

Appeal Processes

State Teacher Evaluation Systems

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The eyes of the nation are on the development of a new generation of state policies to evaluate teachers. Until recently, data linking classroom teachers to their students' academic progress were unavailable. Also until recently, evaluations usually were not as significantly tied to a teacher's employment status, compensation or to progression on a career ladder. With the advent of this new generation of higher-stake evaluations, pressure for checks and balances in the system is growing and will continue to do so.

This paper concentrates on one specific aspect of evaluation policy: Can a teacher's evaluation be appealed, and if so — under what conditions and how?

Tenure or continuing contract-related appeals provisions are not included here. For those, please access the ECS publication, [Teacher Tenure or Continuing Contract Laws](#).

The *Brief Look* table below presents excerpts of policies that provide for some level of appeal of a teacher's evaluation and that represent a range of approaches for consideration. Policies fall into three categories: (1) *Basic appeals processes for evaluations*; (2) *Appeals processes for situations where outcomes could potentially affect a teacher's compensation or career ladder/master teacher status*; and (3) *Where evaluations are tied to the very highest stakes for teachers (revocation of certification, re-employment)*.

Immediately following the table, full text excerpts provide context and full citations. Provisions included in the summary table are underlined within the larger full text excerpts.

Particular elements worth consideration:

- Virginia's clear definition of what can and cannot constitute a grievance
- Kentucky's focus on
 - Aligning the sequence of appeals processes to the seriousness of the consequences for the teacher
 - The restriction on the authority to review the "judgmental conclusions" but authorization to review the implementation of the system
- Iowa's level of specificity tied to career ladder status

- Illinois' distinction between annual evaluations and evaluations at the conclusion of the remediation process.

Brief Look at Provisions

State	Provision(s)
<p>Basic appeals</p> <p>Iowa</p>	<p>Details collectively bargained</p> <p>... A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, evaluation and grievance procedures for beginning teachers that are not in conflict with this chapter. If, in accordance with section 279.19, a beginning teacher appeals the determination of a school board to an adjudicator under section 279.17, the adjudicator selected shall have successfully completed training related to the Iowa teacher standards, the criteria adopted by the state board of education in accordance with subsection 3, and any additional training required under rules adopted by the public employment relations board in cooperation with the state board of education.</p> <p>... A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, additional teaching standards and criteria. A local school board and its certified bargaining representative shall negotiate, pursuant to chapter 20, evaluation and grievance procedures for teachers other than beginning teachers ...</p>
<p>Kentucky</p>	<p>Different appeals tied to level of stakes</p> <p>The Kentucky Board of Education shall establish an appeals procedure for certified school employees who believe that the local school district failed to properly implement the approved evaluation system. The appeals procedure shall not involve requests from individual certified school employees for review of the judgmental conclusions of their personnel evaluations.</p> <p>...The local board of education shall establish an evaluation appeals panel for certified personnel that shall consist of two members elected by the certified employees of the district and one member appointed by the board of education who is a certified employee of the board. Certified employees who think they were not fairly evaluated may submit an appeal to the panel for a timely review of their evaluation. In districts that have adopted an alternative evaluation plan under subsection (4) of this section, the appeal shall only apply to the summative evaluation of Phase Three.</p> <p>Phase Two: Transition ... Placement of an individual in the transition phase shall not be subject to appeal, but the employee shall be notified of the decision in writing.</p> <p>Phase Three: Evaluation for Deficiency ... The summative</p>

State	Provision(s)
	evaluation is subject to appeal.
Louisiana	<p>Superintendent determines ...The superintendent, under the direction of the board, shall implement the assessment and evaluation program for all teachers and administrative personnel and shall determine the methodology, procedures, documentation, records, right of appeal and reports required in connection with such program.</p>
Oregon	<p>Does not explicitly provide for an appeal, but could contribute to development of such ...The district school board shall develop an evaluation process in consultation with school administrators and with teachers. If the district's teachers are represented by a local bargaining organization, the board shall consult with teachers belonging to and appointed by the local bargaining organization in the consultation required by this paragraph.</p>
Virginia	<p>Clearly defines ... the term "grievance" shall not include a complaint or dispute by a teacher relating to (i) establishment and revision of wages or salaries, position classifications or general benefits, (ii) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status, (iii) the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations, (iv) failure to promote, (v) discharge, layoff or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding, (vi) hiring, transfer, assignment and retention of teachers within the school division, (vii) suspension from duties in emergencies, or (viii) the methods, means and personnel by which the school division's operations are to be carried on.</p> <p>While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies or procedures as written or established by the school board is grievable.</p>
Washington	<p>Broad base of input on processes, including appeals ... (1) Representatives of the office of the superintendent of public instruction and statewide associations representing administrators, principals, human resources specialists and certificated classroom teachers shall analyze how the evaluation systems in RCW 28A.405.100(2) and (6) affect issues related to a change in contract status.</p> <p>(2) The analysis shall be conducted during each of the phase-in</p>

State	Provision(s)
	years of the certificated classroom teacher and principal evaluation systems. The analysis shall include: Procedures, timelines, probationary periods, appeal procedures and other items related to the timely exercise of employment decisions and due process provisions for certificated classroom teachers and principals.
Potential effect on Compensation or Career Ladder/Master Teacher status	
Arizona	<p>Broadly stated, but only where related to compensation ... Appeal procedures for teachers who disagree with the evaluation of their performance, if the evaluation is for use as criteria for establishing compensation.</p>
Connecticut	<p>Narrow grounds: Procedurally-based ... Claims of failure to follow the established procedures of such evaluation programs shall be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004.</p>
Arkansas	<p>Limited to where evaluation affects compensation ... An appeals process for teachers who have been denied performance based compensation</p>
Iowa	<p>Limited to where evaluation affects career ladder status Helpful level of specificity ... If a teacher is denied advancement to the career II or advanced teacher level based upon a performance review, the teacher may appeal the decision to an adjudicator under the process established under section 279.17. However, the decision of the adjudicator is final.</p> <p>... Any teacher seeking a different level of license who is denied the license due to the evaluation or other requirements may appeal the decision. The appeal shall be made in writing to the executive director of the board of educational examiners who shall establish a date for the hearing within 20 days of receipt of written notice of appeal by giving five days' written notice to appellant unless a shorter time is mutually agreeable. The procedures for hearing followed by the board of educational examiners shall be applicable.</p> <p>[Section on review panels, I.C. A. 284.9] ... A teacher who does not receive a recommendation from a review panel [for determining an advanced designation] may appeal that denial to an administrative law judge located in the department of inspections and appeals. The state shall not be liable for a teacher's attorney fees, costs or damages that may result from an appeal of a review panel's decision.</p>

State	Provision(s)
Missouri	<p>Limited to where evaluation affects career ladder status ... The DCLP shall contain procedures for appealing decisions made regarding approval or denial of application and placement on the career ladder (168.510, RSMo), including the right to substantive and procedural appeals of the PBTE. Procedures shall include, but not necessarily be limited to, the following:</p> <p>A. An opportunity to have the decision reviewed by the authority/committee rendering the initial decision;</p> <p>B. An opportunity to have the decision rendered in “A” reviewed by the superintendent of schools; and</p> <p>C. An opportunity to have the decision rendered in “B” reviewed by the local board of education. Appeal procedures shall be implemented in a timely fashion. All decisions made with respect to a teacher's application to, and placement on, any stage of the career ladder shall be based on the qualifications for that stage as stated in the DCLP.</p>
New Hampshire	<p>Limited to Master Teacher status (13) Any person whose application for master teacher certification is denied may appeal such denial in accordance with Ed 200.</p>
Evaluation tied to highest stakes (revocation of certification, re-employment)	
Illinois	<p>Distinguishes between annual and post-remediation evaluations ... Evaluations at the conclusion of the remediation process shall be separate and distinct from the required annual evaluations of teachers and shall not be subject to the guidelines and procedures relating to those annual evaluations.</p> <p>... Districts and teachers subject to dismissal hearings are precluded from compelling the testimony of consulting teachers at such hearings under subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this Code, either as to the rating process or for opinions of performances by teachers under remediation.</p>
Louisiana	<p>Appeal limited to high stakes facets ... If a teacher's evaluation demonstrates that he has met the standard for effectiveness as determined by the board, using value-added data, for three years during the initial certification or renewal process, a certificate shall be issued or renewed unless the board receives evidence from the local board, through an appeal, that justifies discontinuation. Similarly, if a teacher's evaluation demonstrates that he has not met the standard for</p>

State	Provision(s)
	<p>effectiveness as determined by the board, using either value-added data or other components of the evaluation, for three years during the initial certification or renewal process, the board shall not issue or renew a certificate unless evidence of effectiveness is received from the local board, through an appeal, that justifies the issuance of a certificate.</p> <p>... The superintendent, under the direction of the board, shall implement the assessment and evaluation program for all teachers and administrative personnel and shall determine the methodology, procedures, documentation, records, right of appeal and reports required in connection with such program. The office of vocational programs shall provide such assistance for the program as the superintendent shall direct.</p>

Full-text excerpts

APPEALS PROVISIONS ARE UNDERLINED.

