

Maryland Office
of the
Inspector General
for
Education



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December 1, 2020

OFFICE OF INSPECTOR GENERAL

REPORT TO THE GOVERNOR,
GENERAL ASSEMBLY,
STATE SUPERINTENDENT OF SCHOOLS,
STATE BOARD OF EDUCATION,
AND
THE INTERAGENCY COMMISSION ON SCHOOL
CONSTRUCTION

RICHARD P. HENRY
INSPECTOR GENERAL

December 1, 2020

INSPECTOR GENERAL'S MESSAGE TO THE GOVERNOR, THE GENERAL ASSEMBLY, THE MARYLAND STATE SUPERINTENDENT OF SCHOOLS, THE MARYLAND STATE BOARD OF EDUCATION, AND THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION

It is an honor for me to make the first annual report for the newly established Office of the Inspector General for Education ("OIGE"). This report reflects the activities and accomplishments of the OIGE from March 4, 2020, through December 1, 2020. The investigations and other activities highlighted in this report illustrate our ongoing commitment to promoting accountability, efficiency, and effectiveness in state education programs and operations.

We also report that many veteran state and county agency investigators and auditors have expressed their support. Before the OIGE, many had nowhere to turn when their findings were rejected; worse, when their agency managers impeded their investigations. The OIGE now fills this gap.

Over the last nine months, OIGE received 40 educational complaints and issued 32 referrals, and opened eight investigations. We closed three investigations, with \$23,342.55 identified for recovery. As you will read in the pages of this report, our work identified a need for Local School Systems (LSS) to improve monitoring and oversight in the programs and operations we reviewed.

While we have produced a substantial amount of work in recent months, please know that we face significant resource challenges in meeting the increased demand for our services. At our present funding level, combined with the State's limited administrative budget (which impacts its ability to provide adequate monitoring and oversight of its programs and operations) we cannot assure the Governor or General Assembly that these programs and operations are functioning as effectively and efficiently as they should.

Increases in our budget, while appreciated, have failed to keep up with increases in the cost of doing business. Our current resources are spread so thin that we continue to put on hold a number of other assignments, as staff has been reassigned to assess a growing number of statutory requirements.

As you will read in the pages of this report, OIGE is committed to helping the Maryland State Department of Education (the Department) and LSS address identified weaknesses and methods to improve accountability and transparency by continuing to reduce turn time without compromising quality, and improve posted results and recommendations.

From the infancy of this office, I have stressed that our response is not just to address the weaknesses and problems we identify, but to recommend steps to address and improve them. If the Department and LSS timely and effectively implement these recommendations, we believe they will see great improvement in the efficiency of

