

SUPERINTENDENT CERTIFICATION AND CONTRACT PROVISIONS

AN ISSUE BRIEF FROM LEGISLATIVE BUDGET BOARD STAFF

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OBJECTIVE

To ensure school district superintendents are prepared to manage the academic and financial operations of a school district, statute requires superintendents to be certified. A superintendent's responsibilities at a school district are established by a contract. A district may terminate a superintendent's contract before the completion of its term and provide a severance payment to the departing superintendent. If the amount of this payment exceeds statutory limits, the state is required to decrease state aid to the district.

KEY FACTS

- ◆ During school year 2017–18, 1.7 percent of superintendents did not hold a superintendent certificate.
- ◆ From fiscal years 2013 to 2017, school districts issued severance payments to 141 superintendents. These payments totaled approximately \$18.3 million.

BUDGETARY IMPACT

From fiscal years 2013 to 2017, the Texas Education Agency decreased Foundation School Program funding to school districts that made severance payments to superintendents by approximately \$1.8 million.

STATUTORY REFERENCES

The Texas Education Code, Sections 11.201, 21.003, and 7.056

The Texas Education Code, Section 11.201, identifies the functions of a school district's superintendent. A superintendent's duties include leadership for the planning, organization, operation, supervision, and evaluation of district education programs. The Texas Education Code requires that superintendents prepare and submit a proposed budget to the boards of trustees and administer the adopted budget. Also, superintendents implement the board-adopted policies.

SUPERINTENDENT CERTIFICATION

The Texas Education Code, Section 21.003, requires superintendents to be certified. State law establishes four types of superintendent certificates, including the standard, lifetime, probationary, and one-year certificates. Certification helps ensure that superintendents can fulfill their responsibilities. The Texas Education Code, Section 21.003, states a person may be designated to act as an interim superintendent, but school districts may not employ the person under contract unless the person has been certified or the Commissioner of Education has granted a waiver.

During school year 2017–18, the majority of superintendents, 78.8 percent, held a standard superintendent certification, which is valid for five years. To be eligible to receive the standard superintendent certificate, a candidate must have a master's degree from an accredited university; hold a principal certification or the equivalent issued by the Texas Education Agency (TEA) or another state or country; successfully complete an approved superintendent educator preparation program; and successfully complete the superintendent Texas Examination of Educator Standards assessment. The Texas Administrative Code, Title 19, Part 7, Section 242.20, authorizes an individual seeking a superintendent certificate to substitute managerial experience in a public school district for educational experience. The Texas Administrative Code, Section 242.30, requires that superintendents complete 200.0 hours of professional development every five years to maintain a standard certificate.

The standard superintendent certificate, first issued in 1999, replaced the lifetime professional superintendent certificate, which was a onetime certification that did not require renewal. During school year 2017–18, 19.1 percent of superintendents held lifetime professional certificates.

TEA also issues probationary and one-year superintendent certificates to eligible candidates. During school year 2017–18, less than 1.0 percent of all superintendents held one of these two types of certificates. To be issued a probationary certificate, a candidate must participate in an internship through an approved educator preparation program. The probationary certificate is valid for one year from the date it was issued and may be extended for no more than two additional one-year terms. TEA may issue a one-year certificate to an applicant with an equivalent certificate from another state or U.S. territory if all certification requirements are met except the examination requirement. If examination requirements are not met during the one-year validity period of the certificate due to extenuating circumstances, the employing school district may request an extension of not more than one calendar year.

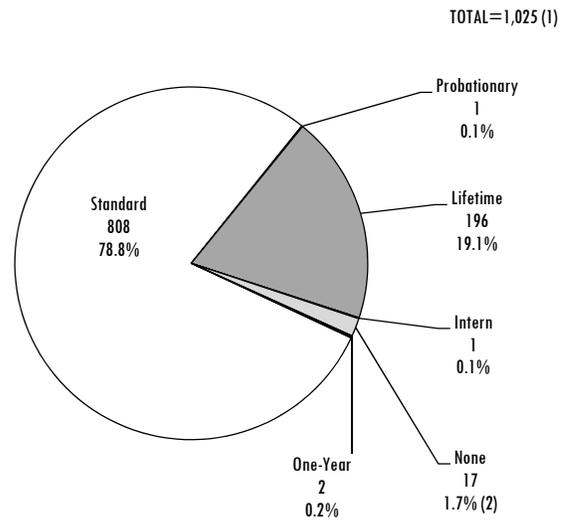
Figure 1 shows for all Texas school districts the number of superintendents with each certification type. During school year 2017–18, 98.0 percent of superintendents in school districts held either a standard or lifetime certification. However, 1.7 percent of school district superintendents did not have superintendent certificates.

BUYOUTS OF SUPERINTENDENT CONTRACTS AND SEVERANCE PAY

School districts employ superintendents through contracts. The Texas Education Code, Section 11.201, allows the board of trustees of an independent school district to employ a superintendent by contract for a term of no longer than five years. However, a school district may buy out a superintendent’s contract through a severance payment before the full term of the contract has been served. The Texas Education Code, Section 11.201, defines severance payment as any amount paid to the departing superintendent that exceeds the amount earned as of the date of termination, including salary and benefits paid as a condition of early contract termination.

The Texas Education Code, Section 11.201, requires the Commissioner of Education to decrease a district’s Foundation School Program (FSP) funds to the extent that the severance payment exceeds the amount equal to one year’s salary and benefits under the superintendent’s terminated contract. The commissioner deducts a district’s FSP funding in the school year following the year in which the first payment requiring a funding reduction is made to the former superintendent. The commissioner also deducts FSP funding in the school year following each school year in which any additional payment requiring a funding reduction is made to the former superintendent. **Figure 2** shows the number of superintendent buyouts, the total and average severance payments, and the FSP reduction each year from fiscal years 2013 to 2017. School districts bought out 141 superintendents’ contracts during this period and paid approximately \$18.3 million in severance payments.

**FIGURE 1
TEXAS SCHOOL DISTRICT SUPERINTENDENTS BY CERTIFICATION
SCHOOL YEAR 2017–18**



NOTES:
 (1) Based on a total of 1,023 traditional school districts. The number of districts and superintendents do not match because full-time-equivalent positions are rounded to whole numbers.
 (2) No state-issued superintendent certification.
 SOURCE: Texas Education Agency.

**FIGURE 2
TEXAS SCHOOL DISTRICT SUPERINTENDENT BUYOUTS, SEVERANCE PAYMENTS, AND DISTRICT FOUNDATION SCHOOL PROGRAM (FSP) REDUCTIONS, FISCAL YEARS 2013 TO 2017**

YEAR	BUYOUTS	TOTAL SEVERANCE PAYMENTS	AVERAGE SEVERANCE PAYMENT	FSP REDUCTIONS
2013	10	\$1,081,470	\$108,147	\$163,992
2014	37	\$4,583,926	\$123,890	\$332,777
2015	55	\$7,584,830	\$137,906	\$797,736
2016	17	\$1,982,614	\$116,624	\$222,267
2017	22	\$3,067,083	\$139,413	\$271,570
Total	141	\$18,299,923	\$125,196	\$1,788,342

SOURCE: Texas Education Agency.

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