

## Chapter 792

## (House Bill 437)

AN ACT concerning

**Prince George's County Public Schools – Alterations to Title of Chief Executive Officer and Establishment of Office of Integrity and Compliance – Establishment**

## PG 501–23

FOR the purpose of changing the title of the Chief Executive Officer of the Prince George's County public school system to the County Superintendent of the Prince George's County public school system; establishing the Office of Integrity and Compliance in the Prince George's County public school system to evaluate, examine, investigate, report, and make recommendations on certain issues related to the Prince George's County public school system's effectiveness, productivity, efficiency, accountability, internal controls, and compliance with applicable laws, policies, and standards; requiring the County Council of Prince George's County to select and appoint an Integrity and Compliance Officer to publish certain information on the Office of Integrity and Compliance's website, establish and follow certain confidentiality procedures, report certain violations, coordinate with the Prince George's County public school system to develop a certain work plan, administer an oath or affirmation, take an affidavit or deposition, issue a subpoena, and submit an annual budget for the Office of Integrity and Compliance to the Prince George's County Board of Education; requiring an employee, official, or vendor of the Prince George's County public school system to provide certain information to the Integrity and Compliance Officer; prohibiting a Prince George's County public school system employee, vendor, or employee of a vendor from being retaliated against, penalized, or threatened with retaliation for certain actions; authorizing a court of competent jurisdiction to compel compliance with a certain order or subpoena or compel testimony or the production of evidence; requiring the county board to include in its annual budget proposal certain amounts for the Office of Integrity and Compliance; ~~transferring the functions, powers, and duties of the Office of Internal Audit of the Prince George's County public school system to the Office of Integrity and Compliance on a certain date~~; and generally relating to alterations to the title of the Chief Executive Officer of the Prince George's County public school system and the establishment of the Office of Integrity and Compliance in the Prince George's County public school system.

BY repealing and reenacting, with amendments,

Article – Education

Section 4-102, 4-120, 4-125.1, 4-201.1, 4-202(a), 4-204(a), 4-206(a), 4-402, 4-403, and 6-201(a)

Annotated Code of Maryland  
(2022 Replacement Volume)

BY adding to

Article – Education  
 Section 4–404  
 Annotated Code of Maryland  
 (2022 Replacement Volume)

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

**Article – Education**

4–102.

(a) (1) Except in Baltimore City, the county superintendent is the executive officer, secretary, and treasurer of the county board.

(2) (i) In Baltimore City, the Chief Executive Officer of the Baltimore City Board of School Commissioners is the executive officer, secretary, and treasurer of the Board of School Commissioners.

(ii) The Chief Executive Officer shall have the powers and duties imposed under this article.

(iii) The Chief Executive Officer is not a public officer under the Constitution or the laws of the State.

(3) [(i) In Prince George’s County, the county superintendent is the Chief Executive Officer of the Prince George’s County public school system.

(ii) The Chief Executive Officer is the executive officer, secretary, and treasurer of the county board.

(iii) The Chief Executive Officer shall have the powers and duties imposed under this article.

(iv) The Chief Executive Officer is not a public officer under the Constitution or the laws of the State.

(4)] A county superintendent is not a public officer under the Constitution or the laws of the State.

(b) Unless the tenure or salary or the administration of the office of the county superintendent is under consideration, the county superintendent or the county superintendent’s designee shall attend all meetings of the county board and its committees.

(c) The county superintendent may advise on any question under consideration but may not vote.

4-120.

(a) [Except as provided in subsection (c) of this section, if] IF a county board considers it practicable, it shall consolidate schools.

(b) [Except as provided in subsection (c) of this section, each] EACH county board shall arrange for the transportation of students to and from consolidated schools.

[(c) In Prince George's County, the Chief Executive Officer shall have the authority to:

(1) Consolidate schools if considered practicable; and

(2) Arrange for the transportation of students to and from consolidated schools.]

4-125.1.

(a) (1) In this section the following words have the meanings indicated.

