

HOUSE BILL 1341

F3

7lr2369

By: **Delegate A. Washington**

Introduced and read first time: February 10, 2017

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 requiring the county commissioners, county council, or City Council of
4 Baltimore to establish an Office of the Inspector General if the local school system
5 has received a certain number of repeat findings in a certain audit by the Office of
6 Legislative Audits; requiring the Office of the Inspector General to be independent
7 of the county board of education and county superintendent of schools; requiring the
8 Office of the Inspector General to remain in place until certain conditions are met;
9 providing for the selection and appointment of the Inspector General; providing for
10 the qualifications, term of office, and the filling of a vacancy in the Office of the
11 Inspector General; requiring the Inspector General to examine and investigate
12 certain affairs of the local school system; requiring the Inspector General to receive
13 certain complaints and establish a certain method by which certain complaints may
14 be filed; requiring the Inspector General to notify certain entities under certain
15 circumstances; authorizing the Inspector General to assist in certain investigations
16 conducted by certain entities under certain circumstances; requiring the Inspector
17 General to have access to certain documents and certain buildings during a certain
18 investigation; authorizing the Inspector General to take certain actions in the
19 performance of certain duties; providing for the process in which the Inspector
20 General is authorized to issue certain subpoenas; providing that certain records are
21 confidential and not subject to disclosure under a certain provision of law; requiring
22 the Inspector General to make a certain report to the county board and the General
23 Assembly on or before a certain date; and generally relating to the establishment of
24 the Office of the Inspector General to encourage transparency and accountability in
25 public schools.

26 BY adding to
27 Article – Education
28 Section 4–110
29 Annotated Code of Maryland
30 (2014 Replacement Volume and 2016 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 **4–110.**

5 (A) (1) IF A LOCAL SCHOOL SYSTEM HAS RECEIVED 10 OR MORE REPEAT
6 FINDINGS IN AN AUDIT CONDUCTED BY THE OFFICE OF LEGISLATIVE AUDITS
7 UNDER § 2–1220 OF THE STATE GOVERNMENT ARTICLE, THE COUNTY
8 COMMISSIONERS, THE COUNTY COUNCIL, OR THE CITY COUNCIL OF BALTIMORE
9 SHALL ESTABLISH AN OFFICE OF THE INSPECTOR GENERAL.

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

12 (3) THE OFFICE OF THE INSPECTOR GENERAL SHALL REMAIN IN
13 PLACE UNTIL:

14 (I) THE OFFICE OF LEGISLATIVE AUDITS CONDUCTS THE NEXT
15 AUDIT OF THE LOCAL SCHOOL SYSTEM; AND

16 (II) AT LEAST FIVE OF THE PREVIOUS REPEAT FINDINGS HAVE
17 BEEN RESOLVED.

18 (B) (1) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH,
19 THE COUNTY EXECUTIVE SHALL SELECT AND APPOINT THE INSPECTOR GENERAL.

20 (II) FOR BALTIMORE CITY, THE MAYOR SHALL SELECT AND
21 APPOINT THE INSPECTOR GENERAL.

22 (III) FOR A CHARTER COUNTY WHERE THERE IS NO COUNTY
23 EXECUTIVE, THE COUNTY COUNCIL SHALL SELECT AND APPOINT THE INSPECTOR
24 GENERAL.

25 (IV) FOR A CODE COUNTY, THE COUNTY COMMISSIONERS OR
26 COUNTY COUNCIL SHALL SELECT AND APPOINT THE INSPECTOR GENERAL.

27 (V) FOR A COMMISSION COUNTY, THE COUNTY COMMISSIONERS
28 SHALL SELECT AND APPOINT THE INSPECTOR GENERAL.

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

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

3 **(III) IF A VACANCY OCCURS IN THE OFFICE OF THE INSPECTOR**
4 **GENERAL, THE APPROPRIATE INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS**
5 **SUBSECTION SHALL APPOINT AN INTERIM INSPECTOR GENERAL TO SERVE FOR THE**
6 **REMAINDER OF THE UNEXPIRED TERM.**

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

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

11 **(I) EXAMINE AND INVESTIGATE THE MANAGEMENT AND**
12 **AFFAIRS OF THE LOCAL SCHOOL SYSTEM CONCERNING MISMANAGEMENT,**
13 **MISCONDUCT, ABUSE, FRAUD, WASTE, AND CORRUPTION;**

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

16 **(III) ESTABLISH A METHOD THROUGH WHICH ANONYMOUS**
17 **COMPLAINTS MAY BE FILED.**

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

21 **(3) (I) THE INSPECTOR GENERAL SHALL NOTIFY THE LOCAL LAW**
22 **ENFORCEMENT AGENCY OR THE STATE'S ATTORNEY'S OFFICE IF THE INSPECTOR**
23 **GENERAL:**

24 **1. DISCOVERS EVIDENCE OF CRIMINAL ACTIVITY WHEN**
25 **INVESTIGATING A COMPLAINT; OR**

26 **2. BELIEVES THE INVESTIGATION REQUIRES SPECIAL**
27 **EXPERTISE.**

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

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

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

5 **(II) ANY BUILDING OR FACILITY THAT IS:**

6 **1. OWNED, OPERATED, OR LEASED BY THE COUNTY**
7 **BOARD OR THE COUNTY; AND**

8 **2. IS FOR THE USE OF THE LOCAL SCHOOL SYSTEM.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2017.