

SUPERINTENDENT SEARCH PROCESS

2023



Presented To
APPLING COUNTY CITIZENS

Presented By
APPLING CO BOARD OF EDUCATION

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Supporting Documents









Research from GSBA, Board Policies, PSC, and the O.C.G.A.

Introduction

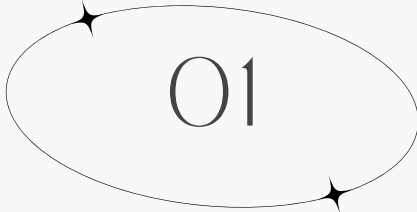
THE SELECTION OF A SUPERINTENDENT IS AMONG THE MOST SIGNIFICANT DECISIONS ANY LOCAL BOARD OF EDUCATION WILL MAKE. THE SUPERINTENDENT SHOULD BE THE PERSON AND OFFICE THROUGH WHICH THE DIRECTION SET BY THE BOARD IS CARRIED OUT. THE WORKING RELATIONSHIP THAT DEVELOPS BETWEEN THE BOARD AND SUPERINTENDENT IS THUS ABSOLUTELY CRITICAL AND THE SELECTION OF THE SUPERINTENDENT PROVIDES THE INITIAL DEFINITION TO THAT RELATIONSHIP. AS BEFITS A DECISION OF THIS IMPORTANCE, IT IS ONE THAT SHOULD BE ARRIVED AT WITH CARE. AND, AS IS ALSO FREQUENTLY TRUE IN OTHER CRITICAL ENDEAVORS, THE PROCESS OF ARRIVING AT THAT DECISION IS TIME CONSUMING, HARD WORK.

THE APPLING COUNTY BOARD OF EDUCATION HAD TWO OPTIONS FOR CHOOSING A PROCESS FOR SELECTING A NEW CANDIDATE FOR SUPERINTENDENT: USING AN OUTSIDE RECRUITING FIRM OR DIRECTLY DOING THE SEARCH THEMSELVES. THE BOE CHOSE TO DO THE SEARCH THEMSELVES. OUTSIDE RECRUITING FIRMS CHARGE ADDITIONAL FEES TO ASSIST BOARDS IN SEARCHES AND ULTIMATELY THE DECISION IS ALWAYS MADE BY THE LOCAL BOARD OF EDUCATION FOR THE CANDIDATE OF CHOICE. NO BENEFITS WERE SEEN IN CHOOSING AN OUTSIDE AGENCY. ALL OF APPLING COUNTY BOARD MEMBERS ARE REQUIRED BY LAW TO COMPLETE 15 HOURS OF TRAINING THE FIRST YEAR OF BEING IN THEIR ELECTED SEAT AND 9 HOURS A YEAR EVERY YEAR THEREAFTER. EACH BOARD MEMBER HAS COMPLETED THE REQUIRED TRAINING BY THE GEORGIA SCHOOL BOARD ASSOCIATION TO COMPLETE AND HIRE A NEW SUPERINTENDENT.

Pre-Search Activities

-  The Appling County BOE has reviewed legal aspects of recruiting and employing a new superintendent with local and external counsel through emails and phone conferences.
-  The Appling County BOE has reviewed all pre-existing local policies on recruiting and employing a superintendent. (Please see next section for local policies that apply.)
-  The Appling County BOE has set a Board Retreat for public input to be held on June 2, 2023, at 6pm at the Appling County Fine Arts Center. The meeting will be published in the local newspaper on May 30 and was published on the system's website and social media Facebook page on May 23, 2023. The General Housekeeping Rules are as follows:
 - a. Each Speaker will have no more than 3 minutes;
 - b. Speaker must speak relative only to the superintendent search;
 - c. Personal issues will not be addressed;
 - d. Any group presenting must name a singular speaker to address the concern; and
 - e. Speaker must address the board as a whole, not an individual member of the board.
-  The Appling County BOE decided that the superintendent search will be done internally and not externally.
-  At the regular board meeting on May 15th at 6pm, the Appling County Board of Education voted on the minimum qualifications for the superintendent search. The opening dates for the position will be from April 27, 2023, to the closing date of May 29, 2023.
-  In accordance with the current superintendent's resignation/retirement notification on the called board meeting on April 27, 2023, the position of superintendent was opened by the ACBOE action. The position will be listed on the Appling County School System website and on the Teach GA website.
-  All non-discrimination requirements have been emailed for review to each board member.
-  The ACBOE made the superintendent search process dates for completion public on May 23, 2023, through the system's social media and Facebook page, and the ACSS website. It will be included in the minutes for the next newspaper run on May 30, 2023. All meetings are open to the public and meet the open meetings laws.

STEP-BY-STEP PROCESS

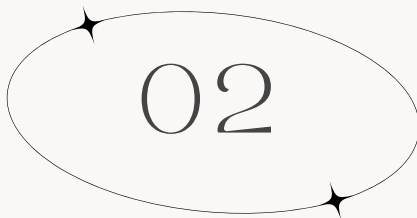


STEP ONE : ESTABLISH CRITERIA

ATTACHED ARE THE MINIMUM QUALIFICATIONS APPROVED AT THE BOE MEETING ON MAY 15, 2023.

