

Appraisals and Growth Plans

Teachers: Appraisals, in general

All classroom teachers must be appraised on the basis of classroom teaching performance using either the TEA-approved Texas Teacher Evaluation and Support System (T-TESS) or a locally-developed system. There are some general requirements that all districts must follow, regardless of the system used. Those requirements include:

- A teacher shall be appraised at least once each year, with one exception. If a teacher was rated as at least proficient or the equivalent on his/her most recent appraisal and that appraisal did not identify any area of deficiency, a district may provide the teacher with the option to agree to less frequent appraisals.
 - For districts using T-TESS, this means that the teacher must have been rated at least proficient in all domains, at least 9 of 16 dimensions on his/her most recent appraisal and had a proficient rating in student growth in the past year to qualify.
 - The teacher must agree in writing to the less frequent appraisals, and he/she must still be appraised at least once every five years.
 - Districts providing qualifying teachers with the option for less frequent appraisals may specify additional local requirements and procedures in policy. For example, a district's policy may include a process for placing a teacher back on a traditional appraisal cycle as a result of documented performance deficiencies. Additionally, a district may establish a procedure for annually reviewing and modifying teacher agreements for less frequent appraisals.
 - The law allows districts to offer qualifying teachers the option of less frequent appraisals, but it does not require districts to do so. Districts may modify appraisal options in board policy.
- The teacher may be given advanced notice of the date and/or time of appraisal, but such notice is not required.
- The appraisal's performance criteria must be based on observable, job-related behavior, including the teacher's implementation of discipline management procedures and the performance of the teacher's students.
- Extracurricular activities cannot be evaluated on the teacher appraisal. However, performance of those duties may be evaluated on a separate document.
- The appraisal process must include a teacher/appraiser conference that is diagnostic as well as prescriptive regarding teacher professional development and improvement.
- A written copy of the teacher's appraisal must be made available to the teacher and maintained in the teacher's personnel file.
- A teacher has the right to file a grievance over an appraisal or request a second appraisal by a different appraiser, regardless of the type of appraisal system being used by the district.

Teachers: Texas Teacher Evaluation and Support System (T-TESS)

We expect that most school districts in Texas will use the T-TESS for teacher appraisals since most districts used the preceding PDAS. The T-TESS is similar to the PDAS but it does include significant changes, incorporating a more direct evaluation of student growth and also changing procedural requirements, such as mandating a teacher-initiated, appraiser-approved professional growth plan for each teacher. In addition to the general requirements mentioned above, the T-TESS rules contain more specific requirements, including:

- Mandatory teacher orientation/appraisal training.
- Appraisals should be based on performance in teaching assignments for which the teacher is certified whenever possible.
- Specific qualifications for appraisers. [\[19 TAC §150.1005\]](#)
 - A teacher should be appraised by a campus administrator who is a certified T-TESS appraiser, has satisfactorily completed the required training and has been approved by the school board.
 - The rules provide that a non-campus administrator can serve as an appraiser if they are properly certified as a T-TESS appraiser. A classroom teacher certified as an appraiser who is a department or grade-level chair and whose job description includes classroom observation responsibilities can act as an appraiser at her own campus. A classroom teacher certified as an appraiser can conduct appraisals at another campus at any time.
- A teacher-initiated and appraiser approved Goal-Setting and Professional Development Plan that must be:
 - Submitted to the appraiser within the first six weeks of the completion of T-TESS orientation in the teacher's first year under T-TESS or in their first year with a district.
 - Initially drafted in conjunction with the teacher's end-of-year conference from the previous year and revised as needed, based on the teacher's assignment.
 - Maintained throughout the year by the teacher to track progress in the attainment of goals and participation in professional development identified on the plan.
 - Shared with the appraiser prior to the end-of-year conference.
 - Used after the end-of-year conference in determining ratings for the goal-setting and professional development dimensions of the T-TESS rubric.
- At least one 45-minute observation is required.
 - A Pre-observation Conference is required after the first year of a district's implementation of the T-TESS but only for scheduled observations.
 - An appraiser can but is not required to schedule an observation unless required to under local policy.
 - The observation must be consistent with the local appraisal calendar.
 - The observation must be conducted during required days of student instruction.
 - If the teacher and appraiser both agree in writing, the observation time may instead be divided up into shorter segments, as long as the time totals to at least 45 minutes.
- An observation post conference that:
 - Must be conducted within 10 working days after the completion of the observation.
 - Is diagnostic and prescriptive in nature.
 - Includes a written observation report of the ratings of each dimension observed that is presented to the teacher only after a discussion of the areas for reinforcement and the areas for refinement.
- Additional walk-throughs and observations may be conducted at the appraiser's discretion.
 - Additional walkthroughs do not have to be documented unless the data gathered would affect the teacher's summative ratings.
 - If additional walkthroughs or observations are documented, the documentation must be shared with the teacher within 10 working days of the walkthrough or observation.
 - An observation post-conference is not required for additional walkthroughs and a observations.

