

# HOUSE BILL 1373

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By: **Delegates Boteler, Grammer, C. Jackson, Long, and Mangione**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County Board of Education – Legal Counsel and Chief Budget**  
3 **Analyst**

4 FOR the purpose of authorizing the Baltimore County Board of Education to retain counsel  
5 in certain legal matters; requiring the Baltimore County Board of Education to  
6 employ legal counsel and a Chief Budget Analyst; providing for the terms of  
7 employment and salary of the legal counsel and Chief Budget Analyst; requiring the  
8 legal counsel to serve as the legal advisor to the County Board; requiring the Chief  
9 Budget Analyst to review the County Board’s budget and approve or return the  
10 budget with suggested changes; requiring the Chief Budget Analyst to ensure that  
11 education spending is in accordance with the County Board’s budget; making a  
12 conforming change; and generally relating to staff for the Baltimore County Board  
13 of Education.

14 BY repealing and reenacting, with amendments,  
15 Article – Education  
16 Section 4–104  
17 Annotated Code of Maryland  
18 (2018 Replacement Volume and 2019 Supplement)

19 BY adding to  
20 Article – Education  
21 Section 4–104.1  
22 Annotated Code of Maryland  
23 (2018 Replacement Volume and 2019 Supplement)

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

26 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-104.

2 (a) (1) [Except in Baltimore County, each] **EACH** county board may:

3 (i) Retain counsel to represent it in legal matters that affect the  
4 board; and

5 (ii) Contract for the payment of a reasonable fee to the counsel.

6 (2) Funds for these fees shall be included in the annual budget.

7 (b) (1) [The] **IN ADDITION TO THE AUTHORITY GRANTED UNDER**  
8 **SUBSECTION (A) OF THIS SECTION, THE** Baltimore County Board may retain counsel to  
9 represent it in legal matters that involve disputes with the Baltimore County government.

10 (2) (I) **THE BALTIMORE COUNTY BOARD SHALL EMPLOY LEGAL**  
11 **COUNSEL TO SERVE AS LEGAL ADVISOR TO THE BOARD.**

12 (II) **LEGAL COUNSEL EMPLOYED BY THE BOARD SERVES AT THE**  
13 **PLEASURE OF THE BOARD.**

14 (c) Each county board may pay all or part of the counsel fees for the defense of a  
15 county board member who is involved in litigation because of his service and in his official  
16 capacity on that board. These payments are a valid educational expense.

17 (d) (1) In any suit or claim brought against a principal, teacher, school security  
18 guard, or other agent or employee of a county board by a parent or other claimant with  
19 respect to an action taken by the agent or employee, the board shall provide for counsel for  
20 that individual if:

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

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

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

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

30 **4-104.1.**

31 (A) (1) **THE BALTIMORE COUNTY BOARD SHALL EMPLOY A CHIEF**

1 **BUDGET ANALYST.**

2 **(2) THE CHIEF BUDGET ANALYST SHALL SERVE AT THE PLEASURE**  
3 **OF THE BOARD.**

4 **(B) THE CHIEF BUDGET ANALYST SHALL:**

5 **(1) REVIEW THE BOARD'S PROPOSED BUDGET AND:**

6 **(I) APPROVE THE BUDGET; OR**

7 **(II) RETURN THE BUDGET TO THE BOARD WITH SUGGESTED**  
8 **CHANGES; AND**

9 **(2) ENSURE THAT EDUCATION SPENDING IS IN ACCORDANCE WITH**  
10 **THE BOARD'S BUDGET.**

11 **(C) THE CHIEF BUDGET ANALYST SHALL RECEIVE THE SALARY PROVIDED**  
12 **IN THE ANNUAL BUDGET.**

13 **(D) THE BALTIMORE COUNTY BOARD MAY NOT SUBMIT ITS BUDGET TO THE**  
14 **BALTIMORE COUNTY COUNCIL UNDER § 5-102 OF THIS ARTICLE UNTIL IT HAS BEEN**  
15 **APPROVED BY THE CHIEF BUDGET ANALYST.**

16 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**  
17 **1, 2020.**