

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 103
Ways and Means

(Delegate Atterbeary, *et al.*)

Education - County Boards of Education - Removal of County Superintendents

This bill authorizes a local board of education, in addition to the State Superintendent of Schools, to remove the local superintendent of schools for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty. The bill does not apply to Baltimore City. Prior to removing the local superintendent, the local board must send the local superintendent a copy of the charges against the individual and give the individual an opportunity within 10 days to request a hearing. Promptly after this 10-day period, the local superintendent must have an opportunity to be heard publicly before the local board of education in his or her own defense, in person or by counsel.

A local superintendent who is removed for the reasons discussed above, either by the local board or, pursuant to current law, by the State Superintendent, must be compensated (1) subject to the terms of the contract between the local superintendent and the local board or (2) if no such contract terms exist, for the remainder of the local superintendent's term.

Fiscal Summary

State Effect: None.

Local Effect: Local school system costs increase under rare circumstances; the fiscal impact cannot be reliably estimated but is expected to be short in duration, as discussed below. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Current Law: The State Superintendent of Schools may remove a local superintendent of schools for immorality, misconduct in office, insubordination, incompetency, or willful neglect of duty. Prior to removing the local superintendent, the State Superintendent must send the local superintendent a copy of the charges against the individual and give the individual an opportunity, within 10 days, to request a hearing. After this 10-day period, but promptly, the local superintendent must have an opportunity to be heard publicly before the State Superintendent in his or her own defense, in person or by counsel.

The salary of a local superintendent may not be decreased during the superintendent's term of office. Each local superintendent must devote full time to public school business.

Generally, the term of a local superintendent of schools is four years, beginning on July 1. A local superintendent continues to serve until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the local superintendent must notify the local board whether the superintendent is a candidate for reappointment. In the year in which a term begins, the local board must appoint a local superintendent between February 1 and June 30. However, if the local board decides to reappoint the incumbent superintendent, the local board must take final action at a public meeting no later than March 1 of that year. If (1) a vacancy in the position of local superintendent occurs or (2) the local board is unable to appoint a county superintendent by July 1 of a year in which a term begins, an interim superintendent must be appointed. These provisions do not fully apply to Baltimore City and Prince George's and Washington counties.

Background: The Maryland State Department of Education advises that it is not aware of the removal of a local superintendent by the State Superintendent within the last 20 years.

For the 2017-2018 school year, the statewide average annual salary for a local superintendent of schools is \$213,000, ranging from \$141,000 in Garrett County to \$290,000 or higher in Baltimore City and Baltimore, Montgomery, and Prince George's counties. The Department of Legislative Services is not aware of the terms of local superintendent contracts that relate to compensation following removal for causes discussed above.

Local Fiscal Effect: To the extent that contracts for current local superintendents do not have clauses that cover compensation to be received by a local superintendent who is removed for causes discussed above, and such a removal occurs by either the State Superintendent or a local board, local school system expenses increase due to the bill until the end of the local superintendent's term. This assumes that in such instances the local superintendent will be relieved from duties while receiving compensation, and a compensated interim superintendent will perform the duties of the office.

The amount cannot be reliably estimated and will depend on the local superintendent's salary and the length of time remaining in the term. However, it is anticipated that, under the bill, virtually all local school systems will prospectively negotiate contracts that will tend to avoid such additional costs, so the bill's fiscal impact will have a limited duration until all school systems negotiate new contracts with their local superintendents.

Additional Information

Prior Introductions: HB 1603 of 2017 received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): Anne Arundel and Garrett Counties; Maryland State Department of Education; Department of Legislative Services

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Analysis by: Scott P. Gates

Direct Inquiries to:
(410) 946-5510
(301) 970-5510