



MARYLAND OFFICE OF THE
INSPECTOR GENERAL FOR EDUCATION

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OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION

Fiscal Year 2026 Operating Budget
Response to Department of Legislative Services Budget Analysis

House Appropriation Committee
Education and Economic Development Subcommittee
Delegate Stephanie M. Smith
February 13, 2025

Senate Budget and Taxation Committee
Education, Business and Administration Subcommittee
Senator Nancy J. King
February 14, 2025

Background

The Maryland Office of the Inspector General for Education (OIGE) is an independent entity within the State government. The office is responsible for examining and investigating the management and affairs of county education boards, local school systems, public schools, and non-public schools that receive state funding to determine whether established policies and procedures comply with federal and state laws. The Office may also examine and investigate the management and affairs of the Maryland State Department of Education and the Inter-agency Commission on School Construction.

The Office investigates complaints and information that involve civil rights violations of students and employees as defined in federal or state law. The Office conducts an annual review of local school systems to ensure policies and procedures that govern the prevention and reporting of child abuse and neglect comply with applicable federal and state laws on child abuse and neglect.

In 2019, the OIGE was established as an independent agency; however, the budget was established as part of the Maryland State Department of Education (MSDE) as R00A08. Effective fiscal 2026, the OIGE is operating under a new, independent budget code, D73A01.

Analysis

The Office of the Inspector General for Education concurs with the Governor's Allowance.

Operating Budget Summary

As noted in the analysis, in fiscal 2024, MSDE initially reported a reversion of \$1,317,309 in general funds for OIGE's fiscal closeout. This was determined to be an error.

Until July 1, 2024, MSDE processed OIGE's payroll and procurement. However, in August 2023, MSDE erroneously stopped applying OIGE's payroll expenditures to R00A08, which resulted in approximately 22 payroll entry errors being allocated to an MSDE default location instead of R00A08. This resulted in an approximate \$1,253,355 error.

This payroll error and purchase orders totaling \$63,954 were not processed and coded to fiscal 24, which resulted in a \$1,317,309 reversion.

This has since been corrected. OIGE, MSDE, DBM, and GAD have worked collaboratively to reallocate the payroll expenditures correctly and process the outstanding purchase orders for FY24.

This will not be an issue in the future. As an independent budget agency, OIGE now has access to its Central Payroll Bureau reports and is processing its own procurements.

Key Observations

Below is the status of OIGE's recommendations and actions taken by MSDE and LEAs.

MSDE is currently working on updating COMAR and other policies based on OIGE's recommendations. These updates are ongoing and will be implemented in the coming months.

- 1) MSDE will work to establish a threshold standard for LEA training materials and guidelines to foster consistent understanding and responses across all educational institutions. This includes a more comprehensive clarification of sexual misconduct and grooming behaviors for all schools.

Responsive Action: MSDE updated its guidance for Md. Code, Educ. §6-113.2 (Child Sexual Abuse and Sexual Misconduct Prevention) to include the definitions of child sexual abuse and sexual misconduct found in Educ. § 6-113.1(a)(2-3). MSDE will also work to provide additional training opportunities to discuss the form and the requirements of the law and answer questions.

- 2) MSDE will implement a compliance mechanism to ensure all LEA staff complete mandatory training.

OIGE agrees that statutory authority gives MSDE a legal enforcement mechanism to mandate that LEA staff attend and complete its training.

- 3) MSDE will develop a checklist for administrators to guide them through evaluating applicants' suitability and illustrative cases that they can use for reference and instruction.

This recommendation was prompted by LEA counsel, who relayed his client's concerns that the forms were overcomplicated and confusing for an average employee without an advanced degree. OIGE explained that MSDE's form mirrors the statute itself. In other words, the legalese on the form is a product of the statutory language, and MSDE must adhere to the confines of the law. This problem should be solved by MSDE offering training.

- 4) MSDE will amend the Employment History Review Form to include an "Under the Penalty of Perjury" clause to strengthen accountability.

Potential Responsive Action: Regarding the recommendation to add an affirmation under the penalty of perjury that the information contained in the Employment History Review Form is true and complete, is your client seeking this affirmation by the applicant or by the employer representative? If the applicant, MSDE has no issue and will add that affirmation immediately.

- 5) Finally, the OIGE recommends that MSDE work with appropriate stakeholders to review and amend COMAR 13A.12.06.01 through COMAR 13A.12.06.03 to assure language consistency and compliance with mandatory reporting requirements.

Responsive Action: OIGE discussed that this recommendation sought to clarify the terms "charge" and "cause" within the Educator Licensure Disciplinary Action Regulations, which reportedly caused some confusion to an LEA or nonpublic school in this case. As advised back on October 22, 2024, MSDE has agreed to propose revising the definition of "charge" in COMAR 13A.12.06.01B(1) as "the formal written petition for suspension, revocation, or denial" and will propose adding the definition for "cause" in the same regulation as "the basis for suspension, revocation, or denial." Per Educ. § 6-704(a)(1), these regulations must be promulgated by both the State Board and the Professional Standards and Teacher Education Board (PSTEB). I have confirmed with my client that these proposed regulatory changes will appear before PSTEB in February.

The Office of the Inspector General for Education is available to answer any questions or concerns you or the membership might have regarding our budget and investigative findings.

Respectfully,



Richard P. Henry
Inspector General