

HOUSE BILL 1644

F1, P1

0lr3484

By: **Delegates Rose, Adams, Arentz, Arian, Beitzel, Boteler, Buckel, Chisholm, Clark, Corderman, Cox, M. Fisher, Ghrist, Griffith, Hartman, Hornberger, Howard, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mangione, Mautz, McComas, McKay, Metzgar, Morgan, Pippy, Reilly, Saab, Shoemaker, and Szeliga**

Introduced and read first time: February 26, 2020

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Inspector General for Education – Powers and Duties – Alterations**
3 **(Accountability in Education Act of 2020)**

4 FOR the purpose of altering the powers and duties of the Inspector General for Education;
5 authorizing the Inspector General to conduct, supervise, and coordinate audits and
6 investigations into certain matters; requiring the Maryland Office of the Inspector
7 General for Education to establish and operate a certain hotline for a certain
8 purpose; authorizing the Inspector General to initiate a certain investigation on the
9 basis of information received through the hotline; prohibiting the Inspector General
10 from disclosing the identity of certain persons; requiring that the Inspector General
11 have timely access to certain information and materials; requiring certain entities to
12 provide certain information to the Inspector General under certain circumstances;
13 repealing certain limitations on the Inspector General's access to certain documents;
14 and generally relating to the Inspector General for Education.

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 9.10–101 and 9.10–102
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Education
22 Section 9.10–104
23 Annotated Code of Maryland
24 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Education

9.10–101.

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

(b) “Inspector General” means the Inspector General in the Maryland Office of the Inspector General for Education.

(c) “Office” means the Maryland Office of the Inspector General for Education.

9.10–102.

(a) There is a Maryland Office of the Inspector General for Education.

(b) The Office is an independent unit of the State.

(c) The purpose of the Office is to provide accountability and transparency in the expenditure of public funds for education in the State.

(d) All expenses and operations related to the administration of the Office shall be separately identified and independent of any other unit of State government.

9.10–104.

(a) (1) Except as provided in paragraph (2) of this subsection, the Inspector General shall be responsible for examining and investigating the matters listed in subsection (b) of this section with respect to the management and affairs of the following entities:

(i) County boards, local school systems, and public schools;

(ii) Nonpublic schools that receive State funds;

(iii) The Department; and

(iv) The Interagency Commission on School Construction.

(2) The Inspector General may not examine or investigate a nonpublic school that does not receive State funds.

(b) The Inspector General may [receive and investigate complaints or information] **CONDUCT, SUPERVISE, AND COORDINATE AUDITS AND INVESTIGATIONS** concerning:

1 (1) Instances of fraud, waste, or abuse involving the use of public funds and
2 property;

3 (2) Violations of civil rights, as defined in federal or State laws, of students
4 or employees of the entities listed in subsection (a) of this section;

5 (3) Whether policies and procedures governing the prevention and
6 reporting of child abuse and neglect comply with applicable federal and State laws on child
7 abuse and neglect; and

8 (4) Compliance with other applicable federal and State laws.

9 **(C) (1) THE OFFICE SHALL ESTABLISH AND OPERATE A TOLL-FREE**
10 **TEACHER SAFETY HOTLINE THROUGH WHICH TEACHERS MAY ANONYMOUSLY**
11 **REPORT DISCIPLINE OR SAFETY ISSUES THAT ARE NOT BEING ADEQUATELY**
12 **ADDRESSED BY SCHOOL ADMINISTRATORS.**

13 **(2) THE INSPECTOR GENERAL MAY INITIATE AN INVESTIGATION OF**
14 **ANY ENTITY LISTED IN SUBSECTION (A)(1) OF THIS SECTION ON THE BASIS OF**
15 **INFORMATION RECEIVED THROUGH THE HOTLINE.**

16 **[(c)] (D) (1)** The Inspector General may not disclose the identity of the source
17 of a complaint or information **PROVIDED TO THE OFFICE, INCLUDING ANY COMPLAINT**
18 **OR INFORMATION** provided under subsection **[(b)] (C)** of this section, unless the Inspector
19 General:

20 (i) Obtains the written consent of the source; or

21 (ii) Determines that disclosure of the identity of the source is
22 necessary and unavoidable during the course of the investigation.

