



Karen Haase

khaase@ksbschoollaw.com

@KarenHaase

Steve Williams

swilliams@ksbschoollaw.com

@SteveisEspan

Bobby Truhe

btruhe@ksbschoollaw.com

@btruhe

Update on Superintendent Pay Transparency Act

Last year the Nebraska Unicameral passed the Superintendent Pay Transparency Act. The Act requires school districts and ESUs to publish both the superintendent's/administrator's contract and a "reasonable estimates and descriptions of all current and future costs." Most districts and ESUs have just added another tab or link on the homepage of their website under which the contract and a copy of "Schedule D" from the state auditor can be found.

Now, as boards are renewing superintendents' and administrators' contracts, many schools have questions about how to comply with the Act as part of the renewal process. When the board is preparing to renew a contract the board must:

1. Post the proposed contract and related costs 3 days before the board meeting at which the contract will be approved or amended;
2. Post the contract and the related costs within 2 days after the meeting at which the contract is approved;
3. Publish an updated Schedule D any time the "future costs" change; and

4. Provide a copy of the contract and any subsequent amendments to the NDE by August 1st following the adoption or amendment of the contract.

Any new contract, changes to an existing contract, or automatic renewals should comply with the posting requirements discussed above. For example, if the board and superintendent agree to amend the superintendent's contract in January of 2015, the district should post the contract 3 days before the meeting, update the posting on the website within 2 days after the meeting to include the changes approved by the board, and send a copy to the NDE before August 1 once the contract is final. The board should also post a new Schedule D.

The board may need to comply with the Act multiple times if there are changes made to the superintendent's contract in separate meetings. For example, the board may extend or renew the Superintendent's contract in January and set the Superintendent's salary in March. In that case, the board would have to comply with the Act both times.

Finally, we have been getting many questions regarding how to post the contract, Schedule D, and notice for the board meetings. First, be sure to put the consideration of changes to the superintendent's contract on the board agenda. Complying with the Act does not substitute for following the Open Meetings Act. As for posting the contract and the Schedule D, there is no right or wrong answer. Here is what the Act says:

Electronic publication on the web site of the school district or educational service unit shall satisfy the requirement of this subsection if such electronic publication is prominently displayed and allows public access to the entire proposed contract or amendment [and the Schedule D].

If you have questions, we recommend that you consult with your school district's attorney or call Karen, Steve or Bobby.