

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

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 RESPONSIBILITIES AND DUTIES

The Superintendent is expected to work for the fulfillment of district goals and objectives established by the Board of Trustees. His/her responsibilities and duties shall be specified in contract and further detailed throughout the Board's policies.

The duties of the Superintendent's office shall take precedence over any outside professional activities.

The Superintendent is the chief executive officer of the school district and is directly responsible to the Board of Trustees. He/she supervises all district operations in accordance with Board policies and Board direction. Although the superintendent may delegate appropriate powers and duties so that operational decisions can be made at various administrative levels, he/she is accountable for the execution of these powers and duties.

Responsibilities Related to the Board

The Superintendent:

1. Advises the Board on the need for new and/or revised policies and makes policy recommendations based on data and input from staff and advisory committees.
2. Submits to the Board recommendations relative to all matters requiring Board action, together with the materials needed for informed decisions.
3. Reports periodically on all district operations.
4. Conducts special studies requested by the Board.
5. Secures legal opinions when needed.
6. Provides advice and leadership to the Board and to the district's chief negotiator during the collective bargaining process.
7. As secretary to the Board, prepares the agenda and minutes of Board meetings, handles Board correspondence, and maintains all Board records, contracts, securities and other documents.
8. Assists the Board in designing a process for evaluating Superintendent performance based on mutually agreed upon goals and objectives.

Responsibilities Related to Personnel

The Superintendent:

1. Coordinates the work of all schools and departments.

SUPERINTENDENT RESPONSIBILITIES AND DUTIES (continued)

2. Defines the duties of all personnel and coordinates administrative staff activities.
3. Selects and recommends to the Board candidates for employment, in accordance with nondiscrimination policy and affirmative action plans.
4. Advises the Board regarding the leave, classification, retirement, resignation, promotion, suspension or dismissal of district employees.
5. Assigns personnel within the district in accordance with Board policy and the collective bargaining agreement.
6. Promotes a positive work environment.
7. Ensures that each staff member is evaluated and identifies appropriate opportunities for continued professional development.
8. Maintains appropriate channels of two-way communication within the district.
9. Ensures that staff is informed about relevant federal, state, and county laws; district policies, regulations and procedures; and matters related to the improvement and welfare of the schools.
10. Anticipates, manages and resolves conflict.
11. Serves as liaison between the Board and staff.

Responsibilities Related to Students and the Instructional Program

The Superintendent:

1. Enforces compulsory attendance laws.
2. Provides the Board with regular evaluations of district programs and student progress.
3. Together with staff, studies the curriculum and makes recommendations to the Board regarding the courses of study, major changes in texts and time schedules, and promising programs.
4. Apprises the Board of contemporary educational practices and related legislative issues which he/she discovers by reading, attending professional conferences, and visiting other school systems.
5. Ensures that there is a continuous focus on student growth and learning.

SUPERINTENDENT RESPONSIBILITIES AND DUTIES (continued)

6. Ensures equitable administration of student discipline policies. Under appropriate circumstances, recommends to the Board a student's suspension or expulsion.
7. Works with staff, the Board and the community in planning and implementing support services for students.

Responsibilities Related to Noninstructional Operations

The Superintendent:

1. Seeks and identifies sources of income and funding.
2. Maintains and updates adequate enrollment and scholastic records, business and property records, and personnel records.
3. Submits to the Board periodic financial and budgetary reports which identify the district's outstanding obligations.
4. Annually prepares and submits to the Board the district budget for the upcoming year; revises this budget or takes other related action as the Board designates.
5. Approves all expenditures in accordance with Board policy and within Board-approved appropriation limits.
6. Makes recommendations to the Board regarding the maintenance, safety, improvement and/or expansion of school facilities, sites, equipment, and transportation services.
7. Develops regulations and procedures for the management of school operations and the use and care of school properties.
8. Monitors district property, casualty and workers' compensation loss experience to ensure that appropriate risk management and loss control strategies are employed.

Responsibilities Related to the Community

The Superintendent:

1. Serves as a spokesperson as assigned in relationships with city, county and state governments, private agencies, and the school community.
2. Keeps the community informed about school matters; promotes community support and involvement with the schools.

SUPERINTENDENT RESPONSIBILITIES AND DUTIES (continued)

3. Participates in appropriate community organizations and functions.
4. Hears complaints against the schools and resolves controversies.

Note: This Administrative Regulation is intended to help the Board identify responsibilities which it may wish to assign to the Superintendent. It is not meant to list all the Superintendent's duties required by law.