MINIMUM QUALIFICATIONS FOR SUPERINTENDENT OF THE APPLING COUNTY SCHOOL DISTRICT – JULY 1, 2023

1. MINIMUM OF A SPECIALIST DEGREE (ED.S.)
2. MINIMUM FIVE (5) YEARS' EXPERIENCE AS A TEACHER, ASSISTANT PRINCIPAL OR PRINCIPAL
3. COMMITTED TO ELIMINATING NEPOTISM AND/OR FAVORITISM IN HIRING PRACTICES
4. REFLECT THE VALUES OF THE COMMUNITY AT LARGE
5. REPRESENT THE HIGHEST MORAL AND ETHICAL STANDARDS
6. DEDICATED TO STUDENT PERFORMANCE AT ALL LEVELS WITH THE INTENT TO IMPROVE STUDENT PERFORMANCE AND PROMOTE ACADEMIC IMPROVEMENT AT ALL SCHOOLS WITHIN THE DISTRICT
7. COMMITTED TO INCREASING EFFECTIVE COMMUNICATION RELATIVE TO SCHOOL SAFETY
8. COMMITTED TO THE IMPROVEMENT OF THE SYSTEM AND SCHOOL ORGANIZATIONAL CULTURE AND CLIMATE
9. COMMITTED TO SOUND FISCAL POLICY AND STEWARDSHIP OF FUNDS SUPPORTING THE DISTRICT, STUDENT ACHIEVEMENT, AND ORGANIZATIONAL EFFECTIVENESS



STEP TWO: ESTABLISH TIMELINE

THE TIMELINE WAS ADVERTISED ON MAY 23, 2023, ON THE SYSTEM'S WEBSITE, SOCIAL MEDIA FACEBOOK PAGE, AND IN THE THE BAXLEY NEWS BANNER ON MAY 30, 2023.

SUPERINTENDENT SEARCH PROCESS TIMELINE:

1. POSITION OPENED FROM APRIL 27, 2023 – MAY 29, 2023
 2. CALLED BOARD RETREAT FOR RESUME REVIEW - JUNE 1, 2023 @ 9AM
 3. CALLED BOARD RETREAT FOR PUBLIC INPUT – JUNE 2, 2023 AT 6PM
 4. INTERVIEWS WILL OCCUR
 5. FOURTEEN DAY WINDOW FOR PUBLIC REVIEW OF CANDIDATES' APPLICATIONS – JUNE 12, 2023 – JUNE 25, 2023
 6. CALLED BOARD MEETING TO ANNOUNCE THE NEW SUPERINTENDENT – JUNE 26, 2023
-



03

STEP THREE: DEVELOP & DISTRIBUTE ANNOUNCEMENTS

THE BOE OPENED THE SUPERINTENDENT POSITION ON APRIL 27, 2023. THE OPENING WAS LISTED ON THE APPLING COUNTY SCHOOL WEBSITE AND ON THE TEACH GA WEBSITE.



04

STEP FOUR: RESPONDS TO REQUESTS FOR INFORMATION

ANY INFORMATION THAT HAS BEEN REQUESTED BY CANDIDATES WILL BE HANDLED BY THE BOARD OF EDUCATION IN CONJUNCTION WITH THE SYSTEM'S HUMAN RESOURCE DIRECTOR AND UNDER SUPERVISION OF THE COUNTY ATTORNEY.



05

STEP FIVE: RECEIVE APPLICATIONS

THE POSITION WAS CLOSED ON THE MAY 29TH DEADLINE. THE BOE WILL REVIEW ALL APPLICATIONS AT THE CALLED RETREAT ON JUNE 1.



06

STEP SIX: REVIEW APPLICATIONS

THE ACBOE WILL REVIEW ALL APPLICATIONS PRIOR TO THE CALLED BOARD MEETING FOR INTERVIEWS.



07

STEP SEVEN: CONDUCT REFERENCE CHECKS ON TOP CANDIDATES

THE ACBOE WILL CONDUCT REFERENCE CHECKS ON EACH APPLICANT TO ENSURE COMPLIANCE WITH BOARD REQUIREMENTS.



08

STEP EIGHT: PREPARE BOE FOR INTERVIEWS

THE ACBOE HAS RESEARCHED DIFFERENT AVENUES, AGENCIES' PROCEDURES, AND INTERVIEW QUESTIONS. FROM THE RESEARCH, THE BOE COMPILED A LIST OF INTERVIEW QUESTIONS THAT PERTAIN TO THE QUALIFICATIONS AND CHARACTERISTICS THAT WOULD BEST FIT AN APPLING COUNTY SUPERINTENDENT. AT THE BOARD RETREAT ON MAY 23, 2023, THE BOE REVIEWED THE INTERVIEW QUESTIONS AND DETERMINED WHICH QUESTIONS WOULD BE PERTINENT TO THE INTERVIEWS.



09

STEP NINE: BOARD SELECTS CANDIDATES AND SCHEDULES THE INTERVIEWS

AT THE CALLED BOARD RETREAT ON THURSDAY, JUNE 1, 2023, THE BOE WILL SELECT CANDIDATES FOR INTERVIEWS AND SELECT INTERVIEW DATES AND TIMES FOR THE FOLLOWING WEEK. THIS WILL BE DISCUSSED IN EXECUTIVE SESSION TO PROTECT THE NAMES OF THE APPLICANTS.



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STEP TEN: INTERVIEWS

THE BOE WILL SELECT THE TOP-QUALIFIED CANDIDATES FOR INTERVIEWS FOR THE WEEK OF JUNE 5-9, 2023. A CALLED BOARD MEETING WILL BE HELD FOR INTERVIEWS DURING THIS WEEK, AND ALL INTERVIEWS WILL BE HELD DURING THE EXECUTIVE SESSION IN ACCORDANCE WITH STATE LAW. THE DATE AND TIME OF THE MEETING WILL BE ANNOUNCED AS REQUIRED.



11

STEP ELEVEN: GEORGIA LAW: OCGA 50-18-72

GEORGIA LAW REQUIRES THAT AT LEAST 14 DAYS PRIOR TO APPOINTING A SUPERINTENDENT THE BOARD OF EDUCATION MUST RELEASE APPLICATIONS AND OTHER RELEVANT INFORMATION FOR UP TO THREE, FINAL CANDIDATES WHO ARE BEING CONSIDERED FOR THE POSITION. BOARDS NORMALLY BEGIN THAT 14-DAY COUNTDOWN BY RELEASING APPROPRIATE APPLICATIONS AND BIO- INFORMATION WHEN THE SEARCH IS NARROWED TO THREE OR FEWER CANDIDATES. THE BOARD CAN VOTE ON THE APPOINTMENT AT ANY TIME AFTER THE 14-DAY PERIOD.

