

**CONCEPTS AND ROLES**

The Governing Board 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)*

**CONCEPTS AND ROLES** (continued)

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)*
- (cf. 2210 - Administrative Leeway in Absence of Governing 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 Governing Board desires to set clear expectations of the Superintendent's responsibilities and duties in order to establish a productive working relationship with the Superintendent, ensure that the work of the Superintendent is focused on achievement of the district's vision and goals, and provide a fair basis for holding the Superintendent accountable. The responsibilities are detailed in law, Board policy and the Superintendent's contract.

- (cf. 0000 - Vision)*
- (cf. 2000 - Concepts and Roles)*
- (cf. 2111 - Superintendent Governance Standards)*
- (cf. 2121 - Superintendent's Contract)*
- (cf. 2140 - Evaluation of the Superintendent)*

As the chief executive officer of the district, the Superintendent shall implement all Board decisions and manage the schools in accordance with law and Board policies. The Superintendent has responsibilities related to students and the instructional program, personnel, noninstructional operations, and the community. 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 Leeway in Absence of Governing Board Policy)*
- (cf. 9000 - Role of the Board)*

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

- (cf. 2220 - Administrative Staff Organization)*

*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 and duties of district superintendent*
- 35035 Additional powers and duties of superintendent*
- 48900 Authority of superintendent to recommend suspension or expulsion*

*Management Resources:*

- CSBA PUBLICATIONS
- Maximizing School Board Leadership, 1996*
- WEB SITES
- CSBA: <http://www.csba.org>*
- ACSA: <http://www.acsa.org>*

**SUPERINTENDENT GOVERNANCE STANDARDS**

The Governing Board 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 Governing Board 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 Leadership: Human Resources, 1996

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**

In approving employment contracts with the Superintendent, the Governing Board wishes to encourage the Superintendent's long-term commitment to the district and community while carefully considering the financial and legal implications of the contract in order to protect the district from any potentially adverse obligations.

*(cf. 2120 - Superintendent Recruitment and Selection)*

*(cf. 4312.1 - Contracts)*

*(cf. 9000 - Role of the Board)*

The Board shall designate a representative to negotiate with the Superintendent on its behalf and shall consult legal counsel to draft the contract document.

The Board shall deliberate in closed session about the terms of the contract. (Government Code 54957)

*(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)

*(cf. 3580 - District Records)*

The contract shall include, but not necessarily be limited to, the term of the contract, conditions for termination of the contract, salary, benefits, and commitment to an annual evaluation. The contract should also include general responsibilities and duties of the Superintendent.

*(cf. 2110 - Superintendent Responsibilities and Duties)*

The term of the contract shall be for no more than four years. (Education Code 35031)

During the term of the contract, the Board may reemploy the Superintendent on those terms and conditions mutually agreed upon by the Board and Superintendent. (Education Code 35031)

**SUPERINTENDENT'S CONTRACT** (continued)

The Superintendent's contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the Superintendent's performance.

*(cf. 2140 - Evaluation of the Superintendent)*

In the event that the Board determines not to reemploy the Superintendent, the Board shall provide written notice to the Superintendent at least 45 days in advance of the expiration of the term of the contract. (Education Code 35031)

The Superintendent's contract shall include a provision specifying the maximum cash settlement that the Superintendent may receive upon termination of the contract. However, if the unexpired term of the contract is greater than 18 months, the maximum cash settlement shall be no more 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)

If the Board terminates the Superintendent's contract upon its belief and subsequent confirmation pursuant to an independent audit that the Superintendent has engaged in fraud, misappropriation of funds, or other illegal practices, the maximum settlement shall be within the limits prescribed by law, as determined by an administrative law judge. (Government Code 53260)

*Legal Reference:*

EDUCATION CODE

35031 *Term of employment*

41325-41329.3 *Conditions of emergency apportionment*

GOVERNMENT CODE

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 Selection and Employment, 2006*

WEB SITES

CSBA, Single District Governance Services: <http://www.csba.org>

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

**EVALUATION OF THE SUPERINTENDENT**

The Governing Board may annually conduct a formal evaluation of the Superintendent's performance in order to assess his/her effectiveness in leading the district toward established goals and objectives. The Superintendent and Board may establish an appropriate schedule for the annual evaluation process.

