

ARTICLE 2

ADMINISTRATION

(Series 2000)

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**Board Policy
Administration
Concepts And Roles**

BP 2000

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.

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.

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.

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.

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

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.

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
(9/89 7/01) 7/06

Adopted by the Board of Trustees
Date: August 11, 2008

**Board Policy
Administration
Superintendent Responsibilities And Duties**

BP 2110

The Governing Board 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.

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

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.

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.

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>

(10/94 7/01) 7/05

Adopted by the Board of Trustees

Date: April 10, 2006

**Board Policy
Administration
Superintendent Governance Standards**

BP 2111(a)

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.

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
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
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
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: (See next page)

Superintendent Governance Standards

BP 2111(b)

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>
7/01

Adopted by the Board of Trustees

Date: April 10, 2006

**Board Policy
Administration
Superintendent Recruitment And Selection**

BP 2120(a)

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.

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
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
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
10. Interview questions, processes and participants
11. How and when candidates' qualifications will be verified through reference checks
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)

Superintendent Recruitment And Selection

BP 2120(a)

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)

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

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
(7/01) 3/02

Adopted by the Board of Trustees

Date: April 10, 2006

**Board Policy
Administration
Superintendent's Contract**

BP 2121(a)

The Governing Board 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.

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

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.

5. Vacation, illness and injury leave, and personal leaves
6. General duties and responsibilities of the position
7. Criteria, process, and procedure for annual 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
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.

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

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.

Superintendent's Contract (continued)

BP 2121(b)

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)

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.

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)

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)

(12/15 6/16) 5/17

Adopted by the Board of Trustees

Date: (04/10/06, 05/14/12, 06/01/16, 01/09/17) 09/11/2017

**Board Policy
Administration
Evaluation of the Superintendent**

BP 2140

The Governing Board 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.

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.

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.

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)

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.

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.

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

(7/04 3/11) 7/17

Adopted by Board of Trustees

Date: (04/10/06, 08/11/11) 09/11/2017

**Board Policy
Administration
Administrative Discretion Regarding Board Policy**

BP 2210

The Governing Board 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. In such situations, or when immediate action is necessary to avoid any risk to the safety or security of students, staff, or district property or to prevent disruption of school operations, the Superintendent or designee shall have the authority to act on behalf of the district in a manner that is consistent with law and Board policies.

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

Any exercise of administrative authority shall be nondiscriminatory and demonstrate the district's commitment to equity in district programs and activities.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 0415 - Equity)

The Superintendent shall be accountable to the Board for all areas of operation under his/her authority. As appropriate, the Superintendent or designee shall notify the Board as soon as practicable after he/she exercises the authority granted under this policy. 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.

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
(7/11 12/13) 7/18

Adopted by the Board of Trustees

Date: (11/08/10, 02/16/12, 04/14/14) September 10, 2018

**Board Policy
Administration
Administrative Staff Organization**

BP 2220

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.

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

(4/87 9/89) 7/01

Adopted by the Board of Trustees

Date: April 10, 2006

**Board Policy
Administration
Representative And Deliberative Groups**

BP 2230

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.

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.

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

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

(9/89) 7/01

Adopted by the Board of Trustees

Date: April 10, 2006