



# Maryland State Board of Education

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March 3, 2021

Senator Paul G. Pinsky  
Chair, Education, Health, and Environmental Affairs Committee  
11 Bladen St.  
Annapolis, MD 21401

RE: **Senate Bill 644** - State Officials – Appointments – Advice and Consent of the Senate

Dear Chair Pinsky:

The Maryland State Board of Education (State Board) submits this letter in opposition to Senate Bill (SB) 644 - State Officials – Appointments – Advice and Consent of the Senate, which would, among other things, require the State Superintendent of Schools to be appointed with the advice and consent of the Senate. The State Board is particularly concerned about the bill's potential adverse unintended consequences that would require the State Board to only be able to offer an "*acting*" conditional State Superintendent position pending confirmation by the Senate.

If the Senate objects to the State Board's selected Superintendent and fails to confirm the appointment, the State Board's appointee would be unable to continue serving in office leaving the State with an educational leadership vacuum in this time of transition implementing the complex and transformative Blueprint legislation. This impacts our current superintendent search process. While we all can agree that hiring an exceptional State Superintendent has to be one of the State's top priorities, we fear the enactment of the law and the uncertainty that a candidate would be confirmed will discourage top candidates from applying for the position.

Unlike recruiting for other senior professionals who apply to job postings, exceptional superintendent candidates tend not to seek out opportunities because they already have well respected positions in their current communities. Opportunities find them. Our executive search firm has warned us that the COVID-19 burnout factor among superintendents at all levels will make this year's search even more competitive. As a result, top candidates may have two or more firm job offers in hand. These top candidates tend to conduct their own thorough due diligence reviews of the prospective position, opportunities and challenges, and stability and readiness of the state board and elected officials to take part in and achieve extremely challenging transformative education reform. These top candidates are trying to determine if they can be successful in the prospective job assignment.

**SB 644 is already having an impact on the decision-making of top candidates.**

Several prospective top candidates, who have not made a decision on whether to apply for our position, have asked our executive search firm the following questions:

- If their selection occurs after the legislature adjourns, how long would they have to wait for Senate confirmation? What would be their interim employment status?

- Because they are already fully employed, would their names be made public during the recruitment and Senate confirmation processes?

Unfortunately, we can not speed up the current process to produce a prospective candidate for Senate confirmation before this legislative session adjourns on April 12<sup>th</sup>. As a result, the State Board would only be able to offer an “*acting*” employment position pending Senate confirmation, which may not occur until next year’s legislative session. Another complicating factor is that, by law, the State Superintendent must begin his or her term on July 1<sup>st</sup>. This means that we would be asking an exceptional superintendent candidate to leave his/her current employment, perhaps relocate his/her family and accept an “*acting*” position for several months with no guarantee of Senate confirmation. In addition, the candidate’s name will obviously be made public before he/she has a firm employment offer.

**Is unnecessary and redundant in its attempt to provide a new system of checks and balances and ensure the selection of a high quality State Superintendent**

Every member appointed to the State Board must be confirmed by the Senate of Maryland. This requirement already puts legislative oversight into the process of selecting the State Superintendent. State Board members are carefully vetted, with consideration of each individual’s character, personal and professional accomplishments, community involvement and ability to make a positive impact on the State’s public education system. The additional level of confirmation required by SB 644 is redundant and will impede the State Board’s ability to make timely decisions on behalf of Maryland and its public school students.

The General Assembly has rightfully entrusted the State Board as the oversight arm of MSDE and invested the State Board “with the last word on any matter concerning educational policy or the administration of the system.” This includes the appointment of the State Superintendent. It is worth noting that, for over 100 years, the State Board has successfully recruited and engaged exceptional individuals to provide leadership for the State and MSDE without the advice and consent of the Senate. The quality and caliber of the State Superintendents selected by the State Board has resulted in Maryland’s long standing reputation as a national leader in public education.

For the reasons stated above, the State Board respectfully urges your committee to give **SB 644** an unfavorable report.

For additional information or questions, please contact Zachary Hands at [Zachary.Hands1@maryland.gov](mailto:Zachary.Hands1@maryland.gov) or 410-767-0504.

Sincerely,



Clarence C. Crawford  
President, Maryland State Board of Education

cc: Karen B. Salmon, Ph.D., State Superintendent of Schools  
Zachary Hands