

PRESENTED AT

32nd Annual School Law Conference

February 23-24, 2017
Austin, Texas

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

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Prior to 1981, based on anecdotal evidence, Texas educators were rarely appraised;; there was no statutory imperative requiring appraisal. In fact, teachers testifying before the House Public Education Committee of the Texas Legislature in the spring of 1981 said that they were only evaluated if their supervisors intended to end their employment with their districts. As the committee contemplated what to do about providing some due process for teachers whose contracts were not renewed, the need for annual appraisals was added into the mix. As a result, the Term Contract Nonrenewal Act, as passed into law, included a requirement that teachers be evaluated at least annually:

“§21.202 TEACHER EVALUATIONS. The board of trustees of each school district shall provide by written policy for the periodic written evaluation of each teacher in its employ at annual or more frequent intervals. Such evaluation shall be considered by the board of trustees prior to any decision by the board not to renew the term contract of any teacher.”
[Acts 1981, 67th Leg., p. 2847, ch. 765, §2, eff. Aug. 31, 1981.]

Initially, there was not a state-wide process for evaluating teachers. However, in 1984, Governor Mark White initiated the Select Committee of Public Education, chaired by Ross Perot, in hopes of finding a way to convince then-House Speaker Gib Lewis to put up a tax bill to pay for a teacher pay raise. Mr. Perot, whose colorful personality wasn't well-known before he began barn-storming across Texas to bring about educational reform; was given the task of making a thorough study of the state education system and to "...write a plan to insure that

Texas schools were up to the demands of a technology-based economy.” *Texas Tribune*, Sept. 2, 2010, [A Conversation with Bill Hobby and Saralee Tiede](#).

Mr. Perot did a thorough job, and the Legislature came through with money for what became known as the “Career Ladder.” Acts 1984, 68th Leg., 2nd C.S., ch. 28, art. III, Part A, §4, eff. Sept. 1, 1984. Because the level to which each teacher in the state would be assigned was to be based first and foremost on “performance,” the Legislature directed the State Board of Education to adopt “...an appraisal process and criteria...” for use by the school districts to appraise performance. *Id.*, Sec. 13.102(a). Subsequently, the Texas Teacher Appraisal System was born by action of the Texas Education Agency.

The annual appraisal has provided teachers with some assurance that their contracts will not be arbitrarily nonrenewed, though Texas law does not require that a decision to nonrenew a contract be supported by any defect in performance documented in an appraisal. What the process has done, more than affecting school board judgment, is to drive rigorous conversation at the campus level about what constitutes good performance in the classroom. As TEA has refined and updated its systems of teacher appraisal and added a principal appraisal system, a common vocabulary of terms has gained acceptance and has aided those who developed the system in providing more meaning information embraced by the new generation of teachers. This was aided by decisions by the commissioners of education in the 1980’s and 90’s, who determined early on that no system of appeals could bear individual review of hundreds of thousands of appraisals annually. Accordingly, the Commissioner held that neither the Commissioner nor a board of trustees may substitute their judgment for that of an appraiser, absent a showing that the appraisal was arbitrary and capricious or made in bad faith [*Etzel v. Galveston ISD*, Dkt. No. 231-R9-885 (Comm’r Educ., Dec. 1987)], or was based on improper factors or otherwise

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

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