THE ACBOE HAS ELECTED TO HAVE THE 14 DAY PERIOD STARTING ON JUNE 12- JUNE 25, 2023.



12

STEP TWELVE: SELECTION OF THE SUPERINTENDENT

ONLY THE BOARD SHOULD PARTICIPATE IN THE FINAL SELECTION OF A SUPERINTENDENT. THE ACBOE HAS DECIDED TO NAME THE NEW AC SUPERINTENDENT ON A CALLED MEETING ON JUNE 26, 2023.

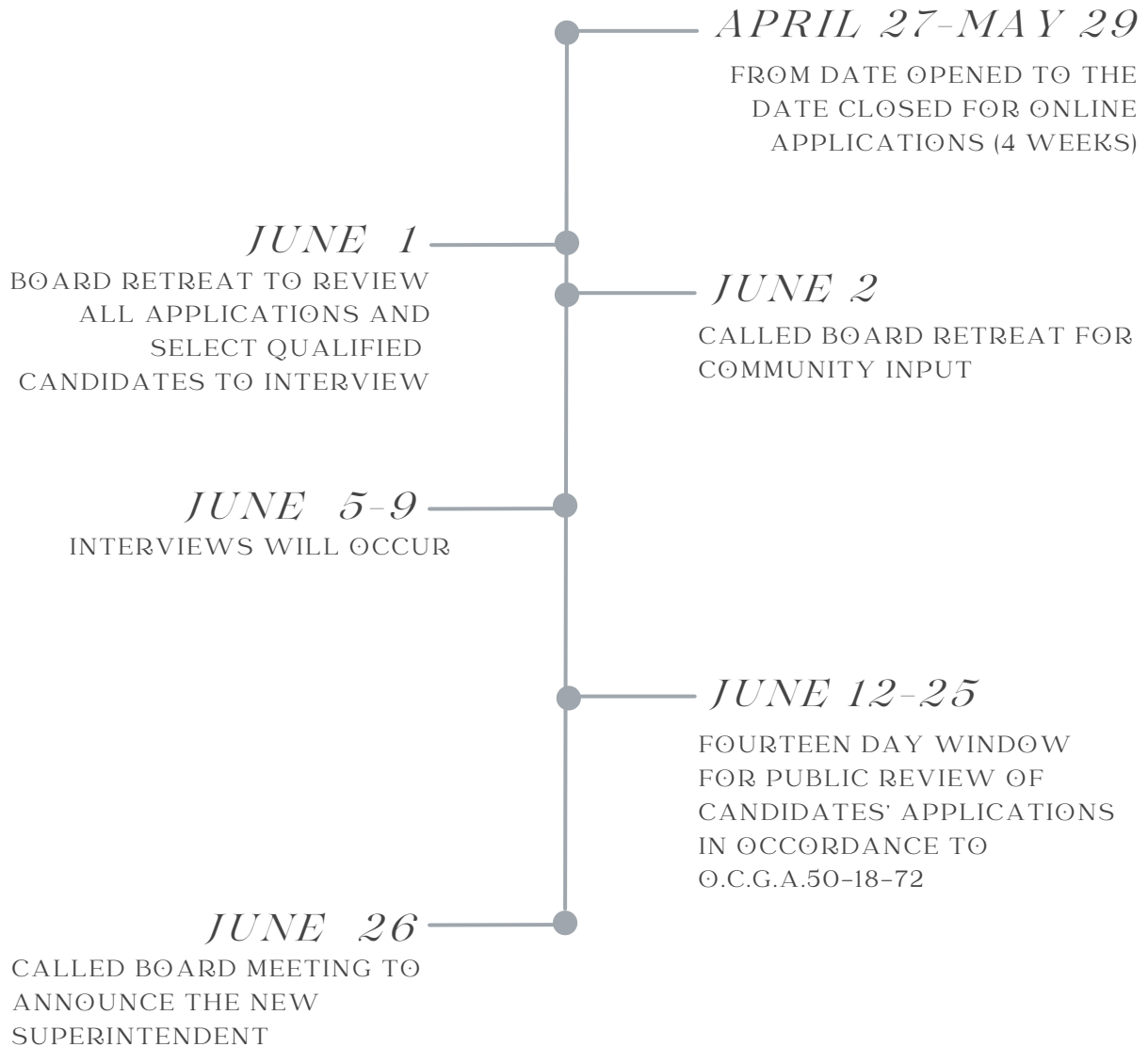


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STEP THIRTEEN: LETTERS/EMAILS TO THOSE APPLICANTS NOT CHOSEN

AT THE DIRECTION OF THE BOARD OF EDUCATION, UNSUCCESSFUL APPLICANTS WILL BE NOTIFIED BY LETTER OR EMAIL THAT HE OR SHE WAS NOT CHOSEN FOR THE POSITION.

PROJECT TIMELINE



GSBA Eboard Q&A

Chapter 4- The Local Superintendent

THE OFFICE OF THE COUNTY SCHOOL SUPERINTENDENT UNDERWENT SIGNIFICANT CHANGES DURING THE LAST DECADE OF THE TWENTIETH-CENTURY. HISTORICALLY, THE COUNTY SUPERINTENDENT WAS AN ELECTED OFFICIAL, UNLESS A LOCAL ACT PROVIDED OTHERWISE, ACCOUNTABLE DIRECTLY TO THE VOTERS. WHEN THE COUNTY BOARD OF EDUCATION WAS APPOINTED BY THE GRAND JURY, THE SUPERINTENDENT HAD CONSIDERABLE AUTONOMY TO MANAGE THE DAILY AFFAIRS OF THE SCHOOL DISTRICT, WITH THE BOARD OF EDUCATION OFTEN SERVING PRIMARILY AN ADVISORY FUNCTION. AS MORE AND MORE COUNTY SCHOOL DISTRICTS CHOSE TO ELECT THEIR BOARDS, SUPERINTENDENTS OFTEN FOUND THEMSELVES AT ODDS WITH THE BOARD WITH EACH OFTEN CONTENDING THAT THE OTHER WAS INFRINGING UPON THE AUTHORITY OF THEIR OFFICE.

