

INCAPACITY OF SUPERINTENDENT

It is the legal duty of the Board of Education to appoint a Superintendent Pro Tempore by a majority vote of the members of the Board upon determination that the Superintendent is incapacitated in such a manner that he/she is unable to perform the duties of his/her office.

The Board shall fix the compensation of the Superintendent pro tempore who shall serve until the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is sooner. He/she shall perform all of the duties and functions of the Superintendent, and may be removed at any time for cause by a two-thirds majority vote of the members of the Board.

The Board will exercise its authority under law to determine the incapacity of the Superintendent in the following manner:

- A. At the request of the Superintendent if he/she is absent without pay by reason of personal illness, injury, or exposure to contagious disease which could be communicated to others.
- B. Upon certification of a:
 - 1. Physician selected and compensated by the Board;
 - 2. Physician selected and compensated by the Superintendent; or
 - 3. Panel of three (3) physicians, one selected and compensated by the Board, one selected and compensated by the Superintendent, and the third selected by the two physicians and compensated by the Board.
- C. Upon the determination of a referee pursuant to Section 3319.16 Revised Code, 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.

If the Board determines that the Superintendent is unable to perform the duties of his/her office, he/she may:

- A. At the request of the Board, be placed on sick leave with such pay to which he/she may be entitled or which may be authorized by Board policy; or
- B. At his/her request, or without such request, pursuant to Section 3319.13 Revised Code, be placed on a leave of absence without pay.

The foregoing leave shall not extend beyond the contract or term of Office of the Superintendent.

The Superintendent shall, upon request to the Chief Financial Officer of the Board, be returned to active duty status, unless the Board denies the request. The Board may require the Superintendent to establish to its satisfaction that the Superintendent is capable of resuming such duties 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 shall return to active service.

The Superintendent may request a hearing before the Board on any action taken under this policy and shall have the same rights in such hearing as are granted under Section 3319.16 Revised Code.

LEGAL REFS: O.R.C. §3319.011

Adopted: July 18, 2006