



## HB238 EDUCATION - REMOVAL OF COUNTY SUPERINTENDENTS - PROCEDURES

February 7, 2019

WAYS AND MEANS COMMITTEE

### OPPOSE

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The Board of Education of Anne Arundel County opposes **HB238 Education - Removal of County Superintendents - Procedures**. This bill authorizes a local board of education to file a complaint with the State Superintendent of Schools requesting the removal of a local superintendent of schools and sets out a process that must be followed. Within 30 days of being sent a copy of the charges by the State Superintendent, a local superintendent may request a hearing before the State Superintendent as under current law or a hearing before an arbitrator in accordance with the process established by the bill. The bill specifies the procedures and terms for such an arbitration as well as parties responsible for fees and expenses.

The Board of Education of Anne Arundel County opposes efforts by the General Assembly to alter the current process for the removal of a local superintendent of schools. We believe that HB238 is contrary to the current and longstanding practices of the State, and eliminates due process and checks and balances. Only the State Superintendent can remove a local superintendent during the term of the Superintendent's 4-year contract with a local school system. A local superintendent may only be removed for: immorality; misconduct in office; insubordination; incompetency; or willful neglect of duty, and must be provided with basic due process.

The State Board of Education addressed this issue in *Metts v. Prince George's County Board of Education*, MSBE Opinion No. 02-05 (2002) where the Board stated, "[T]he legislature intended to design a hierarchical system in State elementary and secondary education that establishes the State Board of Education and the State Superintendent as the final authority on educational policy and the administration of the public school systems of the State. While the local boards and local superintendents are charged with carrying out that policy, the manner in which they execute their responsibilities is subject to State oversight and review."

Given the varying roles and responsibilities of the local boards of education, local superintendents of schools, State Board of Education and MSDE, we oppose the proposed legislation which seeks to alter the removal process for a local superintendent.

Accordingly, the Board of Education of Anne Arundel County respectfully requests an **UNFAVORABLE** committee report on HB238.