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<b>Date Email Sent:</b>	2/12/2019
<b>Email Subject Line:</b>	REMINDER: Setting Salary for Elected Superintendents
<b>Recipient Groups:</b>	Superintendents, Board Members, Superintendent Secretaries, Board Attorneys

**Email body:**

## Setting Salary for Elected Superintendents

***This message is being sent to superintendents, board members and superintendent secretaries for systems with elected superintendents. This message is also being sent to all board attorneys.***

We have gotten a number of calls this week about setting the salary for elected superintendents. Here are a few reminders:

- The salary for elected superintendents beginning a new term must be approved by the board before January 1, 2019. *Ala. Code Sec. 16-9-12.*
- The elected superintendent will not be involved in the action as superintendents do not make recommendations regarding their own compensation.
- A board member must make a motion to adopt a Resolution setting the superintendent's salary. Following a second, a majority of the whole board must approve the resolution.
- The superintendent's salary cannot be changed during the superintendent's term of office. *Ala. Const. Sec. 68.* Therefore, any raises or bonuses which the board wishes to provide later in the term must be set out in this resolution. For example:

-The board may opt to provide the superintendent with the same legislative pay raise that teachers receive. If not specified in the

resolution, the board cannot decide to provide the raise later.

-The board may opt to incorporate schedule raises such as 2% per year as a cost of living increase. Again, if this is not specified in the resolution, the board cannot decide to provide it later.

-The board may opt to provide incentive pay tied to the superintendent's accomplishment of stated goals. If so, the resolution would need to specify the amount of the incentive available each year.

A sample resolution can be found below. The underlined portion is the only part that is required, but additional terms can be provided at the option of the local board:

### **Resolution**

The \_\_\_\_\_ County Board of Education hereby establishes the salary of the Superintendent of Education for \_\_\_\_\_ County at \$ \_\_\_\_\_ base salary per year for the term beginning January 1, 20 \_\_\_\_\_ through December 31, \_\_\_\_\_, together with such salary increases as may be provided by the State of Alabama for certified teachers during the term stated above. It is the board's specific intent that the Superintendent receive such salary increases as are applicable to certified teachers even if the legislative act adopting the salary increase provides that it does not apply to superintendents of education. Additionally, the Superintendent shall be entitled to health and related benefits available to full-time certificated employees through the Alabama Public Education Employee's Health Insurance Plan with the board paying the full single premium, TRS retirement benefits available to full time certificated employees, 12 days of paid vacation earned each calendar year, 12 days of paid sick leave earned each calendar year and 5 personal days earned each calendar year.

A couple of Attorney General's Opinions on the topic have been attached for your reference. If you have any questions, feel free to contact us, but as always, contact your local counsel for legal advice.

**Attachments (if any):**



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