

HOUSE BILL 619

F1

71r0332

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, Conaway, 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**

Introduced and read first time: February 8, 2007

Assigned to: Ways and Means

Committee Report: Favorable

House action: Adopted

Read second time: March 19, 2007

CHAPTER _____

- 1 AN ACT concerning
- 2 **Public Schools – County Superintendent of Schools – Notification of Criminal**
- 3 **Charges**

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.



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

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

11 BY adding to
12 Article – Education
13 Section 4–201(f) and 4–206
14 Annotated Code of Maryland
15 (2006 Replacement Volume)

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

18 **Article – Education**

19 4–201.

20 (e) (1) The State Superintendent may remove a county superintendent
21 for:

- 22 (i) Immorality;
- 23 (ii) Misconduct in office;
- 24 (iii) Insubordination;
- 25 (iv) Incompetency; or
- 26 (v) Willful neglect of duty.

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

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

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

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

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

13 **4-206.**

14 **(A) A COUNTY SUPERINTENDENT SHALL IMMEDIATELY NOTIFY THE**
15 **COUNTY BOARD IN WRITING OF ANY CRIMINAL CHARGES BROUGHT AGAINST**
16 **THE COUNTY SUPERINTENDENT.**

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

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

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