv) of this section is required to report teacher-level data in TSDS or provide teacher-level data to its partner school district for reporting by the district in TSDS;
  - (B) the teacher was employed by the recommending school district or charter partner pursuant to subsection (a)(1)(B)(ii) or (iv) of this section during the year the teacher's effectiveness was collected in alignment with the recommended designation;
  - (C) the teacher is not currently designated under a local optional teacher designation system, unless the teacher is being recommended for a higher designation; and
  - (D) the teacher does not have a suspension, revocation, cancellation, or surrender of a certificate issued by the State Board for Educator Certification and is not found on the registry of persons not eligible for employment in public schools under TEC, §22.092, and Chapter 153, Subchapter EE, of this title (relating to Commissioner's Rules Concerning Registry of Persons Not Eligible for Employment in Public Schools).
- (2) School districts are eligible to receive funding for each designated teacher if the teacher meets the requirements in paragraph (1)(A) of this subsection for each district. TEA may exercise administrative discretion to determine the eligibility of a teacher if a district disputes TSDS data. Disputes must be received by TEA by the second Friday in May each year; however, TEA may exercise administrative discretion to allow disputes to be considered outside of this timeline.
- (c) Application procedures and approval process.
- (1) The following provisions apply to applications submitted under this section.
- (A) If TEA determines that an application is incomplete, TEA may provide the applicant with notice of the deficiency and an opportunity to submit missing required information. If the missing required information is not submitted within seven business days after the original submission deadline, the application will be denied.

- (B) If TEA determines that a system application does not meet the standards established under TEC, §21.3521, and this section, TEA shall permit the applicant to resubmit the application by June 30. If no resubmission is made by the deadline, the application will be denied.
  - (C) Applicants that are determined to meet the standards established under TEC, §21.3521 and §48.112, and the requirements of the statutorily based framework provided in the figure in this subparagraph shall be approved.  
[Figure: 19 TAC §150.1012\(c\)\(1\)\(C\)](#)
  - (D) Applications that are determined to meet the standards established under TEC, §21.3521 and §48.112, and this section shall be approved for an initial term of five years. Applications that are determined to need ongoing support may result in provisional approval.
- (2) The application shall include the following for each eligible teaching assignment:
- (A) components of a local system for issuing designations, including:
    - (i) a teacher observation component that contains:
      - (I) a plan for calibration, using the rubric approved under subclause (II) of this clause, that includes congruence among appraisers, a review of teacher observation data and the correlation between teacher observation and student growth data, and implementation of next steps; and
      - (II) an approved teacher observation rubric including the Texas Teacher Evaluation and Support System, Marzano's Teacher Evaluation Model and rubric created by the National Institute for Excellence in Teaching and The Danielson Group, or another rubric that is based on observable, job-related behaviors that are described with progressive descriptors for each dimension, including alignment to §149.1001 of this title (relating to Teacher Standards) and a clear proficiency indicator. A school district may be required to provide teacher observation videos if the ratings cannot be verified from the data submitted; and
    - (ii) a specified student growth component by measure and/or assessment that:
      - (I) if using a student learning objective, is aligned to the Texas Student Learning Objectives (SLO) process described on the TEA website for SLOs at <https://texasslo.org>;
      - (II) if using a portfolio method, demonstrates that student work is aligned to the standards of the course, demonstrates mastery of standards, utilizes a skills proficiency rubric, and includes criteria for scoring various artifacts;
      - (III) if using school district- or teacher-created assessments, is aligned to the standards of the course and conforms to a district rubric for district- or teacher-created assessments. A school district must approve district- or teacher-created assessments for the purpose of determining student growth by using a district process and rubric for approval of such assessments. Assessments must measure beginning of course to end of course or from end of course from the previous course to end of current course;
      - (IV) if using a school district- or teacher-created assessment in conjunction with a third-party assessment, is aligned to the standards of the course and conforms to a district rubric for district- or teacher-created

assessments. A school district must approve district- or teacher-created assessments for the purpose of determining student growth by using a district process and rubric for approval of such assessments.

Assessments must measure beginning of course to end of course or from end of course from the previous course to end of current course;

(V) if using third-party assessments with third-party accompanying growth targets, is aligned to the standards for the course and contains questions that cover a range of student skill levels. Assessments must measure beginning of course to end of course or from end of course from the previous course to end of current course; or

(VI) if using third-party assessments with district-created growth targets, is aligned to the standards of the course and contains questions that cover a range of student skill levels. Assessments must measure beginning of course to end of course or from end of course from the previous course to end of current course. Mid-year data may be used in instances where the student was not present for the beginning of course administration.

