



Evaluating the Superintendent



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Evaluating the Superintendent

New York State Regulations

- Regulations of the Commissioner of Education
 - 8 NYCRR Part 84 – Examination of Records
 - 8 NYCRR Part 100.2(o)(2) – Evaluation of the Superintendent
 - 8 NYCRR Part 275 – Appeals to the Commissioner
- Regulation of the Committee on Open Government
 - 21 NYCRR Part 1401 - Public Access to Records



Evaluating the Superintendent

The Board's evaluation of the superintendent

- The evaluation of the superintendent is one of the Board's most important functions;
- Mandated by law - 8 NYCRR 100.2(o)(2);
- The board judges the superintendent, how (s)he is performing;
- Achievement of goals, and what needs to be done if they are not met;
- Foundation for remuneration changes in the future;
- Past evaluations as evidence of excellent performance and prior goals.



Evaluating the Superintendent

“FOIL”ability

1. a description of the job duties, or goals to be achieved by the superintendent
 - FOIL-able - goals are relevant to the performance of the official duties which relate to the position of the superintendent, and not to the individual
2. a final summative rating of “good”, “excellent”, “satisfactory”, etc.
 - FOIL-able - final agency determination which makes the final rating available pursuant to a FOIL request
3. Summative comments approved by entire Board:
 - FOIL-able because they are final agency determination which makes the final summative comments available pursuant to a FOIL request

Evaluating the Superintendent

“FOIL”ability Continued

1. a subjective analysis, or opinion as to how well the superintendent has met the standards and goals
 - NOT FOIL-able because reviewer’s subjective opinion can be withheld, as an unwarranted invasion of personal privacy
2. Individual scores and comments from individual board members
 - NOT FOIL-able because are not “final agency determinations” and are therefore not subject to FOIL



Evaluating the Superintendent

The Process – Step 1

The Superintendent's Self Evaluation



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The Process – Step 2

Board Member Worksheets

- The Role of the Board President
- The Role of individual Board members



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The Process – Step 3

Collecting the Board Member Worksheets

- The Role of the Board President
- The Role of individual Board members



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The Process – Step 4

Compiling the Summative Rating

- The Role of the Board President
- The Role of individual Board members



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The Process – Step 5

Presentation of the Evaluation to the Superintendent

- The Role of the Board President
- The Role of individual Board members
- The Role of the Superintendent



Evaluating the Superintendent

What if the Board Fails to Evaluate the Superintendent?

- Remind the Board of its obligation to complete the evaluation in writing, and request that it act to do so.
- Ask the Board to Adopt the Superintendent's self-evaluation as the Board's Final Evaluation.



Evaluating the Superintendent

Remedies for Breach of Contract/Breach of Board Policies:

- Appeal to the Commissioner:
 - Within 30 days of the Board's failure to act upon the request to evaluate the superintendent.
 - Demonstrate that the failure to evaluate resulted in material damage to the superintendent (i.e. non-renewal of contract, or denial of merit increase or raise).
 - Technical violation or an irregularity in process will not nullify the Board's action.



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Questions?

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