(2) "Certified county-based business participation" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

(3) "Certified county-based minority business participation" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

(4) ["Chief Executive Officer" means the superintendent of the Prince George's County public school system as defined in § 4-102(a)(3) of this subtitle.

(5)] "County-based business" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

[(6)] (5) "County-based minority business enterprise" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

[(7)] (6) "County-based small business" has the meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George's County.

[(8)] (7) "County board" means the Prince George's County Board of Education.

[(9)] (8) (i) "Procurement" means the process of buying, leasing, lease-purchasing, or otherwise obtaining supplies, services, or construction.

(ii) “Procurement” includes all functions that relate to the process of obtaining supplies, services, or construction, including:

1. Description of requirements;
2. Selection and solicitation of sources; and
3. Preparation, award, and execution of a contract.

[(10)] (9) “Program” means the Certified County–Based Business Participation Program that may be established under this section.

(b) This section applies only in Prince George’s County.

(c) The county board, after consultation with the [Chief Executive Officer] COUNTY SUPERINTENDENT, may establish and implement a Certified County–Based Business Participation Program to be used in county board procurement.

(d) If the county board exercises the authority granted in subsection (c) of this section, the county board and the [Chief Executive Officer] COUNTY SUPERINTENDENT shall:

(1) Consult with the Prince George’s County Council, or its agencies or agents, on the establishment and implementation of the Program; and

(2) Establish goals and requirements for the Program that may include:

(i) Minimum percentages for certified county–based business participation;

(ii) Utilization of county–based small businesses;

(iii) Minimum goals and incentives for maximizing certified county–based minority business participation; and

(iv) The goals established under § 4–125(d) of this subtitle.

(e) To achieve the designated goals of the Program, the county board and the [Chief Executive Officer] COUNTY SUPERINTENDENT may use incentives and bonuses, including:

(1) Mandatory set–aside procedures;

(2) Mandatory subcontracting procedures with reasonable waiver provisions;

- (3) The application of bonus points;
- (4) The application of percentage points;
- (5) Restrictive bidding;
- (6) Restrictive price quotations;
- (7) The reduction or waiver of bonding requirements; and
- (8) Incentives to encourage maximum participation by:
  - (i) Certified county-based small businesses; and
  - (ii) A variety of different certified county-based businesses.

(f) If the county board exercises the authority granted in subsection (c) of this section, the county board and the county council shall enter into a binding memorandum of understanding outlining the county board's goals and commitment to implementing the Program.

(g) On or before December 1, 2015, and each year thereafter, the county board, after consultation with the [Chief Executive Officer] COUNTY SUPERINTENDENT, shall submit a report to the Prince George's County delegations to the House of Delegates and Senate of Maryland, the Prince George's County Council, and the Prince George's County Executive, in accordance with § 2-1257 of the State Government Article, that specifies:

(1) The respective percentages and dollar amounts of certified county-based business participation, certified county-based minority business participation, and certified county-based small business participation in county board procurement for the previous fiscal year; and

(2) The efforts by the county board and the [Chief Executive Officer] COUNTY SUPERINTENDENT in the previous fiscal year to encourage greater certified county-based business participation, certified county-based minority business participation, and certified county-based small business participation in county board procurement.

4-201.1.

(a) This section applies only in Prince George's County.

(b) Subject to the provisions of subsection (e) of this section, the [Chief Executive Officer] COUNTY SUPERINTENDENT of the Prince George's County public school system shall be:

(1) Selected by the County Executive in accordance with subsection (c) of this section; and

(2) Appointed by the county board after agreement on contract terms negotiated by the chair of the county board.

(c) (1) The County Executive shall select a [Chief Executive Officer] COUNTY SUPERINTENDENT from a list of three nominees recommended by a search committee that is comprised of:

(i) One member of the State Board, appointed by the State Superintendent; and

(ii) Two residents of Prince George's County, appointed by the Governor.

(2) The search committee shall be chaired by a member selected by the State Superintendent.

(d) (1) The term of the [Chief Executive Officer] COUNTY SUPERINTENDENT is 4 years beginning on July 1.

