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MEMORANDUM

From: Mark Pettitt, Director of Personnel and Labor Relations

To: Jeff Craig

Date: July 8, 2011

RE: APPR for Principals

Two questions in regards to appeals were raised at our meeting on principal evaluation on Wednesday, July 6:

1. Whether the superintendent should not hear an appeal over the evaluation of a teacher or principal for which they made the final rating decision, and
2. Whether any person making a decision on an appeal would need to be trained in conducting evaluations.

As part of the Guidance document provided by the State Education Department, they included a model appeal process for the use under the new APPR. The model process included language similar to the following suggested provision:

The decision will be rendered by the Superintendent of School's or the Superintendent's designee, except that an appeal may not be decided by the same individual who was responsible for making the final rating decision. In such cases, the Board of Education will appoint another person to decide the appeal.

Based on this, we added it to the model appeals process our office has been developing. As with all things related to the APPR, this model has been evolving. While this provision is good practice and will serve to protect a District in case of a challenge to the reliability of an evaluation that has been subject to an appeal, I can find nothing in the law or the regulations that mandates this.

Nothing that I can find in the regulations prevents the superintendent of schools from ruling on an appeal of an evaluation she or he has rated. As we are well aware, in smaller districts, the superintendent has no assistant superintendent to do principal evaluations.

I believe adopting the recommended language might be "safer", since it would provide a second review and would be in line with the State model. To the extent the appeals

under the APPR can be limited to only issues of process, and not include the substance of the evaluation, use of another district central office administrator may be acceptable and limit the degree to which a subordinate would second guess the superintendent of schools. In all cases, districts should look to avoid having an outside evaluator come into the district to rule on appeals. Decisions should be kept in house to whatever degree possible.

As to the second question, again, I can find nothing in the language of the statute or the regulations that would require that the person making the decision on the appeal be trained in accordance with the regulations. That said, it seems logical that the reviewer of an appeal would be trained. Robert Reidy, the Executive Director of the Council of School Superintendents, in his advice memo on the subject included the following, very specific language:

Prior to the implementation of an appeals process, those designated to adjudicate appeals of evaluations, Teacher Improvement Plan and/or Principal Improvement Plans pursuant to the statute, must be trained in a similar manner to those conducting evaluations.

Again, while I find nothing in the statute or the regulations to mandate this, I think it is well advised in order to avoid a future challenge. As above, to “safe” it may make sense to have any central office administrator who may have a role in determining appeals trained in the evaluation process.

Coming back to the above questions:

1. Must the superintendent be prevented from hearing an appeal over the evaluation of a teacher or principal for which they made the final rating decision? No, but you may want to build this in to the appeal process anyway, provided appeals are limited to process issues.
2. Must any person making a decision on an appeal be trained in conducting evaluations? No, but you may want to do this in order to give the appeal process greater validity