Arizona

A.R.S. § 15-537

Arizona Revised Statutes Annotated Title 15. Education (Refs & Annos)

Chapter 5. School Employees (Refs & Annos)

Article 3. Certification and Employment of Teachers (Refs & Annos)

§ 15-537. Performance of certificated teachers; evaluation system

- A. The governing board of a school district shall establish a system for the evaluation of the performance of certificated teachers in the school district. The objectives of the teacher performance evaluation system are to improve instruction and maintain instructional strengths. The governing board shall involve its certificated teachers in the development and periodic evaluation of the teacher performance evaluation system.
- B. The governing board shall prescribe specific procedures for the teacher performance evaluation system which shall include at least the following elements:
 1. A reliable evaluation instrument including specific criteria for measuring effective teaching performance in each area of the teacher's classroom responsibility
 2. An assessment of the competencies of teachers as they relate to the specific criteria for measuring teacher performance prescribed in paragraph 1 of this subsection
 3. A specified minimum number and minimum duration of actual classroom observations of the certificated teacher demonstrating teaching skills by the persons evaluating the teacher
 4. Specific and reasonable plans for the improvement of teacher performance as provided in subsec. F

5. Appeal procedures for teachers who disagree with the evaluation of their performance, if the evaluation is for use as criteria for establishing compensation.
- C. A regular evaluation of the performance of each certificated teacher as provided in this section shall be performed at least twice each year for a teacher who has not been employed by the school district for more than the major portion of three consecutive school years and at least once each year for a teacher who has been employed by the school district for more than the major portion of three consecutive school years. The governing board may provide for additional teacher performance evaluations as it deems necessary.
- D. The governing board shall designate persons who are qualified to evaluate teachers to serve as evaluators for the district's teacher performance evaluation system. The governing board shall ensure that persons evaluating teachers are qualified to evaluate teachers.
- E. An evaluation made as provided in this section shall be in writing, and a copy shall be transmitted to the certificated teacher within five days after completion of the evaluation. The certificated teacher may initiate a written reaction or response to the evaluation.
- F. Each evaluation shall include recommendations as to areas of improvement in the performance of the certificated teacher if the performance of the teacher warrants improvement. After transmittal of an assessment a board designee shall confer with the teacher to make specific recommendations as to areas of improvement in the teacher's performance. The board designee shall provide assistance and opportunities for the certificated teacher to improve his performance and follow up with the teacher after a reasonable period of time for the purpose of ascertaining that the teacher is demonstrating adequate classroom performance.
- G. Copies of the assessment and evaluation report of a certificated teacher retained by the governing board are confidential, do not constitute a public record and shall not be released or shown to any person except:
1. To the certificated teacher who may make any use of it.
 2. To authorized district officers and employees for all personnel matters regarding employment and contracts and for any hearing which relates to personnel matters.
 3. For introduction in evidence or discovery in any court action between the governing board and the certificated teacher in which either:
 - a. The competency of the teacher is at issue.
 - b. The assessment and evaluation were an exhibit at a hearing, the result of which is challenged.

CREDIT(S)

Added by Laws 1983, Ch. 281, § 8. Amended by Laws 1984, Ch. 115, § 2, eff. April 13, 1984; Laws 1984, Ch. 297, § 1; Laws 1985, Ch. 268, § 1; Laws 1986, Ch. 399, § 8; Laws 1987, Ch. 303, § 1; Laws 1996, Ch. 284, § 26.

HISTORICAL AND STATUTORY NOTES

Arkansas

A.C.A. § 6-13-1305

West's Arkansas Code Annotated Title 6. Education

Subtitle 2. Elementary and Secondary Education Generally (Chapters 10 to 39)

Chapter 13. School Districts

Subchapter 13. Site-Based Decision Making

§ 6-13-1305. School district policies

The policy adopted by the local school district board of directors to implement site-based decision making shall also address the following:

- (1) Parent, citizen, and community participation, including the relationship of the school council with other groups;
- (2) Cooperation and collaboration within the school district, with other school districts, and with other public and private agencies;
- (3) Professional development plans developed pursuant to the state accreditation standards;
- (4) School improvement plans, including the form and function of strategic planning and its relationship to school district planning;
- (5) School budget and administration, including:
 - a. Discretionary funds;
 - b. Activity and other school funds;
 - c. Funds for maintenance, supplies, and equipment; and
 - d. Accounting and auditing;
- (6) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
- (7) Requirements for waiver of school district policies;
- (8) Requirements for record keeping by the school council; and
- (9) A process for appealing a decision made by a school council.
- (10) Teacher evaluations, professional learning plans, and teacher support under the Teacher Excellence and Support System, § 6-17-2801 et seq.

CREDIT(S)

Acts of 1995, Act 1125, § 4; Acts of 2011, Act 1209, § 1, eff. July 27, 2011.

Connecticut

C.G.S.A. § 10-151b

Connecticut General Statutes Annotated

Title 10. Education and Culture (Refs & Annos)

Chapter 166. Teachers and Superintendents (Refs & Annos)

Part I. Teachers

§ 10-151b. Evaluation by superintendents of certain educational personnel. Teacher evaluation programs; guidelines

(a) The superintendent of each local or regional board of education shall continuously evaluate or cause to be evaluated each teacher, in accordance with guidelines established by the State Board of Education, pursuant to subsection (c) of this section, and such other guidelines as may be established by mutual agreement between the local or regional board of education and the teachers' representative chosen pursuant to section 10-153b. An evaluation pursuant to this subsection shall include, but need not be limited to, strengths, areas needing improvement, strategies for improvement and multiple indicators of student academic growth. Claims of failure to follow the established procedures of such evaluation programs shall be subject to the grievance procedure in collective bargaining agreements negotiated subsequent to July 1, 2004. The superintendent shall report the status of teacher evaluations to the local or regional board of education on or before June first of each year. For purposes of this section, the term "teacher" shall include each professional employee of a board of education, below the rank of superintendent, who holds a certificate or permit issued by the State Board of Education.

(b) Each local and regional board of education shall develop and implement teacher evaluation programs consistent with guidelines established by the State Board of Education, pursuant to subsection (c) of this section, and consistent with the plan developed in accordance with the provisions of subsection (b) of section 10-220a.

(c) On or before July 1, 2012, the State Board of Education shall adopt, in consultation with the Performance Evaluation Advisory Council established pursuant to section 10-151d, guidelines for a model teacher evaluation program. Such guidelines shall provide guidance on the use of multiple indicators of student academic growth in teacher evaluations. Such guidelines shall include, but not be limited to: (1) Methods for assessing student academic growth; (2) a consideration of control factors tracked by the statewide public school information system, pursuant to subsection (c) of section 10-10a, that may influence teacher performance ratings, including, but not limited to, student characteristics, student attendance and student mobility; and (3) minimum requirements for teacher evaluation instruments and procedures.

(1974, P.A. 74-278, §§ 1, 2, eff. July 1, 1974; 1977, P.A. 77-27, § 3; 1978, P.A. 78-218, § 101; 1982, P.A. 82-74, § 1, eff. July 1, 1982; 1987, P.A. 87-2, § 12, eff. Jan. 30, 1987; 1989, P.A. 89-26, § 1, eff. July 1, 1989; 1990, P.A. 90-324, § 7, eff. July 1, 1990; 1991, P.A. 91-220, § 3, eff. July 1, 1991; 1993, P.A. 93-353, § 30, eff. July 1, 1993; 1995, P.A. 95-58, § 3, eff. July 1, 1995; 1995, P.A. 95-182, § 3, eff. June 28, 1995; 2000, P.A. 00-220, § 8, eff. July 1, 2000; 2004, P.A. 04-137, § 1, eff. May 21, 2004; 2010, P.A. 10-111, § 4, eff. July 1, 2010; 2011, P.A. 11-135, § 9, eff. July 1, 2011; 2011, P.A. 11-135, § 7, eff. July 8, 2011.)

Illinois

105 ILCS 5/24A-5

Common Schools

Act 5. School Code (Refs & Annos)

Article 24A. Evaluation of Certified Employees (Refs & Annos)

5/24A-5. Content of evaluation plans

§ 24A-5. Content of evaluation plans. This Section does not apply to teachers assigned to schools identified in an agreement entered into between the board of a school district operating under Article 34 of this Code and the exclusive representative of the district's teachers in accordance with Section 34-85c of this Code.

Each school district to which this Article applies shall establish a teacher evaluation plan which ensures that each teacher in contractual continued service is evaluated at least once in the course of every two school years.

By no later than September 1, 2012, each school district shall establish a teacher evaluation plan that ensures that:

1. (1) Each teacher not in contractual continued service is evaluated at least once every school year
2. (2) Each teacher in contractual continued service is evaluated at least once in the course of every two school years. However, any teacher in contractual continued service whose performance is rated as either "needs improvement" or "unsatisfactory" must be evaluated at least once in the school year following the receipt of such rating.

Notwithstanding anything to the contrary in this Section or any other Section of the School Code, a principal shall not be prohibited from evaluating any teachers within a school during his or her first year as principal of such school.

The evaluation plan shall comply with the requirements of this Section and of any rules adopted by the State Board of Education pursuant to this Section.

The plan shall include a description of each teacher's duties and responsibilities and of the standards to which that teacher is expected to conform, and shall include at least the following components:

- a. Personal observation of the teacher in the classroom by the evaluator, unless the teacher has no classroom duties
- b. Consideration of the teacher's attendance, planning, instructional methods, classroom management, where relevant, and competency in the subject matter taught
- c. By no later than the applicable implementation date, consideration of student growth as a significant factor in the rating of the teacher's performance
- d. Prior to September 1, 2012, rating of the performance of teachers in contractual continued service as either:
 - i. "Excellent," "satisfactory" or "unsatisfactory"; or
 - ii. "Excellent," "proficient," "needs improvement" or "unsatisfactory."
- e. On and after September 1, 2012, rating of the performance of all teachers as "excellent," "proficient," "needs improvement" or "unsatisfactory"

- f. Specification as to the teacher's strengths and weaknesses, with supporting reasons for the comments made
- g. Inclusion of a copy of the evaluation in the teacher's personnel file and provision of a copy to the teacher
- h. Within 30 school days after the completion of an evaluation rating a teacher in contractual continued service as "needs improvement," development by the evaluator, in consultation with the teacher, and taking into account the teacher's on-going professional responsibilities including his or her regular teaching assignments, of a professional development plan directed to the areas that need improvement and any supports that the district will provide to address the areas identified as needing improvement
- i. Within 30 school days after completion of an evaluation rating a teacher in contractual continued service as "unsatisfactory," development and commencement by the district of a remediation plan designed to correct deficiencies cited, provided the deficiencies are deemed remediable. In all school districts the remediation plan for unsatisfactory, tenured teachers shall provide for 90 school days of remediation within the classroom, unless an applicable collective bargaining agreement provides for a shorter duration. In all school districts evaluations issued pursuant to this Section shall be issued within 10 days after the conclusion of the respective remediation plan. However, the school board or other governing authority of the district shall not lose jurisdiction to discharge a teacher in the event the evaluation is not issued within 10 days after the conclusion of the respective remediation plan.
- j. Participation in the remediation plan by the teacher in contractual continued service rated "unsatisfactory," an evaluator and a consulting teacher selected by the evaluator of the teacher who was rated "unsatisfactory," which consulting teacher is an educational employee as defined in the Educational Labor Relations Act, [FN1] has at least 5 years' teaching experience, and a reasonable familiarity with the assignment of the teacher being evaluated, and who received an "excellent" rating on his or her most recent evaluation. Where no teachers who meet these criteria are available within the district, the district shall request and the applicable regional office of education shall supply, to participate in the remediation process, an individual who meets these criteria.
- k. In a district having a population of less than 500,000 with an exclusive bargaining agent, the bargaining agent may, if it so chooses, supply a roster of qualified teachers from whom the consulting teacher is to be selected. That roster shall, however, contain the names of at least 5 teachers, each of whom meets the criteria for consulting teacher with regard to the teacher being evaluated, or the names of all teachers so qualified if that number is less than 5. In the event of a dispute as to qualification, the State Board shall determine qualification. A mid-point and final evaluation by an evaluator during and at the end of the remediation period, immediately following receipt of a remediation plan provided for under subsections (i) and (j) of this Section. Each evaluation shall assess the teacher's performance during the time period since the prior evaluation; provided that the last evaluation shall also include an overall evaluation of the teacher's performance during the remediation period. A written copy of the evaluations and ratings, in which any deficiencies in performance and recommendations for correction are identified, shall be provided to and discussed with the teacher within 10 school days after the date of the evaluation, unless an applicable collective bargaining agreement provides to the contrary. These subsequent evaluations shall be conducted by an evaluator. The consulting teacher shall provide advice to the teacher rated "unsatisfactory" on how to improve teaching

skills and to successfully complete the remediation plan. The consulting teacher shall participate in developing the remediation plan, but the final decision as to the evaluation shall be done solely by the evaluator, unless an applicable collective bargaining agreement provides to the contrary. Evaluations at the conclusion of the remediation process shall be separate and distinct from the required annual evaluations of teachers and shall not be subject to the guidelines and procedures relating to those annual evaluations. The evaluator may but is not required to use the forms provided for the annual evaluation of teachers in the district's evaluation plan.

- l. Reinstatement to the evaluation schedule set forth in the district's evaluation plan for any teacher in contractual continued service who achieves a rating equal to or better than “satisfactory” or “proficient” in the school year following a rating of “needs improvement” or “unsatisfactory”
- m. Dismissal in accordance with subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this Code [FN2] of any teacher who fails to complete any applicable remediation plan with a rating equal to or better than a “satisfactory” or “proficient” rating. Districts and teachers subject to dismissal hearings are precluded from compelling the testimony of consulting teachers at such hearings under subsection (d) of Section 24-12 or Section 24-16.5 or 34-85 of this Code, either as to the rating process or for opinions of performances by teachers under remediation.
- n. After the implementation date of an evaluation system for teachers in a district as specified in Section 24A-2.5 of this Code, if a teacher in contractual continued service successfully completes a remediation plan following a rating of “unsatisfactory” and receives a subsequent rating of “unsatisfactory” in any of the teacher's annual or biannual overall performance evaluation ratings received during the 36-month period following the teacher's completion of the remediation plan, then the school district may forego remediation and seek dismissal in accordance with subsection (d) of Section 24-12 or Section 34-85 of this Code.

Nothing in this Section or Section 24A-4 shall be construed as preventing immediate dismissal of a teacher for deficiencies which are deemed irremediable or for actions which are injurious to or endanger the health or person of students in the classroom or school, or preventing the dismissal or non-renewal of teachers not in contractual continued service for any reason not prohibited by applicable employment, labor and civil rights laws. Failure to strictly comply with the time requirements contained in Section 24A-5 shall not invalidate the results of the remediation plan.

CREDIT(S)

Laws 1961, p. 31, § 24A-5, added by P.A. 84-126, Art. IV, § 2, eff. Aug. 1, 1985. Amended by P.A. 84-972, § 1, eff. Sept. 25, 1985; P.A. 84-1419, § 1, eff. Sept. 22, 1986; P.A. 85-248, § 1, eff. Jan. 1, 1988; P.A. 85-1418, § 1, eff. May 1, 1989. Reenacted by P.A. 86-1477, § 2, eff. Jan. 11, 1991. Amended by P.A. 89-15, § 5, eff. May 30, 1995; P.A. 90-548, 1st Sp.Sess., Art. 5, § 5-915, eff. Jan. 1, 1998; P.A. 90-653, § 10, eff. July 29, 1998; P.A. 95-510, § 10, eff. Aug. 28, 2007; P.A. 96-861, § 10, eff. Jan. 15, 2010; P.A. 96-1423, § 5, eff. Aug. 3, 2010; P.A. 97-8, § 5, eff. June 13, 2011.

Iowa

Iowa Admin. Code 282-20.12(272)
Iowa Administrative Code
Agency 282 Educational Examiners Board
Chapter 20 Renewals (Refs & Annos)

282-20.12(272) Appeal procedure.

Any teacher seeking a different level of license who is denied the license due to the evaluation or other requirements may appeal the decision. The appeal shall be made in writing to the executive director of the board of educational examiners who shall establish a date for the hearing within 20 days of receipt of written notice of appeal by giving five days' written notice to appellant unless a shorter time is mutually agreeable. The procedures for hearing followed by the board of educational examiners shall be applicable.

I.C.A. § 284.3

Iowa Code Annotated

Title VII. Education and Cultural Affairs [Chs. 256-305B]

Subtitle 6. School Districts [Chs. 273-302]

Chapter 284. Teacher Performance, Compensation, and Career Development (Refs & Annos)

284.3. Iowa teaching standards

1. For purposes of this chapter and for developing teacher evaluation criteria under chapter 279, the Iowa teaching standards are as follows:
 - a. Demonstrates ability to enhance academic performance and support for and implementation of the school district's student achievement goals.
 - b. Demonstrates competence in content knowledge appropriate to the teaching position.
 - c. Demonstrates competence in planning and preparing for instruction.
 - d. Uses strategies to deliver instruction that meets the multiple learning needs of students.
 - e. Uses a variety of methods to monitor student learning.
 - f. Demonstrates competence in classroom management.
 - g. Engages in professional growth.
 - h. Fulfills professional responsibilities established by the school district.

2. A school board shall provide for the following:
 - a. For purposes of comprehensive evaluations for beginning teachers required to allow beginning teachers to progress to career teachers, standards and criteria that are the Iowa teaching standards specified in subsection 1 and the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 46. These standards and criteria shall be set forth in an instrument provided by the department. The comprehensive evaluation and instrument are not subject to negotiations or grievance procedures pursuant to chapter 20 or determinations made by the board of directors under section 279.14. A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, evaluation and grievance procedures for beginning teachers that are not in conflict with this chapter. If, in accordance with section 279.19, a beginning teacher appeals the determination of a school board to an adjudicator under section 279.17, the adjudicator selected shall have successfully completed training related to the Iowa teacher standards, the criteria adopted by the state board of education in accordance with subsection 3, and any additional training required under rules adopted by the public employment relations board in cooperation with the state board of education.

