



## **SECTION II**

# **PDAS Teacher Manual Legal Considerations**

# PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM for Texas Teachers

## Executive Summary

### Legal Requirements

Senate Bill 1, passed in 1995, required the Commissioner of Education to develop a recommended appraisal system for Texas teachers with input from teachers and other professionals. In addition to specifying general characteristics of an appraisal system, Texas Education Code (TEC) §21.351 requires that criteria for the commissioner's recommended system include: (1) teachers' implementation of discipline management procedures; and (2) the performance of teachers' students.

Prior to the enactment of H. B. 1440, all teachers were required to have an annual appraisal by TEC §21.352(c). The new legislation allows districts to adopt policies at the local level to modify the appraisal schedule for qualifying teachers, as long as an appraisal is performed at least once during each five year period. A teacher must be rated as at least proficient on each PDAS domain to be eligible for less frequent appraisals permitted through H.B. 1440.

It should be noted that the individual teacher's consent is required prior to moving to less frequent appraisal for those who qualify. Should a teacher prefer to be appraised annually, the campus administrator should continue to perform annual appraisals.

Pursuant to local policy, if an appraiser becomes aware of a teacher who is performing below expectations (whether through direct observation or notification from a third party), the appraiser may place the teacher on the traditional annual appraisal cycle even if the teacher had agreed to less frequent appraisals based on his or her most recent evaluation. Nothing in the legislation prohibits a walkthrough or other informal observation by appraisers, even for those teachers who have qualified for less frequent appraisals. The use of cumulative data for teachers on a revised appraisal schedule is also permissible, in accordance with the rules established in 19 TAC §150.1003(f) for districts using the PDAS.

### Overview of the System

The PDAS includes fifty-one evaluation criteria organized in eight domains. The eight PDAS domains are:

- Domain I: Active, Successful Student Participation in the Learning Process
- Domain II: Learner-Centered Instruction
- Domain III: Evaluation and Feedback on Student Progress
- Domain IV: Management of Student Discipline, Instructional Strategies, Time and Materials
- Domain V: Professional Communication
- Domain VI: Professional Development
- Domain VII: Compliance with Policies, Operating Procedures and Requirements
- Domain VIII: Improvement of Academic Performance of all Students on the Campus

Domain VIII addresses the student performance link. This domain is comprised of a total of ten criteria. Five of the criteria relate to teacher efforts to plan, analyze, and deliver instruction that are aligned with appropriate academic skills objectives addressed within the teacher's particular assignment. One criterion in this domain relates to the teacher's continuing efforts to monitor student attendance and to be proactive in intervening with regard to students who experience attendance problems. Three criteria relate to teachers' efforts to identify and intervene appropriately with students in at-risk situations. Finally, a tenth criterion is the shared score on the overall campus performance rating and AYP status.

Scoring of the domains is done primarily through classroom observational data and input from teachers through responses on the Teacher Self-Report (TSR) Form. Relevant out-of-classroom data may also be used if documented and shared with the teacher. The domains are scored in four categories: (1) Exceeds Expectations; (2) Proficient; (3) Below Expectations; and (4) Unsatisfactory. Each domain is scored independently, and thus there are no cumulative scores.

### Implementation of the System

The system will require a minimum of one observation of at least 45 minutes, plus additional observations and walkthroughs as necessary. Observations may be scheduled or unscheduled at the discretion of the local district. Teachers and appraisers may mutually elect to adjust the length of observations so long as the total amount of time adds up to 45 minutes. A teacher is guaranteed a summative appraisal conference unless he or she expressly waives the conference requirement.

Teachers who have concerns about their appraisals may request a second appraisal, or may appeal the appraisal. For those teachers whose performance is appraised as less than proficient in any domain, adequate due process provisions have been incorporated in the rules. These teachers must be given the opportunity to improve their performance through the development of an intervention plan.

The PDAS also provides for teachers input into their own appraisal ratings, especially in Domain VI (Professional Development) and Domain VIII (Efforts to Improve Academic Performance), through the inclusion of the TSR Form. This enables teachers to submit concrete examples of their best work, in a limited format, to their appraiser for consideration in the appraisal process.

### Training for Teachers

In the initial year of adoption and implementation of PDAS, campuses must provide opportunities for representative teachers to participate in appraisal training. Districts are required to offer opportunities for appraisal training to a number of teachers equal to the number of campus administrators. At the discretion of the principal, these teachers may facilitate the orientation and may assist in presenting the orientation.

