

(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 HIM AND GIVE HIM 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 HIS OWN DEFENSE, IN PERSON OR BY COUNSEL.

(E) VACANCY.

THE STATE BOARD SHALL APPOINT A NEW STATE SUPERINTENDENT TO FILL A VACANCY IN THAT OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM.

REVISOR'S NOTE: This section presently appears as Art. 77, §23.

In subsection (c) {2} and {3} of this section, the word "accredited" is substituted for the word "standard" as the former is the more modern and correct usage.

Subsection (d) of this section is rewritten for clarity. In this regard see the revisor's note to §2-203 of this title.

The only changes are in style.

The terms "State Board", "State Superintendent", and "Department" are defined in §1-101 of this article.

2-303. POWERS AND DUTIES OF STATE SUPERINTENDENT.

(A) IN GENERAL.

IN ADDITION TO THE OTHER POWERS GRANTED AND DUTIES IMPOSED UNDER THIS ARTICLE, THE STATE SUPERINTENDENT HAS THE POWERS AND DUTIES SET FORTH IN THIS SECTION.

REVISOR'S NOTE: This subsection is new language added as the introductory language to the remainder of this section and to indicate clearly that the powers and duties incorporated in this section are not exclusive.