

# **Teacher Evaluation Guidelines Changes :**

## **The Dispute Resolution Process**

The changes to the teacher evaluation guidelines approved by PEAC give districts greater flexibility in teacher evaluation, which can lead to better practice.

This presentation describes the changes to the dispute resolution process, how those can promote better practice, and gives examples of subcommittees the Professional Development and Evaluation Committee can establish to handle disputes.

### 1.3: Evaluation Plan Approval

#### 2012 Guidelines

- Annual approval required
- Plan must be consistent with guidelines
- Iterative process until SDE approves plan

#### 2014 Guidelines

- Annual approval required
- Plan must be consistent with guidelines
- Iterative process until SDE approves plan
- Gives example of how to select sub-committee of PDE for dispute resolution
- If committee cannot reach unanimous decision, superintendent shall consider issue; final decision binding

Districts still submit their plans each year to SDE for approval – this year, if your plan was submitted between May 20th and 30th, you should receive feedback by June 20th. If your plan is submitted between June 2nd and June 13th, you should receive feedback by July 3rd. If your PDEC feels it can't submit a completed plan by the given dates, your superintendent should contact the State Department of Education prior to June 2nd.

The SDE must still approve the plan, but this can be done prior to submitting it to your local board of education for approval. Your local board must approve it by September 1<sup>st</sup>.

If dispute resolution is done by the PDE committee or sub-committee, this encourages much more collaboration and problem-solving when disputes arise. The language of the guidelines says that '*in the event*' the designated committee doesn't make a

unanimous decision, then the superintendent makes the final decision. However, your committee can also mutually agree that the PDE or sub-committee that hears disputes *must* come to a resolution, and write that into your plan. If the superintendent is part of the committee, and hence, part of the mutual agreement, he's saying that he wants to remove himself from making the final decision, trusts the sub-committee to make a good decision, and leaves it in their hands. This *is* permissible under the guidelines.

Keep in mind that if your district already has a process that works, there is no need to change it.

The example in the guidelines is just one example.....the PDE committee can set any process they mutually agree on.

## 1.3: Evaluation Plan Approval Dispute Resolution Language

### Professional Development and Evaluation Committee (PDEC) Appeal Committee

#### Example 1

- Superintendent serves on PDEC & agrees to process below
- PDEC & additional members, as needed, may serve
- All members selected by respective bargaining unit
- Appeal Committee does not include superintendent
- Evaluation ratings of members must be Proficient or higher prior to appointment
- Appeal Committee has minimum of 4 members, with equal number of teachers & administrators
- Appeal Committee members may not work in same school as person filing dispute
- Appeal Committee *must* resolve dispute

In this example the superintendent serves on the PDEC, has removed himself from the appeal process and has agreed to the process shown. In many districts, the superintendent has too many other pressing responsibilities to attend to and trusts the Appeal Committee will make wise decisions. The Appeal Committee members must be teachers and administrators in good standing, and must be approved by their respective bargaining units.

It's important for the Appeal Committee to have representation from each school on it, even though only 4 members will hear any dispute, to help assure that those who hear the dispute are as neutral as possible. If the Appeal Committee has the final responsibility to resolve the dispute, it requires them to work collaboratively, look at the issue from all perspectives, and focus on the best resolution that will serve all needs.

## 1.3: Evaluation Plan Approval Dispute Resolution Language

### Professional Development and Evaluation Committee (PDEC) Appeal Committee

#### Example 2

- Superintendent serves on PDEC & agrees to process below
- PDEC & additional members, as needed, may serve
- All members selected by respective bargaining unit
- Appeal Committee includes superintendent or designee
- Evaluation ratings of members must be Proficient or higher prior to appointment
- Appeal Committee has minimum of 4 members, with equal number of teachers & administrators (including superintendent)
- Appeal Committee members may not work in same school as person filing dispute
- Appeal Committee *must* resolve dispute

In the second example the superintendent serves on the PDEC, and has agreed to the process shown. The superintendent or his designee also serves on the Appeal Committee as one of the administrators. As in the first example, the Appeal Committee members must be teachers and administrators in good standing, and must be approved by their respective bargaining units.

As in the first example, the Appeal Committee has representation from each school on it, 4 members who hear any dispute, and must decide the final resolution to the dispute.

## 1.3: Evaluation Plan Approval Dispute Resolution Language

### Professional Development and Evaluation Committee (PDEC) Appeal Committee

#### Example 3

- Superintendent serves on PDEC & agrees to process below
- PDEC & additional members, as needed, may serve
- All members selected by respective bargaining unit
- Evaluation ratings of members must be Proficient or higher prior to appointment
- Appeal Committee has minimum of 4 members, with equal number of teachers & administrators
- Appeal Committee members may not work in same school as person filing dispute
- Appeal Committee may request assistance of mutually-agreed upon neutral third party to help resolve dispute
- Appeal Committee *must* resolve dispute

In the last example, as in the first example, the superintendent also serves on the PDEC, has removed himself from the appeal process, and has agreed to the process shown.

The Appeal Committee members must, again, be teachers and administrators in good standing, represent each school, and must be approved by their respective bargaining units.

The difference in this process is that the 4 Appeal Committee members who hear a dispute may request help from a neutral third party if they initially have trouble coming to a resolution. However, the Appeal Committee must ultimately resolve it.

Whatever the PDEC mutually agrees to as a dispute resolution process for the evaluation plan, it's important to try to first resolve disputes on the building level.

## 1.3: Evaluation Plan Approval Dispute Resolution Process

### Establishing a sound process

1. How many people will be needed for the full Appeal Committee? If our district is large, would we be better served to have separate Appeal Committees for the elementary and secondary levels?
2. What kind of training will our Appeal Committee members need? How will that be provided?
3. How long will members serve on the Appeal Committee? How will we rotate members onto and off of the committee?
4. What characteristics do we want Appeal Committee members to have?
5. When will appeals be heard – during or after school day hours? If after school hours, will Appeal Committee members be compensated?
6. What steps will the appeal process include?
7. What paperwork do we need for use in the process, and who will develop it?
8. What process will be used for record-keeping?

Whatever the PDEC mutually agrees to as a dispute resolution process for the evaluation plan, it's important to try to first resolve disputes on the building level. But if it reaches the point of a dispute being referred to the Appeal Committee, your PDEC should have a sound, clear process in place. The questions shown here are just a sample of issues that should be discussed and decided when determining the process.

Perhaps the most important thing to remember is that, if the plan that is developed promotes good practice, has flexibility to meet a variety of needs, and is fair to all parties involved, the number of disputes that will occur will be minimal.

We hope you find this information helpful to your PDEC as you continue to develop and refine your plan.

## CEA Web Site - Teacher Evaluation Information Pertaining to Dispute Resolution Processes

- Sample language for teacher evaluation plans:
  - Section 11 – Dispute Resolution Process (3 examples)
- Guidelines & language changes in guidelines

See [CEA Teacher Evaluation web page](#) for more specific information

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The CEA web site has a lot of information local PDE committees can use while developing plans, including information on establishing a dispute resolution process. Perhaps the most important thing to remember is that, if the plan that is developed promotes good practice, has flexibility to meet a variety of needs, and is fair to all parties involved, the number of disputes that will occur will be minimal.

We encourage you to involve your Uni Serv rep with committee work whenever possible – they're one good link to information, and can help committee

members advocate for better practice.