

## APPEALS PROCESS FOR NON-PROBATIONARY TEACHERS

1. A non-probationary Teacher may file a written appeal notice within fifteen (15) calendar days after receiving two consecutive years of an Ineffective and/or Partially Effective Performance Evaluation Rating. The written appeal will be filed with the Superintendent.
2. The appeals process must be completed within forty-five (45) calendar days after receiving the Performance Evaluation Rating. This time requirement may be waived by mutual agreement of both the Teacher and the School District.
3. The burden of proof will rest with the Teacher to demonstrate grounds for an appeal.
4. Grounds for an appeal shall be limited to the following:
  - a. The evaluator did not follow evaluation procedures that adhere to the requirements of statute and rule and that failure had a material impact on the final Performance Evaluation Rating that was assigned; and/or
  - b. The data relied upon was inaccurately attributed to the Teacher.
5. The Teacher is permitted only one appeal for the second consecutive Performance Evaluation Rating of Ineffective or Partially Effective. A Teacher filing an appeal shall include all grounds for the appeal within a single written document. Any grounds not raised at the time the written appeal is filed shall be deemed waived.
6. Any documents and/or proceedings related to the appeal process shall be confidential.
7. A review panel shall serve in an advisory capacity to the superintendent. The superintendent shall be the final decision-making authority in determining the Teacher's final Performance Evaluation Rating.
  - a. The review panel shall include: (1) the superintendent or designee, (2) an elementary or secondary administrator, (3) an elementary or secondary IRT, and (4) an elementary or secondary District Evaluation Team Certified Staff Member.
  - b. Team members may not be directly involved in the supervision or evaluation of the Teacher.
  - c. Elementary or secondary team members will be randomly chosen based on the corresponding level of the Teacher.
  - d. Panel members shall be trained in a manner designed to ensure credibility and expertise within the process.
8. The Teacher shall be given the opportunity to address and provide evidence to 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 recommendation.
9. The review panel may invite the Teacher or Teacher's Evaluator to present in person or in writing where clarification is necessary; however, the Teacher and Evaluator shall have the right of refusal without prejudice.
10. In order to overturn a rating of ineffective or partially effective, the panel must unanimously find that the rating of ineffective or partially effective was inaccurate, with the potential for

submission of a majority opinion to the superintendent if the panel is not able to reach unanimous consent.

11. If the Superintendent determines that a rating of Ineffective or Partially Effective was inaccurate, but there is insufficient information to assign a rating of effective, the non-probationary teacher shall receive a “no score” and shall not lose his or her non-probationary status. However, if in the following academic school year that same teacher receives a final rating of Ineffective or Partially Effective, this rating shall have the consequence of a second consecutive Ineffective rating and the teacher shall be subject to loss of non-probationary status.