



BYLAWS

BOARD POLICY – COUNTY SUPERINTENDENT’S REMUNERATION

BP 9500

The County Board of Education (County Board) believes that the County Superintendent of Schools (County Superintendent) renders essential services that promote the success of students and of the educational programs of the County Education Office and should be fairly compensated for such service. In accordance with law, the County Board shall fix the salary of the County Superintendent and may adopt a remuneration package that includes, but is not limited to, salary, allowances, health and welfare benefits, and other benefits as appropriate.

The County Board may determine the County Superintendent’s salary at any point during the term of employment. However, any decreases in salary shall only be considered in consultation with legal counsel.

The County Superintendent shall not increase the County Superintendent’s own salary, financial remuneration, benefits, or pension without bringing the matter to the attention of the County Board for its discussion and approval. (Education Code 1209)

Any discussion and/or action taken on the County Superintendent’s remuneration, including, but not limited to, salary, financial remuneration, benefits, or pension, shall take place in open session at a regularly scheduled meeting of the County Board, which shall not be held during a special meeting. (Education Code 1209; Government Code 54956)

During the open meeting at which the County Board will take final action on the County Superintendent’s salary or fringe benefits, the County Board shall, prior to taking action, orally report a summary of the recommended action. [GC 54953]

Any action taken on the County Superintendent’s remuneration shall be reflected in the County Board’s minutes. [GC 53262]

The County Superintendent shall receive reimbursement for actual and necessary traveling expenses. (Education Code 1200, 1201)

Legal Authority and Purview of the County Board

The County Board relies on a number of regulatory and legal proclamations to substantiate its authority to fix the salary of the County Superintendent, namely:

1. Article 9 (IX), Section 3.1 (b) of the California Constitution – “Notwithstanding any provision of this Constitution to the contrary, the county board of education or joint

county board of education, as the case may be, shall fix the salary of the county superintendent of schools.”

2. Education Code (EC) 1207 – “... the salary of an incumbent (county superintendent) shall not be reduced during the term for which he (sic) was elected or appointed or for any consecutive new term to which he (sic) is elected or appointed.”

However, the California Attorney General has opined in 61 Ops.Cal.Atty.Gen. 384 (1978) that the adoption of Section 3.1(b) of Article 9 of the California Constitution voided the provision of EC 1207 and that the County Board retains power to fix the salary of the County Superintendent including increasing or decreasing the salary during the County Superintendent’s term of office.

The Attorney General also opined that any decrease could not be retroactive. Given the conflict recognized by the Attorney General between the California Constitution and EC 1207, it is recommended that the County Board contact legal counsel prior to decreasing a County Superintendent’s salary.

3. EC 1209 – “A county superintendent of schools shall not increase his or her salary, financial remuneration, benefits, or pension in any manner or for any reason without bringing the matter to the attention of the county board of education for its discussion at a regularly scheduled public meeting and without the approval of the county board of education.” [Refer also to Government Code (GC) 54956]

Considerations for Setting the County Superintendent’s Salary

Comparison Agencies

It is the intention of the County Board to consider relevant comparable information when determining the County Superintendent’s compensation.

Information may include, but is not limited to:

- Class III counties - County superintendents in the Class III counties
- Largest school districts in Santa Barbara County (Lompoc Unified, Santa Barbara Unified, Santa Maria-Bonita, Santa Maria Joint Union)
- Region 8 COEs (County offices are clustered into regions. In the California County Superintendents organization, Region 8 includes the following counties: Kern, San Luis Obispo, Santa Barbara, and Ventura)

Health and Welfare Benefits, Travel, Retirement Contributions, Life Insurance, and Other Additional Stipends

The County Superintendent shall receive the same

- Health and welfare benefits
- Travel reimbursement

- Retirement benefits
- Life insurance benefits
- Graduate degree stipend
- SBCEO-issued cell phone

consistent with certificated management.

The County Superintendent’s membership dues to the Association of California School Administrators (ACSA) shall be paid for by SBCEO.

Longevity

The County Superintendent shall receive the same longevity, consistent with certificated management.

Annual Increases

When certificated management receives negotiated salary increases, the County Board may consider the County Superintendent for the same increase.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
Gov. Code 53243-53243.4	Abuse of office
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54956	Special Meetings

ADOPTED BY COUNTY BOARD: April 6, 2023
 REVISED: