

30 FAQs ON COUNTY SUPERINTENDENT PERFORMANCE EVALUATIONS

In 2003, the West Virginia Legislature enacted West Virginia Code 18-4-6, "Evaluation of County Superintendents." The new statute required each county board of education to annually evaluate its superintendent using a process approved by the West Virginia Board of Education. The legislation specified some elements that every county board's evaluation process must include. It also required county boards to evaluate superintendents in executive session, and it regulated the extent to which evaluation results can be made public. Finally, the statute itemized uses for which a county board "may" elect to use evaluation results

West Virginia Code 18-4-6 is still in effect. Its provisions have never been changed.

When the superintendent evaluation statute took effect, the State Board of Education adopted Policy 5309, "County Superintendent Performance Evaluations." Effective January 11, 2004, the policy explained how the State Board would perform its duty to approve county processes for the evaluation of their superintendents. It required each county board, by December 31 of that year, to submit to the State Superintendent of Schools a written description of the evaluation process it proposed to follow beginning with the next school year. Policy 5309 also alerted counties to standards that their processes must meet in order to receive State Board approval. The policy included steps that a county must take to revise a proposed process that did not pass muster with the State Board. It also required that, once approved, a county's process could not be revised without prior approval by the State Board. All county boards and superintendents were required by Policy 5309 to receive evaluation training approved the State Board and conducted jointly by the West Virginia School Board Association and the West Virginia Association of School Administrators.

Under Policy 5309, all 55 county boards of education eventually received State Board of Education approval of their superintendent evaluation processes. By law, they have been required to follow their approved processes ever since.

Policy 5309 is still in effect. Its provisions were unchanged until August 16, 2021 when, following a 30-day public comment period, it was updated by the State Board. Effective September 15, 2021, the revision removed outdated provisions that applied only to school years 2003-2004 and 2004-2005 when school boards were implementing the superintendent evaluation processes. The 2021 revision modified Policy 5309 in some other respects, although its fundamental provisions, including those required by the 2003 legislation, remain intact.

As a result of the 2021 revision, each county board must, by December 31, 2021, again submit to the State Superintendent, for approval by the West Virginia Board of Education, a written description of a proposed evaluation process for use beginning with school year 2022-2023, including a copy of evaluation forms to be used as part of the process. The West Virginia Department of Education recently issued the template of an evaluation instrument that presumably meets Policy 5309 standards and, therefore, would receive State Board approval as part of a county's proposed process for evaluating its superintendent. Under the revised policy, once a county's process is approved, the county board and superintendent must, as before, receive State Board-approved training conducted jointly by the WVSBA and the WVASA.

This document attempts to answer questions about the revised policy and its implementation.

WHY DO WE EVALUATE THE SUPERINTENDENT?

1. *Why must a county board of education formally evaluate its superintendent?*

W. Va. Code 18-4-6 *requires* a county board of education to evaluate its superintendent.

2. *How often must a county board of education evaluate its superintendent?*

The superintendent must be evaluated at least annually. This must occur before June 30, except that if the superintendent's contract is to expire on June 30, the performance evaluation must be made before March 1 of that year.

3. *Is a county board of education required to evaluate an interim superintendent?*

No. A county board of education is not required to evaluate an interim superintendent. However, if it does so, the process used should be one approved by the State Board.

4. *If the State Board of Education has intervened in a county, may the county board of education still evaluate the superintendent?*

No. The county board of education may not evaluate the superintendent in a takeover county unless it is directed to do so by the State Superintendent of Schools.

5. *Revised Policy 5309 is effective September 15, 2021. Do we follow it or the old policy?*

The revised policy establishes the procedures that go into effect beginning the 2022-2023 school year. The goals established for superintendents before September 15, 2021, and the process used to assess those goals, must follow the former version of Policy 5309 and the county's written process previously approved by the State Board of Education under that version of the policy.