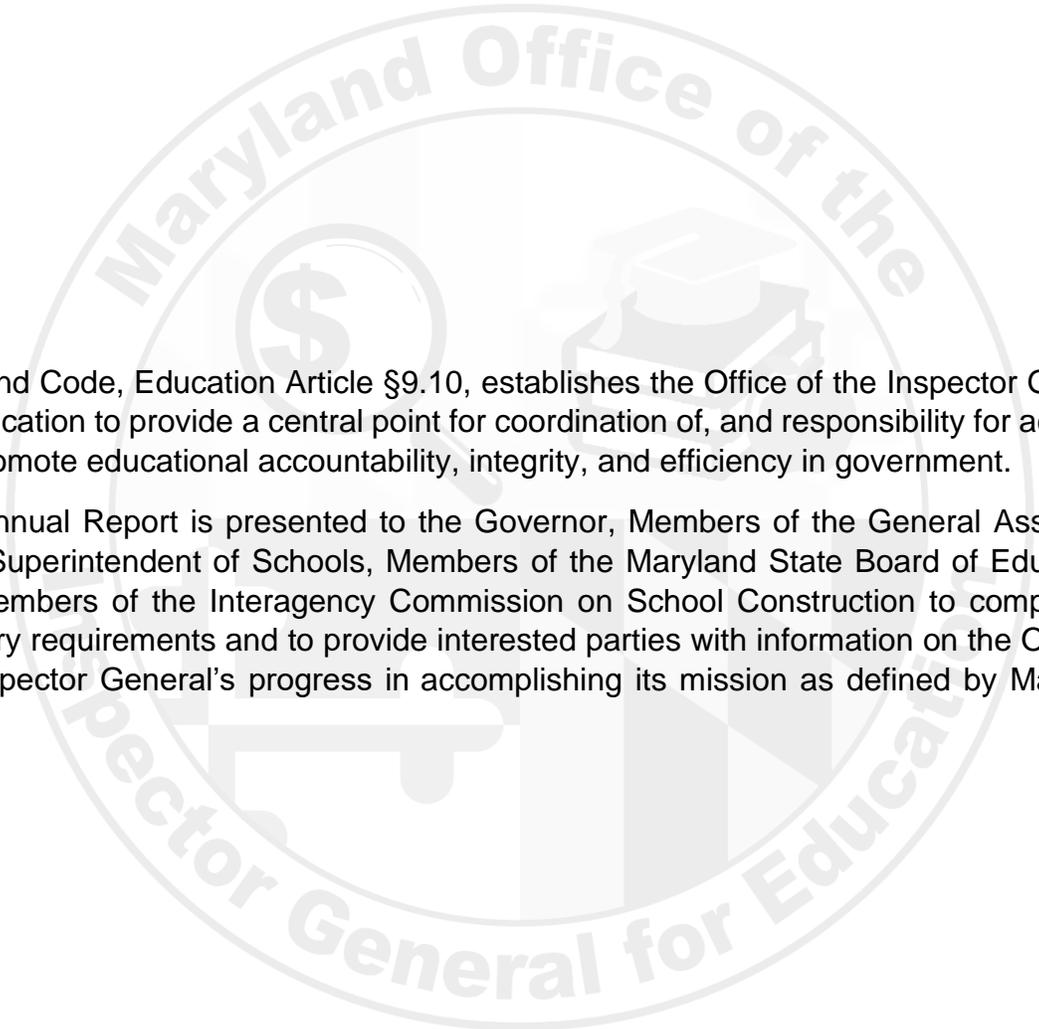
programs and operations, and real reductions in its vulnerabilities to fraud, waste and abuse. This adds to real value.

Having experienced only nine months in office, we are proud of the results we are able to report at the end of 2020. I have every intention of maintaining the high level of integrity and service that was envisioned in its creation, and that Maryland's taxpayers and students deserve. There is no doubt that we are just getting started. On behalf of the entire OIGE staff, thank you for supporting this exciting endeavor. We hope this annual report meets your expectations, and until we meet again, we remain,

Cordially yours,

A handwritten signature in black ink, appearing to read "R. P. Henry", is centered on the page. The signature is written in a cursive style with a large, stylized initial "R".

Richard P. Henry
Inspector General



Maryland Code, Education Article §9.10, establishes the Office of the Inspector General for Education to provide a central point for coordination of, and responsibility for activities that promote educational accountability, integrity, and efficiency in government.

This Annual Report is presented to the Governor, Members of the General Assembly, State Superintendent of Schools, Members of the Maryland State Board of Education, and Members of the Interagency Commission on School Construction to comply with statutory requirements and to provide interested parties with information on the Office of the Inspector General's progress in accomplishing its mission as defined by Maryland law.

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Section 1 – Office Overview

A. Mission

The mission of the OIGE is to ensure integrity in the operations of Maryland Public Schools, the Department, Boards of Education, and the Interagency Commission on School Construction by conducting meaningful, accurate and thorough investigations into allegations of fraud, waste, abuse, and financial mismanagement. The OIGE also reviews practices and procedures to determine their effectiveness in preventing waste, fraud and financial mismanagement.

B. Overview

In 2018, the State established the Office of Education Accountability (OEA). The OEA would serve as an outreach to parents, students, and teachers and served as a clearinghouse for concerns regarding allegations of educational wrongdoing and mismanagement. The OEA would work with and refer educational concerns to either a public school official, agency, department, or the State Prosecutor or State’s Attorney’s Office.

On May 25, 2019, Senate Bill 1030 established principles of The Blueprint for Maryland’s Future that are intended to transform Maryland’s early childhood, primary, and secondary education system to the levels of the highest-performing systems. As a result of its passage, Article II, Section 17(c) of the Maryland Constitution, Chapter 771 established the Office of the Inspector General for Education.

The bill created an independent, investigative agency to provide accountability in the expenditure of public funds for education. The position of Inspector General (IG) is appointed unanimously by the Governor, the Attorney General and the State Treasurer, subject to the advice and consent of the Maryland Senate.

