

SENATE BILL 55

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2lr0543

(PRE-FILED)

By: **Senator Sydnor**

Requested: September 23, 2021

Introduced and read first time: January 12, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Board of Education – Retention of Counsel**

3 FOR the purpose of authorizing the Baltimore County Board of Education to retain counsel
4 to represent it in legal matters affecting the Board and to contract for the payment
5 of a reasonable fee to the counsel; and generally relating to the Baltimore County
6 Board of Education.

7 BY repealing and reenacting, with amendments,
8 Article – Education
9 Section 4–104
10 Annotated Code of Maryland
11 (2018 Replacement Volume and 2021 Supplement)

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

14 **Article – Education**

15 4–104.

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

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) [The Baltimore County Board may retain counsel to represent it in legal
2 matters that involve disputes with the Baltimore County government.

3 (c) (1) Each county board may pay all or part of the counsel fees for the defense
4 of a county board member who is involved in litigation because of his service and in his
5 official capacity on that board.

6 (2) [These payments] **PAYMENTS MADE UNDER PARAGRAPH (1) OF**
7 **THIS SUBSECTION** are a valid educational expense.

8 [(d)] (C) (1) In any suit or claim brought against a principal, teacher, school
9 security guard, or other agent or employee of a county board by a parent or other claimant
10 with respect to an action taken by the agent or employee, the board shall provide for counsel
11 for that individual if:

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

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

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

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2022.