

Chapter 591

(Senate Bill 55)

AN ACT concerning

Baltimore County Board of Education – Retention of Counsel

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

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

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

Article – Education

4–104.

- (a) (1) **[Except in Baltimore County, each] EACH** county board may:
- (i) Retain counsel to represent it in legal matters that affect the board; and
 - (ii) Contract for the payment of a reasonable fee to the counsel.
- (2) Funds for these fees shall be included in the annual budget.
- (b) **[The Baltimore County Board may retain counsel to represent it in legal matters that involve disputes with the Baltimore County government.**
- (c) **(1)** Each county board may pay all or part of the counsel fees for the defense of a county board member who is involved in litigation because of his service and in his official capacity on that board.
- (2) [These payments] PAYMENTS MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION** are a valid educational expense.
- [(d)] (C)** (1) In any suit or claim brought against a principal, teacher, school

security guard, or other agent or employee of a county board by a parent or other claimant with respect to an action taken by the agent or employee, the board shall provide for counsel for that individual if:

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

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

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

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.