 - b. For purposes of performance reviews for teachers other than beginning teachers, evaluations that contain, at a minimum, the Iowa teaching standards specified in subsection 1, as well as the criteria for the Iowa teaching standards developed by the department in accordance with

section 256.9, subsection 46. A local school board and its certified bargaining representative may negotiate, pursuant to chapter 20, additional teaching standards and criteria. A local school board and its certified bargaining representative shall negotiate, pursuant to chapter 20, evaluation and grievance procedures for teachers other than beginning teachers that are not in conflict with this chapter.

3. The state board shall adopt by rule pursuant to chapter 17A the criteria developed by the department in accordance with section 256.9, subsection 46.

CREDIT(S)

Added by Acts 2001 (79 G.A.) ch. 161, § 4. Amended by Acts 2002 (79 G.A.) ch. 1152, §§ 9, 10; Acts 2003 (80 G.A.) ch. 108, § 49; Acts 2003 (80 G.A.) ch. 180, §§ 38, 39; Acts 2007 (82 G.A.) ch. 108, S.F. 277, § 15.

I.C.A. § 284.8

Iowa Code Annotated

Title VII. Education and Cultural Affairs [Chs. 256-305B]

Subtitle 6. School Districts [Chs. 273-302]

Chapter 284. Teacher Performance, Compensation, and Career Development (Refs & Annos)

284.8. Performance review requirements for teachers

1. A school district shall review a teacher's performance at least once every three years for purposes of assisting teachers in making continuous improvement, documenting continued competence in the Iowa teaching standards, identifying teachers in need of improvement or to determine whether the teacher's practice meets school district expectations for career advancement in accordance with section 284.7. The review shall include, at minimum, classroom observation of the teacher, the teacher's progress, and implementation of the teacher's individual professional development plan, subject to the level of resources provided to implement the plan; and shall include supporting documentation from parents, students and other teachers.
2. If a supervisor or an evaluator determines, at any time, as a result of a teacher's performance that the teacher is not meeting district expectations under the Iowa teaching standards specified in section 284.3, subsection 1, paragraphs "a" through "h," the criteria for the Iowa teaching standards developed by the department in accordance with section 256.9, subsection 46, and any other standards or criteria established in the collective bargaining agreement, the evaluator shall, at the direction of the teacher's supervisor, recommend to the district that the teacher participate in an intensive assistance program. The intensive assistance program and its implementation are subject to negotiation and grievance procedures established pursuant to chapter 20. All school districts shall be prepared to offer an intensive assistance program.
3. If a teacher is denied advancement to the career II or advanced teacher level based upon a performance review, the teacher may appeal the decision to an adjudicator under the process established under section 279.17. However, the decision of the adjudicator is final.
4. A teacher who is not meeting the applicable standards and criteria based on a determination made pursuant to subsection 2 shall participate in an intensive assistance program.

Added by Acts 2001 (79 G.A.) ch. 161, § 9. Amended by Acts 2002 (79 G.A.) ch. 1152, § 17; Acts 2003 (80 G.A.) ch. 180, § 47; Acts 2006 (81 G.A.) ch. 1182, H.F. 2792, § 22; Acts 2007 (82 G.A.) ch. 108, S.F. 277, §§ 31, 32; Acts 2007 (82 G.A.) ch. 215, S.F. 601, § 253; Acts 2008 (82 G.A.) ch. 1181, H.F. 2679, § 81.

HISTORICAL AND STATUTORY NOTES

Current with legislation from the 2011 Reg.Sess.

I.C.A. § 284.9

Iowa Code Annotated

Title VII. Education and Cultural Affairs [Chs. 256-305B]

Subtitle 6. School Districts [Chs. 273-302]

Chapter 284. Teacher Performance, Compensation, and Career Development (Refs & Annos)

284.9. Review panel

1. A career II teacher seeking to receive an advanced designation shall submit a portfolio of work evidence aligned with the Iowa teaching standards to a review panel established in accordance with subsection 2. A majority of the evidence in the portfolio shall be classroom-based. The review panel shall evaluate the career II teacher's portfolio to determine whether the teacher demonstrates superior teaching skills and shall make a recommendation to the board of educational examiners whether or not the teacher shall receive an advanced designation. The standards for recommendation include, but are not limited to, meeting the Iowa teaching standards at an advanced level.
2. The department shall establish up to five regional review panels consisting of five members per panel. Each panel shall include, at a minimum, a nationally board-certified teacher and a school district administrator. Panel members shall be appointed by the director and shall possess the knowledge necessary to determine the quality of the evidence submitted in an applicant's portfolio. Panel members shall serve staggered three-year terms and may be reappointed to a second term. The department shall provide support and evaluation training for panel members and convene panels as needed. Panel members shall be reimbursed for mileage expenses incurred while engaged in the performance of official duties and shall receive per diem compensation by the department.
3. To assure fairness and consistency in the evaluation process, the review panels may perform random audits of the comprehensive evaluations and performance reviews conducted by evaluators throughout the state, and may randomly review how the evaluators are evaluating teachers based upon the Iowa teaching standards.
4. A teacher who does not receive a recommendation from a review panel may appeal that denial to an administrative law judge located in the department of inspections and appeals. The state shall not be liable for a teacher's attorney fees, costs, or damages that may result from an appeal of a review panel's decision. The state board shall adopt rules to administer this section.

Kentucky

KRS § 156.557

Baldwin's Kentucky Revised Statutes Annotated

Title XIII. Education

Chapter 156. Department of Education (Refs & Annos)

Professional Development for School Personnel

156.557 Standards for improving performance of certified school personnel; criteria for evaluation; content of programs; administrative regulations; waiver for alternative plan; appeals; exemptions; review of evaluation systems; assistance to improve evaluation systems

1. The Kentucky Board of Education shall establish statewide standards for evaluation and support for improving the performance of all certified school personnel.
2. The performance criteria on which teachers and administrators shall be evaluated shall include, but not be limited to:
 - a. Performance of professional responsibilities related to his or her assignment, including attendance and punctuality and evaluating results;
 - b. Demonstration of effective planning of curricula, classroom instruction, and classroom management, based on research-based instructional practices, or school management skills based on validated managerial practices;
 - c. Demonstration of knowledge and understanding of subject matter content or administrative functions and effective leadership techniques;
 - d. Promotion and incorporation of instructional strategies or management techniques that are fair and respect diversity and individual differences;
 - e. Demonstration of effective interpersonal, communication, and collaboration skills among peers, students, parents, and others;
 - f. Performance of duties consistent with the goals for Kentucky students and mission of the school, the local community, laws, and administrative regulations;
 - g. Demonstration of the effective use of resources, including technology;
 - h. Demonstration of professional growth;
 - i. Adherence to the professional code of ethics; and
 - j. Attainment of the teacher standards or the administrator standards as established by the Education Professional Standards Board that are not referenced in paragraphs (a) to (i) of this subsection.
3. The certified employee evaluation programs shall contain the following provisions:
 - a. Each certified school employee, below the level of superintendent, shall be evaluated by a system developed by the local school district and approved by the Kentucky Department of Education.
 - b. The local evaluation system shall include formative evaluation and summative evaluation.
 1. "Formative evaluation" means a continuous cycle of collecting evaluation information and interacting and providing feedback with suggestions regarding the certified employee's professional growth and performance.
 2. "Summative evaluation" means the summary of, and conclusions from, the evaluation data, including formative evaluation data, that:
 - a. Occur at the end of an evaluation cycle; and
 - b. Include a conference between the evaluator and the evaluated certified employee, and a written evaluation report
 - c. The Kentucky Board of Education shall adopt administrative regulations incorporating written guidelines for a local school district to follow in developing, implementing, and revising the evaluation system and shall require the following:

1. All evaluations of certified employees below the level of the district superintendent shall be in writing on evaluation forms and under evaluation procedures developed by a committee composed of an equal number of teachers and administrators;

2. The immediate supervisor of the certified school employee shall be designated as the primary evaluator. At the request of a teacher, observations by other teachers trained in the teacher's content area or curriculum content specialists may be incorporated into the formative process for evaluating teachers;

3. All monitoring or observation of performance of a certified school employee shall be conducted openly and with full knowledge of the employee;

4. Evaluators shall be trained, tested, and approved in accordance with administrative regulations adopted by the Kentucky Board of Education in the proper techniques for effectively evaluating certified school employees and in the use of the school district evaluation system;

5. The evaluation system shall include a plan whereby the person evaluated is given assistance for professional growth as a teacher or administrator. The system shall also specify the processes to be used when corrective actions are necessary in relation to the performance of one's assignment; and

6. The training requirement for evaluators contained in subparagraph 4 of this paragraph shall not apply to district board of education members.

(4) (a) Each superintendent shall be evaluated according to a policy and procedures developed by the local board of education and approved by the department.

