**Appeals Procedure-**

1. Any principal may initiate an appeal if she or he has received a rating of Ineffective or Developing on her on his Annual Professional Performance Review (AAPR) within 30 calendar days of receiving his/her overall rating. *In the case of an appeal of a PIP within 15 calendar days of being notified that one or more aspects of her or his Principal Improvement Plan is not being supported or achieved. The appeal, submitted in writing, may be for one or more of the following reasons:* 
   1. the substance and rating of the annual professional performance review;
   2. the school district’s adherence to the standards and methodologies required for such reviews pursuant to Section 3012(c) of the Education Law;
   3. the school district’s adherence to the Regulations of the Commissioner and compliance with any applicable locally negotiated evaluation procedures; and
   4. the school district’s issuance and/or implementation of the terms of the principal’s improvement plan; and
   5. Instances where the principal is rated Ineffective in the Student Performance Category, but rated Highly Effective on the Observation/School Visit Category based upon anomalies determined locally under this appeal procedure.
2. For all developing and the first ineffective rating received and appealed by a building principal the Superintendent shall schedule an appeal hearing to be held within 30 calendar days of the receipt of the appeal. The hearing shall be scheduled at a location and time mutually agreeable to the parties. The appeal will be heard by a panel consisting of one administrator from within the district chosen by the principal, a designee of the Superintendent (cannot be an evaluator of principal) and a third party, from within the district that is mutually agreed upon by both sides (cannot be the evaluator). The panel shall issue an advisory opinion which may recommend upholding, reversing, or modifying some or all aspects of the principal’s evaluation as well as provide recommendations, including but not limited to, adjustments to the principal’s observation scores, adjustments to improvement plan implemented, or other corrective actions.
3. Upon receipt of the advisory decision the Superintendent shall within five (5) school days review said advisory opinion and in his/her sole discretion either adopt, reject, in whole, or in part, the advisory opinion.
4. In the instance of a second or third ineffective rating, the principal may appeal to a mutually agreed upon retired school administrator(RSA). In the event the parties are unable to agree within ten (10) days of the filing of the appeal on the retired administrator the parties shall request a list of nine (9) retired school administrators willing and qualified to conduct the review be provided by Suffolk County Organization for the Promotion of Education (SCOPE), or any other mutually agreed upon organization that may possess such a list. If upon receipt of the list the parties cannot mutually agree upon an outside expert within three (3) calendar days after receipt, each party shall be afforded four (4) strike outs with the remaining name being the individual to be assigned. The cost associated with the retired administrator shall be borne by the District and shall be consistent with prevailing arbitration rates.

D. The evaluated principal may be represented at the hearing by a union representative, an attorney, or pro se.

E. The parties shall exchange documentary evidence and an anticipated witness list no less than seven (7) business days before the scheduled hearing date.

F. Within 30 calendar days of the hearing, the RSA shall render a written final and binding decision which must be rationally based and supported by facts and evidence. If the appeal is upheld in whole or part, the RSA shall direct an appropriate remedy which may included, but is not limited to, modifying, amending, adjusting or vacating the evaluation and/or points or (H, E, D, I,) rating provided to principal.. If the evaluation is vacated or modified the RSA may also require re-implementation of PIP for the subsequent school year, and/or in the subsequent school year have the evaluation conducted by a different trained non-bargaining unit administrator other than the original evaluator.

G. Any evaluated principal may submit a rebuttal to their APPR evaluation either before or after his/her appeal without jeopardizing their rights to file or pursue an appeal.