Evaluating the superintendent’s performance (Part 2)

By Sandy Gundlach, MSBA Director of School Board Services

MSBA continues to recommend that school boards avoid using “360-degree evaluations” to evaluate their superintendents. Typically, 360-degree evaluations are tools used to gather information from a variety of individuals (such as subordinates, peers, parents, students, and members of the public) to be used by school boards to determine their superintendents’ strengths and/or areas in need of improvement. While advocates of such evaluations may believe that non-board members’ evaluations are beneficial as one of several information sources, concerns exist relative to governance, the Open Meeting Law, data privacy, and past practices. MSBA’s reasons for rejecting 360-degree evaluations are provided below.

**Governance:** The school board, as a body, is the hiring authority. Because the school board employs and directs the superintendent, the school board is the entity responsible for evaluating the superintendent’s performance. School district staff and community members are not responsible for hiring or directing the superintendent. They do not possess all of the information about the entire school district needed to effectively judge the superintendent’s performance, and the school district’s staff is directed and evaluated by the superintendent — not the other way around.

**Open Meeting Law:** School boards, unlike boards of private entities, are subject to Minnesota’s Open Meeting Law. When 360-degree evaluations are used, respondents often take the opportunity to vent their frustrations about the superintendent’s (or other employees’) performance, and performance data is protected data which cannot be discussed in an open meeting. The school board is then expected to address those negative comments at an open school board meeting, and, if it does not do so, respondents may be disappointed, and unnecessary conflict may result.

**Data privacy:** Another factor to consider is data privacy. The superintendent’s evaluation, like any evaluation, generates private, personnel data that are intended for the hiring and supervising authority (the school board) and superintendent only. The data that are created by the 360-degree evaluations are considered to be government data, and, as noted above, if a respondent includes comments about the superintendent’s performance, the comments may be classified as private, personnel data. If so, the school board must protect the privacy of that information. In addition, some respondents may take the opportunity to vent about other school district employees, which may create additional private data that must also be protected.

**Past experience:** in situations where 360-degree evaluations are helpful, the superintendent — not the school board — controls the process. The information gleaned from the evaluations is used for personal reflection and self-improvement. The superintendent decides whether to share the evaluation results with the school board. If a positive school board-superintendent relationship exists, the 360-degree evaluation may be viewed as useful; conversely, if problems exist, the evaluation will likely make matters worse. Newly hired superintendents are often expected to use the 360-degree evaluation process that was developed for the previous superintendent, even though the priorities and performance expectations have changed.
Ultimately, the evaluation of a new superintendent must be determined by the school board working with that superintendent based on the superintendent’s goals and the school board’s expectations.

Resolving Differences Between the School Board and the Superintendent

School boards would be wise to adopt a procedure that allows them to attempt to resolve any differences that may arise between them and their superintendents.

Hopefully, the procedure, which must comply with Minnesota laws including M.S. 123B.143, Subd. 1, will allow for differences — including perceived unsatisfactory performance — to be addressed sooner rather than later. The steps to resolving the differences between a school board and its superintendent provided below have been taken from Chapter 3 of the MSBA Service Manual.

1. A designated member of the school board should informally discuss the issue(s) with the superintendent to facilitate articulation and recognition of the problem(s).

2. If the informal discussion does not result in agreement or resolution of the problem(s), the school board and the superintendent should then seek outside advice, including contacting their respective professional organizations. This step is aimed at resolving differences without resorting to formal proceedings or legal involvement.

3. If the involvement of outside resources still does not result in agreement or satisfactory performance after a reasonable time, the school board should inform the superintendent in writing, specifically outlining the deficiency or deficiencies and allow him/her a reasonable time during which to produce a remedy or remedies after consultation with and advice from the school board. Such consultation and advice should represent positive efforts by the school board to support and assist the superintendent’s remedial actions.

4. If the issue is still not resolved and termination of the employment contract appears to be the only solution, then both the school board and its superintendent should seek legal counsel for advice regarding appropriate action.

Following these steps for superintendent evaluation can assist school boards in developing and maintaining effective and positive relationships with their superintendents.

Note: This is Part 2 of Sandy Gundlach’s “Evaluating the superintendent’s performance” article. See the October 3 edition of The Leader for Part 1.