

HOUSE BILL 70

Unofficial Copy
F1
HB 76/97 - W&M

1998 Regular Session
8r0691

(PRE-FILED)

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 26, 1998

CHAPTER _____

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:

1 **Article - Education**

2 1-101.

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

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

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

9 4-201.

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

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

12 (1) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A COUNTY
13 BOARD MAY APPOINT A COUNTY SUPERINTENDENT TO ~~EITHER A 2 YEAR OR A~~
14 ~~4 YEAR TERM A TERM LENGTH, AT THE BOARD'S DISCRETION, OF BETWEEN 2 AND 4~~
15 YEARS, BEGINNING ON JULY 1.

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

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

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

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

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

29 (ii) By January 1 of the year that is 2 years before the {county
30 superintendent's term ends,} ~~END OF THE TERM OF A COUNTY SUPERINTENDENT~~
31 ~~WHO IS SERVING A 4 YEAR TERM~~, and by January 1 of the year {that the
32 superintendent's term ends,} ~~THAT IS THE LAST YEAR OF THE TERM OF A COUNTY~~
33 ~~SUPERINTENDENT WHO IS SERVING EITHER A 2 YEAR OR A 4 YEAR TERM~~, the
34 Harford County Board shall provide public notice in [2] TWO newspapers of general
35 circulation in the county that the Board will conduct an evaluation of the
36 superintendent's professional performance.

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

- 3 1. Conduct an evaluation of the county superintendent's
4 professional performance; and
- 5 2. Share the findings of the evaluation with the county
6 superintendent.

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

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

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

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

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

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

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

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

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

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

33 (i) Immorality;

34 (ii) Misconduct in office;

35 (iii) Insubordination;

1 (iv) Incompetency; or

2 (v) Willful neglect of duty.

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

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

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

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

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