



TSTA NEWS

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Dallas ISD teachers appeal pay cuts under district's appraisal system

NEA-Dallas, an affiliate of the Texas State Teachers Association, today filed an appeal with the Texas Supreme Court, seeking an order to require state Education Commissioner Mike Morath to rehear its grievance against some components of Dallas ISD's teacher appraisal system.

Many Dallas ISD teachers, including some NEA-Dallas members, suffered cuts in take-home pay after they received their first evaluation "Scorecards" under the then-new appraisal system, the Teacher Excellence Initiative (TEI), at the beginning of the 2015-16 school year.

Under TEI, which is partly based on STAAR test scores from the previous year, teachers with what the district considered good Scorecards received bonuses for 2015-16. All the teachers who did not receive bonuses suffered reductions in net pay because the district gave no cost-of-living adjustments that year and increased the employees' share of health insurance premiums.

The Scorecards were not released — and teachers didn't know they were getting a cut in net pay — until after the school year had started. The appellants note that violates numerous interpretations of the Texas Education Code requiring teachers to be notified of pay reductions no less than 45 days before the start of the school year, so they have time to make other employment plans, if they wish.

The appellants also argue that the use of standardized test scores as an evaluation component violates Section 21.351(a) of the Education Code, which requires districts to evaluate teachers on the basis of "observable, job-related behavior." They say the test score component also violated the commissioner's own rules for appraisals that were in effect prior to July 1, 2016.

After teachers received their evaluation Scorecards, NEA-Dallas filed a grievance, which was denied by both the district and the commissioner, who ruled that the grievance was not timely filed. NEA-Dallas then sued the commissioner, but a state district court in Austin upheld the commissioner's decision. The Third Court of Appeals also upheld the commissioner's ruling in part, affirming that the teachers' grievance against the TEI components was not filed on time.

Under Dallas ISD policy in effect at the time, teachers had to file grievances within 10 days after first learning of an action or policy that they believed caused them harm. The district and Commissioner Morath ruled that the educators had missed that deadline because the Dallas school board had voted in May 2014 to substitute its own teacher appraisal system for the state's appraisal process.

But in their appeal, the teachers point out that they didn't know the new system would result in harm — cuts to their take-home pay — until their first Scorecards were issued more than a year later.

"This logic — imposing a ten-day statute of limitations on school district employees for violations of law by their employers in the adoption of a policy — is not only inequitable, it is erroneous and compels reversal by this Court. At the time the Board Policy was adopted by the Board, no teachers had been appraised or even observed under TEI. NEA-Dallas grieved the Scorecard appraisals in a timely manner," the petitioners argue.