

## ADMINISTRATION

### **Superintendent: Vacancy in Office/Acting Superintendent/Fines/Suspension/Separation/Conditions of Employment**

#### **A. Vacancy- defined**

A vacancy in the office of the Division Superintendent happens when any of the following conditions exist:

1. The Superintendent resigns office;
2. The School Board terminates the Superintendent's contract;
3. The Superintendent dies;
4. The Superintendent ceases to have the qualifications required by the Virginia Department of Education to hold the position of Division Superintendent;
5. The Superintendent becomes so incapacitated as to be unable to perform job with reasonable accommodations;
6. The Superintendent does not report to work and/or perform job duties without being excused by the School Board from performing such duties;
7. The Superintendent ceases to live in the City of Virginia Beach after establishing initial residency within a reasonable time after appointment;
8. The office of Division Superintendent shall be deemed vacant upon the Superintendent's engaging in any other business or employment during the term of office unless the Superintendent was granted prior approval by the School Board or upon the Superintendent's resignation or removal from office; and
9. Other good and just cause as determined by the School Board.

#### **B. Vacancy in Office - procedure to appointment new Superintendent**

The School Board shall appoint a division superintendent within one hundred eighty (180) days after a vacancy occurs. In the event that the School Board appoints a Superintendent and the appointee seeks and is granted release from such appointment prior to assuming office, the School Board shall be granted by the Virginia Department of Education a sixty (60) day period from the time of release within which to make another appointment. If the School Board has not appointed a Superintendent within one hundred twenty (120) days of a vacancy, the School

Board will submit a written report to the Virginia Superintendent of Public Instruction demonstrating its timely efforts to make an appointment. Upon request, the School Board shall be granted up to an additional one hundred eighty (180) days within which to appoint a division superintendent.

### **C. Acting Superintendent**

Upon the determination of a vacancy in the Superintendent's position, the School Board shall appoint an Acting Superintendent and compensate such person in accordance with the duties performed. The Acting Superintendent will perform the duties and have the responsibilities and rights of the Superintendent until such time as a Division Superintendent is appointed and assumes office. The Acting Superintendent may be a current employee and, at the School Board's discretion, may maintain the job title, responsibilities and compensation of the current employment position in addition to the duties and responsibilities of the Acting Superintendent. By agreement with the School Board, the Acting Superintendent may resume the prior position with the School Board or another agreed upon position once the Division Superintendent is appointed and assumes office.

### **D. Fines, suspension and removal for cause**

The Superintendent may be fined, suspended, or removed from office by either the Virginia Board of Education, upon recommendation of the Superintendent of Public Instruction, or by the School Board for sufficient cause. The Superintendent may appeal such a decision in accordance with applicable law. Nothing in this Policy prohibits the School Board from taking other disciplinary action against the Superintendent or terminating the Superintendent's contract.

### **E. Conditions of employment**

The School Board authorizes the School Board Governance Committee to initially address concerns or issues identified by the Superintendent as conditions affecting the Superintendent's employment when the Superintendent's employment contract and/or applicable law, policy or regulation do not otherwise provide a procedure for addressing the concern or issue.

### **Legal Reference**

Code of Virginia § 22.1-60, as amended. Appointment and term of superintendent.

Code of Virginia § 22.1-66, as amended. Vacancy in office.

| Code of Virginia § 22.1-65, as amended. Punishment of division superintendents.

| Code of Virginia § 22.1-306, as amended. Definitions.

| 8-VAC-20-390-30, as amended. Acting Superintendent.

Adopted by School Board: October 20, 1992  
Amended by School Board: October 1, 2013  
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APPROVED AS TO  
LEGAL SUFFICIENCY

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