CONCEPTS AND ROLES

The Board of Trustees recognizes that district administration performs essential roles and functions in support of student learning, including the provision of instructional support and services to schools as well as the responsible management of noninstructional operations. The Superintendent or designee may make decisions concerning district operations within the parameters of law and Board policy.

(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 9310 - Board Policies)

The Superintendent shall provide leadership in developing administrative regulations and organizational structures, decision-making processes, and staff action plans that allow the district to fulfill its vision and goals. The Board also expects the Superintendent to help shape the culture and environment of the district in a manner that focuses district operations on enhancing student achievement, encourages positive relationships within the community, and instills confidence in district schools.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)
(cf. 0500 - Accountability)
(cf. 2111 - Superintendent Governance Standards)

The Board and Superintendent shall work together as a team in the exercise of district governance. The Board and Superintendent shall establish protocols that describe how the governance team will operate, including, but not limited to, agreements regarding Board meeting operations and communications between the Superintendent and the Board.

(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)

Because the Superintendent is the only district employee who is directly selected and evaluated by the Board, the Board has a responsibility to ensure that the Superintendent possesses the skills and attributes that best meet the needs of the district.

(cf. 2120 - Superintendent Recruitment and Selection)

The Board and Superintendent shall agree upon a system for evaluating the Superintendent, including the evaluation criteria, method, evaluation instrument, process, and timeline.

(cf. 2140 - Evaluation of the Superintendent)

The Superintendent may delegate to other district staff any duties imposed upon him/her by the Board. This delegation shall not relieve the Superintendent of responsibility for actions taken by his/her designees.

(cf. 1220 - Citizen Advisory Committees)

CONCEPTS AND ROLES (continued)

(cf. 2210 - Administrative Discretion Regarding Board Policy)
(cf. 2230 - Representative and Deliberative Groups)
(cf. 4300 - Administrative and Supervisory Personnel)
(cf. 4301 - Administrative Staff Organization)

Legal Reference:

EDUCATION CODE
35020 Duties of employees fixed by governing board
35026 Employment of district superintendent by certain district
35028 Qualifications for employment
35029 Waiver of credential requirements
35031 Term of employment
35033 District superintendent for certain districts
35034 District superintendent of certain districts
35035 Powers and duties of superintendent
35160 Authority of governing boards
35160.1 Broad authority of school districts
35161 Powers and duties generally

Management Resources:

CSBA PUBLICATIONS
Maximizing School Board Governance: Superintendent Selection and Employment, 2006
Maximizing School Board Governance: Superintendent Evaluation, 2005
Superintendent Governance Standards, 2001
CSBA Professional Governance Standards, 2000
WEB SITES
CSBA: http://www.csba.org
American Association of School Administrators: http://www.aasa.org
Association of California School Administrators: http://www.acsa.org

SUPERINTENDENT RESPONSIBILITIES AND DUTIES

The Board of Trustees desires to establish a productive working relationship with the Superintendent and to ensure that the work of the Superintendent is focused on student learning and achievement and the attainment of the district's vision and goals. The Board also desires to provide a fair basis for holding the Superintendent accountable. The responsibilities of the Superintendent are detailed in law, in the Superintendent's contract, and throughout Board policies and administrative regulations.

(cf. 0000 - Vision)
(cf. 2000 - Concepts and Roles)
(cf. 2111 - Superintendent Governance Standards)
(cf. 2121 - Superintendent's Contract)

The Board shall clarify expectations and goals for the Superintendent at the beginning of every evaluation year.

(cf. 2140 - Evaluation of the Superintendent)

As the chief executive officer of the district, the Superintendent shall implement all Board decisions and manage the instructional and noninstructional operations of the schools. The Superintendent also serves as a member of the district's governance team and has responsibilities to support Board operations and decision making.

(cf. 2210 - Administrative Discretion Regarding Board Policy)
(cf. 9000 - Role of the Board)
(cf. 9122 - Secretary)

The Superintendent may delegate any of his/her responsibilities and duties to other district staff, but he/she remains accountable to the Board for all areas of operation under the Superintendent's authority.

