



February 28, 2011

*Via e-mail [zellmer@gmail.com](mailto:zellmer@gmail.com)*

Dear Mr. Zellmer:

Re: Public Records Request

I am writing on behalf of Erik Kass, the Records Access Officer for the District. I am in receipt of your record request for the most recent Superintendent review as well as "any grid used in the review process."

Initially, please be advised that no summative evaluation and/or review of the Superintendent's performance for the 2009-2010 school year is in existence. Consequently, I must deny your request for the most recent Superintendent review because the District does not possess any records responsive to this request.

Additionally, to the extent individual Board members prepared written documents related to the evaluation of the Superintendent your request is also denied.

First, any documents prepared by individual Board members are not records pursuant to Wis. Stat. §19.32(2). Rather, these documents are drafts to be used and reviewed by members of the Board to assist in creating a final evaluation, in this case oral, of the Superintendent. Subsequently, any individually prepared documents and/or feedback regarding those documents are not subject to disclosure under Public Record Law.

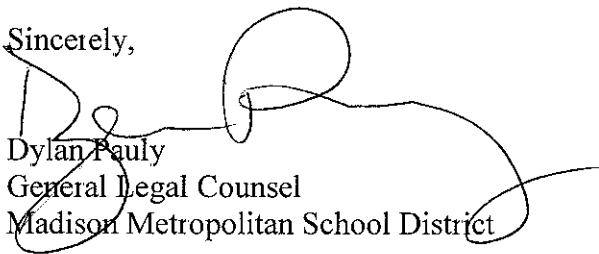
Alternatively, even if the documents containing individual Board member input are considered records, I must deny release of such documents as the public interest favoring nondisclosure outweighs the public interest in disclosure. *See State ex rel. Journal Co. v. County Court*, 43 Wis.2d 297 (1969). Disclosure of individual comments and/or insights shared among individual Board members would adversely affect the public's interest "...in promoting frank and complete evaluations..." *See Attorney General Letter to James Friedman* (October 31, 2005) ("To the extent release of any of the 'letters and memos shared among board members' would adversely affect the public interest in promoting frank and complete evaluations, those records may be withheld or appropriately redacted. Release of the board's conclusions about the president's performance does not mean that the deliberative process leading to those conclusions must be released."). Such release would have a potential chilling effect on open, candid conversation amongst Board members regarding the Superintendent's performance. It would also negatively impact and/or discourage the use of the current evaluation process, which allows individual Board members to provide written comments and/or examples pertaining to the Superintendent's performance. These comments serve as the starting point for conversation, debate and analysis by the Board as a whole. Additionally, disclosure of individual comments and/or insights would

undermine the public's right to have the elected Board of Education act as a single unit. Allowing individual opinions and/or beliefs to have the appearance of somehow reflecting the beliefs or views of the Board as a whole will have a potentially negative impact on public trust in the institution and will undermine a core principle of boardsmanship – authority does not lie with the individual but with the Board as a whole.

With respect to your request for “any grid used in the review process,” a copy of the evaluation template as adopted and modified by the Board of Education on November 29, 2010 is attached hereto. As this document is being scanned and transmitted via e-mail, there is no charge.

Pursuant to Wis. Stat. § 19.35(4)(b), the decision to deny any portion of your request is subject to review by mandamus under § 19.37(1) or upon application to the attorney general or a district attorney.

Sincerely,



Dylan Pauly  
General Legal Counsel  
Madison Metropolitan School District

Madison Metropolitan School District

Superintendent evaluation

The School Board shall evaluate the Superintendent of Schools regularly as stipulated within the contract and on a semi-annual basis. The evaluation shall be based on the written job description, the District Strategic Plan, and the Board of Education annual goals and shall be conducted consistent with state law requirements.

LEGAL REF:      Section 121.02(1)(q) Wisconsin Statutes  
                     PI 8.01(2)(q), Wisconsin Administrative Code

CROSS REF:      Superintendent Position Description

Section 11.01

At least once each year, the BOARD of Education will provide the ADMINISTRATOR with a written evaluation of the ADMINISTRATOR'S performance. Each BOARD evaluation of the ADMINISTRATOR shall cover, at a minimum, an assessment of the ADMINISTRATOR'S performance with respect to (1) the ADMINISTRATOR'S significant job responsibilities; and (2) any specific goals or expectations that had been established for the ADMINISTRATOR for the period covered by the evaluation. As part of the evaluation process, the BOARD may require the ADMINISTRATOR to complete a self-evaluation that summarizes the progress on District goals and on any more-specific goals or expectations that had been established for the period covered by the evaluation.