*(cf. 0000 - Vision)*

*(cf. 2121 - Superintendent's Contract)*

*(cf. 9000 - Role of the Board)*

Evaluation criteria shall be based on district goals and objectives agreed upon prior to the evaluation by the Board and Superintendent. The evaluation shall provide commendations in areas of strength, provide recommendations for improving effectiveness, and serve as a basis for making decisions about salary increases and/or contract extension.

*(cf. 2110 - Superintendent Responsibilities and Duties)*

The Board and Superintendent may annually consider what evaluation method(s) will best serve the district and agree on the specific written instrument to be used.

Prior to the evaluation, the Superintendent shall prepare and distribute to the Board a progress report toward district goals, the Superintendent's self-appraisal of accomplishments and performance, and a review of action taken to address any Board recommendations from the previous evaluation.

Each Board member shall independently evaluate the Superintendent's performance. The Board shall examine all Board members' evaluations and reach a consensus on the evaluation. The Board president or designee shall then develop a single evaluation representing the Board's collective judgment and provide a copy to the Superintendent.

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

*(cf. 9321 - Closed Session Purposes and Agendas)*

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.

The Superintendent and Board president shall sign the evaluation as evidence that the evaluation has been discussed, and shall place the evaluation in the Superintendent's personnel file.

**EVALUATION OF THE SUPERINTENDENT (continued)**

After each evaluation has been completed, the Board may meet in open session to give the Board and Superintendent an opportunity to jointly identify priorities for the next year.

*(cf. 2111 - Superintendent Governance Standards)*

*(cf. 3100 - Budget)*

*(cf. 9005 - Governance Standards)*

*(cf. 9400 - Board Self-Evaluation)*

*Legal Reference:*

GOVERNMENT CODE

54957 *Closed session, personnel matters*

*Management Resources:*

CSBA PUBLICATIONS

*Maximizing School Board Leadership: Human Resources, 1996*

WEB SITES

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

ACSA: <http://www.acsa.org>

**ADMINISTRATIVE LEEWAY IN ABSENCE OF GOVERNING BOARD POLICY**

Through Governing Board policy, the Board tries to anticipate critical policy issues that may affect district students and operations. However, the Board recognizes that questions may arise in the day-to-day operations of the schools that are not addressed in Board policy or administrative regulations. When resolution of such issues demands timely action, the Superintendent or designee shall have the authority to act on behalf of the district.

*(cf. 2110 - Superintendent Responsibilities and Duties)*

*(cf. 9000 - Role of the Board)*

*(cf. 9311 - Board Policies)*

If the matter involves a policy decision that is likely to be controversial, or a matter that has a significant impact on student learning or safety, the Superintendent or designee shall notify the Board president as soon as practicable after its occurrence. The Board president shall then inform the Board as appropriate.

The Board president may schedule a review of the action at the next regular Board meeting.

If the action indicates the need for additions or revisions in Board policies, the Superintendent or designee shall make the necessary recommendations to the Board.

*Legal Reference:*

EDUCATION CODE

*35035 Powers and duties of superintendent*

**ADMINISTRATIVE STAFF ORGANIZATION**

The Superintendent shall organize the administrative staff in a manner that best supports the educational program through efficient operations, effective communications and direct assistance to schools.

*(cf. 2110 - Superintendent Responsibilities and Duties)  
(cf. 4300 - Management, Supervisory and Confidential Personnel)*

The Superintendent shall maintain a current district organization chart which designates lines of primary responsibility and the relationships between all district positions. Lines of responsibility shall in no way prevent staff members at all levels from collaborating, communicating and cooperating to develop the best possible programs and provide efficient services.

The Superintendent or designee may adjust staff responsibilities temporarily or permanently as needed to accommodate the workload and/or individual capabilities.

*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*

*Management Resources:*

WEB SITES

- CSBA: <http://www.csba.org>*
- ACSA: <http://www.acsa.org>*

**REPRESENTATIVE AND DELIBERATIVE GROUPS**

The Governing Board 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. 2220 - 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*