

Guidelines
for
Conducting the Superintendent's 2009-2010
Annual Performance Evaluation

4 August 2010

I. INTRODUCTION

The evaluation of the Superintendent provides an opportunity for the School Committee and Superintendent to review, on a regular basis, the status of the school system and the roles and responsibilities of the School Committee and the Superintendent. It serves to inform the Superintendent of the committee's expectations. It promotes a dialog that allows both the committee and the Superintendent to assess performance and to identify areas needing improvement. It improves the Superintendent/School Committee communications which helps build a better relationship, and it improves planning.

Superintendent evaluations provide an opportunity to assess the performance of the Superintendent but they should also do much more than that. They provide an opportunity to evaluate the condition and direction of the school district. School Committees should not assume that the Superintendent is solely responsible for the successes and failures of their school district.

As in the last three years, the evaluation focuses on eight Core Competency categories that capture a widely held view of the scope of superintendent responsibilities. It is derived from the Massachusetts Association of School Committees (MASC) Superintendent Evaluation Guideline of 2005, with enhancements to incorporate recommendations found in other publications and practices successfully employed in other districts. This year's evaluation also focuses on the Superintendent's five Major Goals which were agreed to last year by the Committee in conjunction with the Superintendent.

II. CHANGES TO THIS YEAR'S PROCESS

Due to Open Meeting Law changes effective 1 July 2010, the Committee's method for conducting and documenting the Superintendent's evaluation has changed. In accordance with the recommendation of our legal counsel, we will take the following actions to comply with the 2009 amendments to the Open Meeting Law and the Superintendent's employment contract:

1. The School Committee will deliberate over the Superintendent's evaluation in a public meeting. All discussion concerning his professional competence must be held in public.
2. The School Committee will prepare the Superintendent's evaluation in the public meeting, as there no longer appears to be a basis to convene in executive session to do so. The Educational Programs & Personnel subcommittee chair will lead a discussion relative to the eight core competency items and five goals in public session. Members will be asked for specific commendations for performance in the area over the past year and recommendations for betterment. The chair will ask the members to provide their numerical rating of the Superintendent's performance only after the discussion by all members on that item is complete. The recording secretary will compile the ratings and comments and craft a draft final evaluation report following the meeting. This enables the secretary to review the tape of the meeting, if necessary, to ensure that her compilation of the numerical and narrative ratings is accurate. The draft final evaluation report will

be distributed to members prior to our next meeting, so that the members also would have time to review the document. Finally, the members will discuss, edit and then vote on a motion to approve the resulting evaluation report at that next public meeting.

3. Our legal counsel continues to advise committee members against producing individual assessments, notes or draft evaluations of the Superintendent's performance for use in preparing his final evaluation. She states such documents are not required as a practical matter or by law, and feels the School Committee has had an ample opportunity to familiarize itself with the evaluation instrument. By not producing such documents, committee members would give effect to the intent of the provision of the Superintendent's contract protecting the confidentiality of such materials ("written evaluations shall be available to the public upon request, provided that members' individual assessments will be maintained as confidential, to the extent permitted by law"). If such materials are produced and brought to the public meeting or are provided to the School Committee chair or chair of the Personnel Subcommittee for use in preparing the final evaluation report, the materials would be subject to public disclosure upon request.

III. CORE COMPETENCIES EVALUATED

A. Relationship with the School Committee

The School Committee relies on the Superintendent in order to make informed decisions that will affect the quality of education for the public school children in our community. In order to promote a climate of mutual respect and trust, a professional working relationship should be maintained. The Superintendent should establish clear direction for the School Committee meetings by providing agendas and support materials that allow for reasonable policy formation and informed decision making. It is expected that the Superintendent will support and implement School Committee policies and directives and effectively communicate these to the students, staff, and members of the community.

B. Community and Public Relations

Public awareness is the cornerstone for support of education in our community. The Superintendent should insure that staff, students, parents, and the community are kept informed of the mission and the accomplishments of the school system and made to feel their involvement is valued. A strong, positive posture is needed in building support for the school system and to achieve community understanding of the community, parental and financial support required for the desired functioning of the schools. The Superintendent should work effectively with other town departments and officials, community leaders, and local agencies and also develop community outreach through the news media and other mechanisms.