(2) The [Chief Executive Officer] COUNTY SUPERINTENDENT continues to serve until a successor is appointed and qualifies.

(3) By February 1 of the year in which a term ends, the [Chief Executive Officer] COUNTY SUPERINTENDENT shall notify the County Executive and the county board if the [Chief Executive Officer] COUNTY SUPERINTENDENT is a candidate for reappointment.

(4) (i) In the year a term begins, the County Executive shall select a [Chief Executive Officer] COUNTY SUPERINTENDENT between February 1 and June 1, and the county board shall complete the appointment on or before June 30.

(ii) If the County Executive decides to select the incumbent [Chief Executive Officer] COUNTY SUPERINTENDENT, the county board shall complete the reappointment no later than March 1 of that year.

(5) If the county board is unable to appoint a [Chief Executive Officer] COUNTY SUPERINTENDENT by July 1 of the year a term begins, the provisions of subsection (f) of this section apply.

(e) (1) An individual may not be appointed as [Chief Executive Officer] COUNTY SUPERINTENDENT unless the individual:

(i) Is eligible to be issued a certificate for the office by the State Superintendent;

(ii) Has graduated from an accredited college or university; and

(iii) Has completed 2 years of graduate work at an accredited college or university, including public school administration, supervision, and methods of teaching.

(2) The appointment of the [Chief Executive Officer] COUNTY SUPERINTENDENT is not valid unless approved in writing by the State Superintendent.

(3) If the State Superintendent disapproves an appointment, the State Superintendent shall give the reasons for disapproval in writing to the county board and the County Executive.

(f) If a vacancy occurs in the office of [Chief Executive Officer] COUNTY SUPERINTENDENT, the County Executive shall select and the county board shall appoint an interim [Chief Executive Officer] COUNTY SUPERINTENDENT to serve until July 1 after the appointment.

(g) On notification of pending criminal charges against the [Chief Executive Officer] COUNTY SUPERINTENDENT as provided under § 4-206 of this subtitle, the county board may suspend the [Chief Executive Officer] COUNTY SUPERINTENDENT with pay until the final disposition of the criminal charges.

4-202.

(a) [(1) Except as provided in paragraph (2) of this subsection, each] EACH county superintendent is entitled to the compensation set by the county board.

[(2) In Prince George's County, the Chief Executive Officer is entitled to the compensation set by the contract with the county board.]

4-204.

(a) [(1) Except as provided in paragraph (2) of this subsection, acting] ACTING under the rules and regulations of the county board, the county superintendent is responsible for the administration of the superintendent's office.

[(2) In Prince George's County, the Chief Executive Officer is responsible for the administration of the office of the Chief Executive Officer, including hiring and setting the salaries of the executive staff.]

4-206.

(a) [(1) Except as provided in paragraph (2) of this subsection, a] A county superintendent shall immediately notify the county board in writing of any criminal charges that are punishable by a period of incarceration brought against the county superintendent.

[(2) In Prince George's County, the Chief Executive Officer shall immediately notify the County Executive and the county board in writing of any criminal charges that are punishable by a period of incarceration brought against the Chief Executive Officer.]

4-402.

(a) In addition to the other powers granted to, and duties imposed on, a county superintendent under this article, the [Chief Executive Officer] COUNTY SUPERINTENDENT has the responsibilities and powers set forth in this section.

(b) The [Chief Executive Officer] COUNTY SUPERINTENDENT shall be responsible for:

(1) The overall administration of the Prince George's County public school system;

(2) Subject to the provisions of Title 6 of this article, and after a budget is submitted by the county board and approved by the County Council at the beginning of each fiscal year, the day-to-day management and oversight of the fiscal affairs of the Prince George's County public school system, including the management of activities related to:

- (i) Administration;
- (ii) Mid-level administration;
- (iii) Instructional salaries;
- (iv) Textbooks and other classroom instructional supplies;
- (v) Instructional costs;
- (vi) Special education;
- (vii) Student personnel services;
- (viii) Health services;
- (ix) Student transportation;
- (x) Operation of plants and equipment;



- (xi) Plant maintenance;
- (xii) Fixed charges;
- (xiii) Food services; and
- (xiv) Capital planning and expenditures; and

(3) The development and implementation of the curriculum taught and the instruction provided in the Prince George's County public school system.

