

## **Policy 4312.1: Contracts**

### **Administrative and Supervisory Personnel**

The Governing Board recognizes the importance of employing qualified and competent individuals to manage district programs and to assist the Superintendent in coordinating efforts to achieve district goals and objectives. To that end, the Governing Board may fill certificated administrative and supervisory positions and classified senior management positions on a contract basis.

The Governing Board may offer a continuing contract of up to four years to any deputy, associate, or assistant superintendent; any certificated employee holding a position requiring a supervision or administration credential; or any senior manager of the classified service. (Education Code 35031, 44929.20)

Prior to entering into any such contract, the Governing Board and Superintendent shall consider the financial impact of the contract on the district. The proposed contract shall also be reviewed by legal counsel to ensure that all legally required provisions are included in the contract and to address any potentially adverse obligations for the district.

The Governing Board may deliberate in the closed session of a regular meeting about the terms of an employment contract for a deputy, associate, or assistant superintendent; other certificated employee holding a position requiring a supervision or administration credential; or a senior manager of the classified service. Discussions regarding salary, salary schedule, or other compensation may occur in the closed session of a regular meeting only between the Governing Board and its designated representative(s), as permitted under Government Code 54957.6 (the "labor exception") for the purpose of reviewing the Governing Board's position and/or instructing the designated representative(s) prior to or during bona fide negotiations with the employee. Such deliberations shall not be held during a special meeting. (Government Code 54956, 54957, 54957.6)

The Governing Board shall take final action on an employment contract during an open session of a regularly scheduled Governing Board meeting, and that action shall be reflected in the Governing Board's minutes. At that meeting, prior to taking action, the Governing Board shall orally report a summary of the recommendation for the final action on salary or compensation in the form of fringe benefits. (Government Code 3511.1, 53262, 54953)

Copies of any contract and other public records created or received in the process of developing the recommendation related to the salary, benefits, and other compensation shall be available to the public upon request. (Government Code 53262, 54953)

## **Extension of Contract/Reemployment**

A contract shall be extended only by Governing Board action and subsequent to a satisfactory evaluation of the employee's performance. No employment contract shall include a provision for automatic renewal of the contract.

During the term of the contract and with the consent of the employee involved, the Governing Board may reelect or reemploy the employee starting on the next succeeding first day of July and based on terms and conditions mutually agreed upon by the Governing Board and the employee. (Education Code 35031)

If the Governing Board decides not to reelect or reemploy a deputy, associate, or assistant superintendent or a senior manager of the classified service upon the expiration of his/her term, it shall notify the employee in writing 45 calendar days prior to the expiration of the term of the contract. (Education Code 35031)

## **Termination of Contract**

The Governing Board may terminate an employment contract prior to its expiration date in accordance with the conditions and process specified in the contract.

Every employment contract shall include a provision specifying the legal maximum cash settlement that the employee may receive in the event that the contract is terminated prior to its expiration date. (Government Code 3511.2, 53260)

In addition, all employment contracts shall include a provision that, if the employee is convicted of a crime involving an abuse of their office or position, they shall fully reimburse the district for payments they receives as paid leave salary pending investigation or as cash settlement upon their termination and for any funds expended by the district in their criminal legal defense. (Government Code 53243-53243.4, 53260)