
By: St. Mary's County Delegation

Introduced and read first time: February 2, 1996

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - St. Mary's County Board of Education - Employment Contracts**

3 FOR the purpose of prohibiting the St. Mary's County Board of Education from entering
4 into an employment contract for a term that extends beyond a specified date with
5 certain school personnel; specifying that the restriction does not apply to an elected
6 Board of Education in St. Mary's County; making this Act contingent on the passage
7 of a certain Act; and generally relating to limitations on the authority of the St.
8 Mary's County Board of Education to enter into certain employment contracts with
9 certain school personnel.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 4-201
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

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

17 **Article - Education**

18 4-201.

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

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

22 (2) Except in Harford County, by February 1 of the year in which a term
23 ends, the county superintendent shall notify the county board whether he is a candidate
24 for reappointment.

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

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

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1 (5) (i) This paragraph applies only to Harford County.

2 (ii) By January 1 of the year that is 2 years before the county
3 superintendent's term ends, and by January 1 of the year that the superintendent's term
4 ends, the Harford County Board shall provide public notice in 2 newspapers of general
5 circulation in the county that the Board will conduct an evaluation of the
6 superintendent's professional performance.

7 (iii) By February 1 of each year specified in subparagraph(ii) of this
8 paragraph, the Harford County Board shall:

9 1. Conduct an evaluation of the county superintendent's
10 professional performance; and

11 2. Share the findings of the evaluation with the county
12 superintendent.

13 (iv) 1. By December 1 of the year preceding a year in which the
14 term ends, the county superintendent shall notify the County Board whether the
15 superintendent is a candidate for reappointment. If the superintendent notifies the
16 County Board that the superintendent is not a candidate for reappointment, then the
17 remaining provisions of this paragraph shall not apply.

18 2. The County Board shall provide public notice in 2
19 newspapers of general circulation in the county whether the superintendent is a candidate
20 for reappointment.

21 (6) (I) THIS PARAGRAPH APPLIES ONLY TO ST. MARY'S COUNTY.

22 (II) THE ST. MARY'S COUNTY BOARD MAY NOT ENTER INTO AN
23 EMPLOYMENT CONTRACT FOR A TERM THAT EXTENDS BEYOND JUNE 30, 1997 WITH
24 THE COUNTY SUPERINTENDENT, A DEPUTY OR ASSISTANT SUPERINTENDENT, OR
25 ANY OTHER EMPLOYEE OF THE COUNTY SCHOOLS WITH A RANK EQUIVALENT TO A
26 DEPUTY OR ASSISTANT SUPERINTENDENT.

27 (c) (1) An individual may not be appointed as county superintendent unless he:

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

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

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

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

35 (3) If the State Superintendent disapproves an appointment, he shall give
36 his reasons for disapproval in writing to the county board.

37 (d) If a vacancy occurs in the office of county superintendent, the county board
38 shall appoint an interim county superintendent who serves until July 1 after his
39 appointment.

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

2 (i) Immorality;

3 (ii) Misconduct in office;

4 (iii) Insubordination;

5 (iv) Incompetency; or

6 (v) Willful neglect of duty.

7 (2) Before removing a county superintendent, the State Superintendent
8 shall send him a copy of the charges against him and give him an opportunity within 10
9 days to request a hearing.

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

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

15 (ii) The county superintendent shall have an opportunity to be heard
16 publicly before the State Superintendent in his own defense, in person or by counsel.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply
18 to any contract entered into by an elected Board of Education in St. Mary's County.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 1996, contingent on the taking effect of Chapter ____ (S.B.____/H.B.____)
21 (6lr1459) of the Acts of the General Assembly of 1996, and if Chapter ____ does not
22 become effective, this Act shall be null and void without the necessity of further action by
23 the General Assembly.