

Department of Legislative Services  
Maryland General Assembly  
2019 Session

FISCAL AND POLICY NOTE  
Enrolled - Revised

House Bill 238

(Delegate Atterbeary, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

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Education - Removal of County Superintendents - Procedures

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This bill authorizes a local board of education to remove a local superintendent of schools for the same reasons that the State Superintendent of Schools may remove a local superintendent under current law. To remove a local superintendent, the State Superintendent or local board must provide the local superintendent with (1) the reason for removal, chosen from one or more reasons allowed by State law; (2) documentation supporting the case for removal; and (3) the opportunity to request a hearing within 10 days before the State Superintendent or local board, respectively. The local superintendent may appeal the decision of the State Superintendent or the local board to the State Board of Education. The bill does not apply to Baltimore City. **The bill takes effect July 1, 2019.**

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Fiscal Summary

**State Effect:** The bill is not anticipated to materially impact the workload of the Office of Administrative Hearings (OAH).

**Local Effect:** Any fiscal or operational impact on the local board of education is anticipated to be minimal and the result of local decisions. Any fiscal or operational impact on the circuit courts is anticipated to be minimal.

**Small Business Effect:** None.

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Analysis

**Current Law:** There is no process for a local board to remove a local superintendent.

The State Superintendent of Schools may remove a local superintendent of schools for immorality, misconduct in office, insubordination, incompetency, or willful neglect of

duty. Prior to removing the local superintendent, the State Superintendent must send the local superintendent a copy of the charges against the individual and give the individual an opportunity, within 10 days, to request a hearing. After this 10-day period, but promptly, the local superintendent must have an opportunity to be heard publicly before the State Superintendent in his or her own defense, in person or by counsel.

Generally, the term of a local superintendent of schools is four years, beginning on July 1. A local superintendent continues to serve until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the local superintendent must notify the local board whether the superintendent is a candidate for reappointment. In the year in which a term begins, the local board must appoint a local superintendent between February 1 and June 30. However, if the local board decides to reappoint the incumbent superintendent, the local board must take final action at a public meeting no later than March 1 of that year. If (1) a vacancy in the position of local superintendent occurs or (2) the local board is unable to appoint a county superintendent by July 1 of a year in which a term begins, an interim superintendent must be appointed.

These provisions do not fully apply to Baltimore City and Prince George's County (but the provisions of the bill apply to all counties except Baltimore City).

In Baltimore City, the suspension and removal of an assistant superintendent and higher level employees must be as provided by the personnel system established by the Baltimore City Board of School Commissioners.

Under Code of Maryland Regulations (COMAR), a State board decision may be appealed to the circuit court in which the appellant resides within 30 days of the decision.

However, COMAR also requires that the State Board of Education transfer an appeal in which the State board finds that there exists a genuine dispute of material fact to OAH for review by an administrative law judge.

**Background:** MSDE advises that it is not aware of the removal of a local superintendent by the State Superintendent within the last 20 years.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 747 (Senator Lam, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland State Department of Education; Anne Arundel County Public Schools; Montgomery County Public Schools; Talbot County Public Schools; Office of Administrative Hearings; Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2019  
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