



## ADMINISTRATION

2131

### Superintendent of Schools/Leadership Team

The board of education will elect and fix the term of office and salary of a superintendent who serves as the chief executive officer of the board and has authority and responsibility for the supervision of the school system.

At the request of the superintendent, the board shall provide a written contract of employment which includes salary, benefits and term of office of the superintendent.

Each year, the board will evaluate the superintendent in accordance with guidelines and criteria mutually determined and agreed upon by both the board and the superintendent.

Policy Revised: 3/18/80  
Revised: 12/15/81  
Revised: 4/26/82  
Revised: 6/21/88  
Revised: 1/21/92  
Revised: 5/18/99  
Revised: 6/15/10

ADMINISTRATION**Montville Leadership Team Evaluation Process**

The following is the process and timeline for the annual evaluation of the Montville Superintendent of Schools as adapted from Success Strategies for Leadership Team Evaluation: Board of Education and Superintendent of Schools available at [http://www.cabe.org/uploaded/School\\_Board\\_Service/LEADERSHIPTEAMEVALUATION\\_10\\_15\\_07.pdf](http://www.cabe.org/uploaded/School_Board_Service/LEADERSHIPTEAMEVALUATION_10_15_07.pdf). The recommended Leadership Team meetings can and should be conducted in Executive Session because they pertain to Board of Education Self-Evaluation and Personnel.

***Legal Considerations: Executive Session and Freedom of Information Act (FOIA)***

The Connecticut Freedom of Information law allows for the discussion in executive session of “personnel matters,” which includes “the appointment, employment, performance, evaluation, health or dismissal of a public official or employee, provided that such individual may require that discussion be held at an open meeting” (Connecticut General Statute Section 1-200(6)). Under this provision the superintendent’s evaluation, as well as the performance of one or more Board of Education members, are appropriate topics for executive session. District goals, procedures, policies and data are NOT appropriate subjects for executive session under the FOI law. All votes must be taken in public – only discussion can occur in executive session.

**Note:** Based on court decisions in Connecticut, written evaluation documents are likely to be deemed public records subject to disclosure. ***Such written evaluation documents subject to public disclosure would include any draft evaluation that is circulated among the board members.***<sup>1</sup>

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<sup>1</sup> Sometimes, board members mistakenly believe that they can discuss draft documents and those documents will be exempt from public disclosure as “preliminary drafts or notes” under Conn. Gen. Stat. Section 1-210(b)(1). However, subsection (e) of Section 1-210(b) provides that any drafts that are circulated and are thus a part of public agency decision-making are not exempt as “preliminary drafts or notes”:

“(e) Notwithstanding the provisions of subdivisions (1) and (16) of subsection (b) of this section, disclosure shall be required of: (1) Interagency or intra-agency memoranda or letters, advisory opinions, recommendations or any report comprising part of the process by which governmental decisions and policies are formulated, except disclosure shall not be required of a preliminary draft of a memorandum, prepared by a member of the staff of a public agency, which is subject to revision prior to submission to or discussion among the members of such agency.”

Sample motion: "I move that the Board of Education go into executive session for discussion of a personnel matter – the evaluation of the superintendent. In addition to the board members, the Superintendent will be attending executive session."

### **Recommended Evaluation Process**

#### **Beginning of New Evaluation Year Meeting – July**

**Topic 1:** The district Leadership Team (Board of Education and Superintendent) meets to discuss goals and objectives. This structured conversation is intended to serve as a goal / priority setting session for the district's Leadership Team for the upcoming school year. The Board of Education is also advised to discuss its plan for self-evaluation during this session.<sup>2</sup>

**Topic 2:** This Executive Session also provides the Board of Education with an opportunity to candidly discuss with the Superintendent his/her performance evaluation: *e.g.*, personal and professional goals and opportunities; Superintendent's evaluation criteria and evaluation process; Superintendent's Year in Review format; and other relevant topics.<sup>3</sup>

#### **Mid Year Evaluation Meeting – January**

**Topic 1:** It is recommended that Leadership Team meets again to informally discuss goals and objectives. Any discussion of district goals must be held in public. This structured conversation is intended to serve as a goal/priority setting session for the district's Leadership Team for the coming year.

**Topic 2:** This Executive Session also provides the Board of Education with an opportunity to candidly discuss with the Superintendent his/her performance evaluation, *e.g.* personal and professional goals and opportunities, Superintendent's evaluation criteria and evaluation process and other relevant topics. The purpose of this informal feedback session is to assess

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<sup>2</sup> This discussion is not privileged to executive session. That privilege ("discussion concerning the . . . evaluation . . . of a public officer or employee") is qualified as having to pertain to "a public officer or employee." The self-evaluation of the Board of Education as a whole is the evaluation of the operation of a public entity. Neither the discussion of the goals of the leadership team nor the discussion of the self-evaluation of the Board of Education is privileged to executive session.

