

HOUSE BILL 70

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HB 76/97 - W&M

1998 Regular Session  
8r0691

(PRE-FILED)

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By: **Delegate Owings**  
Requested: November 10, 1997  
Introduced and read first time: January 14, 1998  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education - Authority to Appoint County Superintendents**  
3 **of Schools**

4 FOR the purpose of authorizing county boards of education in the State to appoint  
5 county superintendents of schools to terms of certain lengths; clarifying certain  
6 authority of the Board of Education in Harford County; making certain stylistic  
7 changes; and generally relating to the authority of county boards of education in  
8 the State.

9 BY repealing and reenacting, without amendments,  
10 Article - Education  
11 Section 1-101(c), (d), and (e)  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Education  
16 Section 4-201  
17 Annotated Code of Maryland  
18 (1997 Replacement Volume and 1997 Supplement)

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

21 **Article - Education**

22 1-101.

23 (c) "County" means a county of this State and includes Baltimore City.

24 (d) "County board" means the board of education of a county and includes the  
25 New Baltimore City Board of School Commissioners.

1 (e) "County superintendent" means the county superintendent of schools of a  
2 county and includes the Chief Executive Officer of the New Baltimore City Board of  
3 School Commissioners.

4 4-201.

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

6 (b) (1) The term of a county superintendent is 4 years beginning on July 1.]

7 (1) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY  
8 BOARD MAY APPOINT A COUNTY SUPERINTENDENT TO EITHER A 2-YEAR OR A  
9 4-YEAR TERM, BEGINNING ON JULY 1.

10 (II) A county superintendent continues to serve until a successor is  
11 appointed and qualifies.

12 (2) Except in Harford County, by February 1 of the year in which a term  
13 ends, the county superintendent shall notify the county board whether [he] THE  
14 COUNTY SUPERINTENDENT is a candidate for reappointment.

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

19 (4) If a county board is unable to appoint a county superintendent by  
20 July 1 of a year in which a term begins, the provisions of subsection [(d)] (C) of this  
21 section apply.

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

23 (ii) By January 1 of the year that is 2 years before the [county  
24 superintendent's term ends,] END OF THE TERM OF A COUNTY SUPERINTENDENT  
25 WHO IS SERVING A 4-YEAR TERM, and by January 1 of the year [that the  
26 superintendent's term ends,] THAT IS THE LAST YEAR OF THE TERM OF A COUNTY  
27 SUPERINTENDENT WHO IS SERVING EITHER A 2-YEAR OR A 4-YEAR TERM, the  
28 Harford County Board shall provide public notice in [2] TWO newspapers of general  
29 circulation in the county that the Board will conduct an evaluation of the  
30 superintendent's professional performance.

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

33 1. Conduct an evaluation of the county superintendent's  
34 professional performance; and

35 2. Share the findings of the evaluation with the county  
36 superintendent.

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

6 2. The County Board shall provide public notice in [2] TWO  
7 newspapers of general circulation in the county whether the superintendent is a  
8 candidate for reappointment.

9 [(c)] (B) (1) An individual may not be appointed as county superintendent  
10 unless [he] THE INDIVIDUAL:

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

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

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

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

19 (3) If the State Superintendent disapproves an appointment, [he] THE  
20 STATE SUPERINTENDENT shall give [his] THE SUPERINTENDENT'S reasons for  
21 disapproval in writing to the county board.

22 [(d)] (C) If a vacancy occurs in the office of county superintendent, the county  
23 board shall appoint an interim county superintendent who serves until July 1 after  
24 [his] THE COUNTY SUPERINTENDENT'S appointment.

25 [(e)] (D) (1) The State Superintendent may remove a county superintendent  
26 for:

27 (i) Immorality;

28 (ii) Misconduct in office;

29 (iii) Insubordination;

30 (iv) Incompetency; or

31 (v) Willful neglect of duty.

32 (2) Before removing a county superintendent, the State Superintendent  
33 shall send [him] THE COUNTY SUPERINTENDENT a copy of the charges against  
34 [him] THE COUNTY SUPERINTENDENT and give [him] THE COUNTY  
35 SUPERINTENDENT an opportunity within 10 days to request a hearing.

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

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

6                           (ii)       The county superintendent shall have an opportunity to be  
7 heard publicly before the State Superintendent in [his] THE COUNTY  
8 SUPERINTENDENT'S own defense, in person, or by counsel.

9       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 July 1, 1998.