(b) The summative evaluation of the superintendent shall be discussed and adopted in an open meeting of the board and reflected in the minutes.

(c) If the local board policy requires a written evaluation of the superintendent, it shall be made available to the public upon request.

(d) Any preliminary discussions relating to the evaluation of the superintendent by the board or between the board and the superintendent prior to the summative evaluation shall be conducted in closed session.

(5) A local district may request from the Kentucky Department of Education a waiver from the guidelines and administrative regulations promulgated by the Kentucky Board of Education as required in subsection (3)(c) of this section in order to implement an alternative evaluation plan for employees on continuing contracts. The department shall grant a waiver if the alternative plan provides for a three (3) phase certified employee evaluation plan that includes:

(a) Phase One: Evaluation for Professional Growth.

1. Evaluation is based on a wide array of relevant sources and directed toward general and specific recommendations for improvement; and
2. Evaluation does not include documentation that might adversely affect employment status.

(b) Phase Two: Transition.

1. Evaluation is for the purpose of intensive scrutiny of job performance;
2. Evaluation includes documentation that may lead to adverse employment decisions;
3. Assistance and support for improvement shall be provided by the school district; and
4. Placement of an individual in the transition phase shall not be subject to appeal, but the employee shall be notified of the decision in writing.

(c) Phase Three: Evaluation for Deficiency.

1. Notwithstanding KRS 161.760, written notice of potential termination, reduction of direct classroom responsibility, or other adverse actions and conditions for job retention are given the employee
2. A clear time frame for proposed actions is provided the employee
3. The summative evaluation is subject to appeal.

An alternative plan for the evaluation of certified personnel shall be proposed to the Kentucky Department of Education if the local district evaluation committee is in support of the plan. Training necessary to implement the alternative plan shall be provided to the principals, supervisory personnel, and the employees to be evaluated. The local district shall provide support to implement the plan. The department shall provide technical assistance to districts wishing to develop alternative evaluation plans.

(6) The Kentucky Board of Education shall establish an appeals procedure for certified school employees who believe that the local school district failed to properly implement the approved evaluation system. The appeals procedure shall not involve requests from individual certified school employees for review of the judgmental conclusions of their personnel evaluations.

(7) The local board of education shall establish an evaluation appeals panel for certified personnel that shall consist of two (2) members elected by the certified employees of the district and one (1) member appointed by the board of education who is a certified employee of the board. Certified employees who think they were not fairly evaluated may submit an appeal to the panel for a timely review of their evaluation. In districts that have adopted an alternative evaluation plan under subsection (4) of this section, the appeal shall only apply to the summative evaluation of Phase Three.

(8) Local school districts with an enrollment of sixty-five thousand (65,000) or more students shall have an evaluation system but shall be exempt from procedures or processes described in this section as long as the plan meets the standards established by the Kentucky Board of Education for local school district evaluation systems. The local plan shall include an appeals process for employees who believe they were not fairly evaluated.

KRS § 156.101

Baldwin's Kentucky Revised Statutes Annotated

Title XIII. Education

1. The purpose of this section is to encourage and require the maintenance and development of effective instructional leadership in the public schools of the Commonwealth and to recognize that principals, with the assistance of assistant principals, supervisors of instruction, guidance counselors and directors of special education, have the primary responsibility for instructional leadership in the schools to which they are assigned.
2. For the purpose of this section, “instructional leader” shall be defined as an employee of the public schools of the Commonwealth employed as a principal, assistant principal, supervisor of instruction, guidance counselor, director of special education, or other administrative position deemed by the Education Professional Standards Board to require an administrative certificate.
3. In order to carry out the purpose of this section, the Kentucky Board of Education shall establish a statewide program to improve and maintain the quality and effectiveness of instructional leadership in the public schools of the Commonwealth.
4. The instructional leader improvement program shall contain the following provisions:
 - a. Each instructional leader employed by the public schools of the Commonwealth shall participate in a continuing intensive training program designed especially for instructional leaders
 - b. Effective until June 30, 2006, every two years each instructional leader shall complete an intensive training program approved by the Kentucky Board of Education to include no fewer than 42 participant hours of instruction
 - c. Effective July 1, 2006, each instructional leader shall annually complete an intensive training program approved by the Kentucky Board of Education to include no fewer than 21 participant hours of instruction
 - d. The Kentucky Board of Education shall prescribe specific criteria for the training program, which shall include a provision to allow an instructional leader to annually receive three participant hours credit for duties performed as part of a beginning teacher committee pursuant to KRS 161.030(6). A maximum of six participant hours credit shall be awarded annually for serving on multiple beginning teacher committees. The Kentucky Department of Education may contract for specific training with qualified agencies or institutions or approve programs offered by training providers, including local district training programs, except that the department shall ensure the requirements of paragraph (d) of this subsection are met
 - e. Annually, each local district superintendent shall report to the Kentucky Department of Education any instructional leader who fails to complete the training requirements of paragraph (b) of this subsection and shall place the leader on probation for one year. The Department of Education shall verify completion of the required training. If the required training for the prior year and the current year is not completed during the probationary period, the Department of Education shall forward the information to the

Education Professional Standards Board, which shall revoke the instructional leader's certificate.

5. The Kentucky Department of Education shall ensure that training options in human resource management and conflict resolution techniques are available to education leaders throughout the state.
6. This section shall be known as the "Effective Instructional Leadership Act."

CREDIT(S)

HISTORY: 2005 c 110, § 1, eff. 6-20-05; 2000 c 527, § 11, eff. 7-14-00; 1998 c 206, § 1, eff. 7-15-98; 1996 c 9, § 1, c 362, § 6, eff. 7-15-96; 1992 c 148, § 1, eff. 7-14-92; 1990 c 476, § 130; 1986 c 442, § 2; 1985 ex s, c 10, § 2; 1984 c 365, § 1, 2

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1. Constitutional issues

An administrative body must conduct a trial-type hearing when it adjudicates disputes affecting a particular individual, since such a hearing is required to preserve the individual's constitutionally guaranteed right to due process of law, and the hearing must permit him the right to be represented by counsel and to present all competent evidence; therefore, a teacher who seeks review of a principal's recommendation of nonrenewal of his contract is entitled to be represented by counsel and to gather evidence to support his position at a hearing before the local evaluation appeals panel on both the substance and procedure of the evaluation. *Thompson v. Board of Educ. of Henderson County (Ky. 1992) 838 S.W.2d 390.*

2. In general

Because of the specificity of KRS 156.101 and the fact that it was enacted more recently than KRS 161.020, KRS 156.101 supersedes the general statute governing renewal of certificates. OAG 88-37.

3. Appeal of evaluations

An evaluation appeals panel formed under KRS 156.010(7) for certified personnel is authorized to conduct any review necessary to ensure that the teacher was "fairly evaluated," and the statute has no restriction on the authority of the panel to review the "judgmental conclusions" of the evaluator of the teacher, nor does it restrict the panel to a consideration of only procedural matters, but a local evaluation appeals panel has a statutory obligation to resolve conflicting testimony and assure compliance with its own evaluation policies. *Thompson v. Board of Educ. of Henderson County (Ky. 1992) 838 S.W.2d 390.*

KRS § 156.101, KY ST § 156.101

Louisiana

LSA-R.S. 17:1993

Louisiana Revised Statutes

Title 17. Education (Refs & Annos)

Chapter 9. Career Education and Rehabilitation (Refs & Annos)

Part I. Career Education (Refs & Annos)

§ 1993. Implementation of career education by board and department

To accomplish the goals set forth in R.S. 17:1992, the board in cooperation with other educational institutions and the department shall implement career education by planning, executing and administering plans for, but not limited to, the following:

- (1) The development of professional skills in career education by preservice training of teachers and counselors and by in-service training of teachers, counselors, administrators and supportive service personnel for which the board may utilize personnel and facilities of the institutions of higher learning that are under its jurisdiction, and may participate in cooperative programs for the same purpose with other institutions of higher learning.
- (2) Allocation of vocational-technical teachers throughout the various levels and throughout the system of career education.
- (3) Writing or revising the handbook for school administration.
- (4) Printing of curricula and printing of guidelines therefore.
- (5) Higher levels of training for career students at the institutions of higher learning, including one and two-year certificate and associate degree programs in technical and paraprofessional fields of study.
- (6)(a) Development of a program and a set of guidelines for assessment and evaluation of the performance of teaching and administrative personnel. The guidelines shall be reviewed by the House Committee on Education and the Senate Committee on Education of the Louisiana Legislature. Such guidelines shall include but not be limited to the following:
 - (i) The establishment of criteria of expected teaching performance in each area of teaching and of techniques for the assessment and evaluation of that performance
 - (ii) Assessment and evaluation of competence of teachers as it relates to the established criteria.
 - (iii) The establishment of criteria and the assessment of the performance of administrative personnel
 - (iv) Job descriptions for all teachers and administrators, such job descriptions to include a list of all duties.
- (b) The superintendent, under the direction of the board, shall implement the assessment and evaluation program for all teachers and administrative personnel and shall determine the methodology, procedures, documentation, records, right of appeal, and reports required in connection with such program. The office of vocational programs shall provide such assistance for the program as the superintendent shall direct.