These teachers may serve as orientation facilitators but are not certified as appraisers.

## District Options

Under TEC §21.352, districts that elect to devise their own local system are encouraged to do so, as long as the local system meets the provisions of law, including a clear and direct link to the performance of teachers' students. Thus, if after reviewing the commissioner's recommended system, districts feel that they have appraisal practices more suited to local needs, they may feel free to use them.

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## **Chapter 150. Commissioner's Rules Concerning Educator Appraisal**

### **Subchapter AA. Teacher Appraisal**

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**Statutory Authority: The provisions of this Chapter 150 issued under the Texas Education Code, §§21.351-21.356, unless otherwise noted.**

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#### **§150.1001. General Provisions.**

- (a) Beginning with the 1997-1998 school year, all school districts have two choices in selecting a method to appraise teachers: a teacher-appraisal system recommended by the Texas commissioner of education or a local teacher-appraisal system.
- (b) The commissioner's recommended teacher-appraisal system, the Professional Development and Appraisal System (PDAS), was developed in accordance with Texas Education Code (TEC), §21.351.
- (c) The superintendent of each school district, with the approval of the school district board of trustees, may select the PDAS. Each school district or campus wanting to select or develop an alternative teacher-appraisal system must follow TEC, §21.352.

*Source: The provisions of this §150.1001 adopted to be effective August 1, 1997, 22 TexReg 4200.*

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#### **§150.1002. Assessment of Teacher Performance.**

- (a) The teacher proficiencies described in Learner-Centered Schools for Texas: A Vision of Texas Educators, approved by the State Board of Education on February 11, 1994, shall be the foundation for the Professional Development and Appraisal System (PDAS).
- (b) Each teacher shall be appraised on the following domains:
  - (1) Domain I: Active, successful student participation in the learning process;
  - (2) Domain II: Learner-centered instruction;
  - (3) Domain III: Evaluation and feedback on student progress;
  - (4) Domain IV: Management of student discipline, instructional strategies, time and materials;
  - (5) Domain V: Professional communication;

- (6) Domain VI: Professional development;
  - (7) Domain VII: Compliance with policies, operating procedures and requirements; and
  - (8) Domain VIII: Improvement of academic performance of all students on the campus (based on indicators included in the Academic Excellence Indicator System (AEIS)).
- (c) Each domain shall be scored independently. The evaluation of each of the domains shall consider all data generated in the appraisal process. The data for the appraisal of each domain shall be gathered from observations, the Teacher Self-Report Form, and other documented sources. The data shall describe teacher contributions in increasing student achievement, making the whole school safe and orderly, and creating a stimulating learning environment for children.
- (d) Each teacher shall be evaluated on Domains I through VIII using the following categories:
- (1) exceeds expectations;
  - (2) proficient;
  - (3) below expectations; and
  - (4) unsatisfactory.
- (e) The teacher evaluation in Domain VIII shall include the following areas:
- (1) efforts to enhance academic performance;
  - (2) efforts to enhance student attendance;
  - (3) efforts to identify and assist students in at-risk situations; and
  - (4) campus performance rating.
- (f) Campus performance rating data for Domain VIII shall be reported (not scored) by a campus or district for the first year of the PDAS implementation and/or during the first year for new teachers to a campus.

*Source: The provisions of this §150.1002 adopted to be effective August 1, 1997, 22 TexReg 4200.*

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### **§150.1003. Appraisals, Data Sources, and Conferences.**

- (a) Each teacher must be appraised each school year, except as provided by subsection (l) of this section. Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified.

- (b) The annual teacher appraisal shall include:
- (1) at least one classroom observation of a minimum of 45 minutes as identified in subsection (g) of this section, with additional walk-throughs and observations conducted at the discretion of the appraiser;
  - (2) a written summary of each observation, which shall be given to teachers within ten working days after the completion of an observation, with a pre- and post-observation conference conducted at the request of the teacher or appraiser;
  - (3) completion of Section I of the Teacher Self-Report Form that shall be presented to the principal:
    - (A) within the first three weeks from the day of completion of the Professional Development and Appraisal System (PDAS) orientation as described in §150.1007 of this title (relating to Teacher Orientation);
    - (B) within the first three weeks from the day of completion of the PDAS orientation as described in §150.1007 of this title for teachers new to the PDAS; or
    - (C) within the first three weeks of instruction in the school years when the PDAS orientation is not required pursuant to §150.1007 of this title.
  - (4) revision of Section I (if necessary) and completion of Sections II and III of the Teacher Self-Report Form that shall be presented to the principal at least two weeks prior to the summative annual conference;
  - (5) cumulative data of written documentation collected regarding job-related teacher performance, in addition to formal classroom observations;
  - (6) a written summative annual appraisal report; and
  - (7) a summative annual conference.
- (c) A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required.
- (d) Each school district shall establish a calendar for the appraisal of teachers. The appraisal period for each teacher must include all of the days of a teacher's contract. Observations during the appraisal period must be conducted during the required days of instruction for students during one school year. The appraisal calendar shall:
- (1) exclude observations in the three weeks following the day of completion of the PDAS orientation in the school years when an orientation is required as described in §150.1007 of this title;