Section 11.02

For contract years following the 2008-2009 contract year, the contractually-required annual formal performance evaluation shall take place prior to the end of January.

APPROVED:

## Superintendent of Schools and Learning Performance Expectations Standards Assessment

## I. Strategic Leadership and District Culture

## Minimal Leadership (1)

Minimal understanding as evidenced by little or no application

## Basic Leadership (2)

Some understanding as evidenced by emerging application

## Proficient Leadership (3)

Complete understanding as evidenced by thorough application

## Distinguished Leadership (4)

Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement

| The Superintendent demonstrates executive leadership in....  | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|--|-------------|-----------|----------------|-------------------|
| Developing a collaborative district vision   |             |           |                |                   |
| Shaping district culture   |             |           |                |                   |
| Cultivating the potential in every student by challenging and supporting every student to achieve academic excellence  |             |           |                |                   |
| Improving academic outcomes for all students   |             |           |                |                   |
| Implementing Strategic Plan action steps for year one as approved by the Board of Education                            |             |           |                |                   |
| Using data to establish rigorous, concrete goals   |             |           |                |                   |
| Using research/best practices to improve the educational program   |             |           |                |                   |
| Articulating and promoting high expectations for teaching and for learning   |             |           |                |                   |
| Aligning and implementing the educational programs, plans, actions, and resources with the district's vision and goals |             |           |                |                   |
|  |             |           |                |                   |

|   |  |  |  |  |
|---|--|--|--|--|
| Providing leadership for major initiatives and change efforts   |  |  |  |  |
| Providing leadership for assessing, developing, and improving climate and culture   |  |  |  |  |
| Providing leadership, encouragement, opportunities, and structure for staff to design more effective teaching and learning experiences for all students |  |  |  |  |
| Demonstrating ethical and professional behavior at all times  |  |  |  |  |
| Demonstrating values, beliefs, and attitudes that inspire others to higher levels of performance  |  |  |  |  |
| Respecting divergent opinions   |  |  |  |  |
| Demonstrating appreciation for and sensitivity to diversity in the school community   |  |  |  |  |
| Total for Part I:   |  |  |  |  |

Comments:

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Evidence:

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## Superintendent of Schools and Learning Performance Expectations Standards Assessment

## II. Policy and Governance

## Minimal Leadership (1)

Minimal understanding as evidenced by little or no application

## Basic Leadership (2)

Some understanding as evidenced by emerging application

## Proficient Leadership (3)

Complete understanding as evidenced by thorough application

## Distinguished Leadership (4)

Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement

| The Superintendent demonstrates executive leadership in....  | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|--|-------------|-----------|----------------|-------------------|
| Adjusting local policy to state and federal requirements and constitutional provisions, standards, and regulatory applications |             |           |                |                   |
| Recognizing and applying standards involving civil and criminal liabilities  |             |           |                |                   |
| Developing procedures for working with the Board of Education to define mutual expectations                                    |             |           |                |                   |
| Total for Part II:   |             |           |                |                   |

Comments:

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Evidence:

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## Superintendent of Schools and Learning Performance Expectations Standards Assessment

## III. Communications and Community Relations

## Minimal Leadership (1)

Minimal understanding as evidenced by little or no application

## Basic Leadership (2)

Some understanding as evidenced by emerging application

## Proficient Leadership (3)

Complete understanding as evidenced by thorough application

## Distinguished Leadership (4)

Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement

| The Superintendent demonstrates executive leadership in....   | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|---|-------------|-----------|----------------|-------------------|
| Articulating district purpose and priorities to the community   |             |           |                |                   |
| Aligning constituencies in support of district processes  |             |           |                |                   |
| Effectively sharing the district vision of learning and galvanizing support of this vision              |             |           |                |                   |
| Communicating effectively to various stakeholders regarding progress with school improvement plan goals |             |           |                |                   |
| Systematically and fairly recognizing and celebrating accomplishments of staff and students             |             |           |                |                   |
| Promoting collaboration with all stakeholders   |             |           |                |                   |
| Being easily accessible and engaged in the school community   |             |           |                |                   |
| Articulating the desired school culture and showing evidence about how it is reinforced                 |             |           |                |                   |
| Communicating effectively with both internal and external audiences about the operations of the school  |             |           |                |                   |
|   |             |           |                |                   |