West's Louisiana Statutes Annotated

Louisiana Revised Statutes

Title 17. Education (Refs & Annos)

Chapter 39. The Children First Act

Part II. Professional Employee Quality Development (Refs & Annos)

Subpart A. General Provisions (Refs & Annos)

§ 3886. Teaching credentials; regular certification, permanent certification; effect of evaluation

- A. If a teacher's evaluation demonstrates that he has met the standard for effectiveness as determined by the board, using value-added data, for three years during the initial certification or renewal process, a certificate shall be issued or renewed unless the board receives evidence from the local board, through an appeal, that justifies discontinuation. Similarly, if a teacher's evaluation demonstrates that he has not met the standard for effectiveness as determined by the board, using either value-added data or other components of the evaluation, for three years during the initial certification or renewal process, the board shall not issue or renew a certificate unless evidence of effectiveness is received from the local board, through an appeal, that justifies the issuance of a certificate.
- B. Persons who seek a regular teacher certificate and hold a teacher certificate from out of state and have out-of-state teaching experience of three years or more shall not be credited with their years of teaching experience in the issuance of any teaching credential until receipt of a successful evaluation as provided by board policy.

CREDIT(S)

Added by Acts 2010, No. 54, § 1, eff. May 27, 2010.

“Section 2. For the 2010-2011 school year, notwithstanding any law, rule, or regulation to the contrary, each city, parish, and other local public school board shall be allowed to continue to use the personnel evaluation plan as prescribed by each board's policy on the effective date of this Act. For the 2011-2012 school year, if the State Board of Elementary and Secondary Education fails to promulgate the rules and regulations necessary to implement the provisions of this Act at least sixty days prior to the beginning of the school year, each city, parish, and other local public school board shall be allowed to continue to use the personnel evaluation plan as prescribed by each board's policy on the effective date of this Act.”

“Section 3. The Louisiana state superintendent of education and every employee of the Department of Education who makes over one hundred thousand dollars shall be evaluated using the same standards and criteria as teachers and administrators evaluated pursuant to the provisions of this Act.”

Missouri

5 Mo. Code of State Regulations 80-850.030 App. A

Title 5 - Department of Elementary and Secondary Education

Division 80 - Teacher Quality and Urban Education

Chapter 850 - Professional Development

APPENDIX A

Criteria for Local District Career Ladder Plans

REQUIRED ELEMENTS OF THE DISTRICT CAREER LADDER PLAN

The local district shall develop and submit to the Department of Elementary and Secondary Education a District Career Ladder Plan (DCLP). This plan will provide the organizational basis for the district's career ladder. Development of a career ladder is voluntary for local school districts. When districts establish a career ladder plan, they also must accept the responsibility of raising the local portion of the funding. Teachers who clearly meet the Qualifications and Responsibilities established as specific criteria (168.500.2(3), RSMo) for the district Career Ladder shall have a reasonable expectation of participating on the career ladder.

- I. The DCLP shall contain a statement requiring that all responsibilities in the teacher's Career Development Plan directly and obviously relate to improvement of programs and services for students as outlined in the District School Improvement Plan, Curriculum Development Plan, Professional Development Plan, Missouri School Improvement Program or instructional improvement.
- II. The DCLP shall contain three (3) stages and the qualifications for each stage. The annual supplemental pay shall not exceed \$1,500 for Stage I, \$3,000 for Stage II, or \$5,000 for Stage III. The state's payment is contingent upon appropriations for this purpose (168.515.1., RSMo). This supplemental pay shall be in addition to that which the teacher would normally be accorded by the district's salary schedule (168.505.1., RSMo).
- III. Each career ladder stage shall contain specific qualifications to be completed prior to application (168.500.2., RSMo). These qualifications shall include:
 - A. Five years of teaching experience in Missouri public schools for Stage I (168.500.2(5), RSMo).
 - B. A clearly defined level of performance relative to the district's Performance Based Teacher Evaluation (PBTE) process for each stage on the career ladder (168.500.2(3), RSMo).

As stated in the state Model for PBTE, the EXPECTED PERFORMANCE LEVEL is a designation accorded to an EFFECTIVE teacher. Performance which clearly meets the district's expected performance level shall be required for Stage I and performance which meets and exceeds the expected level shall be required for Stages II and III:

- At Stage I, the teacher shall show evidence of performance at the expected level on all of the criteria on the most recent final evaluation instrument in the district's PBTE system.
- Stage II, the teacher shall show evidence of performance at the expected level on all of the criteria on the most recent final evaluation instrument and above the EXPECTED level on 10% of the evaluative criteria included in the district's PBTE system with at least one of the criteria in the area of instructional process for teachers and librarians, guidance counseling process for counselors and the process area most closely related to specific job performance as it relates to students for school psychological examiners, parents as teachers educators, school psychologists, special education diagnosticians and speech pathologists.
- At Stage III, the teacher shall show evidence of performance at the expected level on all of the criteria on the most recent final evaluation instrument and above the EXPECTED level on 15% of the summative evaluative criteria included in the district's PBTE system with at least one (1) of the criteria in the area of instructional process for teachers and librarians, guidance counseling process for counselors and the process area most closely related to specific job performance as

it relates to students for school psychological examiners, parents as teachers educators, school psychologists, special education diagnosticians and speech pathologists.

In the PBTE system, the key emphasis is on the EXPECTED level of performance (EFFECTIVE teaching) and the percentage figures should be viewed as significant performance above the EXPECTED level. Unless otherwise approved by the department, the DCLP shall require no more than the percentages stated above.

- C. A Career Development Plan to be organized by the teacher. The Career Development Plan shall contain the responsibilities to be completed by the teacher while on the career ladder, and provisions for verifying completion of these responsibilities. Following approval by the district, these plans may be amended for good cause.
 - To qualify for Stage II, a teacher shall have completed a Career Development Plan and two (2) years of service on Stage I of the career ladder. One year of service on the previous stage may be waived by the local Board of Education based upon a total of seven years teaching in the public schools.
 - To qualify for Stage III, a teacher must have completed a Career Development Plan and three (3) years service on Stage II of the career ladder. Two years of this service on the previous stage may be waived by the local Board of Education based upon a total of 10 years teaching in the public schools.
 - D. Appropriate certification in subject area for each teacher, except upon good cause shown (168.500.2., RSMo).
 - E. Full-time regular length contract.
 - F. The DCLP may contain additional qualifications deemed appropriate by the local Board of Education to the extent they are consistent with the provisions of 168.500--168.515, RSMo.
- IV. Each career ladder stage shall contain responsibilities commensurate and adjustable to the compensation offered for that stage that will be completed by the teacher while on the career ladder. These responsibilities shall directly and obviously relate to the improvement of programs and services for students as outlined in the District School Improvement Plan, Curriculum Development Plan, Professional Development Plan, Missouri School Improvement Program or instructional improvement. Responsibilities shall be detailed in the teacher's Career Development Plan.
- V. The local school district shall show evidence of teacher, administrator, and patron involvement in the development of the DCLP. Teachers selected for involvement should be chosen by teachers in the district.
- VI. A Career Ladder Review Committee, consisting of teachers selected by other teachers in the district and administrators shall present to the local board a list of Career Ladder participants that have been approved for payment.
- VII. The DCLP shall contain provisions for assessment of the district's career ladder. Plans will be made for periodic assessment of the district's career ladder under the direction of the local board of education with assistance from administrators, teachers, and patrons. Criteria for assessment shall

include, but not be limited to, benefits for schools and students, and teacher interest and participation.

VIII. The DCLP shall contain the instrument, procedures and forms used in the district's PBTE process.

IX. The DCLP shall contain evidence of continuous training for evaluators in PBTE. This training shall be comprehensive in nature and include, but not be limited to, knowledge of effective teaching, formative observation, summative evaluation and assistance to teachers in improvement of instruction. Training shall also address procedures for consistency and reliability among evaluators.

X. The DCLP shall contain procedures for appealing decisions made regarding approval or denial of application and placement on the career ladder (168.510, RSMo), including the right to substantive and procedural appeals of the PBTE. Procedures shall include, but not necessarily be limited to, the following:

A. An opportunity to have the decision reviewed by the authority/committee rendering the initial decision

B. An opportunity to have the decision rendered in "A" reviewed by the superintendent of schools; and

C. An opportunity to have the decision rendered in "B" reviewed by the local board of education. Appeal procedures shall be implemented in a timely fashion. All decisions made with respect to a teacher's application to, and placement on, any stage of the career ladder shall be based on the qualifications for that stage as stated in the DCLP.

XI. The DCLP shall contain provisions for recognition of teacher mobility from one participating district to another within this state (168.500.4., RSMo).

The Department of Elementary and Secondary Education will periodically review local district plans and will collect information from local districts regarding the career ladder process. The local district must advise the department regarding amendments to the DCLP adopted by the local board of education following approval of the original DCLP by the department.

