

HOUSE BILL 1197

F3
HB 1373/20 – W&M

11r2733

By: **Delegate Boteler**

Introduced and read first time: February 8, 2021

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Board of Education – Legal Counsel and Chief Budget**
3 **Analyst**

4 FOR the purpose of authorizing the Baltimore County Board of Education to retain counsel
5 in certain legal matters; requiring the County Board to employ legal counsel and a
6 Chief Budget Analyst; providing for the terms of employment of the legal counsel
7 and Chief Budget Analyst; requiring the legal counsel to serve as the legal advisor
8 to the County Board; requiring the Chief Budget Analyst to review the County
9 Board's budget and approve or return the budget with suggested changes; requiring
10 the Chief Budget Analyst to ensure that education spending is in accordance with
11 the County Board's budget; providing for the salary of the Chief Budget Analyst;
12 prohibiting the County Board from submitting its budget to the Baltimore County
13 Council until it has been approved by the Chief Budget Analyst; and generally
14 relating to staff for the Baltimore County Board of Education.

15 BY repealing and reenacting, with amendments,
16 Article – Education
17 Section 4–104
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2020 Supplement)

20 BY adding to
21 Article – Education
22 Section 4–104.1
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2020 Supplement)

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

27 **Article – Education**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-104.

2 (a) (1) [Except in Baltimore County, each] **EACH** county board may:

3 (i) Retain counsel to represent it in legal matters that affect the
4 board; and

5 (ii) Contract for the payment of a reasonable fee to the counsel.

6 (2) Funds for these fees shall be included in the annual budget.

7 (b) (1) [The] **IN ADDITION TO THE AUTHORITY GRANTED UNDER**
8 **SUBSECTION (A) OF THIS SECTION, THE** Baltimore County Board may retain counsel to
9 represent it in legal matters that involve disputes with the Baltimore County government.

10 (2) (I) **THE BALTIMORE COUNTY BOARD SHALL EMPLOY LEGAL**
11 **COUNSEL TO SERVE AS LEGAL ADVISOR TO THE BOARD.**

12 (II) **LEGAL COUNSEL EMPLOYED BY THE BOARD SERVES AT THE**
13 **PLEASURE OF THE BOARD.**

14 (c) Each county board may pay all or part of the counsel fees for the defense of a
15 county board member who is involved in litigation because of his service and in his official
16 capacity on that board. These payments are a valid educational expense.

17 (d) (1) In any suit or claim brought against a principal, teacher, school security
18 guard, or other agent or employee of a county board by a parent or other claimant with
19 respect to an action taken by the agent or employee, the board shall provide for counsel for
20 that individual if:

21 (i) The action was taken in the performance of his duties, within the
22 scope of his employment, and without malice; and

23 (ii) The board determines that he was acting within his authorized
24 official capacity in the incident.

25 (2) The counsel required by this section may be provided through the office
26 of the county attorney or city solicitor.

27 (3) This subsection does not require a county board to provide or reimburse
28 the cost of counsel to a plaintiff or claimant in a suit or claim against a county board or its
29 members, agents, or employees.

30 **4-104.1.**

1 **(A) (1) THE BALTIMORE COUNTY BOARD SHALL EMPLOY A CHIEF**
2 **BUDGET ANALYST.**

3 **(2) THE CHIEF BUDGET ANALYST SHALL SERVE AT THE PLEASURE**
4 **OF THE BOARD.**

5 **(B) THE CHIEF BUDGET ANALYST SHALL:**

6 **(1) REVIEW THE BOARD'S PROPOSED BUDGET AND:**

7 **(I) APPROVE THE BUDGET; OR**

8 **(II) RETURN THE BUDGET TO THE BOARD WITH SUGGESTED**
9 **CHANGES; AND**

10 **(2) ENSURE THAT EDUCATION SPENDING IS IN ACCORDANCE WITH**
11 **THE BOARD'S BUDGET.**

12 **(C) THE CHIEF BUDGET ANALYST SHALL RECEIVE THE SALARY PROVIDED**
13 **IN THE ANNUAL BUDGET.**

14 **(D) THE BALTIMORE COUNTY BOARD MAY NOT SUBMIT ITS BUDGET TO THE**
15 **BALTIMORE COUNTY COUNCIL UNDER § 5-102 OF THIS ARTICLE UNTIL IT HAS BEEN**
16 **APPROVED BY THE CHIEF BUDGET ANALYST.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
18 1, 2021.