
By: **Howard County Delegation**

Introduced and read first time: February 25, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Howard County - Complaints Involving Staff of the County**
3 **Superintendent of Schools**
4 **Ho. Co. 21-05**

5 FOR the purpose of authorizing the Howard County Board of Education to investigate
6 and decide all controversies and disputes involving certain staff of the County
7 Superintendent of Schools; specifying that the State Superintendent of Schools
8 shall refer the appeal of certain decisions rendered by the Howard County Board
9 of Education to the county board of an adjoining county; requiring that the
10 Howard County Board of Education pay certain appeal costs for certain cases;
11 altering current law as it applies to Howard County with regard to the authority
12 of the County Superintendent of Schools to decide certain controversies and
13 disputes; and generally relating to the disposition of complaints involving
14 certain staff of the Superintendent of Schools in Howard County.

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 4-205 and 6-202
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2004 Supplement)

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

22 **Article - Education**

23 4-205.

24 (a) In addition to the other powers granted and duties imposed under this
25 article, the county superintendent has the powers and duties set forth in this section.

26 (b) The county superintendent may administer oaths to witnesses in all
27 appeals or cases that come before the county board.

1 (c) (1) Subject to the authority of the State Board under § 2-205(e) of this
2 article, each county superintendent shall explain the true intent and meaning of:

3 (i) The school law; and

4 (ii) The applicable bylaws of the State Board.

5 (2) (I) Subject to the provisions of § 6-203 and Subtitle 4 of Title 6 of
6 this article and without charge to the parties concerned, AND EXCEPT AS PROVIDED
7 IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, each county superintendent shall decide
8 all controversies and disputes that involve:

9 [(i)] 1. The rules and regulations of the county board; and

10 [(ii)] 2. The proper administration of the county public school
11 system.

12 (II) 1. THE HOWARD COUNTY BOARD OF EDUCATION MAY
13 INVESTIGATE AND DECIDE ALL CONTROVERSIES AND DISPUTES THAT INVOLVE
14 STAFF WHO REPORT DIRECTLY TO THE HOWARD COUNTY SUPERINTENDENT.

15 2. WITHIN 30 DAYS AFTER THE DECISION OF THE HOWARD
16 COUNTY BOARD, AN APPELLANT MAY TAKE AN APPEAL IN WRITING TO THE STATE
17 SUPERINTENDENT, WHO SHALL REFER THE MATTER FOR DECISION TO THE COUNTY
18 BOARD OF A COUNTY THAT ADJOINS HOWARD COUNTY.

19 3. THE COSTS OF AN APPEAL UNDER THIS SUBPARAGRAPH
20 SHALL BE BORNE BY THE HOWARD COUNTY BOARD.

21 (3) A decision of a county superintendent may be appealed to the county
22 board if taken in writing within 30 days after the decision of the county
23 superintendent. The decision may be further appealed to the State Board if taken in
24 writing within 30 days after the decision of the county board.

25 (d) A contract made by a county board is not valid without the written
26 approval of the county superintendent.

27 (e) (1) Acting as the executive officer of the county board, the county
28 superintendent shall:

29 (i) Conduct all correspondence;

30 (ii) Receive all reports from principals and teachers; and

31 (iii) See that all reports are made and submitted properly.

32 (2) The county superintendent shall prepare and submit to the county
33 board for adoption:

34 (i) All reports required of the county board by the State Board or
35 the State Superintendent; and

1 (ii) The annual report to the people of the county required by §
2 5-111(b) of this article.

3 (f) The county superintendent:

4 (1) Shall advise teachers as to their further study and professional
5 improvement;

6 (2) Shall develop a program of in-service training for all public school
7 personnel; and

8 (3) May require attendance at an institution of higher education for
9 future certification and professional improvement instead of in-service training.

10 (g) The county superintendent and his professional assistants shall:

11 (1) Visit the schools;

12 (2) Observe their management and instruction;

13 (3) Give suggestions for their improvement;

14 (4) Consult with and advise principals and teachers; and

15 (5) Try in every way to awaken public interest and improve educational
16 conditions in the county.

17 (h) In accordance with the applicable rules and regulations of the State Board,
18 the county superintendent periodically shall:

19 (1) Evaluate the program of instruction in the public schools of the
20 county; and

21 (2) Report his findings and recommendations to the county board.

22 (i) The county superintendent shall prepare and recommend for adoption by
23 the county board:

24 (1) Curriculum guides;

25 (2) Courses of study;

26 (3) Resource material; and

27 (4) Other teaching aids.

