

SENATE BILL 404

F1

EMERGENCY BILL

6lr1899
CF 6lr3030

By: **Senators Pinsky, Conway, King, and Madaleno**
Introduced and read first time: January 29, 2016
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Education – State Superintendent of Schools – Appointment**

3 FOR the purpose of requiring the State Board of Education to appoint or reappoint the
4 State Superintendent of Schools with the advice and consent of the Senate on or
5 before a certain date; requiring the State Superintendent to notify the State Board
6 whether the State Superintendent is a candidate for reappointment on or before a
7 certain date; requiring the State Board to appoint an interim State Superintendent
8 under certain circumstances; authorizing a State Superintendent to serve for a
9 certain period of time; making this Act an emergency measure; making certain
10 stylistic changes; and generally relating to the appointment of the State
11 Superintendent of Schools.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 2–302
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2015 Supplement)

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

19 **Article – Education**

20 2–302.

21 (a) **(1) (I)** [The State Superintendent shall be appointed by the State Board
22 for a term of 4 years beginning on July 1 after the Superintendent’s appointment and serves
23 until a successor is appointed and qualifies] **THE TERM OF THE STATE**
24 **SUPERINTENDENT IS 4 YEARS BEGINNING ON JULY 1 AFTER THE STATE**
25 **SUPERINTENDENT’S APPOINTMENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(II) THE STATE SUPERINTENDENT CONTINUES TO SERVE UNTIL**
2 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

3 **(2) ON OR BEFORE DECEMBER 1 OF THE YEAR IN WHICH A TERM**
4 **ENDS, THE STATE SUPERINTENDENT SHALL NOTIFY THE STATE BOARD WHETHER**
5 **THE STATE SUPERINTENDENT IS A CANDIDATE FOR REAPPOINTMENT.**

6 **(3) IN THE YEAR IN WHICH A TERM BEGINS, THE STATE BOARD SHALL**
7 **APPOINT OR REAPPOINT A STATE SUPERINTENDENT, WITH THE ADVICE AND**
8 **CONSENT OF THE SENATE, ON OR BEFORE APRIL 1.**

9 **(4) IF THE STATE BOARD IS UNABLE TO APPOINT OR REAPPOINT A**
10 **STATE SUPERINTENDENT BY APRIL 1 OF A YEAR IN WHICH A TERM BEGINS, OR THE**
11 **SENATE DOES NOT CONFIRM THE APPOINTMENT OR REAPPOINTMENT OF A STATE**
12 **SUPERINTENDENT, THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION APPLY.**

13 (b) The State Board shall fix the Superintendent's salary and pay it from the
14 appropriation for the expenses and maintenance of the Department.

15 (c) The State Superintendent shall:

16 (1) Be an experienced and competent educator;

17 (2) Be a graduate of an accredited college or university;

18 (3) Have at least 2 years of special academic and professional graduate
19 preparation in an accredited college or university; and

20 (4) Have at least 7 years of experience in teaching and administration.

21 (d) (1) The State Board may remove the State Superintendent 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 the State Superintendent, the State Board shall send
28 the Superintendent a copy of the charges against the Superintendent and give the
29 Superintendent an opportunity within 10 days to request a hearing.

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

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

6 (ii) The State Superintendent shall have an opportunity to be heard
7 publicly before the State Board in the Superintendent's own defense, in person or by
8 counsel.

9 (e) **(1)** The State Board shall appoint [a new] AN INTERIM State
10 Superintendent [to fill a vacancy in that office for the remainder of the unexpired term]
11 WHO SERVES UNTIL JULY 1, OR UNTIL THAT INDIVIDUAL OR A SUCCESSOR IS
12 APPOINTED AND QUALIFIES UNDER THIS SECTION, IF:

13 **(I) THE STATE BOARD DOES NOT APPOINT OR REAPPOINT A**
14 **STATE SUPERINTENDENT BY APRIL 1 AS REQUIRED UNDER SUBSECTION (A)(3) OF**
15 **THIS SECTION;**

16 **(II) THE SENATE DOES NOT CONFIRM THE APPOINTMENT OR**
17 **REAPPOINTMENT; OR**

18 **(III) A VACANCY OCCURS IN THE OFFICE OF THE STATE**
19 **SUPERINTENDENT.**

20 **(2) A STATE SUPERINTENDENT WHO IS APPOINTED OR**
21 **REAPPOINTED UNDER THIS SUBSECTION MAY SERVE A 4-YEAR TERM IN ADDITION**
22 **TO ANY TIME SERVED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
24 measure, is necessary for the immediate preservation of the public health or safety, has
25 been passed by a yea and nay vote supported by three-fifths of all the members elected to
26 each of the two Houses of the General Assembly, and shall take effect from the date it is
27 enacted.