

Teacher's Appeals Process:

- A. A teacher who receives an "ineffective" rating or a "developing" rating on any part of their APPR except for the points and ratings that are provided directly from the State for the Growth or Value Added components of the APPR shall be entitled to appeal their APPR rating on those allowable parts, based upon a paper submission to his or her lead evaluator, who shall be trained in accordance with the requirements of the statute and regulations and also possesses either a SDA or SDL Certification.

- 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 which are as follows: 1. The substance of the rating on the APPR, 2. Adherence to the standards and methodologies required for such review, 3. Adherence to the Commissioner's regulations, 4. Adherence to negotiated procedures, and 5. The issuance and/or implementation of the terms of an improvement plan in connection with an Ineffective or Developing rating. Further, a teacher who is placed on a Teacher Improvement Plan ("TIP") shall have a corresponding right to appeal concerns regarding the TIP in accordance with the requirements set forth in Section 3012-c of the Education Law.

- C. An appeal of an APPR evaluation or a TIP must be commenced by the teacher within fourteen (14) school days of the presentation of the final document to the teacher or else the right to appeal shall be deemed waived in all regards; provided, however, that in the case of a TIP appeal, there shall be a second fourteen (14) school days period for a TIP appeal following the end date of the TIP. The appeals process will be an in-person meeting between the Lead Evaluator and teacher with the option of having NSTA representative present.

- D. The lead evaluator shall respond to the appeal with a written answer granting the appeal and directing further administrative action, or denying the appeal. The lead evaluator shall review the evidence underlying the observations of the teacher along with all other evidence submitted by the teacher prior to rendering a decision. Such decision shall be made within fourteen (14) business days of the receipt of the appeal.

E. Upon receipt of the appeal decision of the lead evaluator, the teacher may, within fourteen (14) business days, bring a further appeal to the Superintendent of Schools or his/her administrative designee. The appeal shall be reviewed in the same manner as the appeal to the lead evaluator. So long as the decision of the Superintendent of Schools or his/her administrative designee is made within the timeframe set forth in this paragraph, the decision of the Superintendent or the Superintendent's administrative designee 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.

G. The provisions set forth above shall neither be construed to alter or affect the rights of probationary teachers pursuant to § 3031 of the New York State Education Law.