

**1. Principal's Appeals Process:**

- A. A principal who receives an ineffective or developing rating on their APPR shall be entitled to appeal their annual APPR rating, based upon a paper submission to the Central Office administrative designee of the Superintendent of Schools, who shall be trained in accordance with the requirements of the statute and regulations and also possesses either an SDA or SDL Certification; provided, however, in the event that the Superintendent served as an evaluator or lead evaluator he or she shall not hear the appeal.
- B. The appeal must be brought in writing, specifying the area(s) of concern, but limited to those matters that may be appealed as prescribed in Section 3012-c of the Education Law. Further, a principal who is placed on a Principal Improvement Plan ("PIP") shall have a corresponding right to appeal concerns regarding the PIP in accordance with the requirements set forth in Section 3012-c of the Education Law.
- C. An appeal of an APPR evaluation or a PIP must be commenced within fourteen business days of the presentation of the document to the principal or else the right to appeal shall be deemed waived in all regards. In the case of a PIP appeal, there shall be a second fourteen business day period for a PIP appeal following the end date of the PIP and in the event that an appeal is not timely filed by the fourteenth business day following the end date of the PIP the right to such an appeal shall be deemed waived in all regards.
- D. The Superintendent's administrative designee shall respond to the appeal with a written answer granting the appeal and directing further administrative action, or denying the appeal. Such decision shall be made within fourteen business days of the receipt of the appeal. In the event that the principal is unsatisfied with the result of the appeal, a further appeal may be taken to the Superintendent of Schools within fourteen business days of receipt of the Superintendent's designee's decision upon the appeal.
- E. The Superintendent shall make his or her decision in writing regarding the further appeal within fourteen business days of receipt of that appeal. The decision of the Superintendent, so long as the decision is made within the timeframe set forth in this paragraph shall be final and binding in all regards and shall not be subject to review at arbitration, before any administrative agency or in any court of law.
- F. 1. Notwithstanding the above, in the event that a tenured principal has received two consecutive ineffective APPR evaluation ratings, the second tier appeal shall be to an arbitrator selected on a rotating basis from the following list based on order and reasonable timeframe of availability: Bonne Siber-Weinstock, Ira Lobel and Howard Edelman, who

shall make a final and binding decision upon the appeal of the APPR evaluation and/or the principal improvement plan. In the event that the district then proceeds to a probable cause finding under section 3020-a of the education law, and determines to conduct such a hearing, the arbitrator who ruled upon the appeal shall be jointly selected by the principal and the district to be the section 3020-a hearing officer. Notwithstanding the aforementioned language nothing herein shall be construed as limiting the right of the employee to change said evaluation in any proceeding brought pursuant to Education Law 3020-a, so long as the identical issue wasn't resolved in the level 2 appeal or clearly should have been presented in the level 2 appeal but was not. It is expected that the cost of said hearing shall be paid for in accordance with the provision of the education law.

2. In order to take advantage of the procedure outline in F(1) above, the principal must consent to the use of the arbitration panel should the district proceed to find probable cause under section 3020-a of the education law. If the principal is unwilling to do so, the second tier appeal shall be heard by the superintendent.