CCBE SUPERINTENDENT COMPENSATION TASK FORCE REPORT

Introduction

Background. The California County Boards of Education believes that the county superintendent of Schools renders services that promote the success of students and the educational programs of the county office of education, and that anyone occupying the position should be fairly compensated for his/her service. In accordance with law, the county board shall fix the compensation 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. (California Constitution, Article IX, Section 3.1(b)).

Because of the complex, political, and sensitive nature of this responsibility, and because county board members take this duty seriously, county board members asked CCBE in December 2016 that a task force be brought together to research and analyze current policies on county superintendent remuneration processes and create a common practices and guidelines report.

Process. The Superintendent Compensation Task Force met April 19, June 14, August 3, September 27 and November 1. The first step of the Task Force was to reach out to all 58 counties to request a copy of their policy and practice for setting the superintendent’s salary and compensation. The Task Force had many interesting, probing, and detailed discussions about these policies and practices. As more information was gathered, more questions were raised.

After reviewing CSBA’s sample county board bylaw policy BB 9500, which listed the legal requirements of setting the superintendent salary, and after much discussion, the Task Force decided to provide a list of key practices county boards could follow to help them in setting the superintendent compensation. With that goal in mind, the members of the Task Force reviewed the policies and processes they were able to collect and set to work. One of the most interesting aspects of our meetings was the depth and breadth of our discussions and the willingness of the Task Force members to consider all the possibilities of our charge.

It has been fascinating to study the different processes county offices use to determine their superintendent’s compensation, and interesting to note that a number of counties have no officially adopted process or policy in place. So far to date, out of 58 counties, 45 county offices provided copies of either their superintendent compensation policy or practice.

Thank you to Charlyn Tuter and Jenn Ng, who organized our materials and meetings; Amanda Dickey from CCSESA who attended meetings and provided great insights; and the Task Force members who were diligent about collecting county board superintendent compensation policies and practices and provided insightful analysis.

2017 Superintendent Compensation Task Force: Juliana Feriani, Chair (Tuolumne COE), Bruce Dennis (Riverside COE), Joe Enea (Tulare COE), Jennifer Kresge (Napa COE), Harvey Kuffner (Monterey COE), Bill Owens (Yolo COE), Amanda Dickey (CCSESA), and Charlyn Tuter (CCBE).
History

The offices of county boards of education and county superintendents were established in the mid-1800s and have seen many changes in their structure and function.

The position of county superintendent was established in 1849 by the California Constitution, but was an ex officio duty of the county assessor. Over the next 30 years, the office of county superintendent was created by statute, then made elective, and then made a constitutional office. In 1976, voters in each county were given the authority to determine whether the superintendent would be elected by the voters in the county or appointed by the county board of education. 1

County boards had their origin of sorts in 1860 when the legislature created county “boards of examination.” These boards were headed by the county superintendent and were responsible for examining teachers and issuing certificates. Then, in 1881, the legislature created county boards of education comprised of the county superintendent and four board members (including two experienced teachers). An amendment to the constitution in 1884 required that the legislature provide boards of education with the same powers prescribed for the boards of examination in the 1860 statute. It was not until 1956 that the first elected county boards of education took office.

In 1976, a constitutional amendment gave county boards the power to set the salary of the county superintendent.

Structure & Relationships. County superintendents are selected in California by one of three ways. In 53 of the 58 counties, the county superintendent is an elective office. In four counties (San Diego, Santa Clara, San Francisco and Sacramento), the superintendent is appointed by the county board of education, and in Los Angeles county, both the superintendent and the board of education are appointed by the county board of supervisors.

The relationship between the county board and the county superintendent is not the same in all county offices. The law is not always clear in defining the respective roles of the board and superintendent, so each county board and superintendent may have their own understanding based on practice and governance philosophies.

Given the sometimes unclear nature of county office governance responsibilities, open communication and strong collaboration between the board and superintendent are essential. Equally important is strong teamwork among the board themselves. How a board governs can be as important as what the board does since the board’s manner and integrity send an important message to the public about the quality of leadership in the community’s schools and programs. The manner in which board members individually and collectively fulfill their governance roles and responsibilities has a strong impact on the public’s perception of our schools.

The County Board has been elected by the community to provide leadership and citizen oversight of the County Office.

An effective board, then, is one in which trustees work with each other and the superintendent in a professional manner and with a focus on the ultimate goal of improving student achievement. When the board

and superintendent work well together, a climate of trust and confidence is created.

Legal Authority

Some general duties of the county board of education are established in Education Code sections 1040-42. These include, but are not limited to, approving the county office of education’s budget; reviewing interim financial reports and the annual audit; fixing the salary of the county superintendent; serving as an appeals body for student expulsions, inter-district transfers and charter petition denials and non-renewals; adopting courses of study for some programs and evaluating program effectiveness; approving and overseeing charter schools; and adopting rules and regulations for the board's own governance.

As was stated earlier, a State Constitutional Amendment in 1976 specifically gave the county boards of education the authority to set the salary of the county superintendent of schools. The Education Code also addresses the salary issue. The county board fixes the salary of the county superintendent (California Constitution, Article IX, Section 3.1(b)).

Although Education Code 1207 states that the salary of the county superintendent of schools may not be lowered during his/her term of office, the Attorney General has opined that a county board may increase or decrease the county superintendent’s salary at any point during the term for which the county superintendent was elected but that any salary decrease may not be retroactive. As a reminder, although opinions of the Attorney General may be influential, they are advisory only. Therefore, due to the conflict recognized by the Attorney General between the California Constitution and Education Code 1207, prior to decreasing a county superintendent’s salary, it is strongly recommended that the county boards of education first contact legal counsel.

