

KERN COUNTY BOARD OF EDUCATION**BOARD BYLAWS****COUNTY SUPERINTENDENT'S REMUNERATION**

The County Board of Education believes that the County Superintendent of Schools renders services that promote the success of students and of 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 base salary of the County Superintendent and shall adopt a remuneration package that includes, but is not limited to, salary, allowances, health and welfare benefits, and other benefits as appropriate.

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 shall not be retroactive. 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, the County Board shall first contact legal counsel.

Any changes to the County Superintendent's base salary, financial remuneration, or any benefit, for any reason, shall be followed by this policy. (Education Code 1209, Government Code 54956)

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

By Resolution R-12-21 dated January 8, 2013, the Kern County Board of Education (KCBOE) ratified and continued its historic practice of annually surveying Class II county superintendent compensation and setting the Kern County Superintendent ("Superintendent) compensation at the average Class II compensations.

The KCBOE also determined that to ensure pay parity with other comparable county superintendents of schools a fair and reasonable compensation should thereafter be set at the average of the compensation for all Class II counties as the base salary.

In continuing this annual comparison practice, the board recognizes that the Kern County Superintendent is responsible for a larger number of employees and a larger budget than the average of all Class II counties, including serving as the employer and administrative agent for a multi-county law consortium (Schools Legal Service), the largest self-insurance joint powers agencies among school districts in California (SISC I, II and III) and the state agency responsible for management assistance and fiscal oversight for all districts and county offices in California (FCMAT). Accordingly, in setting the compensation based on the median of the Class

Policy Approved: October 11, 2022
Kern County Board of Education

II counties, the board is taking a fiscally conservative approach in establishing pay parity when considering these additional duties are not reflected in the duties of any other Class II county superintendent of schools.

The board further recognizes that salaries in Class II counties will not remain the same throughout any fiscal year due to mid-year changes to compensation and the computed median adopted in the early month of July will ultimately end up below the median of all Class II counties by the end of the fiscal year, necessitating future compensation studies to ensure ongoing pay parity for the Superintendent. For this reason, the board will ascertain and recalculate the median base salary each year in July, to be retroactive to the start of the fiscal year.

Therefore, the board adopts a salary schedule for the Kern County Superintendent of Schools with six steps, each step (Step 1 is considered base) to be increased by the same percentage applicable to the majority of certificated/management employees of the Kern County Superintendent of Schools.

This schedule will be automatically updated annually by any cost-of-living increase that is provided to the majority of the certificated/management employees of the Office of the Kern County Superintendent of Schools and as needed to establish pay parity for the Superintendent's position.

In accordance with Board Policy 9500, the board authorizes the County Superintendent to receive doctorate and longevity stipends, health and welfare benefits, and retiree health and welfare benefits, under the same terms that are provided to Kern County Superintendent of School Office management employees.

The board further determines that the Superintendent shall be entitled to basic sick leave in the amount of twelve (12) days annually as is the standard for majority of the Class II county superintendents and certificated/management employees in the Office of the Kern County Superintendent of Schools.

It is further determined that, in accordance with Board Policy 9500, the board authorizes the expenses for membership in four professional organizations as selected by the County Superintendent.

Legal Reference:

EDUCATION CODE

1200-1209 Appointment, qualifications, salary and expenses of county Superintendent

GOVERNMENT CODE

3511.1-3511.2 Local agency executives

Policy Approved: October 11, 2022

Kern County Board of Education

53243.3-53243.4 Abuse of office
54954 Time and place of regular meetings
54957 Closed session personnel matters

CALIFORNIA CONSTITUTION

Article 9, Section 3.1 County Superintendent qualifications and salaries

COURT DECISIONS

Woodcock v. Dick, (1950) 36 Cal 2d 146

ATTORNEY GENERAL OPINIONS

61 Ops.Cal.Atty.Gen. 384 (1978)

62 Ops.Cal.Atty.Gen. 356 (1979)