

HOUSE BILL 357

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CF SB 222

By: **Delegates Ebersole, Atterbeary, Brooks, Feldmark, Hettleman, Hill, Jones, Lafferty, Miller, Stein, Sydnor, Terrasa, C. Watson, and P. Young**

Introduced and read first time: January 28, 2019

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Appointment of County Superintendent of Schools – Disapproval by State**
3 **Superintendent of Schools**

4 FOR the purpose of establishing that the State Superintendent of Schools may disapprove
5 an appointment of a county superintendent of schools only under certain
6 circumstances; and generally relating to appointments of county superintendents of
7 schools.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 4–201
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2018 Supplement)

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

15 **Article – Education**

16 4–201.

17 (a) (1) This section does not apply to Baltimore City.

18 (2) Subsections (b), (c), (d), and (f) of this section do not apply in Prince
19 George’s County.

20 (b) (1) The term of a county superintendent is 4 years beginning on July 1. A
21 county superintendent continues to serve until a successor is appointed and qualifies.

22 (2) By February 1 of the year in which a term ends, the county

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 superintendent shall notify the county board whether the superintendent is a candidate for
2 reappointment.

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

7 (4) If a county board is unable to appoint a county superintendent by July
8 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

9 (c) (1) An individual may not be appointed as county superintendent unless
10 the individual:

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

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

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

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

18 (3) If the State Superintendent disapproves an appointment, he shall give
19 his reasons for disapproval in writing to the county board.

20 **(4) THE STATE SUPERINTENDENT MAY DISAPPROVE AN**
21 **APPOINTMENT OF A COUNTY SUPERINTENDENT ONLY IF THE APPOINTEE DOES NOT**
22 **MEET THE QUALIFICATIONS SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION.**

23 (d) If a vacancy occurs in the office of county superintendent, the county board
24 shall appoint an interim county superintendent who serves until July 1 after his
25 appointment.

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

27 (i) Immorality;

28 (ii) Misconduct in office;

29 (iii) Insubordination;

30 (iv) Incompetency; or

31 (v) Willful neglect of duty.

1 (2) Before removing a county superintendent, the State Superintendent
2 shall send the county superintendent a copy of the charges against the county
3 superintendent and give the county superintendent an opportunity within 10 days to
4 request a hearing.

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

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

10 (ii) The county superintendent shall have an opportunity to be heard
11 publicly before the State Superintendent in the county superintendent's own defense, in
12 person or by counsel.

13 (f) On notification of pending criminal charges against a county superintendent
14 as provided under § 4-206 of this subtitle, the county board may suspend the county
15 superintendent with pay until the final disposition of the criminal charges.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
17 1, 2019.