- (2) exclude observations in the three weeks following the day of completion of the PDAS orientation for teachers new to the PDAS as described in §150.1007 of this title;
  - (3) exclude observations in the first three weeks of instruction in the school years when the PDAS orientation is not required pursuant to §150.1007 of this title;
  - (4) prohibit observations on the last day of instruction before any official school holiday or on any other day deemed inappropriate by the school district board of trustees; and
  - (5) indicate a period for summative annual conferences that ends no later than 15 working days before the last day of instruction for students.
- (e) During the appraisal period, the appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in §150.1002(b) of this title (relating to Assessment of Teacher Performance).
  - (f) The appraiser is responsible for documentation of the cumulative data identified in subsection (b)(5) of this section. Any third-party information from a source other than the teacher's supervisor that the appraiser wishes to include as cumulative data shall be verified and documented by the appraiser. Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within ten working days of the appraiser's knowledge of the occurrence. The principal shall also be notified in writing when the appraiser is not the teacher's principal.
  - (g) By mutual consent of the teacher and the appraiser, the required minimum of 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes.
  - (h) A written summative annual appraisal report shall be shared with the teacher no later than five working days before the summative conference and no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period.
  - (i) Unless waived in writing by the teacher, a summative conference shall be held within a time frame specified on the school district calendar and no later than 15 working days before the last day of instruction for students. The summative conference shall focus on the written summative report and related data sources.
  - (j) In cases where the appraiser is not an administrator on the teacher's campus, either the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus will participate in the summative annual conference.
  - (k) Any documentation collected after the summative conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any domain, another summative report shall be developed and another summative conference shall be held to inform the teacher of the change(s).

(1) Except as otherwise provided by this subsection, appraisal must be done at least once during each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent appraisal rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years.

(1) District policy may stipulate:

(A) whether the appraisal option is to be made available to teachers;

(B) whether the appraisal option is to be adopted districtwide or is to be campus specific;

(C) if the appraisal accompanying a teacher new to a district or campus meets the option as specified in this subsection, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and

(D) whether an appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies documented in accordance with subsections (b)(5) and (f) of this section.

(2) A school district may choose annually to review the written agreement with the teacher. However, at the conclusion of the school year, the district may modify appraisal options through board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous year(s).

(3) For purposes of this subsection, in the teacher-appraisal system recommended by the commissioner, an area of deficiency is a domain. A teacher must be rated as at least proficient for each domain (i.e., for all domains) to be eligible for less frequent appraisals under this subsection.

*Source: The provisions of this §150.1003 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective April 15, 1999, 24 TexReg 2934; amended to be effective May 31, 2004, 29 TexReg 5345.*

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#### **§150.1004. Teacher in Need of Assistance.**

(a) A teacher whose performance meets any of the following circumstances will be designated as a "teacher in need of assistance":

(1) a teacher who is evaluated as unsatisfactory in one or more domains; or

(2) a teacher who is evaluated as below expectations in two or more domains.

- (b) When a teacher is designated as a teacher in need of assistance, the appraiser and/or the teacher's supervisor shall, in consultation with the teacher, develop an intervention plan that includes the following:
- (1) domain(s) that designate a teacher as a teacher in need of assistance;
  - (2) directives or recommendations for professional improvement activities;
  - (3) evidence that is used to determine successful completion of professional improvement activities;
  - (4) directives for changes in teacher behavior;
  - (5) evidence that is used to determine if teacher behavior has changed; and
  - (6) specific time line for successful completion.
- (c) In cases when the teacher's appraiser is not the teacher's principal, the principal shall be involved in the development and evaluation of the intervention plan.
- (d) A teacher who has not met all requirements of the intervention plan for teachers in need of assistance by the time specified may be considered for separation from the assignment, campus, and/or district.
- (e) The intervention plan shall include options for professional development activities designed to enhance teacher proficiency. At least one option shall not place significant financial burden on either the teacher or the school district.
- (f) An intervention plan may be developed at any time at the discretion of the appraiser when the appraiser has documentation that would potentially produce an evaluation rating of "below expectations" or "unsatisfactory".

