CONCEPTS AND ROLES

The Santa Clara County Board of Education ("County Board") recognizes that the administration of the Santa Clara County Office of Education ("County Office") performs essential roles and functions in support of student learning, including the provision of instructional support and services to Santa Clara County school districts and the responsible management of non-instructional operations. The Santa Clara County Superintendent of Schools ("County Superintendent") administers all program and schools operated by the County Office and is responsible for making decisions concerning all operations within the parameters of law and County Board policy.

(cf. 2110 - Superintendent Responsibilities and Duties)
(cf. 9310 - Board Policies)

The County Superintendent shall provide leadership in developing administrative regulations and organizational structures, decision-making processes, and staff action plans that allow the County Office to fulfill its vision and goals. The County Board also expects the County Superintendent to help shape the culture and environment of the County Office in a manner that focuses the County Office’s operations on enhancing student achievement, encourages positive relationships within the community, and instills confidence in schools and programs within the jurisdiction of the County Office.

(cf. 0000 - Vision)
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for SCCOE)
(cf. 0500 - Accountability)
(cf. 2111 - Superintendent Governance Standards)

The County Board and County Superintendent shall work together, as provided in law, as a team in the exercise of County Office governance. The County Board and County Superintendent shall establish protocols that describe how the governance team will operate, including, but not limited to, agreements regarding County Board meeting operations and communications between the County Superintendent and the County Board.

(cf. 9000 - Role of the Board)
(cf. 9005 - Governance Standards)

Because the County Superintendent is directly selected and evaluated by the County Board, the County Board has a responsibility to ensure that the County Superintendent possesses the skills and attributes that best meet the needs of the County Office.

(cf. 2120 - Superintendent Recruitment and Selection)

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

(cf. 2140 - Evaluation of the County Superintendent)
CONCEPTS AND ROLES (continued)

Legal Reference:
EDUCATION CODE
1040 et seq. Duties and responsibilities of county board of education
1200 et seq. Appointment, qualifications, salary and expenses of county superintendent
1240 et seq. Powers and duties of county superintendent of schools
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
COUNTY SUPERINTENDENT RESPONSIBILITIES AND DUTIES

The people of the State of California, by adoption of the State Constitution did create the office of County Superintendent of Schools (“County Superintendent”) and granted to the Legislature the power to classify the counties and set the qualifications for the office of County Superintendent of Schools. The Legislature may, by enacting appropriate laws, prescribe and regulate the powers and duties of the County Superintendent. (Cal. Const., Art. IX, sect. 3.1.)

The County Superintendent shall possess those powers and duties authorized or required by the State Constitution, State laws, and those rules of the Superintendent of Public Instruction and the State Board of Education which are solely of concern to the County Superintendent. The powers, duties and responsibilities of the County Superintendent are detailed in law, in the County Superintendent's contract, and throughout County Board policies and administrative regulations.

By its approval and review powers, the Santa Clara County Board of Education (“County Board”) may grant certain powers and duties to the County Superintendent as may be provided in the Education Code and other State law. (Education Code 1042.)

The County Board desires to establish a productive working relationship with the County Superintendent and to ensure that the work of the County Superintendent is focused on student learning and achievement and the attainment of the Santa Clara County Office of Education’s (“County Office”) vision and goals. The County Board also desires to provide a fair basis for holding the County Superintendent accountable.

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

As chief executive officer of the County office, the County Superintendent shall:

1. Assume the administration and leadership responsibilities for the County Office.
2. Manage, supervise, and administer all County programs, schools, and operations in accordance with the law and County Board policies.
3. Implement all County Board policies and decisions.
4. Guide the County Board with regard to compliance with the various requirements of State laws, regulations, and County Board policies.
COUNTY SUPERINTENDENT RESPONSIBILITIES AND DUTIES (continued)

5. Have general supervision of all personnel as provided in law, and shall develop and execute consistent, fair and fiscally sound personnel procedures and practices, including an evaluation program for all County Office employees.

6. Oversee all financial operations of the County Office including the presentation of the County Office annual budget and the County School Services Fund annual budget to the County Board for its approval, prior to submission of this budget information to the Superintendent of Public Instruction.

7. Keep the County Board and the public informed as to the status of educational programs under his/her jurisdiction and bring to the attention of the County Board any recommendations for changes and improvements desirable for the welfare of the County’s school programs and the children, youth, and adults of Santa Clara County that he/she believes are desirable.

8. Serve as professional advisor to the County Board regarding educational, financial, legal, legislative and other matters within the County Board’s subject matter jurisdiction.

9. Take an active leadership role in the development and improvement of department and programs operated by the County Office.

10. Articulate educational issues and values before the community and other governmental agencies.

11. Be accessible to community members and shall work with them to further County Office goals and build a strong, positive community attitude toward County programs and schools.

12. Inform the County Board and County Office staff of new developments and significant events in the field of education.

The County Superintendent shall also serve as the ex officio secretary of the County Board.

