

HOUSE BILL 1492

F3

8lr2533

By: **Delegate A. Washington**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Public School Transparency and Accountability Act**

3 FOR the purpose of authorizing the county commissioners, county council, or City Council
4 of Baltimore to establish an Office of the Inspector General in the local school system;
5 requiring the Office of the Inspector General to be independent of the county board
6 of education and county superintendent of schools; providing for the selection and
7 appointment of the Inspector General; providing for the qualifications, term of office,
8 and filling of a vacancy in the Office of the Inspector General; requiring that the
9 functions, powers, and duties of a certain office in a local school system be transferred
10 to a certain office under certain circumstances; providing that certain employees be
11 transferred without diminution of their rights, benefits, employment, or retirement
12 status under certain circumstances; requiring the Inspector General to examine and
13 investigate certain affairs of the local school system; requiring the Inspector General
14 to receive certain complaints and establish a certain method by which certain
15 complaints may be filed; requiring the Inspector General to notify certain entities
16 under certain circumstances; authorizing the Inspector General to assist in certain
17 investigations conducted by certain entities under certain circumstances; requiring
18 the Inspector General to have access to certain documents and certain buildings
19 during a certain investigation; authorizing the Inspector General to take certain
20 actions in the performance of certain duties; providing for the process in which the
21 Inspector General is authorized to issue certain subpoenas; providing that certain
22 records are confidential and not subject to disclosure under a certain provision of
23 law; requiring the Inspector General to make a certain report to the county board,
24 county governing body, and the General Assembly on or before a certain date; and
25 generally relating to the establishment of the Office of the Inspector General to
26 encourage transparency and accountability in public schools.

27 BY adding to
28 Article – Education
29 Section 4–110
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2014 Replacement Volume and 2017 Supplement)

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

Article – Education

4–110.

(A) (1) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR CITY COUNCIL OF BALTIMORE MAY ESTABLISH AN OFFICE OF THE INSPECTOR GENERAL IN THE LOCAL SCHOOL SYSTEM.

(2) THE OFFICE OF THE INSPECTOR GENERAL SHALL BE INDEPENDENT OF THE COUNTY BOARD AND COUNTY SUPERINTENDENT.

(B) (1) THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR CITY COUNCIL OF BALTIMORE SHALL SELECT AND APPOINT THE INSPECTOR GENERAL.

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

(II) THE INSPECTOR GENERAL SHALL CONTINUE TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

(III) IF A VACANCY OCCURS IN THE OFFICE OF THE INSPECTOR GENERAL, THE APPROPRIATE GOVERNING BODY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL APPOINT AN INTERIM INSPECTOR GENERAL TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.

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

(4) (I) IF THE COUNTY COMMISSIONERS, COUNTY COUNCIL, OR CITY COUNCIL OF BALTIMORE ESTABLISHES AN OFFICE OF THE INSPECTOR GENERAL UNDER SUBSECTION (A) OF THIS SECTION, THE FUNCTIONS, POWERS, AND DUTIES OF THE OFFICE OF INTERNAL AUDITS WITHIN THE LOCAL SCHOOL SYSTEM SHALL BE TRANSFERRED TO THE OFFICE OF THE INSPECTOR GENERAL IN THE LOCAL SCHOOL SYSTEM.

(II) ALL EMPLOYEES WHO ARE TRANSFERRED TO THE OFFICE OF THE INSPECTOR GENERAL IN THE LOCAL SCHOOL SYSTEM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE TRANSFERRED WITHOUT

1 DIMINUTION OF THEIR RIGHTS, BENEFITS, EMPLOYMENT, OR RETIREMENT STATUS.

2 (c) (1) THE INSPECTOR GENERAL SHALL:

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

6 (ii) RECEIVE COMPLAINTS OF MISMANAGEMENT, MISCONDUCT,
7 ABUSE, FRAUD, WASTE, AND CORRUPTION IN THE LOCAL SCHOOL SYSTEM; AND

8 (iii) ESTABLISH A METHOD THROUGH WHICH ANONYMOUS
9 COMPLAINTS MAY BE FILED.

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

13 (3) (i) THE INSPECTOR GENERAL SHALL NOTIFY THE LOCAL LAW
14 ENFORCEMENT AGENCY OR THE STATE'S ATTORNEY'S OFFICE IF THE INSPECTOR
15 GENERAL:

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

18 2. BELIEVES THE INVESTIGATION REQUIRES SPECIAL
19 EXPERTISE.

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

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

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

27 (ii) ANY BUILDING OR FACILITY THAT IS:

28 1. OWNED, OPERATED, OR LEASED BY THE COUNTY
29 BOARD OR THE COUNTY; AND

1 SCHOOL SYSTEM;

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

4 **4. RECOMMENDED ADMINISTRATIVE ACTIONS AND**
5 **MATTERS FOR CONSIDERATION BY THE GENERAL ASSEMBLY.**

6 **(II) THE SUMMARY REQUIRED IN SUBPARAGRAPH (I) OF THIS**
7 **PARAGRAPH MAY NOT INCLUDE ANY CONFIDENTIAL OR IDENTIFYING INFORMATION**
8 **ABOUT THE SUBJECTS OF THE REPORTS AND INVESTIGATIONS.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2018.