(c) The [Chief Executive Officer] COUNTY SUPERINTENDENT:

(1) Shall hire and set the salaries of a chief operating officer, a chief financial officer, a chief academic officer, a chief of staff, a board liaison, and any other necessary executive staff in the office of the [Chief Executive Officer] COUNTY SUPERINTENDENT; and

(2) May delegate the responsibilities established under subsection (b) of this section to appropriately qualified individuals as determined and deemed necessary by the [Chief Executive Officer] COUNTY SUPERINTENDENT.

(d) (1) The [Chief Executive Officer] COUNTY SUPERINTENDENT shall enter into a memorandum of understanding that relates to the provision of policy analysis and advice to the county board with the following institutions of higher education:

- (i) The University of Maryland, College Park Campus;
- (ii) The University of Maryland Global Campus;
- (iii) Bowie State University; and
- (iv) Prince George's Community College.

(2) The [Chief Executive Officer] COUNTY SUPERINTENDENT may include additional institutions of higher education in the memorandum of understanding required under paragraph (1) of this subsection.

4-403.

(a) Except as provided in subsection (b) of this section, the county board may not implement a policy or take any action that contradicts the day-to-day management and oversight of the fiscal affairs of the Prince George's County public school system by the [Chief Executive Officer] COUNTY SUPERINTENDENT under this subtitle.

*(b) Except for personnel matters and appeals of personnel matters in accordance with §§ 4-205(c)(2) and (3) of this title and 6-202 of this article, the county board shall require a two-thirds vote of all voting members of the county board to take an action that is contrary to an action of the [Chief Executive Officer] COUNTY SUPERINTENDENT.*

**4-404.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (I) “ABUSE” MEANS AN EMPLOYEE’S INTENTIONAL MISCONDUCT OR MISUSE OF AUTHORITY OR POSITION:**

**1. INVOLVING PROPERTY OR FUNDS OF THE LOCAL SCHOOL SYSTEM THAT IS IMPROPER OR DEFICIENT WHEN COMPARED TO CONDUCT A PRUDENT PERSON WOULD CONSIDER REASONABLE UNDER THE SAME FACTS AND CIRCUMSTANCES; OR**

**2. FOR THE PURPOSE OF FURTHERING IMPROPERLY THE PRIVATE INTERESTS OF THE EMPLOYEE, A FAMILY MEMBER, OR A CLOSE PERSONAL OR BUSINESS ASSOCIATE.**

**(II) “ABUSE” INCLUDES:**

**1. THEFT OR MISAPPROPRIATION OF PROPERTY OR FUNDS OF THE LOCAL SCHOOL SYSTEM; AND**

**2. DESTRUCTION OR ALTERATION OF OFFICIAL RECORDS.**

**(3) (I) “FRAUD” MEANS AN INTENTIONAL ACT OR ATTEMPT TO OBTAIN SOMETHING OF VALUE FROM THE LOCAL SCHOOL SYSTEM OR ANOTHER PERSON THROUGH WILLFUL MISREPRESENTATION.**

**(II) “FRAUD” INCLUDES A WILLFUL FALSE REPRESENTATION OF A MATERIAL FACT, WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR MISLEADING ALLEGATIONS, OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE BEEN DISCLOSED, THAT CAUSES THE LOCAL SCHOOL SYSTEM TO ACT, OR FAIL TO ACT, TO THE DETRIMENT OF THE INTEREST OF THE LOCAL SCHOOL SYSTEM.**