*Source: The provisions of this §150.1004 adopted to be effective August 1, 1997, 22 TexReg 4200.*

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### **§150.1005. Teacher Response and Appeals.**

- (a) A teacher may submit a written response or rebuttal at the following times:
- (1) after receiving a written observation summary, or any other written documentation associated with the teacher's appraisal; and/or
  - (2) after receiving a written summative annual appraisal report.
- (b) Any written response or rebuttal must be submitted within ten working days of receiving a written observation summary, a written summative annual appraisal report, or any other written

documentation associated with the teacher's appraisal. At the discretion of the appraiser, the time period may be extended to 15 working days.

- (c) A teacher may request a second appraisal by another appraiser at the following times:
  - (1) after receiving a written observation summary with which the teacher disagrees; and/or
  - (2) after receiving a written summative annual appraisal report with which the teacher disagrees.
- (d) The second appraisal must be requested within ten working days of receiving a written observation summary or a written summative annual appraisal report. At the discretion of the appraiser, the time period may be extended to 15 working days.
- (e) A teacher may be given advance notice of the date or time of a second appraisal, but advance notice is not required.
- (f) The second appraiser shall appraise the teacher in all domains. The second appraiser shall make observations and walk-throughs as necessary to evaluate Domains I through V. The second appraiser shall use the Teacher Self-Report Form and cumulative data from the first appraisal to evaluate Domains VI through VIII. Cumulative data may also be used by the second appraiser to evaluate other domains.
- (g) Each school district shall adopt written procedures for a teacher to present grievances and receive written comments in response to the written annual report. Each district shall also adopt written procedures for determining the selection of second appraisers. These procedures shall be disseminated to each teacher at the time of employment and updated annually or as needed.

*Source: The provisions of this §150.1005 adopted to be effective August 1, 1997, 22 TexReg 4200.*

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#### **§150.1006. Appraiser Qualifications.**

- (a) The teacher-appraisal process requires at least one appraiser.
- (b) The teacher's supervisor shall conduct the teacher's appraisal and must hold a superintendent, mid-management (principal), or supervisor certification, or must hold comparable certificates established by the State Board for Educator Certification. An appraiser other than the teacher's supervisor must be approved by the school district board of trustees, hold a valid teaching certificate, and have at least three years of prekindergarten, elementary, or secondary teaching experience.
- (c) An appraiser who is a classroom teacher may not appraise the performance of another classroom teacher who teaches at the same school campus at which the appraiser teaches, unless it is impractical because of the number of campuses or unless the appraiser is the chair of a department or grade-level whose job description includes classroom observation responsibilities.

- (d) Before conducting an appraisal, an appraiser must be certified by having satisfactorily completed uniform appraiser training, including required Instructional Leadership Training (ILT) or Instructional Leadership Development (ILD) training, with a trainer and curriculum approved by the commissioner of education. Periodic recertification and training shall be required.
- (1) Educators certified as appraisers for the Texas Teacher Appraisal System (TTAS) before January 1997 shall be required to take only the Professional Development and Appraisal System (PDAS) training to qualify as a certified appraiser for the new system. Beginning June 1, 2002, individuals seeking to become PDAS appraisers must comply with requirements specified in subsection (d)(3) of this section.
  - (2) Educators seeking certification as an appraiser for the PDAS after January 1, 1997, and no later than June 1, 2002, holding no prior TTAS certification, shall be required to complete the ILT or ILD training and the PDAS training with the successful completion of ILT or ILD training as a prerequisite to the PDAS training.
  - (3) Educators seeking certification as an appraiser for the PDAS after June 1, 2002, shall be required to complete ILD training and the PDAS training with successful completion of ILD training as a prerequisite to the PDAS training.

*Source: The provisions of this §150.1006 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective July 31, 2001, 26 TexReg 5638.*

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#### **§150.1007. Teacher Orientation.**

- (a) A school district shall ensure that all teachers are provided with an orientation of the Professional Development and Appraisal System (PDAS) no later than the final day of the first three weeks of school and at least three weeks before the first observation.
- (1) Additional orientations shall be provided any time substantial changes occur in the PDAS.
  - (2) A teacher new to the district shall be provided with an orientation of the PDAS at least three weeks before the teacher's first observation.
- (b) Teachers' orientation shall include materials approved by the commissioner of education. These materials shall include all state and local appraisal policies, the local appraisal calendar, and information on the requirements for the completion of the Teacher Self-Report Form. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to actively participate in a discussion of the PDAS specifics and to have their questions answered.

