

# T-TESS and T-PESS Update: A Practicum of Everyday Challenges to These New Appraisal Systems

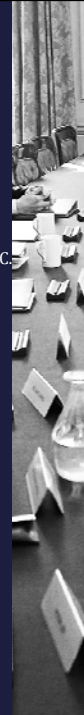
32nd Annual School Law Conference  
February 23, 2017

## Jay Brim

Brim, Robinett, Cantu & Brim, P.C.  
2525 Wallingwood Drive  
Bldg. 14  
Austin, TX 78746

## Merri Schneider-Vogel

Thompson & Horton LLP  
3200 Southwest Freeway  
Suite 2000  
Houston, Texas 77027



## History of Educator Appraisals

- Prior to 1981, no appraisals
- Term Contract Nonrenewal Act
- 1984 – The Career Ladder
- Section 13.102(a) – mandate to develop an appraisal process and criteria...” for use by the school districts to appraise performance

## The Birth of an Appraisal System

- Provide some assurance that nonrenewal would not be based on arbitrary decisions
- Focus on what constitutes good performance in the classroom
- The “new teacher”

3

## Early Commissioner Decisions

- Deference to the appraiser
- “could not have scored (the teacher’s) performance the way (the appraiser) did by good-faith application of the proper standards.”  
*Isbell v. Alvord ISD*, Dkt. # 016-R10-988 (Comm’r Educ. 1991)

4

## But Sometimes the Teacher Won

- *DeLeon v. Del Valle ISD*, Dkt. # 292-R10-789 (Comm'r Educ. 1991)(district failed to meet deadlines to deliver written report of observation)
- *Fowler v. LaPorte ISD*, Dkt. # 014-R10-998 (Comm'r Educ. 1999)(appraiser failed to share cumulative data with teacher within 10 working days)

5

## Teacher wins – No Appraisal

- *Patterson v. Albany ISD*, Dkt. #427-R1-791 (Comm'r Educ. 1992)(district had tried to terminate the teacher the previous year, so the district had no current evaluations to consider at the teacher's nonrenewal hearing)
- *Kelly v. Blooming Grove ISD*, Dkt. #232-R1-589 (Comm'r Educ. 1991)(failure to complete an annual appraisal will negate an attempt to nonrenew teacher's contract)

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

## Title search: T-TESS and T-PESS Update: A Practicum of Everyday Challenges to These New Appraisal Systems

Also available as part of the eCourse

[2017 School Law eConference](#)

First appeared as part of the conference materials for the  
32<sup>nd</sup> Annual School Law Conference session

"T-TESS and T-PESS Update: A Practicum of Everyday Challenges to These New Appraisal Systems"