23 (2) If the Inspector General determines that disclosure of the identity of a
24 source is necessary and unavoidable, the Inspector General shall notify the source in
25 writing at least 7 days before disclosure.

26 **[(d)] (E) (1) [Except as provided in paragraph (2) of this subsection, during**
27 **an investigation conducted in accordance with this title, the Inspector General shall have**
28 **access to all records, data, reports, contracts, correspondence, or other documents of an**
29 **entity listed under subsection (a) of this section that is the subject of the investigation.]**
30 **THE INSPECTOR GENERAL SHALL HAVE TIMELY ACCESS TO ALL RECORDS,**
31 **REPORTS, AUDITS, REVIEWS, DOCUMENTS, PAPERS, RECOMMENDATIONS, OR OTHER**
32 **MATERIALS AVAILABLE TO THE ENTITIES LISTED IN SUBSECTION (A)(1) OF THIS**
33 **SECTION.**

(2) [The Inspector General may not access or compel the production of documents that are:

(i) Protected under the attorney–client privilege; or

(ii) Confidential or privileged under applicable provisions of federal or State law.] **ON REQUEST BY THE INSPECTOR GENERAL FOR INFORMATION, AN ENTITY LISTED IN SUBSECTION (A)(1) OF THIS SECTION SHALL, TO THE EXTENT PRACTICABLE AND NOT IN CONTRAVENTION OF ANY STATUTE OR REGULATION, PROVIDE THE INFORMATION TO THE INSPECTOR GENERAL.**

[(e)] (F) (1) (i) During an investigation conducted in accordance with this title, the Inspector General may:

1. Seek and obtain sworn testimony; and

2. Issue subpoenas as necessary to compel the production of documents and records or the attendance of witnesses.

(ii) A subpoena may be served in the same manner as one issued by a circuit court.

(2) (i) A person may have an attorney present during any contact with the Inspector General.

(ii) The Inspector General shall advise a person of the right to counsel when a subpoena is served.

(3) (i) 1. The Inspector General immediately may report the failure of a person to obey a lawfully served subpoena to the circuit court of the county that has jurisdiction.

2. The Inspector General shall provide a copy of the subpoena and proof of service to the circuit court.

(ii) After conducting a hearing at which the person who allegedly failed to comply with a subpoena has an opportunity to be heard and represented by counsel, the circuit court may grant appropriate relief.

[(f)] (G) A State or local agency, county board, nonpublic school, or public official may not take adverse, retaliatory action against an individual because the individual cooperated with or provided information to the Inspector General.

[(g)] (H) Records or information provided to, prepared for, or obtained by the Inspector General in connection with an investigation are confidential and not subject to disclosure under the Public Information Act.

1 **[(h)] (I)** If the Inspector General finds or has reasonable grounds to believe that
2 there has been a criminal violation of federal or State law, the Inspector General shall
3 notify and refer the matter to the appropriate federal, State, or local law enforcement
4 authority, local State's Attorney's office, Office of the Attorney General, Office of the State
5 Prosecutor, or federal agency.

6 **[(i)] (J)** If the Inspector General identifies an issue of concern that would not
7 constitute a criminal violation of State law, the Inspector General may report the issue of
8 concern to the State Superintendent, the State Board, the Interagency Commission on
9 School Construction, the Governor, and, in accordance with § 2-1257 of the State
10 Government Article, the General Assembly.

11 **[(j)] (K)** The Inspector General may appoint and employ professional and
12 clerical staff, including attorneys, accountants, auditors, analysts, and investigators, as
13 appropriated in the annual State budget, to conduct the work of the Office.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2020.