IN 1992, THE VOTERS IN GEORGIA RATIFIED A CONSTITUTIONAL AMENDMENT WHICH REQUIRED ALL LOCAL SCHOOL BOARDS TO BE ELECTED AND ALL SUPERINTENDENTS TO BE APPOINTED BY THIS ELECTED BOARD. THE ELECTION OF THE LOCAL BOARD WHICH, IN TURN, HIRES THE SUPERINTENDENT HAS CHANGED THE DYNAMICS OF HOW SCHOOL DISTRICTS ARE GOVERNED, ALTHOUGH THE PROVISIONS OF THE STATE CONSTITUTION AND THE VARIOUS SCHOOL LAWS SETTING OUT THE DUTIES OF THE LOCAL BOARD AND SUPERINTENDENT HAVE NOT CHANGED SIGNIFICANTLY SINCE 1945. SOME BOARDS AND SUPERINTENDENTS CONTINUE TO DEBATE WHETHER THE BOARD TOO OFTEN INVADES THE PROVINCE OF THE SUPERINTENDENT AND ATTEMPTS TO MICROMANAGE THE SCHOOL DISTRICT OR WHETHER THE SUPERINTENDENT FAILS TO CONSULT AND INVOLVE THE BOARD IN MAJOR DECISIONS AFFECTING THE SCHOOL DISTRICT. GEORGIA LAW SETS FORTH NO BRIGHT LINES DIVIDING THE AUTHORITY AND RESPONSIBILITY OF THE BOARD AND SUPERINTENDENT. HOWEVER, THE DEBATE IS RARELY CONFINED TO WHAT THE LAW PROVIDES. RATHER, THE DEBATE MOST OFTEN IS CAST AS TO HOW EACH, IDEALLY, CAN BEST PARTICIPATE IN THE LEADING OR GOVERNING OF THE SCHOOL DISTRICT.

4.1. WHAT IS THE CONSTITUTIONAL AUTHORITY OF THE LOCAL SCHOOL SUPERINTENDENT?
THE GEORGIA CONSTITUTION PROVIDES THAT THERE SHALL BE A SCHOOL SUPERINTENDENT OF EACH SYSTEM APPOINTED BY THE BOARD AND WHO “SHALL BE THE EXECUTIVE OFFICER OF THE BOARD OF EDUCATION AND SHALL HAVE SUCH QUALIFICATIONS, POWERS, AND DUTIES AS PROVIDED BY GENERAL LAW.”

ENDNOTES: 1 GA. CONST. ART. VIII, § 5, ¶ 3

4.2. WHAT ARE THE QUALIFICATIONS FOR SELECTION OF A SUPERINTENDENT OF SCHOOLS?
STATE LAW PROVIDES THAT IN ORDER TO BE EMPLOYED AS SUPERINTENDENT OF ANY SCHOOL DISTRICT, A PERSON MUST BE OF GOOD MORAL CHARACTER AND MUST NEVER HAVE BEEN CONVICTED OF ANY CRIME INVOLVING MORAL TURPITUDE. A PERSON IS NOT ELIGIBLE TO BE APPOINTED, EMPLOYED, OR TO SERVE AS SUPERINTENDENT IF HE OR SHE HAS AN IMMEDIATE FAMILY MEMBER SITTING ON THE BOARD OR HIRED AS OR PROMOTED TO A POSITION AS PRINCIPAL, ASSISTANT PRINCIPAL, OR SYSTEM ADMINISTRATIVE STAFF IN THE SAME SCHOOL SYSTEM ON OR AFTER JULY 1, 2009. "IMMEDIATE FAMILY MEMBER" MEANS A SPOUSE, CHILD, SIBLING OR PARENT, OR THE SPOUSE OF A CHILD, SIBLING OR PARENT WHOSE TERM ON THE BOARD OR WHOSE EMPLOYMENT BEGAN ON OR AFTER JANUARY 1, 2010. FURTHER, ALL SUPERINTENDENTS MUST POSSESS “ACCEPTABLE BUSINESS OR MANAGEMENT EXPERIENCE AS SPECIFIED BY THE PROFESSIONAL STANDARDS COMMISSION OR THE MINIMUM VALID CERTIFICATE OR A LETTER OF ELIGIBILITY FOR SAID CERTIFICATE REQUIRED BY THE PROFESSIONAL STANDARDS COMMISSION.” A LOCAL ACT OR BOARD POLICY MAY PRESCRIBE ADDITIONAL QUALIFICATIONS AS LONG AS THEY ARE NOT INCONSISTENT WITH THESE PROVISIONS OF GEORGIA LAW.

ENDNOTES: 1 O.C.G.A. § 20-2-101

4.3. WHAT EDUCATIONAL AND EXPERIENCE REQUIREMENTS MUST BE MET IN ORDER TO BE APPOINTED SUPERINTENDENT?
ANY PROFESSIONAL EDUCATOR SEEKING THE SUPERINTENDENCY MUST HOLD OR BE ELIGIBLE FOR AN EDUCATIONAL LEADERSHIP CERTIFICATE, REQUIRING AT LEAST A MASTERS DEGREE IN EDUCATIONAL LEADERSHIP AND THREE YEARS OF "ACCEPTABLE, SUCCESSFUL EDUCATION EXPERIENCE." INDIVIDUALS ENTERING LEADERSHIP TRAINING PROGRAMS AFTER SEPTEMBER 30, 2009, IN PREPARATION FOR SUPERINTENDENCY POSITIONS MUST HOLD PERFORMANCE-BASED LEADERSHIP CERTIFICATES AT THE BUILDING AND SYSTEM LEVELS.² AN INDIVIDUAL IS NOT REQUIRED TO HAVE SPECIFIC EXPERIENCE AS A SCHOOL ADMINISTRATOR BEFORE ASSUMING THE OFFICE OF THE SUPERINTENDENCY. A BOARD OF EDUCATION MAY, AND GENERALLY DOES, SPECIFY ADDITIONAL EDUCATIONAL AND EXPERIENCE REQUIREMENTS.