**(4) “LOCAL SCHOOL SYSTEM” MEANS THE PRINCE GEORGE’S COUNTY PUBLIC SCHOOL SYSTEM.**

**(5) “OFFICE” MEANS THE OFFICE OF INTEGRITY AND COMPLIANCE IN THE LOCAL SCHOOL SYSTEM.**

**(6) “VENDOR” MEANS A PARTY OBLIGATED BY CONTRACT OR SUBCONTRACT TO PROVIDE GOODS, SERVICES, OR PROPERTY TO THE LOCAL SCHOOL SYSTEM FOR CONSIDERATION, INCLUDING CONTRACTS AND SUBCONTRACTS FOR CONSTRUCTION AND PROFESSIONAL SERVICES RELATED TO CONSTRUCTION.**

**(7) (I) “WASTE” MEANS AN INAPPROPRIATE ACT OR OMISSION BY AN EMPLOYEE WITH CONTROL OVER OR ACCESS TO LOCAL SCHOOL SYSTEM PROPERTY OR FUNDS THAT UNREASONABLY DEPRIVES THE LOCAL SCHOOL SYSTEM OF VALUE.**

**(II) “WASTE” INCLUDES MISMANAGEMENT OR OTHER UNINTENTIONAL CONDUCT THAT IS DEFICIENT OR IMPROPER WHEN COMPARED TO CONDUCT THAT A PRUDENT PERSON WOULD CONSIDER NECESSARY TO PRESERVE THE VALUE OF PROPERTY OR FUNDS OF THE LOCAL SCHOOL SYSTEM UNDER THE SAME FACTS AND CIRCUMSTANCES.**

**(B) THIS SECTION APPLIES ONLY IN PRINCE GEORGE’S COUNTY.**

**(C) (1) THERE IS AN OFFICE OF INTEGRITY AND COMPLIANCE IN THE LOCAL SCHOOL SYSTEM.**

**(2) (I) THE COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY SHALL SELECT AND APPOINT AN INTEGRITY AND COMPLIANCE OFFICER.**

**(II) THE COUNTY COUNCIL SHALL SELECT THE INTEGRITY AND COMPLIANCE OFFICER SOLELY ON THE BASIS OF PROFESSIONAL ABILITY AND PERSONAL INTEGRITY, WITHOUT REGARD TO POLITICAL AFFILIATION.**

**(III) THE INTEGRITY AND COMPLIANCE OFFICER MUST BE QUALIFIED PROFESSIONALLY BY EXPERIENCE OR EDUCATION IN AUDITING, GOVERNMENT OPERATIONS, OR FINANCIAL MANAGEMENT.**

**(D) (1) THE TERM OF THE INTEGRITY AND COMPLIANCE OFFICER IS 4 YEARS BEGINNING ON THE DATE OF APPOINTMENT.**

**(2) AN INDIVIDUAL MAY NOT SERVE AS INTEGRITY AND COMPLIANCE OFFICER FOR MORE THAN THREE TERMS.**

**(3) THE INTEGRITY AND COMPLIANCE OFFICER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.**

**(4) IF A VACANCY OCCURS FOR THE INTEGRITY AND COMPLIANCE OFFICER, THE COUNTY COUNCIL SHALL APPOINT AN INTERIM INTEGRITY AND COMPLIANCE OFFICER TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.**

**(5) THE COUNTY COUNCIL MAY REMOVE THE INTEGRITY AND COMPLIANCE OFFICER ONLY THROUGH A MAJORITY VOTE OF THE COUNTY COUNCIL FOR NEGLIGENCE OF DUTY, MALFEASANCE, CONVICTION OF A FELONY, OR OTHER GOOD CAUSE.**

**(6) THE INTEGRITY AND COMPLIANCE OFFICER SHALL DISCHARGE THE DUTIES OF OFFICE ON A FULL-TIME BASIS AND WITH NO SECONDARY EMPLOYMENT OF ANY NATURE DURING THE INTEGRITY AND COMPLIANCE OFFICER'S TERM.**

**(E) (1) THE OFFICE SHALL:**

**(I) ASSIST THE COUNTY COUNCIL AND THE LOCAL SCHOOL SYSTEM BY PROVIDING INDEPENDENT EVALUATION AND RECOMMENDATIONS REGARDING OPPORTUNITIES TO:**