<sup>3</sup> The Freedom of Information Commission can be hyper-technical, and it is advisable always to talk in terms of discussing the evaluation, not of discussing topics related to the evaluation. Many years ago, the FOIC found a violation when the Cromwell Board of Education met in executive session to discuss the format of the Superintendent's evaluation (as opposed to the evaluation itself). Of course, I thought that the distinction drawn was illogical because the format of the evaluation could be affected by perceived strengths or weaknesses in the Superintendent's performance. However, I would be concerned that the Commission could make a similar ruling today.

the Superintendent's midyear performance and provide him/her with an opportunity to properly respond to any Board of Education concerns and avoid unnecessary performance evaluation "surprises" at year's end.

### **End of the Year Evaluation Meeting – May**

**Topic 1:** The Superintendent and Board of Education should convene in executive session to participate in an assessment activity, which focuses upon the performance of the individual members of the Leadership Team, including whether and how-goals and priority objectives have been successfully accomplished and/or addressed. Included in this discussion should be any mitigating circumstances / unexpected challenges that have arisen since the Mid-Year Evaluation Meeting that may have compromised the accomplishment of goals and objectives and thus affected the performance of the members of the Leadership team.<sup>4</sup>

**Topic 2:** This recommended meeting should also serve as an opportunity for the Superintendent to share a confidential "Year in Review" self-assessment with the Board of Education. This self-assessment will be supplemented by a formal narrative established during the Beginning of the Year Meeting, **with the understanding that any such written documentation would not be confidential.** This document serves as evidentiary documentation regarding the Superintendent's job performance and should aid the Board of Education in completing a comprehensive and fair evaluation of the Superintendent.<sup>5</sup>

### **Board of Education Evaluation of the Superintendent – May/June**

The Board of Education conducts the evaluation of the Superintendent of Schools according to Board of Education Policy in Executive Session ***unless the Superintendent exercises his/her statutory right to require that such discussion be held in open session.***<sup>6</sup> It is recommended that there be no prior sharing of written performance evaluation commentary (hard copy or electronic) among Board of Education members prior to the Executive Session. The result of the Board of Education's Executive Session discussion regarding the Superintendent's performance should be a draft performance evaluation of the Superintendent of Schools.<sup>7</sup>

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<sup>4</sup> In general, discussion of Board goals or unexpected challenges faced by the district (including the Superintendent) would not be privileged to executive session. However, a discussion of the performance of individual members of the Leadership Team can include a discussion of the factors that affect their performance.

<sup>5</sup> All documents related to the evaluation of the Superintendent are public records unless there is another specific exemption from disclosure (e.g., attorney-client communications, medical information).

<sup>6</sup> This may go without saying, but I bring this fact to your attention.

<sup>7</sup> As explained above in footnote 1, any document relating to the evaluation of the Superintendent, including this draft evaluation, would be a public document.

### **Meeting with the Superintendent Regarding Draft Evaluation – June**

A meeting *in Executive Session* should be scheduled by the Board of Education between the Superintendent and the Board of Education, according to Board of Education Policy. The purpose of this follow-up meeting is to share and discuss the Board of Education's draft evaluation with the Superintendent. This session serves as a final opportunity for candid discussion between the Board of Education and the Superintendent prior to the completion of the formal performance evaluation.

### **Formal Evaluation of the Superintendent – June**

The formal performance evaluation is completed and presented to the Superintendent of Schools by a representative(s) of the Board of Education according to Board of Education Policy. It is important to note that the Board of Education's performance evaluation of the Superintendent of Schools is a public document and subject to FOIA. A copy of the Superintendent's performance evaluation must also be placed in the Superintendent's official personnel file.

**Montville Public Schools**

**Leadership Team Evaluation Process and Timeline Flowchart**

<p style="text-align: center;"><b>Beginning of New Evaluation Year Meeting</b> <b>July Retreat</b> <b>(Meeting to be conducted in executive session)</b></p> <p>Topic 1: Leadership Team Goal / Priority Setting</p> <p>Topic 2: Superintendent's Professional Goals and Objectives</p>
<p style="text-align: center;"><b>Mid-Year Evaluation Meeting</b> <b>January</b> <b>(Meeting to be conducted in executive session)</b></p> <p>Topic 1: Informal Leadership Team discussion regarding progress on goals and objectives</p> <p>Topic 2: Targeted informal feedback provided to Superintendent regarding his/her performance</p>
<p style="text-align: center;"><b>End of Year Evaluation Meeting</b> <b>May</b> <b>(Meeting to be conducted in executive session)</b></p> <p>Topic 1: Self-assessment of individual members of the Leadership Team, including a discussion about goal attainment and handling of unanticipated challenges.</p> <p>Topic 2: Superintendent presents "year in review" self-assessment to Board of Education regarding his/her performance.</p>
<p style="text-align: center;"><b>Board of Education Evaluation of the Superintendent</b> <b>June BOE Meeting</b> <b>(Meeting to be conducted in executive session)</b></p> <p>Board of Education evaluates the Superintendent's job performance. A draft evaluation based on the consensus of the BOE is developed during this meeting.</p>
<p style="text-align: center;"><b>Formal Evaluation of the Superintendent</b> <b>June</b></p> <p>Formal evaluation is completed and presented to the Superintendent of Schools by a representative(s) of the Board of Education as per policy.</p> <p><b>Note: Superintendent's Evaluation is a public document subject to FOIA.</b></p>