ENDNOTES:
1 PSC RULE 505-2-.300
2 PSC RULE 505-2-.37

4.4. MUST AN INDIVIDUAL BE A PROFESSIONAL EDUCATOR IN ORDER TO BE A SUPERINTENDENT?
NO. THE EDUCATION CODE AUTHORIZES THE PROFESSIONAL STANDARDS COMMISSION TO DEFINE ACCEPTABLE BUSINESS AND/OR MANAGEMENT EXPERIENCE AS AN OPTION TO THE MINIMUM EDUCATIONAL CERTIFICATE REQUIRED TO QUALIFY FOR APPOINTMENT AS SCHOOL SUPERINTENDENT. THE COMMISSION WILL ISSUE A PERMIT ONLY WHEN A SPECIFIC EMPLOYING BOARD REQUESTS IT, THE CANDIDATE HOLDS A MASTERS DEGREE OR HIGHER FROM A "PSC ACCEPTED ACCREDITED INSTITUTION" AND THE CANDIDATE HAS THREE YEARS OF BUSINESS, MANAGEMENT, LEADERSHIP AND/OR INSTRUCTIONAL EXPERIENCES ACCEPTABLE TO THE EMPLOYING SCHOOL SYSTEM AS MEETING QUALIFICATIONS FOR EMPLOYMENT."

ENDNOTES
1 O.C.G.A. § 20-2-101(B)
2 PSC RULE 505-2-.10

4.5. IS IT NECESSARY FOR AN INDIVIDUAL TO RESIDE IN THE SCHOOL DISTRICT IN ORDER TO SERVE AS SUPERINTENDENT OF THAT DISTRICT?

NO. GEORGIA LAW DOES NOT IMPOSE ANY RESIDENCY REQUIREMENT ON THE OFFICE OF APPOINTED LOCAL SUPERINTENDENT OF SCHOOLS.

ENDNOTES

1 O.C.G.A. § 45-2-1

4.6. MUST THE SUPERINTENDENT BE BONDED?

ALL SUPERINTENDENTS MUST BE BONDED AND THE LOCAL BOARD OF EDUCATION DETERMINES THE AMOUNT OF THE BOND WHICH THE SUPERINTENDENT MUST POST. THE BOND MUST BE FILED WITH THE COUNTY PROBATE COURT AND A COPY PROVIDED TO THE STATE SCHOOL SUPERINTENDENT.

ENDNOTES

1 O.C.G.A. § 20-2-104

4.7. CAN A SUPERINTENDENT BE INCLUDED UNDER A "BLANKET" BOND?

GEORGIA LAW PROVIDES THAT:

THE SEVERAL COUNTIES, MUNICIPALITIES, AND OTHER POLITICAL SUBDIVISIONS OF THIS STATE, INCLUDING INDEPENDENT SCHOOL BOARDS, ARE AUTHORIZED TO PURCHASE BLANKET BONDS WHICH COVER ANY TWO OR MORE OFFICERS, OFFICIALS, AGENTS, AND ANY OTHER EMPLOYEES OF SUCH POLITICAL SUBDIVISIONS WHERE THEY ARE REQUIRED BY LAW TO BE BONDED.

SUPERINTENDENTS ARE CLEARLY WITHIN THE DEFINITION OF "OFFICERS, OFFICIALS, AGENTS, AND ANY OTHER EMPLOYEES" OF A LOCAL BOARD OF EDUCATION. WHILE THE ABOVE-QUOTED CODE SECTION IS DISCRETIONARY, THE PROVISION OF GEORGIA LAW WHICH SPECIFICALLY REQUIRES SUPERINTENDENTS TO BE BONDED IS MANDATORY.

A LOCAL SCHOOL BOARD'S INCLUSION OF ITS SUPERINTENDENT WITHIN THE PERSONS COVERED BY A BLANKET BOND IS NEITHER INCONSISTENT WITH NOR PRECLUDED BY THE CODE SECTION WHICH REQUIRES SUPERINTENDENTS TO BE BONDED. LOCAL BOARDS COULD ACT BY RESOLUTION OR BOARD POLICY TO AUTHORIZE SUCH ACTION. AS AN EXAMPLE, THE RESOLUTION OR POLICY MIGHT STATE THAT "THE SUPERINTENDENT SHALL BE BONDED IN THE AMOUNT OF \$_____ [TO BE DETERMINED BY EACH SCHOOL BOARD] AND THIS REQUIREMENT MAY BE FULFILLED THROUGH A BLANKET BOND, WHICH ALSO MUST COMPLY WITH THE REQUIREMENTS SET FORTH IN O.C.G.A. §20-2-104."

ENDNOTES

1 O.C.G.A. § 45-4-11

2 O.C.G.A. § 20-2-104

4.8. MUST THE SUPERINTENDENT TAKE AN OATH OF OFFICE AS IS REQUIRED OF OTHER PUBLIC OFFICIALS?

STATE LAW REQUIRES THE LOCAL SCHOOL SUPERINTENDENT "BEFORE ENTERING UPON THE DISCHARGE OF HIS OR HER OFFICIAL DUTIES" TO "TAKE AND SUBSCRIBE TO" THE OATH SET FORTH IN THE RELEVANT CODE SECTION.

