

HOUSE BILL 1634

F1, P1

EMERGENCY BILL

0lr3682

By: **Delegate Luedtke**

Introduced and read first time: February 24, 2020

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 2, 2020

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2020

CHAPTER _____

1 AN ACT concerning

2 **State Superintendent of Schools – Qualifications and Senate Confirmation**

3 FOR the purpose of requiring that the State Superintendent of Schools be appointed with
4 the advice and consent of the Senate; prohibiting the appointment of an individual
5 as State Superintendent if the individual is, or during a certain time period was, a
6 member of the State Board of Education; making this Act an emergency measure;
7 and generally relating to the State Superintendent of Schools.

8 BY repealing and reenacting, without amendments,
9 Article – Education
10 Section 2–301
11 Annotated Code of Maryland
12 (2018 Replacement Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 2–302
16 Annotated Code of Maryland
17 (2018 Replacement Volume and 2019 Supplement)

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

20 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 2-301.

2 There is a State Superintendent of Schools in the Department.

3 2-302.

4 (a) The State Superintendent shall be appointed by the State Board, **WITH THE**
5 **ADVICE AND CONSENT OF THE SENATE**, for a term of 4 years beginning on July 1 after
6 the Superintendent's appointment and serves until a successor is appointed and qualifies.

7 (b) The State Board shall fix the Superintendent's salary and pay it from the
8 appropriation for the expenses and maintenance of the Department.

9 (c) The State Superintendent [shall]:

10 (1) [Be] **MUST BE** an experienced and competent educator;

11 (2) [Be] **MUST BE** a graduate of an accredited college or university;

12 (3) [Have] **MUST HAVE** at least 2 years of special academic and
13 professional graduate preparation in an accredited college or university; [and]

14 (4) [Have] **MUST HAVE** at least 7 years of experience in teaching and
15 administration; **AND**

16 **(5) MAY NOT BE A CURRENT MEMBER OF THE STATE BOARD OR HAVE**
17 **BEEN A MEMBER OF THE STATE BOARD AT ANY TIME DURING THE YEAR**
18 **IMMEDIATELY PRECEDING THE APPOINTMENT.**

19 (d) (1) The State Board may remove the State Superintendent for:

20 (i) Immorality;

21 (ii) Misconduct in office;

22 (iii) Insubordination;

23 (iv) Incompetency; or

24 (v) Willful neglect of duty.

25 (2) Before removing the State Superintendent, the State Board shall send
26 the Superintendent a copy of the charges against the Superintendent and give the
27 Superintendent an opportunity within 10 days to request a hearing.

(3) If the State Superintendent requests a hearing within the 10-day period:

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

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

(e) The State Board shall appoint a new State Superintendent to fill a vacancy in that office for the remainder of the unexpired term.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.