On March 4, 2020, the Governor, Attorney General, and State Treasurer approved the appointment of the IG. The IG was approved by the Maryland Senate on March 16, 2020. The OEA closed effective June 30, 2020.

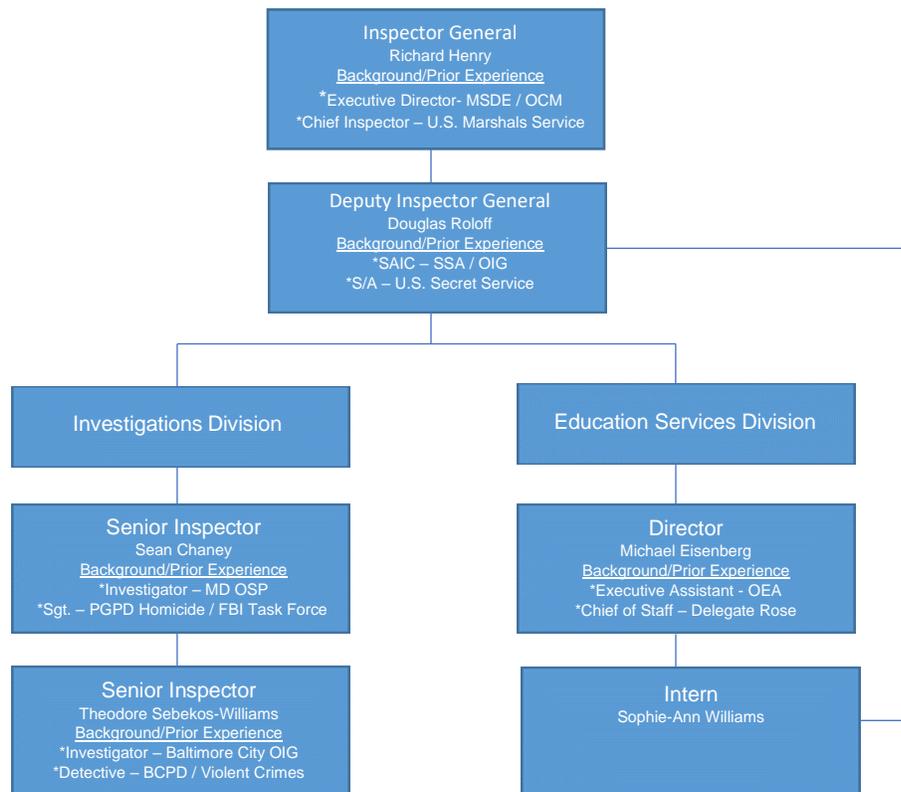
The OIGE’s responsibilities include:

- Examining and investigating county school boards, local school systems, public schools, nonpublic schools that receive state funds, the Department, and the Interagency Commission on School Construction,
- Conducting management reviews and investigations concerning instances of educational fraud, waste and abuse,

- Recommending corrective action concerning fraud, waste, abuse, compliance, and internal control deficiencies,
- Reviewing allegations associated with the violation of civil rights, as defined in federal or State laws, of students or employees,
- Ensuring policies and procedures governing the prevention and reporting of child abuse and neglect comply with applicable federal and State laws,
- The IG shall report on or before December 1 of each year, a report to the Governor, the General Assembly, the State Superintendent of Schools, the State Board of Education, and the Interagency Commission on School Construction.

C. Staffing

To carry out our duties and responsibilities, the OIGE staff of 6 professional and administrative/intern positions is organized into two sections – Investigations and Education Services, as shown below.



Technical qualifications of the OIGE staff include a variety of disciplines, including auditing, accounting, investigations, and information systems. Our staff members are currently seeking to augment their professional credentials, further enhancing their abilities and the contributions they can make. Currently, OIGE staff hold professional certifications as certified Inspectors General Investigator (1) and certified Fraud Examiners (2).

