

Oak Ridge Schools TEAM Grievance Protocol

What can be challenged?

1. Fidelity to the evaluation process
2. Data Accuracy (TVAAS & Achievement scores)

What cannot be challenged?

1. Observation Ratings
2. Minor Procedural errors (Minor procedural errors should be resolved with your evaluator of lowest possible step in the grievance procedure)

When can a grievance be filed?

Any time throughout the evaluation process, yet no later than what is outlined below:

- Fidelity of the evaluation process must be grieved no later than 15 days after the Qualitative Rating Conference
- Data Accuracy/Quality (TVAAS & Achievement scores) can be grieved no later than 15 days after the Summative Conference

Teachers must "acknowledge" receipt of the observation results through signature.

Acknowledgement of results implies receipt of information, not necessarily agreement.

Teacher Grievance Procedure

Step I – Evaluator

1. Efforts should be made for disputes to be resolved at the lowest possible level.
2. Grievant may obtain Grievance forms from the ORS Website or the Assistant Superintendent's Office.
3. Grievant must provide specific reasons for the grievance. Failure to provide specific reasons shall result in the grievance being considered improperly filed and invalid.
4. Grievant will file grievance with the Evaluator and will provide a copy of the Grievance form to his/her Principal.
5. Principal will investigate the grievance.
6. Results of grievance investigation will be provided in writing to the grievant within 15 days of initial receipt of grievance.
7. In the event that the determination of procedural errors in the evaluation process is made or that the data used in the evaluation is inaccurate, those issues in need of correction shall be corrected in a timely manner.

Step II – Superintendent

1. Teachers may request an informal discussion or hearing regarding grievances unresolved after exhausting Step I, before the Assistant Superintendent by submitting the original grievance and findings within 15 days of receipt of decision from Step I.
2. Informal discussion or hearing to be held as soon as practicable by the Assistant Superintendent.
3. Investigation and written final decision communicated to grievant in writing within 15 days of discussion/hearing.
4. In the event that the determination of procedural errors in the evaluation process is made or that the data used in the evaluation is inaccurate, those issues in need of correction shall be corrected in a timely manner.

Step III – ORS Board of Education

1. Teachers may request a hearing, regarding unresolved grievances after exhausting Step II, before the ORS Board of Education by submitting the following with 15 days of receipt of Step II decision:
 - a. original grievance,
 - b. Step I findings,
 - c. Step II decision and all written materials presented during the Step II informal meeting.

Failure to submit the aforementioned within 15 days of receipt of Step II decision shall invalidate the grievance and constitute a waiver of the right to file a grievance.

2. The Board of Education, based upon a review of the record, may grant or deny a request for a full Board hearing and may affirm or overturn the decision of the Superintendent with or without a hearing before the Board.
3. Any hearing granted by the Board of Education shall be held no later than 30 days after receipt of a request for a hearing.
4. If the Board determines that a hearing is necessary, the Board Chairman shall give written notice of the time and place of the hearing to the grievant, Superintendent and all administrators involved.
5. The ORS Board of Education's decision shall be communicated in writing to all parties, no later than 30 days after the conclusion of the hearing.
6. The action of the Board shall be final.

Principal Grievance Procedure

Step I – Evaluator

1. Efforts should be made for disputes to be resolved at the lowest possible level.
2. Grievant completes the Grievance forms, providing specific reasons for the grievance. Failure to provide specific reasons shall result in the grievance being considered improperly filed and invalid.
3. Grievant will file grievance with the Evaluator and will provide a copy of the Grievance form to the Assistant Superintendent.
4. The Assistant Superintendent will investigate the grievance.
5. Results of grievance investigation will be provided in writing to the grievant within 15 days of initial receipt of grievance.
6. In the event that the determination of procedural errors in the evaluation process is made or that the data used in the evaluation is inaccurate, those issues in need of correction shall be corrected in a timely manner.

Step II – Superintendent

1. Principals may request an informal discussion or hearing regarding grievances unresolved after exhausting Step I, before the Superintendent by submitting the original grievance and findings within 15 days of receipt of decision from Step I.
2. Informal discussion or hearing to be held as soon as practicable by the Superintendent.
3. Investigation and written final decision communicated to grievant in writing within 15 days of discussion/hearing.
4. In the event that the determination of procedural errors in the evaluation process is made or that the data used in the evaluation is inaccurate, those issues in need of correction shall be corrected in a timely manner.

