

### **INCAPACITY OF THE SUPERINTENDENT**

In accordance with O.R.C. §3319.011, a Superintendent Pro Tempore may 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 shall be determined in one of the following ways:

- A. At the request of the Superintendent if the Superintendent is absent with pay by reason of personal illness, injury, or exposure to a contagious disease which could be communicated to others.
- B. Upon the certification of the attending physician that the Superintendent is unable to perform the duties of the office of superintendent and such Superintendent is absent without pay by reason of personal illness, injury, or exposure to a contagious disease which could be communicated to others.
- C. Upon the determination of a referee pursuant to O.R.C. §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 a contagious disease which could be communicated to others.
- D. Upon granting of a leave of absence, without pay, requested by the Superintendent by reason of illness, injury or other disability of the Superintendent.
- E. 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 O.R.C. §3319.13.

During the period of incapacity, the Superintendent shall:

- A. At his or her request, be placed on sick leave, with pay, not to exceed the amount of his or her accumulated but unused sick leave and any advancement of such sick leave which may be authorized by Board policy.
- B. At his or her request, or without such request, pursuant to O.R.C. §3319.13, be placed on a leave of absence without pay.

The leave provided in subsection A. or B. above shall not extend beyond the contract or term of office of the Superintendent.

The Superintendent shall, upon request to the Treasurer of the Board of Education, be returned to active duty status, unless the Board denies the request within ten (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 further, 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 or her duties, the Superintendent shall return to active service.

The Superintendent may request a hearing before the Board of Education on any action taken under this policy and shall have the same rights in such hearing as are granted under O.R.C. §3319.16.

Appointment and Responsibility of a Superintendent Pro Tempore

- A. Superintendent certification/licensure will be required as stated in O.R.C. §3319.22.
- B. The Superintendent Pro Tempore shall perform all of the duties and functions of Superintendent, and may be removed at any time for cause by a two-thirds (2/3) vote of the members of the Board.
- C. The Board shall fix the compensation of the Superintendent Pro Tempore in accordance with O.R.C. §3319.01.
- D. The Superintendent Pro Tempore 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.

LEGAL REFS: O.R.C. §3319.011

Adopted: September 20, 2011