Legal Reference:

EDUCATION CODE

17604 Delegation of powers to agents

17605 Delegation of authority to purchase supplies, equipment and services

35020 Duties of employees set by governing board

35026 Employment of district superintendent by certain districts

35028 Qualifications for employment

35029 Waiver of certification requirement

35035 Additional Powers and Duties of Superintendent

48900 Authority of superintendent to recommend suspension or expulsion

GOVERNMENT CODE

89501-89503 Honoraria and gifts

Policy
adopted: March 23, 1972
revised: October 27, 1983
revised: December 12, 2000
revised: September 18, 2001

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

ORGANIZATION CHART/LINES OF RESPONSIBILITY

The Superintendent shall maintain a current district organization chart approved by the Board. The organization chart shall clearly designate lines of primary responsibility and the relationships between all district positions.

The organization chart should clarify working relationships and functions. It is not intended to indicate all the lines of communication and cooperation which must exist to create successful and effective schools.

The Superintendent or designee shall insure that all personnel understand to whom they are responsible and for what functions. Lines of responsibility should in no way prevent staff members at all levels from cooperating to develop the best possible school programs and services.

(cf. 2120 – Superintendent of Schools)
(cf. 2210 – Administrative Leeway in Absence of Board Policy)
(cf. 2250 – Teacher-in-Charge/Principal’s Designee)

Legal Reference:

- EDUCATION CODE
- 35010 Control of district; prescription and enforcement of rules*
- 35020 Duties of Employees Fixed by Governing Board*
- 35035 Powers and Duties of Superintendent*
- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*

Policy
adopted: March 2, 1966
revised: March 23, 1972
revised: October 27, 1983
revised: September 18, 2001

BERRYESSA UNION SCHOOL DISTRICT
San Jose, California

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 Training)

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
12. Will monitor and review the Boards Governance Handbook every fall.

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. 4112.5/4212.5/4312.5 - 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. 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

11019 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. 0200 - Goals for the School District)
(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 may include the following:

1. Term of the contract, which shall be for no more than four years pursuant to Education Code 35031
2. Length of the work year and hours of work
3. Salary, health and welfare benefits, and other compensation for the position

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

4. Reimbursement of work-related expenses, including mileage reimbursement, consistent with Board policies, regulations, and guidelines applicable to other professional administrative staff

(cf. 3350 - Travel Expenses)

The contract may also address payment for professional dues and activities, the district's provision of cell phones or other technological devices, and the Superintendent's use of his/her personal vehicle.

(cf. 4040 - Employee Use of Technology)

5. Vacation, illness and injury leave, and personal leaves

(cf. 4161/4261/4361 - Leaves)
(cf. 4161.1/4361.1 - Personal Illness/Injury Leave)
(cf. 4161.2/4261.2/4361.2 - Personal Leaves)
(cf. 4161.5/4261.5/4361.5 - Military Leave)
(cf. 4161.8/4261.8/4361.8 - Family Care and Medical Leave)

6. General duties and responsibilities of the position

(cf. 2110 - Superintendent Responsibilities and Duties)

SUPERINTENDENT'S CONTRACT (continued)

7. Criteria, process, and procedure for annual evaluation of the Superintendent

(cf. 2140 - Evaluation of the Superintendent)

8. A statement that any subsequent increase in the Superintendent's salary shall be at the sole discretion of the Board
9. A statement that there shall be no automatic renewal or extension of the contract, although the Board can enter into a new contract with the Superintendent prior to the expiration of the existing contract
10. Timeline for providing written notice to the Superintendent if the Board does not wish to enter into a new contract, which shall be at least 45 calendar days in advance of the expiration of the term of the contract pursuant to Education Code 35031, and the responsibility of the Superintendent to remind the Board in writing and in a timely manner of the requirement to give notice

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

11. Conditions and process for termination of the contract, including the maximum cash settlement that the Superintendent may receive if the contract is terminated prior to its expiration date
12. Matters related to liability and indemnification against demands, claims, suits, actions, and legal proceedings brought against the Superintendent in his/her official capacity in the performance of duties related to his/her employment

The Board may deliberate about terms of the contract in closed session at a regular meeting. However, discussions regarding the salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception"), for the purpose of reviewing the Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the current or prospective Superintendent. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

The Board may consult with district legal counsel prior to holding a closed session with the designated representative(s) to discuss compensation to be paid to the current or prospective Superintendent.