Current through September 30, 2011

New Hampshire

N.H. Code Admin. R. Ed 504.031

Office of Legislative Services

Division of Administrative Rules

Board of Education

Chapter Ed 500. Certification Standards for Educational Personnel

Part Ed 504. Professional Credentials (Refs & Annos)

Ed 504.031 Master Teacher Certificate.

(a) The board shall, in accordance with RSA 186:11, XXXV and RSA 189:14-f, issue a master teacher certificate in an area of endorsement listed in paragraph (b) to an applicant who meets the requirements for education and experience as set forth in paragraph (d) and demonstrates quality teaching as required under paragraph (e). Any teacher who holds national level certification shall be

deemed to have satisfied the requirements of RSA 189:14-f, I (c)(1) and (3) as set forth in Ed 504.031(e)(1) and (3). The process for obtaining a master teacher certificate shall be as specified in paragraph (c).

...

(c) The process and time frame for obtaining master teacher certification shall be as follows:

(1) An applicant shall submit a preliminary application to the bureau on or before April 1, consisting of:

- a. Documentation of the education and experience requirements as described in (d) below, including transcripts of the graduate-level coursework intended to meet the education requirements under (d)(2) below
- b. Documentation of a New Hampshire endorsement in the applicant's area of endorsement
- c. Employment history verified by the school districts where the applicant has taught
- d. The application fee required under Ed 508.06.

(2) The bureau shall evaluate the preliminary application to verify that it is complete and that the applicant meets the required education and experience requirements.

(3) The bureau shall notify the applicant within 30 days of receipt of a preliminary application that:

- a. The board has approved the preliminary application, and will provide the applicant with a copy of Ed 504.031(c)(6) and (7) and a description of the next stage of the process;
- b. The board has found the preliminary application to be incomplete, specifying which portions of the application are incomplete; or
- c. The board has found that the applicant does not meet the education and experience requirements of paragraph (d), specifying which requirements have not been met;

(4) If the bureau notifies an applicant that his or her preliminary application is incomplete, the applicant shall have the opportunity to submit missing information, provided that a preliminary application shall be complete by April 1 in order for an applicant to proceed to the next step of the application process in that calendar year

(5) The bureau shall refund the applicant's preliminary application fee, less the bureau's documented administrative costs, if the applicant withdraws or fails to complete his or her application before the September 1 referred to in (7) below

(6) After the bureau has notified an applicant that the preliminary application is complete, the applicant shall comply with the provisions of RSA 189:14-f, I(c)(3) by submitting documentation of completing at least four written tasks and exercises, which:

- a. Demonstrate that the applicant has reflected on pedagogy as related to the applicant's area of endorsement
- b. Relate to the teaching of students, as applied to a particular content area; and

c. Relate, in particular, to:

1. Child development
2. Student performance
3. Parental involvement
4. Curriculum development
5. Evaluation processes to assess the effectiveness of instruction
6. Mentor training; and
7. Community outreach involvement.

(7) On or before September 1, the applicant shall select 4 written tasks and exercises intended to meet the requirements of RSA 189:14-f, I(c)(3) and (6) above and present a written action plan to the bureau

(8) The action plan shall detail:

- a. How the applicant will tailor each written task or exercise to the applicant's area of endorsement; and
- b. The applicant's plan for distribution of the required evaluation forms under Ed 504.031(e)(1);

(9) If the candidate does not meet the provisions of (6) above, the applicant may revise and resubmit his or her plan

(10) On or before April 1 of the following calendar year, the applicant shall submit the 4 completed written tasks and exercises as described in the applicant's action plan

(11) All evaluations and classroom observation reports shall be submitted to the bureau by April 1

(12) On or before June 1, the bureau shall notify each applicant who submits the required tasks and exercises by April 1 and on whose behalf all required evaluations and observations have been submitted by the April 1 deadline, whether or not the applicant has met the requirements for certification as a master teacher; and

(13) Any person whose application for master teacher certification is denied may appeal such denial in accordance with Ed 200.

(d) To meet the education and experience requirements an applicant for a master teacher certification shall:

- (1) Hold an experienced educator certificate from the state of New Hampshire
- (2) Meet the requirements of RSA 189:14-f, I(a); and

(3) Have at least 7 years of full-time experience as an educator in the applicant's area of endorsement within the past 10 years.

(e) The bureau shall consider the following criteria in evaluating whether or not an applicant has successfully demonstrated quality teaching:

(1) A positive analysis of written quantitative evaluations from students, peers, and administrators submitted by the applicant in accordance with (f) below;

(2) Successful documentation of written reports of at least 3 classroom observations by an independent observer designated by the department from outside the applicant's district; and

(3) The extent to which the applicant effectively uses his or her knowledge of the professional education requirements of Ed 610.02.

(f) Criteria for the evaluations submitted for the purposes of (e) above shall:

(1) Be appropriate to grade level and relate to the applicant's area of endorsement

(2) Have been completed within the 6 months prior to the date the completed application is filed with the bureau

(3) Have been submitted to the bureau by the April 1 deadline described in Ed 504.031(c)(11):

a. All of the evaluations completed by students present when the evaluation was distributed; and

b. At least 30% of all evaluations distributed to the students' parents.

(4) Reflect the applicant's teaching ability for the school year in which the applicant files his or her written action plan

(5) Be distributed to all present students and parents of the students of the applicant

(6) Be distributed to all students and parents in one class in the applicant's area of endorsement; and

(7) Be completed by the applicant's immediate supervisor and endorsed by the applicant's superintendent.

(g) A master teacher credential shall be issued for three years, provided that the additional certificate as provided in Ed 508.06(c) shall be issued for one, two or three years so that its expiration will coincide with the expiration of the credential holder's experienced educator certificate and shall be renewable at the same time the experienced educator certificate is renewed as required in Ed 509.01.

N.H. Code Admin. R. Ed 504.031, NH ADC ED 504.031
Current through September 1, 2011

Ohio [re-employment-related; not highlighted in table]

R.C. § 3319.11

Baldwin's Ohio Revised Code Annotated

Title XXXIII. Education--Libraries

Chapter 3319. Schools--Superintendent; Teachers; Employees (Refs & Annos)

Teachers; Nonteaching Employees

(D) A teacher eligible for continuing contract status employed under an extended limited contract pursuant to division (B) or (C) of this section, is, at the expiration of such extended limited contract, deemed reemployed under a continuing contract at the same salary plus any increment granted by the salary schedule, unless evaluation procedures have been complied with pursuant to division (A) of section 3319.111 of the Revised Code and the employing board, acting on the superintendent's recommendation that the teacher not be reemployed, gives the teacher written notice on or before the thirtieth day of April of its intention not to reemploy such teacher. A teacher who does not have evaluation procedures applied in compliance with division (A) of section 3319.111 of the Revised Code or who does not receive notice on or before the thirtieth day of April of the intention of the board not to reemploy such teacher is presumed to have accepted employment under a continuing contract unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a continuing contract shall be executed accordingly.

Any teacher receiving a written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(E) A limited contract may be entered into by each board with each teacher who has not been in the employ of the board for at least three years and shall be entered into, regardless of length of previous employment, with each teacher employed by the board who is not eligible to be considered for a continuing contract.

Any teacher employed under a limited contract, and not eligible to be considered for a continuing contract, is, at the expiration of such limited contract, considered reemployed under the provisions of this division at the same salary plus any increment provided by the salary schedule unless evaluation procedures have been complied with pursuant to division (A) of section 3319.111 of the Revised Code and the employing board, acting upon the superintendent's written recommendation that the teacher not be reemployed, gives such teacher written notice of its intention not to reemploy such teacher on or before the thirtieth day of April. A teacher who does not have evaluation procedures applied in compliance with division (A) of section 3319.111 of the Revised Code or who does not receive notice of the intention of the board not to reemploy such teacher on or before the thirtieth day of April is presumed to have accepted such employment unless such teacher notifies the board in writing to the contrary on or before the first day of June, and a written contract for the succeeding school year shall be executed accordingly.

Any teacher receiving a written notice of the intention of a board not to reemploy such teacher pursuant to this division is entitled to the hearing provisions of division (G) of this section.

(F) The failure of a superintendent to make a recommendation to the board under any of the conditions set forth in divisions (B) to (E) of this section, or the failure of the board to give such teacher a written notice pursuant to divisions (C) to (E) of this section shall not prejudice or prevent a teacher from being deemed reemployed under either a limited or continuing contract as the case may be under the provisions of this section. A failure of the parties to execute a written contract shall not void any automatic reemployment provisions of this section.