(cf. 2210 - Administrative Discretion Regarding Board Policy)
(cf. 9000 - Role of the Board)
(cf. 9122 - Secretary)

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

(cf. 4301 - Administrative Staff Organization)

Legal Reference: (see next page)
Legal Reference:

**CALIFORNIA CONSTITUTION**
Article IX, section 3.1

**EDUCATION CODE**
1010 Ex officio secretary
1040 et seq. Duties and responsibilities of county board of education
1042 Additional powers
1200 et seq. Appointment, qualifications, salary and expenses of county superintendent
1240 et seq. Powers and duties of county superintendent of schools
1310 et seq. Classified county school employees
17604 Delegation of powers to agents
17605 Delegation of authority to purchase supplies, equipment and services
33031 Powers and duties of State Board of Education
33112 Powers and duties of State Superintendent of Public Instruction
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.acsca.org
COUNTY SUPERINTENDENT GOVERNANCE STANDARDS

The Santa Clara County Board of Education (“County Board”) recognizes that effective Santa Clara County Office of Education (“County Office”) governance requires strong collaboration and teamwork with the Santa Clara County Superintendent of Schools (“County Superintendent”). Because the County Board and County Superintendent each have their unique roles and responsibilities, both contribute to the responsible governance of the County Office and the quality of programs provided to the community.

The County Superintendent is expected to hold himself/herself to the highest standards of ethical conduct and professionalism.

To support the County Board in the governance of the County Office, the Superintendent:

1. Promotes the success of all students and supports the efforts of the County Board to keep the County Office focused on learning and achievement
2. Values, advocates and supports public education and all stakeholders
3. Recognizes and respects the differences in viewpoint and opinion among members of the County Board and among County Office staff, students, parents/guardians and the community and ensures that the diverse range of views informs County 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 County Board's continuous professional development
6. Works collaboratively with the County 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 County Board/County Superintendent governance relationship is supported by the leadership team of the County Office
SUPERINTENDENT GOVERNANCE STANDARDS (continued)

8. Understands the distinctions between County Board and staff roles, and respects the role of the County Board as the elected representatives of the community

9. Understands the statutory authority that rests with the County Board; provides guidance to the County Board to assist in decision-making; and provides leadership based on the direction of the County Board as a whole

10. Communicates openly with trust and integrity, including providing all members of the County 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 County Board

Legal Reference:
EDUCATION CODE
1010 Ex officio secretary
1040 et seq. Duties and responsibilities of county board of education
1200 et seq. Appointment, qualifications, salary and expenses of county superintendent
1240 et seq. Powers and duties of county superintendent of schools

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

Policy adopted: November 2, 2011
SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
COUNTY SUPERINTENDENT RECRUITMENT AND SELECTION

The Santa Clara County Board of Education ("County Board") recognizes that it has a direct responsibility to select and appoint the Santa Clara County Superintendent of School ("County Superintendent"). Whenever it becomes necessary for the County Board to fill a vacancy in the position of Superintendent, the County Board shall work diligently to employ a person whose management and leadership abilities are most closely aligned with the needs of the Santa Clara County Office of Education ("County Office").

(cf. 2000 - Concepts and Roles)
(cf. 2110 –Superintendent Responsibilities and Duties)
(cf. 2111 –Superintendent Governance Standards)
(cf. 9000 - Role of the Board)

The County Board shall establish and implement a search and selection process that includes consideration of:

1. The current and long-term needs of the County Office, including a review of the County Office’s vision and goals

(cf. 0000 - Vision
(cf. 0100 - Philosophy)
(cf. 0200 - Goals for SCCOE)

2. The desired characteristics of a new County 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 County 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 County Office 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 County 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
SUPERINTENDENT RECRUITMENT AND SELECTION (continued)

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

(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 County Board shall retain the right and responsibility to oversee the process and to review all applications if desired.

The County Board shall select candidates to be interviewed based on recommendations of the screener(s) and the County Board's own assessment of how candidates meet the criteria established by the County Board.

The County Board shall interview preliminary and final candidates in closed session and determine the most appropriate match for the County Office. (Government Code 54957)

The selected candidate shall hold a valid school administration certificate. (Education Code 1205, 1206, 1208)

Before offering the position to the selected candidate or making any announcements, County Board members may obtain verification of his/her qualifications.

The County 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 County Board shall conduct these proceedings in accordance with the open meeting laws of the Brown Act, and all other 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 County Board may appoint an interim County Superintendent to manage the County Office during the selection process.

Legal Reference:

**EDUCATION CODE**
- 220 Prohibition of discrimination
- 1200-1209 Appointment, qualification, salary, and expenses, especially
- 1205 Classification of counties for purposes of qualifications
- 1206 Certification requirements
- 1208 Valid certification documents
- 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 Governance: Superintendent Selection and Employment

**WEB SITES**
- CSBA: http://www.csba.org
- ACSA: http://www.acsa.org
- Office of Civil Rights: http://www.ed.gov/offices/OCR
- Department of Fair Employment and Housing: http://www.dfeh.ca.gov

Policy
adopted: November 2, 2011

SANTA CLARA COUNTY OFFICE OF EDUCATION
San Jose, California
Pursuant to its plenary powers, as granted by the Constitution of the State of California, the Santa Clara County Office of Education (SCCOE) appoints and sets the salary and compensation for the Santa Clara County Superintendent of Schools (County Superintendent).