C. Personnel Management

The Superintendent is responsible, either directly or indirectly, for the hiring of all school personnel. Personnel decisions should be approached in a non-discriminatory and impartial manner. It is the Superintendent's responsibility to foster an environment conducive to excellence in education and to hold all personnel accountable for their roles and responsibilities. The Superintendent should be alert to issues that affect staff morale, should be actively concerned with a meaningful staff evaluation program, and should provide a balanced staff development program. The School Committee should be kept informed in appropriate matters of collective bargaining, performance standards, professional development, and grievances.

D. Educational Leadership

The focus of decisions must address the needs of all students. In order to provide effective leadership, the Superintendent should keep abreast of the latest developments in the field of education. Curriculum evaluation and development, professional evaluation and development, inspiring others to meet highest professional standards, and student assessment should all be considered in the formulation of short and long range goals and objectives.

E. General Management

The Superintendent has the responsibility for the efficient operation of the school system. The response of those assigned the task of carrying out the activities necessary to the success of the system depend on having an awareness of the goals and objectives of the system. The Superintendent is expected to provide the leadership to the School Committee in the development of these goals and objectives. It is important that the Superintendent is familiar with and has a strong understanding of state and federal laws, Department of Education regulations, and School Committee policy.

F. Facilities and Furnishings Management

The Superintendent is responsible for providing adequate facilities and furnishings to support the educational mission of the school system. The Superintendent directs the maintenance of buildings and grounds, provides for the security and safety of persons and property, and plans for and oversees modifications, renovations and expansions of educational facilities. The Superintendent also oversees the provisioning of school furnishings and supplies, including text books and technology.

G. Budget Management

The School Committee has the responsibility of approving the budget and the Superintendent has the responsibility to present that budget to the School Committee in a manner that promotes their full understanding. The budget should take into consideration the needs of the entire system based on a formal assessment process. The need to promote the school system and gather community support for school finances is an integral component of the budget process. Upon adoption, the Superintendent implements the approved budgets through effective use of budget forecasting, accounting and control systems.

H. Personal Qualities and Characteristics

It is expected that the Superintendent maintain high standards of ethics, honesty, and integrity in personal and professional matters and, at all times, represent the school system in a professional manner. The Superintendent should encourage open communication with staff, administrators, community representatives, and school committee members. The Superintendent is flexible, creative, and shows initiative in leading constructive change.

Core Competency Rating

Core Competencies are rated using the following scale:

4 – OUTSTANDING

3 – GOOD

2 – AVERAGE / NEUTRAL

1 – NEEDS IMPROVEMENT

0 – UNACCEPTABLE

IV. GOALS EVALUATED

1. Finalize the Strategic Plan with a focus on academic excellence and with the intent of making the Melrose Public Schools among the top districts in the state.

- Who is involved? Administrators, School Committee members, staff, parents, students, community members, other stakeholder groups as determined by the Superintendent, and the consultant.
- What is the desired outcome? To create a roadmap for the district for the next five years.
- Proficiency level: The Plan reflects the opinions, ideas and input of all stakeholders and the results are specific, achievable and measurable.

2. Finalize a systematized communication plan to achieve information sharing in our community related to the achievement of academic excellence.

- Who is involved? Administrators, School Committee members, parents, community members, volunteers, local media, the mayor's office, staff, students, and other stakeholder groups as determined by the Superintendent.
- What is the desired outcome?
 - * The community understands the vision, mission, goals/objectives, initiatives, implementations, successes/challenges and plans to improve the Melrose Public Schools.
 - * The community understands how to communicate with school administration.
 - * Technology and media relations feature prominently in the plan.
- Proficiency level: The Plan reflects a partnership between and among stakeholders so that a balance of information sharing is achieved and trust and support between and among the district and the community is shared.

3. Finalize a comprehensive plan designed to identify, recruit, hire, develop, and retain high quality staff as they are key to academic excellence.