- Cumulative data from additional written documentation may be included in the appraisal. [[19 TAC §150.1003\(b\)\(6\) & \(f\)](#)]
 - If the appraiser wishes to include information received from a third party in the cumulative data, the appraiser must verify and document that information. The appraiser must share with the teacher any documentation that could affect the teacher's summative within 10 working days of when the appraiser became aware of matter.
- An annual written summative appraisal report that must be shared with the teacher no later than 15 working days before the last day on instruction for students and which will be placed in the teacher's personnel file at the end of the school year and no later than 10 working days after the end-of-year conference. [[19 TAC §150.1003\(h\)](#)]
- An end-of-year conference that must:
 - Be held no later than 15 working days before the last day of instruction for students.
 - Focuses on data and evidence gathered throughout the school year, including goals set, observations, professional development and student growth, if student growth data is available and may also include discussion regarding a teacher's performance in past years.
 - Include a campus supervisory administrator if the appraiser was not a campus supervisory administrator.
- Teacher performance on the T-TASS appraisal is rated as "distinguished," "accomplished," "proficient," "developing," or "improvement needed" in 16 individual "dimensions" (the same as the PDAS "criteria") organized into four separate domains:
 - Domain I: Planning
 - (A) standards and alignment;
 - (B) data and assessment;
 - (C) knowledge of students; and
 - (D) activities
 - Domain II: Instruction
 - (A) achieving expectations
 - (B) content knowledge and expertise;
 - (C) communication;
 - (D) differentiation; and
 - (E) monitor and adjust.
 - Domain III: Learning Environment
 - (A) classroom environment, routines and procedures;
 - (B) managing student behavior; and
 - (C) classroom culture.
 - Domain IV Professional Practices and Responsibilities
 - (A) professional demeanor and ethics;
 - (B) goal setting;
 - (C) professional development; and
 - (D) school community involvement.
 - Student Growth
 - (A) Beginning in 2017-18 school year. Each teacher appraisal must include a measure of the performance of the teacher's students.

- (B) The measure is intended to evaluate the students' growth or progress while in a teacher's class, not the student's proficiency or mastery of the subject taught.
 - (C) A district can use one or more of four individual measures of student growth:
 - (1) Student learning objectives;
 - (2) Student portfolios;
 - (3) Pre-and post-test results on district-level assessments; or
 - (4) Value-added data based on student state assessment results.
 - (D) If a district calculates a single summative appraisal score, student growth must count for at least 20% of the summative score.
- T-TESS Calendar
 - A school district must establish a calendar for teacher appraisals, and a teacher's appraisal period shall include all contractual days.
 - The calendar must:
 - (A) Be shared with the teacher within the first three weeks of instruction
 - (B) Exclude observations for the first two weeks following completion of T-TESS orientation;
 - (C) Indicate a period for end-of-year conferences that ends no later than 15 workdays before the last student instructional day.
 - Any documentation collected after the end-of-year conference may be considered part of the annual appraisal and can result in a change to the summative report. A teacher must be informed of any changes to their summative report.

T-TESS Response and Appeal Options

1. Written response

- A teacher may submit a written response/rebuttal after receiving:
 - A written observation report;
 - A written summative annual appraisal report; and/or
 - Any other documentation associated with the appraisal that relates to domains I,II or III

BUT: A teacher cannot submit a written response to a summative report if the same data was contained in the teacher's observation report or other documentation provided to the teacher and the teacher failed to submit a written response at that time.