**1. PRESERVE THE LOCAL SCHOOL SYSTEM'S REPUTATION; AND**

**2. IMPROVE THE EFFECTIVENESS, PRODUCTIVITY, OR EFFICIENCY OF LOCAL SCHOOL SYSTEM PROGRAMS, POLICIES, PRACTICES, AND OPERATIONS;**

**(II) ENSURE PUBLIC ACCOUNTABILITY BY PREVENTING, INVESTIGATING, AND REPORTING INSTANCES OF FRAUD, WASTE, AND ABUSE OF PROPERTY OR FUNDS OF THE LOCAL SCHOOL SYSTEM;**

**(III) EXAMINE, EVALUATE, AND REPORT ON THE ADEQUACY AND EFFECTIVENESS OF THE SYSTEMS OF INTERNAL CONTROLS AND THEIR RELATED ACCOUNTING, FINANCIAL, TECHNOLOGY, AND OPERATIONAL POLICIES; AND**

**(IV) REPORT NONCOMPLIANCE WITH AND PROPOSE WAYS TO IMPROVE EMPLOYEE COMPLIANCE WITH APPLICABLE LAW, POLICY, AND ETHICAL STANDARDS OF CONDUCT.**

**(2) IN DEVELOPING RECOMMENDATIONS, THE OFFICE MAY:**

**(I) CONDUCT ADMINISTRATIVE INVESTIGATIONS, BUDGETARY ANALYSES, AND FINANCIAL, MANAGEMENT, OR PERFORMANCE AUDITS AND SIMILAR REVIEWS;**

**(II) PROVIDE MANAGEMENT ADVISORIES; AND**

**(III) UTILIZE THE ASSISTANCE FROM ANY OTHER GOVERNMENT AGENCY OR PRIVATE PARTY TO COMPLETE A PROJECT INITIATED BY THE OFFICE.**

**(3) WHEN APPLICABLE, THE INTEGRITY AND COMPLIANCE OFFICER SHALL COMPLY WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS.**

**(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE INTEGRITY AND COMPLIANCE OFFICER SHALL PUBLISH ON THE OFFICE'S WEBSITE, IN A READILY AVAILABLE LOCATION:**

**1. PERIODIC REPORTS THAT SUMMARIZE THE ACTIVITIES, FINDINGS, RECOMMENDATIONS, AND ACCOMPLISHMENTS OF THE OFFICE; AND**

**2. ANY OFFICIAL WRITTEN COMMENTS OR RESPONSES OFFERED BY THE LOCAL SCHOOL SYSTEM ADMINISTRATION WITH ANY REPORT PUBLISHED BY THE OFFICE.**

**(II) THE INTEGRITY AND COMPLIANCE OFFICER:**

**1. MAY NOT DISCLOSE ANY RECORD, REPORT, OR RELATED INFORMATION THAT IS PROTECTED FROM DISCLOSURE UNDER THE PUBLIC INFORMATION ACT;**

**2. MAY PROVIDE AN ORAL REPORT IF APPROPRIATE UNDER GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS; AND**

**3. SHALL ESTABLISH AND FOLLOW PROCEDURES FOR SAFEGUARDING THE IDENTITY OF CONFIDENTIAL SOURCES AND PROTECTING PRIVILEGED AND CONFIDENTIAL INFORMATION.**

**(5) IF REASONABLE GROUNDS EXIST TO BELIEVE THAT A SERIOUS VIOLATION OF FEDERAL, STATE, OR LOCAL LAW HAS OCCURRED, THE INTEGRITY AND COMPLIANCE OFFICER SHALL REPORT THE ALLEGATION TO:**

**(I) AN APPROPRIATE LAW ENFORCEMENT AGENCY;**

**(II) THE STATE ETHICS COMMISSION; OR**

(III) ANY OTHER AGENCY WITH JURISDICTION TO ENFORCE THE LAW.

(F) (1) THE INTEGRITY AND COMPLIANCE OFFICER SHALL COORDINATE WITH THE LOCAL SCHOOL SYSTEM TO DEVELOP A WRITTEN WORK PLAN AND ESTABLISH PERIODIC GOALS AND PRIORITIES FOR THE OFFICE BASED ON AN ASSESSMENT OF RELATIVE RISKS.

