



LOCAL EVALUATION GRIEVANCE OF TEACHER OR PRINCIPAL PROCEDURE

(HUM-P023)

Clarksville-Montgomery County School System

1.0 SCOPE:

- 1.1 This procedure outlines the process by which teachers or principals can challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted by the Tennessee State Board of Education. This procedure does not address disputes regarding employment actions taken based on the results of the evaluation. Other due process rights are provided pursuant to state law to teachers when actual employment actions are taken.

2.0 RESPONSIBILITY:

- 2.1 Evaluator/Chief Human Resources Officer

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

3.0 APPROVAL AUTHORITY:

- 3.1 Director of Schools

4.0 DEFINITIONS:

- 4.1 Accuracy of the state data: For the purpose of this procedure, accuracy of the state data means only that the state data identified with a particular teacher is correct.
- 4.2 Minor procedural errors: Minor procedural errors shall be defined as errors that do not materially affect or compromise the integrity of the evaluation results. 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. The final results of an evaluation may only be challenged if the person being evaluated can demonstrate no later than during Step 2 of the grievance procedure that the procedural errors made could materially affect or compromise the integrity of the evaluation results.
- 4.3 Grievance Issues: Grievance issues mean the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted by the Tennessee State Board of Education. No other issues stated in the written grievance submitted by a teacher or principal shall be considered or deemed a grievance under this Procedure or the Administrative Policy for Evaluation of Professional Staff (HUM-A036).
- 4.4 Grievant: Grievant is the teacher or principal submitting the grievance. The term grievant may be used interchangeably herein with the word "employee."

5.0 BASIC STANDARDS:

- 5.1 Timing of grievances: Grievance may be filed at the end of each of the three components of the evaluation model:
 - Qualitative appraisal (final average observation score)
 - Student growth measures
 - Other measures of student achievement
 - 5.1..1 A grievance must be filed no later than 15 days from the date teachers and principals receive the results for each component, otherwise the grievance will be considered untimely and invalid. Grievance may be filed at any point prior to the 15 day window.



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5.2 Required grievance information: Each grievance submitted at every step of the procedure shall contain:

- The teacher's or principal's name, position, school, and any additional title;
- The name of the teacher's or principals immediate supervisor;
- The name of the evaluator/reviewer;
- The date the challenged summative evaluation was received;
- The evaluation period in question;
- The basis for the grievance;
- The corrective action desired by the grievant; and
- sufficient facts or other information to begin an investigation.
- Failure to state specific reasons shall result in the grievance being considered improperly filed and invalid.

6.0 PROCEDURE: Grievance shall be processed by working through the following three steps to finality.

6.1 Step 1 – Evaluator

- The written grievance form, including all written evidence supporting the “grievance issues”, shall be submitted by the teacher or principal no later than 15 calendar days from the end of the date teachers and principals receive the results for each component. Such grievance form and supporting documentation shall be submitted to (a) the grievant's evaluator of the evaluation which is being challenged and (b) a copy to his/her principal if the grievant is a teacher and to the corresponding level director (i.e., High schools, Middle Schools and Elementary Schools) if the grievant is a principal.
 - 6.1..1 Failure to provide specific reasons for the grievance shall invalidate the grievance and constitute a waiver of the right to file a grievance.
 - 6.1..2 Late submission will be considered untimely, invalid and constitute a waiver of the right to file a grievance.
- Upon the submission of the grievance form an administrative investigation and fact finding shall occur as to the grievance issues.
- Within 15 calendar days of receiving the grievance, a written decision shall be issued to the grievant that clearly communicates the findings.
- To allow disputes to be resolved at the lowest level possible the Evaluator may take any action necessary, based upon the circumstances, to timely correct any procedural errors made in the evaluation process.



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6.2 Step 2 - The Director of Schools or His/Her Designee. The Designee shall have had no input or involvement in the evaluation for which the grievance has been filed.

- If after receiving the written decision the grievant does not believe the “grievance issues” have been resolved, within 15 calendar days of receiving the Step 1 findings, the grievant may submit the original grievance form and supporting documentation, along with a copy of the Step 1 findings to the Director of Schools. Failure to submit all this documentation to the Director of Schools within 15 calendar days of receipt of the Step 1 findings shall invalidate the grievance and constitute a waiver of the right to file a grievance.
- As soon as practicable after receiving the submission of the original grievance and Step 1 findings, the Director or His/Her Designee (if the grievant is a teacher), shall informally meet with the grievant and/or his or her representative or attorney and hear the facts, allegations, and testimony by witnesses having information pertaining to the grievance issues only.

6.2..1 If the grievant is a principal the informal meeting shall be conducted by the Director of Schools.

6.2..2 The Director or His/Her Designee may also have an attorney present during the informal meeting and the attorney may participate in the meeting. If the grievant chooses to have an attorney present at this informal discussion/hearing, the grievant must give the Director five (5) calendar days’ notice of the intent to have an attorney present.

- Within 15 calendar days after the conclusion of the informal discussion/hearing, the Director or His/hers Designee shall provide the grievant with a final written decision concerning the grievance issues.
- To allow disputes to be resolved at the lowest level possible the Director or His/Her may take any action necessary, based upon the circumstances, to timely correct any procedural errors made in the evaluation process.

