

SUPERINTENDENT'S CONTRACT

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 shall, at a minimum, include the following:

1. The general duties and responsibilities of the position
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
4. The criteria, process, and procedure for evaluation and the conditions for reemployment
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)

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

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)

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)

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**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

WEBSITES

CSBA, Governance Consulting Services: <http://www.csba.org>
Association of California School Administrators: <http://www.acsa.org>