

HOUSE BILL 1287

F1, F2

4lr0598

By: **The Speaker and Delegates Atterbeary and Wilkins**

Introduced and read first time: February 9, 2024

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **State and County Superintendents of Schools – Employment Contracts – School**
3 **Leadership Course or Program**

4 FOR the purpose of requiring, beginning on a certain date, that an employment contract
5 for the State Superintendent of Schools, a county superintendent of schools, or the
6 Chief Executive Officer of the Baltimore City Board of School Commissioners include
7 a provision requiring the completion of a certain school leadership course or program
8 during a certain period of time; requiring a public institution of higher education
9 that offers a certain school leadership course or program in which the State
10 Superintendent, a county superintendent, or the Chief Executive Officer enrolls to
11 offer the enrollee the option to participate in a virtual format; and generally relating
12 to a school leadership course or program for the State Superintendent of Schools,
13 county superintendents of schools, and the Chief Executive Officer of the Baltimore
14 City Board of School Commissioners.

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 2–302, 4–201, 4–201.1, and 4–304
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2023 Supplement)

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

22 **Article – Education**

23 2–302.

24 (a) The State Superintendent shall be appointed by the State Board for a term of
25 4 years beginning on July 1 after the Superintendent’s appointment and serves until a
26 successor is appointed and qualifies.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(b) The State Board shall fix the STATE Superintendent's salary and pay it from the appropriation for the expenses and maintenance of the Department.

(c) **(1) BEGINNING JULY 1, 2024, A CONTRACT OF EMPLOYMENT EXECUTED BETWEEN A STATE SUPERINTENDENT AND THE STATE BOARD FOR THE STATE SUPERINTENDENT'S INITIAL TERM OF OFFICE SHALL INCLUDE A PROVISION THAT REQUIRES THE STATE SUPERINTENDENT TO COMPLETE, DURING THE TERM OF THE CONTRACT, A SCHOOL LEADERSHIP COURSE OR PROGRAM:**

(I) OFFERED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

(II) ESTABLISHED UNDER § 6-124 OF THIS ARTICLE.

(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT OFFERS A SCHOOL LEADERSHIP COURSE OR PROGRAM IN WHICH THE STATE SUPERINTENDENT ENROLLS SHALL OFFER THE STATE SUPERINTENDENT THE OPTION TO PARTICIPATE IN A VIRTUAL FORMAT.

(D) The State Superintendent shall:

(1) Be an experienced and competent educator;

(2) Be a graduate of an accredited college or university;

(3) Have at least 2 years of special academic and professional graduate preparation in an accredited college or university; and

(4) Have at least 7 years of experience in teaching and administration.

[(d)] (E) (1) The State Board may remove the State Superintendent for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) Before removing the State Superintendent, the State Board shall send the Superintendent a copy of the charges against the Superintendent and give the Superintendent an opportunity within 10 days to request a hearing.

(3) If the State Superintendent requests a hearing within the 10-day period:

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

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

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

4–201.

(a) (1) This section does not apply to Baltimore City.

(2) Subsections (b), (c), (d), and (f) of this section do not apply in Prince George's County.

(b) (1) The term of a county superintendent is 4 years beginning on July 1. A county superintendent continues to serve until a successor is appointed and qualifies.

(2) By February 1 of the year in which a term ends, the county superintendent shall notify the county board whether the superintendent is a candidate for reappointment.

(3) In the year in which a term begins, the county board shall appoint a county superintendent between February 1 and June 30. However, if the county board decides to reappoint the incumbent superintendent, the county board shall take final action at a public meeting no later than March 1 of that year.

(4) If a county board is unable to appoint a county superintendent by July 1 of a year in which a term begins, the provisions of subsection (d) of this section apply.

