



# Leadership

## Compensation

Education Commission of the States

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## State-Set Limits on Superintendent Contracts

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In 2008, Pennsylvania Auditor General Jack Wagner *recommended* that:

- School districts limit their potential liability by granting future superintendents contracts of no more than the minimum three-year contract term permitted by Pennsylvania state law
- Future superintendent employment contracts should contain adequate provisions from the outset of the employment relationship to address premature termination of employment
- Superintendent contracts should not contain confidentiality clauses that prohibit public disclosure of the reasons for the termination of superintendent.

While local boards of education in any state could choose to implement any or all of these recommendations, this compilation is a first step in capturing *state* policies related to the three recommendations. The “Notes” column reflects state legislative efforts to inject buy-out provisions such as Florida’s requirement that “No contract can require the district to pay from state funds ... an amount in excess of 1 year of salary — for termination, buyout or any other type of contract settlement.”

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	State requirements for district superintendent contracts	
	Maximum length of contract	Notes
<b>Alabama</b> [ALA. CODE § 16-9-1]	2-4 years (county supts.)	
<b>Alaska</b> [ALASKA STAT. §§ 14.14.130 and 14.20.130]	3 years	

State requirements for district superintendent contracts		
	Maximum length of contract	Notes
<b>Arizona</b> [ARIZ. REV. STAT. § 15-503]	3 years	Contracts are to be structured in a way that classifies 20% of the superintendent's total annual compensation and benefits as performance pay. Stipulates that the 20% figure is not an increase to the superintendent's salary. Unless the governing board votes to implement an alternative procedure the performance pay, the amount of increase is to be determined in four equal parts for: 1) academic gain; 2) percentage of parents in the school district assigning an "A" to a survey of parent satisfaction; 3) percentage of teachers in the school district assigning an "A" to a survey of teacher satisfaction; and the remaining portion to be determined criteria selected by the governing board. [ARIZ. REV. STAT. § 15-301-40]
<b>Arkansas</b> [ARK. CODE ANN. § 6-17-301]	3 years	
<b>California</b> [CAL. EDUC. CODE § 35031]	4 years	
<b>Colorado</b> [COLO. REV. STAT. § 22-44-115]	5 years	State policy requires districts to appropriate sufficient funds to cover all contract years.  A board of education of a school district may not expend any moneys in excess of the amount appropriated by resolution for a particular fund.
<b>Connecticut</b> [CONN. GEN. STAT. § 10-157]	3 years	
<b>Delaware</b> [DEL. CODE ANN. tit. 14, § 1329]	5 years	
<b>District of Columbia</b> [D.C. ST. § 38-102]	Local boards determine	
<b>Florida</b> [FLA. STAT. ch. 1001.50]	Local boards determine	No contract can require the district to pay from state funds a superintendent an amount in excess of 1 year of salary – for termination, buyout or any other type of contract settlement.

State requirements for district superintendent contracts		
	Maximum length of contract	Notes
<b>Georgia</b> [GA. CODE ANN. § 20-2-101 (a)]	Not less than 1 year, not more than 3 years	
<b>Hawaii</b> [HAW. REV. STAT. § 302A-11-1]	4 years	
<b>Idaho</b> [IDAHO CODE § 33-513]	3 years  2 years (asst. superintendents, principals)	Annual evaluation, and 50% of superintendent's evaluation is on growth in achievement
<b>Illinois</b> [105 ILL. COMP. STAT. §§ 5/10-21.4 and 5/1B-7.5, 5/34-8]	Local boards determine	
<b>Indiana</b> [IND. CODE § 20-28-8-6]	At least 36 months	
<b>Iowa</b> [IOWA CODE § 279.20]	3 years	Cannot exceed 1 year if board is obligated to pay former superintendent under unexpired contract
<b>Kansas</b> [KAN. STAT. ANN. § 8202b]	3 years	
<b>Kentucky</b> [KY. REV. STAT. ANN. § 160.350]	4 years	May extend annually for a 1-year period upon evaluation and approval of the board
<b>Louisiana</b> [LA. REV. STAT. ANN. § 17:54]	4 years	