ENDNOTES

1 O.C.G.A. § 20-2-103

4.9. WHAT ARE THE DUTIES AND RESPONSIBILITIES OF THE SUPERINTENDENT SPECIFIED IN GEORGIA LAW?

THE GENERAL ASSEMBLY HAS DEFINED THE "FUNDAMENTAL ROLE" OF A SUPERINTENDENT TO BE THE IMPLEMENTATION OF POLICY ESTABLISHED BY THE LOCAL BOARD.¹ IN ADDITION TO THE CONSTITUTIONAL DUTY OF SERVING AS EXECUTIVE OFFICER OF THE BOARD AND THUS, EXECUTING THE POLICY OF THE BOARD, THE SUPERINTENDENT SERVES AS SECRETARY TO THE BOARD AND IS RESPONSIBLE FOR MAINTAINING THE MINUTES OF BOARD MEETINGS. ADDITIONALLY, THE SUPERINTENDENT SERVES AS THE LIAISON BETWEEN THE STATE SCHOOL SUPERINTENDENT AND THE LOCAL BOARD OF EDUCATION,³ MAKES ALL EMPLOYMENT AND ASSIGNMENT RECOMMENDATIONS OF SCHOOL SYSTEM PERSONNEL TO THE LOCAL BOARD FOR APPROVAL, SIGNS ALL EMPLOYMENT CONTRACTS ON BEHALF OF THE BOARD, IS RESPONSIBLE FOR ANY MONEY BORROWED AND RECEIVED BY THE SCHOOL DISTRICT TO THE SAME EXTENT THAT THE SUPERINTENDENT IS RESPONSIBLE FOR OTHER PUBLIC SCHOOL FUNDS,⁵ SIGNS NOTES ALONG WITH THE BOARD CHAIR TO BORROW MONEY FOR THE SCHOOL SYSTEM,⁶ ACTS AS THE AGENT OF THE BOARD IN PROCURING SCHOOL EQUIPMENT AND MATERIALS, IS RESPONSIBLE FOR ENSURING THAT STUDENTS RECEIVE AND USE PRESCRIBED TEXTBOOKS, ENFORCES ALL RULES AND REGULATIONS OF THE STATE SCHOOL SUPERINTENDENT AND THE LOCAL BOARD ACCORDING TO THE LAWS OF THE STATE, VISITS ALL SCHOOLS IN THE SCHOOL SYSTEM; COUNSELS WITH THE FACULTY;⁷ FILES REPORTS WITH THE STATE DEPARTMENT OF EDUCATION REQUIRED BY THE STATE BOARD OF EDUCATION FROM TIME TO TIME; AND PERFORMS ANY ADDITIONAL DUTIES AND RESPONSIBILITIES PRESCRIBED BY THE LOCAL BOARD OF EDUCATION AS PART OF THE JOB DESCRIPTION OF THE SUPERINTENDENT OR CONTAINED WITHIN THE CONTRACT OF THE SUPERINTENDENT.

ENDNOTES

1 O.C.G.A. § 20-2-57(A)

2 O.C.G.A. § 20-2-109

3 O.C.G.A. § 20-2-211

4 O.C.G.A. § 20-2-396

5 O.C.G.A. § 20-2-395

6 O.C.G.A. § 20-2-109

7 O.C.G.A. § 20-2-160

8 O.C.G.A. § 20-2-61

4.10. WHEN MAY THE SUPERINTENDENT BE SELECTED BY A LOCAL BOARD OF EDUCATION?

THE BOARD MAY SELECT A SUPERINTENDENT "AT ANY TIME DURING THE 12 MONTHS IMMEDIATELY PRECEDING THE EXPIRATION OF AN APPOINTED... SCHOOL SUPERINTENDENT'S CONTRACT... OR WHEN A VACANCY IN THE OFFICE OF SCHOOL SUPERINTENDENT OCCURS."

ENDNOTES

1 O.C.G.A. § 20-2-101(E)

4.11. MAY A BOARD SELECT A SUPERINTENDENT OR RE-APPOINT THE PRESENT SUPERINTENDENT DURING THE TWELVE MONTHS PRECEDING THE EXPIRATION OF THE PRESENT SUPERINTENDENT'S CONTRACT EVEN IF THE TERMS OF SOME OR ALL OF THE BOARD MEMBERS WILL EXPIRE BEFORE THE TERM OF THE NEW SUPERINTENDENT BEGINS?

YES. GEORGIA LAW ALLOWS THE BOARD OF EDUCATION TO SELECT A NEW SUPERINTENDENT OR RE-APPOINT THE PRESENT SUPERINTENDENT FOR ANOTHER TERM AT ANY TIME DURING THE TWELVE MONTHS IMMEDIATELY PRECEDING THE EXPIRATION OF THE TERM OF THE PRESENT SUPERINTENDENT. THIS AUTHORITY IS PROVIDED EVEN THOUGH SOME OR ALL OF THE BOARD MEMBER'S TERMS WILL EXPIRE BEFORE THE TERM OF THE NEW SUPERINTENDENT BEGINS.

ENDNOTES

1 O.C.G.A. § 20-2-101(E)

4.12. FOR WHAT TERM MAY A SUPERINTENDENT BE APPOINTED?

A SUPERINTENDENT IS EMPLOYED BY THE BOARD OF EDUCATION UNDER A WRITTEN CONTRACT FOR A TERM OF NOT LESS THAN ONE YEAR AND NOT MORE THAN THREE YEARS.

ENDNOTES

1 O.C.G.A. § 20-2-101(A)

4.13. MAY THE SUPERINTENDENT'S CONTRACT PROVIDE FOR AN AUTOMATIC EXTENSION OR "ROLL-OVER" CLAUSE CONDITIONED UPON THE SUPERINTENDENT RECEIVING FAVORABLE EVALUATIONS?

NO. AUTOMATIC OR CONTINGENT EXTENSIONS ARE PROHIBITED BY STATE LAW AND ARE VOID IF AN EXTENSION OF THE TERM OF THE CONTRACT WOULD RESULT IN EMPLOYMENT UNDER THE SAME CONTRACT FOR A PERIOD EXCEEDING THREE YEARS. A BOARD AND SUPERINTENDENT MAY RENEGOTIATE AND SIGN A NEW CONTRACT AT ANY TIME DURING THE TERM OF THE CONTRACT, AFTER THE BOARD HAS APPROVED THE SAME DURING A PUBLIC MEETING, AS LONG AS THE NEW CONTRACT IS NOT FOR MORE THAN THREE YEARS, ESPECIALLY IF THE RENEGOTIATION OF THE CONTRACT IS SPECIFICALLY AUTHORIZED IN THE EXISTING CONTRACT.