*Source: The provisions of this §150.1007 adopted to be effective August 1, 1997, 22 TexReg 4200.*

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**§150.1008. Training of Teacher Participants.**

- (a) In the initial year of adoption and implementation of the Professional Development and Appraisal System (PDAS), selected teachers from each campus shall be given the opportunity to participate in the appraisal training for purposes of disseminating information to colleagues on their campus and assisting, at the discretion of the principal, in the orientation of all campus teachers. These teachers shall be designated as appraisal-orientation facilitators.
  - (1) Each campus shall offer the opportunity to participate in appraisal training to a number of teachers equal to the number of campus administrators; however, each campus shall have at least one teacher participant.
  - (2) The principal shall select representative teachers from nominations submitted by the site-based decision making (SBDM) committee created in accordance with Texas Education Code, §11.251. The principal may select representatives other than those nominated by the SBDM committee when nominated teachers are unable to attend appraisal training.
  - (3) Each school district shall pay the training fees for its teachers attending the PDAS appraisal training.
- (b) School districts and regional education service centers shall make available additional training for teachers as part of the district's and education service center's menu of professional development opportunities. All teachers are eligible to participate in appraisal and/or Instructional Leadership Training or Instructional Leadership Development training at their own expense. Executive directors of regional education service centers may prescribe appropriate registration fees to offset the cost of providing these services.

*Source: The provisions of this §150.1008 adopted to be effective August 1, 1997, 22 TexReg 4200; amended to be effective July 31, 2001, 26 TexReg 5638.*

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**§150.1009. Alternatives to the Commissioner's Recommended Appraisal System.**

- (a) District option. Beginning with the 1997-1998 school year, a school district not wanting to use the commissioner's recommended Professional Development and Appraisal System must develop its own teacher-appraisal system supported by locally adopted policy and procedures and by the processes outlined in Texas Education Code (TEC), §21.352. The Texas Teacher Appraisal System (TTAS) is no longer a state-recommended system; however, it may become a local option governed by the process outlined in TEC, §21.352. If adopted as a local option, the TTAS must be modified to comply with TEC, §21.351(a)(1) and (2).
  - (1) The school district-level planning and decision-making committee shall:
    - (A) develop an appraisal process;

- (B) develop evaluation criteria, including discipline management and performance of the teachers' students; and
- (C) consult with the campus planning and decision-making committee on each campus in the school district.

(2) The appraisal process shall include:

- (A) at least one appraisal each year;
- (B) a conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
- (C) criteria based on observable, job-related behavior, including:
  - (i) teachers' implementation of discipline management procedures; and
  - (ii) performance of the teachers' students.

(3) The school district-level planning and decision-making committee shall submit the appraisal process and criteria to the superintendent, who shall submit the appraisal process and criteria to the school district board of trustees with a recommendation to accept or reject. The school district board of trustees may accept or reject an appraisal process and performance criteria, with comments, but may not modify the process or criteria.

(b) Campus option. A campus within a school district may choose to develop a local system as provided in this section.

(1) The campus planning and decision-making committee shall:

- (A) develop an appraisal process;
- (B) develop evaluation criteria, including discipline management and performance of the teachers' students; and
- (C) submit the process and criteria to the district-level planning and decision-making committee.

(2) The appraisal process shall include:

- (A) at least one appraisal each year;
- (B) a conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
- (C) criteria based on observable, job-related behavior, including:

- (i) teachers' implementation of discipline management procedures; and
  - (ii) performance of the teachers' students.
- (3) Upon submission of the appraisal process and criteria to the school district-level planning and decision-making committee, the committee shall make a recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the superintendent.
- (4) The superintendent shall submit the recommended campus appraisal process and criteria, the school district-level planning and decision-making committee's recommendation, and the superintendent's recommendation to the school district board of trustees. The school district board of trustees may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

*Source: The provisions of this §150.1009 adopted to be effective August 1, 1997, 22 TexReg 4200.*

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**§150.1010. District Notification to Regional Education Service Center.**

For purposes of providing training and support, the superintendent shall notify the executive director of the regional education service center of the district's choice of appraisal system(s) by a time designated by the commissioner of education.

