

HOUSE BILL 1492

F3

8lr2533

By: **Delegate A. Washington**

Introduced and read first time: February 9, 2018

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 2018

CHAPTER _____

1 AN ACT concerning

2 ~~**Maryland Public School Transparency and Accountability Act**~~
3 ~~**Blue Ribbon Commission on School Transparency and Accountability**~~

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~generally relating to the establishment of the Office of the Inspector General to encourage transparency and accountability in public schools.~~

FOR the purpose of establishing the Blue Ribbon Commission on School Transparency and Accountability; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Blue Ribbon Commission on School Transparency and Accountability.

~~BY adding to~~

~~Article — Education~~

~~Section 4-110~~

~~Annotated Code of Maryland~~

~~(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 DIMINUTION OF THEIR RIGHTS, BENEFITS, EMPLOYMENT, OR RETIREMENT STATUS.~~

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

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

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

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

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

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

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

~~2. BELIEVES THE INVESTIGATION REQUIRES SPECIAL EXPERTISE.~~

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

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

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

~~(II) ANY BUILDING OR FACILITY THAT IS:~~

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

~~2. FOR THE USE OF THE LOCAL SCHOOL SYSTEM.~~

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

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

~~(I) SEEK AND OBTAIN SWORN TESTIMONY;~~

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

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

~~(2) (I) THE INSPECTOR GENERAL SHALL OBTAIN THE APPROVAL OF A CIRCUIT COURT JUDGE BEFORE ISSUING A SUBPOENA OR SUBPOENA DUCES TECUM.~~

~~(II) THE INSPECTOR GENERAL SHALL SUBMIT A WRITTEN APPLICATION FOR THE APPROVAL SOUGHT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(F) RECORDS PREPARED OR OBTAINED BY THE INSPECTOR GENERAL IN CONNECTION WITH AN INVESTIGATION CONDUCTED IN ACCORDANCE WITH THIS~~

~~SECTION ARE CONFIDENTIAL AND NOT SUBJECT TO DISCLOSURE UNDER THE PUBLIC INFORMATION ACT.~~

~~(c) (1) ON OR BEFORE JANUARY 1 EACH YEAR, THE INSPECTOR GENERAL SHALL SUBMIT TO THE COUNTY BOARD, COUNTY GOVERNING BODY, AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A SUMMARY OF THE REPORTS AND INVESTIGATIONS MADE BY THE INSPECTOR GENERAL IN ACCORDANCE WITH THIS SECTION.~~

~~(2) (i) THE SUMMARY SHALL INCLUDE:~~

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

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

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

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

~~(ii) THE SUMMARY REQUIRED IN SUBPARAGRAPH (i) OF THIS PARAGRAPH MAY NOT INCLUDE ANY CONFIDENTIAL OR IDENTIFYING INFORMATION ABOUT THE SUBJECTS OF THE REPORTS AND INVESTIGATIONS.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That:

(a) There is a Blue Ribbon Commission on School Transparency and Accountability.

(b) The Commission consists of the following members:

(1) one former member of the State Board of Education, appointed by the President of the Senate and the Speaker of the House;

(2) one academic expert whose area of expertise is ethics in school systems and accountability, appointed by the President of the Senate and the Speaker of the House;

(3) one former State Superintendent of Schools, appointed by the Governor;

(4) one former county superintendent of schools, appointed by the Public School Superintendents Association of Maryland;

1 (5) one former member of a county board of education, appointed by the
2 Maryland Association of Boards of Education;

3 (6) one retired educator, appointed by the Maryland State Education
4 Association and AFT–Maryland;

5 (7) one parent of a student in Maryland public schools, appointed by the
6 Maryland Parent Teacher Association; and

7 (8) three members, one each appointed by the President of the Senate, the
8 Speaker of the House, and the Governor, who:

9 (i) are not currently employed by a local school system or the State
10 Department of Education; and

11 (ii) are not currently serving as a member of a county board or the
12 State Board of Education.

13 (c) The members of the Commission shall designate the chair of the Commission.

14 (d) The State Department of Education shall provide staff for the Commission.

15 (e) A member of the Commission:

16 (1) may not receive compensation as a member of the Commission; but

17 (2) is entitled to reimbursement for expenses under the Standard State
18 Travel Regulations, as provided in the State budget.

19 (f) The Commission shall:

20 (1) study best practices for promoting ethics, accountability, and
21 transparency in State and local government; and

22 (2) make recommendations regarding:

23 (i) ethics rules governing county superintendents and members of
24 county boards and the State Board of Education;

25 (ii) procedures for removal for cause or other misconduct of county
26 superintendents and members of county boards and the State Board of Education;

27 (iii) laws, regulations, and practices regarding county
28 superintendent contracts, including length of contract and termination provisions;

1 (iv) availability of school system documents to members of county
2 boards, the State Board of Education, and the public at large, and whether the current
3 Public Information Act provides adequate transparency;

4 (v) use of closed meetings by county boards and the State Board of
5 Education, and whether the current Open Meetings Act provides adequate transparency;

6 (vi) use of inspectors general or ombudsmen to assist in
7 accountability and transparency efforts in local school systems; and

8 (vii) adequacy of current whistleblower protection laws and processes
9 available for anonymous reporting of fraud, waste, or abuse.

10 (g) On or before January 1, 2019, the Commission shall submit a report of its
11 findings and recommendations on the matters listed in subsection (f) of this section to the
12 Governor and, in accordance with § 2-1246 of the State Government Article, the General
13 Assembly.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2018. It shall remain effective for a period of 2 years and, at the end of June 30, 2020,
16 this Act, with no further action required by the General Assembly, shall be abrogated and
17 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.