ENDNOTES

1 O.C.G.A. § 20-2-101

4.14. DO SUPERINTENDENTS EARN "TENURE" OR OTHER PROPERTY RIGHTS IN CONTINUED EMPLOYMENT?

GEORGIA LAW SPECIFICALLY PROVIDES THAT A SUPERINTENDENT IS NOT ELIGIBLE TO ACQUIRE TENURE AND, UPON THE EXPIRATION OF HIS OR HER CONTRACT, HAS NO RIGHT TO EXPECT CONTINUED EMPLOYMENT.

ENDNOTES

1 O.C.G.A. § 20-2-101(F)

4.15. WHAT PROCESS MUST A BOARD USE IN CONDUCTING A SEARCH FOR A NEW SUPERINTENDENT?

THE DECISION AS TO HOW A BOARD SEARCHES FOR A SUPERINTENDENT IS DISCRETIONARY WITH THE BOARD. MANY BOARDS USE THE SERVICES OF AN AGENCY SUCH AS THE GEORGIA SCHOOL BOARDS ASSOCIATION FOR THE SEARCH, BUT SOME CHOOSE TO CONDUCT THE PROCESS WITHOUT OUTSIDE ASSISTANCE. MOST BOARDS BEGIN BY DEFINING THE EXPECTATIONS REQUIRED BY THE LOCAL SYSTEM IN ITS NEXT LEADER BEFORE BEGINNING A SEARCH. THE BOARD MAY SEEK APPLICATIONS FROM WITHIN THE DISTRICT, OTHER DISTRICTS IN THE STATE, FROM PARTICULAR REGIONS IN THE COUNTRY OR NATIONWIDE. THE BOARD DEFINES HOW WIDESPREAD THE SEARCH WILL BE, THE PERIOD OF TIME WITHIN WHICH IT WILL RECEIVE APPLICATIONS, HOW APPLICATIONS WILL BE SCREENED AND WHICH CANDIDATES WILL BE INTERVIEWED. HOWEVER, BEFORE A BOARD MAKES A FINAL SELECTION, IT MUST COMPLY WITH THE OPEN RECORDS ACT WHICH REQUIRES IT TO “RELEASE ALL DOCUMENTS WHICH CAME INTO ITS POSSESSION WITH RESPECT TO AS MANY AS THREE PERSONS UNDER CONSIDERATION WHOM THE [BOARD] HAS DETERMINED TO BE THE BEST QUALIFIED FOR THE POSITION AND FROM AMONG WHOM THE [BOARD] INTENDS TO FILL THE POSITION.” THE RELEASE OF THIS INFORMATION MUST OCCUR AT LEAST FOURTEEN CALENDAR DAYS PRIOR TO THE MEETING OF THE BOARD AT WHICH FINAL ACTION IS TO BE TAKEN ON THE SELECTION OF THE SUPERINTENDENT. BEFORE THE BOARD RELEASES THE INFORMATION AND DOCUMENTS REQUIRED, IT MUST ALLOW A PERSON UNDER CONSIDERATION TO DECLINE FURTHER CONSIDERATION FOR THE POSITION, IN WHICH CASE THE BOARD “SHALL RELEASE THE DOCUMENTS OF THE NEXT MOST QUALIFIED PERSON UNDER CONSIDERATION WHO DOES NOT DECLINE THE POSITION.”

ENDNOTES

1 O.C.G.A. § 50-18-72(A)(7)

4.16. MUST THE BOARD CONDUCT A SEARCH FOR A SUPERINTENDENT IF IT HAS A QUALIFIED CANDIDATE IT WISHES TO APPOINT?

IF THE BOARD DECIDES TO HIRE AS SUPERINTENDENT A SPECIFIC INDIVIDUAL AND DOES NOT INTEND TO GO THROUGH AN APPLICATION PROCESS, IT IS NOT LEGALLY REQUIRED TO CONDUCT A SEARCH. HOWEVER, THE BOARD MUST BE AWARE THAT WHEN IT HAS NOT CONDUCTED A SEARCH, INDIVIDUALS WHO WANTED TO APPLY BUT DID NOT HAVE THAT OPPORTUNITY MAY CONTEND THAT THE REASON THE BOARD FAILED TO CONDUCT A SEARCH WAS TO PREVENT INDIVIDUALS OF A PARTICULAR RACE, GENDER OR SOME OTHER PROTECTED GROUP FROM APPLYING FOR THE POSITION. THE BOARD SHOULD OBTAIN COMPETENT LEGAL ADVICE WHENEVER IT UNDERTAKES TO HIRE A NEW SUPERINTENDENT. IF A BOARD DOES NOT CONDUCT A SEARCH, IT NEVERTHELESS IS ADVISABLE FOR THE BOARD TO COMPLY WITH THE OPEN RECORDS ACT BY RELEASING ALL DOCUMENTS WHICH CAME INTO ITS POSSESSION WITH RESPECT TO THE PERSON UNDER CONSIDERATION FOR APPOINTMENT AS SUPERINTENDENT AT LEAST FOURTEEN CALENDAR DAYS PRIOR TO THE MEETING AT WHICH FINAL ACTION TO HIRE THAT INDIVIDUAL IS TO BE TAKEN.

4.17. HOW IS THE SUPERINTENDENT’S COMPENSATION DETERMINED?

THE BOARD DETERMINES THE SUPERINTENDENT’S COMPENSATION BUT MUST COMPLY WITH THE MINIMUM SALARY SCHEDULE FOR ALL CERTIFICATED EMPLOYEES SET BY THE GENERAL ASSEMBLY.¹ THERE IS A CODE SECTION WHICH REQUIRES THAT THE SALARY OF THE SUPERINTENDENT SHALL NOT BE LESS THAN \$27,000 PER YEAR, PAYABLE IN EQUAL MONTHLY INSTALLMENTS WITH ADDITIONAL COMPENSATION TO BE PAID AT THE DISCRETION OF EACH LOCAL BOARD.² IT SHOULD BE NOTED THAT THE GEORGIA ACCREDITING COMMISSION REQUIRES AS A CONDITION OF A SCHOOL’S

ACCREDITATION THAT THE ANNUAL SALARY OF THE SUPERINTENDENT BE GREATER THAN THAT OF ANY OTHER SYSTEM STAFF MEMBER WITH THE SAME LEVEL OF PREPARATION AND EXPERIENCE.