(cf. 4301 - Administrative Staff Organization)

Legal Reference: (see next page)

SUPERINTENDENT RESPONSIBILITIES AND DUTIES (continued)

Legal Reference:

EDUCATION CODE
17604 Delegation of powers to agents
17605 Delegation of authority to purchase supplies, equipment and services
35020-35046 Powers and duties of superintendent
48900 Authority of superintendent to recommend suspension or expulsion

Management Resources:

CSBA PUBLICATIONS
Maximizing School Board Governance
Superintendent Governance Standards, 2001
WEB SITES
CSBA: http://www.csba.org
American Association of School Administrators: http://www.aasa.org
Association of California School Administrators: http://www.acsa.org

SUPERINTENDENT GOVERNANCE STANDARDS

The Board of Trustees recognizes that effective district governance requires strong collaboration and teamwork with the Superintendent. Because the Board and Superintendent each have their unique roles and responsibilities, both contribute to the responsible governance of the district and the quality of education provided to the community's students.

(cf. 2000 - Concepts and Roles)
(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)

The Superintendent is expected to hold himself/herself to the highest standards of ethical conduct and professionalism.

To support the Board in the governance of the district, the Superintendent:

1. Promotes the success of all students and supports the efforts of the Board to keep the district focused on learning and achievement

2. Values, advocates and supports public education and all stakeholders

3. Recognizes and respects the differences of perspective and style on the Board and among staff, students, parents/guardians and the community and ensures that the diverse range of views inform Board decisions

4. Acts with dignity, treats everyone with civility and respect, and understands the implications of demeanor and behavior

5. Serves as a model for the value of lifelong learning and supports the Board's continuous professional development

(cf. 9240 - Board Development)

6. Works with the Board as a "governance team" and assures collective responsibility for building a unity of purpose, communicating a common vision and creating a positive organizational culture

(cf. 0000 - Vision)

7. Recognizes that the Board/Superintendent governance relationship is supported by the management team in the district

8. Understands the distinctions between Board and staff roles, and respects the role of the Board as the representative of the community

9. Understands that authority rests with the Board as a whole; provides guidance to the Board to assist in decision-making; and provides leadership based on the direction of the Board as a whole

SUPERINTENDENT GOVERNANCE STANDARDS (continued)

10. Communicates openly with trust and integrity, including providing all members of the Board with equal access to information and recognizing the importance of both responsive and anticipatory communications

11. Accepts leadership responsibility and accountability for implementing the vision, goals and policies of the district

Legal Reference:

EDUCATION CODE
35020 Duties of employees set by governing board

Management Resources:

CSBA PUBLICATIONS
Superintendent Governance Standards, 2001
CSBA Professional Governance Standards, 2000
AASA PUBLICATIONS
Professional Standards for the Superintendency, 1993
WEB SITES
CSBA: http://www.csba.org
ACSA: http://www.acsa.org
American Association of School Administrators: http://www.aasa.org

SUPERINTENDENT RECRUITMENT AND SELECTION

The Board of Trustees recognizes that it has a direct responsibility to select and employ the Superintendent. Whenever it becomes necessary for the Board to fill a vacancy in the position of Superintendent, the Board shall work diligently to employ a person whose management and leadership abilities are most closely aligned with district needs.

(cf. 2000 - Concepts and Roles)
(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 2111 - Superintendent Governance Standards)
(cf. 9000 - Role of the Board)

The Board shall establish and implement a search and selection process that includes consideration of:

1. The district's current and long-term needs, including a review of the district's vision and goals

(cf. 0000 - Vision
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)

2. The desired characteristics of a new Superintendent, including professional experience, educational qualifications, leadership characteristics, philosophy of education, and other management, technical, interpersonal and conceptual skills, as well as the priorities the Board wants to place on different abilities, traits and levels of knowledge

3. The scope of the search, including whether to promote from within the district or broaden the search to include both internal and external candidates and, if external candidates will be considered, whether to conduct a statewide or nationwide search

4. The salary range and benefits to be offered

5. Basic elements to be included in the Superintendent's contract

6. Whether to hire a professional adviser to facilitate the process

7. How and when to involve the community in certain phases of the selection process

(cf. 1000 - Concepts and Roles)
(cf. 1220 - Citizen Advisory Committees)

8. The best methods for advertising the vacancy and recruiting qualified candidates

9. The process for screening applications and determining how the screener(s) will be selected

SUPERINTENDENT RECRUITMENT AND SELECTION (continued)

10. Interview questions, processes and participants

11. How and when candidates' qualifications will be verified through reference checks

(cf. 4112.5/4312.5 - Criminal Record Check)

12. Other actions necessary to ensure a fair selection process and a smooth transition to new leadership

Even if a professional adviser is used to facilitate the process, the Board shall retain the right and responsibility to oversee the process and to review all applications if desired.