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|   |  |  |  |  |
|---|--|--|--|--|
| Engaging family and community by promoting shared responsibility for student learning and support of the education system                           |  |  |  |  |
| Promoting and supporting a structure for family and community involvement in the education system.  |  |  |  |  |
| Facilitating the connections of students and families to the health and social services that support a focus on learning                            |  |  |  |  |
| Collaboratively establishing a culture that welcomes and honors families and community and seeking ways to engage them in student learning          |  |  |  |  |
| Understanding the profile of the community, and responding to and influencing the larger political, social, economical, legal, and cultural context |  |  |  |  |
| Collaborating with service providers and other decision-makers to improve teaching and learning   |  |  |  |  |
| Articulating district purpose and priorities to the community   |  |  |  |  |
| Articulating district purpose and priorities to the mass media  |  |  |  |  |
| Requesting and responding to community feedback in a timely fashion   |  |  |  |  |
| Demonstrating consensus building and conflict mediation   |  |  |  |  |
| Formulating and carrying out plans for internal/external communication  |  |  |  |  |
| Building coalitions to gain financial and programmatic support<br>Formulating strategies for district referenda                                     |  |  |  |  |
| Relating political initiatives to the welfare of children   |  |  |  |  |

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|---------------------|--|--|--|--|--|
| Total for Part III: |  |  |  |  |  |
|---------------------|--|--|--|--|--|

Comments:

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Evidence:

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## Superintendent of Schools and Learning Performance Expectations Standards Assessment

### IV. Leadership and Organizational Management and School Finance

| Minimal Leadership (1)   | Basic Leadership (2)                                    | Proficient Leadership (3)                                   | Distinguished Leadership (4)   |
|--|---|---|--|
| Minimal understanding as evidenced by little or no application | Some understanding as evidenced by emerging application | Complete understanding as evidenced by thorough application | Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement |

| The Superintendent demonstrates executive leadership in....  | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|--|-------------|-----------|----------------|-------------------|
| Establishing operational plans and processing that reflect an understanding of school finance      |             |           |                |                   |
| Establishing operational plans and processing that reflect an understanding of resource allocation |             |           |                |                   |
| Establishing operational plans and processing that reflect an understanding of systems management  |             |           |                |                   |
| Monitoring progress and making adjustments when necessary  |             |           |                |                   |
| Total for Part IV:   |             |           |                |                   |

Comments:

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Evidence:

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# Superintendent of Schools and Learning Performance Expectations Standards Assessment

## V. Curriculum Planning and Development

Minimal Leadership (1)

Basic Leadership (2)

Proficient Leadership (3)

Distinguished Leadership (4)

Minimal understanding as evidenced by little or no application

Some understanding as evidenced by emerging application

Complete understanding as evidenced by thorough application

Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement

| The Superintendent demonstrates executive leadership in....  | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|--|-------------|-----------|----------------|-------------------|
| Overseeing the design of curriculum  |             |           |                |                   |
| Developing a strategic curriculum plan that is standards based and enhances teaching and learning in multiple contexts   |             |           |                |                   |
| Implementing a strategic curriculum plan that is standards based and enhances teaching and learning in multiple contexts |             |           |                |                   |
| Total for Part V:  |             |           |                |                   |

Comments:

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Evidence:

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## Superintendent of Schools and Learning Performance Expectations Standards Assessment

