

Houston County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Teacher and Principal Evaluation Grievance Procedure	Descriptor Code: 5.109	Issued Date: 07/08/13
		Rescinds:	Issued:

PURPOSE ¹

- (a) To comply with Tenn. Code Ann. §49-1-302(d)(2) which requires, “the development of a local-level evaluation grievance procedure to provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted by the State Board of Education.”
1. “Accuracy of the data” means only that the data identified with a particular teacher is correct.
 2. Minor procedural errors in implementing the evaluation model shall be resolved at the lowest possible step in the grievance procedure but shall not constitute grounds for challenging the final results of an evaluation. Minor procedural errors shall be defined as errors that do not materially affect or compromise the integrity of the evaluation results. The final results of an evaluation may only be challenged if the person being evaluated can demonstrate, no later than during Step II of the grievance procedure that the procedural errors made could materially affect or compromise the integrity of the evaluation results. The Board shall follow guidance issued by the department of education on which procedural errors may materially affect or compromise the result of the evaluation.
- (b) To efficiently and fairly resolve grievances regarding procedural errors in the evaluation process, not to address disputes regarding employment actions taken based on the result of an evaluation. More significant due process rights are provided pursuant to state law to teachers when actual employment actions are taken.
- (c) To ensure evaluations are fundamentally fair because correct procedures have been followed.
- (d) To address grievances objectively, fairly, and expeditiously by resolving them at the lowest possible step in the procedure.
- (e) To provide teachers and principals a process for resolving grievances without fear, discrimination, or reprisal.

RESPONSIBILITY

- (a) The Board shall be responsible for the proper effectuation of this policy.
- (b) The director of schools shall have the responsibility for ensuring that all teachers, principals and administrators are aware of the provisions of this policy, including the identification of the administrator designated to conduct Step I of this procedure.

BASIC STANDARDS

- (a) A grievance must be filed no later than 15 days from the end of summative evaluation, otherwise it will be considered untimely and invalid.

- (b) The State Department of Education or The Board may develop and make available to teachers the standard grievance forms. No grievance may be denied because a standard form adopted by the Board has not been used as long as the components required by this policy are included.
- (c) At the informal hearing before the Director of Schools, an attorney or a representative of an employee may speak on behalf of the employee.
- (d) An attorney may represent a grievant before the Board, which is the final step of this procedure. The grievant and the Board may have counsel present at discussions prior to the final step.
- (e) Each grievance submitted at every step of the process provided below shall contain:
 - 1. the teacher or principal's name, position, school, and additional title, if any;
 - 2. the name of the teacher or principal's immediate supervisor;
 - 3. the name of the evaluator/reviewer;
 - 4. the date the challenged summative evaluation was received;
 - 5. the evaluation period in question;
 - 6. the basis for the grievance;
 - 7. the corrective action desired by grievant; and
 - 8. sufficient facts or other information to begin an investigation.
- (f) A failure to state specific reasons shall result in the grievance being considered improperly filed and invalid.
- (g) All student achievement data used in evaluations must be made available to individual educators prior to the completion of their evaluations.

PROCEDURES

Grievances shall be processed by working through the 3 steps to finality as follows:

- (a) Step I – Evaluator
 - 1. Written grievance submitted to evaluator no later than 15 days from the end of the summative evaluation.
 - 2. Administrative investigation and fact finding.
 - 3. Decision clearly communicated in writing to grievant within fifteen (15) days of receipt of the complaint.
 - 4. 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.

(b) Step II – The Director of Schools or his/her designee who shall have had no input or involvement in the evaluation for which the grievance has been filed.

1. Written grievance and prior step decision submitted to the Director of Schools or his/her designee within fifteen (15) days of receipt of decision from Step I. The designee cannot be used in cases involving a principal's evaluation.
2. Informal discussion or hearing of facts, allegations, and testimony by appropriate witnesses as soon as practical.
3. Investigation, fact finding, and written final decision communicated to grievant in writing within fifteen (15) days of discussion.
4. 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.

(c) Step III – Houston County Board of Education

1. Teachers and principals may request a hearing before the Board by submitting a written grievance and all relevant documentation to the Board within fifteen (15) days of receipt of decision from Step II.
2. The Board, based upon a review of the record, may grant or deny a request for a full board hearing and may affirm or overturn the decision of the Director of Schools with or without a hearing before the board;
3. Any hearing granted by the Board shall be held no later than thirty (30) days after receipt of a request for a hearing.
4. The Board shall give written notice of the time and place of the hearing to the grievant, Director of Schools and all administrators involved.
5. The Board's decision shall be communicated in writing to all parties, no later than thirty (30) days after conclusion of the hearing.
6. The Board shall serve as the final step for all grievances.

Legal References:

1. TRR/MS 0520-02-01-.01(4); TCA 49-1-302(d)(2)