REQUIREMENTS FOR A COUNTY BOARD OF EDUCATION SUPERINTENDENT EVALUATION PROCESS/POLICY

6. *Must the State Board of Education approve the evaluation process and instrument a county board uses?*

Yes. Both the statute and policy require a county board's evaluation process and the instrument it uses to be approved by the State Board.

7. *Should the county board of education adopt a policy that sets forth its superintendent evaluation process?*

Yes. A county board of education should adopt a policy that describes the process, including its evaluation form, it intends to use to evaluate its superintendent. Existing policies should be revised to reflect changes in Policy 5309.

8. *What is required to be in the superintendent evaluation policy?*

The superintendent evaluation policy should outline the process the county board of education will use when evaluating the superintendent. It should contain goals as required by Policy 5309 and W. Va. Code 18-4-6, as well as any optional criteria the county board of education chooses. It should contain the process to be used by the county board of education and the superintendent to resolve any differences that arise if they disagree as to what the goals for the superintendent should contain, how they should be measured, or the time frame for their implementation. In addition, the policy shall:

- Require the assessment of the superintendent's success in improving student achievement generally and as it relates specifically to the management and administration of low performing schools.
- Require the assessment of the superintendent to occur before June 30. If the superintendent's contract expires on June 30, the assessment must be completed before March 1.
- Require the assessment to be made in executive session.
- Require a process by which the county board of education and the superintendent will arrive upon a general statement about the evaluation process and the overall result.
- Prohibit the release of additional information about the evaluation except by the mutual consent of the county board of education and the superintendent.

9. *When must the county board of education's policy be submitted for approval?*

The county board of education must submit its policy on the superintendent evaluation process by December 31, 2021.

10. *To whom is the policy submitted?*

The county board of education must submit its policy to the State Superintendent of Schools.

11. *What if the State Superintendent or State Board of Education reject the county board of education's policy?*

If the county board of education's process is rejected, the policy must be revised and resubmitted to the State Superintendent for approval by the State Board of Education.

12. *May the county board of education revise its process after it is approved by the State Board of Education?*

Yes. The county board of education may revise its evaluation process policy. However, the revised policy must still be submitted to the State Superintendent of Schools for approval by the State Board of Education before it can be used to evaluate the superintendent.

ESTABLISHING THE SUPERINTENDENT'S ANNUAL GOALS

13. *Must the annual goals be written?*

Yes. The evaluation form must include written goals. Goals or objectives that are not written into the evaluation instrument cannot be used to evaluate a superintendent's performance. The goals are meant to establish the county board of education's desired achievement over a given period of time.

14. *When must the goals be established?*

The goals or objectives must be established before September 15 of each year.

15. *How are the goals established?*

The county board of education and the superintendent establish the goals together.

16. *Who can provide input into the goals?*

The county board of education and the superintendent shall determine the process by which input from other parties, such as citizens and school employees, shall be considered. Presumably this could include determining the means by which any such input will be given.

17. *What if the superintendent and the county board of education do not agree on the goals?*

The county policy submitted to the State Board of Education must establish a process to be used when the county board of education and the superintendent do not agree upon the goals. State Board Policy 5309 suggests that a county policy might provide that in the event of a failure to agree, the county board and superintendent may petition the State Board to designate an individual to facilitate agreement on goals or objectives, or the county policy might provide that the county board will engage the West Virginia School Board Association and the West Virginia Association of School Administrators to facilitate agreement.

18. *What if an individual board member does not agree on the goals, may she dissent?*

No. The goals must be established by the *county board of education* and the superintendent, not an individual board member.

19. *Are there specific goals that are required to be in the evaluation?*

Yes. The county board of education must evaluate the superintendent on the superintendent's success in improving student achievement generally and as it relates specifically to the management and administration of low performing schools. The goal(s) addressing student success and well-being must support progress of the goals identified in the county strategic plan.

