

Professional Practice Rating AppealA. General

1. The appeal process established herein is intended to be consistent with state law and/or existing regulations established by the Colorado Department of Education, including “Process for Non-Probationary Teacher to Appeal Second Consecutive Performance Evaluation Rating of Ineffective or Partially Effective” (CDE Reg. 5.04, et seq.).
2. A non-probationary teacher with an Overall Professional Practice or Final Effectiveness rating of partially effective or ineffective for the second (2<sup>nd</sup>) consecutive year may choose to appeal to the District Professional Practice Review Team (DPPRT) for a rating change to any quality standard(s) or element(s) rated less than proficient. This appeal request will not be denied.
3. The appeal process will take place only if voluntarily initiated by the non-probationary teacher whose Final Evaluation Rating was ineffective or partially effective for two consecutive years. The teacher’s appeal will be in writing and provided to the principal, the DPPRT, and, if the teacher wishes, to the president of CCEA.
4. The DPPRT will act as an advisory committee to the Superintendent. The Superintendent, or his or her designee, will be the final decision-making authority in determining the teacher’s final Performance Evaluation Rating and whether a non-probationary teacher will lose his or her non-probationary status. The Superintendent, or designee, will provide a written rationale for his or her final determination.
5. The process for the appeal of a second consecutive Overall Professional Practice or Final Effectiveness Rating of partially effective or ineffective shall conclude no more than forty-five (45) calendar days after the final evaluation conference and receipt of the final Evaluation documents.
6. A teacher will initiate an appeal within fifteen (15) calendar days after the final conference and acknowledge of the final signed written Evaluation documents.
7. The timeline identified in section (A)(5) and (A)(6) above shall run concurrently, and may be waived, by mutual agreement between the Teacher and the DPPRT.
8. The District will identify the chairperson on the DPPRT who will, among other tasks, receive all official documents related to the appeal process.
9. Within one calendar day, the DPPRT will provide written notice to the teacher of the receipt of the teacher’s appeal.
  - a. This notice will also contain a list of possible hearing dates. These dates will not be sooner than ten (10) calendar days from the receipt of the appeal request.

- b. The teacher and the DPPRT will mutually agree to a hearing date that complies with the timeline established for the appeal process herein.
10. The teacher and principal will have the right to representation throughout the appeal process.
11. The outcome of this appeal process shall not serve the purpose of determining employment and/or termination. The appeal process shall be the final determination in regard to the Final Effectiveness Rating and loss or retention of non-probationary status.
12. The teacher and principal may present testimony and evidence to the DPPRT related to the teacher's professional practices. The principal and teacher may decline to present evidence and may do so without prejudice.

**B. Grounds For The Appeal**

Per Colorado state statute and regulations promulgated by the Colorado Department of Education, the grounds for an appeal shall be limited to the following:

1. The evaluator did not follow rules, statute, or procedure per Policy 4170 and that failure to adhere to those requirements had a material impact on the final Performance Evaluation Rating that was assigned to the teacher (e.g., an observation was never completed); and/or
2. The data relied upon was inaccurately attributed to the Teacher.

**C. Operation of the DPPRT**

1. Any documents and/or proceedings related to the appeal process shall be confidential.
2. The DPPRT will consist of the following six (6) members: a level director, a principal\*, and an assistant principal\* appointed by the District, and three (3) non-probationary teachers appointed by the teacher or, if desired by the teacher, the President of the Cherry Creek Education Association.
  - \* These individuals shall not be directly involved in the evaluation process for the appealing Teacher. All appointees shall be representative of the level that the appealing teacher is assigned (e.g., elementary, middle school, high school, or multi-level).
3. As soon as practicable, the members of the DPPRT will be appointed by the teacher and the District. In his or her sole discretion, the teacher may allow the President of the Cherry Creek Education Association to appoint teacher members.

**D. Process**

1. The following materials will be submitted to and reviewed by the DPPRT before the scheduled hearing:
  - a. The teachers written appeal document; and
  - b. The professional practice rating on the teacher evaluation reports, including the teacher observation rubrics; and
  - c. The evidence/artifacts that was previously provided to the evaluator for review for both ratings, and the evaluator's rationale for the final ratings in light of such evidence/artifacts.
2. Information provided during the hearing may include:
  - a. Testimony by the teacher on his/her behalf; and
  - b. Testimony by the evaluator; and
  - c. Testimony by other professionals who have observed the teacher's professional practices related solely to the teacher's grounds for appeal and any evidence already submitted.
3. The teacher will be notified in writing within seven (7) calendar days of the DPPRT recommendation on the appeal with a copy also sent to the Superintendent, President of CCEA if desired by the teacher, and to the Assistant Superintendent of Human Resources. The report will contain the following items:
  - a. Quality standard elements that were revised from basic/partially effective to proficient or higher, if any; and
  - b. An updated Teacher Evaluation report and Overall Professional Practice rating reflecting the revision, if any; or
  - c. An indication that no revision is warranted after the DPPRT's review of the presented evidence with an explanation of the DPPRT's decision.
4. The Superintendent will issue his or her final decision any time after the deadline for the teacher's response to the appeal report (see below) but no later than 15 calendar days after issuance of the appeal report.
5. The above timeline requirements may be waived by mutual agreement between the Teacher and the DPPRT.

