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TSTA sues education commissioner over teacher evaluations

The Texas State Teachers Association (TSTA) today filed a lawsuit against Texas Education Commissioner Mike Morath, seeking to invalidate an element of a new teacher evaluation plan that violates state law.

The suit, filed in state district court in Travis County, asks for a declaratory judgment to block implementation of the Texas Teacher Evaluation and Support System (T-TESS), which is scheduled to go into effect July 1. Morath approved T-TESS to replace the Professional Development Appraisal System (PDAS) as the state-recommended teacher appraisal system.

The commissioner's T-TESS rule would require school districts to base at least 20 percent of a teacher's evaluation on "student growth measures," which could include so-called value added measures (VAM). A VAM model is typically based on a complicated formula that compares actual student test scores to the scores predicted by a mathematical target based on the standardized test scores of similar student populations.

TSTA contends that state law – Section 21.351 of the Texas Education Code – clearly requires a teacher appraisal system adopted by the commissioner to be based on "observable, job-related behavior." But a VAM model is not "observable" and is not even available to teachers and others who wish to understand the basis for their evaluations. Section 21.352 of the Texas Education Code sets the same "observable, job-related behavior" requirement for school districts that choose to create their own appraisal systems.

"Commissioner Morath's appraisal system clearly violates state law because he doesn't have the authority to substitute a confusing, test-based statistical formula for the work teachers and students actually do in their classrooms," TSTA President Noel Candelaria said. "Teachers are not robots, and their performance should be evaluated by an easily understood, transparent system that helps them perfect their job performance. Let's be clear. Educators' compensation and jobs are potentially on the line here, and their work must be evaluated fairly – and legally."

Candelaria added, "Tying teacher evaluations to test scores will raise the stakes on STAAR testing even higher for children who already are over-tested, much to the anger of a growing number of Texas parents who understand real education is more than a test score."

The American Statistical Association also has discredited VAM models as ineffective measurements of teacher performance.