(B) test administration processes for all student growth that will lead to validity and reliability of results, including:

- (i) test security protocols;
- (ii) testing windows;
- (iii) testing accommodations; and
- (iv) annual training for test administrators; and

(C) data for all teachers in eligible teaching assignments, including student growth, and observation data for all teachers in eligible teaching assignments for the data capture year in alignment with TEC, §21.351 or §21.352. Multi-year data shall include student growth and observation data from the same year and teacher category. Single-year data shall include student growth and observation data from the same teacher category. TEA may exercise administrative discretion regarding the requirements of this subparagraph in situations in which data is difficult to provide due to circumstances beyond a district's control and the district would otherwise be unable to provide sufficient data for application consideration.

(d) System expansion, spending modifications, and changes. School districts must apply for approval through the system application process the year prior to implementation if:

- (1) adding new eligible teaching assignments or campuses (if started with less than all campuses in the district);
- (2) adding a new teacher observation rubric;
- (3) changing a previously approved teacher observation rubric;
- (4) adding new student growth measures;
- (5) changing the student growth measure used by an eligible teaching assignment;
- (6) adding or changing the third-party assessment used in a student growth measure;
- (7) adding or changing the type of assessment used in a student growth measure;
- (8) removing a student growth measure used by an eligible teaching assignment;
- (9) removing an eligible teaching assignment; or
- (10) modifying a district's spending plan. TEA may exercise administrative discretion to allow spending modifications outside of the approval timeline outlined in this subsection.

- (e) Monitoring and annual program evaluation of approved local designation systems.
  - (1) For the annual program evaluation, approved school districts shall submit the following information regarding a local teacher designation system and associated spending:
    - (A) the distribution of allotment funds from the previous school year in accordance with the funding provisions of subsection (g) of this section;
    - (B) a response and implementation plan to annual surveys developed by TEA administered to teachers, campus principals, and human resources personnel gauging the perception of a school district's local designation system; and
    - (C) teacher observations and student growth measure data for all teachers in eligible teaching assignments if school districts are submitting new teacher designations collected in alignment with §150.1003(b)(5) and (l)(3) of this title (relating to Appraisals, Data Sources, and Conferences). TEA reserves the right to request data for the purposes of performance evaluation and investigation based on data review outcomes. TEA may exercise administrative discretion in circumstances where data is difficult to provide and a district would otherwise be unable to provide sufficient data for application consideration.
  - (2) Outcomes of the annual program evaluation may lead to a review, pursuant to TEC, §48.272(e), and subject to the period of review limitation in TEC, §48.272(f), of the local optional designation system that may be conducted at any time at the discretion of the TEA staff.
- (f) Continuing approval and renewal.
  - (1) Approved local optional teacher designation systems are subject to review at least once every five years. However, a review may be conducted at any time at the discretion of TEA.
  - (2) Approval of local optional designation systems are voidable by TEA for one or more of the following reasons:
    - (A) failure to fulfill all local optional designation system requirements as defined in this section;
    - (B) failure to comply with annual program evaluation requirements;
    - (C) failure to comply with the provisions of TEC, §21.3521 and §48.112;
    - (D) failure to implement the local optional teacher designation system as approved by TEA;
    - (E) failure to remove district employees from the designation determination process who have a conflict of interest and acted in bad faith to influence designations; or
    - (F) at the discretion of the commissioner.
  - (3) Approval of individual teacher designations are voidable by TEA for one or more of the following reasons:
    - (A) a teacher has not fulfilled all designation requirements;
    - (B) the school district at which the designation was earned has had its local optional designation system voided;
    - (C) the National Board for Professional Teaching Standards revokes a National Board certification that provided the basis for a teacher's designation;
    - (D) the suspension, revocation, cancellation, or surrender of a certificate issued by the State Board for Educator Certification to a designated teacher;
    - (E) the addition of the designated teacher to the registry of persons not eligible for employment in public schools under TEC, §22.092, and Chapter 153, Subchapter EE, of this title;