- Who is involved? Administrators, teachers, and other stakeholder groups as determined by the Superintendent.
- What is the desired outcome?
 - * Well-informed, motivated educators want to teach in Melrose.
 - * Staff members are inspired to learn and grow professionally for the benefit of students, with administration supporting individual career growth and district succession planning to the extent possible.
 - * Development and collaborative opportunities reflect district teaching and learning goals.
 - * High quality educators reside in an educational community of like-minded staff, consistently executing best teaching practices in a supportive, engaging and inspiring climate.
- Proficiency level: The Plan showcases the district's dedication to, and demand for, high standards of teaching and learning.

4. Implement the K-8 Meeting the Needs of All Learners program, supporting academic excellence for each and every student.

- Who is involved? Administrators, parents, teachers, and other stakeholder groups as determined by the Superintendent.
- What is the desired outcome? Each individual student is supported and challenged in order to reach his/her full academic potential.
- Proficiency level: The program incorporates a focus on individual student learning and improvement, with consistency across the district, and with vigilance toward improved student achievement.

5. Develop a plan to infuse the curriculum of the Melrose Public Schools with technology in support of academic excellence.

- Who is involved? Administrators (including, but not limited to, principals and the Curriculum Director), the Melrose Technology Director and staff, teachers, parents, and other stakeholder groups as determined by the Superintendent.
- What is the desired outcome? All students will access, learn and master the information literacy and technological skills they need to evolve from a content-based learning environment to an inquiry based learning environment with the intention of graduating students who are prepared to successfully navigate post-secondary challenges that incorporate a solid technological foundation.
- Proficiency level: The Plan reflects a dedication to using current (and exploring evolving) highquality technological resources and materials, and setting and measuring expectations and results in the interest of improving student learning outcomes.

Goal Rating

In order to appropriately assess accomplishment of the goals, a score will be assigned by Committee members for each “How is Progress Measured” item. There will be two ratings, one for completion and one for performance, both on a 0 – 4 scale.

Completion:

- 4 - Fully completed
- 3 – Substantially completed
- 2 – Partially completed
- 1 – Substantially incomplete
- 0 – Not started

Performance:

- 4 – Outstanding
- 3 – Good
- 2 – Average/Neutral
- 1 – Needs improvement
- 0 – Not satisfactory

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July 30, 2010

M E M O R A N D U M

To: Margaret Driscoll, Chair
Melrose School Committee

From: Mary Jo Hollender, Esquire
Labor Counsel

Re: Superintendent's Evaluation

This memorandum updates the information and recommendation that I provided to the Melrose School Committee in May, 2010 relative to the procedures to be followed in evaluating the Superintendent of Schools, following the Supreme Judicial Court's decision in District Attorney for the Northern District v. School Committee of Wayland, 455 Mass. 561 (2009).

In that memorandum, I recommended that the School Committee meet in open session to deliberate over the Superintendent's evaluation, utilizing the performance criteria set forth in the evaluation instrument. After discussing the Superintendent's performance in public, I recommended that the School Committee then should convene in executive session for the purpose of jointly preparing an evaluation report. I advised that it was not necessary for the School Committee members to produce individual assessments of the Superintendent's performance for use in preparing a draft report, although, if produced, such documents would be exempt from public disclosure under the Public Records Law, the Supreme Judicial Court's decision in the Wayland case and in Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 292 (2000), and the Superintendent's employment contract. Finally I noted that the law also protected the confidentiality of the Superintendent's final evaluation report; however, because the Superintendent had consented in his contract to its release, the final evaluation report should be made available to the public upon request.

As I noted, my advice was limited to the period prior to July 1, 2010, when the 2009 amendments to the Open Meeting Law took effect. Under the 2009 amendments, **the School Committee still is required to conduct the Superintendent's evaluation in a public meeting.**¹

¹ If the discussion relates to the Superintendent's reputation, character, health, or any complaints or charges against him, as opposed to his professional competence, the School Committee may convene in executive session; however, the Superintendent must be given forty-eight hours

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The evaluation instrument still is a public record. It is my understanding that the document has been distributed to all School Committee members so that they may review it in preparation for the open meeting at which the Superintendent's performance will be discussed.