20. *Are there optional criteria county boards can add to a superintendent's evaluation?*

Yes. As provided by West Virginia Code 18-4-6 and State Board Policy 5309, county boards of education may also evaluate the superintendent's performance in the following areas:

- Community relations
- School finance
- Personnel relations
- Curricular standards and programs
- Overall leadership of the county as indicated by improvements in student achievement, testing, and assessment
- Other duties as delineated in the superintendent's contract or other written agreement
- The degree to which the superintendent keeps the county board of education continuously apprised of any issues that affect the county board of education or its schools, programs, and initiatives.

If a board chooses to evaluate its superintendent in any of these areas, it should state them in its policy and include them in the evaluation instrument submitted to the State Board of Education for approval. If a county board wishes to evaluate the superintendent's performance in an area not listed above, it should say so in its written submission to the State Superintendent so that the State Board may approve or disapprove of including the additional performance area in the superintendent's evaluation.

21. *Are there requirements for the way in which goals are to be written?*

Yes. Goals must be measurable and must contain a timeframe within which they must be completed.

22. *How do we determine if a goal is measurable?*

Measurable goals are those that contain objective criteria, presumably established by agreement of the county board and superintendent, to define progress. Measurable goals allow both the county board of education and the superintendent to see whether progress is being made.

23. *Are there examples of measurable goals?*

Yes! The State Board of Education requires all professional educators to be evaluated using S.M.A.R.T. goals¹. S.M.A.R.T. goals are goals that are:

Specific:

- *What:* What exactly is to be accomplished?
- *Why:* What are the reasons, purpose or benefits of accomplishing the goal?
- *Who:* Who is involved? Is the target audience identified?

¹ <https://wvde.state.wv.us/evalwv/goal-setting.html>

Measurable:

- How will one know when the goal is accomplished?
- What indicators will one look for to measure progress and success?
- Are there concrete criteria for measuring progress?

Attainable:

- Is there sufficient time to accomplish the goal?
- What types of resources are needed to attain the goals?

Relevant:

- Why is it significant?
- Is it worthwhile?
- Is this the right time?
- Does the goal appear to be appropriate given the context?
- Do the strategies proposed appear to be logically related to the proposed outcome?

Time bound:

- When will one achieve this goal?
- When will one undertake activities to achieve our goal?
- When can one expect to see some short-term outcomes?

24. Do all of the goals have to be completed in one year's time?

No. Each goal or objective should contain its own specific timeline for completion. The timeline for any individual goal may extend beyond the end of the current school year.

25. How does a county board of education determine whether the goal has been met?

The written goal would be accomplished when the objective has been attained within the timeline established.

26. If an individual board member does not believe that a superintendent accomplished a specific goal, may she dissent?

Yes. Remember, however, that the goals are to be S.M.A.R.T. goals, which should leave no subjective opinion as to whether or not they have been successfully completed.

HOW IS THE EVALUATION USED?

27. May we discuss the evaluation in open session, if the superintendent agrees?

No. The statute and revised policy require the entire evaluation process to be conducted in executive session. According to an interpretation by the State Superintendent of Schools, this

includes a requirement that the setting of the superintendent's goals also occur in executive session. However, once the superintendent's annual evaluation is performed, the superintendent and the county board of education are permitted to agree upon what statements about the results are released to the public and could release the entire evaluation if both parties agree.

28. *How may the evaluation be used by a county board of education?*

A county board of education may, but is not required to, use the results of the evaluation to offer the superintendent a new contract or set the compensation and benefits in a new contract.

29. *May a county board of education use the evaluation results to adjust the superintendent's current contract?*

No. A county board of education may not alter the terms and conditions, including compensation and benefits, of a superintendent's existing contract during the term of that contract.

30. *Will county board members be trained on the evaluation process?*

Yes. The revised policy requires county board of education members and superintendents to be trained prior to the 2022-2023 school year on conducting evaluations. The training must be approved by the State Board of Education and conducted jointly by the West Virginia School Board Association and the West Virginia Association of School Administrators. Policy 5309 does not address a timetable for the State Board's approval of training.

Because the policy states that the required training is "an integral part" of the process for evaluating a superintendent's performance for school year 2022-2023, boards and superintendents should advisedly receive the training before they enter into the process of establishing the superintendent's goals for that year.