

INCAPACITY OF THE 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 physician selected and compensated by the Board.
- 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 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, the Superintendent may be placed on sick leave or other permissible leaves in accordance with law and Board policy. The Superintendent's incapacity or leave of absence shall not extend beyond the Superintendent's contract term.

At any time, the Superintendent may request that he/she be returned to active duty status from his/her leave. However, the final decision rests with the Board. The Board may also declare that the Superintendent is capable of returning to work on its own.

LEGAL REFS: O.R.C. §3319.011

Approved: August 20, 2012