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

(cf. 2120 - Superintendent Recruitment and Selection)
(cf. 4112.1 - Contracts)
(cf. 9000 - Role of the Board)

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

The County 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 County Board shall ratify the County Superintendent's contract in an open meeting, which shall be reflected in the County Board's minutes. Copies of the contract shall be available to the public upon request. (Government Code 53262)

The contract shall include, but not be limited to, provisions for salary and benefits, annual evaluations, term of the contract, and conditions for termination of the contract. The contract should also include general responsibilities and duties of the County Superintendent.

(cf. 2110 - Superintendent Responsibilities and Duties)
The County Superintendent's contract shall be extended only by County Board action and subsequent to a satisfactory evaluation of the County Superintendent's performance.

(cf. 2140 - Evaluation of the Superintendent)

The County Superintendent's contract shall include a provision specifying the maximum cash settlement that the County Superintendent may receive upon termination of the contract or not to exceed maximum cash settlement stipulated in law. In such an event, any cash settlement that the County 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 12 months, no greater than the Superintendent’s monthly salary multiplied by 12. 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 53620)

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 12 months or until the County Superintendent finds other employment, whichever occurs first. (Government Code 53260, 53261)

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

If the County Board terminates the County Superintendent's contract upon its belief and subsequent confirmation pursuant to an independent audit that the County 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
1200-1209  Appointment, qualification, salary, and expenses
41325-41329.3  Conditions of emergency apportionment
CALIFORNIA CONSTITUTION
Article IX, Sects. 3-3.1
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, 2004
WEB SITES
CSBA, Single District Governance Services: http://www.csba.org
Association of California School Administrators: http://www.acsa.org
EVALUATION OF THE COUNTY SUPERINTENDENT

The Santa Clara County Board of Education (“County Board”) shall annually conduct a formal evaluation of the Santa Clara County Superintendent of School's (“County Superintendent”) performance in order to assess his/her effectiveness in leading the Santa Clara County Office of Education (“County Office”) toward established goals.

(cf. 0000 - Vision)
(cf. 2121 - Superintendent's Contract)
(cf. 9000 - Role of the Board)

The County Board shall establish a committee composed of no more than three County Board members, including the Board President, to propose an evaluation process including criteria and method(s) for evaluation. The criteria, process, and schedule for evaluation shall be approved annually by the County Board in open session.

Evaluation criteria shall be based on County Office goals and success indicators agreed upon by the County Board and County Superintendent prior to the evaluation. 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)

Prior to the evaluation, the County Superintendent shall be responsible for preparing and distributing to the County Board for its review a report of progress toward County Office goals, the County Superintendent's self-appraisal of accomplishments and performance, and a review of action taken to address any County Board recommendations from the previous evaluation. The County Board shall also review the County Superintendent's current contract and any relevant County Board policies.

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

(cf. 9321 - Closed Session Purposes and Agendas)

The evaluation presented to the County Superintendent shall represent the collective judgment of the County Board. It shall be a composite of individual County Board members' opinions. This final evaluation shall be provided to the County Superintendent for his/her response.

The County Superintendent shall have an opportunity to ask questions, respond verbally and in writing to the evaluation, and present additional evidence of his/her performance. The County Board President and the County Superintendent shall sign the County Superintendent’s evaluation as evidence that the evaluation has been discussed. The County Superintendent shall place the evaluation in his/her personnel file.
After each evaluation has been completed, the County Board shall meet in open session to give the County Board and the County Superintendent an opportunity to jointly identify performance goals for the next year.

(cf. 2111 - Superintendent Governance Standards)
(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 Governance: Superintendent Evaluation, 2004
WEB SITES
CSBA, Single District Governance Services: http://www.csba.org
Association of California School Administrators: http://www.acsa.org
ADMINISTRATIVE LEEWAY IN ABSENCE OF GOVERNING BOARD POLICY

Through Santa Clara County Office of Education (“County Board”) policy, the Santa Clara County Board of Education (“County Board”) tries to anticipate critical policy issues that may affect County Office students and operations. However, the County Board recognizes that questions may arise in the day-to-day operations of the schools that are not addressed in County Office policy or administrative regulations. When resolution of such issues demands timely action, the Santa Clara County Superintendent of Schools (“County Superintendent”) or designee shall have the authority to act on behalf of the County Office.

(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 County Superintendent or designee shall notify the County Board President as soon as practicable after its occurrence. The County Board President shall then inform the County Board as appropriate.

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

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

Legal Reference:

EDUCATION CODE
1040 Duties of boards
1041 Powers of boards
1042 Additional powers
1240 Duties of superintendents

Management Resources:

WEB SITES
CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov