

HOUSE BILL 184

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By: **Prince George's County Delegation**

Introduced and read first time: January 18, 2018

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County Public Schools – Office of Inspector General –**
3 **Establishment**

4 **PG 508–18**

5 FOR the purpose of establishing the Office of the Inspector General in the Prince George's
6 County public school system; requiring the County Council of Prince George's County
7 to select and appoint the Inspector General; providing for the qualifications and term
8 of the Inspector General and the filling of a vacancy in the Office of the Inspector
9 General; authorizing the removal of the Inspector General under certain
10 circumstances; prohibiting the Inspector General from holding secondary
11 employment during the term as Inspector General; setting forth the duties of the
12 Office; authorizing the Office to conduct certain investigations, analyses, audits, and
13 reviews, provide management advisories, and utilize the assistance of certain other
14 persons; requiring the Inspector General to comply with generally accepted
15 government auditing standards under certain circumstances; requiring the
16 Inspector General to submit certain written reports to the County Council for
17 publication on the County Council's website; prohibiting the Inspector General from
18 disclosing certain information that is protected from disclosure; authorizing the
19 Inspector General to make certain oral reports under certain circumstances;
20 requiring the Inspector General to establish and follow procedures for safeguarding
21 the identity of confidential sources and protecting confidential information;
22 requiring the County Council to publish certain comments or responses with certain
23 reports on the County Council's website; requiring the Inspector General to report
24 certain allegations to certain persons under certain circumstances; requiring the
25 Inspector General to coordinate with the Prince George's County public school
26 system to develop a certain work plan and establish certain goals and priorities for
27 the Office; requiring the Inspector General to make the work plan available to the
28 public, subject to certain laws; requiring certain individuals to promptly provide
29 certain information to the Inspector General under certain circumstances; requiring
30 the Inspector General to notify the County Council and the Prince George's County

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 public school system if certain individuals fail to provide certain information;
 2 requiring the County Council to take certain action under certain circumstances;
 3 providing that a Prince George's County public school system employee should report
 4 any fraud, waste, or abuse to the Office; prohibiting a Prince George's County public
 5 school system employee, vendor, or employee of a vendor from being retaliated
 6 against, penalized, or threatened with retaliation for certain actions; prohibiting the
 7 Inspector General from disclosing the identity of a certain person under certain
 8 circumstances; authorizing the Inspector General to administer an oath or
 9 affirmation or take an affidavit from any person under certain circumstances;
 10 authorizing the Inspector General to administer an oath and take a deposition and
 11 other testimony for certain purposes; authorizing the Inspector General to subpoena
 12 any person or evidence for a certain purpose; authorizing a court of competent
 13 jurisdiction to compel compliance with a certain order or subpoena or compel
 14 testimony or the production of evidence; defining certain terms; providing for the
 15 application of this Act; and generally relating to the establishment of the Office of
 16 the Inspector General in the Prince George's County public school system.

17 BY adding to

18 Article – Education

19 Section 4–404

20 Annotated Code of Maryland

21 (2014 Replacement Volume and 2017 Supplement)

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

24 **Article – Education**

25 **4–404.**

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

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

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

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

37 **(II) “ABUSE” INCLUDES:**

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

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

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

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

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

15 (5) **“OFFICE” MEANS THE OFFICE OF THE INSPECTOR GENERAL IN**
16 **THE LOCAL SCHOOL SYSTEM.**

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

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

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

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

32 **(C) (1) THERE IS AN OFFICE OF THE INSPECTOR GENERAL IN THE LOCAL**

1 SCHOOL SYSTEM.

2 (2) (I) THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY
3 SHALL SELECT AND APPOINT THE INSPECTOR GENERAL.

4 (II) THE COUNTY COUNCIL SHALL SELECT THE INSPECTOR
5 GENERAL SOLELY ON THE BASIS OF PROFESSIONAL ABILITY AND PERSONAL
6 INTEGRITY, WITHOUT REGARD TO POLITICAL AFFILIATION.

7 (III) THE INSPECTOR GENERAL SHALL BE QUALIFIED
8 PROFESSIONALLY BY EXPERIENCE OR EDUCATION IN AUDITING, GOVERNMENT
9 OPERATIONS, OR FINANCIAL MANAGEMENT.

10 (D) (1) THE TERM OF THE INSPECTOR GENERAL IS 4 YEARS BEGINNING
11 ON THE DATE OF APPOINTMENT.

12 (2) AN INDIVIDUAL MAY NOT SERVE AS INSPECTOR GENERAL FOR
13 MORE THAN THREE TERMS.

14 (3) THE INSPECTOR GENERAL CONTINUES TO SERVE UNTIL A
15 SUCCESSOR IS APPOINTED.

16 (4) IF A VACANCY OCCURS IN THE OFFICE OF THE INSPECTOR
17 GENERAL, THE COUNTY COUNCIL SHALL APPOINT AN INTERIM INSPECTOR
18 GENERAL TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM.

19 (5) THE COUNTY COUNCIL MAY REMOVE THE INSPECTOR GENERAL
20 ONLY THROUGH A MAJORITY VOTE OF THE COUNTY COUNCIL FOR NEGLECT OF
21 DUTY, MALFEASANCE, CONVICTION OF A FELONY, OR OTHER GOOD CAUSE.

22 (6) THE INSPECTOR GENERAL SHALL DISCHARGE THE DUTIES OF
23 OFFICE ON A FULL-TIME BASIS AND WITH NO SECONDARY EMPLOYMENT OF ANY
24 NATURE DURING THE INSPECTOR GENERAL'S TERM.

25 (E) (1) THE OFFICE OF THE INSPECTOR GENERAL SHALL:

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

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

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

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

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

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

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

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

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

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

20 **(3) WHEN APPLICABLE, THE INSPECTOR GENERAL SHALL COMPLY**
21 **WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS.**

22 **(4) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
23 **PARAGRAPH, THE INSPECTOR GENERAL SHALL SUBMIT WRITTEN REPORTS TO THE**
24 **COUNTY COUNCIL FOR PUBLICATION ON THE COUNTY COUNCIL'S WEBSITE.**

25 **(II) THE INSPECTOR GENERAL:**

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

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

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

4 **(III) THE COUNTY COUNCIL SHALL PUBLISH ANY OFFICIAL**
5 **WRITTEN COMMENTS OR RESPONSES OFFERED BY THE LOCAL SCHOOL SYSTEM**
6 **ADMINISTRATION WITH ANY REPORT SUBMITTED BY THE INSPECTOR GENERAL.**

7 **(IV) THE INSPECTOR GENERAL ALSO SHALL SUBMIT TO THE**
8 **COUNTY COUNCIL FOR PUBLICATION ON THE COUNTY COUNCIL'S WEBSITE**
9 **PERIODIC REPORTS THAT SUMMARIZE THE ACTIVITIES, FINDINGS,**
10 **RECOMMENDATIONS, AND ACCOMPLISHMENTS OF THE OFFICE.**

11 **(5) IF REASONABLE GROUNDS EXIST TO BELIEVE THAT A SERIOUS**
12 **VIOLATION OF FEDERAL, STATE, OR LOCAL LAW HAS OCCURRED, THE INSPECTOR**
13 **GENERAL SHALL REPORT THE ALLEGATION TO:**

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

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

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

18 **(F) (1) THE INSPECTOR GENERAL SHALL COORDINATE WITH THE LOCAL**
19 **SCHOOL SYSTEM TO DEVELOP A WRITTEN WORK PLAN AND ESTABLISH PERIODIC**
20 **GOALS AND PRIORITIES FOR THE OFFICE BASED ON AN ASSESSMENT OF RELATIVE**
21 **RISKS.**

22 **(2) IN DEVELOPING THE WORK PLAN, THE INSPECTOR GENERAL**
23 **SHALL TAKE INTO CONSIDERATION REQUESTS FROM:**

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

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

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

28 **(3) THE INSPECTOR GENERAL SHALL MAKE THE WRITTEN WORK**
29 **PLAN AVAILABLE TO THE PUBLIC, SUBJECT TO THE PUBLIC INFORMATION ACT.**

30 **(G) (1) (I) ON REQUEST FROM THE INSPECTOR GENERAL, AN**

1 EMPLOYEE OR OFFICIAL OF THE LOCAL SCHOOL SYSTEM PROMPTLY SHALL
2 PROVIDE TO THE INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER
3 INFORMATION CONCERNING THE LOCAL SCHOOL SYSTEM'S OPERATIONS, BUDGET,
4 PROGRAMS, OR VENDOR CONTRACTS.

