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ABSTRACT

This two-part survey, devised by the California School Boards Association, is designed to provide an assessment of school district needs and to assist a board of education in setting priorities for evaluation of the district superintendent. The first part, which evaluates the status of the district, includes questions relating to administrative organization, curriculum and instruction, community relations, and other aspects of school district operation. Part II, which is intended to measure administrator characteristics, deals with the superintendent's relation to the board, his or her educational leadership and personal qualities, handling of business and finance, and other aspects of the superintendent's role. The appendix to this volume contains the California attorney general's opinion that the school board of a district can legally meet in executive session to evaluate its superintendent. (Author/DS)

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**EVALUATION OF A SUPERINTENDENT**  
(Guidelines to Assist School Board Members in Planning and in Evaluation)

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## PART I — STATUS OF THE DISTRICT

The Survey in Part I should be considered as guidelines designed to:

- Provide an assessment of district needs
- Assist a board in setting priorities for evaluation

This activity establishes the foundation upon which the superintendent can be assessed and should, therefore, be done prior to the actual evaluation.

An examination of this section will illustrate the complexity and breadth of the task that is being undertaken. Because of this, it is necessary to limit the scope of the planning, priority setting and evaluation that can be undertaken at any one time.

### DIRECTIONS

1. Each board member should independently mark each item. A "1" would indicate an area of highest priority to you — major additional effort needs to be devoted to this, while a "2" would be an area requiring additional effort — do something more than is presently being done. A "3" would represent a lower priority task — enough is being done, but keep on top of it, and a "4" means the lowest priority — stop concentrating major effort in this area.
2. The superintendent should also indicate what the priorities should be. The superintendent should be encouraged to involve other staff members in developing recommended priorities.
3. Based on the responses of each board member and the superintendent, the board should decide their consensus opinion on what the priority items of the superintendent should be and make any modifications that the board deems necessary. Because of the sensitive nature of evaluation, boards may wish to discuss some elements in executive session. (See Appendix A.)
4. In executive session, if necessary, explain the thinking of the board to the superintendent. Ask the superintendent to prepare specific objectives with a timeline for completing the various high priority projects. In this way, the board will be setting up "success criteria" for a fair and reasonable evaluation. This is critical and should be done at the beginning of the evaluation period.
5. The board should take formal action to approve the set of objectives to be used as the basis for evaluation.

In working with the priority worksheets, you will note the comprehensiveness of the items. Care should be taken by the board in establishing a reasonable workload for the superintendent in any given year.

At the end of the evaluation period, the board should have objective, measurable evidence to show satisfactory completion of the mutually agreed-upon success criteria, and should once again use a four part rating scale to assess how well the tasks were completed.

A sample evaluation schedule might include the following:

- Objectives completed and approved by the Board by October 1
- Report to the public on progress by June 1
- Executive session evaluation of superintendent by June 15
- Board action for any modifications of superintendent's contract by July 1.

Other evaluation schedules may be determined in the final year of a contract so that if the board decides to terminate the contract, it can give written notice by December 31, in accordance with the law. CSBA also has a booklet entitled *Recruiting and Selecting a New Superintendent* which may be purchased for \$3 per copy, including tax and handling charges.

For assistance in using this document or for further information, please contact:

Instructional Services Division  
California School Boards Association  
800 Ninth Street, Suite 201  
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## PART I — STATUS OF THE DISTRICT

Mark your individual priorities in the appropriate left-hand side column. After completion, the summary of board member responses can be summarized in the right-hand column.

Remember, use ratings as follows in planning priorities:

- 1 — Highest priority — major additional effort needs to be devoted to this
- 2 — Area requiring additional effort — do something more than is presently being done
- 3 — Lower priority task — enough is being done, but keep on top of it
- 4 — Lowest priority — stop concentrating major effort in this area

When assessing the superintendent at the end of the evaluation period, the following scale may be used:

- 1 — Outstanding job
- 2 — Successfully completed
- 3 — Acceptable progress
- 4 — Little progress made