The Board shall select candidates to be interviewed based on recommendations of the screener(s) and the Board's own assessment of how candidates meet the criteria established by the Board.

The Board shall interview preliminary and final candidates in closed session and determine the most likely match for the district. (Government Code 54957)

The selected candidate shall hold both a valid school administration certificate and a valid teacher's certificate. The Board may waive any credential requirement, but shall not employ a person whose credential has been revoked by the Commission on Teacher Credentialing pursuant to Education Code 44421-44427. (Education Code 35028, 35029, 35029.1)

Before offering the position to the selected candidate or making any announcements, Board members may visit that candidate's current district, as appropriate, to obtain verification of his/her qualifications.

The Board shall deliberate in closed session to affirm the selection of the candidate and shall report the selection in open session. (Government Code 54957)

(cf. 2121 - Superintendent's Contract)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

The Board shall conduct these proceedings in accordance with legal and ethical obligations regarding confidentiality and equal opportunity.

(cf. 4030 - Nondiscrimination in Employment)
(cf. 4031 - Complaints Concerning Discrimination in Employment)
(cf. 4032 - Reasonable Accommodation)
(cf. 4111.2/4211.2/4311.2 - Legal Status Requirement)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

SUPERINTENDENT RECRUITMENT AND SELECTION (continued)

As necessary, the Board may appoint an interim superintendent to manage the district during the selection process.

Legal Reference:

EDUCATION CODE
220 Prohibition of discrimination
35026 Employment of superintendent by board
35028 Certification
35029-35029.1 Waiver of credential requirement
35031 Term of employment
44420-44440 Revocation and suspension of certification documents
GOVERNMENT CODE
11135 Unlawful discrimination
12900-12996 California Fair Employment and Housing Act
53260-53264 Employment contracts
54954 Time and place of regular meetings
54957 Closed session personnel matters
54957.1 Closed session, public report of action taken
CODE OF REGULATIONS, TITLE 2
7287.6 Terms, conditions and privileges of employment
UNITED STATES CODE, TITLE 29
794 Section 504 of the Vocational Education Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
2000h-2000h-6 Title IX, 1972 Education Act Amendments
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
106.9 Dissemination of nondiscrimination policy

Management Resources:

CSBA PUBLICATIONS
Maximizing School Board Governance: Superintendent Selection and Employment
WEB SITES
CSBA: http://www.csba.org
ACSA: http://www.acsa.org
Equal Employment Opportunity Commission: http://www.eeoc.gov
Office of Civil Rights: http://www.ed.gov/offices/OCR
Department of Fair Employment and Housing: http://www.dfeh.ca.gov

SUPERINTENDENT'S CONTRACT

The Board of Trustees believes that the Superintendent's employment contract should outline the framework through which the Board and Superintendent are to work together to achieve district goals and objectives. When approving the Superintendent's employment contract, the Board shall consider the need for stability in district administration and shall ensure the best use of district resources.

(cf. 2120 - Superintendent Recruitment and Selection)
(cf. 4312.1 - Contracts)
(cf. 9000 - Role of the Board)

The contract shall be reviewed by the district's legal counsel and shall, at a minimum, include the following:

1. The general duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

2. The duration of the contract, which shall be for no more than four years pursuant to Education Code 35031

3. The salary, benefits, and other compensation for the position

(cf. 4154/4254/4354 - Health and Welfare Benefits)

4. The criteria, process, and procedure for evaluation and the conditions for reemployment

(cf. 2140 - Evaluation of the Superintendent)

5. The conditions for termination of the contract including the maximum cash settlement that the Superintendent may receive upon termination of the contract

The Board shall deliberate in the closed session of a regular meeting about the terms of the contract. (Government Code 54956, 54957)

(cf. 9320 - Meetings and Notices)
(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

Terms of the contract shall remain confidential until the ratification process commences.

