

Guidance for Grievances

Statute and State Board of Education policy require districts to implement local-level grievance procedures to provide a means for evaluated teachers and principals to challenge the accuracy of the data used in the evaluation and adherence to the evaluation policies adopted by the State Board of Education. As final scores are being returned to educators, please keep the following guidelines in mind when dealing with grievances:

Grounds for Grievances

1. Accuracy of the Data—Evaluation data must be linked correctly to the right teacher. This does not mean that educators can grieve a disagreement of a score or the formula used to determine the score.

2. Procedural Errors— Educators may grieve procedural errors that could materially affect or compromise the integrity of evaluation results. This includes not having met the minimum number of required observations for each domain or not having appropriate pre- and post-conferences.

Timing of Grievances

To comply with the State Board of Education evaluation policy, grievances may be filed at the end of each of the three components of the evaluation model:

- The qualitative appraisal, or the final average observation score
- The student growth measures
- Other measures of student achievement

A grievance must be filed no later than 15 days from the date teachers and principals receive the results for each component, otherwise the grievance will be considered untimely and invalid. Grievances may be filed at any point in time prior to the 15 day windows.

- Districts must clearly communicate the decision in writing within 15 days of receipt of the complaint.

As with prior guidance relative to this issue, we encourage you to consult with your local board attorney for specific legal advice regarding adoption and implementation of the SBE policy and the development of your local level grievance procedure. If you have additional questions, please reach out to the department's general counsel, Christy Ballard, at 615-741-2921 or Christy.Ballard@tn.gov.

RUTHERFORD COUNTY BOARD OF EDUCATION

ADMINISTRATIVE RULES, REGULATIONS, GUIDELINES AND PROCEDURES

SUBJECT: Teacher/Principal Evaluation Grievance Procedure

Per Tennessee Code Annotated § 49-1-302 principals and teachers may challenge the following relative to evaluations:

- Accuracy of the data
- Adherence to the evaluation policies adopted by the State Board of Education

The following process shall be followed when grievances are filed under this procedure:

Step 1 –Grievance reviewed by the Evaluator

- A written grievance must be submitted to the evaluator no later than fifteen (15) days from the date teachers and principals receive the results from each component: (1) qualitative appraisal (2) student growth measures and (3) other measures of student achievement. If not submitted within the applicable time the grievance will be considered untimely and invalid.
- Grievance forms will be provided on the system's website and in the Human Resources office. Grievances may be submitted in other formats if all required components are included.
- The following components are required in each grievance filed:
 - Teacher or principal's name, position, school and additional title, if any;
 - Name of immediate supervisor;
 - Name of evaluator/reviewer;
 - Date the challenged summative evaluation was received;
 - Evaluation period in question;
 - Basis for the grievance;
 - Corrective action desired by grievant;
 - Sufficient facts or other information to begin an investigation.
- A failure to state specific reasons will result in the grievance being considered improperly filed and invalid.
- After receiving the grievance the Evaluator shall:
 - Examine the documentation presented by the grievant and such other documentation as may be relevant and available (Investigation and fact finding);
 - Communicate a decision, in writing, to the grievant within fifteen (15) days of receipt of the grievance;
 - To allow disputes to be resolved at the lowest level possible, the Evaluator may take any action necessary, based on the circumstances, to immediately correct any procedural errors made in the evaluation process.

Step II-Grievance reviewed by Director or Schools or his/her Designee who shall have had no input or involvement in the evaluation for which the grievance has been filed.

- A written grievance and a copy of the decision rendered at Step I must be submitted by the grievant to the Director of Schools or designee no later than fifteen (15) days of receipt of the decision rendered in Step I. A designee may not be used if the grievant is a principal.
- After receiving the grievance the Director of Schools will:
 - Hold informal discussion with the grievant;

- Hear facts, allegation and testimony by appropriate witnesses as soon as practical;
- Communicate a decision, in writing, to the grievant within (15) days of the discussion with the grievant;
- To allow disputes to be resolved at the lowest level possible, the Director of Schools may take any action necessary, based on the circumstances, to immediately correct any procedural errors made in the evaluation process.