(c) (1) An individual may not be appointed as county superintendent unless the individual:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) (I) BEGINNING JULY 1, 2024, AN EMPLOYMENT CONTRACT EXECUTED BETWEEN A COUNTY SUPERINTENDENT AND A COUNTY BOARD FOR THE COUNTY SUPERINTENDENT'S INITIAL TERM OF OFFICE SHALL INCLUDE A PROVISION THAT REQUIRES THE COUNTY SUPERINTENDENT TO COMPLETE, DURING THE TERM OF THE CONTRACT, A SCHOOL LEADERSHIP COURSE OR PROGRAM:

1. OFFERED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

2. ESTABLISHED UNDER § 6-124 OF THIS ARTICLE.

(II) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT OFFERS A SCHOOL LEADERSHIP COURSE OR PROGRAM IN WHICH A COUNTY SUPERINTENDENT ENROLLS SHALL OFFER THE COUNTY SUPERINTENDENT THE OPTION TO PARTICIPATE IN A VIRTUAL FORMAT.

[(2)] (3) The appointment of a county superintendent is not valid unless approved in writing by the State Superintendent.

[(3)] (4) If the State Superintendent disapproves an appointment, the State Superintendent shall give the reasons for disapproval in writing to the county board.

(d) If a vacancy occurs in the office of county superintendent, the county board shall appoint an interim county superintendent who serves until July 1 after the interim county superintendent's appointment.

(e) (1) Subject to the provisions of this subsection, the State Superintendent or a county board may remove a county superintendent for:

(i) Immorality;

(ii) Misconduct in office;

(iii) Insubordination;

(iv) Incompetency; or

(v) Willful neglect of duty.

(2) (i) The State Superintendent may remove a county superintendent under this subsection if the State Superintendent provides the county superintendent with:

1 1. The reason for removal, chosen from one or more of the
2 items in paragraph (1) of this subsection;

3 2. Documentation supporting the case for removal; and

4 3. The opportunity to request a hearing within 10 days before
5 the State Superintendent in accordance with this subsection.

6 (ii) The county superintendent may appeal the decision of the State
7 Superintendent to the State Board.

8 (3) If the county superintendent requests a hearing before the State
9 Superintendent within the 10-day period:

10 (i) The State Superintendent promptly shall hold a hearing, but a
11 hearing may not be set within 10 days after the State Superintendent sends the county
12 superintendent a notice of the hearing; and

13 (ii) The county superintendent shall have an opportunity to be heard
14 publicly before the State Superintendent in the county superintendent's own defense, in
15 person or by counsel.

16 (4) (i) A county board may remove a county superintendent under this
17 subsection if the county board provides the county superintendent with:

18 1. The reason for removal, chosen from one or more of the
19 items in paragraph (1) of this subsection;

20 2. Documentation supporting the case for removal; and

21 3. The opportunity to request a hearing within 10 days before
22 the county board in accordance with this subsection.

23 (ii) The county superintendent may appeal the decision of the county
24 board to the State Board.

25 (f) On notification of pending criminal charges against a county superintendent
26 as provided under § 4-206 of this subtitle, the county board may suspend the county
27 superintendent with pay until the final disposition of the criminal charges.

28 4-201.1.

29 (a) This section applies only in Prince George's County.

30 (b) Subject to the provisions of subsection (e) of this section, the County
31 Superintendent of the Prince George's County public school system shall be:

(1) Selected by the County Executive in accordance with subsection (c) of this section; and

(2) Appointed by the county board after agreement on contract terms negotiated by the chair of the county board.

(c) (1) The County Executive shall select a County Superintendent from a list of three nominees recommended by a search committee that is comprised of:

(i) One member of the State Board, appointed by the State Superintendent; and

(ii) Two residents of Prince George's County, appointed by the Governor.

(2) The search committee shall be chaired by a member selected by the State Superintendent.

(d) (1) The term of the County Superintendent is 4 years beginning on July 1.

(2) The County Superintendent continues to serve until a successor is appointed and qualifies.

(3) By February 1 of the year in which a term ends, the County Superintendent shall notify the County Executive and the county board if the County Superintendent is a candidate for reappointment.

(4) (i) In the year a term begins, the County Executive shall select a County Superintendent between February 1 and June 1, and the county board shall complete the appointment on or before June 30.

(ii) If the County Executive decides to select the incumbent County Superintendent, the county board shall complete the reappointment no later than March 1 of that year.

