

# HOUSE BILL 1086

F3

6lr0838

---

By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County Public Schools – Office of the Inspector General –**  
3 **Establishment**

4 **PG 421–16**

5 FOR the purpose of establishing the Office of the Inspector General in the Prince George's  
6 County school system; requiring the County Executive of Prince George's County to  
7 select and appoint the Inspector General; providing for the selection process,  
8 qualifications, term of office, and the filling of a vacancy in the Office of the Inspector  
9 General; requiring the Inspector General to examine and investigate certain affairs  
10 of the Prince George's County school system; requiring the Inspector General to  
11 receive certain complaints and establish a certain method by which certain  
12 complaints may be filed; requiring the Inspector General to notify certain entities  
13 under certain circumstances; authorizing the Inspector General to assist in certain  
14 investigations conducted by certain entities under certain circumstances; requiring  
15 the Inspector General to have access to certain documents and certain buildings  
16 during a certain investigation; authorizing the Inspector General to take certain  
17 actions in the performance of certain duties; providing for the process in which the  
18 Inspector General is authorized to issue certain subpoenas; establishing certain  
19 penalties; providing that certain records are confidential and not subject to  
20 disclosure under a certain provision of law; requiring the Inspector General to make  
21 a certain report to the Prince George's County Board of Education and the Prince  
22 George's County Delegation on or before a certain date; and generally relating to the  
23 establishment of the Office of the Inspector General in the Prince George's County  
24 public school system.

25 BY adding to  
26 Article – Education  
27 Section 4–404  
28 Annotated Code of Maryland  
29 (2014 Replacement Volume and 2015 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 **4-404.**

5 (A) THERE IS AN OFFICE OF THE INSPECTOR GENERAL IN PRINCE  
6 GEORGE'S COUNTY.

7 (B) (1) (I) THE INSPECTOR GENERAL SHALL BE SELECTED AND  
8 APPOINTED BY THE COUNTY EXECUTIVE IN ACCORDANCE WITH SUBPARAGRAPH (II)  
9 OF THIS PARAGRAPH.

10 (II) THE COUNTY EXECUTIVE SHALL SELECT AND APPOINT AN  
11 INSPECTOR GENERAL FROM A LIST OF THREE NOMINEES RECOMMENDED BY A  
12 SEARCH COMMITTEE THAT IS COMPOSED OF ONE REPRESENTATIVE FROM THE  
13 PRINCE GEORGE'S COUNTY:

- 14 1. OFFICE OF THE STATE'S ATTORNEY;  
15 2. OFFICE OF ETHICS AND ACCOUNTABILITY; AND  
16 3. OFFICE OF AUDITS AND INVESTIGATIONS.

17 (III) THE INSPECTOR GENERAL SHALL BE SELECTED ON THE  
18 BASIS OF PROFESSIONAL ABILITY AND PERSONAL INTEGRITY WITHOUT REGARD TO  
19 POLITICAL AFFILIATION.

20 (2) (I) THE TERM OF THE INSPECTOR GENERAL IS 4 YEARS  
21 BEGINNING ON JULY 1 AFTER THE APPOINTMENT OF THE INSPECTOR GENERAL.

22 (II) THE INSPECTOR GENERAL CONTINUES TO SERVE UNTIL A  
23 SUCCESSOR IS APPOINTED.

24 (3) THE INSPECTOR GENERAL SHALL BE PROFESSIONALLY  
25 QUALIFIED BY EXPERIENCE OR EDUCATION IN AUDITING, GOVERNMENT  
26 OPERATIONS, OR FINANCIAL MANAGEMENT.

27 (4) IF A VACANCY OCCURS IN THE OFFICE OF THE INSPECTOR  
28 GENERAL, THE COUNTY EXECUTIVE SHALL APPOINT AN INTERIM INSPECTOR  
29 GENERAL TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.

1           **(C) (1) THE INSPECTOR GENERAL SHALL:**

2                   **(I) EXAMINE AND INVESTIGATE THE MANAGEMENT AND**  
3 **AFFAIRS OF THE LOCAL SCHOOL SYSTEM CONCERNING MISMANAGEMENT,**  
4 **MISCONDUCT, ABUSE, FRAUD, WASTE, AND CORRUPTION;**

5                   **(II) RECEIVE COMPLAINTS OF MISMANAGEMENT, MISCONDUCT,**  
6 **ABUSE, FRAUD, WASTE, OR CORRUPTION IN THE LOCAL SCHOOL SYSTEM; AND**

7                   **(III) ESTABLISH A METHOD THROUGH WHICH ANONYMOUS**  
8 **COMPLAINTS MAY BE FILED.**

9                   **(2) IF THE INSPECTOR GENERAL RECEIVES A COMPLAINT UNDER**  
10 **PARAGRAPH (1)(II) OF THIS SUBSECTION, THE INSPECTOR GENERAL SHALL**  
11 **DETERMINE WHETHER THE COMPLAINT SHOULD BE INVESTIGATED.**

12                   **(3) (I) THE INSPECTOR GENERAL SHALL NOTIFY THE PRINCE**  
13 **GEORGE'S COUNTY POLICE DEPARTMENT OR THE STATE'S ATTORNEY'S OFFICE IF**  
14 **THE INSPECTOR GENERAL:**

