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The County Superintendent of Schools is a constitutional officer provided for in the California Constitution, Article 9, section 3. As a constitutional officer, the County Superintendent of Schools has certain powers and an independence from the County Board of Education even though the County Superintendent of Schools is appointed by the County Board of Education pursuant to the San Diego County Charter. The County Superintendent of Schools is responsible for administering numerous duties required by state and federal law and regulations. The County Superintendent of Schools has an inter-relationship with the County Board of Education. The County Superintendent of Schools acts as the executive officer of the County Board of Education and administers the policies adopted by the County Board of Education under the powers and duties accorded to it by law.

The office and person of the County Superintendent of Schools are an agency. There is no separate governing body for the County Superintendent of Schools in the sense of a group that must meet to carry out the functions assigned to him/her. 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 that require approval of the County Board of Education. For those functions that require County Board of Education approval, the County Superintendent of Schools may take specified actions only after first obtaining County Board of Education approval. The County Superintendent of Schools, not the County Board of Education, takes action to perform the services or execute the functions. The legal provision mandating or authorizing the activity specifies the responsible agency and approvals required.

The Education Code delineates most of the powers and responsibilities of the County Superintendent of Schools and county offices of education granted by the State Legislature. The general duties and powers of the County Superintendent of Schools are set forth in Division 1, Parts 2 and 3 of the Education Code commencing with Education Code section 1240. Various other California codes, such as the Government Code, also contain provisions that impact the office of the County Superintendent of Schools. Regulations of the State Superintendent of Public Instruction with respect to

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county superintendents are specified in Title 5, California Code of Regulations, Chapter 17, commencing with section 17260.

The County Superintendent of Schools has mandatory and authorized responsibilities and permissive authority to provide educational, business, and internal services for the schools and programs operated by the San Diego County Office of Education. The County Superintendent of Schools also has responsibilities to San Diego County school and community college districts, administrative offices of the County of San Diego, the California Department of Education, and the State Superintendent of Public Instruction.

The County Superintendent of Schools may initiate and carry on any program or activity or may otherwise act in any manner that is not in conflict with or inconsistent with, or preempted by, any law and that is not in conflict with the purposes for which the agency is established. The County Superintendent of Schools has broad legislative authority to carry out programs and activities that, in the determination of the County Superintendent of Schools, are necessary or desirable in meeting his/her needs and are not inconsistent with the purposes for which the funds were appropriated.

COUNTY SCHOOL SERVICE FUND

The County Superintendent of Schools develops the single-fund budget for the purposes of the county school service fund, County Board of Education, County Committee on School District Organization, Personnel Commission, and office of the County Superintendent of Schools in accordance with law and regulations of the State Superintendent of Public Instruction. The single-fund budget adopted by the County Board of Education and approved by the State Superintendent of Public Instruction establishes annual fiscal parameters for programs, activities, or actions by the County Superintendent of Schools or the County Board of Education, and may contain a general reserve.

The County Superintendent of Schools is the agency on which warrants for county school service fund expenditures are drawn, and he/she has the powers and duties of a governing body of his/her own agency. With respect to disbursements from the county

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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.

EMPLOYEES

The County Superintendent of Schools is authorized to appoint, discipline, and establish the salaries of all county office employees. The County Superintendent of Schools employs administrative and supervisory personnel to assist in the effective management of the San Diego County Office of Education. All divisions, sections, programs, and services make up the administrative system, organized so that appropriate decision-making takes place in accordance with the County Board of Education policies and the County Superintendent of Schools' administrative regulations and procedures.

FISCAL OVERSIGHT

AB 1200 (Chapter 1213, 1991 Statutes) established fiscal accountability provisions in the Education Code for the County Superintendent of Schools and the County Board of Education. The County Superintendent of Schools is responsible for the fiscal oversight of the school districts in San Diego County. Additional legal responsibilities of the County Superintendent of Schools were added to the Education Code by AB 2756 (Chapter 52, 2004 Statutes) and subsequent legislation.

CONTRACTING

Except for contracts that are specifically made 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 required of him/her under the Education Code. These contracts may be in the name of the County Superintendent of Schools and need not be approved by the County Board of Education unless specifically so required by statute or regulation.

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Funding for contracts is controlled in the budget approval and revision process and the allocation of funds for the county school service fund. Leases of real property for housing the programs and services of the County Superintendent of Schools are the responsibility of the County Board of Education pursuant to Education Code section 1042(c). Other contracts are entered into by the County Superintendent of Schools pursuant to law and regulations of the State Superintendent of Public Instruction in Title 5, California Code of Regulations.

LOCAL CONTROL AND ACCOUNTABILITY PLAN

The County Superintendent of Schools is required to develop and present for adoption by the County Board of Education a three-year Local Control and Accountability Plan (LCAP) for the schools under his/her jurisdiction. The LCAP must address the state priorities in Education Code section 52066 and any additional local priorities established by the County Board and must be updated on or before July 1 of each subsequent year.

The Education Code requires the County Superintendent of Schools to review and approve the LCAPs and subsequent annual updates of the school districts in San Diego County using criteria and timelines specified in the Education Code. In addition, the County Superintendent must post all approved district LCAPs and subsequent annual updates, or links to those plans, on the website of the San Diego County Office of Education.

STATE OF THE SCHOOLS

Education Code 1240 requires the County Superintendent of Schools to visit and examine the public schools in San Diego County at reasonable intervals to observe their operations. Statutes enacted in 2004 in connection with the "*Williams Settlement*" established additional oversight activities related to the condition of facilities, teacher assignments, and the sufficiency of instructional materials in specified schools in the county, including the requirement that the County Superintendent annually submit a report on the state of these schools to their district governing boards, the County Board of Education, and the County Board of Supervisors.

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For the schools under his/her jurisdiction, the County Superintendent of Schools, or designee, shall submit to the County Board of Education quarterly reports of complaints filed under provisions of the “*Williams Settlement*.” The reports shall be presented in open session at a regularly scheduled meeting and shall include summarized data on the nature and resolution of all complaints, the number of complaints by general subject area, and the number of resolved and unresolved complaints.

Board Policy: 1312

Administrative Regulation: 1312.4

Legal Reference:

Education Code

1040 et seq., 1240, 35160 et seq., 35186, 41020, 42100 et seq., 42127 et seq., 42131, 52060 – 52077

Title 5, California Code of Regulations

4680 et seq., 17260 et seq.

Attorney General Opinions

88 Ops. Cal. Atty. Gen. 901 (1989), 72 Ops. Cal. Atty. Gen. 25 (1989)

RES 95-00366 County Counsel Opinion (March 31, 1995)