(5) If the county board is unable to appoint a County Superintendent by July 1 of the year a term begins, the provisions of subsection **[(f)] (G)** of this section apply.

(e) (1) An individual may not be appointed as County Superintendent unless the individual:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) The appointment of the County Superintendent is not valid unless approved in writing by the State Superintendent.

(3) If the State Superintendent disapproves an appointment, the State Superintendent shall give the reasons for disapproval in writing to the county board and the County Executive.

(F) (1) BEGINNING JULY 1, 2024, A CONTRACT OF EMPLOYMENT EXECUTED BETWEEN THE COUNTY SUPERINTENDENT AND THE COUNTY BOARD FOR THE COUNTY SUPERINTENDENT'S INITIAL TERM OF OFFICE SHALL INCLUDE A PROVISION THAT REQUIRES THE COUNTY SUPERINTENDENT TO COMPLETE, DURING THE TERM OF THE CONTRACT, A SCHOOL LEADERSHIP COURSE OR PROGRAM:

(I) OFFERED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

(II) ESTABLISHED UNDER § 6-124 OF THIS ARTICLE.

(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT OFFERS A SCHOOL LEADERSHIP COURSE OR PROGRAM IN WHICH THE COUNTY SUPERINTENDENT ENROLLS SHALL OFFER THE COUNTY SUPERINTENDENT THE OPTION TO PARTICIPATE IN A VIRTUAL FORMAT.

[(f)] (G) If a vacancy occurs in the office of County Superintendent, the County Executive shall select and the county board shall appoint an interim County Superintendent to serve until July 1 after the appointment.

[(g)] (H) On notification of pending criminal charges against the County Superintendent as provided under § 4-206 of this subtitle, the county board may suspend the County Superintendent with pay until the final disposition of the criminal charges.

4-304.

(a) There is a Chief Executive Officer of the board.

(b) The Chief Executive Officer shall:

(1) Be responsible for the overall administration of the Baltimore City Public School System;

(2) Report directly to the board;

(3) Be a member of the cabinet of the Mayor; and

(4) Designate individuals with primary responsibility for each of the following functions:

(i) Management and administration of the Baltimore City Public School System;

(ii) Assessment and accountability of the academic performance of the students in the Baltimore City Public School System;

(iii) Provision of services to students with disabilities in accordance with federal and State law;

(iv) Development and implementation of initiatives for educational reform; and

(v) Professional hiring and development.

(c) Notwithstanding the provisions of subsection (b)(4) of this section, the Chief Executive Officer and the board shall be held accountable for the delegated functions.

(d) The board shall employ the Chief Executive Officer and establish the salary of the Chief Executive Officer at an amount commensurate with the credentials, experience, and prior positions of responsibility of the Chief Executive Officer.

(e) **(1)** The employment contract of the Chief Executive Officer shall provide, at a minimum, that continued employment is contingent on demonstrable improvement in the academic performance of the students in the Baltimore City Public School System and the successful management of the Baltimore City public schools.

(2) (I) BEGINNING JULY 1, 2024, AN EMPLOYMENT CONTRACT EXECUTED BETWEEN THE CHIEF EXECUTIVE OFFICER AND THE BOARD FOR THE CHIEF EXECUTIVE OFFICER'S INITIAL TERM OF OFFICE SHALL INCLUDE A PROVISION THAT REQUIRES THE CHIEF EXECUTIVE OFFICER TO COMPLETE, DURING THE TERM OF THE CONTRACT, A SCHOOL LEADERSHIP COURSE OR PROGRAM:

1. OFFERED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

2. ESTABLISHED UNDER § 6-124 OF THIS ARTICLE.

(II) A PUBLIC INSTITUTION OF HIGHER EDUCATION THAT OFFERS A SCHOOL LEADERSHIP COURSE OR PROGRAM IN WHICH THE CHIEF

1 **EXECUTIVE OFFICER ENROLLS SHALL OFFER THE CHIEF EXECUTIVE OFFICER THE**
2 **OPTION TO PARTICIPATE IN A VIRTUAL FORMAT.**

3 (f) The initial contract and any renewal may not exceed 4 years.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
5 1, 2024.