6.3 Step 3 - Clarksville Montgomery County Board of Education.

- If after receiving the Step 2 findings the grievant does not believe that the “grievance issues” have been resolved, within 15 calendar days of receiving the Step 2 decision, the grievant may submit the original written grievance, along with the Step 1 findings, Step 2 findings, and all written materials presented during the Step 2 informal meeting, and a request for Board hearing, to the Board of Education. Failure to submit all this documentation to the Board of Education within 15 calendar days of receipt of the Step 2 findings shall invalidate the grievance and constitute a waiver of the right to file a grievance.



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- Based upon the review of the record which shall be defined as the original grievance, a copy of the Step 1 findings, all written materials presented during the Step 2 informal meeting, the Step 2 decision, and a request for a Board hearing, the Board may grant or deny a request for a full board hearing. Based upon review of the record as defined above, the Board, with or without a hearing, may affirm or overturn the decision of the Director or his/her Designee.
- Any hearing granted by the Board of Education shall be held no later than thirty (30) calendar days after receipt of the record as defined above in 6.3.2. The Chair of the Board of Education shall give written notice of the time and place of the hearing to the grievant, Director of Schools and all administrators involved.
- The grievant may represent himself/herself at the hearing or may have an attorney represent the grievant at the hearing before the Board of Education. The Board may also have an attorney present at the hearing and said attorney may also present evidence at the hearing.
- The Board of Education shall provide to all parties involved a written decision no later than thirty (30) calendar days after conclusion of the hearing or within thirty (30) calendar days after receipt of the record as defined above if no hearing is granted by the Board.
- The Board of Education shall serve as the final step for all evaluation grievances whether or not it grants a hearing.

7.0 ASSOCIATED DOCUMENTS:

- 7.1 Tennessee State Board of Education Policy 5.201
- 7.2 CMCSS Policy [HUM-A036](#)
- 7.3 Teacher/Principal Evaluation Grievance Form [HUM-F064](#)

8.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
HUM-P020	File	File		
All documents related to grievance	HR Confidential files	Indefinitely	Permanent	Secured Area, Access Controlled

9.0 REVISION HISTORY:

Note: Procedure is part of the Memorandum of Understanding and may not be revised without collaborative conferencing pursuant to TCA 49-5-608.

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
11/21/11		Initial Release



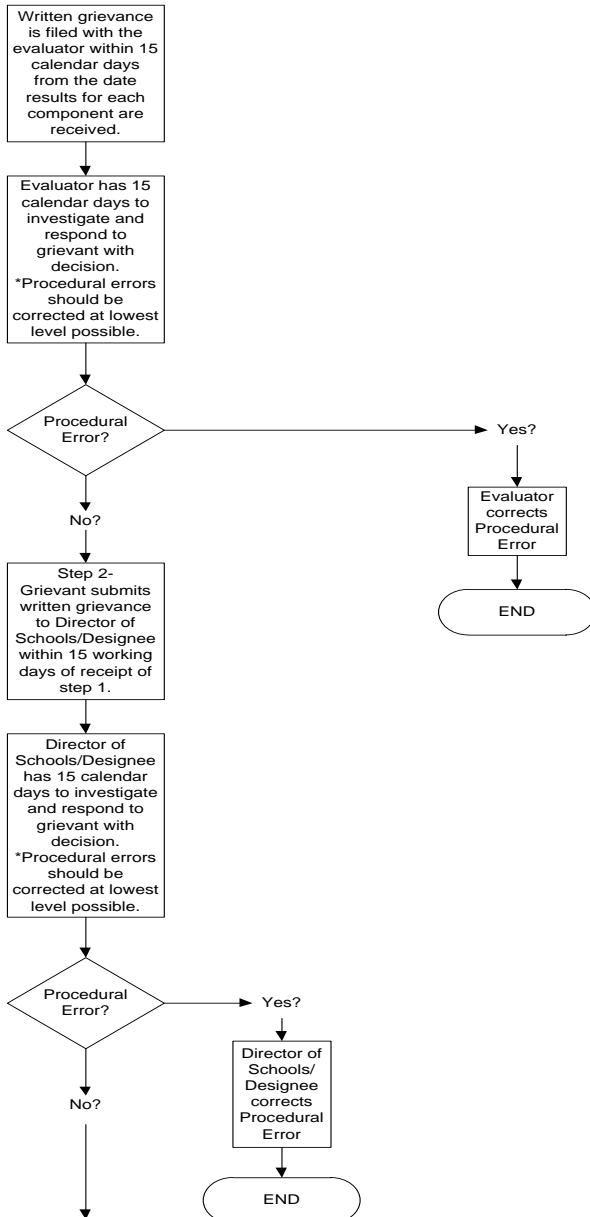
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6/7/12	A	Update to entire procedure
6/20/13	B	Update 5.1 Timing of grievance; Update 6.1.1; update flowchart and logo
7/24/13	C	Add Note statement to Revision History

10.0 FLOWCHART:

10.1 A flowchart detailing this process can be found below.





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Step 3-
Teachers or
Principals may
submit written
grievance to Board
of Education within
15 calendar days
of receipt of step 2
to request a
hearing.

BOE reviews
record and may
grant or deny full
board hearing and
may affirm or
overturn decision
in Step 2.

If hearing is
approved, it will be
held no later than
30 calendar days
after receipt of
request for
hearing. BOE will
notify all parties in
writing of time and
place of hearing.

The BOE will send
written notice of
decision within 30
calendar days
after conclusion of
hearing.

END

***** End of Procedure *****