YOUR CHOICE				<u>ORGANIZATION FOR THE ADMINISTRATION OF THE DISTRICT</u>	BOARD'S DECISION			
1	2	3	4		1	2	3	4
_____	_____	_____	_____	1. A plan for the administrative organization and structure of the entire school district has been devised which shows lines of responsibility and relationships. It provides for present and future needs of the district, and the board, superintendent, and staff are well informed concerning it.	_____	_____	_____	_____
_____	_____	_____	_____	2. There is a written statement which outlines the expectations of the board in regard to the role of the superintendent in relation to staff, community, and instructional program.	_____	_____	_____	_____
_____	_____	_____	_____	3. A policy exists which provides for consideration of promotion of personnel within the district as well as recruiting from outside the district.	_____	_____	_____	_____
_____	_____	_____	_____	4. The roles and responsibilities of staff members have been outlined.	_____	_____	_____	_____
_____	_____	_____	_____	5. The present administrative assignments encourage harmonious relationships among various segments of the school system.	_____	_____	_____	_____
_____	_____	_____	_____	6. There are regularly-scheduled meetings of the superintendent and the administrative staff.	_____	_____	_____	_____
_____	_____	_____	_____	7. Provision exists for direct two-way communication between central administration and the teaching and classified staff.	_____	_____	_____	_____
_____	_____	_____	_____	8. A detailed budget is provided for the administration and supervision of the entire certificated and classified staff.	_____	_____	_____	_____
_____	_____	_____	_____	9. Provision is made for periodic evaluation of the certificated and classified staff.	_____	_____	_____	_____

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

- 10. Assignments of teachers to grade and/or subject matter are based upon their competency to instruct at the assigned grade level and/or particular subject field.
- 11. Custodial and maintenance staff exists for the maintenance of school facilities as a part of the environment conducive to learning.
- 12. The business functions of the district are performed by qualified personnel.
- 13. Clerical help is provided to relieve professional staff of non-professional functions.
- 14. Inservice training for employees is provided.
- 15. An affirmative action policy, which applies to all employees, has been adopted.
- 16. An acceptable grievance policy has been adopted.

**CURRICULUM AND INSTRUCTION**

- 1. The community, students, administrators, teachers and other staff are involved in developing and updating the philosophy, goals, and objectives at the district level and at each school site.
- 2. Written board policy exists on the subject of:
  - a. Educational philosophy, goals, and objectives.
  - b. Teaching of controversial issues.
  - c. The selection of instructional materials.
  - d. The review of instructional materials, the use of which has been questioned by any individual or group.
  - e. Evaluation of programs and students on a periodic basis at the school district and site levels.
- 3. Time is provided at board meetings for the discussion of curriculum and instruction, including:
  - a. Planning.
  - b. Implementation.
  - c. Evaluation of programs.



**YOUR CHOICE**

1 2 3 4

**BOARD'S DECISION**

1 2 3 4

4. There is a plan for keeping the community informed concerning the program of instruction and plans for its improvement.

5. The district has designated an individual to provide a leadership role in the development and improvement of the instructional program.

6. Provision is made for staff involvement in the continuous development and improvement of the program of instruction.

7. The budget makes provision for the improvement of the instructional program through:

a. Adequate funds for supplies and instructional aids.

b. Teacher participation in curriculum revision by released time and/or compensation for extra time spent.

c. Provision for instituting pilot studies of experimental courses and new teaching techniques.

d. Provision for consultant services, when necessary.

e. Provision for library services.

f. Provision for media center.

8. The curriculum requirements of the Education Code have been met and/or exceeded.

9. Provision is made for the continuous appraisal and evaluation of the instructional program in terms of the district's goals and objectives through use of some of the following methods:

a. A testing program which measures pupil achievement.

b. Accreditation of secondary schools by appropriate accreditation agencies.

c. Professional consultants from outside the district.

d. Reports on graduates' performances.

e. Analysis of dropout rates and causes.

f. Trend analysis by subject area and grade level for each school site.

10. Provision is made for improving the quality of teaching through:

a. Inservice training based on district and staff needs.

