F14lr2513

By: Delegate Miller

Introduced and read first time: January 31, 2024

Assigned to: Ways and Means

## A BILL ENTITLED

1 AN ACT concerning

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## Education - Maryland Office of the Inspector General for Education - Powers and Notifications

4 FOR the purpose of providing that the Maryland Office of the Inspector General for 5 Education is a state educational authority under a certain federal law; providing that 6 the Maryland Office of the Inspector General for Education is the State unit 7 authorized to audit or evaluate certain education programs; prohibiting the 8 Inspector General for Education from serving more than a certain number of full 9 terms; requiring the Governor, the Attorney General, and the State Treasurer to provide the Inspector General with a certain notice and opportunity for a hearing 10 11 before removing the Inspector General; authorizing the Inspector General to appoint 12 and retain certain employees and consultants, including Deputy Inspectors General; 13 expanding the types of reviews the Inspector General may conduct and the entities 14 the Inspector General may review; requiring the Inspector General to advise a 15 person of the right to counsel when a subpoena is served if the subpoena requires an 16 appearance; authorizing a circuit court to grant appropriate relief after conducting 17 a certain hearing in a criminal proceeding; authorizing the Inspector General to 18 obtain legal services from a person outside the Office of the Attorney General under 19 certain circumstances; requiring each unit of government or county board of 20 education that received State education funds to post a certain notice and, on request of the Maryland Office of the Inspector General for Education, distribute certain 21 22 information; and generally relating to the Maryland Office of the Inspector General 23 for Education.

- 24 BY repealing and reenacting, without amendments,
- 25 Article – Education
- 26 Section 9.10-101 and 9.10-105
- Annotated Code of Maryland 27
- (2022 Replacement Volume and 2023 Supplement) 28
- 29 BY repealing and reenacting, with amendments,



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1 2 3 4	Article – Education Section 9.10–102 through 9.10–104 Annotated Code of Maryland (2022 Replacement Volume and 2023 Supplement)
5 6 7 8 9	BY adding to Article – Education Section 9.10–106 Annotated Code of Maryland (2022 Replacement Volume and 2023 Supplement)
10 11	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
12	Article - Education
13	9.10–101.
14	(a) In this title the following words have the meanings indicated.
15 16	(b) "Inspector General" means the Inspector General in the Maryland Office of the Inspector General for Education.
17	(c) "Office" means the Maryland Office of the Inspector General for Education.
18	9.10–102.
19	(a) There is a Maryland Office of the Inspector General for Education.
20	(b) The Office is [an]:
21	(1) AN independent unit of the State;
22 23	(2) A STATE EDUCATIONAL AUTHORITY UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT; AND
24 25 26	(3) THE STATE UNIT AUTHORIZED TO AUDIT OR EVALUATE ELEMENTARY AND SECONDARY EDUCATION PROGRAMS AND SERVICES IN THE STATE THAT RECEIVE FEDERAL OR STATE SUPPORT.
27	(c) The purpose of the Office is to provide accountability and transparency in the

29 (d) All expenses and operations related to the administration of the Office shall 30 be separately identified and independent of any other unit of State government.

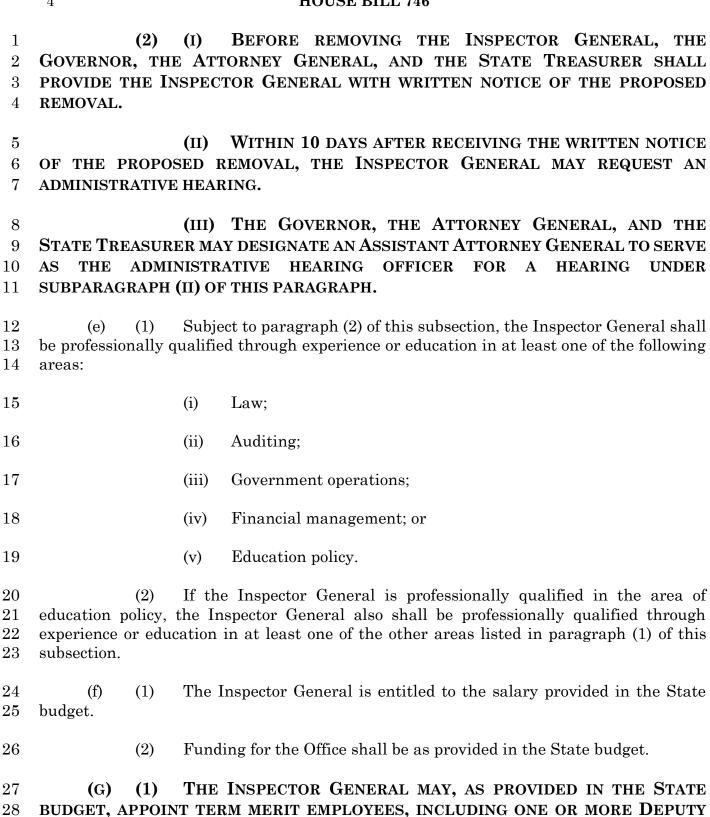
expenditure of public funds for education in the State.

