

HOUSE BILL 437

F3

(3lr0631)

ENROLLED BILL

— *Ways and Means/Education, Energy, and the Environment* —

Introduced by **Prince George’s County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o’clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

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

5 **PG 501–23**

6 FOR the purpose of *changing the title of the Chief Executive Officer of the Prince George’s*
7 *County public school system to the County Superintendent of the Prince George’s*
8 *County public school system;* establishing the Office of Integrity and Compliance in
9 the Prince George’s County public school system to evaluate, examine, investigate,
10 report, and make recommendations on certain issues related to the Prince George’s
11 County public school system’s effectiveness, productivity, efficiency, accountability,
12 internal controls, and compliance with applicable laws, policies, and standards;
13 requiring the County Council of Prince George’s County to select and appoint an
14 Integrity and Compliance Officer to publish certain information on the Office of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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.

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

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

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

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

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

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

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

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

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

20 4-120.

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

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

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

27 (1) Consolidate schools if considered practicable; and

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

30 4-125.1.

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

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

4 (3) *“Certified county-based minority business participation” has the*
5 *meaning stated in § 10A-101 of the Code of Public Local Laws of Prince George’s County.*

6 (4) *“Chief Executive Officer” means the superintendent of the Prince*
7 *George’s County public school system as defined in § 4-102(a)(3) of this subtitle.*

8 (5) *“County-based business” has the meaning stated in § 10A-101 of the*
9 *Code of Public Local Laws of Prince George’s County.*

10 ~~[(6)]~~ (5) *“County-based minority business enterprise” has the meaning*
11 *stated in § 10A-101 of the Code of Public Local Laws of Prince George’s County.*

12 ~~[(7)]~~ (6) *“County-based small business” has the meaning stated in §*
13 *10A-101 of the Code of Public Local Laws of Prince George’s County.*

14 ~~[(8)]~~ (7) *“County board” means the Prince George’s County Board of*
15 *Education.*

16 ~~[(9)]~~ (8) (i) *“Procurement” means the process of buying, leasing,*
17 *lease-purchasing, or otherwise obtaining supplies, services, or construction.*

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

20 1. *Description of requirements;*

21 2. *Selection and solicitation of sources; and*

22 3. *Preparation, award, and execution of a contract.*

23 ~~[(10)]~~ (9) *“Program” means the Certified County-Based Business*
24 *Participation Program that may be established under this section.*

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

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

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

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

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

7 (i) Minimum percentages for certified county-based business
8 participation;

9 (ii) Utilization of county-based small businesses;

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

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

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

16 (1) Mandatory set-aside procedures;

17 (2) Mandatory subcontracting procedures with reasonable waiver
18 provisions;

19 (3) The application of bonus points;

20 (4) The application of percentage points;

21 (5) Restrictive bidding;

22 (6) Restrictive price quotations;

23 (7) The reduction or waiver of bonding requirements; and

24 (8) Incentives to encourage maximum participation by:

25 (i) Certified county-based small businesses; and

26 (ii) A variety of different certified county-based businesses.

27 (f) If the county board exercises the authority granted in subsection (c) of this
28 section, the county board and the county council shall enter into a binding memorandum of

1 understanding outlining the county board's goals and commitment to implementing the
2 Program.

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

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

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

17 4-201.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (f) If a vacancy occurs in the office of [Chief Executive Officer] COUNTY
31 SUPERINTENDENT, the County Executive shall select and the county board shall appoint

1 an interim [Chief Executive Officer] COUNTY SUPERINTENDENT to serve until July 1 after
2 the appointment.

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

7 4-202.

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

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

12 4-204.

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

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

19 4-206.

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

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

26 4-402.

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

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

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

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

7 (i) Administration;

8 (ii) Mid-level administration;

9 (iii) Instructional salaries;

10 (iv) Textbooks and other classroom instructional supplies;

11 (v) Instructional costs;

12 (vi) Special education;

13 (vii) Student personnel services;

14 (viii) Health services;

15 (ix) Student transportation;

16 (x) Operation of plants and equipment;

17 (xi) Plant maintenance;

18 (xii) Fixed charges;

19 (xiii) Food services; and

20 (xiv) Capital planning and expenditures; and

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

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

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

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

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

7 (i) The University of Maryland, College Park Campus;

8 (ii) The University of Maryland Global Campus;

9 (iii) Bowie State University; and

10 (iv) Prince George's Community College.

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

14 4-403.

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

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

23 4-404.

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

26 (2) (1) **“ABUSE” MEANS AN EMPLOYEE’S INTENTIONAL**
 27 **MISCONDUCT OR MISUSE OF AUTHORITY OR POSITION:**

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

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

4 **(II) "ABUSE" INCLUDES:**

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

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

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

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

17 **(4) "LOCAL SCHOOL SYSTEM" MEANS THE PRINCE GEORGE'S**
18 **COUNTY PUBLIC SCHOOL SYSTEM.**

19 **(5) "OFFICE" MEANS THE OFFICE OF INTEGRITY AND COMPLIANCE**
20 **IN THE LOCAL SCHOOL SYSTEM.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (II) PROVIDE MANAGEMENT ADVISORIES; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 **(II) ELECTED OFFICIALS; AND**

29 **(III) MEMBERS OF THE PUBLIC.**

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

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

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

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

18 **(2) (I) ON REQUEST FROM THE INTEGRITY AND COMPLIANCE**
19 **OFFICER, A VENDOR OF THE LOCAL SCHOOL SYSTEM SHALL PROVIDE PROMPTLY TO**
20 **THE INTEGRITY AND COMPLIANCE OFFICER ANY AVAILABLE DOCUMENT OR OTHER**
21 **INFORMATION CONCERNING ANY LOCAL SCHOOL SYSTEM VENDOR CONTRACT,**
22 **INCLUDING DOCUMENTS RELATED TO THE PROCUREMENT OF THE CONTRACT.**

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

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

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

34 **(2) A LOCAL SCHOOL SYSTEM EMPLOYEE, VENDOR, OR EMPLOYEE OF**
35 **ANY VENDOR MAY NOT BE RETALIATED AGAINST OR PENALIZED, OR THREATENED**
36 **WITH RETALIATION OR PENALTY, FOR PROVIDING INFORMATION TO, COOPERATING**

1 WITH, OR IN ANY WAY ASSISTING THE INTEGRITY AND COMPLIANCE OFFICER IN
2 CONNECTION WITH ANY ACTIVITY AUTHORIZED BY THIS SECTION.

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

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

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

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

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

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

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

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

24 (I) COMPLIANCE WITH THE ORDER OR SUBPOENA; OR

25 (II) TESTIMONY OR THE PRODUCTION OF EVIDENCE.

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

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

1 6-201.

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.