

1BOARD POLICY 2140: EVALUATION OF THE SUPERINTENDENT

Comparison Chart

Section: Administration

SUMMARY OF UPDATE

Summary of Update: Policy updated to provide that the responsibility for determining the criteria, schedule, method(s), and instrument(s) for superintendent evaluation rests with the board, although input may be sought from the superintendent. Updated policy clarifies that, although the evaluation may be discussed in closed session, the law does not permit discussion or action on any proposed change in compensation during closed session, with limited exceptions. Policy also reflects court decision holding that personal performance goals are not subject to disclosure to the public unless they are specifically stated in the employment contract.

PARA	Section	Sub-Section	May 8, 2012 CURRENT VERSION	July 2017 REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
1			<p>The Governing Board recognizes that, in order to effectively fulfill its responsibilities for setting direction, ensuring accountability, and providing community leadership for the district, it must adopt measures for holding the Superintendent accountable. At a minimum, the Board shall annually conduct a formal evaluation of the Superintendent's performance to assess his/her effectiveness in leading the district toward established goals. In addition, the evaluation process may include opportunities during the year for review of the Superintendent's progress toward meeting the goals. The evaluation shall be in accordance with the provisions of the Superintendent's contract and any applicable Board policy.</p>	<p>The Governing Board recognizes its responsibility to establish an evaluation system that enables a fair assessment of the Superintendent's effectiveness in leading the district toward established goals, serves to support his/her continued growth in leadership and management skills, and provides a basis for Board decisions regarding contract extension and compensation. The Board shall annually conduct a formal evaluation of the Superintendent's performance and may provide additional opportunities throughout the year to review the Superintendent's progress toward meeting established goals.</p>	<p>CSBA NOTE: The following optional policy should be revised to ensure consistency with specific evaluation provisions in the Superintendent's contract. Information and training on effective superintendent evaluation are available through CSBA's Governance Consulting Services.</p>
				<p>The Board shall determine, with the Superintendent's input, the criteria, schedule, method(s), and instrument(s) to be used for the Superintendent's evaluation. Evaluation</p>	<p>CSBA NOTE: In Duval v. Board of Trustees, the court held that a board could meet in closed session to select the criteria for the superintendent's evaluation, establish a fact-</p>

			criteria shall include, but are not limited to, district goals and success indicators; educational, management, and community leadership skills; and the Superintendent's professional relationship with the Board.	gathering mechanism, and designate particular areas of emphasis because these actions might reflect the board's initial perception of the superintendent's performance since the last evaluation. District legal counsel should be consulted with questions regarding the permissible scope of closed session discussions regarding superintendent evaluation.
2		Evaluation criteria shall be agreed upon by the Board and Superintendent prior to the evaluation and shall include, but not be limited to, district goals and success indicators; educational, management, and community leadership skills; and the Superintendent's professional relationship with the Board.	Delete	
3		The Board and Superintendent shall jointly determine the evaluation method(s) and schedule that will best serve the district and the structure and format of the instrument to be used.	Delete	
4		Prior to the evaluation, the Superintendent shall provide to the Board for its review a report of progress toward district goals, the Superintendent's self-appraisal of accomplishments and performance, and a statement of actions taken to address any Board recommendations from the previous evaluation.	No change	
5		Each Board member shall independently evaluate the Superintendent's performance. Based on these individual evaluations, the Board president shall produce a document that summarizes the individual evaluations. The Board shall then take action on this	Each Board member shall independently evaluate the Superintendent's performance based upon the evaluation criteria, after which the Board shall produce a single document that integrates the individual	CSBA NOTE: Typically, each Board member individually evaluates the Superintendent and those individual evaluations are then summarized into one document. In some districts, the Board president is given the authority to develop this composite document

		document and present it to the Superintendent for his/her response.	evaluations and represents the consensus of the Board.	while, in others, the Board appoints a subcommittee or another Board member to develop it. The full Board takes action on the composite document that is provided to the Superintendent. The following paragraph is optional and may be modified to reflect district practice.
6		The evaluation shall provide commendations in areas of strength and achievement, provide recommendations for improving effectiveness in areas of concern and unsatisfactory performance, and serve as a basis for making decisions about salary increase and/or contract extension.	The evaluation shall provide commendations in areas of strength and achievement and recommendations for improving effectiveness in any areas of need, concern, or unsatisfactory performance.	
7		The Board shall meet in closed session with the Superintendent to discuss the evaluation.	No change	CSBA NOTE: Pursuant to Government Code 54957, the Board and Superintendent may meet in closed session to discuss the Superintendent's evaluation, but must not use the public employee performance evaluation exception for discussion or action on any proposed change in compensation other than a reduction in compensation that results from the imposition of discipline. In addition, the Board may meet in closed session with its negotiator pursuant to the labor negotiations exception to discuss any proposed change in compensation for unrepresented employees, including the Superintendent. See BP 2121 - Superintendent's Contract and BB 9321 - Closed Session Purposes and Agendas.
8		The Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional evidence of his/her performance or district progress.	At this meeting, the Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional information regarding his/her performance or district progress.	

				The discussion shall include the establishment of performance goals for the next year and may identify professional development opportunities for the Superintendent and/or the entire governance team to address areas of concern, strengthen the relationship between the Superintendent and Board, or enhance the Superintendent's knowledge of current educational issues and leadership and management skills.	
9			After the Board and Superintendent have discussed the evaluation, the Board president and Superintendent shall sign the evaluation and it shall be placed in his/her personnel file.	After the Board and Superintendent have discussed the evaluation, the Board president and Superintendent shall sign the evaluation and it shall be placed in the Superintendent's personnel file. The evaluation, including personal performance goals, shall be confidential to the extent permitted by law.	CSBA NOTE: This paragraph may be revised to reflect district practice. In <i>Versaci v. Superior Court</i> , the court of appeals held that, if the Superintendent's personal performance goals are not incorporated into his/her employment contract, then they are not subject to disclosure under the California Public Records Act (Government Code 6254.8). According to the court's ruling, a general statement in the contract referring to goal setting in conjunction with performance evaluations does not clearly and unequivocally evidence the parties' intent to incorporate the future goals into the contract.
10			At the open session after the Superintendent's evaluation or at a subsequent meeting, the Board and Superintendent shall jointly identify performance goals for the next year.	Delete	

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