## VI. Instructional Management

## Minimal Leadership (1)

Minimal understanding as evidenced by little or no application

## Basic Leadership (2)

Some understanding as evidenced by emerging application

## Proficient Leadership (3)

Complete understanding as evidenced by thorough application

## Distinguished Leadership (4)

Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement

| The Superintendent demonstrates executive leadership in....   | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|---|-------------|-----------|----------------|-------------------|
| Implementing a system that includes research findings on learning and instructional strategies to maximize student outcomes                                       |             |           |                |                   |
| Implementing a system that includes research findings on instructional time to maximize student outcomes  |             |           |                |                   |
| Implementing a system that includes research findings on advanced electronic technologies to maximize student outcomes  |             |           |                |                   |
| Implementing a system that includes research findings on resources to maximize student outcomes   |             |           |                |                   |
| Describing and applying research and best practices to integrating curriculum and resources for multicultural sensitivity   |             |           |                |                   |
| Describing and applying research and best practices to integrating curriculum and resources for multicultural sensitivity   |             |           |                |                   |
| Describing and applying research and best practices to integrating curriculum and resources for assessment strategies to help all students achieve at high levels |             |           |                |                   |
| Total for Part VI:  |             |           |                |                   |

Comments:

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Evidence:

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## Superintendent of Schools and Learning Performance Expectations Standards Assessment

## VII. Staff Evaluation and Personnel Management

## Minimal Leadership (1)

Minimal understanding as evidenced by little or no application

## Basic Leadership (2)

Some understanding as evidenced by emerging application

## Proficient Leadership (3)

Complete understanding as evidenced by thorough application

## Distinguished Leadership (4)

Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement

| The Superintendent demonstrates executive leadership in....                                     | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|---|-------------|-----------|----------------|-------------------|
| Applying effective staff evaluation models and processes to staff performance                   |             |           |                |                   |
| Developing personnel recruitment procedures   |             |           |                |                   |
| Developing personnel selection procedures   |             |           |                |                   |
| Developing personnel development procedures   |             |           |                |                   |
| Developing personnel promotion procedures   |             |           |                |                   |
| Understanding legal issues related to personnel administration                                  |             |           |                |                   |
| Implementing effective evaluations and/or audits of the deployment of available human resources |             |           |                |                   |
| Total for Part VII:   |             |           |                |                   |

Comments:

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Evidence:

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## VIII. Values and Ethics of Leadership

### Minimal Leadership (1)

Minimal understanding as evidenced by little or no application

### Basic Leadership (2)

Some understanding as evidenced by emerging application

### Proficient Leadership (3)

Complete understanding as evidenced by thorough application

### Distinguished Leadership (4)

Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement

| The Superintendent demonstrates executive leadership in....   | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|---|-------------|-----------|----------------|-------------------|
| Understanding and modeling appropriate value systems, ethics, and moral leadership                                  |             |           |                |                   |
| Knowing the role of education in a democratic society   |             |           |                |                   |
| Exhibiting multicultural and ethnic understanding and related behavior  |             |           |                |                   |
| Adapting education programming to the needs of diverse constituencies   |             |           |                |                   |
| Balancing complex community demands in the best interest of the student   |             |           |                |                   |
| Monitoring the environment for opportunities for students and staff   |             |           |                |                   |
| Responding in an ethical and skillful way to the electronic and printed news media                                  |             |           |                |                   |
| Coordinating social agencies and human services to help each student grow and develop as a caring, informed citizen |             |           |                |                   |
| Total for Part VIII:  |             |           |                |                   |

Comments:

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Evidence:

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## IX. Board Relations

### Minimal Leadership (1)

Minimal understanding as evidenced by little or no application

### Basic Leadership (2)

Some understanding as evidenced by emerging application

### Proficient Leadership (3)

Complete understanding as evidenced by thorough application

### Distinguished Leadership (4)

Deep, reflective understanding as evidenced by thorough application and a focus on continued improvement

| The Superintendent demonstrates executive leadership in....                  | Minimal (1) | Basic (2) | Proficient (3) | Distinguished (4) |
|--|-------------|-----------|----------------|-------------------|
| Developing and implementing a Board/Superintendent communication plan        |             |           |                |                   |
| Providing accurate, timely responses to the Board's requests for information |             |           |                |                   |
| Adequately preparing staff for presentations to the Board                    |             |           |                |                   |
| Providing a useful, accurate weekly update of district news and information  |             |           |                |                   |
| Working collaboratively with Board members                                   |             |           |                |                   |
| Total for Part IX:   |             |           |                |                   |

Comments:

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Evidence:

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# DRAFT

## FY 2010-2011 Performance Elements

### Strategic Alignment

Executives in the Madison Metropolitan School District (MMSD) are accountable for supporting the mission of the district and following state statutes in providing leadership, developing a collective district vision, shaping school culture and climate, ensuring effective working relationships and developing strategies for implementing district policy. Each Board member will provide a narrative of the Superintendent's performance based on the critical performance elements *Diversity and Inclusion* and *Safety*.

