

By: Eissler

H.B. No. 1587

A BILL TO BE ENTITLED

AN ACT

relating to the evaluation of public school teachers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.055(b)(18), Education Code, is amended to read as follows:

(18) The commissioner shall adopt a recommended performance evaluation system for teachers to evaluate teacher effectiveness [~~appraisal process and criteria on which to appraise the performance of teachers~~], a recommended appraisal process and criteria on which to appraise the performance of administrators, and a job description and evaluation form for use in evaluating counselors, as provided by Subchapter H, Chapter 21.

SECTION 2. Section 11.201(d), Education Code, is amended to read as follows:

(d) The duties of the superintendent include:

(1) assuming administrative responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the education programs, services, and facilities of the district and for the annual performance evaluation or appraisal of the district's other staff;

(2) except as provided by Section 11.202, assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of the district other than the superintendent;

1           (3) overseeing compliance with the standards for  
2 school facilities established by the commissioner under Section  
3 46.008;

4           (4) initiating the termination or suspension of an  
5 employee or the nonrenewal of an employee's term contract;

6           (5) managing the day-to-day operations of the district  
7 as its administrative manager, including implementing and  
8 monitoring plans, procedures, programs, and systems to achieve  
9 clearly defined and desired results in major areas of district  
10 operations;

11           (6) preparing and submitting to the board of trustees  
12 a proposed budget as provided by Section 44.002 and rules adopted  
13 under that section, and administering the budget;

14           (7) preparing recommendations for policies to be  
15 adopted by the board of trustees and overseeing the implementation  
16 of adopted policies;

17           (8) developing or causing to be developed appropriate  
18 administrative regulations to implement policies established by  
19 the board of trustees;

20           (9) providing leadership for the attainment and, if  
21 necessary, improvement of student performance in the district based  
22 on the indicators adopted under Sections 39.053 and 39.301 and  
23 other indicators adopted by the commissioner or the district's  
24 board of trustees;

25           (10) organizing the district's central  
26 administration;

27           (11) consulting with the district-level committee as

1 required under Section 11.252(f);

2 (12) ensuring:

3 (A) adoption of a student code of conduct as  
4 required under Section 37.001 and enforcement of that code of  
5 conduct; and

6 (B) adoption and enforcement of other student  
7 disciplinary rules and procedures as necessary;

8 (13) submitting reports as required by state or  
9 federal law, rule, or regulation;

10 (14) providing joint leadership with the board of  
11 trustees to ensure that the responsibilities of the board and  
12 superintendent team are carried out; and

13 (15) performing any other duties assigned by action of  
14 the board of trustees.

15 SECTION 3. Section 21.041(b), Education Code, is amended to  
16 read as follows:

17 (b) The board shall propose rules that:

18 (1) provide for the regulation of educators and the  
19 general administration of this subchapter in a manner consistent  
20 with this subchapter;

21 (2) specify the classes of educator certificates to be  
22 issued, including emergency certificates;

23 (3) specify the period for which each class of  
24 educator certificate is valid;

25 (4) specify the requirements for the issuance and  
26 renewal of an educator certificate;

27 (5) provide for the issuance of an educator

1 certificate to a person who holds a similar certificate issued by  
2 another state or foreign country, subject to Section 21.052;

3 (6) provide for special or restricted certification of  
4 educators, including certification of instructors of American Sign  
5 Language;

6 (7) provide for disciplinary proceedings, including  
7 the suspension or revocation of an educator certificate, as  
8 provided by Chapter 2001, Government Code;

9 (8) provide for the adoption, amendment, and  
10 enforcement of an educator's code of ethics;

11 (9) provide for continuing education requirements;  
12 and

13 (10) provide for certification of persons performing  
14 evaluations or appraisals under Subchapter H, including annual  
15 renewal of certification of persons performing evaluations of  
16 teachers under Section 21.351.

17 SECTION 4. Section 21.045(a), Education Code, is amended to  
18 read as follows:

19 (a) The board shall propose rules establishing standards to  
20 govern the approval and continuing accountability of all educator  
21 preparation programs based on the following information that is  
22 disaggregated with respect to sex and ethnicity:

23 (1) results of the certification examinations  
24 prescribed under Section 21.048(a);

25 (2) performance based on the evaluation [~~appraisal~~]  
26 system for beginning teachers adopted by the board;

27 (3) achievement, including improvement in

1 achievement, of students taught by beginning teachers for the first  
2 three years following certification, to the extent practicable; and

3 (4) compliance with board requirements regarding the  
4 frequency, duration, and quality of structural guidance and ongoing  
5 support provided by field supervisors to beginning teachers during  
6 their first year in the classroom.

7 SECTION 5. Section 21.256(g), Education Code, is amended to  
8 read as follows:

9 (g) A performance [~~An~~] evaluation [~~or appraisal~~] of the  
10 teacher is presumed to be admissible at the hearing.

11 SECTION 6. The heading to Subchapter H, Chapter 21,  
12 Education Code, is amended to read as follows:

13 SUBCHAPTER H. EVALUATIONS, APPRAISALS, AND INCENTIVES

14 SECTION 7. Section 21.351, Education Code, is amended to  
15 read as follows:

16 Sec. 21.351. RECOMMENDED PERFORMANCE EVALUATION SYSTEM FOR  
17 TEACHERS [~~APPRAISAL PROCESS AND PERFORMANCE CRITERIA~~]. (a) The  
18 commissioner shall adopt a recommended performance evaluation  
19 system for teachers to evaluate teacher effectiveness. The system  
20 adopted must provide for basing a significant portion of the  
21 evaluation on the teacher's student learning objectives and  
22 outcomes, which must include student performance on assessment  
23 instruments administered under Section 39.023 and other student  
24 learning objectives and outcomes [~~appraisal process and criteria on~~  
25 ~~which to appraise the performance of teachers. The criteria must be~~  
26 ~~based on observable, job-related behavior, including:~~

27 [~~(1) teachers' implementation of discipline~~

1 ~~management procedures; and~~

2 ~~[(2) the performance of teachers' students].~~

3 (b) The commissioner shall solicit and consider the advice  
4 of teachers in developing the recommended performance evaluation  
5 system for teachers [~~appraisal process and performance criteria~~].

6 (c) Under the recommended performance evaluation system for  
7 teachers [~~appraisal process~~], an evaluator [~~appraiser~~] must be  
8 certified as provided by Section 21.041(b)(10), be the teacher's  
9 supervisor or a person approved by the board of trustees, and be  
10 monitored as necessary to ensure fairness, thoroughness, and  
11 accuracy of the system. An evaluator [~~appraiser~~] who is a classroom  
12 teacher may not evaluate [~~appraise~~] the performance of another  
13 classroom teacher who teaches at the same school campus at which the  
14 evaluator [~~appraiser~~] teaches, unless it is impractical because of  
15 the number of campuses or unless the evaluator [~~appraiser~~] is the  
16 chair of a department or grade level whose job description includes  
17 classroom observation responsibilities.

18 (d) The recommended performance evaluation system for  
19 teachers must provide that:

20 (1) a teacher be evaluated at least once each school  
21 year;

22 (2) each evaluation be based on not fewer than three  
23 classroom observations of the teacher;

24 (3) consistent and clear expectations regarding  
25 teacher performance be communicated to the teacher at least once  
26 each year before the first observation under Subdivision (2);

27 (4) at least one classroom observation of a teacher be

1 unannounced;

2 (5) a self-evaluation completed by the teacher after  
3 the final observation under Subdivision (2) be considered by the  
4 evaluator before the teacher's evaluation is complete; and

5 (6) a teacher's overall performance, based on the  
6 evaluation, be assigned one of five ratings, as applicable, though  
7 a greater number of separate ratings may be used to detail  
8 performance under each [~~Under the recommended appraisal process,~~  
9 ~~appraisal for teachers must be detailed by~~] category of  
10 professional skill and characteristic evaluated as part of the  
11 evaluation of the teacher's overall performance [~~and must provide~~  
12 ~~for separate ratings for each category~~].

13 (e) The recommended performance evaluation system for  
14 teachers must [~~appraisal process shall~~] guarantee that a conference  
15 between the teacher and the evaluator will occur not later than the  
16 third working day after the date of each observation and a final  
17 conference will occur not later than the third working day after the  
18 date the teacher's evaluation under this section is completed  
19 [~~appraiser~~]. The conference must [~~shall~~] be diagnostic and  
20 prescriptive with regard to remediation needed in overall  
21 performance and by category.

