

HOUSE BILL 619

F1

(71r0332)

ENROLLED BILL

— *Ways and Means / Judicial Proceedings* —

Introduced by **Delegates Kelly, Ali, Anderson, Aumann, Barkley, Barnes, Bartlett, Barve, Bates, Beidle, Beitzel, Benson, Bobo, Bohanan, Boteler, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Carter, G. Clagett, V. Clagett, Conway, Conway, Costa, Davis, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Elmore, Feldman, Frank, Gaines, George, Gilchrist, Glassman, Glenn, Goldwater, Griffith, Gutierrez, Guzzone, Haddaway, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Holmes, Howard, Hubbard, Hucker, Impallaria, Ivey, James, Jameson, Jennings, Jones, Kach, Kaiser, J. King, N. King, Kipke, Kirk, Kramer, Krebs, Krysiak, Kullen, Lafferty, Lawton, Lee, Levy, Love, Malone, Manno, McComas, McConkey, McDonough, McHale, McIntosh, McKee, Miller, Minnick, Mizeur, Montgomery, Morhaim, Murphy, Myers, Nathan-Pulliam, Niemann, Oaks, O'Donnell, Olszewski, Pena-Melnyk, Pendergrass, Proctor, Rice, Riley, Robinson, Rosenberg, Ross, Rudolph, Schuh, Schuler, Shank, Shewell, Simmons, Smigiel, Sophocleus, Sossi, Stein, Stifler, Stocksdale, Stukes, Stull, Tarrant, Taylor, F. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Walker, Walkup, Weir, Weldon, and Wood**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – County Superintendent of Schools – Notification of Criminal**
 3 **Charges**

4 FOR the purpose of requiring a county superintendent to notify the county board of
 5 education in writing of certain criminal charges; requiring the written
 6 notification to include certain documents; providing for certain penalties for
 7 certain violations; making stylistic changes; and generally relating to
 8 notification of criminal charges against county superintendents.

9 BY repealing and reenacting, with amendments,
 10 Article – Education
 11 Section 4–201(e)
 12 Annotated Code of Maryland
 13 (2006 Replacement Volume)

14 BY adding to
 15 Article – Education
 16 Section 4–201(f) and 4–206
 17 Annotated Code of Maryland
 18 (2006 Replacement Volume)

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

21 **Article – Education**

22 4–201.

23 (e) (1) The State Superintendent may remove a county superintendent
 24 for:

25 (i) Immorality;

26 (ii) Misconduct in office;

27 (iii) Insubordination;

1 (iv) Incompetency; or

2 (v) Willful neglect of duty.

3 (2) Before removing a county superintendent, the State
4 Superintendent shall send [him] **THE COUNTY SUPERINTENDENT** a copy of the
5 charges against [him] **THE COUNTY SUPERINTENDENT** and give [him] **THE COUNTY**
6 **SUPERINTENDENT** an opportunity within 10 days to request a hearing.

7 (3) If the county superintendent requests a hearing within the 10-day
8 period:

9 (i) The State Superintendent promptly shall hold a hearing, but
10 a hearing may not be set within 10 days after the State Superintendent sends the
11 county superintendent a notice of the hearing; and

12 (ii) The county superintendent shall have an opportunity to be
13 heard publicly before the State Superintendent in [his] **THE COUNTY**
14 **SUPERINTENDENT'S** own defense, in person or by counsel.

15 (F) **ON NOTIFICATION OF PENDING CRIMINAL CHARGES AGAINST A**
16 **COUNTY SUPERINTENDENT AS PROVIDED UNDER § 4-206 OF THIS SUBTITLE,**
17 **THE COUNTY BOARD MAY SUSPEND THE COUNTY SUPERINTENDENT WITH PAY**
18 **UNTIL THE FINAL DISPOSITION OF THE CRIMINAL CHARGES.**

19 **4-206.**

20 (A) **A COUNTY SUPERINTENDENT SHALL IMMEDIATELY NOTIFY THE**
21 **COUNTY BOARD IN WRITING OF ANY CRIMINAL CHARGES THAT ARE PUNISHABLE**
22 **BY A PERIOD OF INCARCERATION BROUGHT AGAINST THE COUNTY**
23 **SUPERINTENDENT.**

24 (B) **THE NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS**
25 **SECTION SHALL INCLUDE A COPY OF ALL CHARGING DOCUMENTS SERVED ON**
26 **THE COUNTY SUPERINTENDENT OR THE COUNTY SUPERINTENDENT'S COUNSEL.**

27 (C) **ANY COUNTY SUPERINTENDENT WHO VIOLATES SUBSECTIONS (A)**
28 **AND (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION**
29 **IS SUBJECT TO A FINE NOT EXCEEDING \$100 AND REVOCATION OF ANY**
30 **PROFESSIONAL CERTIFICATION ISSUED BY THE DEPARTMENT.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.