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

- b. Analysis of the district's ability to recruit teachers. \_\_\_\_\_
- c. Analysis of the reasons for teacher and administrator turnover. \_\_\_\_\_
- d. Analysis of teacher and administrator assignment in conformance with competency. \_\_\_\_\_
- 11. There is a planned program to effect coordination of the instructional program between various grade levels and between elementary, high school, and college levels (vertical articulation), and between the various disciplines at the same grade level (horizontal articulation). \_\_\_\_\_
- 12. A system has been devised for the governing board to establish educational program priorities. \_\_\_\_\_
- 13. The governing board has established standards of expected student achievement at each grade level in each area of study. \_\_\_\_\_

**RESPONSIVENESS TO EACH LEARNER'S NEEDS AND ASPIRATIONS**

- 1. Provision is made for instructional process appropriate to the individual learner. \_\_\_\_\_
- 2. Alternative educational programs are available to students. \_\_\_\_\_
- 3. There is joint educational planning and evaluation by the teacher, student and parent. \_\_\_\_\_
- 4. Periodic student-teacher-parent conferences are held. \_\_\_\_\_
- 5. Students are granted and practice the fundamental rights which are expressed in the Constitution and laws. \_\_\_\_\_
- 6. An environment which maximizes student motivation for learning and individual expression has been established. \_\_\_\_\_
- 7. Students and parents are guaranteed access to the individual student's personal records. \_\_\_\_\_
- 8. Parent visitation and assistance to the instructional staff at school is encouraged. \_\_\_\_\_
- 9. Administrators and staff initiate and invite home-school contacts, and provide opportunities for parent input. \_\_\_\_\_
- 10. There is clarification of the roles and responsibilities of the home as it relates to the school and the instructional program. \_\_\_\_\_
- 11. Each school provides a climate of caring, trust, and respect for all students. \_\_\_\_\_

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

12. There is evidence of school-community cohesiveness, as well as continuous academic and social growth for the student.

**EMPLOYEE AND PUPIL PERSONNEL SERVICES**

1. Written policy and/or collective agreements exist concerning both certificated and classified staff regarding:

- a. Salaries and fringe benefits.
- b. Leaves of absence.
- c. Attendance at education conferences.
- d. Evaluation of performance.

2. Employees are involved in the formulation of policies which directly concern them.

3. Board policies and/or collective agreements are readily available to each member of the staff.

4. Communication has been established between the superintendent and all employees and/or employee units.

5. Provision is made for the complaints of employees to be heard and subsequent action to be taken through either a formal grievance procedure and/or an administrative review of nongrievable items.

6. Employee representation within the range of the law is encouraged and welcomed at board meetings.

7. Written personnel records are kept for all members of the staff.

8. Pupil personnel services are provided for students and complete and usable permanent records are kept in the areas of:

- a. Attendance and welfare.
- b. Counseling and guidance.
- c. Health.
- d. A comprehensive testing and evaluation program.
- e. The names of persons to be contacted in the event of a student accident or other emergency.

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

PERSONNEL

- |       |     |  |       |       |       |       |
|-------|-----|--|-------|-------|-------|-------|
| _____ | 1.  | An active program for personnel recruitment exists including affirmative action that provides a competent, well-balanced staff.  | _____ | _____ | _____ | _____ |
| _____ | 2.  | A systematic check is made of the reference of final candidates for vacancies or prospective vacancies.  | _____ | _____ | _____ | _____ |
| _____ | 3.  | Interviews are conducted for top applicants for key positions, such as principals or assistant superintendents, before recommending them to the board for appointment.   | _____ | _____ | _____ | _____ |
| _____ | 4.  | The best candidate, regardless of race, creed, sex, age, physical handicap, or national origin, is recommended for employment.   | _____ | _____ | _____ | _____ |
| _____ | 5.  | A systematic and uniform evaluation of all nontenure teachers is conducted.  | _____ | _____ | _____ | _____ |
| _____ | 6.  | A systematic evaluation of tenure teachers is conducted by administrators.   | _____ | _____ | _____ | _____ |
| _____ | 7.  | Advice and assistance and a reasonable opportunity for improvement, within the limitations imposed by the law, are provided to all teachers receiving an unsatisfactory evaluation.  | _____ | _____ | _____ | _____ |
| _____ | 8.  | In accordance with the law, uniform procedures exist for dismissal or reassignment of any employee, tenure or probationary, who has been evaluated as unsatisfactory after the employee has been given assistance and an opportunity to improve but still fails to meet the standards of the district. | _____ | _____ | _____ | _____ |
| _____ | 9.  | District administrators have demonstrated judgment in recommending candidates for employment.  | _____ | _____ | _____ | _____ |
| _____ | 10. | A written record of the job performance of every teacher who leaves the system is placed on file to be used as the basis for an official resource for reference requests.  | _____ | _____ | _____ | _____ |
| _____ | 11. | An inservice program exists for continuing growth and professional development of teachers and principals that encourage improvement.  | _____ | _____ | _____ | _____ |
| _____ | 12. | The district staff is provided adequate resources.   | _____ | _____ | _____ | _____ |
| _____ | 13. | The district's administrators accept ultimate responsibility for their staff's decisions and performance.  | _____ | _____ | _____ | _____ |
| _____ | 14. | Training is provided for new leaders to replace principals and other key staff members who may retire or leave.  | _____ | _____ | _____ | _____ |
| _____ | 15. | District administrators have provided for their own temporary replacement in case of emergency.  | _____ | _____ | _____ | _____ |