### District Strategic Goals and Management Initiatives

#### Strategic Goals:

**Instructional Excellence** – Improving student achievement and offering challenging, diverse and contemporary curriculum and instruction.

**Student Support** – Assuring a safe, respectful and welcoming learning environment.

**Staff Effectiveness** – Recruiting, developing and retaining a highly competent workforce that reflects the diversity of our students.

**Home and Community Partnerships** – Strengthening community and family partnerships, and communication.

**Fiscal Responsibility** – Using resources efficiently

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### Instructions for completion of evaluation:

**Read each section and make comments regarding the Superintendent's job performance in the space provided. Use additional sheets if necessary..**

**Element 1 – Diversity and Inclusion** This element measures the Superintendent’s leadership in the implementation and meeting of diversity and inclusion strategic goals; enforcement of civil rights laws, rules, regulations; and holding subordinate supervisors accountable for achieving diversity and inclusion goals and objectives in all employment, program delivery, and other administrative activity.

Applicable measures from the District Strategic Plan are incorporated into staff annual performance plans. Applicable goals and objectives related to accountability, program delivery, outreach, workforce diversity, employment practices, resources and structure, performance, administrative activities, communications and reporting are met in accordance with District / Board of Education policy

Develops and implements outreach strategies that enhance the delivery of district services and assistance to underserved populations. Demonstrates an understanding of and commitment to diversity and inclusion and ensures fair and equitable program delivery.

Ensures subordinate supervisors exercise effective managerial, communication and interpersonal skills to supervise and develop a diverse workforce.

**Makes good faith efforts to resolve employment complaints and workforce disputes at all times, particularly early in the process, by offering alternative dispute resolution, training, and alternative assignments; by timely response to requests for information from EEO counselors, mediators, investigators, and adjudicators; and by prompt implementation of settlement agreements.**

Comments: \_\_\_\_\_

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**Element 2 – Leadership in the Creation and Implementation of a New SAFETY Culture** This element measures the Superintendent’s success in leading the implementation of an improved culture in the District. This element is specific to the district’s effort to create an excellent safety environment where operations are accomplished through recognized safety practices and high performance. This environment is characterized by having zero employee and student injuries and fatalities while working correctly and safely accomplishing the mission in low risk situations; having open communication concerning hazards, lessons learned, and incidents; successfully orienting the workforce and students to identify and communicate hazards or issues before they become accidents; and establishing the discipline and “barrierless” communications necessary to hold the Superintendent and subordinate employees accountable for operating safely.

**Displaying Personal Commitment:** Superintendent is visibly and actively involved in implementing the District plan to establish an improved safety culture. Superintendent visibly “walks the talk” in complying with district safety standards and actively addresses situations where deviation from standards is being or has been “normalized”.

**Accountability:** Superintendent actively focuses on key priorities of the district’s safety culture focus by:

- Seeks to establish a “barrierless” environment where all employees are empowered to point out and communicate about any unsafe situation or behavior regardless of who is involved, and specifically emphasizes that such empowerment applies to pointing out unsafe behavior or situations involving the Superintendent himself/herself.
- Establishes an environment of accountability where lessons learned can be freely discussed and distinguishes between unsafe behavior and gross negligence or callous disregard for standard protocols.
- The district compiles incident data for future evaluation of program effectiveness.

**Incentives and Awards:** Superintendent creates appropriate incentives by acknowledging employees who conduct themselves safely and who communicate about safety without regard for organizational structure Superintendent awards outstanding and/or heroic behavior of employees or students that occurred to prevent accidents or and/or reduce risk and assures that behaviors are not acknowledged where significant risk occurred regardless of the mission accomplishment that may have resulted.

Comments: \_\_\_\_\_  
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