
By: **Delegates F. Turner, Barkley, Benson, Bobo, Carter, G. Clagett, C. Davis,
DeBoy, Franchot, Gaines, Haynes, Hubbard, Jones, Madaleno, Menes,
Moe, Murray, Patterson, Pendergrass, Proctor, Taylor, and Vaughn**

Introduced and read first time: January 26, 2005

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Education - County Superintendent - Termination of Contract**

3 FOR the purpose of authorizing county boards of education to terminate the contract
4 of a county superintendent under certain circumstances; establishing certain
5 requirements for terminating the contract of a county superintendent under
6 certain circumstances; and generally relating to terminating the contract of a
7 county superintendent.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 4-201(b)
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Education
15 Section 4-201(c) and (d)
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2004 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Education**

21 4-201.

22 (b) (1) The term of a county superintendent is 4 years beginning on July 1.
23 [A] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A county
24 superintendent continues to serve until a successor is appointed and qualifies.

1 (2) By February 1 of the year in which a term ends, the county
2 superintendent shall notify the county board whether the superintendent is a
3 candidate for reappointment.

4 (3) (I) In the year in which a term begins, the county board shall
5 appoint a county superintendent between February 1 and June 30.

6 (II) [However, if] IF the county board decides to reappoint the
7 incumbent superintendent, the county board shall take final action at a public
8 meeting no later than March 1 of that year.

9 (III) 1. IF THE COUNTY BOARD DECIDES TO SEEK A CANDIDATE
10 OTHER THAN THE INCUMBENT SUPERINTENDENT, AFTER MARCH 1 THE COUNTY
11 BOARD MAY:

12 A. TERMINATE THE CONTRACT WITH THE INCUMBENT
13 SUPERINTENDENT; AND

14 B. APPOINT AN INTERIM SUPERINTENDENT.

15 2. IF THE COUNTY BOARD TERMINATES THE CONTRACT OF
16 AN INCUMBENT SUPERINTENDENT UNDER THIS SUBPARAGRAPH:

17 A. THE INCUMBENT SUPERINTENDENT SHALL BE ENTITLED
18 TO ALL COMPENSATION AND BENEFITS TO WHICH THE INCUMBENT
19 SUPERINTENDENT WOULD HAVE BEEN ENTITLED IF THE CONTRACT HAD NOT BEEN
20 TERMINATED; AND

21 B. THE COUNTY BOARD MAY PAY COMPENSATION AND
22 BENEFITS TO WHICH THE INCUMBENT SUPERINTENDENT IS ENTITLED IN A LUMP
23 SUM OR ACCORDING TO THE SCHEDULE ESTABLISHED IN THE CONTRACT WITH THE
24 INCUMBENT SUPERINTENDENT.

25 (4) If a county board is unable to appoint a county superintendent by
26 July 1 of a year in which a term begins, the provisions of subsection (d) of this section
27 apply.

28 (c) (1) An individual may not be appointed as county superintendent unless
29 he:

30 (i) Is eligible to be issued a certificate for the office by the State
31 Superintendent;

32 (ii) Has graduated from an accredited college or university; and

33 (iii) Has completed 2 years of graduate work at an accredited college
34 or university, including public school administration, supervision, and methods of
35 teaching.

1 (2) The appointment of a county superintendent is not valid unless
2 approved in writing by the State Superintendent.

3 (3) If the State Superintendent disapproves an appointment, he shall
4 give his reasons for disapproval in writing to the county board.

5 (d) If a vacancy occurs in the office of county superintendent, the county board
6 shall appoint an interim county superintendent who serves until July 1 after his
7 appointment.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.