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

- \_\_\_\_\_ 16. Administrators have the confidence and respect of their staff. \_\_\_\_\_
- \_\_\_\_\_ 17. Administrators avoid frequent overriding of subordinates. \_\_\_\_\_
- \_\_\_\_\_ 18. A systematic evaluation exists for all principals, other administrators, and nonteaching professionals by appropriate administrators. \_\_\_\_\_
- \_\_\_\_\_ 19. District administrators are available to staff and private citizens alike within the limitations imposed by their complex duties. \_\_\_\_\_
- \_\_\_\_\_ 20. A team spirit exists among the staff in their approach to educational problems. \_\_\_\_\_
- \_\_\_\_\_ 21. Open adequate lines of communication exist with the staff. \_\_\_\_\_
- \_\_\_\_\_ 22. An appeals procedure, without penalty, has been established for each level of decision-making. \_\_\_\_\_
- \_\_\_\_\_ 23. Appropriate arrangements exist for meeting and negotiating with employee representatives. \_\_\_\_\_

SCHOOL PLANT PLANNING AND MANAGEMENT

- \_\_\_\_\_ 1. School facilities are adequate to meet student enrollment and to provide an environment conducive to learning. \_\_\_\_\_
- \_\_\_\_\_ 2. There is evidence of long-range planning for new sites and facilities where needed. \_\_\_\_\_
- \_\_\_\_\_ 3. A plan has been developed for the acquisition of sites as needed. \_\_\_\_\_
- \_\_\_\_\_ 4. Recognition has been given to the need for sufficient administrative personnel to keep abreast of the changes taking place in school design and construction in accordance with the educational needs of the district. \_\_\_\_\_
- \_\_\_\_\_ 5. Educational specifications are prepared by the district staff in accordance with the educational philosophy of the district and the policies of the board to guide the architect. \_\_\_\_\_
- \_\_\_\_\_ 6. The staff is involved in the plans for new facilities. \_\_\_\_\_
- \_\_\_\_\_ 7. The board reviews the plans of the architect at various stages in their development. \_\_\_\_\_
- \_\_\_\_\_ 8. School plants are well maintained by the staff. \_\_\_\_\_
- \_\_\_\_\_ 9. School plants are efficiently utilized by the staff. \_\_\_\_\_

**YOUR CHOICE**

1 2 3 4

**BOARD'S DECISION**

1 2 3 4

- \_\_\_\_\_ 10. There is a planned program of preventive maintenance. \_\_\_\_\_
- \_\_\_\_\_ 11. In planning, consideration should be given to architectural barriers and "attractive hazards." \_\_\_\_\_