D. Budget

According to the Maryland Department of Legislative Services' 2019 report regarding the overview of Maryland Local Governments, "Public schools are funded from federal, State, and local sources. Local sources account for 47.9% of public school funding in Maryland, and 47.6% comes from the State. The federal government provides only 4.5% of the public funding."¹

During fiscal year 2019, State education aid increased from \$4.5 billion in fiscal 2007 to \$6.5 billion in fiscal 2019, a \$2.1 billion or 46.7% increase in State support for public education."²

In Fiscal Year 2020, the OIGE's budget was approximately \$447,327 which included 5 full-time positions. A budget amendment of \$229,555 is expected in fiscal year 2021 which would increase the OIGE appropriation to \$676,882 or 0.010% of the overall education appropriation.

Section 2 – Education Services Division

A. Case Management

The OIGE has established a tip line, email and telephone number to allow individuals an opportunity to report educational concerns and complaints. Once information is received, either anonymously or by provided contact information, we will record the allegation into our case management tracking system (CMTS). The individual(s) who have reported the concern are not identified unless he/she has given OIGE permission to share their name and contact information.

Following an initial assessment, a determination is made concerning our approach to resolve the issue. The Education Services (ES) team will also conduct a review of applicable policies and procedures to determine if the concern will be referred to a LSS or elevated to the Deputy Inspector General (DIG) for an investigation.

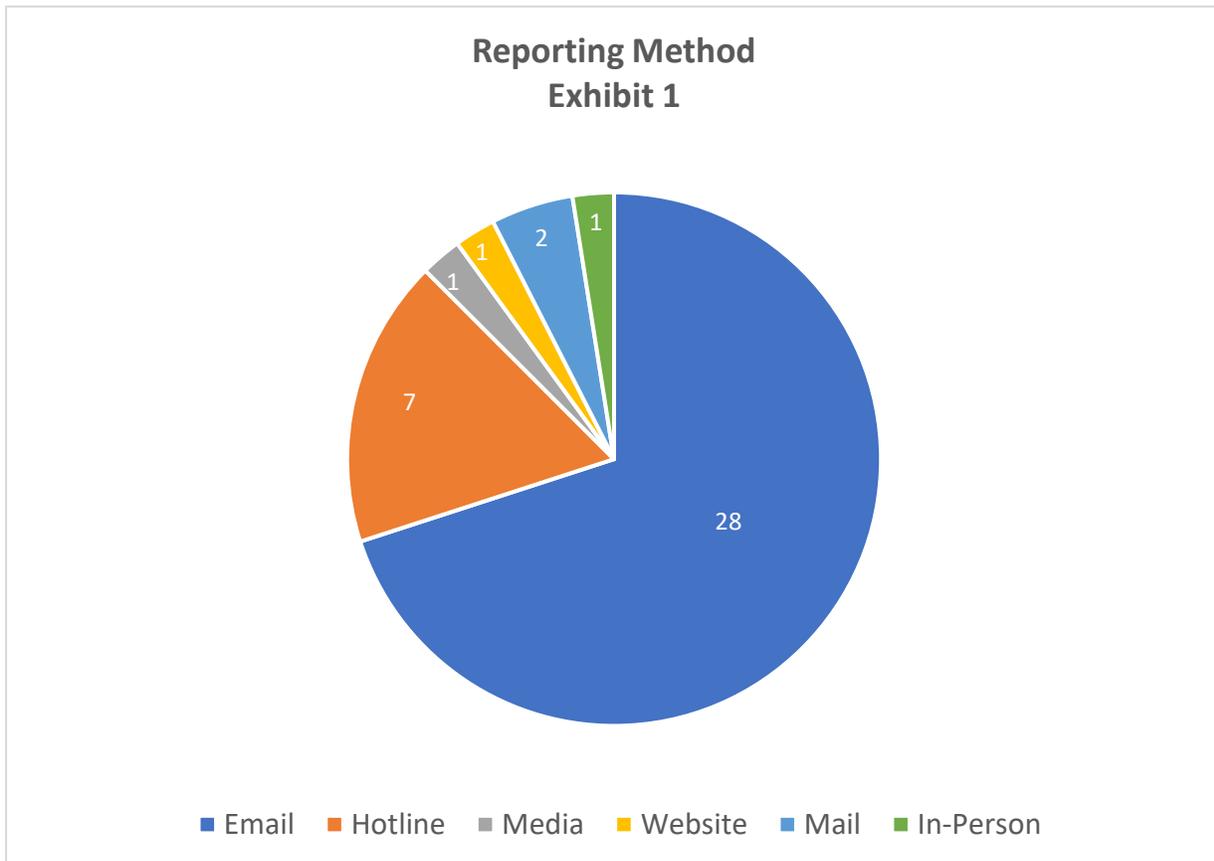
¹ Maryland Department of Legislative Services, Office of Policy Analysis, Overview of Maryland Local Governments, Finances and Demographic Information, 2019 Report, pg., 87

² Ibid, pg.87

If the ES team determines the reported concern is of an administrative nature, the ES Director will work directly with the respective LSS Accountability or Compliance Officer to resolve the issue. The OIGE requires all LSS who receive a referral to provide a resolution memorandum detailing how the concern was resolved.