- (G) (1) Any teacher receiving written notice of the intention of a board of education not to reemploy such teacher pursuant to division (B), (C)(3), (D), or (E) of this section may, within 10 days of the date of receipt of the notice, file with the treasurer of the board a written demand for a written statement describing the circumstances that led to the board's intention not to reemploy the teacher.
- (2) The treasurer of a board, on behalf of the board, shall, within 10 days of the date of receipt of a written demand for a written statement pursuant to division (G)(1) of this section, provide to the teacher a written statement describing the circumstances that led to the board's intention not to reemploy the teacher.
- (3) Any teacher receiving a written statement describing the circumstances that led to the board's intention not to reemploy the teacher pursuant to division (G)(2) of this section may, within five days of the date of receipt of the statement, file with the treasurer of the board a written demand for a hearing before the board pursuant to divisions (G)(4) to (6) of this section.
- (4) The treasurer of a board, on behalf of the board, shall, within 10 days of the date of receipt of a written demand for a hearing pursuant to division (G)(3) of this section, provide to the teacher a written notice setting forth the time, date and place of the hearing. The board shall schedule and conclude the hearing within forty days of the date on which the treasurer of the board receives a written demand for a hearing pursuant to division (G)(3) of this section.
- (5) Any hearing conducted pursuant to this division shall be conducted by a majority of the members of the board. The hearing shall be held in executive session of the board unless the board and the teacher agree to hold the hearing in public. The superintendent, assistant superintendent, the teacher, and any person designated by either party to take a record of the hearing may be present at the hearing. The board may be represented by counsel and the teacher may be represented by counsel or a designee. A record of the hearing may be taken by either party at the expense of the party taking the record.
- (6) Within 10 days of the conclusion of a hearing conducted pursuant to this division, the board shall issue to the teacher a written decision containing an order affirming the intention of the board not to reemploy the teacher reported in the notice given to the teacher pursuant to division (B), (C)(3), (D) or (E) of this section or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing conducted pursuant to this division.
- (7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within 30 days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D) or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to division (A) of section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the 30th day of April of its intention not to reemploy the teacher pursuant to

division (B), (C)(3), (D) or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was not warranted by any statement given pursuant to division (G)(2) of this section.

No appeal of an order of a board may be made except as specified in this division.

- (H) (1) In giving a teacher any notice required by division (B), (C), (D) or (E) of this section, the board or the superintendent shall do either of the following:
- (a) Deliver the notice by personal service upon the teacher;
 - (b) Deliver the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of employment and deliver a copy of the notice by certified mail, return receipt requested, addressed to the teacher at the teacher's place of residence.
- (2) In giving a board any notice required by division (B), (C), (D) or (E) of this section, the teacher shall do either of the following:
- (a) Deliver the notice by personal delivery to the office of the superintendent during regular business hours
 - (b) Deliver the notice by certified mail, return receipt requested, addressed to the office of the superintendent and deliver a copy of the notice by certified mail, return receipt requested, addressed to the president of the board at the president's place of residence.
- (3) When any notice and copy of the notice are mailed pursuant to division (H)(1)(b) or (2)(b) of this section, the notice or copy of the notice with the earlier date of receipt shall constitute the notice for the purposes of division (B), (C), (D) or (E) of this section.
- (I) The provisions of this section shall not apply to any supplemental written contracts entered into pursuant to section 3319.08 of the Revised Code.

CREDIT(S)

(2009 H 1, eff. 10-16-09; 2004 S 2, eff. 6-9-04; 1996 S 230, § 6, eff. 7-1-98; 1996 S 230, § 1, eff. 10-29-96; 1995 H 117, § 158 eff. 7-1-98; 1992 S 159, eff. 8-7-92; 1988 H 330; 129 v 1206; 128 v 123; 1953 H 1; GC 4842-8)

HISTORICAL AND STATUTORY NOTES

Publisher's Note: The effect of 2011 S 5 on this section has been suspended pursuant to O Const Art. II, § 1c pending a referendum on 2011 S 5 to be voted upon at the November 8, 2011 general election. [postscript: SB 5 was repealed by the voters]

Oregon

O.R.S. § 342.850

West's Oregon Revised Statutes Annotated Title 30. Education and Culture (Refs & Annos)

Chapter 342. Teachers and Other School Personnel (Refs & Annos)

Accountability for Schools for the 21st Century Law

342.850. Evaluation of teachers; content of personnel file

- (1) The district superintendent of every school district, including superintendents of education service districts, shall cause to have made at least annually but with multiple observations an evaluation of performance for each probationary teacher employed by the district. The purpose of the evaluation is to aid the teacher in making continuing professional growth and to determine the teacher's performance of the teaching responsibilities. Evaluations shall be based upon at least two observations and other relevant information developed by the district.
- (2) (a) The district school board shall develop an evaluation process in consultation with school administrators and with teachers. If the district's teachers are represented by a local bargaining organization, the board shall consult with teachers belonging to and appointed by the local bargaining organization in the consultation required by this paragraph.
 - (b) The district school board shall implement the evaluation process that includes:
 - (A) The establishment of job descriptions and performance standards which include but are not limited to items included in the job description
 - (B) A preevaluation interview which includes but is not limited to the establishment of performance goals for the teacher, based on the job description and performance standards
 - (C) An evaluation based on written criteria which include the performance goals
 - (D) A post-evaluation interview in which:
 - (i) The results of the evaluation are discussed with the teacher; and
 - (ii) A written program of assistance for improvement is established, if one is needed to remedy any deficiency specified in ORS 342.865 (1)(a), (d), (g) or (h); and
 - (E) The utilization of peer assistance whenever practicable and reasonable to aid teachers to better meet the needs of students. Peer assistance shall be voluntary and subject to the terms of any applicable collective bargaining agreement. No witness or document related to the peer assistance or the record of peer assistance shall be admissible in any proceeding before the Fair Dismissal Appeals Board, or in a probationary teacher nonrenewal hearing before a school board under ORS 342.835, without the mutual consent of the district and the teacher provided with peer assistance.
 - (c) Nothing in this subsection is intended to prohibit a district from consulting with any other individuals.
- (3) Except in those districts having an average daily membership, as defined in ORS 327.006, of fewer than 200 students, the person or persons making the evaluations must hold teaching licenses. The

evaluation shall be signed by the school official who supervises the teacher and by the teacher. A copy of the evaluation shall be delivered to the teacher.

- (4) The evaluation reports shall be maintained in the personnel files of the district.
- (5) The evaluation report shall be placed in the teacher's personnel file only after reasonable notice to the teacher.
- (6) A teacher may make a written statement relating to any evaluation, reprimand, charge, action or any matter placed in the teacher's personnel file and such teacher's statement shall be placed in the personnel file.
- (7) All charges resulting in disciplinary action shall be considered a permanent part of a teacher's personnel file and shall not be removed for any reason. A teacher shall have the right to attach the teacher's response, or other relevant documents, to any document included under this subsection.
- (8) The personnel file shall be open for inspection by the teacher, the teacher's designees and the district school board and its designees. District school boards shall adopt rules governing access to personnel files, including rules specifying whom school officials may designate to inspect personnel files.
- (9) A program of assistance for improvement or evaluation procedure shall not be technically construed, and no alleged error or unfairness in a program of assistance for improvement shall cause the overturning of a dismissal, nonextension of contract, nonrenewal of contract or other disciplinary action unless the contract teacher suffered a substantial and prejudicial impairment in the teacher's ability to comply with school district standards.

CREDIT(S)

Laws 1971, c. 570, § 5; Laws 1973, c. 298, § 3; Laws 1973, c. 458, § 1; Laws 1977, c. 881, § 3; Laws 1979, c. 598, § 1; Laws 1979, c. 668, § 2a; Laws 1987, c. 663, § 1; Laws 1989, c. 491, § 29; Laws 1997, c. 864, § 9.

Virginia

VA Code Ann. § 22.1-306

Title 22.1. Education (Refs & Annos)

Chapter 15. Teachers, Officers and Employees (Refs & Annos)

Article 3. Grievances; Dismissal, Etc., of Teachers (Refs & Annos)

§ 22.1-306. Definitions

As used in this article:

“Grievance” means a complaint or dispute by a teacher relating to his or her employment including, but not necessarily limited to: (i) disciplinary action including dismissal or placing on probation; (ii) the application or interpretation of: (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin or sex. Each school board shall have the exclusive right to

manage the affairs and operations of the school division. Accordingly, the term “grievance” shall not include a complaint or dispute by a teacher relating to (i) establishment and revision of wages or salaries, position classifications or general benefits, (ii) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status, (iii) the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations, (iv) failure to promote, (v) discharge, layoff or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding, (vi) hiring, transfer, assignment and retention of teachers within the school division, (vii) suspension from duties in emergencies, or (viii) the methods, means and personnel by which the school division's operations are to be carried on.

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

“Dismissal” means the dismissal of any teacher during the term of such teacher's contract and the nonrenewal of the contract of a teacher on continuing contract.

Washington

West's RCWA 28A.405.102

Title 28A. Common School Provisions (Refs & Annos)

Chapter 28A.405. Certificated Employees (Refs & Annos)

Criteria for Evaluation and Model Programs

28A.405.102. Analysis of evaluation systems

- (1) Representatives of the office of the superintendent of public instruction and statewide associations representing administrators, principals, human resources specialists, and certificated classroom teachers shall analyze how the evaluation systems in RCW 28A.405.100(2) and (6) affect issues related to a change in contract status.

- (2) The analysis shall be conducted during each of the phase-in years of the certificated classroom teacher and principal evaluation systems. The analysis shall include: Procedures, timelines, probationary periods, appeal procedures and other items related to the timely exercise of employment decisions and due process provisions for certificated classroom teachers and principals.

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