

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 264
Ways and Means

(Delegate F. Turner, *et al.*)

Public Education - County Superintendent - Termination of Contract

This bill authorizes a local board of education to terminate the contract of the local superintendent of schools up to four months prior to the end of the superintendent's contract and appoint an interim superintendent as a replacement. If a superintendent's contract is terminated early, the superintendent is entitled to all compensation and benefits that would have been provided if the contract was not terminated.

Fiscal Summary

State Effect: None. The bill is directed at local boards of education and would not impact State operations or finances.

Local Effect: Local board of education expenditures could increase for a board that opts to terminate a superintendent's contract early and pay a replacement to act as the interim superintendent. Any additional expenditures would depend on the contracts negotiated by the local board with the departing and interim superintendents. The costs would presumably be paid from available board funds.

Small Business Effect: None.

Analysis

Current Law: Local boards of education do not have the authority to remove their local superintendents. The State Superintendent of Schools may remove a local superintendent for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty.

Local boards of education appoint local superintendents of schools to act as the executive officers of the boards. Superintendents' contracts must be four years and must begin on July 1. Superintendents must let their boards know if they want to be considered for reappointment by February 1 of the year in which their contracts expire, and local boards must take final action to reappoint superintendents by March 1. If a board decides not to reappoint its superintendent, it has until June 30 to appoint a new superintendent. Superintendent appointments must be approved by the State Superintendent of Schools.

Background: The removal of a local superintendent by the local board of education most recently came up as a major news story in February 2002, when the Prince George's County Board of Education fired its superintendent. The superintendent appealed the dismissal to the State Board of Education, and the State board ruled that a local board of education does not have the authority to remove its superintendent. Only the State Superintendent of Schools is granted this power.

Prior to the State board's ruling, local school boards had severed relations with their local superintendents, but they had done so through mutual agreement with the superintendents. The situation was different in Prince George's County because the board and the superintendent could not agree on a severance arrangement. However, many local school boards were surprised to learn that they did not have the authority to dismiss the superintendents they appoint.

This bill would give a local board of education limited authority to dismiss a superintendent once the board has made the decision not to retain the superintendent.

Additional Information

Prior Introductions: None. However, SB 81 of 2003 would have given local boards of education complete authority to terminate contracts with their local superintendents. The bill received an unfavorable report from the Education, Health, and Environmental Affairs Committee.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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