"Oh, What a Tangled Web We Weave"

Commissioner Jurisdiction after *Davis*; With a Little DOI and Charter Thrown In

The University of Texas School of Law – 37th Annual School Law Conference

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WARNING

THIS **WILL**

GET

WONKY

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DAVIS v. MORATH
Why should you care?

- Texas Supreme Court opinion
- Major change in when a school district and the Commissioner of Education can dismiss a grievance as untimely

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DAVIS v. MORATH
Setting the Scene: Pt 1

- May 2014: Dallas ISD adopts local teacher appraisal – the TEI.
- TEI includes student test score data – not available until after end of school year – final rating or "scorecard" not shared with teacher until Fall of NEXT school year.
- Scorecard rating directly affects teacher compensation.

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DAVIS v. MORATH
Setting the Scene: Pt 2

- District provides TEI guidebook in May 2014.
- District conducts teacher training in TEI in August 2014.
- Both training and guidebook note that teachers will not receive scorecards until the Fall of the next school year.

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DAVIS v. MORATH
Setting the Scene: Pt 3

- Teachers receive their scores for 2014-15 school year in September 2015.
- Teachers file grievance; claim that TEI violates Texas Education Code, including district not providing scores until subsequent school year.
- District administration and board dismisses grievance as untimely; and teachers appeal under §7.057.

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