- (F) the district issued a designation in bad faith by not removing a district employee from the designation determination process who had a conflict of interest; or
  - (G) at the discretion of the commissioner.
- (g) Funding.
- (1) State funding.
    - (A) School districts will receive teacher incentive allotment funds based on prior-year estimates. The final amount will be based on data from the current school year as provided in subparagraph (D) of this paragraph. Any difference from the estimated amount will be addressed as part of the Foundation School Program settle-up process according to the provisions in TEC, §48.272.
    - (B) A school district is eligible to earn the base allotment for each designated teacher assigned to a zero-enrollment campus, a campus with fewer than 20 students, a juvenile justice alternative education program, a disciplinary alternative education program, a residential facility, or central administration if the designated teacher meets the requirements in subsection (b)(2) of this section, plus the multiplier based on the school district's average student point value and rural status, if applicable.
    - (C) Funding for teachers who work at multiple campuses shall be calculated and split equally among the campuses where the employee is working in a role coded as 087 (Teacher) in TSDS at each campus.
    - (D) Designated teacher campus and district of employment shall be determined annually by data collected in TSDS.
    - (E) School districts shall annually verify and confirm teacher designations and corresponding allotments.
    - (F) TEA may exercise administrative discretion to redirect or recalculate funds to the district where the designated teacher works if a district disputes TSDS data. Disputes must be received by the second Friday in May each year; however, TEA may exercise administrative discretion to allow disputes to be considered outside of this timeline.
    - (G) The average point value and rural status for the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired will be calculated by utilizing the home districts of the schools' students.
  - (2) Status and use of state funds. A school district that receives teacher incentive allotment funding must comply with the requirements of TEC, §48.112, including the requirement that at least 90% of each allotment must be used for compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed. School districts that receive funding for designated teachers employed by the charter partner for charter partnerships pursuant to subsection (a)(1)(B)(ii) or (iv) of this section shall pass along at least 90% of the teacher incentive allotment funding to the charter partner. Charter partners and districts shall work together to ensure that the spending requirements of TEC, §48.112, are met.

*Source: The provisions of this §150.1012 adopted to be effective July 21, 2020, 45 TexReg 4977; amended to be effective April 6, 2021, 46 TexReg 2233; amended to be effective April 5, 2022, 47 TexReg 1683.*

*Statutory Authority: The provisions of this §150.1012 issued under Texas Education Code, §21.3521 and §48.112.*

**§150.1013. National Board for Professional Teaching Standards.**

- (a) Definitions. The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise.
  - (1) Charter school--A Texas public school that meets one of the following criteria:

- (A) is operated by a charter holder under an open-enrollment charter granted either by the State Board of Education or commissioner of education pursuant to Texas Education Code (TEC), §12.101, identified with its own county district number;
  - (B) has a charter granted under TEC, Chapter 12, Subchapter C, and is eligible for benefits under TEC, §11.174 and §48.252;
  - (C) has a charter granted under TEC, §29.259, and Human Resources Code, §221.002; or
  - (D) has a charter granted under TEC, §11.157(b).
- (2) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide or a full-time administrator.
- (3) National Board certification--Certification issued by the National Board for Professional Teaching Standards.
- (4) School district--The definition of a school district includes charter schools as defined in paragraph (1) of this subsection.
- (b) Eligibility.
- (1) Teachers with current National Board certification are eligible for a recognized designation starting in the 2020-2021 school year if the teacher:
    - (A) is employed by a school district or charter partner pursuant to subsection (a)(1)(B) or (D) of this section in a role ID coded as 087 (Teacher) and corresponding class roles of 01, 02, or 03, if applicable, in the Texas Student Data System (TSDS). A charter partner operating under subsection (a)(1)(B) or (D) of this section is required to report teacher-level data in TSDS or provide teacher-level data to their partner school district for reporting by the district in TSDS;
    - (B) registers his or her National Board certification in Texas in the National Board Certified Teacher directory by January 31 each year; and
    - (C) does not have a suspension, revocation, cancellation, or surrender of a certificate issued by the State Board for Educator Certification and is not found on the registry of persons not eligible for employment in public schools under TEC, §22.092, and Chapter 153, Subchapter EE, of this title (relating to Commissioner's Rules Concerning Registry of Persons Not Eligible for Employment in Public Schools).
  - (2) Teachers who are designated as recognized based on paragraph (1) of this subsection are eligible to earn and receive designations under §150.1012 of this title (relating to Local Optional Teacher Designation System).
  - (3) Beginning with the 2020-2021 school year, the first year of recognized designation will be the year in which the National Board certification was earned. For National Board certifications earned prior to the 2020-2021 school year, the first year of the recognized designation will be the 2020-2021 school year unless the 2020-2021 school year is the last year of National Board certification.
  - (4) The last valid year of the recognized designation is the last school year in which the National Board certification is valid unless the teacher earned a designation in a local optional teacher designation system under §150.1012 of this title, in which case the later of last year of designation applies.
  - (5) School districts are eligible to receive funding for a designated teacher if the teacher has been or will be employed by the school district receiving the funding or charter partner operating pursuant to subsection (a)(1)(B) or (D) of this section in a role ID coded as 087 (Teacher) and corresponding class roles of 01, 02, or 03, if applicable, in TSDS for 90 days at 100% of the day (equivalent to four and one-half months or a full semester) or 180 days at 50-99% of the day and

