

BILL: House Bill 103
TITLE: Education – County Boards of Education – Removal of County Superintendents
POSITION: OPPOSE
DATE: February 15, 2018
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 103. MABE supports the current legal framework establishing the roles and responsibilities of local boards of education. MABE opposes the departure from the longstanding and successful approach in Maryland law providing for a four-year superintendent contract and constraints on the criteria for removing a superintendent from office for cause.

A local board of education is charged with administering the operation of the schools within the boundaries of their district. A local board of education has tripartite jurisdiction and is thus charged with carrying out all three of the primary functions in the American system of government, namely executive, legislative and judicial roles. Each county board of education in Maryland is placed in control of educational matters within their county, and is directed to seek ways to promote the interests of the schools within their counties.

Among the major responsibilities of a county board of education is the appointment of a county superintendent of schools. The selection of a superintendent is conditioned on approval of the State Superintendent, who is charged with ensuring that the proposed local superintendent meets the state qualifications to hold such office. However, a local board may not remove or otherwise discipline a superintendent. Only the State Superintendent can remove a local superintendent during the term of their four-year contract with a county school system. A local superintendent may be removed for the following grounds: (i) immorality; (ii) misconduct in office; (iii) insubordination; (iv) incompetency; or (v) willful neglect of duty, and must be provided with basic due process.

A local superintendent has many duties under Maryland law. The local superintendent serves as the secretary, treasurer, and executive officer of each county school system. Unless the extension of their contract, salary, or the administration of the office of the local superintendent is under consideration by the county board, the local superintendent or their designee must attend all meetings of the county board and its committees. In the local superintendent's capacity as executive officer of the county board, the superintendent is required by to: conduct all correspondence; receive all reports from administrators and teachers; and see that all reports are made and submitted properly. A local superintendent must also prepare and submit to the county board for adoption the following: all reports required from the county board by the State Board or State Superintendent and the annual report to the people of the county.

Among the superintendent's main duties are included: interpreting school laws and State Board requirements; deciding all controversies and disputes involving the county school system; approval of contracts; assignment of personnel; providing for the professional development of teachers; visiting schools and advising principals; evaluating the program of instruction in the county school system; recommending curriculum and courses of study; selecting textbooks and materials of instruction; and preparing and presenting the annual school budget and securing funds from local authorities.

In light of this array of responsibilities assigned by law to the local boards of education and local superintendents, and the decades of history through which it has stood the test of time, MABE opposes the radical shift in superintendent removal authority proposed by this legislation.

For these reasons, MABE requests an unfavorable report on House Bill 103.