(cf. 9320 - Meetings and Notices)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

SUPERINTENDENT'S CONTRACT (continued)

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

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

The Board shall take final action on the Superintendent's contract during an open session of a regularly scheduled Board meeting, and that action shall be reflected in the Board's minutes. At that meeting, prior to taking action, the Board shall orally report a summary of the recommendation for the final action on the Superintendent's salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of the contract and other public records created or received in the process of developing the recommendation related to the Superintendent's salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953, 54957.6)

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

Termination of Contract

Prior to the expiration of the contract, the Board may terminate the Superintendent's employment contract in accordance with law and applicable contract provisions.

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

In such an event, any cash settlement that the Superintendent may receive upon termination of the contract shall not exceed his/her monthly salary multiplied by the number of months left on the contract or, if the unexpired term of the contract is more than 18 months and the contract was executed prior to January 1, 2016, no greater than the Superintendent's monthly salary multiplied by 18. For any contract executed on or after January 1, 2016, any cash settlement shall not exceed the Superintendent's monthly salary multiplied by 12. (Government Code 53260)

The cash settlement shall not include any noncash items other than health benefits, which may be continued for the same duration of time as covered in the settlement or until the Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

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, no cash or noncash settlement of any amount shall be provided. (Government Code 53260)

SUPERINTENDENT'S CONTRACT (continued)

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:

EDUCATION CODE

35031 *Term of employment*

41325-41329.3 *Conditions of emergency apportionment*

GOVERNMENT CODE

3511.1-3511.2 *Local agency executives*

6250-6270 *California Public Records Act*

53243-53243.4 *Abuse of office*

53260-53264 *Employment contracts*

54953 *Oral summary of recommended salary and benefits of superintendent*

54954 *Time and place of regular meetings*

54956 *Special meetings*

54957 *Closed session personnel matters*

54957.1 *Closed session, public report of action taken*

54957.6 *Closed sessions regarding employee matters*

UNITED STATES CODE, TITLE 26

105 *Self-insured medical reimbursement plan; definition of highly compensated individual*

UNITED STATES CODE, TITLE 42

300gg-16 *Group health plan; nondiscrimination in favor of highly compensated individuals*

CODE OF FEDERAL REGULATIONS

1.105-11 *Self-insured medical reimbursement plan*

COURT DECISIONS

San Diego Union v. City Council, (1983) 146 Cal.App.3d 947

ATTORNEY GENERAL OPINIONS

57 *Ops. Cal. Atty. Gen.* 209 (1974)

Management Resources:

CSBA PUBLICATIONS

Superintendent Contract Template, 2015

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Local Legislative Bodies, 2003

WEB SITES

CSBA: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

California Office of the Attorney General: <https://oag.ca.gov>

EVALUATION OF THE SUPERINTENDENT

The Board of Trustees recognizes its responsibility to establish an evaluation system that enables a fair assessment of the Superintendent's effectiveness in leading the district toward established goals, serves to support his/her continued growth in leadership and management skills, and provides a basis for Board decisions regarding contract extension and compensation. The Board shall annually conduct a formal evaluation of the Superintendent's performance and may provide additional opportunities throughout the year to review the Superintendent's progress toward meeting established goals.

(cf. 0000 - Vision)
(cf. 0200 - Goals for the School District)
(cf. 0500 - Accountability)
(cf. 2121 - Superintendent's Contract)
(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)

The Board shall determine, with the Superintendent's input, the criteria, schedule, method(s), and instrument(s) to be used for the Superintendent's evaluation. Evaluation criteria shall include, but are not 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)

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 recommendations from the previous evaluation.

Each Board member shall independently evaluate the Superintendent's performance based upon the evaluation criteria, after which the Board shall produce a single document that integrates the individual evaluations and represents the consensus of the Board.

(cf. 9121 - President)

The evaluation shall provide commendations in areas of strength and achievement and recommendations for improving effectiveness in any areas of need, concern, or unsatisfactory performance.

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)

At this meeting, the Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional information regarding his/her performance or district progress.

The discussion shall include the establishment of performance goals for the next year and may identify professional development opportunities for the Superintendent and/or the entire governance team to address areas of concern, strengthen the relationship between the Superintendent and Board, or enhance the Superintendent's knowledge of current educational issues and leadership and management skills.

(cf. 9240 - Board Training)

(cf. 9400 - Board Self-Evaluation)

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. The evaluation, including personal performance goals, shall be confidential to the extent permitted by law.

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

Legal Reference:

GOVERNMENT CODE

6254.8 *Public Records Act; employment contracts*

54957 *Closed session, personnel matters*

COURT DECISIONS

Versaci v. Superior Court, (2005) 127 Cal.App.4th 805

Duval v. Board of Trustees, (2001) 93 Cal.App.4th 902

Management Resources:

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*