

CLASSIFICATION: Administration**ADOPTED: 5/10/95****REVISED:****REVIEWED: 9/9/15****SUBJECT: Concepts and Roles in Administration****PAGE: 1 of 3**

The County Board of Education and the County Superintendent of Schools are constitutional officers that have duties and responsibilities specified in various codes and regulations. The general duties and powers of the County Board of Education and the County Superintendent of Schools are set forth in Division 1, Parts 2 and 3 of the Education Code. Mandatory duties of the County Board of Education are set forth in Education Code section 1040 and the discretionary duties are set forth in sections 1041 and 1042. The County Board of Education is fiscally independent. Powers of the San Diego County Board of Supervisors were transferred to the County Board of Education under Education Code section 1080, including duties as the County Committee on School District Organization, effective July 1, 1970.

The County Board of Education shall appoint the County Superintendent of Schools pursuant to section 603.4 of the San Diego County Charter. The County Superintendent of Schools, as the executive officer of the County Board of Education, administers the policies adopted by the County Board of Education under the powers and duties accorded to the County Board of Education under law. The County Superintendent of Schools has an independence from and an interrelationship to the County Board of Education. The County Superintendent of Schools has constitutional authority and statutory powers and functions that do not require action of the County Board of Education. The County Superintendent of Schools has discretionary powers to promote the advancement of education and coordinate the educational program through the county school service fund programs and activities which require approval of the County Board of Education.

Education Code section 35160 et seq., known as the *permissive code*, permits action of the County Superintendent of Schools and the County Board of Education that is not in conflict with or inconsistent with, or preempted by, any law and which is not in conflict with the purposes for which those agencies are established. It is the intent of the Legislature that school districts, county boards of education and county superintendents of schools have broad authority to carry on programs and activities that, in the determination of the governing board of the school district, the County Board of Education, or the County Superintendent of Schools are necessary or desirable in meeting their needs and are not inconsistent with the purposes for which the funds were appropriated.

CLASSIFICATION: Administration**ADOPTED: 5/10/95****REVISED:****REVIEWED: 9/9/15****SUBJECT: Concepts and Roles in Administration****PAGE: 2 of 3**

The purpose of the County Superintendent of Schools' administration shall be to create, establish, and maintain an environment in which the goals of the San Diego County Office of Education are met and the students under the direct instruction of the staff of the County Superintendent of Schools learn most effectively. The County Board of Education shall rely on the County Superintendent of Schools to provide the professional administrative leadership within San Diego County.

The County Superintendent of Schools has the authority and responsibility, as outlined in statutes, San Diego County Charter, and in these policies, for the operation of the San Diego County Office of Education. The County Superintendent of Schools shall be accountable for the effectiveness of the operation of the San Diego County Office of Education as determined in his/her evaluation process. The County Board of Education shall clearly specify its requirements and expectations of the County Superintendent of Schools. The County Superintendent of Schools likewise shall clearly specify requirements and expectations of all other administrators. He/she shall hold each administrator accountable by evaluation of how well requirements and expectations have been met.

Various accountability provisions of the Education Code for the County Board of Education, County Superintendent of Schools, and San Diego County Office of Education were added by Assembly Bill 1200 (Chapter 1213, 1991 Statutes) and subsequent legislation. The requirements for adoption of the county school service fund budget were amended for the County Board of Education and County Superintendent of Schools in Education Code section 1620 et seq. The adopted annual budget establishes fiscal parameters for programs, activities, or actions by the County Superintendent of Schools, the County Board of the Education, and the County Committee on School District Organization, including those under the permissive authority of Education Code section 35160.

Contracting is controlled through the annual budget approval process and allocation of funds for the county school service fund. Except for contracts that are specifically the responsibility of the County Board of Education by statute or regulation, the County Superintendent of Schools may enter into contracts as necessary to perform the duties

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SUBJECT: Concepts and Roles in Administration

PAGE: 3 of 3

required of him/her under the Education Code. With respect to disbursements from the county school service fund, warrants are issued on the authorization of the County Superintendent of Schools without action on the part of the County Board of Education regardless of the type of service for which the warrants are issued.

Derivation: Adopted 5/10/95. Technical Revision 9/9/15.

Administrative Regulation: 2000

**Legal Reference: Education Code
1000 et seq., 1240 et seq., 35160, 35160.1**