**E. Teacher Responsibilities**

1. The teacher shall file only one (1) appeal document; and
2. The teacher's appeal document will be in writing and shall state all grounds for the appeal per section (B) above. Any grounds not stated in the original appeal document will be deemed waived and will not be considered in the appeal; and
3. He or she will have the burden to demonstrate that a rating of effective was appropriate. The teacher will be responsible for providing evidence/ artifacts supporting a rating change to any of the quality standard(s) or element(s) in dispute; and
4. The teacher will be responsible for timely responding to any requests for information.

**F. Final Appeal Report & Superintendent's Final Ruling**

The teacher will be notified in writing within seven calendar days of the DPPRT's recommendation on the teacher's appeal. The DPPRT will forward a copy of the recommendation to the teacher, Superintendent, Assistant Superintendent of Human Resources, and, if the teacher chooses, to the President of CCEA.

In order to recommend the overturning of a rating, the DPPRT must unanimously find that the rating of ineffective or partially effective was inaccurate. The DPPRT may submit a majority/minority opinion to the Superintendent if unanimity is not reached.

Based on the information contained in the Final Appeal Report, the Superintendent may decide one of the following:

1. The teacher has provided evidence/artifacts such that revising the performance standard(s) and/or elements(s) in dispute to proficient or better is appropriate. The Superintendent will revise the teacher's Final Effectiveness Rating to effective; or
2. If the Superintendent finds that a rating of ineffective or partially effective was not accurate but there is not sufficient information to assign a rating of effective, the Teacher shall receive a "no score" and shall not lose his or her non-probationary status. However, if in the following academic school year that teacher receives a final Performance Evaluation Rating of ineffective or partially effective, this rating shall have the consequence of a second consecutive ineffective rating and the Teacher shall be subject to loss of non-probationary status; or
3. The Superintendent determines the evaluator did not follow established procedure per policy 4170 and that failure to adhere to those requirements had a material impact on the Final Effectiveness Rating that was assigned to the teacher therefore a change in the Final Effectiveness rating to Effective is warranted; or
4. The Superintendent determines the data relied upon was inaccurately attributed to the

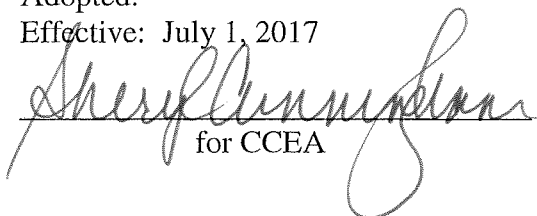
teacher therefore a change in the Final Effectiveness Rating to effective is warranted, or

5. The Superintendent determines that a rating of ineffective or partially effective was accurate so that the rating of ineffective or partially effective will remain and the teacher will lose non-probationary status. The Final appeal report will contain:
  - a. The DPPRT's recommendation from section (F)(1) above; and
  - b. The rationale for why the evidence presented did not support a revision from ineffective to effective; and
  - c. A statement that the outcome of this appeal process shall not serve the purpose of determining employment and/or termination.
6. The teacher must sign and return the final written appeal report within five (5) calendar days to the DPPRT chairperson after receiving the document. The teacher's signature will indicate that a copy was received but will not necessarily indicate the teacher's agreement with the contents of the report in whole or in part.
7. If the teacher wishes to respond to the final appeal report the teacher will do so in writing within 10 calendar days of receipt of the report. The teacher will provide a copy of the response to the chairperson of the DPPRT, the president of the Cherry Creek Education Association if desired, and to Office of Human Resources where it will be attached to the Final Appeal Report and placed in the teacher's personnel file.
8. The Final Appeal Report, the Superintendent's decision, along with all pertinent documents and any response will be placed in the teacher's personnel file maintained by the Office of Human Resources.

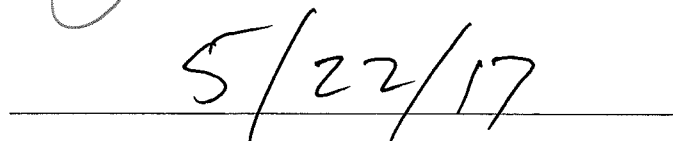
Revised: May 24, 2017

Adopted:

Effective: July 1, 2017

  
for CCEA

  
for CCSD

  
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