HOUSE BILL 465

F1, P1　　　　　　　　　　　　　　　EMERGENCY BILL　　　　　　　　　　　　　　1lr1695
HB 1634/20 – W&M

By: **Delegate Washington**
Introduced and read first time: January 15, 2021
Assigned to: Ways and Means

Committee Report: Favorable
House action: Adopted
Read second time: February 23, 2021

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 2020 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 2020 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.

28   (3)   If the State Superintendent requests a hearing within the 10–day

1 period:

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.