(2) IN DEVELOPING THE WORK PLAN, THE INTEGRITY AND COMPLIANCE OFFICER SHALL TAKE INTO CONSIDERATION REQUESTS FROM:

(I) OFFICERS, ADMINISTRATORS, AND EMPLOYEES OF THE LOCAL SCHOOL SYSTEM;

(II) ELECTED OFFICIALS; AND

(III) MEMBERS OF THE PUBLIC.

(3) THE INTEGRITY AND COMPLIANCE OFFICER SHALL MAKE THE WRITTEN WORK PLAN AVAILABLE TO THE PUBLIC, SUBJECT TO THE PUBLIC INFORMATION ACT.

(G) (1) (I) ON REQUEST FROM THE INTEGRITY AND COMPLIANCE OFFICER, AN EMPLOYEE OR OFFICIAL OF THE LOCAL SCHOOL SYSTEM SHALL PROVIDE PROMPTLY TO THE INTEGRITY AND COMPLIANCE OFFICER ANY AVAILABLE DOCUMENT OR OTHER INFORMATION CONCERNING THE LOCAL SCHOOL SYSTEM'S OPERATIONS, BUDGET, PROGRAMS, OR VENDOR CONTRACTS.

(II) 1. THE INTEGRITY AND COMPLIANCE OFFICER SHALL NOTIFY THE COUNTY BOARD AND THE ~~CHIEF EXECUTIVE OFFICER~~ COUNTY SUPERINTENDENT IF ANY EMPLOYEE OR OFFICIAL OF THE LOCAL SCHOOL SYSTEM FAILS TO PROVIDE ANY INFORMATION OR DOCUMENT REQUESTED UNDER THIS PARAGRAPH WITH REASONABLE PROMPTNESS.

2. THE COUNTY BOARD AND THE ~~CHIEF EXECUTIVE OFFICER~~ COUNTY SUPERINTENDENT SHALL TAKE APPROPRIATE ADMINISTRATIVE ACTION TO PRODUCE LOCAL SCHOOL SYSTEM COMPLIANCE WITH A PENDING REQUEST FOR INFORMATION BY THE INTEGRITY AND COMPLIANCE OFFICER.

(2) (I) ON REQUEST FROM THE INTEGRITY AND COMPLIANCE OFFICER, A VENDOR OF THE LOCAL SCHOOL SYSTEM SHALL PROVIDE PROMPTLY TO THE INTEGRITY AND COMPLIANCE OFFICER ANY AVAILABLE DOCUMENT OR OTHER

INFORMATION CONCERNING ANY LOCAL SCHOOL SYSTEM VENDOR CONTRACT, INCLUDING DOCUMENTS RELATED TO THE PROCUREMENT OF THE CONTRACT.

(II) 1. THE INTEGRITY AND COMPLIANCE OFFICER SHALL NOTIFY THE COUNTY BOARD, THE ~~CHIEF EXECUTIVE OFFICER~~ COUNTY SUPERINTENDENT, AND THE LOCAL SCHOOL SYSTEM IF ANY VENDOR FAILS TO PROVIDE ANY INFORMATION OR DOCUMENT REQUESTED UNDER THIS PARAGRAPH WITH REASONABLE PROMPTNESS.

2. THE COUNTY BOARD AND THE ~~CHIEF EXECUTIVE OFFICER~~ COUNTY SUPERINTENDENT SHALL TAKE APPROPRIATE ADMINISTRATIVE OR CIVIL ACTION TO PRODUCE VENDOR COMPLIANCE WITH A PENDING REQUEST FOR INFORMATION BY THE INTEGRITY AND COMPLIANCE OFFICER.

(H) (1) EACH LOCAL SCHOOL SYSTEM EMPLOYEE SHOULD REPORT ANY FRAUD, WASTE, OR ABUSE TO THE OFFICE.

