

State Council for Educator Effectiveness

Technical Advisory Group

Appeals Work Group

State Council for Educator Effectiveness – Draft recommendations

Developing a System for Appeals

DRAFT March 26, 2011

Statutory charge

Under SB 191, the Council is to provide the State Board with recommendations concerning “guidelines for adequate implementation of a high-quality educator evaluation system that shall address, at a minimum, the following issues:

- ... A process by which a nonprobationary teacher may appeal his or her second consecutive performance rating of ineffective and submit such process by the first day of convening of the first regular session of the sixty-ninth general assembly to the education committees of the house of representatives and the senate, or any successor committee.” (CRS 22-9-105.5(e)(VII)). [Note: the first regular session of the sixty-ninth general assembly will convene in January 2013.]

Working group background

The working group on this issue included representatives from teacher associations, school boards and school board associations, and CDE. The group discussed current appeals processes in Jefferson County, Douglas County, and Eagle County, as well as the needs of smaller school districts. The group arrived at consensus fairly quickly about the need for an appeals process to be embedded in an evaluation process that provided for early notification of performance problems and real opportunities for improvement. In other words, the second rating of ineffectiveness should not come as a surprise to the teacher being evaluated. The group also felt that having peer involvement in the evaluation and appeals process, where feasible, would generate buy-in to the system and improve professionalism.

Significant challenges for the group included the language of SB 191, which provides for different appeals process requirements at different times during the implementation of the new evaluation system. Ultimately, the group chose to focus on the process to be in place at the time when teachers would first be subject to a second rating of ineffectiveness, described in CRS 22-9-106(4.5)(b).

In its discussions, the working group agreed that the following assumptions were important to the effective implementation of evaluation and appeals processes:

- Effective induction programs for new teachers are in place
- Resources exist to compensate mentors and peer observers for additional duties
- Those evaluating and those being evaluated share a common understanding of the communicated definition of effectiveness and the evaluation process. The system is

aligned with the State Quality Standards, transparent in its process. Information about the evaluation is made available to those being evaluated.

- Other policies and systems affecting teachers are aligned with teaching standards, such as teacher education programs, professional development systems, teaching license renewal requirements, etc.

Proposed recommendation language

Guidelines for development of appeals processes

Each district and board of cooperative educational services, in collaboration with teachers including representatives of the local teachers association or federation if one exists, shall develop and adopt a fair and transparent process by which a nonprobationary teacher can appeal a second consecutive performance rating of ineffective. At a minimum, the appeals process shall allow a nonprobationary teacher to appeal the rating of ineffectiveness to the superintendent, and shall place the burden on the nonprobationary teacher to demonstrate that a rating of ineffectiveness was appropriate. The appeals process shall take no longer than ninety days, and the nonprobationary teacher shall not be subject to a possible loss of nonprobationary status until after a final determination of ineffectiveness is made.

Each district and/or BOCES shall address the following objectives for an evaluation system in adopting its appeals process:

- The applicable standards, areas designated for improvement, and the steps of the appeals process are fair and transparent to all parties, including the person being evaluated
- The process ensures early identification of performance problems and meaningful time and support for improvement
- The process promotes professional “ownership” of effectiveness perhaps through peer involvement in evaluations, support, and appeals processes, where feasible
- The process promotes the continuous improvement of teacher performance
- The process permits districts to remove licensed personnel proven to be ineffective in a cost-effective and timely manner
- The process is flexible enough to meet the needs and the context of the teachers and the districts involved
- Compensation for mentors and peer observers asked to perform additional duties as part of the appeals process

The Council shall develop a model appeals process meeting the above objectives as part of the state’s model evaluation system, and shall develop guidelines for the development of local appeals processes. The Council’s guidelines may include recommendations to revise policy, including statute, to eliminate ambiguities and ensure that consistency. The model process shall include:

- Early identification of performance problems and timely support in addressing problems

- Provision of written notice of ineffective performance evaluation rating and documentation used for evaluation
- For teachers rated ineffective, the provision of meaningful improvement plans and opportunities to improve performance
- The involvement of peers where feasible in the observation, support, and/or appeals process
 - For larger districts, peers may be recruited from the same or other schools in the district
 - For smaller districts, peers may be recruited from other districts, through the area BOCES, or through CDE's regional support office

CDE shall pilot and implement the model appeals process on the same schedule used for piloting and implementing the rest of the state model evaluation process, so that the department and districts can learn about the performance of the appeals process in a variety of different contexts and make adaptations as indicated. The implementation and revision process shall occur under the following timelines:

- Fall 2011 - Initial recommendations for appeal processes
- School year 2011-2012 - Use data from pilot district implementation efforts to inform the guidelines for appeals
- July 2012 - Revise recommendations for appeal processes (if necessary)
- Fall 2012 - Continue to collect data from pilot district implementation efforts to inform the guidelines for appeals
- January 2013 - Deliver recommendations to General Assembly and SBE (as per statute)