

By: Villalba

H.B. No. 2977

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. The heading to Section 21.351, Education Code, is amended to read as follows:

Sec. 21.351. TEACHER EVALUATION FRAMEWORK [~~RECOMMENDED APPRAISAL PROCESS AND PERFORMANCE CRITERIA~~].

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

(a) The commissioner shall adopt a teacher evaluation framework that includes a recommended appraisal process and criteria on which to appraise the performance of teachers. The criteria must be based on objective measures of teaching performance [~~observable, job-related behavior~~], including:

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

(2) objective measures of teaching performance as required by Subsection (e) [~~the performance of teachers' students~~].

(b) The commissioner shall solicit and consider the advice of teachers and other affected stakeholders in developing the teacher evaluation framework, recommended appraisal process, and performance criteria.

(d) Under the teacher evaluation framework and recommended

1 appraisal process, appraisal for teachers must be detailed by  
2 category of professional skill and characteristic [~~and must provide~~  
3 ~~for separate ratings for each category~~]. The appraisal process  
4 shall guarantee a conference between the teacher and the appraiser.  
5 The conference shall be diagnostic and prescriptive with regard to  
6 remediation needed in overall performance and by category.

7 (e) The teacher evaluation framework must incorporate the  
8 following:

9 (1) teaching standards that articulate expected  
10 teacher knowledge, understanding, skill, and practice to ensure  
11 student achievement and growth;

12 (2) professional context data based on teaching and  
13 learning conditions at the school;

14 (3) multiple evaluation measures, including measures  
15 based on student achievement and growth, classroom observations,  
16 and professional engagement and growth; and

17 (4) expectations regarding use of evaluations to  
18 inform individualized professional development plans.

19 (f) The objective measures of teaching performance under  
20 Subsection (e) shall be based on student learning, with objective  
21 measures of student achievement and growth comprising no less than  
22 the minimum percentage of the evaluation prescribed by commissioner  
23 rule.

24 (g) Student achievement and growth shall be required as  
25 necessary, but not sufficient, bases for determining effective  
26 teaching under Subsection (e).

27 (h) Decisions regarding teacher employment and advancement

1 shall be based on evaluations from multiple, consecutive years if  
2 available.

3 (i) The commissioner shall:

4 (1) review school district practice under the teacher  
5 evaluation framework, including the use of objective measures of  
6 teaching performance; and

7 (2) consult teachers and other affected stakeholders  
8 to review and revise the teacher evaluation framework as needed but  
9 at least every five years.

10 SECTION 3. Sections 21.352(a) and (c), Education Code, are  
11 amended to read as follows:

12 (a) In appraising teachers, each school district shall  
13 use:

14 (1) the appraisal process and performance criteria  
15 developed by the commissioner in conformance with the teacher  
16 evaluation framework required by Section 21.351; or

17 (2) an appraisal process and performance criteria:

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

20 (B) containing the items described by Sections  
21 21.351 (a) (1) and (2); and

22 (C) adopted by the board of trustees.

23 (c) Appraisal [~~Except as otherwise provided by this~~  
24 ~~subsection, appraisal~~] must be done at least once during each  
25 school year [~~. A teacher may be appraised less frequently if the~~  
26 ~~teacher agrees in writing and the teacher's most recent evaluation~~  
27 ~~rated the teacher as at least proficient, or the equivalent, and did~~

1 ~~not identify any area of deficiency. A teacher who is appraised less~~  
2 ~~frequently than annually must be appraised at least once during~~  
3 ~~each period of five school years].~~ The district shall maintain a  
4 written copy of the evaluation of each teacher's performance in the  
5 teacher's personnel file. Each teacher is entitled to receive a  
6 written copy of the evaluation on its completion. After receiving a  
7 written copy of the evaluation, a teacher is entitled to a second  
8 appraisal by a different appraiser or to submit a written rebuttal  
9 to the evaluation to be attached to the evaluation in the teacher's  
10 personnel file. The evaluation and any rebuttal may be given to  
11 another school district at which the teacher has applied for  
12 employment at the request of that district.

13 SECTION 4. The changes in law made by this Act apply  
14 beginning with the 2013-2014 school year.

15 SECTION 5. The changes in law made by this Act supersede any  
16 other law to the extent of a conflict.

17 SECTION 6. This Act takes effect immediately if it receives a  
18 vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2013.