
Local-Level Grievance Procedure for Teacher Evaluation Policy & Rule

The Background:

The First to the Top Legislation passed in the Extraordinary Session of 2010 calls for teachers and principals to be evaluated annually. The legislation established a Teacher Evaluation Advisory Council (TEAC) and charged it with the responsibility of developing and recommending criteria and guidelines for teacher and principal evaluations to the State Board of Education. The legislation also charged the TEAC to recommend to the Board a grievance procedure for LEAs to implement regarding the accuracy of the data and the fidelity to the process used to evaluate teachers and principals.

This item proposes the TEAC's recommendations for a grievance procedure for LEA's, including the purpose, responsibility, basic standards, and procedures.

The Master Plan Connection:

This item supports the State Board's Master Plan to improve the quality of teachers and leaders in Tennessee's schools.

The Race to the Top Connection:

This item implements the requirement of the First to the Top legislation to evaluate teachers and principals annually.

The Recommendation:

The Department of Education staff recommends this item be accepted on first reading. The SBE staff concurs with this recommendation.

Teacher Evaluation Rule

Rule 0520-02-01-.01 General Requirements for Evaluations is amended by inserting (4) to the proposed language approved on first reading on October 29, 2010.

GENERAL REQUIREMENTS FOR EVALUATIONS.

- (1) The Department of Education shall adopt a model plan for teacher evaluation developed in accordance with these rules and the guidelines and criteria adopted by the State Board of Education.
- (2) Local boards of education shall use either the model plan for teacher evaluation or evaluation procedures approved by the Department of Education, in accordance with the guidelines and criteria adopted by the State Board of Education.
- (3) Annual evaluation shall be made of all educators in the state.
- (4) Local boards of education shall develop a local-level evaluation grievance procedure to provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted by the State Board of Education.

Proposed Rule 0520-02-01-.02 Local Evaluations approved on first reading on October 29, 2010

Procedures for Approval and Monitoring of Local Evaluations

- (1) Prior to the beginning of the 2011-2012 school year, each LEA shall submit the evaluation system that has been approved by the local board of education to the Commissioner of Education.
- (2) The Commissioner of Education shall verify that each LEA's evaluation system complies with the State Board approved guidelines and criteria no later than September 1 of each year. Changes made in a locally developed evaluation system shall be submitted to the Commissioner of Education by July 1 prior to the proposed implementation year.
 - a. By May 15 annually, LEAs' evaluation plans and recommendations of all apprentice teachers who are in their final apprentice year shall be submitted for state review and approval.
 - b. Evaluation deadlines for first and second year apprentice teachers and professionally licensed teachers may be determined by the local school system, but must occur no later than May 15.

- (3) The Department of Education shall collect data from each LEA on approved teacher evaluation models and shall make an annual report to the State Board of Education. Such data shall include but not be limited to the following: the evaluation model being implemented, the relationship between the principal's rating and student achievement, the percentage of licensed staff trained as evaluators, the percentage of licensed staff grieving the evaluation, and the distribution of teachers by effectiveness group.
- (4) Training of Evaluators. Anyone conducting an evaluation and/or observation must complete a training process approved by the Department of Education. The approved training process must be conducted by a trainer certified by the Department of Education. Local boards of education that choose an alternative evaluation plan shall present their training plans to the Department of Education by August 15 of each year.

Amend the proposed Teacher Evaluation Policy approved on first reading on October 29, 2010 by adding the following sections at the end

Local-level grievance procedure

(1) Purpose.

- (a) To comply with Tenn. Code Ann. §49-1-302 which requires, “the development of a local-level evaluation grievance procedure to provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted by the State Board of Education.” To clarify, “accuracy of the data” means only that the data identified with a particular teacher is correct.
- (b) To efficiently and fairly resolve grievances regarding procedural errors in the evaluation process, not to address disputes regarding employment actions taken based on the results of an evaluation. More significant due process rights are provided pursuant to state law to teachers when actual employment actions are taken.
- (c) To ensure evaluations are fundamentally fair because correct procedures have been followed.
- (d) To address grievances objectively, fairly, and expeditiously by resolving them at the lowest possible step in the procedure.
- (e) To provide teachers and principals a process for resolving grievances without fear, discrimination, or reprisal.

