

# HOUSE BILL 390

P4  
HB 643/18 – APP

9lr1292

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By: **Delegates Jones, Ebersole, Haynes, Hettleman, Lierman, Luedtke, Reznik, Solomon, Valentino-Smith, ~~and P. Young~~ P. Young, and Jackson**

Introduced and read first time: January 30, 2019

Assigned to: Appropriations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Department of Education – Employment Categories and Practices**

3 FOR the purpose of altering the employment categories of certain employees of the State  
4 Department of Education; requiring that all positions in the Department be  
5 appointed positions in the professional service and skilled service as well as the  
6 executive service and management service, subject to a certain exception; repealing  
7 the authority for certain special appointment positions in the Department; altering  
8 the procedures for the appointment, setting of qualifications, and transfer of  
9 employees of the Department; specifying that certain employees serve at the  
10 pleasure of the State Board of Education and the State Superintendent of Schools;  
11 specifying that certain removal procedures apply to certain other employees; altering  
12 the removal procedures for certain employees; requiring that the Department  
13 determine which employment classifications at the Department would be described  
14 as being in the skilled service or the professional service; requiring that, beginning  
15 on a certain date, all employees hired by the Department in certain classifications  
16 be hired, promoted, or transferred in accordance with certain requirements; and  
17 generally relating to the employment categories and practices of the State  
18 Department of Education.

19 BY repealing and reenacting, with amendments,  
20 Article – Education  
21 Section 2–104 and 2–105  
22 Annotated Code of Maryland  
23 (2018 Replacement Volume and 2018 Supplement)

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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 BY repealing and reenacting, without amendments,  
2 Article – State Personnel and Pensions  
3 Section 6–405(a)(3)  
4 Annotated Code of Maryland  
5 (2015 Replacement Volume and 2018 Supplement)

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

8 **Article – Education**

9 2–104.

10 (a) The following [professional assistants] **EMPLOYEES** shall be appointed to  
11 **POSITIONS IN** the Department:

12 (1) No more than three Deputy State Superintendents of Schools;

13 (2) Any assistant State superintendents and directors authorized by the  
14 State Board and provided in the State budget; and

15 (3) Any other [professional assistants and agents] **EMPLOYEES TO FILL**  
16 **POSITIONS** authorized by the State Board and provided in the State budget.

17 (b) (1) **(I)** From the nominees proposed by the State Superintendent, the  
18 State Board shall appoint all [professional assistants to] **EMPLOYEES TO POSITIONS IN**  
19 the Department[, who].

20 **(II) EXCEPT AS PROVIDED IN § 6–405(A)(3) OF THE STATE**  
21 **PERSONNEL AND PENSIONS ARTICLE, ALL POSITIONS** shall be in the executive service,  
22 management service, [or special appointments] **PROFESSIONAL SERVICE, OR SKILLED**  
23 **SERVICE** in the State Personnel Management System.

24 (2) With the advice of the State Superintendent, the State Board shall set  
25 the qualifications for each [professional] position **IN THE DEPARTMENT**.

26 (3) The State Superintendent may transfer [professional assistants]  
27 **EMPLOYEES** within the Department as necessary.

28 (c) (1) All [professional assistants] **EMPLOYEES WHO ARE ASSIGNED TO**  
29 **THE EXECUTIVE SERVICE OR MANAGEMENT SERVICE OR WHO ARE SPECIAL**  
30 **APPOINTEES** shall serve at the pleasure of the State Board and the State Superintendent.

1 (2) All [other professional assistants] **EMPLOYEES IN THE**  
2 **PROFESSIONAL OR SKILLED SERVICE** shall be removed in accordance with procedures  
3 [set by the State Board] **SET FORTH IN § 2-105 OF THIS SUBTITLE AND TITLE 11 OF**  
4 **THE STATE PERSONNEL AND PENSIONS ARTICLE.**

5 (d) (1) In addition to the other duties specified in this section, each  
6 [professional assistant to] **EMPLOYEE IN** the Department has the duties assigned to him  
7 by the State Superintendent.

8 (2) The Deputy State Superintendent designated by the State  
9 Superintendent or by the State Board is the acting State Superintendent when the State  
10 Superintendent is absent or disabled.

11 (3) Assistant State superintendents and directors have charge of the  
12 various divisions of the Department.

13 2-105.

14 [(a) Unless otherwise provided by law, the State Superintendent shall appoint and  
15 remove all clerical assistants and other nonprofessional personnel of the Department in  
16 accordance with the provisions of the State Personnel and Pensions Article that govern the  
17 skilled service, with the exception of special appointments.

18 (b)] The credential secretary and statistician of the Department are special  
19 appointments in the State Personnel Management System.

## 20 **Article – State Personnel and Pensions**

21 6-405.

22 (a) Except as otherwise provided by law, individuals in the following positions in  
23 the skilled service and professional service are considered special appointments:

24 (3) as determined by the Secretary, a position which performs a significant  
25 policy role or provides direct support to a member of the executive service;

26 **SECTION 2. AND BE IT FURTHER ENACTED,** That, on or before July 1, 2019, the  
27 State Department of Education shall determine which employment classifications at the  
28 Department would ordinarily be described as being in the skilled service or the professional  
29 service. Beginning on July 1, 2019, all employees hired by the Department in classifications  
30 that the Department determines would ordinarily be described as skilled or professional  
31 shall be hired, promoted, or transferred in accordance with the requirements for skilled or  
32 professional employees under Title 6, Subtitle 4 of the State Personnel and Pensions  
33 Article.

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1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.