Issues related to a sexual allegation or emergent threat to the safety of students and education professional are immediately shared with local law enforcement, LSS, and the Maryland Center for School Safety (MCSS).

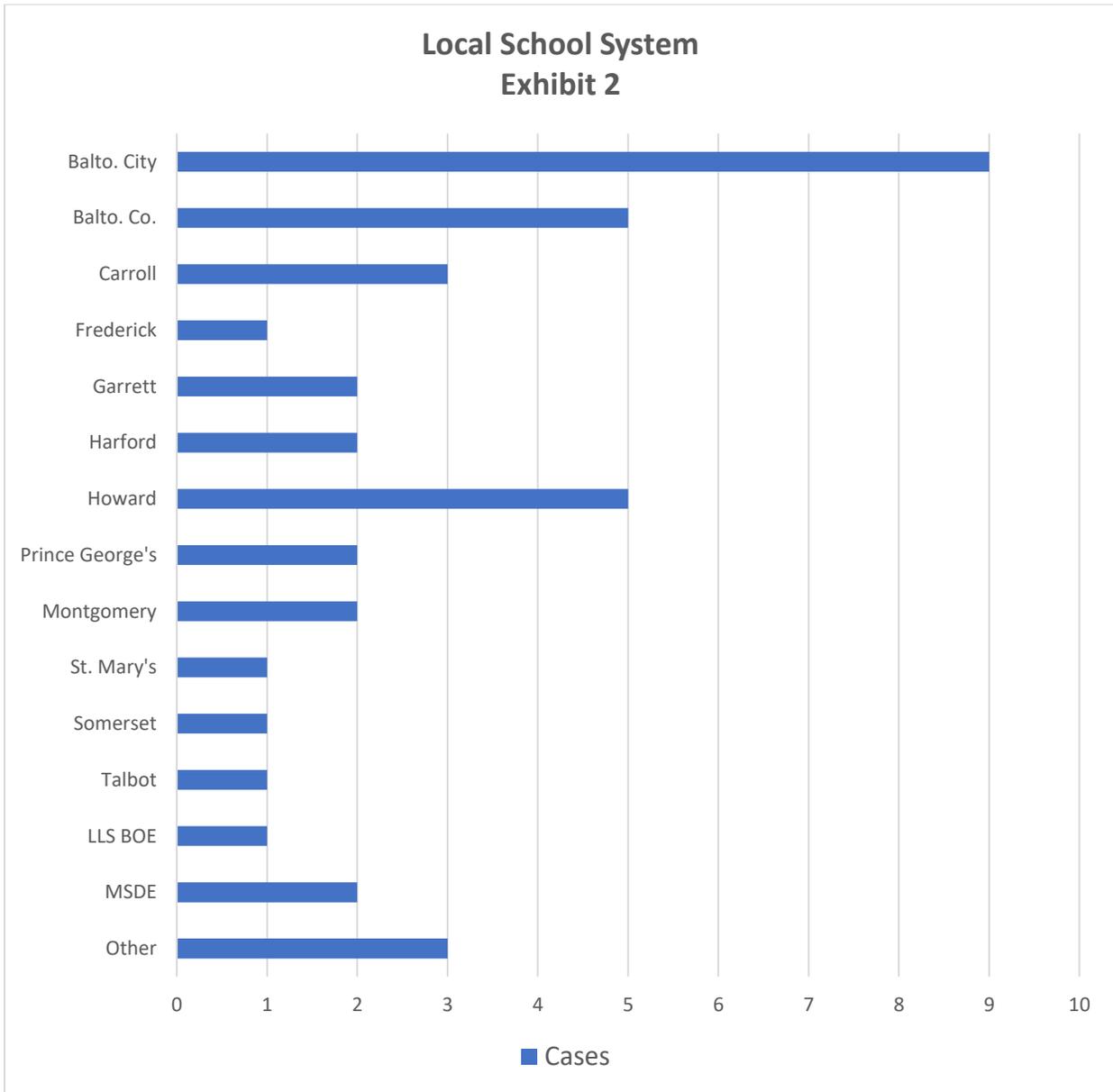
B. Allegation Reporting



As of December 1, 2020, the OIGE – ES has received 40 complaints. Exhibit 1 shows the different methods by which complaints were received.