(cf. 9011 - Disclosure of Confidential/Privileged Information)

The Board shall ratify the Superintendent's contract in an open meeting, which shall be reflected in the Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

SUPERINTENDENT'S CONTRACT (continued)

(cf. 1340 - Access to District Records)
(cf. 3580 - District Records)

During an existing contract, the Board may reemploy the Superintendent on mutually agreed upon terms and conditions. However, the Superintendent's contract shall be extended only by Board action subsequent to a satisfactory evaluation of the Superintendent's performance and in accordance with Government Code 3511.2.

Decision not to Reemploy

If the Board determines to not reemploy the Superintendent at the expiration of his/her contract, the Board shall provide written notice to him/her at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

Termination of Contract

The Board may terminate the Superintendent's contract of employment in accordance with law and applicable contract provisions. If the unexpired term of the contract is more than 18 months, the maximum cash settlement shall be no greater than the Superintendent's monthly salary multiplied by 18. The cash settlement shall not include any noncash items other than health benefits, which may be continued for the unexpired term of the contract up to 18 months or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

(cf. 4117.5/4217.5/4317.5 - Termination Agreements)

However, when the termination of the Superintendent's contract is based upon the Board's belief and subsequent confirmation through an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal fiscal practices, the maximum settlement shall be as determined by an administrative law judge but no greater than the Superintendent's monthly salary multiplied by six. (Government Code 53260)

In addition, if the Superintendent is convicted of a crime involving an abuse of his/her office or position, he/she shall reimburse the district for payments he/she receives as paid leave salary pending investigation or as cash settlement upon his/her termination, and for any funds expended by the district in his/her defense against a crime involving his/her office or position. (Government Code 53243-53243.4, 53260)

Legal Reference: (see next page)

SUPERINTENDENT'S CONTRACT (continued)

Legal Reference:

EDUCATION CODE
35031 Term of employment
41325-41329.3 Conditions of emergency apportionment
GOVERNMENT CODE
3511.1-3511.2 Local agency executives
53243-53243.4 Abuse of office
53260-53264 Employment contracts
54954 Time and place of regular meetings
54957 Closed session personnel matters
54957.1 Closed session, public report of action taken

Management Resources:

CSBA PUBLICATIONS
Maximizing School Board Governance: Superintendent Evaluation, 2006
Maximizing School Board Governance: Superintendent Selection and Employment, 2004
WEB SITES
CSBA, Governance Consulting Services: http://www.csba.org
Association of California School Administrators: http://www.acsa.org

EVALUATION OF THE SUPERINTENDENT

The Board of Trustees recognizes that, in order to effectively fulfill its responsibilities for setting direction, ensuring accountability, and providing community leadership for the district, it must adopt measures for holding the Superintendent accountable. At a minimum, the Board shall annually conduct a formal evaluation of the Superintendent's performance to assess his/her effectiveness in leading the district toward established goals. In addition, the evaluation process may include opportunities during the year for review of the Superintendent's progress toward meeting the goals. The evaluation shall be in accordance with the provisions of the Superintendent's contract and any applicable Board policy.

(cf. 0000 - Vision)
(cf. 2121 - Superintendent's Contract)
(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)

Evaluation criteria shall be agreed upon by the Board and Superintendent prior to the evaluation and shall include, but not be limited to, district goals and success indicators; educational, management, and community leadership skills; and the Superintendent's professional relationship with the Board.

(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 2111 - Superintendent Governance Standards)

The Board and Superintendent shall jointly determine the evaluation method(s) and schedule that will best serve the district and the structure and format of the instrument to be used.

Prior to the evaluation, the Superintendent shall provide to the Board for its review a report of progress toward district goals, the Superintendent's self-appraisal of accomplishments and performance, and a statement of actions taken to address any Board recommendation from the previous evaluation.

Each Board member shall independently evaluate the Superintendent's performance. Based on these individual evaluations, the Board president shall produce a document that summarizes the individual evaluations. The Board shall then take action on this document and present it to the Superintendent for his/her response.