The Commissioner's rules are unclear regarding a teacher's right to submit a written response or rebuttal to documentation related to T-TESS domain IV. The Commissioner's rules state that a teacher may file a written response or rebuttal for Domains I,II, and III "after receiving a written observation summary or any written documentation related to the ratings of those three domains." However, the rule goes on to state that for Domain IV a teacher may file a written response or rebuttal only "after receiving a written summative annual appraisal report."

This is potentially significant because Domain IV contains the evaluation measure "professional demeanor and ethics" which would indicate that a teacher receiving documentation that she had behaved inappropriately in a meeting, had spoken inappropriately to a student or, most seriously had violated the Educator's Code of Ethics would not have a right to immediately submit a written response or rebuttal to the allegations.

- The response must be submitted within 10 working days of receiving a written appraisal document
- Tips for an effective response/rebuttal:

- Be objective.
- Use a professional tone.
- Only include information that is relevant to the appraisal process and/or its result.
- Attach supporting documentation if necessary.
- Specifically address only those concerns the appraiser put in writing.
- Request a specific remedy if appropriate. For example, ask the appraiser to award previously denied credit.

2. Second appraisal by a different appraiser

A teacher may request a second appraisal by a different appraiser after receiving:

1. A written observation report related to Domains I-III with which the teacher disagrees; and/or
2. A written summative annual appraisal report with which the teacher disagrees.

BUT: A teacher cannot request a second appraisal to a summative annual appraisal report if the same data was contained in the teacher's observation report or other documentation provided to the teacher and the teacher failed to submit a request for a second appraisal at that time.

- The second appraisal must be requested within 10 working days.
- The teacher may be given advanced notice of the date/time for the second appraisal, but such notice is not required.
- The district selects the second appraiser (unless the local district policy allows for teacher input).
- In evaluating Domains I-III, the second appraiser shall conduct observations and walk-throughs as necessary. The second appraiser may also review the teacher's Goal-Setting and Professional Development Plan for evidence of goal attainment and professional development activities. Cumulative data may also be used.
- Each district must adopt local procedures for determining the selection of second appraisers and share these with the teachers upon employment or annually.

3. Grievance

A grievance is the formal process available to district employees for complaints about conditions of employment. A district must adopt and provide teachers with written procedures for presenting grievances. The grievance option is best exercised in relation to an appraisal if:

1. The appraisal result is very poor;
2. Irrelevant information or bias results in a negative appraisal; and/or
3. Written rules and/or procedures have not been followed.

Specific rules, timelines and procedures for filing a grievance can be found in the district's local policy.

Teachers: Locally-developed appraisal systems

Instead of the T-TESS, some districts use locally-approved appraisal instruments and processes developed by their district and campus-level planning and decision-making committees. Any modification to the TEA-recommended appraisal process (T-TESS) will create a local appraisal system.

Local appraisal systems must:

- Be developed by district- and campus-level committees
- Contain criteria related to discipline management and student performance
- Provide for a teacher/appraiser conference
- Be adopted by the local school board

The locally-developed system must provide the teacher with the following options upon receipt of a written copy of an appraisal with which he/she disagrees:

1. The right to request a second appraisal by a different appraiser
2. The right to submit a written response/rebuttal for attachment to the appraisal
3. The right to file a grievance over the appraisal

Specific rules and timelines for a local appraisal process will be found in the district's local appraisal policy. Procedures and timelines for filing a grievance will be found in the district's local grievance policy.

Counselors Evaluations

Districts employing counselors must establish a school counselor job description that complies with state law and an evaluation system based on the duties of a school counselor as specified in Section 33.006 of the Texas Education Code (TEC). The Commissioner of Education is charged with developing a job description and evaluation form for districts to use in evaluating school counselors. The commissioner-recommended job description/evaluation form can be found on the Texas Education Agency's website. The recommended evaluation includes the following domains:

- Domain I: Program Management
- Domain II: Guidance
- Domain III: Counseling
- Domain IV: Consultation
- Domain V: Coordination
- Domain VI: Student Assessment
- Domain VII: Professional Behavior
- Domain VIII: Professional Standards

The ratings used on the recommended form include: "clearly outstanding," "exceeds standard," "meets standard," "below expectation," "unsatisfactory," or "not applicable".

The recommended evaluation also provides that if the counselor disagrees with the evaluation, he/she may submit a letter explaining the reasons for disagreement.

