

STATE MODEL APPEAL PROCESS FOR TEACHERS TO APPEAL A SECOND CONSECUTIVE INEFFECTIVE RATING

State law requires that each school district provide an appeal process to allow teachers who receive a second consecutive rating of ineffective or partially effective to appeal that rating. The intent of the appeal process is to determine a final evaluation rating and identify whether or not a teacher retains nonprobationary status. Decisions about a teacher's employment status are separate from decisions about final evaluation ratings and probationary or nonprobationary status.

Using the Model Process: Pursuant to the State Board of Education's [Rules for the Evaluation of Licensed Personnel](#), each district may either use the model appeal process or develop its own distinctive appeal process that adheres to the requirements outlined in the rules.

Local Decision-Making: The state's model appeal process includes components, such as the role of a review panel, that go beyond what is required for a district opting to develop its own distinctive appeal process. The model appeal process also requires districts to make local decisions (i.e., identifying members of the review panel) to ensure that the process is appropriate to the size and location of the district. The appeal process must be developed, where applicable, through collective bargaining.

Grounds for an Appeal: As required by the State Board of Education's rules, the grounds for an appeal of a second consecutive rating below effective must be limited to one of the following:

- 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 evaluation rating that was assigned (e.g., an observation was never completed or the district-agreed upon process was not followed.); and/or
- The data relied upon was inaccurately attributed to the teacher (e.g., data included in the evaluation was from students for whom the teacher was not responsible).

Loss of Non-Probationary Status: A teacher loses nonprobationary status:

- If no appeal is requested, 15 calendar days after receiving the second consecutive "ineffective/partially effective" rating; or
- If an appeal is requested and the superintendent makes a final determination that the second consecutive "ineffective/partially effective" rating is confirmed, within the 45 day appeal window..

Confidentiality: Any documents and/or proceedings related to an individual's appeal process must be confidential.

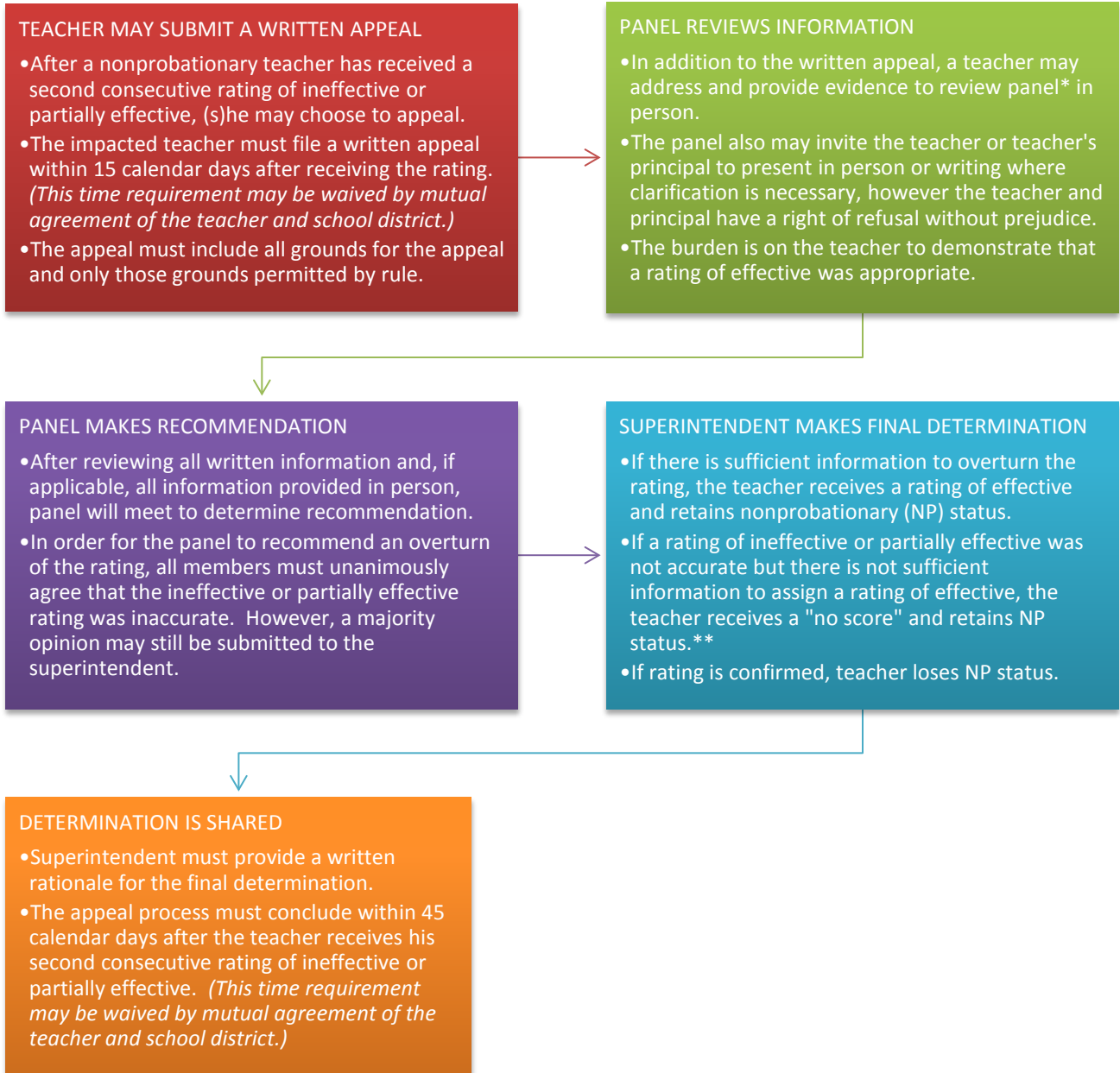
Communications: Once developed, each district must clearly communicate its appeal process to teachers, evaluators, principals, and, where appropriate, students and parents of students.