1 9.10-103.2 There is an Inspector General in the Maryland Office of the Inspector General (a) 3 for Education. 4 (b) An individual is eligible to be the Inspector General only if the individual executes an affidavit stating that the individual will not accept appointment to, 5 or be a candidate for, a State or local office: 6 7 During the period of service as the Inspector General; and (i) 8 (ii) For at least 3 years immediately after the individual last serves 9 as the Inspector General. 10 (2)The Inspector General shall renew the affidavit every 2 years during 11 the period of service. 12 (3)A failure to renew the affidavit under this subsection shall subject the 13 Inspector General to removal from office under this section. The Inspector General shall be appointed unanimously by the 14 (c) (1) 15 Governor, the Attorney General, and the State Treasurer, subject to the advice and consent of the Senate. 16 17 (2)The term of the Inspector General is 5 years, beginning July 1 18 after the appointment of the Inspector General. THE INSPECTOR GENERAL MAY NOT SERVE MORE THAN 19 (II) 20 TWO FULL 5-YEAR TERMS. 21At the end of a term, the Inspector General shall continue to serve until (3)22a successor is appointed. 23 If a vacancy occurs in the Office, an Interim Inspector General shall be 24appointed as a successor to serve for the remainder of the unexpired term. 25 (d) **(1)** The Subject to Paragraph (2) of this subsection, the 26 Inspector General may be removed unanimously by the Governor, the Attorney General, 27 and the State Treasurer for: 28 [(1)] (I) Misconduct in office; 29 [(2)](II) Persistent failure to perform the duties of the Office; or

(III) Conduct prejudicial to the proper administration of justice.

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[(3)]



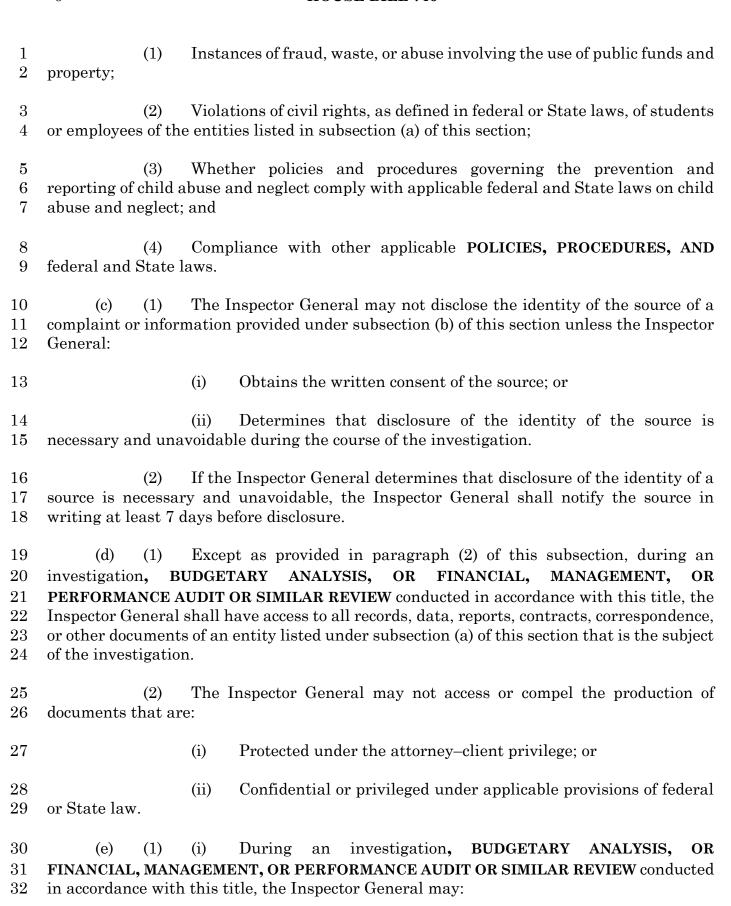
30 (2) THE TERM OF A DEPUTY INSPECTOR GENERAL SHALL END WHEN 31 THE NEXT INSPECTOR GENERAL TAKES OFFICE, UNLESS THE INSPECTOR GENERAL

INSPECTORS GENERAL.