(2) Responsibility.

- (a) LEAs shall be responsible for the proper effectuation of this policy at the local level.
- (b) Local Boards of Education shall charge Directors with the responsibility for ensuring that all teachers, principals and administrators are aware of the provisions of this policy, including the identification of the administrator designated to conduct Step I of this procedure.

(3) Basic Standards.

- (a) A grievance must be filed no later than 15 days from the end of summative evaluation, otherwise it will be considered untimely and invalid.

- (b) The State Department of Education or LEAs may develop and make available to teachers standard grievance forms. No grievance may be denied because a standard form adopted by a LEA has not been used as long as the components required by this policy are included.
 - (c) At the informal hearing before the Director of Schools, an attorney or a representative of an employee may speak on behalf of the employee.
 - (d) An attorney may represent a grievant before the local board of education, which is the final step of this procedure. The grievant and the local board of education may have counsel present at discussions prior to the final step.
 - (e) Each grievance submitted at every step of the process provided below shall contain:
 - 1 the teacher or principal's name, position, school, and additional title if any;
 - 2 the name of the teacher or principal's immediate supervisor;
 - 3 the name of the evaluator/reviewer;
 - 4 the date the challenged summative evaluation was received;
 - 5 the evaluation period in question;
 - 6 the basis for the grievance;
 - 7 the corrective action desired by grievant; and
 - 8 sufficient facts or other information to begin an investigation.
 - (f) A failure to state specific reasons shall result in the grievance being considered improperly filed and invalid.
 - (g) All student achievement data used in evaluations must be made available to individual educators prior to the completion of their evaluations.
- (4) Procedures. Grievances shall be processed by working through the 3 steps to finality as follows:
- (a) Step I—Evaluator
 - 1 Written grievance submitted to evaluator no later than 15 days from the end of the summative evaluation.
 - 2 Administrative investigation and fact finding.
 - 3 Decision clearly communicated in writing to grievant within fifteen (15) days of receipt of the complaint.
 - 4 To allow disputes to be resolved at the lowest level possible, the Evaluator may take any action necessary, based on the circumstances, to immediately correct any procedural errors made in the evaluation process.
 - (b) Step II—The Director of Schools or his/her designee who shall have had no input or involvement in the evaluation for which the grievance has been filed.

- 1 Written grievance and prior step decision submitted to the Director of Schools or his/her designee within fifteen (15) days of receipt of decision from Step I. The designee cannot be used in cases involving a principal's evaluation.
- 2 Informal discussion or hearing of facts, allegations, and testimony by appropriate witnesses as soon as practical.
- 3 Investigation, fact finding, and written final decision communicated to grievant in writing within fifteen (15) days of discussion.
- 4 To allow disputes to be resolved at the lowest level possible, the Director of Schools may take any action necessary, based on the circumstances, to immediately correct any procedural errors made in the evaluation process.

(c) Step III—Local Board of Education

- 1 Teachers and principals may request a hearing before the local board of education by submitting a written grievance and all relevant documentation to the local board of education within fifteen (15) days of receipt of decision from Step II.
- 2 The board of education, based upon a review of the record, may grant or deny a request for a full board hearing and may affirm or overturn the decision of the Director of Schools with or without a hearing before the board;
- 3 Any hearing granted by the board of education shall be held no later than thirty (30) days after receipt of a request for a hearing.
- 4 The local board of education shall give written notice of the time and place of the hearing to the grievant, Director of Schools and all administrators involved.
- 5 The local board of education's decision shall be communicated in writing to all parties, no later than thirty (30) days after conclusion of the hearing.
- 6 The local board of education shall serve as the final step for all grievances.