

INCAPACITY OF THE SUPERINTENDENT

A superintendent pro tempore will be appointed by a majority of the members of the Board of Education upon determining the superintendent is incapacitated in such a manner that he/she is unable to perform the duties of that office. Such incapacity will be determined in one of the following ways:

1. At the request of the superintendent, if the superintendent is absent with pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.
2. Upon certification of the attending physician that the superintendent is unable to perform the duties of the office of superintendent and such superintendent is absent with pay by reason of personal illness, injury, or exposure to contagious disease, which could be communicated to others.
3. Upon the determination of a referee pursuant to ORC 3319.16 that the superintendent is unable to perform the duties of the office of superintendent and such superintendent is absent with pay by reason of personal illness, injury, or exposure to contagious disease, which could be communicated to others.
4. Upon the granting of a leave of absence, without pay requested by the superintendent by reason of illness, injury, or other disability of the superintendent.
5. Upon the placing of the superintendent upon an unrequested leave of absence without pay by reason of illness or other disability of the superintendent pursuant to ORC 3319.13 and 3319.16.

During the period of incapacity, the superintendent will:

1. At his/her request, be placed on sick leave, with pay, not to exceed the amount of his/her accumulated but unused sick leave and any advancement of such sick leave that may be authorized by Board policy.
2. At his/her request, or without such request, pursuant to the Family and Medical Leave Act, be placed on unpaid FMLA leave for up to 12 weeks per year.
3. At his/her request, or without his/her request, the Superintendent may be placed on a leave of absence without pay.

The leave provided during the period of incapacity (described above) will not extend beyond the contract or term of office of the superintendent.

The superintendent will, upon request to the Board, be returned to active duty status, unless the Board denies the request within 10 days of receipt of the request. The Board may require the superintendent to establish to its satisfaction that the superintendent is capable of resuming such duties and that the duties be resumed on a full time basis.

The Board may demand that the superintendent return to active service, and upon the determination that the superintendent is able to resume his/her duties, the superintendent will return to active service or termination procedures will be initiated.

The superintendent may request a hearing before the Board of Education on any action taken under this policy and will have the same rights as are granted under ORC 3319.16.

The superintendent pro tempore will perform all of the duties and functions of the superintendent, and may be removed at any time by a two-thirds majority vote of the members of the Board. The Board will fix the compensation of the superintendent pro tempore in accordance with ORC 3319.011. The superintendent pro tempore will serve until the superintendent's incapacity is removed or until the expiration of the superintendent's contract or term of office, whichever is sooner.

Current practice codified 1980

Adopted: date of manual adoption

Revised: January 18, 1989

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Legal Refs.: ORC 3319.01; 3319.011; 3319.13; 3319.16