ENDNOTES

1 O.C.G.A. § 20-2-212

2 O.C.G.A. § 20-2-108

3 GEORGIA ACCREDITING COMMISSION STANDARDS FOR SCHOOL PROGRAMS, FINANCES STANDARD 3

4.18. WHAT BENEFITS MAY THE BOARD PROVIDE THE SUPERINTENDENT?

IN ADDITION TO SALARY, THE BOARD MAY PROVIDE THE SUPERINTENDENT WITH HEALTH AND LIFE INSURANCE, USE OF A SCHOOL-OWNED VEHICLE FOR BUSINESS PURPOSES, MEMBERSHIP DUES TO CERTAIN PROFESSIONAL ORGANIZATIONS, REASONABLE MOVING EXPENSES, AND OTHER BENEFITS. SOME BENEFITS PAID BY THE BOARD MAY BE CONSIDERED INCOME FOR INCOME TAX PURPOSES AND MAY BE INCLUDED IN THE DEFINITION OF “EARNABLE COMPENSATION” UNDER THE RULES OF THE TEACHERS RETIREMENT SYSTEM OF GEORGIA FOR THE PURPOSE OF COMPUTING RETIREMENT BENEFITS.

ENDNOTES

1 O.C.G.A. § 47-3-41.1

4.19. HOW IS THE SUPERINTENDENT EVALUATED?

GEORGIA LAW REQUIRES THE BOARD TO CONDUCT AN ANNUAL EVALUATION OF THE SUPERINTENDENT AND, IF DEFICIENCIES ARE NOTED, TO PREPARE A PROFESSIONAL DEVELOPMENT PLAN. THE GEORGIA SCHOOL BOARDS ASSOCIATION IN CONJUNCTION WITH THE GEORGIA DEPARTMENT OF EDUCATION HAS DEVELOPED A MODEL EVALUATION FORM AND PROVIDES TRAINING FOR BOARD MEMBERS AS TO HOW TO EVALUATE THE SUPERINTENDENT.

ENDNOTES

1 O.C.G.A. § 20-2-210

4.20. HOW IS THE SUPERINTENDENT TERMINATED?

ORDINARILY, THE SUPERINTENDENT’S CONTRACT CONTAINS PROVISIONS GOVERNING THE PROCESS FOR TERMINATING THE CONTRACT BY EITHER PARTY PRIOR TO ITS EXPIRATION DATE. UNDER GEORGIA LAW, THE TERMS AND CONDITIONS OF THE SUPERINTENDENT’S EMPLOYMENT ARE “DETERMINED EXCLUSIVELY” BY THE CONTRACT. IN FACT, THE STATE BOARD OF EDUCATION HAS RULED THAT A DISPUTE OVER THE TERMINATION OF A SUPERINTENDENT’S CONTRACT IS NOT A MATTER OF SCHOOL LAW WHICH THE STATE BOARD OF EDUCATION CAN REVIEW ON APPEAL. A PROVISION OF GEORGIA LAW, RARELY IF EVER USED, PROVIDES THAT THE STATE SCHOOL SUPERINTENDENT HAS THE AUTHORITY TO “SUSPEND A COUNTY SCHOOL SUPERINTENDENT FOR INCOMPETENCY, WILLFUL NEGLECT OF DUTY, MISCONDUCT, IMMORALITY, OR THE COMMISSION OF ANY CRIME INVOLVING MORAL TURPITUDE.” THE ACTION OF THE STATE SUPERINTENDENT OF SCHOOLS “SHALL BE SUBJECT TO THE APPROVAL OF THE STATE BOARD AND THE PARTY SO SUSPENDED MAY APPEAL HIS CASE TO THE STATE BOARD, WHOSE DECISION SHALL BE FINAL.”

ENDNOTES

1 O.C.G.A. § 20-2-101 2 HICKERSON V. GRADY COUNTY BOARD OF EDUCATION, SBOE CASE NO. 2003-18

3 O.C.G.A. § 20-2-34

4.21. WHEN A VACANCY OCCURS IN THE OFFICE OF THE SUPERINTENDENT, MAY THE BOARD APPOINT OR DESIGNATE AN INDIVIDUAL TO SERVE AS INTERIM SUPERINTENDENT WHILE SEARCHING FOR A NEW SUPERINTENDENT?

THE GEORGIA EDUCATION CODE CONTAINS NO REFERENCE TO AN INTERIM OR TEMPORARY SUPERINTENDENT. ALTHOUGH THE CODE DOES NOT SPECIFICALLY AUTHORIZE THE DESIGNATION OF AN INDIVIDUAL TO SERVE IN THIS ROLE BETWEEN THE END OF THE PREVIOUS SUPERINTENDENT'S TERM AND THE SELECTION OF A NEW SUPERINTENDENT, NEITHER DOES THE LAW LIMIT THE AUTHORITY OF THE BOARD TO SELECT SOMEONE TO SERVE IN THIS ROLE UNTIL A NEW SUPERINTENDENT IS HIRED AND BEGINS TO SERVE. THE OFFICE OF THE SECRETARY OF STATE HAS DECLINED TO ISSUE A COMMISSION TO AN INTERIM SUPERINTENDENT BECAUSE OF THE PROVISION IN THE CODE THAT REQUIRES A SUPERINTENDENT TO SERVE A TERM OF NOT LESS THAN ONE YEAR.¹ THE ABSENCE OF A COMMISSION, HOWEVER, SHOULD NOT LIMIT AN INTERIM SUPERINTENDENT FROM PERFORMING ALL THE DUTIES OF THE OFFICE UNTIL A NEW SUPERINTENDENT HAS BEEN SELECTED.

ENDNOTES

1 O.C.G.A. § 20-2-101



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