Step III-Grievance reviewed by the Board of Education

- Teachers and principals may request a hearing before the Board of Education by submitting a written grievance and all relevant documentation to the Board of Education within fifteen (15) days of receipt of the decision rendered in Step II.
- After receiving the grievance, the Board, based upon review of the record, may:
 - Grant or deny a request for a full Board hearing;
 - Affirm or overturn the decision of the Director of Schools with or without a hearing before the Board.
- If a full Board hearing is granted, the Board will:
 - Hold such hearing no later than thirty (30) days after the receipt of a request for a hearing;
 - Give written notice of the time and place of the hearing to the grievant, Director of Schools and all administrators involved;
 - Communicate its decision, in writing, to all parties no later than thirty (30) days after the conclusion of the hearing.
- The Board of Education shall serve as the final step for all grievances.

For more information regarding evaluations and grievances you may view the Tennessee Rules and Regulations for evaluations at www.tn.gov/sos/rules/0520/0520-02/0520-02-01.20110729.pdf

Approved by Director of Schools July 9, 2012

RUTHERFORD COUNT YSCHOOLS

Evaluation Grievance Form – Step I

This form must be completed by the grievant and submitted to the evaluator no later than fifteen (15) days following the summative evaluation.

Name of Grievant: _____

School: _____

Name of Evaluator: _____

Date Evaluation Received: _____ Evaluation Period: _____

Basis for grievance: Identify the inaccurate data that was used or describe the procedural error that occurred as part of your evaluation. Explain how this inaccurate data or procedural error materially affected or compromised your evaluation.

(Attach additional sheets or documentation as needed)

Corrective Action Desired: _____

Signature of Grievant: _____

TO BE COMPLETED BY THE EVALUATOR

Date received: _____ Grievance Disposition: Confirmed _____ Denied _____

Corrective action taken: _____

Signature of evaluator: _____

Date grievant notified: _____

RUTHERFORD COUNT YSCHOOLS

Evaluation Grievance Form – Step II

This form must be completed by the grievant and submitted to the Director of Schools no later than fifteen (15) days following the decision at Step I.

Name of Grievant: _____

School: _____

Name of Evaluator: _____

Date Step I Decision Received: _____ Evaluation Period: _____

Basis for grievance: Identify the inaccurate data that was used or describe the procedural error that occurred as part of your evaluation. Explain how this inaccurate data or procedural error materially affected or compromised your evaluation.

(Attach additional sheets or documentation as needed)

Corrective Action Desired: _____

Signature of Grievant: _____

TO BE COMPLETED BY THE EVALUATOR

Date received: _____ Grievance Disposition: Confirmed _____ Denied _____

Corrective action taken: _____

Signature of Director of Schools: _____

Date grievant notified: _____

RUTHERFORD COUNT YSCHOOLS

Evaluation Grievance Form – Step III

This form must be completed by the grievant and submitted to the Board of Education no later than fifteen (15) days following the decision at Step II.

Name of Grievant: _____

School: _____

Name of Evaluator: _____

Date Director's Decision Received: _____ Evaluation Period: _____

Basis for grievance: Identify the inaccurate data that was used or describe the procedural error that occurred as part of your evaluation. Explain how this inaccurate data or procedural error materially affected or compromised your evaluation.

(Attach additional sheets or documentation as needed)

Corrective Action Desired: _____

Signature of Grievant: _____

TO BE COMPLETED BY THE EVALUATOR

Date received: _____ Director's Decision: Confirmed _____ Denied _____

Full Board Hearing Granted: No _____ Yes _____ and set for _____
(Date and Time)

Other Corrective Action Taken: _____

Signature of Board Chair: _____

Date grievant notified: _____