The county superintendent may not increase his or her own salary, financial remuneration, benefits or pension in any manner or for any reason without first bringing the matter to the county board for discussion and approval at a regularly scheduled board meeting (Education Code 1209).

All travel expenses incurred by the county superintendent and county office staff are paid for pursuant to regulations adopted by the county board (Education Code 1081, 1200).

The county board has a limited role in personnel issues. In the four counties where the superintendent is appointed by the board of education, the board hires and evaluates the superintendent; in 53 counties because the county superintendent is elected, the board does not. Furthermore, it is the county superintendent who is responsible for all the other employees in the county office of education.

In four California counties that appoint the superintendent, the county board hires the superintendent. In these cases, the board has an opportunity to select and enter into a contract with the superintendent who is the best match for the county office at a particular stage of its growth and development. The board does this by evaluating the current and long-term needs of the county office and establishing an appropriate process for recruitment and selection.

These four boards also have an opportunity, consistent with the terms of the contract, to evaluate the superintendent and to hold him/her accountable for achieving the county’s objectives. There is no one

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3 It is a common practice in small counties for the district governing board of the county unified school districts to contract with the elected county superintendent to perform the duties of the district superintendent.
evaluation system that will meet the needs of every board. Evaluation criteria should be based on the vision and goals of each county office and should be specified at the time of the superintendent’s employment. The evaluation process also ensures that there is ongoing communication between the board and superintendent, and provides an opportunity to discuss and set new goals and expectations for the coming year.

In Los Angeles County where the Board of Supervisors hires the county superintendent and appoints the county board of education members, the county superintendent is evaluated by the Board of Supervisors.

When the superintendent is an elected position, however, the board does not evaluate or hold the superintendent accountable for his/her performance — the voters do. Boards may encourage updates from the superintendent on his/her activities and accomplishments of the county office of education. If there happens to be a vacancy during the elected superintendent’s term, then the county board may appoint someone to fill the vacancy until the next election (Education Code 1042(e)).

The County Board shall ensure that the County Office is responsive to the values, beliefs, and priorities of the community.

Considerations for Setting the Superintendent Compensation

To establish the facts on the ground and encourage an informed discussion among the county board, the following key questions may be important to ask.

Explore these questions:
- What is the basis for the salary determination?
- How often should salary be evaluated?
  Annually? Bi-Annually?
- When should salary be evaluated? After all the managers and employees have received a salary adjustment?
- Should the salary be maintained or increased?

Good basis for determining an equitable salary:
- Relationship to other county superintendents in the same class counties with comparable cost of living?
- Relationship to district superintendents in the county?
- Relationship to compensation that county employees receive? Specifically compensation of cabinet members?
- Relationship to other county administrators?
- Cost of living adjustment? Consider linking salary increase to a percentage given to teachers?

Components of Compensation:
- Base salary.
- Benefits such as medical, vision, dental.
- Vacation and sick leave.
- Automobile allowance?
- Performance bonus based on achieving certain objectives?
- Life insurance? Deferred compensation? Annuity?
- Professional dues? Service Organizations?
- Expenses for cell phone?
- Miscellaneous expenses?
- What have been the past practices at the county?
Other Contract Provisions:
- Additional duties and responsibilities? Adjunct employment? Consulting? University teaching?
- Length of the work year?
- Multiple year contracts?
- Annual step increases? (Remember legal obligation to discuss and vote on any increases at a regularly scheduled public meeting.)

**The following are key component recommendations.**
- Is your board policy current? Develop a board policy and process regarding superintendent compensation that is based on your counties practices.
- Review and follow legal requirements. (i.e., adopt the CSBA GAMUT sample policy BB 9500.)
- Appoint a Superintendent Compensation Committee of county board members.
- Specify timeline for reviewing the Superintendent salary.
- In an election year, set salary range before the primary elections.
- Review salary annually and report to the board.
- Compare total compensation (not just salary) to total compensation.
- Review superintendent compensation past practices in your county.
- Review Superintendent Accomplishments. The board takes its legal role and responsibility in setting the superintendent’s salary and compensation seriously and understands its role in representing the public’s interest. Boards may encourage updates from the superintendent on his/her activities and accomplishments of the county office of education.

**Suggested Procedural Outline**

1. Understand County Board Responsibility and Authority
   a. State Constitution.
   b. Education Code.
   c. Attorney Decisions.
   d. GAMUT County Board Bylaw 9500.
2. Determine Process and Procedure
   a. Timing to review and update salary determination. In an election year, set salary range before the primary elections.
   b. Benefits and other factors to be considered. Identify other compensation packages to consider in determining superintendent’s compensation (e.g., comparable positions in surrounding communities)
3. Appoint Superintendent Compensation Committee
   a. Less than a quorum of Board members.
   b. Identify staff assistants to gather salary and benefits information on comparable school and public officials.
   c. Review Superintendent’s Accomplishments.
   d. Digest information and determine salary and benefits recommendation.
   e. Agendize committee recommendations for public discussion and Board decision.
4. Review Process and Revise if Necessary

**Conclusion**
Copies of the officially adopted board County Superintendent Remuneration policies that were received are available to view on CCBE’s web site at [www.thecbbe.org/Resources/SampleCountyBoardPolicies/](http://www.thecbbe.org/Resources/SampleCountyBoardPolicies/). Other county processes received influenced the report itself but will not be included in the appendix.