	State requirements for district superintendent contracts	
	Maximum length of contract	Notes
<b>Maine</b> [ME. REV. STAT. ANN. tit. 20-A, § 1051 (3)]	5 years	
<b>Maryland</b> [MD. CODE ANN., EDUC. § 4-201]	4 years	
<b>Massachusetts</b> [MASS. GEN. LAWS ch. 71, § 59, 59A and ch. 71, § 16 ]	Local boards determine	
<b>Michigan</b> [MICH. COMP. LAWS §§ 388.420, 380.471a, §§ 380.374; §§ 372 (2)(b)]	6 years, First Class districts 5 years, other districts	
<b>Minnesota</b> [MINN. STAT. §§ 123B-143]	Local boards determine	
<b>Mississippi</b> [MISS. CODE ANN. §§ 37-5-61-71]	Local boards determine	
<b>Missouri</b> [MO. REV. STAT. §§ 168.201 and 168.211]	3 years, non-metro 1-5 years, metro districts	
<b>Montana</b> [MONT. CODE ANN. § 20-4-401]	3 years	
<b>Nebraska</b> [NEB. REV. STAT. § 79-501]	Local boards determine	

	State requirements for district superintendent contracts	
	Maximum length of contract	Notes
<b>Nevada</b> [NEV. REV. STAT. 391.110]	4 years	
<b>New Hampshire</b> [N.H. REV. STAT. ANN. § 194-C:4]	Local boards determine	
<b>New Jersey</b> [N.J. STAT. ANN. § 18A:17-15]	Not less than 3 years or more than 5 years	
<b>New Mexico</b> [N.M. STAT. ANN. §§ 22-5-4]	Local boards determine	
<b>New York</b> [N.Y. EDUC. LAW § 1711]	Not less than 3 years, not more than 5	
<b>North Carolina</b> [N.C. GEN. STAT. § 115C-271]	4 years	
<b>North Dakota</b> [N.D. CENT CODE § 15.1-09-33 (25)]	3 years	
<b>Ohio</b> [ per state department staff]	Local boards determine	
<b>Oklahoma</b> [OKLA. STAT. tit. 70, §§ 5-106A and 5-117 (14)]	Local boards determine	

	State requirements for district superintendent contracts	
	Maximum length of contract	Notes
<b>Oregon</b> [OR. STAT. 332.505]	3 years	
<b>Pennsylvania</b> [24 PS 10-1073]	3-5 years	
<b>Rhode Island</b> [R.I. GEN. LAWS § 16-2-9 (12)]	3 years	
<b>South Carolina</b> [S.C. CODE ANN. § 59-13-10]	4 years	
<b>South Dakota</b> [S.D. CODIFIED LAWS §§ 13-8-39, 13-10-2, 13-10.2.1]	3 years	
<b>Tennessee</b> [TENN. CODE ANN. § 49-2-203 (14)(A)]	4 years	
<b>Texas</b> [TEX. EDUC. CODE ANN. § 11.201]	5 years	Commissioner required to reduce district foundation funding by any amount paid to a terminated superintendent if it exceeds the amount earned by that person under the contract as of the date of termination
<b>Utah</b> [UTAH CODE 53A-3-301]	2 years	After May 10, 2011, boards may not enter into an employment contract that contains an automatic renewal provision with the superintendent.
<b>Vermont</b> [VT. STAT. ANN. tit. 16, § 241]	5 years	

State requirements for district superintendent contracts		
	Maximum length of contract	Notes
<b>Virginia</b> [VA. CODE ANN. §§ 22.1-60]	Not less than 2 years nor more than 4 years	Any superintendent resignation, retirement or other financial package and contract negotiation or renegotiation by a board whose members are elected in whole or in part and of which 1 or more member's term is to expire within 3 months of the board's vote on such action contingent upon approval of such package or contract negotiation by the newly constituted school board.  At least 1 public hearing required prior to final approval of any division superintendent contract negotiation.
<b>Washington</b> [WASH. REV. CODE §§ 28A.400.010]	3 years	
<b>West Virginia</b> [W. VA. CODE § 18-4.1]	Not less than 1 year nor more than 4 years	
<b>Wisconsin</b> [WIS. STAT. §§ 120-13, 120-44]	Local boards determine	
<b>Wyoming</b> [WYO. STAT. ANN. § 21-3-11]	Local boards determine	

*This ECS StateNote was compiled by Kathy Christie, chief of staff, ECS. Please contact her ([kchristie@ecs.org](mailto:kchristie@ecs.org) or 303-299-3613) with any corrections or additions.*

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