

District 90 Appeals Process for Unsatisfactory Summative Performance Evaluation Ratings

1. Notice of Appeal

A teacher rated unsatisfactory on a summative evaluation issued after July 1, 2020 may appeal the rating by submitting a timely written notice of appeal. The teacher's written notice of appeal must be submitted to both the Superintendent and the RFEA Grievance Chair within 6 full school days of the summative conference and issuance of the final Summative Rating Form, whichever comes last. Upon receipt of a timely appeal, the Superintendent shall a) inform the evaluator who issued the unsatisfactory rating of the appeal within two (2) days, b) email the teacher to confirm the receipt of the appeal within two (2) days, and c) begin the process to convene the Evaluation Appeals Committee to conduct and conclude the appeal within 24 school days. Untimely appeals will not be advanced to the Evaluation Appeals Committee.

Engaging the appeals process shall not prevent or delay the District from developing or implementing a remediation plan for the teacher issued an unsatisfactory rating. Filing an appeal does not excuse the teacher's participation in development or implementation of the remediation plan.

2. Content of the Notice of Appeal

The teacher must specify in the notice of appeal the reasons the unsatisfactory rating is erroneous and identify all facts or evidence to support the basis for appeal. This includes, but is not limited to, the teacher identifying the type of error as: (a) computational error, (b) procedural error, and/or (c) misinterpretation or misapplication of the professional practice rating, d) errors in the selection or interpretation of data, e) misinterpretation or misapplication of the student growth rating, (f) insufficient evidence to support an unsatisfactory rating. Section 3 of this document details what artifacts may be included in the written record of the appeal

The evaluator who issued the unsatisfactory rating may, at their election, submit a written response to the teacher's notice of appeal within four (4) school days of receipt of notification of the teacher's notice of appeal. The evaluator must submit the written response to the Superintendent and the RFEA Grievance Chair.

The Evaluation Appeals Committee may ask for additional information from the teacher or evaluator within 1 day of the Evaluation Appeals Committee's first meeting. If they choose to do so, the teacher or evaluator must submit the additionally requested information from the Evaluation Appeals Committee within two (2) days of the request.

3. The Written Record of the Rating

Following receipt of a timely appeal, the Superintendent and RFEA Grievance Chair shall prepare the written record of the rating and submit it to the Evaluation Appeals Committee once it has been established. The initial written record of the rating shall include but not be limited to:

- (a) the school district's complete evaluation plan;
- (b) documents and materials submitted by the teacher to the evaluator during pre - and post-conferences and observations;
- (c) the teacher's observation reports, including any formal or informal observation reports;
- (d) the teacher's summative evaluation, including any artifacts previously uploaded or shared with the evaluator for evaluation purposes;
- (e) any written communications between the teacher and any administrator participating in the teacher's evaluation process which are relevant to the teacher's performance;
- (f) the teacher's written notice of appeal specifying any and all bases for the appeal;
- (g) a written document detailing any part of the summative evaluation that the educator believes was based on errors in the selection or interpretation of data;
- (h) any written response to the appeal from the evaluator; and
- (i) any and all other evidence used by the qualified evaluators to justify the original unsatisfactory rating along with the appealing educator's comments.

4. Evaluation Appeals Committee

The Evaluation Appeals Committee shall be comprised of four (4) individuals: two (2) administration-appointed qualified evaluators and two (2) RFEA-appointed qualified evaluators, all of whom meet the definition of "evaluator" as defined in *School Code* Section 24A-2.5: *"Qualified evaluator" shall have the meaning set forth in Section 24A-2.5 or 24A- 15 of the School Code and shall be an individual who has completed the prequalification process required under Section 24A-3 of the School Code or Subpart E of this Part, as applicable, and successfully passed the State-developed assessments specific to evaluation of teachers or principals and assistant principals. Each qualified evaluator shall maintain his or her qualification by completing the retraining required under Section 24A-3 of the School Code or Subpart E of this Part, as applicable.*

The Evaluation Appeals Committee may not include the evaluator who issued the unsatisfactory rating or the principal of the building in which the teacher works.

The PERA Joint Committee will appoint the Evaluation Appeals Committee. The PERA Joint Committee will be comprised of the superintendent, curriculum director and RFEA co-presidents. The PERA Joint Committee shall confer within three (3) days after receipt of a timely notice of appeal in an effort to mutually agree upon the three (3) administration-appointed qualified evaluators and three (3) RFEA-appointed qualified evaluators who will be asked to serve on the Evaluation Appeals Committee. From the available, qualified candidates who agree to serve, the PERA Joint Committee will choose two (2) administration-appointed

qualified evaluators and two (2) RFEA-appointed qualified evaluators will serve on the Evaluation Appeals Committee. Evaluation Appeals Committee members shall be chosen from a list of qualified teachers and administrators previously compiled by the PERA Joint Committee. Creating, updating, and maintaining this list will be an item of business discussed annually at RFEA and Administration joint meetings.