(2) A LOCAL SCHOOL SYSTEM EMPLOYEE, VENDOR, OR EMPLOYEE OF ANY VENDOR MAY NOT BE RETALIATED AGAINST OR PENALIZED, OR THREATENED WITH RETALIATION OR PENALTY, FOR PROVIDING INFORMATION TO, COOPERATING WITH, OR IN ANY WAY ASSISTING THE INTEGRITY AND COMPLIANCE OFFICER IN CONNECTION WITH ANY ACTIVITY AUTHORIZED BY THIS SECTION.

(3) THE INTEGRITY AND COMPLIANCE OFFICER MAY NOT DISCLOSE THE IDENTITY OF A PERSON THAT REPORTS AN ALLEGATION OF FRAUD, WASTE, OR ABUSE UNLESS:

(I) THE REPORTING PERSON CONSENTS TO DISCLOSURE OF THE PERSON'S IDENTITY;

(II) DISCLOSURE IS REASONABLY NECESSARY TO COMPLETE AN AUDIT OR INVESTIGATION; OR

(III) ANOTHER PERSON IS LEGALLY ENTITLED TO DISCLOSURE OF THE IDENTITY OF THE REPORTING PERSON.

(I) (1) THE INTEGRITY AND COMPLIANCE OFFICER MAY ADMINISTER AN OATH OR AFFIRMATION OR TAKE AN AFFIDAVIT FROM ANY PERSON IF NECESSARY TO PERFORM THE DUTIES UNDER THIS SECTION.

(2) THE INTEGRITY AND COMPLIANCE OFFICER MAY ADMINISTER AN OATH AND TAKE A DEPOSITION AND OTHER TESTIMONY FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN THE LOCAL SCHOOL SYSTEM.

(3) THE INTEGRITY AND COMPLIANCE OFFICER MAY SUBPOENA ANY PERSON OR EVIDENCE FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN THE LOCAL SCHOOL SYSTEM.

(4) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE INTEGRITY AND COMPLIANCE OFFICER, A COURT OF COMPETENT JURISDICTION MAY COMPEL:

(I) COMPLIANCE WITH THE ORDER OR SUBPOENA; OR

(II) TESTIMONY OR THE PRODUCTION OF EVIDENCE.

(J) (1) EACH YEAR THE INTEGRITY AND COMPLIANCE OFFICER SHALL SUBMIT TO THE COUNTY BOARD A PROJECTED BUDGET FOR THE OFFICE FOR THE UPCOMING FISCAL YEAR.

(2) THE COUNTY BOARD SHALL INCLUDE IN THE COUNTY BOARD'S ANNUAL OPERATING BUDGET PROPOSAL THE AMOUNTS RECOMMENDED BY THE INTEGRITY AND COMPLIANCE OFFICER FOR THE OFFICE FOR THE UPCOMING FISCAL YEAR.

6-201.

(a) (1) Subject to paragraph (2) of this subsection, the county board shall employ individuals in the positions that the county board considers necessary for the operation of the public schools in the county.

(2) In Prince George's County, the [Chief Executive Officer] COUNTY SUPERINTENDENT of the Prince George's County public school system shall hire and set the salaries of a chief operating officer, a chief financial officer, a chief academic officer, a chief of staff, a board liaison, and any other necessary executive staff in the office of the [Chief Executive Officer] COUNTY SUPERINTENDENT.

~~SECTION 2. AND BE IT FURTHER ENACTED, That the functions, powers, duties, and employees of the Office of Internal Audit of the Prince George's County public school system shall be transferred to the Office of Integrity and Compliance of the public school system on the effective date of this Act.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Office of Integrity and Compliance of the Prince George's County public school system as a result of this Act shall be transferred on the effective date of this Act without any diminution of their rights, including collective bargaining rights, benefits, or employment or retirement status.~~



SECTION ~~4~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023, ~~contingent on the taking effect of Chapter (H.B. 432) of the Acts of the General Assembly of 2023, and if Chapter (H.B. 432) does not take effect, this Act, with no further action required by the General Assembly, shall be null and void.~~

**Approved by the Governor, May 16, 2023.**