

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 81 (Senator Kittleman, *et al.*)
Education, Health, and Environmental Affairs

Education - County School Board - Authority to Remove County Superintendents

This bill transfers the power to remove a local school superintendent from the State Superintendent of Schools to the local board of education. A county board may remove a county superintendent subject to the terms of the employment contract or for cause. In addition, the requirement that the State Superintendent approve a local board's superintendent appointee is repealed. The bill does not apply to Baltimore City.

Fiscal Summary

State Effect: Repealing the State Superintendent's role in the local superintendent appointment and removal processes would not materially impact State finances.

Local Effect: An increased role in appointing and removing local superintendents would not impact the finances of local boards of education or local governments.

Small Business Effect: None.

Analysis

Current Law: Except in Baltimore City, a local superintendent is appointed by the local board of education and the appointment must be approved by the State Superintendent of Schools. The State Superintendent has the authority to remove local superintendents for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty. Local boards do not have the authority to remove their superintendents.

The Baltimore City/State partnership established by the General Assembly in 1997 has altered this structure in the city's school system. The Baltimore City Board of School

Commissioners, which is jointly appointed by the Governor and the Mayor of Baltimore City, employs a Chief Executive Officer.

Each local superintendent of schools (or “Chief Executive Officer” in Baltimore City and Prince George’s County) acts as the chief executive officer, secretary, and treasurer of the local board of education.

Background: In February 2002, following several turbulent years, the Prince George’s County Board of Education fired its superintendent. The superintendent appealed the dismissal to the State Board of Education, and the State board ruled that a local board of education does not have the authority to remove its superintendent. Only the State Superintendent of Schools is granted this power. As a result, the Prince George’s County superintendent stayed in her job.

Prior to the State board’s ruling, local school boards had severed relations with their local superintendents, but they had done so through mutual agreement. The situation was different in Prince George’s County because the board and the superintendent could not agree on a severance arrangement. Despite the unusual circumstances in Prince George’s County, many local school boards were surprised to learn that they did not have the authority to dismiss the superintendents they appoint.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Department of Legislative Services

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mdf/hlb

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