



Legislature's bright idea leaves public in the dark

By Jim Waters

Sometimes well-intended legislation can have unintended consequences.

Take [Senate Bill 178](#), which passed during this year's legislative session. It allows local school boards to conduct the most crucial portions of superintendent evaluations in closed sessions.

Legislators who support the bill tell me it's about striking a balance between the public's right to know and honest discussions by school board members of a superintendent's performance.

Bill sponsor Sen. David Givens, R-Greensburg, asks:

“Do we want to have an open public evaluation that is done in a dishonest way — where candid and frank discussions are *not* held, which is what currently is going on up until this legislation passed — or do we want to have preliminary discussions that can be candid and frank on both sides of that conversation?”

Public access comes with differences, said Sen. Damon Thayer, R-Georgetown. He voted for Givens's bill — even though he has led the charge for more transparency in state government in recent years.

“There's a difference in putting the government's checkbook online and dealing with certain personnel issues,” Thayer said. “This is a personnel matter that has plenty of transparency throughout the process.”

However, by the time this process becomes transparent in an open session, it also becomes one of consensus, which effectively disguises any concerns individual board members raised in the closed session. Those issues remain unknown.

“We're not talking about an individual teacher here,” said Rep. Jim DeCesare, R-Bowling Green. “We're talking about the head of the school district, and if an elected board member has an issue with a superintendent, the parents sending their children to a school in that district have a right to know what it is.”

The Kentucky School Boards Association, which consistently underwhelms me by failing to fulfill its substantial potential to push reform of the commonwealth's education system, wanted this bill. It claims that boards need to speak as a group, rather than having all that uncomfortable input from individual members publicly discussed.

But school board members are elected and must — arguably as their most important job — [evaluate superintendents](#), school districts' chief executive officers.

If boards do a significant portion of their most important work in secret, how does that serve the public, whose taxes fund their districts, including some enormously high superintendents' salaries?

It doesn't allow voters to determine whether board members represent their interests. And it denies challengers for board seats information needed to effectively confront incompetent incumbents.

Perhaps legislators thought this policy would somehow improve the education system. But signs already show it does the opposite.

For example, even though school boards in [Jefferson](#) and [Christian](#) counties jumped at the chance to hold their superintendent evaluations in secret on July 15 — the day the law went into effect — we still don't know the plans for improvement in these poor-performing districts.

A majority of schools in both districts failed to meet their 2008-09 "[No Child Left Behind Act](#)" goals. Plus, a majority of their high school students performed below proficiency in math, science, social studies and writing during that school year.

Perhaps we need legislation that requires each district to set annual, measurable goals indicating continuous improvement. We could then base superintendents' evaluations — and future employment — on whether those metrics are met.

The whole process would change from one that hides the performance of nervous school board members behind closed doors to a transparent, objective process that allows voters to determine if boards and superintendents are doing their most important job — ensuring our kids get the education they need.

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