oige.tips@maryland.gov / 1-866-OIGETIP (644-3847)

C. Reporting by LSS or Department



As of December 1, 2020, OIGE has received, reviewed, referred, closed, or initiated an investigation into the above local school systems, board of education, or state agency.

Although OIGE receives complaints, not all complaints result in a referral or investigation. Exhibit 2 shows the number of cases received by local school system.

Many complaints do raise concerns that imply systemic problems. Therefore, the OIGE – ES looks closely at LSS policies and procedures to ensure that the best interest of the student and educational professional are served.

Section 3 – Investigations Division

A. Case Management

Information gathered during an investigation and the results thereof are confidential and are not disclosed to the public -- including the complaint. While conducting investigations, care is taken to conceal the identity of the complainant. Any request for disclosure of information, reports or results outside the OIGE, in connection with a referral or otherwise, are documented and must be reviewed and approved by the DIG. The OIGE's reports are not distributed outside of the agency without the consent of the IG.

B. Investigations

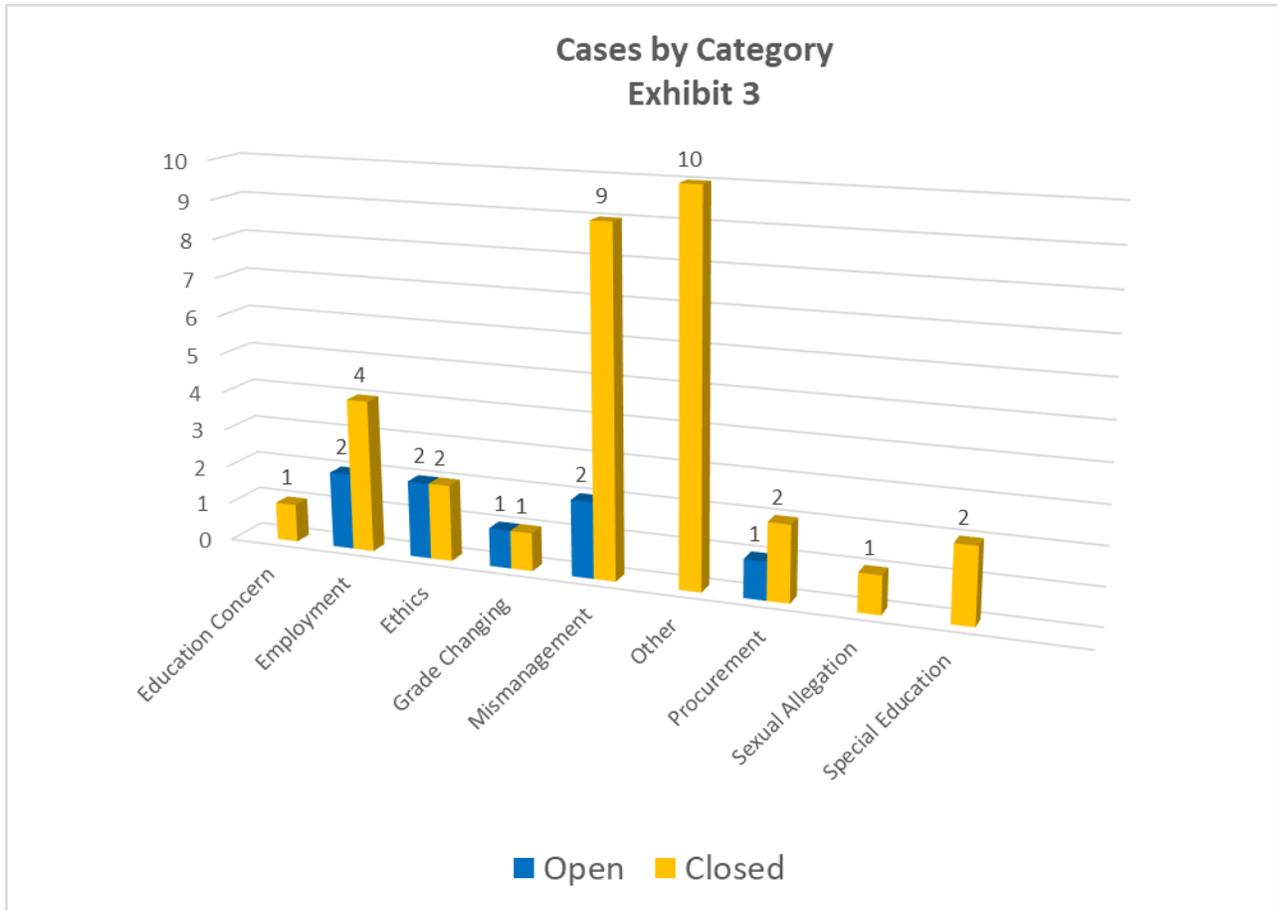
The OIGE is charged not only with investigating education financial mismanagement and misconduct but also with the responsibility of conducting investigations in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution. In addition, in the course of an investigation if evidence indicates that a criminal act may have been committed, the OIGE will notify the Maryland State Police, Attorney General, State Prosecutor, respective county State's Attorney or other appropriate law enforcement. The OIGE assists enforcement agencies with gathering necessary documents. If a law enforcement agency elects to investigate, the OIGE will put on hold that portion of the OIGE investigation and retain the case on "monitor" status. If a law enforcement agency declines to investigate, the OIGE will determine if administrative action is appropriate.

