

## Superintendent's Contract

The superintendent, upon appointment by the Board, will receive a written contract which will state the terms of employment such as compensation, benefits and other conditions. The Board may not issue a contract that includes terms which direct the superintendent<sup>1</sup> to take any action that conflicts with a local, state or federal law<sup>2</sup> that applies to the district, or which allows the Board to take an adverse employment action against the superintendent for complying with such laws. Contracts shall not be issued for more than three years in duration. The contract shall automatically expire at the end of its term. The Board may elect to issue a subsequent contract at any time for up to three years.

The compensation and benefits for the position of superintendent will be fixed by the Board and based upon the responsibilities required of the superintendent in performing their duties. The Board may not enter into an employment contract that contains provisions that expressly obligates the district to compensate the superintendent for work that is not performed.

Provisions for termination of the superintendent's employment, either by the Board or the superintendent, will also be set forth in the superintendent's employment contract. The employment contract, if it includes a mutually agreed to termination-without-cause provision by the Board, will include a 12-month notice of termination for such provision.

The district may provide health benefits for a superintendent that is no longer employed by the district until the superintendent:

1. Reaches 65 years of age; or
2. Finds new employment that provides health benefits.

For a period of one year after termination of the contract, the superintendent may not:

1. Purchase property or surplus property owned by the district or school; or
2. Use property owned by the district or school in a manner other than the manner permitted for the general public.

END OF POLICY

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<sup>1</sup> The term "superintendent" includes an interim superintendent.

<sup>2</sup> "Local, state or federal law" means a local, state or federal directive having the force of law, including an ordinance, a city or county resolution, a statute, a court decision, an administrative rule or regulation, an order issued in compliance with ORS Chapter 183, an executive order or any other directive, declaration or statement that is issued in compliance with the law as having the force of law and that is issued by a local government as defined in ORS 174.116, the state government as defined in ORS 174.111 or the federal government.

Legal Reference(s):

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[ORS 332.432](#)  
[ORS 332.505](#)  
[ORS 332.507](#)

[ORS 332.525](#)  
[ORS 342.815 \(1\),\(3\),\(6\),\(8\)](#)  
[ORS 342.835](#)

SB 384 (2007)

Ambrose v. Board of Education, 51 Or. App. 621 (1981).

Babbitt v. Mari-Linn School District, Case No. FDA 86-2 (FDAB 1986); aff'd, 94 Or. App. 161 (1988).