

By: Eissler

H.B. No. 3423

A BILL TO BE ENTITLED

AN ACT

relating to performance appraisal of public school teachers.

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

SECTION 1. Section 21.351, Education Code, is amended by amending Subsection (a) and adding Subsections (a-2) and (e) to read as follows:

(a) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. The criteria must be based on observable, job-related behavior and address at least the following considerations [~~including~~]:

(1) teachers' implementation of discipline management procedures; [~~and~~]

(2) the performance of teachers' students; and

(3) teachers' qualifications, including advanced degrees, professional experience in relevant subject areas, and continuing education or professional development relating to pedagogy and relevant subject area expertise.

(a-2) The recommended appraisal process must provide that consideration of criteria relating to student performance under Subsection (a)(2) constitutes a majority of a teacher's appraisal. Additionally, the recommended appraisal process must provide that the portion of a teacher's appraisal that concerns student performance is conducted in accordance with the following

1 guidelines:

2 (1) at least 25 percent of that portion of the  
3 appraisal must be based on objective, quantifiable measures of the  
4 achievement and progress of the teacher's students, such as state  
5 assessment instruments, local benchmarking systems, portfolio  
6 assessments, and value-added assessments;

7 (2) at least 10 percent of that portion of the  
8 appraisal must be based on the overall performance or progress of  
9 students enrolled at the teacher's campus;

10 (3) measures of student progress must be used whenever  
11 possible; and

12 (4) observable measures of student performance may be  
13 used when appropriate.

14 (e) Under the recommended appraisal process, a teacher  
15 employed under a probationary contract must be appraised more  
16 frequently than a teacher employed under a term contract or  
17 continuing contract.

18 SECTION 2. Subchapter H, Chapter 21, Education Code, is  
19 amended by adding Section 21.3531 to read as follows:

20 Sec. 21.3531. TEACHER PERFORMANCE IMPROVEMENT PLAN;  
21 CONSEQUENCES OF UNSATISFACTORY APPRAISAL. (a) If a teacher  
22 receives an unsatisfactory appraisal, the teacher's supervisor, in  
23 consultation with the appraiser and the teacher, shall develop a  
24 performance improvement plan for the teacher that includes at least  
25 the following information:

26 (1) the areas in which the teacher is in need of  
27 assistance and improvement;

1           (2) requirements or recommendations for the teacher  
2 regarding evidence-based professional improvement activities that  
3 have been proven to result in improvement in the areas identified  
4 under Subdivision (1), and the evidence that will be used to  
5 determine whether the teacher successfully completes the required  
6 or recommended activities;

7           (3) requirements for changes in the teacher's  
8 behavior, and the evidence that will be used to determine whether  
9 the teacher's behavior changes in the manner required; and

10           (4) a specific timeline for completion of the  
11 performance improvement plan.

12           (b) If a teacher employed under a term contract receives an  
13 unsatisfactory appraisal for two consecutive years, a school  
14 district may decline to renew the teacher's contract in the manner  
15 provided by this chapter or, if the teacher has achieved some level  
16 of improvement, develop an additional performance improvement plan  
17 for the teacher under this section.

18           (c) If a teacher employed under a continuing contract  
19 receives an unsatisfactory appraisal for two consecutive years, the  
20 teacher may be employed by the district during the subsequent  
21 school year only under a term contract, notwithstanding Section  
22 21.154. The teacher is entitled to a hearing and a right to appeal  
23 in the same manner as a teacher who is discharged or suspended  
24 without pay under Section 21.156.

25           (d) If a teacher receives an unsatisfactory appraisal for  
26 three consecutive years, a school district shall decline to renew  
27 the teacher's contract in the manner provided by this chapter.

1 SECTION 3. The commissioner of education shall:

2 (1) adopt a revised recommended appraisal process in  
3 compliance with Section 21.351, Education Code, as amended by this  
4 Act, not later than September 1, 2008;

5 (2) develop training for school districts regarding  
6 use of the revised recommended appraisal process not later than  
7 September 1, 2009;

8 (3) provide the training developed under Subdivision  
9 (2) of this section to appropriate school district personnel not  
10 later than September 1, 2010; and

11 (4) complete implementation of the revised  
12 recommended appraisal process not later than September 1, 2010.

13 SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2007.