



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

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

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

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

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

- The evaluator did not follow evaluation procedures that adhere to the requirements of statute and rule and that failure had a material impact on the final evaluation rating that was assigned (e.g., an observation was never completed or the district-agreed upon process was not followed.); and/or
- The data relied upon was inaccurately attributed to the teacher (e.g., data included in the evaluation was from students for whom the teacher was not responsible).

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

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

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

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

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