**BUSINESS AND FINANCIAL MANAGEMENT**

- \_\_\_\_\_ 1. The current income of the district meets the needs of the total program. \_\_\_\_\_
- \_\_\_\_\_ 2. The business functions of the district are efficiently managed:
  - \_\_\_\_\_ a. The purchase and delivery of supplies is efficient and provides materials for instruction and plant maintenance when needed. \_\_\_\_\_
  - \_\_\_\_\_ b. Accounting procedures are in line with recommended accounting practices. \_\_\_\_\_
  - \_\_\_\_\_ c. Control over expenditures is safe-guarded. \_\_\_\_\_
    - \_\_\_\_\_ 1. Funds of the district are committed only by the board of education. \_\_\_\_\_
    - \_\_\_\_\_ 2. A system of requisitions and purchase orders is used for all purchasing. \_\_\_\_\_
    - \_\_\_\_\_ 3. Information regarding the system is made available to all employees and deviation from the established procedure is not tolerated. \_\_\_\_\_
- \_\_\_\_\_ 3. Management of the business affairs of the district is directed toward serving rather than controlling the instructional program. \_\_\_\_\_
- \_\_\_\_\_ 4. The budget is planned in terms of education priorities. \_\_\_\_\_
- \_\_\_\_\_ 5. The district maintains adequate reserves for contingencies. \_\_\_\_\_
- \_\_\_\_\_ 6. Expenditures for unbudgeted items are authorized only after a review of total expenditures and other unmet needs. \_\_\_\_\_
- \_\_\_\_\_ 7. An insurance program is provided. \_\_\_\_\_
- \_\_\_\_\_ 8. The budget is presented to the board in a manner which promotes its full understanding. \_\_\_\_\_
- \_\_\_\_\_ 9. Full use of the teachers and other staff members is utilized in developing pertinent budget items. \_\_\_\_\_
- \_\_\_\_\_ 10. The administration shares with the board its own priorities on various budget items and amounts. \_\_\_\_\_

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

11. The board is provided with at least bi-monthly reports on the operating budget accounts.

COMMUNITY RELATIONS

1. Written board policy governs the relationship of board and staff with mass media — newspapers, television, radio:

- a. Designates who shall be spokesman for the district.
- b. Encourages checking for facts with the district, and district cooperation to make all facts available.

2. A planned program to improve school-community relations is in effect including such things as:

- a. Newsletters or bulletins for parents.
- b. School programs and exhibits.
- c. Speeches before community groups.
- d. Citizen involvement in study of specific school problems.
- e. Encouragement of PTA and other parent groups.
- f. Regularly-scheduled reports by the staff on various aspects of the instructional program at board meetings.
- g. A cooperative relationship with news media.
- h. Cooperation with other community agencies such as the planning commission, city council, family service agency, etc.

3. Written board policy outlines the channeling of complaints, criticisms, and concerns of the community for study and action.

## PART II — ADMINISTRATIVE CHARACTERISTICS

Evaluation should be an on-going process utilizing both formal and informal methods. Evaluation can be a positive or negative experience. For the benefit of both the superintendent and the district, it should occur and be conducted in the most positive manner possible at least once a year.

The process and criteria to be used in evaluation should be mutually acceptable to the board and the superintendent. Throughout the evaluation process it should be remembered that the purpose of evaluation is to improve the critical elements that are valued.

By using Parts I and II of this document, a board should be able to establish a reasonable and fair evaluation system for the superintendent.

It is recommended that Part II be discussed in executive session when the actual evaluation of the superintendent is under consideration.

YOUR CHOICE	<u>RELATIONSHIP WITH THE BOARD</u>				BOARD'S DECISION
1   2   3   4	1	2	3	4	1   2   3   4



**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

- |       |   |       |       |       |       |
|-------|---|-------|-------|-------|-------|
| _____ | 11. Refrains from criticism of individual or group members of the board.  | _____ | _____ | _____ | _____ |
| _____ | 12. Goes immediately and directly to the board when he/she feels an honest, objective difference of opinion exists between him/her and any or all members of the board in an earnest effort to resolve such differences immediately.                      | _____ | _____ | _____ | _____ |
| _____ | 13. Feels free to maintain his/her opposition to matters under discussion by the board until an official decision has been reached, after which time he/she subordinates his/her own views to those of the board as long as he/she remains in its employ. | _____ | _____ | _____ | _____ |