5 (II) 1. THE INSPECTOR GENERAL SHALL NOTIFY THE
6 COUNTY COUNCIL AND THE LOCAL SCHOOL SYSTEM IF ANY EMPLOYEE OR OFFICIAL
7 OF THE LOCAL SCHOOL SYSTEM FAILS TO PROVIDE ANY INFORMATION OR
8 DOCUMENT REQUESTED UNDER THIS PARAGRAPH WITH REASONABLE
9 PROMPTNESS.

10 2. THE COUNTY COUNCIL SHALL TAKE
11 ADMINISTRATIVE ACTION TO PRODUCE COMPLIANCE WITH A PENDING REQUEST
12 FOR INFORMATION BY THE INSPECTOR GENERAL AS WARRANTED AND
13 APPROPRIATE.

14 (2) (I) A VENDOR OF THE LOCAL SCHOOL SYSTEM SHALL PROVIDE
15 TO THE INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER INFORMATION
16 CONCERNING ANY LOCAL SCHOOL SYSTEM VENDOR CONTRACT, INCLUDING
17 DOCUMENTS RELATED TO THE PROCUREMENT OF THE CONTRACT.

18 (II) 1. THE INSPECTOR GENERAL PROMPTLY SHALL NOTIFY
19 THE COUNTY COUNCIL AND THE LOCAL SCHOOL SYSTEM IF ANY VENDOR FAILS TO
20 PROVIDE ANY INFORMATION OR DOCUMENT REQUESTED UNDER THIS PARAGRAPH
21 WITH REASONABLE PROMPTNESS.

22 2. THE COUNTY COUNCIL SHALL TAKE APPROPRIATE
23 ADMINISTRATIVE OR CIVIL ACTION TO PRODUCE VENDOR COMPLIANCE WITH A
24 PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL.

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

27 (2) A LOCAL SCHOOL SYSTEM EMPLOYEE, VENDOR, OR EMPLOYEE OF
28 ANY VENDOR MAY NOT BE RETALIATED AGAINST OR PENALIZED, OR THREATENED
29 WITH RETALIATION OR PENALTY, FOR PROVIDING INFORMATION TO, COOPERATING
30 WITH, OR IN ANY WAY ASSISTING THE INSPECTOR GENERAL IN CONNECTION WITH
31 ANY ACTIVITY AUTHORIZED BY THIS SECTION.

32 (3) THE INSPECTOR GENERAL MAY NOT DISCLOSE THE IDENTITY OF
33 A PERSON THAT REPORTS AN ALLEGATION OF FRAUD, WASTE, OR ABUSE UNLESS:

34 (I) THE REPORTING PERSON CONSENTS TO DISCLOSURE OF

1 THE PERSON'S IDENTITY;

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

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

6 (I) (1) THE INSPECTOR GENERAL MAY ADMINISTER AN OATH OR
7 AFFIRMATION OR TAKE AN AFFIDAVIT FROM ANY PERSON IF NECESSARY TO
8 PERFORM THE DUTIES UNDER THIS SECTION.

9 (2) THE INSPECTOR GENERAL MAY ADMINISTER AN OATH AND TAKE
10 A DEPOSITION AND OTHER TESTIMONY FOR THE PURPOSE OF INVESTIGATING
11 FRAUD, WASTE, OR ABUSE WITHIN THE LOCAL SCHOOL SYSTEM.

12 (3) THE INSPECTOR GENERAL MAY SUBPOENA ANY PERSON OR
13 EVIDENCE FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN
14 THE LOCAL SCHOOL SYSTEM.

15 (4) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR
16 SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE INSPECTOR
17 GENERAL, A COURT OF COMPETENT JURISDICTION MAY COMPEL:

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

19 (II) TESTIMONY OR THE PRODUCTION OF EVIDENCE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2018.