The Superintendent shall form the Evaluation Appeals Committee by sending an email to notify each qualified evaluator of their potential requested appointment to the Evaluation Appeals Committee within two (2) days of selection. Qualified evaluators will be asked to respond to this request within two (2) days of receiving the email. If two (2) qualified evaluators are not able to serve on the committee from both the administration-appointed qualified evaluators and the RFEA-appointed qualified evaluators that were asked, then the PERA Joint Committee will invite additional qualified evaluators from the pertinent list of qualified evaluators, to maintain an equal balance of administrator-appointed and RFEA appointed qualified evaluators.

The RFEA Grievance Chair should be copied on all email communications between the Evaluation Appeals Committee and the Superintendent once convened.

Once two (2) administration-appointed qualified evaluators and two (2) RFEA-appointed qualified evaluators have confirmed that they will serve on the Evaluations Appeal Committee, the superintendent will email the written record of appeal within two (2) days of when all of the evidentiary documents within the written record have been submitted. All materials submitted by the teacher and evaluator as specified in Section 3 of this document must be shared with the Evaluation Appeals Committee. The Evaluation Appeals Committee should convene within five (5) school days of receiving the written record of appeal. The Superintendent should email the teacher and evaluator to inform them when the Evaluation Appeals Committee will be meeting within two (2) days of the date being set.

Virtual meetings of the Evaluation Appeals Committee are acceptable if in-person meetings are not possible.

5. Standard of Review for the Appeal

The teacher has the burden of demonstrating that their unsatisfactory rating is erroneous. As such, the Evaluation Appeals Committee's review and assessment should focus on answering two questions: (1) were there errors or unfounded conclusions in the summative rating for any of the reasons outlined in section three above, and, if so, (2) did the errors matter (i.e., would the teacher have received a higher rating if the error(s) had not been made?). The Evaluation Appeals Committee will consider whether the evidence shows that it is more likely than not that the teacher should have received a summative rating higher than unsatisfactory. Panel members should base their decision on the evidence submitted for review. The unsatisfactory rating will be revoked if either a) the majority of the Evaluation Appeals Committee votes to revoke the unsatisfactory rating or b) there is a tie during the vote. If four (4) or 3 members of the Evaluation Appeals Committee find the unsatisfactory rating erroneous due to a reason other than a miscalculation, then a rating of Proficient will be assigned. If two (2) members of

the Evaluation Appeals Committee find the unsatisfactory rating erroneous, then a rating of Needs Improvement will be assigned. The final tally by committee will be by secret ballot. Elements which would not significantly impact the rating, such as a delay in the evaluation schedule due to an illness, cannot serve as the sole basis for revoking an unsatisfactory rating.

6. Evaluation Appeals Committee Decision on Appeal

Upon receipt of the written record of the rating, the Evaluation Appeals Committee shall conduct an expedited review of the appeal. The Evaluation Appeals Committee must meet at least once as part of the review process. The review shall be limited to the information specified in section 3 of this document.

The Evaluation Appeals Committee shall notify the PERA Joint Committee, teacher, and evaluator in writing of its decision to uphold or revoke the unsatisfactory rating within one (1) day of the final decision being reached. The decision of the Evaluation Appeals Committee is final and not subject to further review.

7. Timeline for Appeal

The following timelines must be observed during the appeals process:

The teacher's written notice of appeal must be submitted to both the Superintendent and the RFEA Grievance Chair within six (6) school days of the summative conference and written issuance of the final Summative Rating Form, whichever comes last.

The Superintendent should notify the teacher submitting the appeal of its receipt within one (1) school day. The RFEA Grievance Chair should be copied on this email.

The Superintendent should notify the evaluator of the appeal within one (1) school day. The RFEA Grievance Chair should be copied on this email.

The Superintendent shall notify the PERA Joint Committee via email within one (1) school day of receipt of the teacher appeal and copy the RFEA Grievance Chair on this correspondence.

The PERA Joint Committee shall confer within three (3) school days after receipt of a timely notice of appeal in an effort to mutually agree upon the three (3) administrators and three (3) teachers that will be asked to serve on the Evaluation Appeals Committee.