ADMINISTRATION OF THE SCHOOL DISTRICT

- |       |   |       |       |       |       |
|-------|---|-------|-------|-------|-------|
| _____ | 1. Distinguishes between prime problems and trivialities.   | _____ | _____ | _____ | _____ |
| _____ | 2. Plans his/her own time so that matters of greatest importance are dealt with thoroughly.   | _____ | _____ | _____ | _____ |
| _____ | 3. Has organized the staff so that appropriate decision-making may take place at various levels as contrasted with most decisions being made at the superintendent's level. | _____ | _____ | _____ | _____ |
| _____ | 4. Periodically reviews and reorganizes staff duties and/or responsibilities to take full advantage of the staff's special competencies and interests.                      | _____ | _____ | _____ | _____ |
| _____ | 5. Has developed a system that assures that all significant activities or duties are performed regularly or administered promptly.  | _____ | _____ | _____ | _____ |
| _____ | 6. Encourages research and creativity among employees.  | _____ | _____ | _____ | _____ |
| _____ | 7. Informs the board and general public in an annual report or in a series of reports of the state of the schools in the district.  | _____ | _____ | _____ | _____ |
| _____ | 8. Provides the board with a written agenda and appropriate back-up material by the determined date before each board meeting.  | _____ | _____ | _____ | _____ |

COMMUNITY RELATIONSHIPS

- |       |  |       |       |       |       |
|-------|--|-------|-------|-------|-------|
| _____ | 1. Has gained the respect and support of the community on the functioning of the district's operation. | _____ | _____ | _____ | _____ |
| _____ | 2. Solicits and gives attention to problems and opinions of all groups and individuals.                | _____ | _____ | _____ | _____ |
| _____ | 3. Develops friendly and cooperative relationships with news media.                                    | _____ | _____ | _____ | _____ |
| _____ | 4. Participates actively in community life and affairs.  | _____ | _____ | _____ | _____ |

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

- \_\_\_\_\_ 5. Achieves status as a community leader in public education.
- \_\_\_\_\_ 6. Works effectively with public and private agencies.

**STAFF AND PERSONNEL RELATIONSHIPS**

- \_\_\_\_\_ 1. Develops and executes sound personnel procedures and practices.
- \_\_\_\_\_ 2. Develops good staff morale and loyalty.
- \_\_\_\_\_ 3. Treats all personnel fairly, without favoritism or discrimination, while insisting on performance of duties.
- \_\_\_\_\_ 4. Delegates authority to staff members appropriate to the position each holds.
- \_\_\_\_\_ 5. Recruits and assigns the best available personnel in terms of their competencies.
- \_\_\_\_\_ 6. Encourages participation of appropriate staff members and groups in planning, procedures, and policy interpretation.
- \_\_\_\_\_ 7. Evaluates performance of staff members, giving commendation for good work as well as constructive suggestions for improvement.
- \_\_\_\_\_ 8. Takes an active role in development of salary schedules for all personnel, and recommends to the board the levels which, within budgetary limitations, will best serve the interests of the district.
- \_\_\_\_\_ 9. At the direction of the board, establishes, meets and confers with the negotiating council, representing to the best of his/her ability and understanding the interest and will of the board.

**EDUCATIONAL LEADERSHIP**

- \_\_\_\_\_ 1. Understands and keeps informed regarding all aspects of the instructional program.
- \_\_\_\_\_ 2. Implements the district's philosophy of education.
- \_\_\_\_\_ 3. Participates with staff, board, and community in studying and developing curriculum improvement.
- \_\_\_\_\_ 4. Organizes a planned program of curriculum evaluation and improvement.
- \_\_\_\_\_ 5. Provides democratic procedures in curriculum work, utilizing the abilities and talents of the entire professional staff and lay people of the community.

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

6. Exemplifies the skills and attitudes of a master teacher and inspires others to highest professional standards.

**BUSINESS AND FINANCE**

1. Keeps informed on needs of the school program — plant, facilities, equipment, and supplies.

2. Supervises operations, insisting on competent and efficient performance.

3. Determines that:

a. Funds are spent wisely.

b. Adequate control and accounting are maintained.