28 (j) (1) The county superintendent shall prepare lists of the following items
29 needed by the schools:

30 (i) Textbooks;

- 1 (ii) Supplementary readers;
- 2 (iii) Materials of instruction;
- 3 (iv) Visual and auditory aids;
- 4 (v) Stationery and school supplies; and
- 5 (vi) School furniture, equipment, and apparatus.

6 (2) The county superintendent shall recommend the purchase and
7 distribution of these items by the county board.

8 (k) The county superintendent shall:

9 (1) Take the initiative in the preparation and presentation of the annual
10 school budget; and

11 (2) Seek in every way to secure adequate funds from local authorities for
12 the support and development of the public schools in the county.

13 (l) (1) The county superintendent shall recommend to the county board:

14 (i) Condemnation of any school building that is unsanitary and
15 unfit for use; and

16 (ii) Any repairs of or the purchase and sale of land, school sites, or
17 buildings.

18 (2) Subject to the provisions of § 2-303(f) of this article that relate to
19 approval by the State Superintendent, the county superintendent shall prepare all
20 plans and specifications for remodeling an old building or constructing a new
21 building.

22 (3) The county superintendent shall recommend to traffic safety officials
23 of the State Highway Administration or of the county appropriate locations for
24 posting flashing caution signs at or near the site of:

25 (i) A school;

26 (ii) School construction; or

27 (iii) School condemnation.

28 (m) The county superintendent shall provide the clerical help that is needed to
29 issue work permits in accordance with § 3-206 of the Labor and Employment Article.

1 6-202.

2 (a) (1) On the recommendation of the county superintendent, a county board
3 may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or
4 other professional assistant for:

5 (i) Immorality;

6 (ii) Misconduct in office, including knowingly failing to report
7 suspected child abuse in violation of § 5-704 of the Family Law Article;

8 (iii) Insubordination;

9 (iv) Incompetency; or

10 (v) Willful neglect of duty.

11 (2) Before removing an individual, the county board shall send the
12 individual a copy of the charges against him and give him an opportunity within 10
13 days to request a hearing.

14 (3) If the individual requests a hearing within the 10-day period:

15 (i) The county board promptly shall hold a hearing, but a hearing
16 may not be set within 10 days after the county board sends the individual a notice of
17 the hearing; and

18 (ii) The individual shall have an opportunity to be heard before the
19 county board, in person or by counsel, and to bring witnesses to the hearing.

20 (4) The individual may appeal from the decision of the county board to
21 the State Board.

22 (5) Notwithstanding any provision of local law, in Baltimore City the
23 suspension and removal of assistant superintendents and higher levels shall be as
24 provided by the personnel system established by the Baltimore City Board of School
25 Commissioners under § 4-313 of this article.

26 (B) (1) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, IN HOWARD
27 COUNTY, THE COUNTY BOARD MAY INVESTIGATE PROFESSIONAL STAFF WHO
28 REPORT DIRECTLY TO THE COUNTY SUPERINTENDENT.

29 (2) IF THE COUNTY BOARD RECOMMENDS SUSPENSION OR DISMISSAL,
30 THE EMPLOYEE MAY WRITE TO THE STATE SUPERINTENDENT WHO SHALL REFER
31 THE MATTER FOR DECISION TO THE COUNTY BOARD OF A COUNTY THAT ADJOINS
32 HOWARD COUNTY.

33 (3) THE COSTS OF AN APPEAL UNDER THIS SUBSECTION SHALL BE
34 BORNE BY THE HOWARD COUNTY BOARD.

1 [(b)] (C) (1) Except as provided in paragraph (2) of this subsection, the
2 probationary period of employment of a certificated employee in a public school
3 system shall cover a period of 2 years from the date of employment and shall consist
4 of a 1-year employment contract that may be renewed by the county board.

5 (2) (i) A probationary period for a certificated employee in a public
6 school system may be extended for a third year from the date of employment if the
7 certificated employee does not qualify for tenure at the end of the second year based
8 on established performance evaluation criteria and the employee demonstrates a
9 strong potential for improvement.

10 (ii) If the probationary period of a certificated employee is extended
11 as provided in this paragraph, a mentor shall be assigned to the employee and the
12 employee shall be evaluated at the end of the third year based on established
13 performance evaluation criteria.

14 (3) The State Board shall adopt regulations that implement the
15 provisions of paragraphs (1) and (2) of this subsection and define the scope of a
16 mentoring program that will be aligned with the 2-year probationary period and the
17 1-year extension as provided in paragraph (2) of this subsection.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2005.