The Superintendent shall form the Evaluation Appeals Committee by sending an email to notify each qualified evaluator of their potential appointment to the Evaluation Appeals Committee within two (2) days of selection. This process will be repeated until two (2) highly qualified evaluators have been selected by each group, the RFEA and administration.

The evaluator who issued the unsatisfactory rating may, at their election, submit a written response to the teacher's notice of appeal within four (4) school days of receipt of notification of the teacher's notice of appeal.

Once two (2) administration-appointed qualified evaluators and two (2) RFEA-appointed qualified evaluators have confirmed that they will serve on the Evaluations Appeal Committee, the superintendent will email the written record of appeal to them within two (2) days.

The Evaluation Appeals Committee should convene within five (5) school days of receiving the written record of appeal.

The Superintendent should email the teacher and evaluator to inform them when the Evaluation Appeals Committee will be meeting within two (2) days of the date being set.

The Evaluation Appeals Committee may ask for additional information from the teacher or evaluator within one (1) day of the Evaluation Appeals Committee's first meeting.

If they choose to do so, the teacher or evaluator may submit the additionally requested information from the Evaluation Appeals Committee within two (2) days of the request.

If the Evaluation Appeals Committee needs to reconvene after receipt of these additionally requested materials, that must be done within two (2) days of the receipt of the materials.

The final decision of the Evaluation Appeals Committee must be communicated with the teacher and evaluator within one (1) day of the final decision.

8. Additional Clarifications

If a behavior is observed at any time that may result in a rating of unsatisfactory, the evaluator shall inform the teacher via email within 5 (five) days of observing the behavior, and/or before the summative conference.

If the superintendent or their designee is unavailable for a period of time, the curriculum director will complete the tasks assigned to the superintendent. If both positions are not present due to a leave of absence, then the RFEA and administration will mutually agree upon a person to complete the tasks assigned to the superintendent.

All communication stated within this document should be done via email.

All documents submitted by the teacher as part of the written record of appeal and by the teacher and/or evaluator in response to a request for additional materials by the Evaluation Appeals Committee should be shared only with the Evaluation Appeals Committee, Superintendent, and RFEA Grievance Chair.

The highly qualified evaluators who serve on each Evaluations Appeal Committee should be known only to the PERA Joint Committee and RFEA Grievance Chair.

The Evaluations Appeal Committee can be composed of different qualified evaluators for each appeal.

DRAFT: District 90 Appeals Form for Unsatisfactory Summative Performance Evaluation Ratings

Teacher Appeal Form for Unsatisfactory Summative Evaluation Rating

[This form must be submitted to the Superintendent and RFEA Grievance Chair within six (6) full school days of the date of the summative conference and issuance of the final Summative Rating Form, whichever comes last]

Teacher Name _____ Building Assignment _____
Evaluator _____ Date of Summative Evaluation _____

Please check one of the following boxes which best reflects your reason for appeal for this year's summative evaluation:

- Evaluator did not follow evaluation procedures as outlined in the D90 Teacher Evaluation Manual and/or school code
 - The summative rating was computed inaccurately and does not reflect the correct computation of data noted within the evaluation instrument
 - Evaluator did not present legitimate supporting evidence for the Unsatisfactory Rating
 - The majority of the information that led to the Unsatisfactory Rating was subjective in nature
 - Misinterpretation or misapplication of the student growth rating
 - Insufficient evidence to support an unsatisfactory rating
 - Other reason, outlined as follows:
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Please include the following for consideration by the Evaluation Appeals Committee:

- A specific and detailed rationale for your appeal. Include citations directly from the summative evaluation instrument where relevant. Details must include, but are not limited to:
- Documents and materials you submitted to your evaluator during pre - and post-conferences and observations;
- Your observation reports, including any formal or informal observation reports;
- Your summative evaluation;
- Any written communications between you and any administrator participating in your evaluation process which are relevant to your performance;
- A written document detailing any part of the summative evaluation that the educator believes was based on errors in the selection or interpretation of data.

Any and all other evidence used by the qualified evaluators to justify the original unsatisfactory rating along with the appealing educator's comments.

By signing this form, I certify that all of the information I have presented within this form is accurate to the best of my knowledge. I understand that my appeal will be considered by the District 90 Evaluation Appeals Committee, in accordance with the District 90 appeals process for unsatisfactory summative performance evaluation ratings. The Evaluation Appeals Committee will provide a written and binding decision with respect to my appeal. If I am a tenured employee, I also understand that the 30-day timeline for administration to complete my remediation plan runs concurrently with the appeal process.

Board of Education
River Forest District 90 Public Schools

Shana Joyce

River Forest District 90
Education Association

Date

10-2-2020

Date