22 SECTION 8. Section 21.352, Education Code, is amended to  
23 read as follows:

24 Sec. 21.352. LOCAL ROLE. (a) In evaluating [~~appraising~~]  
25 teachers, each school district shall use:

26 (1) the performance evaluation system for teachers  
27 [~~appraisal process and performance criteria~~] developed by the

1 commissioner under Section 21.351; or

2 (2) a performance evaluation system for teachers [~~an~~  
3 ~~appraisal process and performance criteria~~]:

4 (A) developed by the district- and campus-level  
5 committees established under Section 11.251;

6 (B) containing the items described by Sections  
7 21.351(a) and (d) [~~21.351(a)(1) and (2)~~]; and

8 (C) adopted by the board of trustees.

9 (b) The board of trustees may reject a performance  
10 evaluation system for teachers [~~an appraisal process and~~  
11 ~~performance criteria~~] developed by the district- and campus-level  
12 committees but may not modify the process or criteria.

13 (c) A performance evaluation of a teacher [~~Except as~~  
14 ~~otherwise provided by this subsection, appraisal~~] must be done at  
15 least once during each school year. [~~A teacher may be appraised~~  
16 ~~less frequently if the teacher agrees in writing and the teacher's~~  
17 ~~most recent evaluation rated the teacher as at least proficient, or~~  
18 ~~the equivalent, and did not identify any area of deficiency. A~~  
19 ~~teacher who is appraised less frequently than annually must be~~  
20 ~~appraised at least once during each period of five school years.]~~

21 The district shall maintain a written copy of the evaluation of each  
22 teacher's performance in the teacher's personnel file. Each  
23 teacher is entitled to receive a written copy of the evaluation on  
24 its completion. After receiving a written copy of the evaluation, a  
25 teacher is entitled to a second evaluation [~~appraisal~~] by a  
26 different evaluator [~~appraiser~~] or to submit a written rebuttal to  
27 the evaluation to be attached to the evaluation in the teacher's



1 personnel file. The evaluation and any rebuttal may be given to  
2 another school district at which the teacher has applied for  
3 employment at the request of that district.

4 (d) Except as provided by Section 21.351(d)(4), a [A]  
5 teacher may be given advance notice of the date or time of an  
6 evaluation [appraisal], but advance notice is not required.

7 SECTION 9. Section 21.353, Education Code, is amended to  
8 read as follows:

9 Sec. 21.353. PERFORMANCE EVALUATION [APPRAISAL] ON BASIS OF  
10 CLASSROOM TEACHING PERFORMANCE. A teacher who directs  
11 extracurricular activities in addition to performing classroom  
12 teaching duties shall be evaluated [appraised] only on the basis of  
13 classroom teaching performance and not on performance in connection  
14 with the extracurricular activities.

15 SECTION 10. Section 28.006(e), Education Code, is amended  
16 to read as follows:

17 (e) The results of reading instruments administered under  
18 this section may not be used for purposes of evaluations,  
19 appraisals, and incentives under Chapter 21 or accountability under  
20 Chapter 39.

21 SECTION 11. Section 28.007(b), Education Code, is amended  
22 to read as follows:

23 (b) The results of assessment instruments developed under  
24 Subsection (a) may not be used for purposes of evaluations,  
25 appraisals, and incentives under Chapter 21 or accountability under  
26 Chapter 39.

27 SECTION 12. (a) Not later than September 1, 2013, the

1 commissioner of education shall develop the performance evaluation  
2 system for teachers required under Section 21.351, Education Code,  
3 as amended by this Act.

4 (b) Notwithstanding Sections 21.351 and 21.352, Education  
5 Code, as amended by this Act, until the recommended performance  
6 evaluation system for public school teachers is implemented, public  
7 school teachers shall be appraised as provided by Sections 21.351  
8 and 21.352, Education Code, as those sections existed before  
9 amendment by this Act.

10 SECTION 13. This Act takes effect immediately if it  
11 receives a vote of two-thirds of all the members elected to each  
12 house, as provided by Section 39, Article III, Texas Constitution.  
13 If this Act does not receive the vote necessary for immediate  
14 effect, this Act takes effect September 1, 2011.