4. Evaluates financial needs and makes recommendations for adequate financing.

**PERSONAL QUALITIES**

1. Defends principle and conviction in the face of pressure and partisan influence.

2. Maintains high standards of ethics, honesty, and integrity in all personal and professional matters.

3. Earns respect and standing among professional colleagues.

4. Devotes time and energy effectively to job.

5. Demonstrates ability to work well with individuals and groups.

6. Exercises good judgment and the democratic processes in arriving at decisions.

7. Possesses and maintains the health and energy necessary to meet the responsibilities of the position.

8. Maintains poise and emotional stability in the full range of professional activities.

9. Is customarily suitably attired and well groomed.

10. Uses English effectively in dealing with staff members, the board, and the public.

11. Writes clearly and concisely.

**YOUR  
CHOICE**

1 2 3 4

**BOARD'S  
DECISION**

1 2 3 4

- \_\_\_\_ 12. Speaks well in front of large and small groups, expressing ideas in a logical and forthright manner. \_\_\_\_\_
- \_\_\_\_ 13. Thinks well when faced with an unexpected or disturbing turn of events in a large group meeting. \_\_\_\_\_
- \_\_\_\_ 14. Maintains professional development by reading, course work, conference attendance, work on professional committees, visiting other districts and meeting with other superintendents. \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

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**SIGNED:** \_\_\_\_\_  
(President of the Board)

\_\_\_\_\_  
(Superintendent)

**DATE:** \_\_\_\_\_



APPENDIX A

OFFICE OF THE ATTORNEY GENERAL  
State of California

EVELLE J. YOUNGER  
Attorney General

OPINION

of

EVELLE J. YOUNGER  
Attorney General  
EDMUND E. WHITE  
Deputy Attorney General

No. CV 76/29

SEPTEMBER 1, 1976

THE HONORABLE PETER H. BEHR, SENATOR FOR THE 2ND SENATORIAL DISTRICT, has requested an opinion on the following question:

Do the provisions of the Ralph H. Brown Act authorize a governing board of a school district to meet in executive session for the purpose of a discussion and an evaluation of the performance of its superintendent?

The conclusion is:

The governing board of a school district is authorized by the provisions of Government Code section 54957 to meet in an executive session to discuss and to evaluate the performance of its superintendent.

## ANALYSIS

Education Code section 966 provides, in part,  
that:

"Except as provided in Sections 54957 . . . of the Government Code [or] in [Education Code] Section 967 . . . all meetings of the governing board of any school district shall be open to the public. . . ."

Government Code<sup>2/</sup> section 54953 (known as the "Ralph M. Brown Act") requires that all meetings of the legislative body of a local agency shall be open and public, except as provided in section 54957.

Section 54951 defines "local agency" as including school districts; section 54952 defines "legislative body" as including the governing board or governing body of any local agency.

The open meeting requirements of the Ralph M. Brown Act and of Education Code section 966 both apply to the meetings of a governing board of a public school district. These provisions require all meetings of the governing boards of school districts to be open and public subject to specifically stated exceptions. Education Code section 966 contains two exceptions by its reference to two other code sections: Education Code section 967 and Government Code section 54957.

The Ralph M. Brown Act also provides specifically stated exceptions to its "open and public" meeting requirement. Among the exceptions to the open and public meeting requirement of the Ralph M. Brown Act are the provisions of section 54957.

Education Code section 967 is not applicable to the facts of the question being considered. Therefore, Government Code section 54957 contains the only exception to the open and public meeting requirements of both Government Code section 54953 and Education Code section 966 which could apply here.

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1. Education Code section 967 authorizes an executive session when a school district governing board considers student disciplinary matters, if a public hearing would violate the confidentiality provisions of Education Code section 10751.

2. All section references are to the Government Code unless otherwise specified.

CV 76/29

Government Code section 54957 provides, in part,  
that:

"Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency . . . from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public employee or to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. . . ."

Section 54957 further provides, in part, that:

"For the purposes of this section, the term 'employee' shall not include any person appointed to an office by the legislative body of a local agency; provided, however, that nonelective positions of a city manager, county administrator, city attorney, county counsel, or a department head or other similar administrative officer of a local agency shall be considered employee positions; and provided, further [sic] that nonelective positions of general manager, chief engineer, legal counsel, district secretary, auditor, assessor, treasurer or tax collector of any governmental district supplying services within limited boundaries shall be deemed employee positions." See generally, 59 Ops.Cal.Atty.Gen. 266 (1976).

Although a district superintendent may occasionally be referred to as a "public officer," the correct legal characterization of his status is that of "employee." See Main v. Claremont Unified School Dist., 161 Cal.App.2d 189, 197 (1958); Stewart v. Eaves, 84 Cal.App. 312, 320 (1927).

