

Item 6:**Consider and Take Appropriate Action on Adoption of Proposed Amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process****DISCUSSION AND ACTION**

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, proposed amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process. The proposed amendments to 19 TAC §244.1 and §244.2 would replace references to the old state-recommended teacher appraisal system, the Professional Development and Appraisal System (PDAS), with general references to the state-recommended teacher appraisal system and add language to include training for appraisers of principals using the state-recommended principal appraisal system. Additional changes are recommended to the proposed amendments to 19 TAC §244.1 and §244.2 as published.

STATUTORY AUTHORITY: The statutory authority for 19 TAC §244.1 and §244.2 is the Texas Education Code, §21.041(b)(10).

EFFECTIVE DATE: The proposed effective date of the proposed amendments to 19 TAC §244.1 and §244.2 would be July 1, 2016, the scheduled date for the implementation of the new state-recommended teacher and principal appraisal systems.

PREVIOUS BOARD ACTION: The SBEC adopted 19 TAC §244.1 and §244.2 effective March 1, 1998, and amended the sections effective October 28, 2010.

At the August 2015 meeting, the SBEC approved the amendments to 19 TAC §244.1 and §244.2 for publication in the *Texas Register* as proposed rules.

BACKGROUND INFORMATION AND SIGNIFICANT ISSUES: The SBEC rules in 19 TAC Chapter 244 establish general provisions relating to the commissioner of education's recommended system for appraisal of teachers and administrators and adopt the commissioner of education's conditions for the issuance of a certificate of completion of training for appraisers of teachers, for the training of appraisers in districts using locally developed teacher appraisal systems, and for the certification of appraisers of administrators. Section 244.1 currently provides general provisions relating to the appraisal of teachers. Currently, 19 TAC §244.2 provides for the requirements for training of appraisers of educators and administrators in school districts using the commissioner of education's recommended appraisal process.

The proposed amendments to 19 TAC §244.1 and §244.2 would replace references to the old state-recommended teacher appraisal system, PDAS, with generic references to the state-

recommended teacher appraisal system and add language to include training and certification for appraisers of principals using the state-recommended principal appraisal system, effective July 1, 2016, to coincide with the statewide implementation timeline for the new teacher and principal appraisal systems.

In response to public comment, changes are recommended to 19 TAC §244.1 and §244.2 as published. References to specifically named appraisal systems would be replaced by more generic references to the recommended teacher and principal appraisal systems.

FISCAL IMPACT: The TEA staff has determined that there is no additional fiscal impact on state and local governments and there are no additional costs to persons or entities required to comply with the proposed amendments. In addition, there is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

PUBLIC AND STUDENT BENEFIT: The public and student benefit anticipated as a result of the proposed amendments to 19 TAC §244.1 and §244.2 would be the continued prevention of duplicative and potentially conflicting sets of rules by the commissioner of education and the SBEC that relate to the certification and training of appraisers.

PROCEDURAL AND REPORTING IMPLICATIONS: The proposed amendments would have no additional procedural and reporting implications.

LOCALLY MAINTAINED PAPERWORK REQUIREMENTS: The proposed amendments would have no additional locally maintained paperwork requirements.

PUBLIC COMMENTS: The public comment period on the proposal began September 4, 2015, and ended October 5, 2015. Following is a summary of the public comment received and agency response. Any additional comments received before the end of the public comment period, October 5, 2015, will be provided to the SBEC under separate cover prior to the October 16, 2015 meeting. The SBEC will take registered oral and written comments on this item at the October 16, 2015 meeting in accordance with the SBEC board operating policies and procedures.

Comment: The Texas Classroom Teachers Association commented that references to a specifically named teacher and principal appraisal system need not occur in rule and that generically referring to the recommended teacher and the recommended principal appraisal systems would alleviate both the need to amend rules in the future when appraisal systems change and the concerns with implementation dates of amended rules.

Agency Response: The agency agrees in part. The agency agrees that the proposed amendments to 19 TAC §244.1 and §244.2 should not refer to specifically named appraisal systems and recommends amending the language as published to reflect this position. The agency disagrees with the suggestion to remove the effective date of July 1, 2016, due to the fact that there is not a current state-recommended principal appraisal system and reference to one would be premature until the rollout of the new state-recommended principal appraisal system on July 1, 2016.

ALTERNATIVES: None.

OTHER COMMENTS AND RELATED ISSUES: None.

MOTION TO BE CONSIDERED: The State Board for Educator Certification:

Approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process, with an effective date of July 1, 2016.

Staff Member Responsible: Tim Regal, Director
Educator Evaluation and Support

Attachments: I. Statutory Citation
II. Text of Proposed Amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process

ATTACHMENT I

Statutory Citation Relating to Proposed Amendments to 19 TAC Chapter 244, Certificate of Completion of Training for Appraisers, §244.1, General Provisions, and §244.2, Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process

Texas Education Code, §21.041, Rules; Fees (excerpt):

- (b) The board shall propose rules that:
 - (10) provide for certification of persons performing appraisals under Subchapter H.

ATTACHMENT II
Text of Proposed Amendments to 19 TAC

Chapter 244. Certificate of Completion of Training for Appraisers

§244.1. General Provisions.

As authorized by the Texas Education Code (TEC), Chapter 21, Subchapter H, the commissioner of education rules for a recommended teacher appraisal system [~~known as the~~] Texas Teacher Evaluation and Support System (T-TESS) ; for a recommended principal appraisal system [~~known as the Texas Principal Evaluation and Support System (T-PESS)~~] ; Professional Development and Appraisal System (PDAS); and for a recommended administrator appraisal process for administrators other than principals [] are codified in Chapter 150 of this title (relating to Commissioner's Rules Concerning Educator Appraisal). Other appraisal systems may be locally developed and adopted by a school district according to the TEC, Chapter 21, Subchapter H, and Chapter 150 of this title.

§244.2. Training for Appraisers of Educators in School Districts Using a Recommended Appraisal Process.

- (a) The State Board for Educator Certification hereby adopts the appraiser qualifications, required appraiser training, and criteria for acceptable appraiser performance under the recommended teacher appraisal system Texas Teacher Evaluation and Support System (T-TESS) and the recommended principal appraisal system Texas Principal Evaluation and Support System (T-PESS) Professional Development and Appraisal System (PDAS) , as established by the commissioner of education in Chapter 150 [~~§150.1006~~] of this title (relating to Commissioner's Rules Concerning Educator Appraisal Appraiser Qualifications).
- (b) Training of [~~T-TESS and T-PESS~~] PDAS appraisers shall be provided in accordance with the rules established by the commissioner of education in Chapter 150 [~~Subchapter AA~~] of this title [~~(relating to Teacher Appraisal)~~] . The providers of such training are responsible for verifying completion of the training . The [~~and the~~] regional education service center designated by the commissioner to serve as the appraiser [~~T-TESS and T-PESS~~] PDAS certification provider for the state is responsible for maintaining documentation and for issuing certification to individuals who have completed [~~PDAS~~] training to appraise teachers or principals .
- (c) A school district using the commissioner-recommended [~~administrator~~] appraisal process for administrators other than principals shall comply with §150.1022(c) of this title (relating to Commissioner-Recommended Administrator Appraisal Process: Procedures) and §244.3 of this title (relating to Training for Appraisers of Educators in School Districts Using Locally-Developed Educator Appraisal Systems).