Step III – ORS Board of Education

1. Principals may request a hearing, regarding unresolved grievances after exhausting Step II, before the ORS Board of Education by submitting the following with 15 days of receipt of Step II decision:
 - a. original grievance,
 - b. Step I findings,
 - c. Step II decision and all written materials presented during the Step II informal meeting.

Failure to submit the aforementioned within 15 days of receipt of Step II decision shall invalidate the grievance and constitute a waiver of the right to file a grievance.

2. The Board of Education, based upon a review of the record, may grant or deny a request for a full Board hearing and may affirm or overturn the decision of the Superintendent with or without a hearing before the Board.
3. Any hearing granted by the Board of Education shall be held no later than 30 days after receipt of a request for a hearing.
4. If the Board determines that a hearing is necessary, the Board Chairman shall give written notice of the time and place of the hearing to the grievant, Superintendent and all administrators involved.
5. The ORS Board of Education's decision shall be communicated in writing to all parties, no later than 30 days after the conclusion of the hearing.
6. The action of the Board shall be final.

Oak Ridge Schools

Evaluations of Teachers and Principals

- I. Oak Ridge Schools (ORS) shall use the Model Plan for Teachers and Principal Evaluations that has been adopted by the Tennessee State Board of Education.
- II. Anyone conducting a Teacher or Principal Evaluation and/or observation must complete a training process approved by the Tennessee Department of Education. The approved training process must be conducted by a trainer certified by the Tennessee Department of Education.
- III. Evaluations shall be a factor in employment decisions, including, but not limited to, promotion, retention, termination, compensation and attainment of tenure status.
- IV. Pursuant to Tennessee State Board Rule 0520-02-01-.01, ORS adopts the following grievance procedure which shall provide a means:
 - (a) To resolve grievances as expeditiously as possible, grievances may be filed at the end of each of the three components of the evaluation model – 1) qualitative appraisal; 2) student growth measures; and 3) other measures of student achievement. 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.
 - (b) To efficiently and fairly resolve grievances regarding procedural errors in the evaluation process, not to address disputes regarding employment actions taken based on the results of an evaluation. More significant due process rights are provided pursuant to state law to teachers when actual employment actions are taken;
 - (c) To ensure evaluations are fundamentally fair because correct procedures have been followed;
 - (d) To address grievances objectively, fairly, and expeditiously by resolving them at the lowest possible step in the procedure; and
 - (e) To provide teachers and principals a process for resolving grievances without fear, discrimination, or reprisal.

Further, also in accordance with the State Board Policy 0520-02-01-.01, evaluated Teachers and Principals may 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.**

(1) Definitions

- A. "Accuracy of the data" means only that the data identified with a particular teacher is correct.
- B. "Minor procedural errors" shall be defined as errors that do not materially affect or compromise the integrity of the evaluation results.
- C. "Grievance issues" means 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 grievance shall be considered "grievances" under this Policy.

(2) Each grievance must contain the following information:

- a. the teacher or principal's name, position, school, and additional title if any;
- b. the name of the teacher or principal's immediate supervisor;
- c. the name of the evaluator/reviewer;
- d. the date the challenged evaluation component was received;
- e. the evaluation period in question;
- f. the basis for the grievance;
- g. the corrective action desired by the grievant; and
- h. sufficient facts or other information to begin an investigation.

(3) Grievance forms will be available on the system's TEAM website and in the Assistant Superintendent's Office; however, grievances may be submitted in other formats as long as all required components are included.

(4) Procedures

Grievances shall be processed by working through the three steps to finality as follows:

STEP I – Evaluator

- A. To allow disputes to be resolved at the lowest level possible, within fifteen (15) days of receiving each of the three components (qualitative, growth, achievement) of evaluation that is being challenged, a Teacher or Principal must complete and submit an ORS Grievance Form and all written evidence supporting the "grievance issues" to: (i) his/her evaluator of the evaluation which is being challenged and (ii) a copy to his/her Principal if the grievant is a Teacher and the Assistant Superintendent if the grievant is a Principal.
 - (a) Failure to provide specific reasons for the grievance shall invalidate the grievance and constitute a waiver of the right to file a grievance.
 - (b) Failure to submit the grievance within fifteen (15) days of receipt of the evaluation which is being challenged shall invalidate the grievance and constitute a waiver of right to file a grievance.
- B. Within fifteen (15) days of receiving the grievance: (i) if the grievant is a Teacher, the Principal shall meet with the grievant, review and investigate the issues stated on the