Components and Timelines: Please see the next page, which includes the components of the model appeal process, and the third page, which provides sample timelines for an appeal process. See also the State Board of Education's [Rules for Administration of a Statewide System to Evaluate the Effectiveness fo Licensed Personnel](#), 1 CCR 301-87, section 5.04.



COMPONENTS OF MODEL APPEAL PROCESS

The following process applies once a teacher receives a second consecutive rating of “ineffective,” or “partially effective.”



*A review panel must include no more than 6 members, an equal numbers of teachers and administrators, and no one who has been directly involved in evaluating the appealing teacher. The superintendent may appoint himself to the panel.

** However, if the following school year that teacher receives an ineffective or partially effective rating, the "no score" rating will have the consequence of a second consecutive ineffective rating and the teacher will be subject to loss of nonprobationary status.



SAMPLE TIMELINES FOR MODEL APPEAL PROCESS

The timeline below provides an example of a schedule that meets the time requirements outlined in the State Board of Education’s rules. (See 1 CCR 301-87, section 5.04(A)(5).) The appeal process must conclude not more than 45 calendar days after a teacher receives a second consecutive performance evaluation rating of ineffective/partially effective. A teacher that chooses to appeal must file a written appeal within 15 calendar days after receiving the rating.

Though decisions about a teacher’s employment status are separate from decisions about final evaluation ratings and probationary or nonprobationary status, it is important to consider the statutory requirements for notice of non-renewal as it may influence district timelines.

Sample Appeal Process Timeline	
Date	Event
May 7	Evaluation rating provided to teacher with notice about opportunity to appeal and deadline for submitting appeal
May 22	Deadline for teacher to submit written appeal
May 30	Review panel meets to review written appeal and identify areas where further clarification may be needed; may opt to invite teacher and/or principal to present information in person or in writing
June 15	Teacher and/or principal (at his/her option) presents information to panel in person; panel meets after to review information and make recommendation
June 17	Superintendent reviews panel’s recommendation and makes final determination
June 21	Letter with superintendent’s final determination and rationale are provided to teacher

The worksheet below provides suggested ranges for meeting the time requirements outlined in the State Board of Education’s rules.

Appeal Process Timeline Worksheet		
Suggested Time Range	Event	Date
Day 0	Evaluation rating provided to teacher with notice about opportunity to appeal and deadline for submitting appeal <i>(statute requires at least two weeks prior to the last day of classes)</i>	
Day 15	Deadline for teacher to submit written appeal <i>(rule requires teacher to submit within 15 days of receiving the evaluation rating)</i>	
Day 15-28	Review panel meets to review written appeal and identify areas where further clarification may be needed; may opt to invite teacher and/or principal to present information in person or in writing	
Day 21-35	Teacher and/or principal (at his/her option) presents information to panel in person; panel meets after to review information and make recommendation	
Day 22-40	Superintendent or designee review panel’s recommendation and makes final determination	
Day 45	Letter with superintendent’s final determination and rationale is provided to teacher	