



2023

south carolina school boards association
annual convention
february 17-19

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BOARD & SUPERINTENDANT RELATIONS: LAW, POLICY, AND CONTRACT

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2023 SCSBA Annual Convention

02/18/2023

DFL

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ATTORNEYS AND COUNSELORS AT LAW



PART I: THE ROLE OF THE SCHOOL BOARD

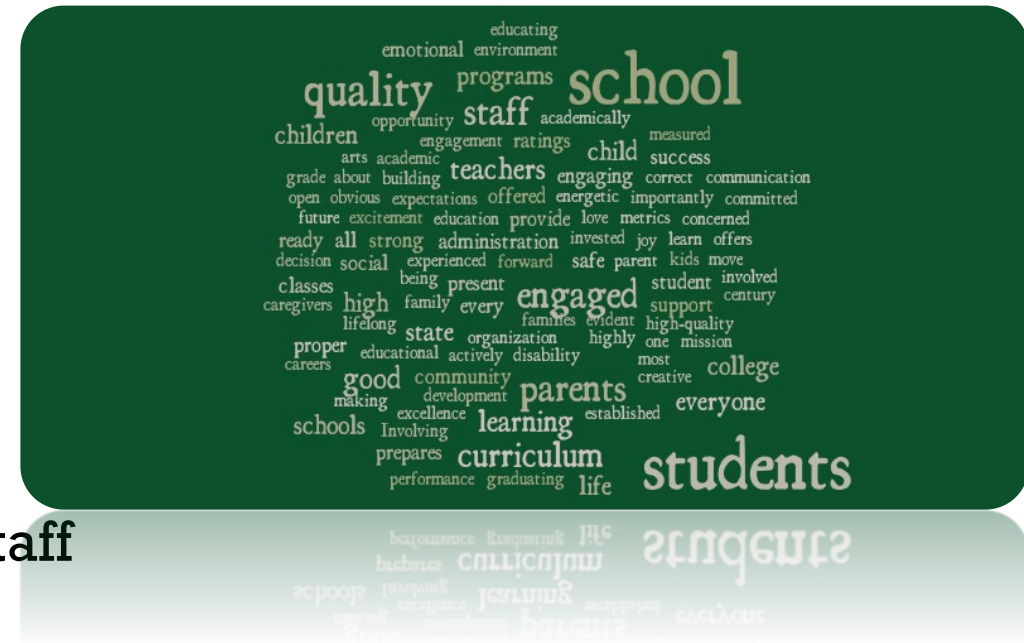
- Vision
 - Creating a shared vision – *Superintendent assists Board*
- Structure
 - Applying the vision – *Superintendent assists*
- Accountability – *Superintendent assists*
 - Measuring and communicating how well the vision is being accomplished
- Advocacy – *Superintendent assists*
 - Championing the vision

GOVERNING LAW- BOARD

- South Carolina Code of Laws 1976
 - Title 59
 - Approving policies to govern the district
 - Employing a superintendent to carry out these policies
 - Developing an annual budget for the district
 - Setting district goals and objectives
 - Appeals body for student discipline and employee grievances

EXPECTATIONS OF THE BOARD:

- Serve as an advocate for children and public education
- Communicate a clear vision
- Act with fiscal responsibility
- Monitor student achievement
- Understand and respond to community needs
- Conduct professional meetings
- Support the superintendent and administrative staff
- Avoid micromanagement





FISCAL RESPONSIBILITY:

- The board is responsible for approving and adopting an annual budget for the school district.
- The budget provides the framework for both expenditures and revenues for the year.
- The board will establish budget priorities for each fiscal year.
- The superintendent has overall responsibility for budget preparation and will submit an annual budget to the board.
- These priorities will be based upon the needs identified by the superintendent during the budget planning process.

BOARD AND SUPERINTENDENT RELATIONS

- The Board has a responsibility to direct the superintendent and authorizes the superintendent to implement board policies districtwide.
- The Board reviews the superintendent's progress by conducting regular and systematic evaluations.
- The Board should monitor, but generally speaking, not interfere with the superintendent's implementation of board policies.
- Keys to a positive relationship:
 - Clear communication;
 - Mutual respect; and
 - Understanding of and respect for each other's roles and responsibilities

Separation of Duties:

■ Board will do the following:

- Select superintendent AND support that person in discharge of assigned duties
- Serve as policymaking body
- Allow superintendent to administer the schools
- Adopt annual budget
- Exercise sound judgment in business affairs of school district
- Deal always in ethical, honest, straightforward, open, & above-board manner with Superintendent and community

■ Superintendent will do the following:

- Administer/provide professional educational leadership necessary
- Recommend sound policy AND enforce policies by establishing rules & regulations
- Implement board policy through efficient administration
- Prepare/submit an annual budget to Board for consideration
- Keep Board informed on financial matters; keep current expenditures within approved budget

FIVE POSSIBILITIES IN MAKING A DECISION:

1. The Administration should make this routine decision and not bother communicating with the school board.
2. The Administration should make this decision but inform the board about it after the decision is made.
3. The Administration should make this decision but will want to listen to the school board and perhaps other parties before the decision is made.
4. The Board is required by law to take final action on this decision; however, in nearly all cases, the board should respect the judgment of the Administration who will be held accountable.
5. The Board must make this decision and accept responsibility for it (the board will usually expect information and/or a recommendation from the superintendent).

PART II: SUPERINTENDENT

- Board believes that its most important function is formulation and adoption of policy.
- Superintendent's function = Execution of policies
- Board delegates certain executive powers to the Superintendent
- Board holds the superintendent responsible for the administration of its policies, the execution of board decisions, the operation of the internal machinery designed to serve the school program, and the provision of information to the board about school operations and problems



BOARD-SUPERINTENDENT CONTRACT:

NSBA/AASA Model Contract

Regular Contract

Superintendent-Elect Contract

Interim Superintendent Contract

Acting Superintendent Contract



TYPICAL PROVISIONS:

- Term: 2-3+ years
- Salary
- Benefits
- Annuity
 - Longevity/Incentive
- Expenses
 - Dues: AASA+SCASA
 - Auto allowance
 - Computer/Phone
- Physical Exam
- Indemnification



Evaluation



TYPICAL PROVISIONS CONT...

- Annual Evaluation
 - Goals
- Renewal/Extension
- “Ever-Green Clause”
- Termination of Contract
 - Death/Disability
 - Mutual Agreement
 - For Cause
 - Unilateral/Buyout (W/O Cause)
 - Super-Majority? -Amount?

MISCELLANEOUS PROVISIONS:

Outside work

Residence within District

Relocation allowance

Termination by Superintendent

Administrative leave

QUESTIONS?

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Thank you.