

Dear Colleague,

It has come to my attention that you have received a U-rating and/or discontinuance of probation. Enclosed you will find an appeal form. Be certain that you do all of the following within the appropriate time limits.

- 1) Mail the original, certified mail, return receipt requested, to the address on the form,
- 2) keep a copy for yourself, and
- 3) mail the second copy to the Borough Office of the United Federation of Teachers along with a copy of both sides of your original rating sheet.

This must be done within three (3) weeks (exclusive of the summer vacation) from receipt of the rating sheet from your principal.

Below is some general information you may find useful.

A rating of either "U" or, in the first year of probation only, "D" may be appealed. You have three (3) weeks, exclusive of the summer vacation, in which to appeal. You may also file an appeal for a "U" rating in summer school. In that case, the three (3) week rule still applies.

Sometime after the filing of your appeal, you should receive a letter from the Board which will include 1) a request for a written rebuttal of the charges, 2) a waiver form. This letter pre-supposes that you have already received the documentation materials from the rating officer regarding your "U" rating. *If you have not received the documentation materials, you must contact the Office of Appeals and Review.* If you have received the documentation materials, you have three (3) weeks from receipt of the documentation from the principal in which to write a rebuttal.

Upon receipt of the documentation, you should come to your UFT borough Office and bring the entire packet. A representative will help prepare the rebuttal. If you do not bring the packet of documentation with you, we will not be able to help you write your rebuttal. If you do not

receive this packet by the date in the letter, please let your UFT borough office know.

The representative will also discuss with you the advisability of filing the waiver form. This form requests a postponement of your hearing until any grievances regarding letters in your file are resolved. You may wish to do this or you may wish to proceed with the U-rating hearing regardless of any grievances. If you decide to file such a waiver, after discussion with a representative, it is your responsibility to notify your UFT borough office and the Office of Appeals and Review, in writing, when all grievances have been resolved. The Office of Appeals and Review will not schedule a U-rating hearing unless you inform them, in writing, that your grievances have been resolved and that a hearing may now be scheduled.

Once the rebuttal is filed with the Board, a hearing will be scheduled.. Once a hearing has been scheduled, your UFT borough office will assign a U-rating advocate who will meet with you to prepare your case.

Regarding the U-rating procedure, it is a **one-step appeal process**. The hearing itself results in a recommendation to the Chancellor or Community Superintendent, as appropriate, which may be accepted or rejected. There is no additional appeal process which exists under the Board's by-laws. In addition, the rating system used by the Board of Education of the City of New York is an internal matter and is governed neither by State Law nor by Regulations of the Commissioner of Education. As a result, neither the courts nor the Commissioner have jurisdiction to review the fairness of standards of employee ratings. This means that if the Chancellor or Community Superintendent is satisfied that the evidence supports a U rating, his discretion cannot be reviewed. This is because the rating of an employee, as an internal matter, does not have constitutional due process protections.

Please note that if your case involves a discontinuance of probation and you are **not** a high school teacher, but rather work in one of the Community School Districts, you should be aware that termination of probationary service does not result in termination of your license; however, you no longer have the right to work, under the same license, in the particular District from which your services were terminated.

You are free to seek new employment in any other location where a proper vacancy exists in that license and where the proper authorities request such an appointment. But in such a case, you will have to start another three (3) year period of probation.

If you are a **high school teacher**, however, whose probation has been terminated, you are not eligible to seek employment in another high school, since all high schools in New York City are under the same, central district. You are, however, free to seek employment in a Community School District where a proper vacancy exists in that license. Employees holding High School licenses may seek employment under such a license in Junior High Schools under the jurisdiction of Community School Districts.

If you are PPT, your license is good till the end of the year and you are free to seek employment in a different work site using the same license you now possess. But your license will terminate at the end of the year and unless it is renewed, you will not be able to work. Usually, however, principals are reluctant to hire teachers who have been rated "U."

If you are a CPT, you have New York State certification and your license is your property. You are free to seek employment in any other work site where a principal may choose to hire you. But, again, principals are usually reluctant to hire previously "U" rated teachers.

Time limits are important. Please make sure you file any forms or documents within the specified time limits.

Sincerely,