

BILL: House Bill 238
TITLE: Education - Removal of County Superintendents - Procedures
DATE: February 7, 2019
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 238.

MABE appreciates the intent of this bill to provide a defined process for the filing and response to local board requests for the removal of local superintendent for cause. However, MABE opposes this bill in favor of maintaining the current legal framework establishing the roles and responsibilities of local boards of education and local superintendents.

This bill would authorize a local board of education to file a complaint with the State Superintendent requesting the removal of a county superintendent of schools; allow 90 days for the State Superintendent's decision; allow local boards to appeal the State Superintendent's decision to the State Board of Education; and allow the local superintendent to appeal by choosing between a hearing before the State Superintendent or arbitrator.

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 local 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.

Among the local 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 throughout which this system has stood the test of time, MABE opposes the proposed legislation governing the removal process for a local superintendent.

For these reasons, MABE requests an unfavorable report on House Bill 238.