compensated for that employment. A charter partner operating under subsection (a)(1)(B) or (D) of this section is required to report teacher-level data in TSDS or provide teacher-level data to its partner school district for reporting by the district in TSDS.

- (c) Reimbursement.
- (1) Beginning in the 2020-2021 school year, school districts may request reimbursement for the following eligible National Board fees paid under TEC, §21.3521, by the district or the teacher with National Board certification when National Board certification has been successfully earned:
    - (A) renewal fees up to \$1,250;
    - (B) certification fees up to \$1,900;
    - (C) maintenance of certification fees up to \$495; and
    - (D) fees for initial, renewed, or maintenance National Board certifications earned on or after the 2019-2020 school year.
  - (2) School districts requesting National Board certification reimbursement shall establish a process to ensure that teachers with National Board certification have received from the school district full reimbursement of eligible fees paid by the teacher before the school district can be reimbursed by Texas Education Agency (TEA). Charter partners operating pursuant to subsection (a)(1)(B) or (D) of this section without a county-district number will be reimbursed through their district. Charter partners and districts shall work together to ensure that the spending requirements of TEC, §48.112, are met.
  - (3) School districts are not required to apply to TEA for approval of National Board certification-based designations.
- (d) The requirements of §150.1012(g)(1) and (2) of this title apply to funding referenced in this section.

*Source: The provisions of this §150.1013 adopted to be effective July 21, 2020, 45 TexReg 4977; amended to be effective April 5, 2022, 47 TexReg 1683.*

*Statutory Authority: The provisions of this §150.1013 issued under Texas Education Code, §21.3521 and §48.112.*

#### **§150.1014. Teacher Designation Performance Standards.**

- (a) Teacher designations shall be determined by:
- (1) a teacher meeting a minimum average appraisal score based on:
    - (A) Domains II and III of the Texas Teacher Evaluation and Support System (T-TESS), as specified in §150.1002 of this title (relating to Assessment of Teacher Performance), measured on a scale of 1-5 with minimum dimension scores of proficient, as specified in §150.1002(c)(3) of this title; or
    - (B) a locally developed rubric with a score equivalent to the score specified in subparagraph (A) of this paragraph, as determined by Texas Education Agency (TEA); and
  - (2) a minimum percentage of the teacher's students meeting or exceeding expected growth targets.
- (b) Teacher designations shall be assigned in accordance with subsection (a) of this section using the following categories.
- (1) Recognized. A recognized designation shall be determined by:
    - (A) a teacher generally meeting a minimum average score of 3.7 across Domains II and III of the T-TESS or equivalent score on a locally developed rubric as determined by TEA; and
    - (B) generally a minimum of 55% of the teacher's students meeting or exceeding expected growth targets.
  - (2) Exemplary. An exemplary designation shall be determined by:



- (A) a teacher generally meeting a minimum average score of 3.9 across Domains II and III of the T-TESS or equivalent score on a locally developed rubric as determined by TEA; and
  - (B) generally a minimum of 60% of the teacher's students meeting or exceeding expected growth targets.
- (3) Master. A master designation shall be determined by:
- (A) a teacher generally meeting a minimum average score of 4.5 across Domains II and III of the T-TESS or equivalent score on a locally developed rubric as determined by TEA; and
  - (B) generally a minimum of 70% of the teacher's students meeting or exceeding expected growth targets.

*Source: The provisions of this §150.1014 adopted to be effective October 20, 2020, 45 TexReg 7424.*

*Statutory Authority: The provisions of this §150.1014 issued under Texas Education Code, §21.3521.*