

## Administrative and Supervisory Personnel

BP 4312.1(a)

### CONTRACTS

The Governing Board recognizes the importance of ~~employing~~ ~~attracting and retaining~~ qualified and competent individuals to ~~lead~~ ~~manage~~ district programs and to assist the Superintendent in coordinating efforts to achieve district goals and objectives. To that end, the Board may fill certificated administrative and supervisory positions and classified senior management positions on a contract basis.

~~Prior to entering into any such contract, the Board and Superintendent shall consider the financial and legal implications of the contract in order to protect the district from any potentially adverse obligations.~~

*(cf. 0000 - Vision)*

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

*(cf. 4111/4211/4311 - Recruitment and Selection)*

*(cf. 4300 - Administrative and Supervisory Personnel)*

*(cf. 4313.2 - Demotion/Reassignment)*

*(cf. 4314 - Transfers)*

The Board may ~~enter into~~ ~~offer~~ a continuing contract of up to four years to any deputy, associate, or assistant superintendent; any certificated employee holding a position requiring a supervision or administration credential; or any senior manager of the classified service. (Education Code 35031, 44929.20)

Prior to entering into any such contract, the Board and Superintendent shall consider the financial impact of the contract on the district. The proposed contract shall also be reviewed by legal counsel to ensure that all legally required provisions are included in the contract and to address any potentially adverse obligations ~~to~~ ~~for~~ the district.

*(cf. 3460 - Financial Reports and Accountability)*

The Board ~~shall~~ ~~may~~ deliberate in the closed session of a regular meeting about the terms of an employment contract for a deputy, associate, or assistant superintendent; other certificated employee holding a position requiring a supervision or administration credential; or a senior manager of the classified service. ~~(Government Code 54957)~~ Discussions regarding 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 employee. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

*(cf. 9320 - Meetings and Notices)*

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

*(cf. 9321.1 - Closed Session Actions and Reports)*

BP 4312.1(b)

## **CONTRACTS (continued)**

~~Any such employment contract shall be ratified by the Board.~~ The Board shall take final action on an employment contract during an open session of a regularly scheduled Board meeting, and that action shall be ~~and~~ 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 salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

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

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

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9324 - Minutes and Recordings)*

## **Extension of Contract/ ~~and~~ Reemployment**

A contract shall be extended only by Board action and subsequent to a satisfactory evaluation of the employee's performance. No employment contract shall include a provision for automatic renewal of the contract.

*(cf. 4315 - Evaluation/Supervision)*

During the term of the contract and with the consent of the employee involved, the Board may reelect or reemploy the employee starting on the next succeeding first day of July and based on terms and conditions mutually agreed upon by the Board and the employee. (Education Code 35031)

If the Board decides not to reelect or reemploy a deputy, associate, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 **calendar** days prior to the expiration of the term of the contract. (Education Code 35031)

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

## **Termination of Contract**

The Board may terminate an employment contract prior to its expiration date in accordance with the conditions and process specified in the contract.

Every employment contract shall include a provision specifying the legal maximum cash settlement that the employee may receive in the event that the **contract is terminated** ~~Board finds it necessary to terminate the contract~~ prior to its expiration date. (Government Code 3511.2, 53260)

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

BP 4312.1(c)

## **CONTRACTS (continued)**

In addition, all employment contracts shall include a provision that, if the employee is convicted of a crime involving an abuse of his/her office or position, he/she shall fully 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 criminal legal defense. (Government Code 53243-53243.4, 53260)

### *Legal Reference:*

#### **EDUCATION CODE**

35030 Title of deputy, associate or assistant superintendent for certain positions

35031 Term of employment

44842 Automatic declining of employment

44843 Notice of employment to county superintendent

44929.20 Continuing contract

44951 Continuation in position unless notified

#### **GOVERNMENT CODE**

3511.1-3511.2 Local agency executives

53260-53264 Employment contracts

*54953 Oral summary of recommended salary and benefits of district executive*

54954 Time and place of regular meetings

54956 Brown Act - Open meeting laws; special meetings

54957 Closed session, personnel matters

#### **ATTORNEY GENERAL OPINIONS**

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

### *Management Resources:*

#### ~~**CSBA PUBLICATIONS**~~

~~*Maximizing School Board Governance: The Board's Relationship to District Staff, 2007*~~

#### **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>

Policy  
adopted: August 22, 2013  
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CSBA MANUAL MAINTENANCE SERVICE  
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