The evaluation shall provide commendations in areas of strength and achievement, provide recommendations for improving effectiveness in areas of concern and unsatisfactory performance, and serve as a basis for making decisions about salary increase and/or contract extension.

The Board shall meet in closed session with the Superintendent to discuss the evaluation. (Government Code 54957)

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

EVALUATION OF THE SUPERINTENDENT (continued)

The Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional evidence of his/her performance or district progress.

After the Board and Superintendent have discussed the evaluation, the Board president and Superintendent shall sign the evaluation and it shall be placed in the Superintendent's personnel file.

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

At the open session after the Superintendent's evaluation or at a subsequent meeting, the Board and Superintendent shall jointly identify performance goals for the next year.

(cf. 9400 - Board Self-Evaluation)

Legal Reference:
GOVERNMENT CODE
53262 Employment contracts, superintendent
54957 Closed session, personnel matters
COURT DECISIONS
Duval v. Board of Trustees, (2001) 93 Cal.App.4th 902

Management Resources:
CSBA PUBLICATIONS
Maximizing School Board Governance: Superintendent Evaluation, 2006
WEB SITES
CSBA: http://www.csba.org
Association of California School Administrators: http://www.acsa.org

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY

The Board of Trustees desires to be proactive in communicating its philosophy, priorities, and expectations for the district; clarifying the roles and responsibilities of the Board, Superintendent, and other senior administrators; and setting direction for the district through written policies. However, the Board recognizes that, in the course of operating district schools or implementing district programs, situations may arise which may not be addressed in written policies.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for the School District)
(cf. 0460 - Local Control and Accountability Plan)
(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 9000 - Role of the Board)
(cf. 9310 - Board Policies)

In any situation in which immediate action is needed to avoid any risk to the safety or security of district students, staff, or property or disruption to student learning, the Superintendent or designee shall have the authority to act on behalf of the district.

As necessary, the Superintendent or designee shall consult with other district staff, including the legal counsel and/or the chief business official, regarding the exercise of this authority.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 3516.5 - Emergency Schedules)

The Superintendent or designee shall notify the Board as soon as practicable after he/she exercises this authority. The Board president and the Superintendent shall schedule a review of the action at the next regular Board meeting. If the action indicates the need for additions or revisions to Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

(cf. 9320 - Meetings and Notices)
(cf. 9322 - Agenda/Meeting Materials)

Legal Reference: (see next page)

ADMINISTRATIVE DISCRETION REGARDING BOARD POLICY (continued)

Legal Reference:

EDUCATION CODE
35010 Control of district, prescription and enforcement of rules
35035 Powers and duties of superintendent
35160 Authority of governing boards
35161 Powers and duties; authority to delegate
35163 Official actions, minutes and journal

Management Resources:

CSBA PUBLICATIONS
Impact of Local Control Funding Formula on Board Policies, Policy Brief, November 2013
WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

REPRESENTATIVE AND DELIBERATIVE GROUPS

The Board of Trustees believes that broad input on district operations and policy from staff, parents/guardians, students and members of the public can provide the district with a diversity of viewpoints and expertise, help build a sense of ownership of the schools, enhance district efficiency and assist district communications. As desired, the Superintendent or designee may establish a management team, administrative councils, task forces, cabinets or committees in accordance with law.

(cf. 1220 - Citizen Advisory Committees)
(cf. 4301 - Administrative Staff Organization)

The membership, composition and responsibilities of these groups shall be defined by the Superintendent or designee. The Superintendent or designee may establish, change or dissolve these groups at his/her discretion.

Groups established by the Superintendent or designee shall act in an advisory capacity unless specifically authorized to act on behalf of the Superintendent or designee. Advisory groups shall submit their recommendations to the Superintendent or designee, who may report the recommendations to the Board as appropriate.

(cf. 9130 - Board Committees)

Expenses incurred for consulting services, materials, travel or other related operations shall be approved by the Superintendent or designee in advance.

(cf. 3350 - Travel Expenses)

Legal Reference:
EDUCATION CODE
35160.1 Broad authority of school districts
45100.5 Senior classified management positions
45256.5 Designation of certain senior classified management positions
GOVERNMENT CODE
3540.1 Definitions
54952 Legislative body, definition