

Policy

EMPLOYMENT OF THE SUPERINTENDENT

The Absecon Board of Education recognizes that the superintendent is primarily responsible for the administration of this school district. The appointment of the superintendent is one of the most important functions this board can perform. The superintendent shall have a seat on the board of education and the right to speak on matters at meetings of the board (pursuant to N.J.S.A. 18A:17-20.a or N.J.S.A. 18A:17-20.b), but shall have no vote.

Recruitment Procedures

The board shall actively seek the best qualified and most capable candidate for the position of superintendent. The board may use a consultant service to assist in the recruitment process.

Recruitment procedures may include, but are not limited to, the following activities:

- A. The preparation of a new or a review of an existing written job description;
- B. Preparation of informative material describing the school district and its educational goals and objectives;
- C. Where feasible, the opportunity for applicants to visit the district;
- D. Establish an interview process that encourages the candidate and the board members to have a meaningful discussion of the school district's needs and expectations. The board members shall review and discuss the candidates credentials, qualifications, educational philosophy, and other qualities and expertise he/she can offer to the district;
- E. Solicitation of applications from a wide geographical area; and
- F. Strict compliance with law for equal employment opportunity (see board policies 2224 and 4111.1/4211.1 Affirmative Action/Nondiscrimination).

Qualifications

The candidate must possess or be eligible for a valid New Jersey administrative certificate endorsed for school administrator or a provisional school administrator's endorsement in accordance with N.J.A.C. 6A:9B-11.4 et seq. and must qualify for employment following a criminal history record check. The candidate must be a resident of New Jersey or willing to establish residency in New Jersey as a condition of employment.

Employment Contract

The superintendent must enter an employment contract with the board. The employment contract for the superintendent shall be reviewed and approved by the executive county superintendent as required by law (N.J.A.C. 6A:23A-3.1) and board policy 4111 Recruitment, Hiring and Selection. Any actions by the executive county superintendent may be appealed to the commissioner (N.J.A.C. 6A:3 and -3.1).

The employment contract with the superintendent must be approved with a recorded roll call majority vote of the full membership of the board at a public board meeting. In the event there is a superintendent vacancy at the expiration of the existing contract, only the board seated at the time of the expiration of the current superintendent's contract may appoint and approve an employment contract for the next superintendent.

In the event there is a superintendent vacancy prior to the expiration of the existing contract, the board seated at the time the position becomes vacant may appoint and approve an employment contract for the next

EMPLOYMENT OF THE SUPERINTENDENT (continued)

superintendent.

The contract for the superintendent who does not acquire tenure, but who holds tenure during the term of his/her employment contract will include: a term of not less than three nor more than five years and expiring July 1; a beginning and ending date; the salary to be paid and benefits to be received; a provision for termination of the contract by the superintendent; an evaluation process pursuant to N.J.S.A. 18A:17-20.3; and other terms agreed to between the board and the superintendent.

During the term of the contract, the superintendent shall not be dismissed or reduced in compensation except for inefficiency, incapacity, conduct unbecoming a superintendent, or other just cause and only by the Commissioner of Education pursuant to the tenure hearing laws.

At the conclusion of the term of the initial contract or of any subsequent contract, in accordance with N.J.S.A. 18A:17-20.1, the superintendent shall be deemed reappointed for another contracted term of the same duration as the previous contract unless either: the board by contract reappoints the superintendent for a different term which shall not be less than three nor more than five years, in which event reappointments thereafter shall be deemed for the new term unless a different term is again specified; or the board notifies the superintendent in writing the superintendent will not be reappointed at the end of the current term, in which event his/her employment shall cease at the expiration of that term. In the event the board notifies the superintendent he/she will not be reappointed, the notification shall be given prior to the expiration of the first or any subsequent contract by a length of time equal to thirty days for each year in the term of the current contract.

Pursuant to N.J.S.A. 18A:20.2a, the board shall submit to the commissioner for prior approval an early termination of employment agreement that includes the payment of compensation as a condition of separation. In accordance with N.J.S.A. 18A:17-20.2a, compensation includes, but is not limited to, salary, allowances, bonuses and stipends, payments of accumulated sick or vacation leave, contributions toward the costs of health, dental, life, and other types of insurance, medical reimbursement plans, retirement plans, and any in-kind or other form of remuneration.

An early termination of an employment agreement shall be limited in its terms and conditions as outlined in N.J.A.C. 6A:23A-3.2. The Commissioner shall evaluate such agreements in accordance with the provisions of N.J.S.A. 18A:17-20.2a and N.J.A.C. 6A:23A-3.2 and has the authority to disapprove the agreement. The agreement shall be submitted to the Commissioner by the district by certified mail, return receipt requested. The determination shall be made within thirty days of the Commissioner's receipt of the agreement from the school district.

Disqualification

Any candidate's misstatement of fact material to qualifications for employment or the determination of salary will be considered by this board to constitute grounds for dismissal.

Certificate Revocation

In accordance with N.J.A.C. 6A:23A-3.1(e)(12), in the event the superintendent's certificate is revoked, the superintendent's contract is null and void.

| | |
|----------------------|-------------------------------------|
| Adopted: | November 10, 1987 |
| Revised: | February 22, 2000, January 24, 2006 |
| NJSBA Review/Update: | September 2015 |
| Readopted: | |

Key Words

Superintendent, CSA, Superintendent, Hiring, Selection, Employment

Legal References: N.J.S.A. 18A:16-1 Officers and employees in general

EMPLOYMENT OF THE SUPERINTENDENT (continued)

| | |
|--|--|
| <u>N.J.S.A.</u> 18A:17-15 through -21 | Appointment of superintendents; terms; |
| <u>N.J.S.A.</u> 18A:17-20 | Tenured and non-tenured superintendents; general powers and duties |
| <u>N.J.S.A.</u> 18A:17-24.1 | Shared Administrators, Superintendents |
| <u>N.J.S.A.</u> 18A:28-3 through -6.1 | No tenure for noncitizens |
| <u>N.J.S.A.</u> 40A:65-1 <u>et seq.</u> | <u>Uniform Shared Services and Consolidation Act</u> |
| <u>N.J.A.C.</u> 6A:9B-11 <u>et seq.</u> | Requirements for Administrative Certification |
| <u>N.J.A.C.</u> 6A:23A-3.1,-3.2 | Administrator and board member accountability |
| <u>N.J.A.C.</u> 6A:28-1.1 <u>et seq.</u> | School Ethics Commission |
| <u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u> | Evaluation of the Performance of School Districts |

Possible

Cross References:

| | |
|------------|--|
| *2000/2010 | Concepts and roles in administration; goals and objectives |
| *2121 | Line of responsibility |
| *2131 | Superintendent |
| *4111 | Recruitment, selection and hiring |
| *4211 | Recruitment, selection and hiring |
| *9000 | Role of the board |
| *9400 | Board self-evaluation |

*Indicates policy is included in the Critical Policy Reference Manual.