The 2009 amendments to the Open Meeting Law appear to have changed the status any draft and final evaluation created by the School Committee. Specifically, the Open Meeting Law now provides as follows:

“The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.”

G.L. c. 30A, §22(e). Under this provision, it is clear that **the final evaluation prepared by the School Committee is subject to public disclosure** because it is “created by members of the body.”

Similarly, **there is no exemption from disclosure for any individual assessments, notes or draft evaluations that are created by School Committee members and are used at the meeting in preparing the Superintendent's evaluation.** It is not clear, however, whether any individual assessments or draft evaluations that are created by School Committee members, forwarded to the Chair to be compiled into a draft final evaluation, but not brought to the meeting at which the evaluation is discussed, are

written notice of the executive session, is entitled to be present during such discussions, has the right to representation, etc.

exempt from disclosure. The Division of Open Government in the Attorney General's Office has not yet taken a position on this question; however, I
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am informed that it may consider such documents to be "used at the session," by virtue of having been used to prepare the draft evaluation that is brought to the meeting.

Finally, it appears that the procedure for preparing the final evaluation report that the Supreme Judicial Court outlined in the Wayland case no longer is valid under the 2009 amendments to the Open Meeting Law. As noted, in the Wayland case the Court stated that "When the school committee reached the state of deliberations where the preparation and drafting of the written performance evaluation was imminent, it should have voted to adjourn to an executive session under G.L. c. 39, §23B(7), which allows a governmental body to meet in executive session to comply with the provisions of any general or special law, here, the public records law [which exempts personnel records, including evaluations, from public disclosure]." 455 Mass. 561, 569. Because the School Committee's evaluation of the Superintendent now is considered to be a public record that is subject to disclosure, **there no longer is a permissible basis for the School Committee to meet in executive session to discuss its preparation and drafting.**

Recommendation: In light of the foregoing, I recommend that the School Committee take the following actions to comply with the 2009 amendments to the Open Meeting Law and the Superintendent's employment contract:

1. I continue to recommend that the School Committee deliberate over the Superintendent's evaluation in a public meeting. All discussion concerning his professional competence must be held in public.
2. I recommend that the School Committee prepare the Superintendent's evaluation in the public meeting, as there no longer appears to be a basis to convene in executive session to do so. This can be done in a variety of ways.

One way would be for the chair to lead a discussion relative to the evaluation factors or criteria in order of their appearance on the evaluation instrument in public session. The chair could ask the members to provide their numerical and narrative ratings of the Superintendent's performance after the discussion of each item is complete. The recording secretary could compile the ratings and craft a draft final evaluation report following the meeting. This would enable the secretary to review the tape of the meeting, if necessary, to ensure that her compilation of the numerical and narrative ratings is accurate. The draft final evaluation report then could be distributed to members prior to the next public meeting, so that the members also would have time to review the document. Finally, the

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members could discuss, edit and approve the final draft evaluation report at the next public meeting.

If the draft final evaluation report were distributed to the members in this way, they should be reminded not to engage in any substantive discussions with one another concerning the document outside of the public meeting. The draft final evaluation report would be a public record that would have to be disclosed upon request; however, the document should be clearly marked “Draft – This Document Has Not Been Reviewed or Approved by the School Committee.”

3. I continue to advise members against producing individual assessments, notes or draft evaluations of the Superintendent’s performance for use in preparing his final evaluation. Such documents are not required as a practical matter or by law, and I am informed that the School Committee has had an ample opportunity to familiarize itself with the evaluation instrument. By not producing such documents, the members would give effect to the intent of the provision of the Superintendent’s contract protecting the confidentiality of such materials (“written evaluations shall be available to the public upon request, provided that members' individual assessments will be maintained as confidential, to the extent permitted by law”). If such materials are produced and brought to the public meeting or are provided to the School Committee chair or chair of the Personnel Subcommittee for use in preparing the final evaluation report, the materials would be subject to public disclosure upon request.

I hope that this update will be helpful. If you have any questions about this matter, please let me know.