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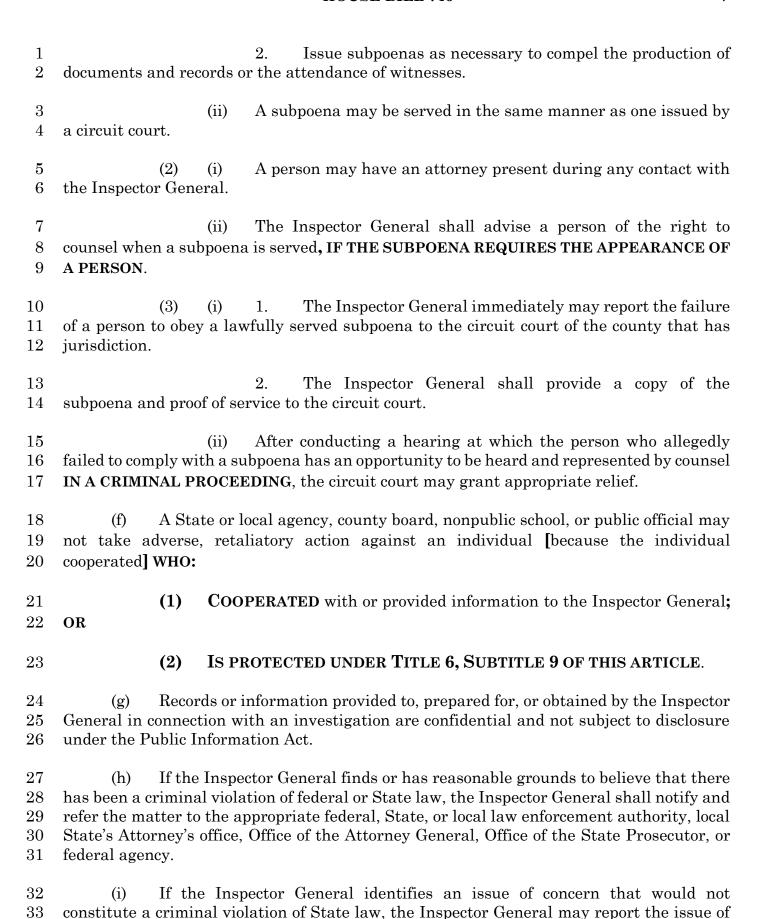
- 1 SPECIFIES A SHORTER TERM WHEN APPOINTING THE DEPUTY INSPECTOR 2 GENERAL.
- 3 (3) THE INSPECTOR GENERAL MAY, AS PROVIDED IN THE STATE BUDGET, RETAIN PROJECT STAFF OR OTHER CONSULTANTS BY CONTRACT.
- 5 (4) THE INSPECTOR GENERAL MAY, WITH THE AGREEMENT OF THE 6 HEAD OF ANY OTHER GOVERNMENT AGENCY OR COUNTY BOARD, TEMPORARILY TO DETERM AN ADDRESS OF THE OTHER COUNTY BOARD.
- 7 DETAIL AN EMPLOYEE OF THAT DEPARTMENT OR COUNTY BOARD TO THE OFFICE.
- 8 (5) THE INSPECTOR GENERAL MAY APPOINT AND EMPLOY
  9 PROFESSIONAL AND CLERICAL STAFF, INCLUDING ATTORNEYS, ACCOUNTANTS,
- 10 AUDITORS, ANALYSTS, AND INVESTIGATORS, AS PROVIDED IN THE STATE BUDGET,
- 11 TO CONDUCT THE WORK OF THE OFFICE.
- 12 9.10-104.
- 13 (a) (1) Except as provided in paragraph (2) of this subsection, the Inspector
- 14 General [shall be responsible for examining and investigating the] MAY CONDUCT AN
- 15 INVESTIGATION, BUDGETARY ANALYSIS, AND FINANCIAL, MANAGEMENT, OR
- 16 PERFORMANCE AUDIT OR SIMILAR REVIEW OF THE matters listed in subsection (b) of
- 17 this section with respect to the management and affairs of the following entities:
- 18 (i) County boards, local school systems, and public schools;
- 19 (ii) Nonpublic schools that receive State funds;
- 20 (iii) The Department; and
- 21 (iv) The Interagency Commission on School Construction.
- 22 (2) The Inspector General may not examine or investigate a nonpublic 23 school that does not receive State funds.
- 24 (3) IN PERFORMING THE FUNCTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INSPECTOR GENERAL MAY:
- 26 (I) SEEK ASSISTANCE FROM ANY OTHER GOVERNMENT 27 AGENCY OR PRIVATE PARTY; AND
- 28 (II) UNDERTAKE ANY PROJECT JOINTLY WITH ANY OTHER 29 GOVERNMENT AGENCY.
- 30 (b) The Inspector General may receive and investigate complaints or information 31 concerning:

