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By: **Delegates Rzepkowski and Genn**  
Introduced and read first time: February 13, 1998  
Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education - Prohibitions on Hiring**

3 FOR the purpose of prohibiting a county board of education from hiring an individual  
4 to work in a public school in the county under certain circumstances that effect  
5 the safety of children or reflect on the honesty of the individual; making certain  
6 stylistic changes; requiring the county board to adopt certain rules and  
7 regulations; and generally relating to hiring of public school employees by a  
8 county board of education.

9 BY repealing and reenacting, with amendments,  
10 Article - Education  
11 Section 6-201  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 1997 Supplement)

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

16 **Article - Education**

17 6-201.

18 (a) The county board shall employ individuals in the positions that the county  
19 board considers necessary for the operation of the public schools in the county.

20 (B) (1) THE COUNTY BOARD MAY NOT EMPLOY AN INDIVIDUAL TO WORK IN  
21 A PUBLIC SCHOOL IN THE COUNTY IF THE INDIVIDUAL:

22 (I) HAS PLED GUILTY OR NOLO CONTENDERE WITH RESPECT TO,  
23 RECEIVED PROBATION BEFORE JUDGMENT WITH RESPECT TO, OR HAS BEEN  
24 CONVICTED OF A CRIME INVOLVING:

25 1. AN OFFENSE UNDER ARTICLE 27, §§ 277 THROUGH 301 AND  
26 301A;

27 2. AN OFFENSE UNDER ARTICLE 27, § 464B, OR § 464C;

1                                   3.       CHILD ABUSE AS DEFINED IN ARTICLE 27, § 35C OF THE  
2 CODE, OR A COMPARABLE CRIME IN ANOTHER STATE; OR

3                                   4.       A CRIME OF VIOLENCE AS DEFINED IN ARTICLE 27, § 643B  
4 OF THE CODE, OR A COMPARABLE CRIME IN ANOTHER STATE;

5                                   (II)     WILLFULLY AND KNOWINGLY:

6                                   1.       MADE A MATERIAL MISREPRESENTATION OR  
7 CONCEALMENT OF FACT IN THE APPLICATION FOR EMPLOYMENT; OR

8                                   2.       FILED A FALSE REPORT OR RECORD ABOUT A MATERIAL  
9 MATTER IN THE APPLICATION FOR EMPLOYMENT;

10                                 (III)    HAS BEEN DISMISSED OR HAS RESIGNED FROM OTHER  
11 ELEMENTARY OR SECONDARY SCHOOL EMPLOYMENT AFTER NOTICE OF AN  
12 ALLEGATION OF SEXUAL CHILD ABUSE, MISCONDUCT INVOLVING A STUDENT, OR  
13 OTHER MISCONDUCT INVOLVING ANY CAUSE FOR DENIAL OF EMPLOYMENT UNDER  
14 THIS SUBSECTION; OR

15                                 (IV)    HAS BEEN DENIED EMPLOYMENT IN ANOTHER STATE FOR A  
16 CAUSE THAT WOULD BE GROUNDS FOR DENIAL OF EMPLOYMENT UNDER THIS  
17 SUBSECTION.

18                                 (2)     THE COUNTY BOARD SHALL ADOPT RULES AND REGULATIONS IN  
19 CONFORMITY WITH THIS SUBSECTION.

20     [(b)]   (C)   (1)     The county superintendent shall nominate for appointment by  
21 the county board:

22                                 (i)     All professional assistants of the office of county  
23 superintendent; and

24                                 (ii)    All principals, teachers, and other certificated personnel.

25                                 (2)     As to these personnel, the county superintendent shall:

26                                 (i)     Assign them to their positions in the schools;

27                                 (ii)    Transfer them as the needs of the schools require;

28                                 (iii)   Recommend them for promotion; and

29                                 (iv)    Suspend them for cause and recommend them for dismissal in  
30 accordance with § 6-202 of this article.

31     [(c)]   (D)   (1)     Except in Worcester County and Baltimore City, the county  
32 superintendent shall appoint clerical and other nonprofessional personnel.

1           (2)     In Worcester County, the County Superintendent shall appoint  
2 clerical and other nonprofessional personnel with the advice and consent of the  
3 County Board.

4           (3)     Notwithstanding any provision of local law, in Baltimore City, the  
5 appointment, tenure, and compensation of clerical and other nonprofessional  
6 personnel shall be determined in accordance with the personnel system established  
7 by the New Baltimore City Board of School Commissioners under § 4-313 of this  
8 article.

9     [(d)]   (E)     (1)     Supervisory and administrative personnel shall be appointed in  
10 each county in accordance with ratios established by the rules and regulations of the  
11 State Board and within the ratio established under § 2-205(m) of this article.

12           (2)     These personnel shall include:

13                   (i)     Supervising or helping teachers;

14                   (ii)    Supervisors of pupil personnel I;

15                   (iii)   Supervisors of pupil personnel II; and

16                   (iv)    Visiting teachers.

17     [(e)]   (F)     An individual may not be appointed as a professional assistant or to  
18 any position listed in subsection [(d)] (E) of this section unless [he] THE INDIVIDUAL  
19 holds the appropriate certificate from the State Superintendent issued in accordance  
20 with the rules and regulations of the State Board.

21     [(f)]   (G)     Subject to the provisions of this article, the qualifications, tenure,  
22 and compensation of each appointee shall be determined by the county board.

23     [(g)]   (H)     The county superintendent shall see that each regular appointee of  
24 the county board devotes [his] THE APPOINTEE'S entire time to [his] THE  
25 APPOINTEE'S duties.

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