Counselors should check their district's local appraisal policies for specific information about the format and procedures used by their district and their response options.

If a counselor disagrees with an appraisal, he/she may also file a grievance in accordance with their district's local grievance policy.

Administrators Evaluations

Administrators must be appraised annually, under either the commissioner-recommended process or a locally developed and adopted process. A school district is prohibited from paying an administrator who has not been appraised in the preceding 15 months. The commissioner-recommended administrator appraisal contains information about domains a district may use when evaluating administrators. Those domains include:

- Instructional management
- School or organization morale
- School or organization improvement
- Personnel management
- Management of administrative, fiscal, and facilities functions
- Student management
- School or community relations
- Professional growth and development
- Academic excellence indicators and campus performance objectives
- School board relations (for superintendents only)

A district shall establish an annual calendar providing for appraisal activities that involve both the administrator and his/her appraiser. Those activities include:

- procedures for setting goals that define expectations and set priorities for the administrator;
- a formative conference; and
- a summative conference

Districts should use local job descriptions in developing administrator appraisal instruments and a student performance domain shall be included in the appraisals of principals and superintendents. If a district uses the commissioner-recommended student performance domain for principals, the results on that domain shall be a primary consideration in determining a principal in need of assistance. If the results in that domain fall below the commissioner's established standards, the principal shall be placed on an intervention plan.

Administrators should check their district's local appraisal policies for specific information about the format and procedures used by their district for administrator appraisals and their response/appeal options. In addition to any options provided by local policy, an administrator has the right to file a grievance over an appraisal with which he/she disagrees. Please see _____ for more information about grievances.

Other District Personnel Evaluations

Local school districts may also adopt policies and forms for the evaluation of other district personnel, including, but not limited to, the following:

- Coaches
- Athletic directors/coordinators
- Nurses
- Teacher aides
- Secretaries
- Band directors
- Nonathletic UIL activity "sponsors"
- Cafeteria/maintenance workers

Specific procedures for appraising these employees and their response/appeal options will vary from district to district, so it is important to check the local district appraisal policy for additional information. A district employee has the right to file a grievance over an appraisal, regardless of the employee's position or the type of appraisal system being used by the district.

Confidentiality of Evaluations

A document evaluating a teacher or administrator employed by a school district or open-enrollment charter school is confidential, except that:

1. Appropriate personnel at the employee's current school/district with proper authority and a legitimate professional purpose may view the document;
2. A teacher's current school district may provide a copy of the teacher's evaluation and any rebuttal document to another school district at which the teacher has applied for employment, upon request of that district; and
3. An open-enrollment charter school may give a document evaluating the performance of a teacher or administrator to a school district or charter school at which the teacher or administrator has applied for employment, upon request of that school or district.

Growth Plans

General

A professional growth plan (PGP) or improvement plan can be issued to an employee any time the supervisor believes there is a need for improvement. There was a specific type of growth plan (known as an "Intervention Plan for a Teacher in Need of Assistance" or "TINA" under the PDAS that was required when a teacher receives certain scores on a PDAS evaluation. However, even under the PDAS did not prohibit the issuance of a general growth plan for other reasons, at the discretion of the supervisor. A supervisor generally has the option of placing an employee on a growth plan even in the absence of a poor evaluation score or any other prior warnings. Of course, it is "best practice" for a supervisor to discuss the need for improvement with an employee prior to issuing a growth plan. However, this is not required by law; it is just a matter of good management skills. Keep in mind that a growth plan is not, in and of itself, evidence of wrongdoing or poor job performance. On the other hand, failing to comply with a growth plan could be a problem and could constitute grounds for nonrenewal or termination.

T-TESS

There is no provision for a growth plan equivalent to the PDAS's TINA in the T-TESS, though like the PDAS, there is also nothing in the T-TESS rules that limit a supervisor's discretion in creating a "growth plan" document that identifies alleged deficiencies and directs the teacher to engage in specific activities to address them.

The T-TESS includes, as a required component, that each teacher initiate and the appraiser approve a Goal-Setting and Professional Development Plan. The T-TESS structure seems to indicate that it is the intention that this Plan address issues identified in the previous school year but we will have to see how these new plans are actually implemented in practice.