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Seek and obtain sworn testimony; and

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- concern to the State Superintendent, the State Board, the Interagency Commission on School Construction, the Governor, and, in accordance with § 2–1257 of the State
- 3 Government Article, the General Assembly.
- 4 (j) The Inspector General may [appoint and employ professional and clerical staff, including attorneys, accountants, auditors, analysts, and investigators, as appropriated in the annual State budget, to conduct the work of the Office] **OBTAIN LEGAL SERVICES FROM A PERSON OUTSIDE THE OFFICE OF THE ATTORNEY GENERAL, IF:**
- 8 (1) THE INSPECTOR GENERAL FINDS THAT OBTAINING 9 INDEPENDENT LEGAL SERVICES IS NECESSARY TO EFFECTIVELY PERFORM THE 10 OFFICE'S DUTIES; AND
- 11 (2) THE DEPARTMENT OF BUDGET AND MANAGEMENT 12 APPROPRIATES SUFFICIENT FUNDS TO COVER THE COST OF THE LEGAL SERVICES.
- 13 **(K)** THE STATE SHALL PROVIDE THE INSPECTOR GENERAL WITH APPROPRIATELY LOCATED OFFICE SPACE AND SUFFICIENT PHYSICAL FACILITIES,
- 15 INCLUDING NECESSARY OFFICE SUPPLIES, EQUIPMENT, AND FURNISHINGS TO
- 16 ENABLE THE OFFICE TO PERFORM ITS INDEPENDENT FUNCTIONS.
- 17 9.10-105.
- 18 (a) On or before December 1 each year, the Office shall submit a report to the 19 State Superintendent, the State Board, the Interagency Commission on School
- 20 Construction, the Governor, and, in accordance with § 2-1257 of the State Government
- 21 Article, the General Assembly.
- 22 (b) The report shall include information on:
- 23 (1) The Office's goals and priorities for the upcoming year;
- 24 (2) The Office's activities during the preceding year;
- 25 (3) The number of incidents, in the aggregate, and a general summary of 26 the nature of the reported incidents, referred to the appropriate federal, State, or local law 27 enforcement authority, local State's Attorney's office, Office of the Attorney General, Office 28 of the State Prosecutor, or federal agency during the preceding year;
- 29 (4) Specific findings and recommendations relating to:
- 30 (i) Instances of fraud, waste, or abuse involving the use of public 31 funds and property;
- 32 (ii) Violations of the civil rights of students or employees;

- 1 (iii) Policies and procedures related to child abuse and neglect and 2 compliance with applicable federal and State laws; and
- 3 (iv) Compliance with other applicable federal and State laws; and
- 4 (5) Any regulatory or statutory changes necessary to ensure compliance 5 with applicable federal and State laws.
- 6 **9.10–106.**
- EACH UNIT OF GOVERNMENT OR COUNTY BOARD THAT RECEIVES STATE 8 EDUCATION FUNDS SHALL:
- 9 (1) KEEP POSTED IN CONSPICUOUS PLACES ON ITS PREMISES A
  10 NOTICE PREPARED BY THE OFFICE SETTING FORTH THE METHODS FOR REPORTING
  11 FRAUD, WASTE, AND ABUSE OF EDUCATION RESOURCES;
- 12 **(2)** KEEP POSTED IN CONSPICUOUS PLACES ON ITS WEBSITE A 13 DIRECT LINK TO THE OFFICE FOR REPORTING FRAUD, WASTE, AND ABUSE; AND
- 14 (3) ON REQUEST OF THE OFFICE, DISTRIBUTE INFORMATION
  15 RELATED TO THE PREVENTION, DETECTION, AND REPORTING OF FRAUD, WASTE,
  16 AND ABUSE OF EDUCATION RESOURCES TO THE STATE, COUNTY BOARD
  17 EMPLOYEES, AND OTHER PERSONS OR ENTITIES RECEIVING STATE EDUCATION
  18 FUNDS.
- 19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 20 1, 2024.