

# HOUSE BILL 1603

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7lr3716

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By: **Delegates Atterbeary and Ebersole**

Introduced and read first time: February 22, 2017

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – County Boards of Education – Removal of County Superintendents**

3 FOR the purpose of authorizing certain county boards of education to remove certain county  
4 superintendents of schools for certain reasons; requiring certain county boards to  
5 send certain notice, provide a certain opportunity, and hold a certain hearing under  
6 certain circumstances; requiring certain county superintendents to be compensated  
7 in a certain manner under certain circumstances; making stylistic changes; and  
8 generally relating to the removal of a county superintendent by a county board of  
9 education.

10 BY repealing and reenacting, with amendments,  
11 Article – Education  
12 Section 4–201  
13 Annotated Code of Maryland  
14 (2014 Replacement Volume and 2016 Supplement)

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

17 **Article – Education**

18 4–201.

19 (a) (1) This section does not apply to Baltimore City.

20 (2) Subsections (b), (c), (d), and (f) of this section do not apply in Prince  
21 George’s County.

22 (3) Subsections (b)(2) and (3) of this section do not apply in Washington  
23 County.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) The term of a county superintendent is 4 years beginning on July 1. A  
2 county superintendent continues to serve until a successor is appointed and qualifies.

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

6 (3) In the year in which a term begins, the county board shall appoint a  
7 county superintendent between February 1 and June 30. However, if the county board  
8 decides to reappoint the incumbent superintendent, the county board shall take final action  
9 at a public meeting no later than March 1 of that year.

10 (4) If a county board is unable to appoint a county superintendent by July  
11 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

12 (c) (1) An individual may not be appointed as county superintendent unless  
13 **[he] THE INDIVIDUAL:**

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

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

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

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

21 (3) If the State Superintendent disapproves an appointment, **[he] THE**  
22 **STATE SUPERINTENDENT** shall give **[his]** reasons for **THAT** disapproval in writing to the  
23 county board.

24 (d) If a vacancy occurs in the office of county superintendent, the county board  
25 shall appoint an interim county superintendent who serves until July 1 after **[his] THE**  
26 appointment.

27 (e) (1) The State Superintendent **OR COUNTY BOARD** may remove a county  
28 superintendent for:

29 (i) Immorality;

30 (ii) Misconduct in office;

31 (iii) Insubordination;

32 (iv) Incompetency; or

1 (v) Willful neglect of duty.

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

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

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

11 (ii) The county superintendent shall have an opportunity to be heard  
12 publicly before the State Superintendent **OR COUNTY BOARD** in the county  
13 superintendent's own defense, in person or by counsel.

14 (4) **A COUNTY SUPERINTENDENT REMOVED UNDER THIS SUBSECTION**  
15 **SHALL BE COMPENSATED:**

16 (I) **SUBJECT TO THE TERMS OF THE CONTRACT BETWEEN THE**  
17 **COUNTY SUPERINTENDENT AND THE COUNTY BOARD; OR**

18 (II) **IF NO SUCH TERMS EXIST, FOR THE REMAINDER OF THE**  
19 **COUNTY SUPERINTENDENT'S TERM.**

20 (f) On notification of pending criminal charges against a county superintendent  
21 as provided under § 4-206 of this subtitle, the county board may suspend the county  
22 superintendent with pay until the final disposition of the criminal charges.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2017.