

CHAPTER 418

(House Bill 619)

AN ACT concerning

Public Schools – County Superintendent of Schools – Notification of Criminal Charges

FOR the purpose of requiring a county superintendent to notify the county board of education in writing of certain criminal charges; requiring the written notification to include certain documents; providing for certain penalties for certain violations; making stylistic changes; and generally relating to notification of criminal charges against county superintendents.

BY repealing and reenacting, with amendments,

Article – Education

Section 4–201(e)

Annotated Code of Maryland

(2006 Replacement Volume)

BY adding to

Article – Education

Section 4–201(f) and 4–206

Annotated Code of Maryland

(2006 Replacement Volume)

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

Article – Education

4–201.

(e) (1) The State Superintendent may remove a county superintendent for:

(i) Immorality;

(ii) Misconduct in office;

- (iii) Insubordination;
- (iv) Incompetency; or
- (v) Willful neglect of duty.

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

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

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

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

(F) ON NOTIFICATION OF PENDING CRIMINAL CHARGES AGAINST A COUNTY SUPERINTENDENT AS PROVIDED UNDER § 4-206 OF THIS SUBTITLE, THE COUNTY BOARD MAY SUSPEND THE COUNTY SUPERINTENDENT WITH PAY UNTIL THE FINAL DISPOSITION OF THE CRIMINAL CHARGES.

4-206.

(A) A COUNTY SUPERINTENDENT SHALL IMMEDIATELY NOTIFY THE COUNTY BOARD IN WRITING OF ANY CRIMINAL CHARGES THAT ARE PUNISHABLE BY A PERIOD OF INCARCERATION BROUGHT AGAINST THE COUNTY SUPERINTENDENT.

(B) THE NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE A COPY OF ALL CHARGING DOCUMENTS SERVED ON THE COUNTY SUPERINTENDENT OR THE COUNTY SUPERINTENDENT'S COUNSEL.

(C) ANY COUNTY SUPERINTENDENT WHO VIOLATES SUBSECTIONS (A) AND (B) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION

IS SUBJECT TO A FINE NOT EXCEEDING \$100 AND REVOCATION OF ANY PROFESSIONAL CERTIFICATION ISSUED BY THE DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.

Approved by the Governor, May 8, 2007.