

APPR Appeals Process Report: Panels

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The Annual Professional Performance Review (APPR) system represents a major change in how public school teachers in New York State are evaluated. Under the APPR system, which was adopted across all school districts in the state in 2012, even tenured teachers may be subject to dismissal based on the evaluated quality of their teaching. Two consecutive annual ratings of “Ineffective,” the lowest rating in the APPR system, will lead to the teacher being subject to an expedited 3020-a hearing for potential dismissal. The introduction of the APPR system has been controversial, with teachers unions and school system administrators often appearing to be on opposing sides of the issue of how to evaluate teachers. In this report, however, we examine evidence in which local teachers unions and school districts are engaging in collaborative decision-making in regard to teacher evaluations.

Although the APPR system was introduced on a statewide basis under New York Education Law 3012-c, each individual school district and local teachers union must negotiate an agreement on various local measures to be used in the APPR ratings, as well as an appeals procedure by which a teacher may challenge his or her rating. It is in the negotiation of these local agreements and the subsequent APPR appeals procedures they establish, that we find evidence of collaborative practices between both labor and management. While the final decision-maker in most school district APPR appeals procedures is the superintendent (77% of all procedures), many procedures also include a step where a joint panel, which includes representatives of both the school administration and the teachers and their unions, seeks to resolve the dispute. These joint panels are an important collaborative element in the process of evaluating teachers effectively and fairly. Whereas the standard image of the teacher evaluation process emphasizes the adversarial nature of the union-management relationship, we find that over half of the school districts in New York State (54.7%) include a joint panel in their APPR appeals procedure. In 15% of school districts, this panel is the final decision-making step of the appeals procedure.

This report describes the characteristics of joint panels and examines where they are being used in New York State to resolve APPR teacher evaluation disputes. The information presented here was gathered by analyzing the provisions of the APPR appeal procedures, which are publicly available on the New York State Department of Education website.¹

What Panels Look Like

Panels vary in size from two to eight members, with panels of three or four members being most common. A variety of members are named to panels, with the most common being union presidents, superintendents, and administrators. The members of the panels can be broadly classified as representing one of three different groups: teachers and their unions (e.g. the local union president), school district management (e.g. the district superintendent), and neutrals (e.g. outside evaluators). The most common type of panel (51%) is one where there are equal numbers of teacher and management representatives, which we describe as a balanced panel. Some of these balanced panels also include an additional neutral member or members (18.5%). A minority of panels include more management than teacher representatives, e.g. two management and one teacher member (18.5%), which we define as a management heavy panel. A smaller number of panels include more teacher than management representatives (9.4%), which we define as a peer heavy panel. Finally, a few panels are entirely or mostly composed of neutrals (2.7%). Overall, most panels are balanced, either with or without a neutral (69.5%), and the remainder of the panels mostly provide some level of representation for each side.

Table 1: Composition of Panel

	% of Panels
Balanced	51.0%
Balanced with a Neutral	18.5%
Management Heavy	18.5%
Peer Heavy	9.4%
All Neutral	2.4%
Neutral Heavy	0.3%

Decision-Making Ability

Every step actor in the appeals procedure has either the ability to recommend a decision to the next step actor or make a final decision depending on the APPR agreement. Of all panels (some school districts have more than one), 72% are decision-making and 28% provide an advisory recommendation to the next step.

Thus far, we have been describing the primary APPR appeal procedures used for tenured teachers. In addition, 63.6% of districts also use this same procedure for nontenured teachers. Of the 36.4% that do not use the same procedure, 14.0% provide a separate procedure for nontenured APPR appeals, some of which also include joint panels. Beyond the district-specific procedures created especially for nontenured teachers, some districts have other specialized appeal procedures, such as those for first year teachers or teachers who receive two consecutive “Ineffective” ratings.

Where Panels are Located

Although 54.7% of school districts statewide include joint panels in their APPR appeal procedures, the adoption of panels varies widely across the state. This map illustrates the density of panel usage in the ten regions of New York State.² We see a strong pattern of regional variation with joint panels being much more common upstate and less common downstate. Overall, the North Country region has the highest incidence of joint panels (91.9%), whereas the Long Island has the lowest prevalence of panels in APPR appeals procedures (32.8%). The New York City school district’s APPR appeal procedure does not include a joint panel.

The adoption of panels also varies by type of community. Specifically, suburban school districts are less likely to have a panel included in their appeals procedures. While only 42.7% of suburban districts have panels, most rural (61.2%), town (61.5%) and city (66.7%) districts have panels.³

Our data showed that there are also many variables that are not related to panel usage. The use of labor management committees, which are teams of both teachers and management, showed no correlation to the use of panels. Provisions for the appealing teacher to be represented in the appeal are not correlated to having a panel. Also, access to the collective bargaining agreement’s grievance procedure, or the ability to appeal through the grievance procedure after exhausting the APPR appeals procedure, is not correlated with having a panel.

Conclusion

The APPR system has transformed teacher evaluations in New York State, introducing high-stakes consequences for teachers who receive negative evaluations. The standard picture emerging from the often heated debates over the APPR system is one of intense labor-management conflict. What these

Table 2: Adoption of Panels

Locality	Number of Districts	% of APPR Appeals Procedures With a Panel
Suburban	253	42.7% (108/253)
Rural	309	61.2% (189/309)
Town	109	61.5% (67/109)
City	24	66.7% (16/24)

findings indicate is that when we look at the local processes used to ensure accuracy and fairness in teacher evaluations, we find much more joint decision-making by labor and management. The widespread use of joint panels, involving both teacher and school district management representatives to resolve APPR appeals, introduces a collaborative element into the process that has been ignored in the focus on the broader disputes over teacher evaluation systems. At the local level, teachers unions and school districts have to negotiate agreements to make the system work. Our evidence indicates that in doing so they are incorporating collaborative decision-making processes that belie the assumptions of embedded, perpetual labor-management conflict in New York State schools.

Prevalence of APPR Appeals Panels by Region

