

**Department of Legislative Services**  
Maryland General Assembly  
2020 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 1634

(Delegate Luedtke)

Ways and Means

Education, Health, and Environmental Affairs

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**State Superintendent of Schools - Qualifications and Senate Confirmation**

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This emergency bill requires the State Superintendent of Schools to be appointed by the State Board of Education with the advice and consent of the Senate. The State superintendent may not be a current member of the State board at any time during the year immediately preceding the appointment.

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**Fiscal Summary**

**State Effect:** The Maryland State Department of Education finances are not altered.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The State superintendent is appointed by the State board for a term of four years beginning on July 1 after the superintendent's appointment and serves until a successor is appointed and qualifies. If there is a vacancy in the office, the State board must appoint a new superintendent to fill the vacancy for the remainder of the unexpired term. The State board must fix the superintendent's salary and pay it from the appropriation for expenses and maintenance of the Maryland State Department of Education.

The State superintendent must (1) be an experienced and competent educator; (2) be a graduate of an accredited college or university; (3) have at least two years of special academic and professional graduate preparation in an accredited college or university; and (4) have at least seven years of experience in teaching and administration.

The State board may remove the superintendent for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty. Before removing the superintendent, the State board must send the superintendent a copy of the charges against the superintendent and give the superintendent an opportunity within 10 days to request a hearing. If the superintendent requests a hearing within the 10-day period, the State board must hold a hearing, but a hearing may not be set within 10 days after the State board sends the superintendent a notice of the hearing. In addition, the superintendent must have an opportunity to be heard publicly before the State board in the superintendent's own defense, in person or by counsel.

**Background:** Each state has a chief state school officer (chief) who is responsible for primary and secondary education in the state. Typically the position is called the state superintendent of schools, commissioner of education, or chief education officer. The method of selecting the chief state school officer varies among the states, with some of them elected and some appointed, usually by the governor or the state board of education.

According to information compiled by the Education Commission of the States as of November 2017, the chief state school officer is (1) elected in 13 states; (2) appointed by the governor in 16 states; and (3) appointed by the board of education in 18 states. Three remaining states do not fit squarely into any of these three categories. According to this same set of information, in the 11 states in which the advice and consent (or confirmation) of the Senate or entire state legislature is required, 10 are states in which the governor makes the appointment, and 1 state (Mississippi) pairs appointment by the board of education with the advice and consent of the Senate. Thus, based on this information, under the bill Maryland would be 1 of 2 states that couples State board appointment with the advice and consent of its Senate.

Dr. Karen B. Salmon announced in December 2019, that she would not seek reappointment as State superintendent when her current term in the office expires on June 30, 2020. The State board has retained Hazard, Young, Attea & Associates to lead a national search designed to assist the State board in the process of selection and appointment of the next Maryland State Superintendent of Schools.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Education Commission of the States; Department of Legislative Services

**Fiscal Note History:** First Reader - March 11, 2020  
rh/rhh Third Reader - March 17, 2020  
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