*Source: The provisions of this §150.1010 adopted to be effective August 1, 1997, 22 TexReg 4200.*

**Related Statutory Citations in the Texas Education Code**  
**The following statutory citations in the Texas Education Code relate to the new 19 TAC,**  
**Chapter 150,**  
**Subchapter AA, Teacher Appraisal**

**Chapter 21. Educators**

**Subchapter H. Appraisals and Incentives**

**§ 21.351. RECOMMENDED APPRAISAL PROCESS AND PERFORMANCE CRITERIA.**

- (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, including:
  - (1) teachers' implementation of discipline management procedures; and
  - (2) the performance of teachers' students.
- (b) The commissioner shall solicit and consider the advice of teachers in developing the recommended appraisal process and performance criteria.
- (c) Under the recommended appraisal process, an appraiser must be the teacher's supervisor or a person approved by the board of trustees. An appraiser who is a classroom teacher may not appraise the performance of another classroom teacher who teaches at the same school campus at which the appraiser teaches, unless it is impractical because of the number of campuses or unless the appraiser is the chair of a department or grade level whose job description includes classroom observation responsibilities.
- (d) Under the recommended appraisal process, appraisal for teachers must be detailed by category of professional skill and characteristic and must provide for separate ratings for each category. The appraisal process shall guarantee a conference between the teacher and the appraiser. The conference shall be diagnostic and prescriptive with regard to remediation needed in overall performance and by category.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

**§ 21.352. LOCAL ROLE.**

- (a) In appraising teachers, each school district shall use:
  - (1) the appraisal process and performance criteria developed by the commissioner; or

(2) an appraisal process and performance criteria:

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

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

(C) adopted by the board of trustees.

(b) The board of trustees may reject an appraisal process and performance criteria developed by the district- and campus-level committees but may not modify the process or criteria.

(c) Except as otherwise provided by this subsection, appraisal must be done at least once during each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years. The district shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file. Each teacher is entitled to receive a written copy of the evaluation on its completion. After receiving a written copy of the evaluation, a teacher is entitled to a second appraisal by a different appraiser or to submit a written rebuttal to the evaluation to be attached to the evaluation in the teacher's personnel file. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

(d) A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 244, § 2, eff. June 18, 2003.

### **§ 21.353. APPRAISAL ON BASIS OF CLASSROOM TEACHING PERFORMANCE.**

A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with the extracurricular activities.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

### **§ 21.354. APPRAISAL OF ADMINISTRATORS.**

(a) The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of various classifications of school administrators. The criteria must be based on job-related performance.

- (b) The commissioner may solicit and consider the advice of teachers and administrators in developing the appraisal process and performance criteria.
- (c) Each school district shall appraise each administrator annually using either:
  - (1) the commissioner's recommended appraisal process and performance criteria; or
  - (2) an appraisal process and performance criteria:
    - (A) developed by the district in consultation with the district- and campus-level committees established under Section 11.251; and
    - (B) adopted by the board of trustees.
- (d) Funds of a school district may not be used to pay an administrator who has not been appraised under this section in the preceding 15 months.
- (e) The appraisal of a principal shall include consideration of the performance of a principal's campus on the indicators established under Section 39.051 and the campus's objectives established under Section 11.253, including performance gains of the campus and the maintenance of those gains.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

**§ 21.355. CONFIDENTIALITY.**

A document evaluating the performance of a teacher or administrator is confidential.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

**Related Statutory Citations in the Texas Education Code**  
**The following statutory citations in the Texas Education Code relate to the new**  
**19 TAC, Chapter 150,**

**§ 21.451. STAFF DEVELOPMENT REQUIREMENTS.**

- (a) The staff development provided by a school district must be:
  - (1) conducted in accordance with standards developed by the district; and
  - (2) designed to improve education in the district.
- (b) The staff development must be predominantly campus-based, related to achieving campus performance objectives established under Section 11.253, and developed and approved by the campus-level committee established under Section 11.251.
- (c) A school district may use district-wide staff development developed and approved through the district-level decision process under Section 11.251.
- (d) The staff development may:
  - (1) include training in:
    - (A) technology;
    - (B) conflict resolution; and
    - (C) discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37;
  - (2) include training that:
    - (A) relates to instruction of students with disabilities; and
    - (B) is designed for educators who work primarily outside the area of special education; and

(3) include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.  
Amended by Acts 1999, 76th Leg., ch. 396, § 2.06, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 766, § 1, eff. June 13, 2001; Acts 2003, 78th Leg., ch. 495, § 1.