Unofficial Copy 1997 Regular Session (PRE-FILED)

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By: Delegate Owings

Requested: November 15, 1996

Introduced and read first time: January 8, 1997

Assigned to: Ways and Means

## A BILL ENTITLED

1	l AN	I A	ΑCТ	concerning	

## 2 County Boards of Education - Authority to Appoint County Superintendents of Schools

- 3 FOR the purpose of authorizing county boards of education in the State and the Board of
- 4 School Commissioners of Baltimore City to appoint county superintendents of
- 5 schools to terms of certain lengths; clarifying certain authority of the Board of
- 6 Education in Harford County; and generally relating to the authority of county
- 7 boards of education in the State.
- 8 BY repealing and reenacting, without amendments,
- 9 Article Education
- 10 Section 1-101(c), (d), and (e)
- 11 Annotated Code of Maryland
- 12 (1997 Replacement Volume)
- 13 BY repealing and reenacting, with amendments,
- 14 Article Education
- 15 Section 4-201
- 16 Annotated Code of Maryland
- 17 (1997 Replacement Volume)
- 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 19 MARYLAND, That the Laws of Maryland read as follows:
- 20 Article Education
- 21 1-101.
- 22 (c) "County" means a county of this State and includes Baltimore City.
- 23 (d) "County board" means the board of education of a county and includes the
- 24 Board of School Commissioners of Baltimore City.
- 25 (e) "County superintendent" means the county superintendent of schools of a
- 26 county and includes the Superintendent of Public Instruction for Baltimore City.

HOUSE BILL 76 2 1 4-201. 2 (a) This section does not apply to Baltimore City. 3 (b) (1) The term of a county superintendent is 4 years beginning on July 1. ] 4 (1) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A 5 COUNTY BOARD MAY APPOINT A COUNTY SUPERINTENDENT TO EITHER A 2-YEAR 6 TERM OR A 4-YEAR TERM, BEGINNING ON JULY 1. 7 (II) A county superintendent continues to serve until a successor is 8 appointed and qualifies. 9 (2) Except in Harford County, by February 1 of the year in which a term 10 ends, the county superintendent shall notify the county board whether he is a candidate 11 for reappointment. 12 (3) In the year in which a term begins, the county board shall appoint a 13 county superintendent between February 1 and June 30. However, if the county board 14 decides to reappoint the incumbent superintendent, the county board shall take final 15 action at a public meeting no later than March 1 of that year. (4) If a county board is unable to appoint a county superintendent by July 1 16 17 of a year in which a term begins, the provisions of subsection [(d)](C) of this section apply. 18 (5) (i) This paragraph applies only to Harford County. 19 (ii) By January 1 of the year that is 2 years before the [county 20 superintendent's term ends,] END OF THE TERM OF A COUNTY SUPERINTENDENT 21 WHO IS SERVING A 4-YEAR TERM, and by January 1 of the year[ that the 22 superintendent's term ends, THAT IS THE LAST YEAR OF THE TERM OF A COUNTY 23 SUPERINTENDENT WHO IS SERVING EITHER A 2-YEAR OR A 4-YEAR TERM, the 24 Harford County Board shall provide public notice in 2 newspapers of general circulation 25 in the county that the Board will conduct an evaluation of the superintendent's 26 professional performance. 27 (iii) By February 1 of each year specified in subparagraph (ii) of this 28 paragraph, the Harford County Board shall: 29 1. Conduct an evaluation of the county superintendent's 30 professional performance; and 2. Share the findings of the evaluation with the county 31

33 (iv) 1. By December 1 of the year preceding a year in which the 34 term ends, the county superintendent shall notify the County Board whether the 35 superintendent is a candidate for reappointment. If the superintendent notifies the 36 County Board that the superintendent is not a candidate for reappointment, then the 37 remaining provisions of this paragraph shall not apply.

32 superintendent.

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	2. The County Board shall provide public notice in 2 newspapers of general circulation in the county whether the superintendent is a candidate for reappointment.
4 5	[(c)] (B) (1) An individual may not be appointed as county superintendent unless he:
6 7	(i) Is eligible to be issued a certificate for the office by the State Superintendent;
8	(ii) Has graduated from an accredited college or university; and
9 10	(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.
11 12	(2) The appointment of a county superintendent is not valid unless approved in writing by the State Superintendent.
13 14	(3) If the State Superintendent disapproves an appointment, he shall give his reasons for disapproval in writing to the county board.
	[(d)] (C) If a vacancy occurs in the office of county superintendent, the county board shall appoint an interim county superintendent who serves until July 1 after his appointment.
18 19	[(e)] (D) (1) The State Superintendent may remove a county superintendent for:
20	(i) Immorality;
21	(ii) Misconduct in office;
22	(iii) Insubordination;
23	(iv) Incompetency; or
24	(v) Willful neglect of duty.
	(2) Before removing a county superintendent, the State Superintendent shall send him a copy of the charges against him and give him an opportunity within 10 days to request a hearing.
28 29	(3) If the county superintendent requests a hearing within the 10-day period:
	(i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the county superintendent a notice of the hearing; and
33 34	(ii) The county superintendent shall have an opportunity to be heard publicly before the State Superintendent in his own defense, in person or by counsel.
35 36	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1997.