

## BOARD AGENDA ITEM

September 27, 2011

### SUBJECT:

Amendment to Policy CFC - *Assignment and Transfer of Building Administrators*  
Second Reading

### BACKGROUND:

Policy CFC relates to one of the District Superintendent's most important responsibilities, namely the appropriate utilization and placement of school administrators, including reassignment of administrators when needed. In order best to discharge this responsibility, the Superintendent must have wide discretion and latitude, as encompassed within this longstanding policy. The Educational Accountability Act of 1988 made substantial changes in the rights of administrative personnel by removing them from the protection of the Teachers Employment and Dismissal Act. As a buffer to the uncertainty of the extent to which the Act removed protections for administrators' rights, transfers or reassignments, including changes in position and/or salary, were heretofore subject to the district's grievance procedure since the due process hearing rights had been removed. A recent South Carolina Supreme Court decision – *Henry-Davenport v. The School District of Fairfield County* – specifically interpreted the meaning of the EAA amendment relating to the removal of due process protections from administrative rights and made it clear that the plain meaning of the language was, in fact, the effect of the Act.

### ADMINISTRATIVE CONSIDERATION:

The proposed changes will bring the procedures available to administrators in line with the legislative intent as espoused in Section 59-24-15 of the Code of Laws (which is a codification of the Education Accountability Act provision related to administrative rights). The proposed policy amendments do allow for an informal conference by an employee with the Superintendent.

### RECOMMENDATION:

Adopt the proposed changes on second reading

### ATTACHMENT:

- 1) Policy CFC as amended and approved at first reading

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## Policy CFC Assignment and Transfer of Building Administrators

Issued 9/11

Purpose: To establish the basic structure for the assignment and transfer of building administrators.

The superintendent is responsible for the assignment of all administrators.

Appropriate placement and transfer practices for school administrators should enhance effective utilization of skills and abilities and the professional growth of individuals. These objectives can best be achieved through the provision of some variety of school assignment over a period of years, and the best possible matching of known administrator strengths to identified current needs of a particular school.

In making decisions on placement, the superintendent will give consideration to the following.

- needs of the school and district as perceived by the board and central administration
- length of current assignment in a school
- compatibility of administrative style among administrators in the school
- opportunities provided for professional growth in the proposed assignment
- appropriate training to enable effective planning and educational continuity
- the administrator's expressed preferences

Compulsory transfers and/or the reassignment of administrative personnel, including administrative transfers involving a loss of rank and/or income, shall not be subject to the district's grievance procedure.

The affected administrator may request an informal conference with the Superintendent concerning action taken.

Adopted 9/11/01 Amended 9/27/11

Legal references:

- A. S.C. Code, 1976, as amended:
1. Section 59-25-410 - Notification of employment for ensuing year; notification of assignment.
  2. Section 59-24-015 – Rights of Certified Education Personnel Employed as Administrators.

Case Law:

1. *Henry-Davenport v. The School District of Fairfield County*, 391 S.C. 85,705 S.E.2D 26(S.C. 2011).