Thus, the narrow issue presented is whether the phrase "to consider the appointment, employment or dismissal of a public employee" contained in the exception stated in section 54957 to the open and public meeting requirement of the Ralph M. Brown Act authorizes executive sessions for the purpose of a discussion and an evaluation of the performance of a district superintendent.



There are meager clues in the statutes to guide one in ascertaining the legislative intent with respect to the intended meaning of the word "employment" as it is contained in section 54957. See generally, English v. City of Long Beach, 77 Cal.App.2d 894, 898-899 (1947).

Various sections of the Education Code seem to support the conclusion that the word "appointment" is a synonym of "employment" in the sense that a district superintendent may be appointed or employed and, at the expiration of his term, reappointed or reemployed. See generally, language in Education Code section 938, "re-elect or re-employ" and in Education Code section 938.1, "re-electing or re-employing." See also the language of Education Code section 1233, "may employ" and "may be elected."

That conclusion would appear to be supported further by the language of Government Code section 54957.1 (added by Stats. 1975, ch. 959, § 9) which provides that:

"The legislative body of any local agency shall publicly report at a subsequent public meeting any action taken, and the rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any executive session of the legislative body."

By parity of reasoning, the Legislature may be said to have intended to permit executive sessions only concerning action "to appoint, to employ, or to dismiss" a public employee and therefore the phrase "appointment, employment or dismissal" contained in section 54957 is limited to the appointment, the employment or the dismissal of such public employee. Such language supports the conclusion that the Legislature intended to limit executive sessions to the initial appointment or employment of the public employee rather than to permit executive sessions to consider the continued appointment or employment of the public employee, unless such consideration is transformed into the issue of the dismissal of the public employee. Neither is it clear that the "discussion and evaluation" of the performance of a district superintendent rises to the level of the issue of the continued employment of such an employee.

Nevertheless, this office consistently has advised public agencies that the purpose in permitting an executive session concerning personnel matters is to avoid undue publicity and embarrassment to the affected employee. See, e.g., 33 Ops.Cal.Atty.Gen. 32 (1959); cf., Krausen v. Solano County Junior College Dist., 42 Cal.App.3d 394, 404 (1974); Lucas v. Board of Trustees, 18 Cal.App.3d 988, 991 (1971).

In a letter dated October 9, 1970, to the San Diego County Counsel, we concluded that the term "employment" contained in section 54957 ". . . is broad enough to allow local public agencies, including governing boards of school districts, to consider all personnel matters relating to an individual employee at executive sessions and not simply matters relating to initial employment or final discharge."

There is an inevitable tension between the employer and the employee concerning the performance by the employee of his employment responsibilities. There is no question but that premature publicity concerning one's job performance may cause great and possibly unjustified damage to one's personal reputation. The nature of the employment relationship between a governing board and its district superintendent involves consideration of sensitive issues involving the exercise of a sound discretion by the superintendent in the implementation of the policy objectives of the governing board.

The employee is afforded a degree of protection against abuse of an executive session privilege in that he has a right to demand a public hearing. The need to protect the individual's reputation and the need for establishing an environment in which the governing board may openly, candidly and honestly explore subtle and sensitive matters directly related to the district superintendent's management of the school district and his acts in implementation of the governing board's policies suggest that executive sessions on the issue of the superintendent's performance of his duties are within the "employment" exception to the open and public meeting requirement of the Ralph M. Brown Act.

Section 54957 expressly permits an executive session by the governing board to consider complaints or charges against its superintendent. These issues involve the performance by the superintendent of his official duties. In light of this provision, is it reasonable to believe that where the governing board itself believes there is a need to evaluate its superintendent's performance of

specific official duties that the Legislature intended to require such discussion at an open and public meeting? The word "employment" seems to express a contrary intent.

In essence, it appears that the decision whether to continue to employ, or to dismiss, a superintendent is inseparably related to the continued evaluation by the governing board, as his employer, of his performance as superintendent. Of course, the Ralph M. Brown Act unquestionably prohibits discussion, in executive session, of matters of educational policy; the executive session is permitted only in connection with the evaluation of the superintendent's performance of specific duties.

For these reasons, it is concluded that a school district governing board is authorized by the provisions of Government Code section 54957 to meet in executive session to discuss and to evaluate the performance of its superintendent.

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