

Md. Education Code Ann. § 4-201

Current through all legislation from the 2023 Regular Session of the General Assembly; and including legislative changes ratified by the voters at the November 2022 election.

Michie's™ Annotated Code of Maryland > Education (Divs. I — IV) > Division II. Elementary and Secondary Education. (Titles 2 — 9.11) > Title 4. Local School Administration. (Subts. 1 — 4) > Subtitle 2. County Superintendent of Schools. (§§ 4-201 — 4-206)

§ 4-201. Appointment; term; qualifications; vacancy; removal; suspension.

(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) The appointment of a 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.

(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. The reason for removal, chosen from one or more of the items in paragraph (1) of this subsection;
2. Documentation supporting the case for removal; and
3. The opportunity to request a hearing within 10 days before the State Superintendent in accordance with this subsection.

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

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

- (i) The State Superintendent promptly shall hold a hearing, but a hearing may not be set within 10 days after the State Superintendent sends the county superintendent a notice of the hearing; and
- (ii) The county superintendent shall have an opportunity to be heard publicly before the State Superintendent in the county superintendent's own defense, in person or by counsel.

(4)

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

1. The reason for removal, chosen from one or more of the items in paragraph (1) of this subsection;
2. Documentation supporting the case for removal; and
3. The opportunity to request a hearing within 10 days before the county board in accordance with this subsection.

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

(f) On notification of pending criminal charges against a 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.

History

An. Code 1957, art. 77, § 57; 1978, ch. 22, § 2; ch. 285; 1980, ch. 464; 1981, ch. 2, § 3; 1987, ch. 385; 1988, ch. 6, § 1; [1999, ch. 464](#); [2002, ch. 289, § 3](#); [2003, ch. 21, § 1](#); [ch. 75](#); [2007, ch. 418](#); [2013, ch. 43, § 5](#); [ch. 147](#); [2015, ch. 405](#); [2018, ch. 12, § 1](#); [ch. 421](#); [2019, ch. 443](#).

Notes

Effect of amendments. —

Chapter 418, Acts 2007, effective October 1, 2007, substituted “the county superintendent” or variants for “him” or variants throughout (e)(2) and (e)(3)(ii); and added (f).

Chapter 147, Acts 2013, effective June 1, 2013, pursuant to art. 3, § 31 of the Maryland Constitution, added the (a)(1) designation and added (a)(2).

Chapter 405, Acts 2015, effective July 1, 2015, added (a)(3).

Section 1, ch. 12, Acts 2018, approved April 5, 2018, and effective from date of enactment, substituted “unless the individual” for “unless he” in the introductory language of (c)(1).

Chapter 421, Acts 2018, effective July 1, 2018, deleted (a)(3); and reenacted (b) without change.

Chapter 443, Acts 2019, effective July 1, 2019, made gender-neutral language changes in (c)(3) and (d); in (e)(1) in the introductory language added “Subject to the provisions of this subsection” at the beginning and “or a county board”; rewrote (e)(2) and in the introductory language of (e)(3) added “before the State Superintendent”; added (e)(4); and made a related change.

Editor’s note. —

[Section 20, ch. 289, Acts 2002](#), provides that “§§ 1 through 3 of this Act shall take effect June 1, 2002. They shall remain effective for a period of 4 years and 1 month and, at the end of June 30, 2006, with no further action required by the General Assembly, §§ 1 through 3 of this Act shall be abrogated and of no further force and effect.” [Section 1, ch. 21, Acts 2003](#), approved April 8, 2003, and effective from date of enactment, reenacted the amendment of this section by § 3, [ch. 289, Acts 2003](#), to make said amendment permanent.

[Chapter 147, Acts 2013](#), was enacted as an emergency act; however, it did not get the three-fifths majority required; therefore, pursuant to art. 3, § 31 of the Maryland Constitution, the effective date is June 1, 2013.

[Section 4, ch. 12, Acts 2018](#), provides that “the provisions of this Act are intended solely to correct technical errors in the law and there is no intent to revive or otherwise affect law that is the subject of other acts, whether those acts were signed by the Governor prior to or after the signing of this Act.”