- grievance form and shall provide to the grievant written findings of his/her review; (ii) if the grievant is a Principal, the Assistant Superintendent shall meet with the grievant, review the issues stated on the grievance form and shall provide to the grievant written findings of his/her review.
- C. In the event that the findings reflect that procedural errors have been made in the evaluation process or that the accuracy of the data used in the evaluation are inaccurate, those issues in need of correction shall be made and the evaluation shall be corrected in a timely manner.

STEP II – Superintendent

- A. If after receiving the findings, the grievant does not believe that the “grievance issues” have been resolved, within fifteen (15) days of receiving the Step I findings, the grievant may submit the original grievance to the Assistant Superintendent or the Superintendent along with a copy of the Step I findings. The Assistant Superintendent or Superintendent shall have had no input or involvement in the evaluation for which the grievance has been filed. Failure to submit the original grievance and the Step I findings to the Superintendent within fifteen (15) days of receipt of the Step I findings shall invalidate the grievance and constitute a waiver of the right to file a grievance.
- B. As soon as practicable, after receiving the submission of the original grievance and Step I findings, if the grievant is a Teacher, the Assistant Superintendent shall informally meet with the grievant and/or his/her representative or attorney, and hear facts and testimony by witnesses having information pertaining to the “grievance issues” only. If the grievant is a Principal the informal meeting shall be conducted by the Superintendent. The Superintendent or the Assistant Superintendent may also have an attorney present during the informal meeting and the attorney may participate in the meeting.
- C. Within fifteen (15) days after the conclusion of the informal meeting with the grievant and/or his representative or attorney, and hearing facts and testimony as provided above, the Assistant Superintendent, if the grievant is a Teacher, or the Superintendent if the grievant is a Principal, shall provide the grievant with a final written decision concerning the grievance.
- D. In the event that the Assistant Superintendent’s decision, if the grievant is a Teacher, or the Superintendent’s decision, if the grievant is a Principal, reflects that procedural errors have been made in the evaluation process or that the accuracy of the data used in the evolution are inaccurate, those issues in need of correction shall be made and the evaluation shall be corrected in a timely manner.

STEP III – Board of Education

- A. If after receiving the Step II findings, the grievant does not believe the “grievance issues” have been resolved, within fifteen (15) days of receiving the Step II decision, the grievant may submit the original grievance to the ORS Board of Education (Board) along with a copy of the Step I findings, all written materials presented during the Step II informal meeting in support of the “grievance issues”, the Step II decision and a request for a Board hearing. Failure to submit the original grievance to the Board along with a copy of the Step I findings, all written materials presented during the Step II informal meeting in support of the “grievance issues”, the Step II decision and a request for a Board hearing, within fifteen (15) days of receipt of the Step II decision shall invalidate the grievance and constitute a waiver of the right to file a grievance.
- B. Based upon a review of the “record”, which shall be defined as the original grievance, a copy of the Step I findings, all written materials presented during the Step II informal meeting, the Step II decision and a request for a Board hearing, the Board may grant or deny a request for a full Board hearing.
- C. Based upon a review of the “record”, as defined above, the Board with or without a hearing may affirm or overturn the Superintendent’s decision (if the grievant is a Principal), or Assistant Superintendent’s decision (if grievant is a Teacher).
- D. If the Board determines that a hearing is necessary, said hearing shall be held no later than thirty (30) days after receipt of the “record” as defined above; the Board Chairman shall provide written notice to the grievant of the time and place of the hearing. The grievant may represent himself/herself at the hearing or may have an attorney represent the grievant at the hearing. The Board may also have an attorney present at the hearing and said attorney may also present evidence at the hearing.
- E. The Board Chairman shall provide all parties to the hearing with a written decision of the Board within thirty (30) days after the conclusion of the hearing.
- F. The action of the Board shall be final.

T.C.A. 49-5-5205

Tennessee State Board of Education Rule 0520-02-01-.01

Tennessee State Board of Education Policy No. 5.201