15                           **1. DISCOVERS EVIDENCE OF CRIMINAL ACTIVITY WHEN**  
16 **INVESTIGATING A COMPLAINT; OR**

17                           **2. BELIEVES SPECIAL EXPERTISE IS REQUIRED IN THE**  
18 **INVESTIGATION.**

19                   **(II) THE INSPECTOR GENERAL MAY ASSIST IN AN**  
20 **INVESTIGATION CONDUCTED BY, OR CONDUCT A JOINT INVESTIGATION WITH, A LAW**  
21 **ENFORCEMENT AGENCY OR THE STATE'S ATTORNEY'S OFFICE.**

22                   **(D) (1) DURING AN INVESTIGATION CONDUCTED IN ACCORDANCE WITH**  
23 **THIS SECTION, THE INSPECTOR GENERAL SHALL HAVE ACCESS TO:**

24                           **(I) ALL RECORDS, DATA, REPORTS, CONTRACTS,**  
25 **CORRESPONDENCE, OR OTHER DOCUMENTS OF THE LOCAL SCHOOL SYSTEM; AND**

26                           **(II) ANY BUILDING OR FACILITY THAT IS OWNED, OPERATED, OR**  
27 **LEASED BY THE COUNTY BOARD OR BY THE COUNTY AND IS FOR THE USE OF THE**  
28 **LOCAL SCHOOL SYSTEM.**

29                   **(2) AN INVESTIGATION CONDUCTED IN ACCORDANCE WITH THIS**  
30 **SECTION SHALL BE CONDUCTED IN A MANNER THAT ALLOWS THE EVIDENCE TO BE**  
31 **RETAINED FOR FUTURE COURT PROCEEDINGS.**

1           **(E) (1) DURING AN INVESTIGATION CONDUCTED IN ACCORDANCE WITH**  
2 **THIS SECTION, THE INSPECTOR GENERAL MAY:**

3                   **(I) SEEK AND OBTAIN SWORN TESTIMONY;**

4                   **(II) COMPEL THE ATTENDANCE OF WITNESSES TO BE DEPOSED**  
5 **BY ISSUING A SUBPOENA IN ACCORDANCE WITH PARAGRAPH (2) OF THIS**  
6 **SUBSECTION; AND**

7                   **(III) COMPEL THE PRODUCTION OF RECORDS BY ISSUING A**  
8 **SUBPOENA IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

9           **(2) (I) THE INSPECTOR GENERAL SHALL OBTAIN THE APPROVAL**  
10 **OF A JUDGE OF THE CIRCUIT COURT OF PRINCE GEORGE'S COUNTY BEFORE**  
11 **ISSUING A SUBPOENA OR SUBPOENA DUCES TECUM.**

12                   **(II) THE INSPECTOR GENERAL SHALL SUBMIT A WRITTEN**  
13 **APPLICATION FOR THE APPROVAL SOUGHT UNDER SUBPARAGRAPH (I) OF THIS**  
14 **PARAGRAPH TO THE CIRCUIT COURT OF PRINCE GEORGE'S COUNTY.**

15                   **(III) THE CIRCUIT COURT SHALL ISSUE A WRITTEN DECISION ON**  
16 **AN APPLICATION SUBMITTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**  
17 **WITHIN 72 HOURS AFTER THE RECEIPT OF THE APPLICATION.**

18           **(3) A PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS**  
19 **SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS IF THE PERSON:**

20                   **(I) FAILS TO RESPOND TO A SUBPOENA OR A SUBPOENA DUCES**  
21 **TECUM ISSUED IN ACCORDANCE WITH THIS SUBSECTION; OR**

22                   **(II) KNOWINGLY GIVES FALSE TESTIMONY DURING AN**  
23 **INVESTIGATION CONDUCTED IN ACCORDANCE WITH THIS SECTION.**

24           **(F) RECORDS PREPARED OR OBTAINED BY THE INSPECTOR GENERAL IN**  
25 **CONNECTION WITH AN INVESTIGATION CONDUCTED IN ACCORDANCE WITH THIS**  
26 **SECTION ARE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE UNDER THE**  
27 **PUBLIC INFORMATION ACT.**

28           **(G) (1) ON OR BEFORE JANUARY 1 EACH YEAR, THE INSPECTOR**  
29 **GENERAL SHALL SUBMIT TO THE COUNTY BOARD AND THE PRINCE GEORGE'S**  
30 **COUNTY DELEGATION TO THE GENERAL ASSEMBLY A SUMMARY OF THE REPORTS**

1 AND INVESTIGATIONS MADE BY THE INSPECTOR GENERAL IN ACCORDANCE WITH  
2 THIS SECTION.

3 (2) (I) THE SUMMARY SHALL INCLUDE:

4 1. THE FINAL DISPOSITION OF EACH INVESTIGATION  
5 CONDUCTED BY THE INSPECTOR GENERAL;

6 2. ALL CONTRACTS ENTERED INTO BY THE LOCAL  
7 SCHOOL SYSTEM;

8 3. ALL EXPENDITURES MADE BY THE LOCAL SCHOOL  
9 SYSTEM AND THE FUNDING SOURCES FOR EACH EXPENDITURE; AND

10 4. RECOMMENDED ADMINISTRATIVE ACTIONS AND  
11 MATTERS FOR CONSIDERATION BY THE GENERAL ASSEMBLY.

12 (II) THE SUMMARY REQUIRED IN SUBPARAGRAPH (I) OF THIS  
13 PARAGRAPH MAY NOT INCLUDE ANY CONFIDENTIAL OR IDENTIFYING INFORMATION  
14 ABOUT THE SUBJECTS OF THE REPORTS AND INVESTIGATIONS.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2016.