

Year One Professional Practice Rating Appeal and Grievance**A. General**

A year-one evaluation grievance is defined as a written complaint by any non-probationary teacher who has received his or her first-year partially effective or ineffective rating and who believes that he or she has been rated inaccurately on the basis of procedural violations or inaccurate data as explained below. Any non-probationary teacher who has received his or her first year partially effective or ineffective rating may choose to file a year-one evaluation grievance within 11 working days after the summative evaluation is finalized and signed by both the teacher and evaluator. This procedure satisfies the just cause and due process outlined in Policy 4134 as it relates only to evaluation grievances.

B. Grounds for Year-One Evaluation Grievance

The grounds for a year-one evaluation grievance shall be limited to the following:

1. The evaluator did not follow rules, statute, or procedure per Policy 4170 and that failure to adhere to those requirements had or may have had a material impact on the final Performance Evaluation Rating assigned to the teacher (e.g., an observation was not completed; no post-observation conference was held following a formal, informal, or flexible observation); and/or
2. The data relied upon was inaccurately attributed to the Teacher.

C. Process for Year-One Evaluation Grievance

The Teacher may choose to submit the grievance appealing the Year One Rating of Less than Effective to a review panel for a hearing. At the time that the teacher decides to appeal the Year One Rating of Less than Effective, the evaluator shall be notified.

1. The Year-One Evaluation Grievance must be filed in writing within eleven (11) working days after the summative evaluation is finalized and signed by both the teacher and evaluator. The teacher filing the appeal shall notify her/his evaluator as well as the Assistant Superintendent of Human Resources and the CCEA President in writing of the intent to appeal not later than six (6) working days after the summative evaluation is finalized and signed by both the teacher and evaluator. Such communication will only state that an appeal will be filed.
2. The Teacher will provide the alleged procedural violation(s) and/or misattributed data along with any artifacts and / or body of evidence intended to support a change of rating. This information will be submitted in a sealed envelope to the facilitator(s) for the appeals panel. It will not be opened until both the teacher's and the evaluator's documents are received.
3. Within five (5) working days after receiving notification that a grievance appeal has been filed by a teacher, the evaluator shall provide the appeals panel with copies of any and all information previously provided to the teacher regarding the determination of professional practice ratings (Standards I-V) in any and all elements that were rated less than proficient and the growth data that was used in determining the rating in Standard VI. This information

will be submitted in a sealed envelope to the facilitator(s) for the appeals panel. It will not be opened until both the teacher's and the evaluator's documents are received.

4. A hearing will be held before the appeals panel no later than ten (10) working days following submission of the appeal documents from the teacher and evaluator unless the parties mutually agree to extend the timeline.
5. The panel is expected to meet and review the evidence submitted.
6. The teacher shall be given the opportunity to address the review panel in person or in writing. The review panel shall review any written information provided by the appealing Teacher prior to meeting to render a decision.
7. The review panel shall be comprised of members (both teachers and administrators) that are not directly involved in the evaluation process for the appealing teacher or from the teacher's building. The panel shall be selected and comprised as follows:
 - a. Panel members shall be selected and trained in a manner designed to ensure the credibility and expertise of the panel members. The panel shall be comprised of equal numbers of teachers and administrators, with no more than six (6) panel members total. A process shall be developed to ensure continuity of the review panel members.
 - b. Teachers on the review panel (and pool) shall be non-probationary and shall have been rated as effective on their most recent evaluation and shall be selected from a list provided by the Association.
 - c. Administrators serving on the review panel (and pool) shall be rated as "effective" on their most recent evaluation, shall be experienced in evaluating instructional practices, shall be familiar with evaluation procedures and processes as outlined in statute as well as the Negotiated Agreement.
 - d. The Association President and Assistant Superintendent of Human Resources or their designees will jointly assemble the panel from their respective pools.
 - e. There shall be a pool of individuals (teachers and administrators) who are trained to serve on a panel. The training shall be mutually designed and/or agreed upon between the District and the Association.
 - f. Review panel members shall receive annual training consisting, at a minimum, of:
 - i. Review of CDE documents regarding the state model evaluation system
 - ii. Review of the purposes of evaluation and philosophy of evaluation
 - iii. Review of the district Master Agreement regarding evaluation
 - iv. Review of the district Appeal process
 - v. Purpose of the panel and expectations for them as panel members
 - g. Review panel members shall be expected to adhere to the following expectations:
 - i. Maintain confidentiality regarding all matters related to appeals made to the review panel;

- ii. Commit to the full-length of their term for participating as a member of the appeals panel pool;
 - iii. Attend all annual trainings;
 - iv. Review all submitted materials prior to the scheduled hearing date;
 - v. Be in attendance at all required hearing dates;
 - vi. Participate actively and contribute to the hearing process;
 - vii. Participate in the writing of all recommendations/reports.
8. The panel is the final decision making body for year-one evaluation grievances. The decision of the panel will be made by a simple majority vote. If the vote of the panel results in a tie, the original evaluation rating will stand. Decisions of the panel are final and may only be brought into a subsequent appeal after a second consecutive year-of less than effective rating if the teacher chooses to present it at an appeal.
 9. The appeal process shall conclude no more than forty-five (45) working days after the grievance has been filed unless the timelines noted above have been extended by mutual agreement. If the timelines have been extended, the forty-five (45) working day deadline for completion shall be extended by the total number of working days mutually agreed to.

The decision of the appeals panel will be final and will be communicated in writing to the teacher who made the appeal and the evaluator as well as the evaluator's supervisor.

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