C. Investigative Process

The OIGE investigative process begins with a Request for Investigation. Request for Investigations are screened to determine whether the facts suggest possible misconduct by a LSS educational professional, BOE member, or private vendor. If an allegation is accepted for investigation, the OIGE will review records and interview relevant witnesses. The investigator reports to the DIG with recommendations for discipline, systemic change, or sanctions against a vendor. The OIGE monitors the implementations of accepted corrective action plan (CAP).

The OIGE is mandated by statute to be separate from the Department. OIGE files are not accessible to the Department. The investigations and the Investigate Reports and CAPs are prepared without editorial input from the Department. Once a report is completed, the IG will consider comments received, and the Report may be revised accordingly.

If a complaint is not appropriate for full investigation by the OIGE, the OIGE may refer the complaint to law enforcement (if criminal acts appear to have been committed), or to other LSS personnel such as the Chief of Accountability or Compliance Officer.



As shown in Exhibit 3, of the 40 complaints received by the OIGE, 32 complaints have been closed and 8 matters have been elevated to an investigation.

D. Confidentiality

A complainant to the OIGE, or anyone providing information, may request that their identity be kept confidential until the investigation is concluded. If possible, the OIGE will attempt to procure information from another source. The OIGE is mandated to ensure that no one will face retaliation for making a good faith complaint or providing information in good faith to the OIGE. At the same time, an accused employee is required to have sufficient information to enable them to present a reasonable defense. Recommendations are subject to due process requirements.

OIGE reports contain various types of information that are confidential pursuant to both state and federal law. As such, OIGE reports are not subject to the Maryland Public Information Act.

E. Recommendations

In its reports, the OIGE makes recommendations for systemic reform and case-specific involvement. Systemic recommendations, or CAPs are designed to strengthen the educational system to better serve students and educational professionals.

Corrective action plans should have an accountability component as well as a constructive or informative one. Without the accountability component, there is little to deter misconduct. Without the informative component, an educational professional or vendor may conclude they have simply violated an arbitrary rule with no rationale behind it.

Once a recommendation regarding a systemic change has been made, the OIGE will present it to the respective BOE, LSS Superintendent, or other agency head. The OIGE monitors implementation of recommendations for action. In addition, the OIGE will determine whether the facts suggest a systemic problem or an isolated instance of misconduct, fraud or bad practice. If the facts suggest a systemic problem, the OIGE may investigate further to determine appropriate recommendations for systemic reform.

The OIGE is a small office in relation to the overall Maryland educational system. Rather than address problems in isolation, the OIGE views its mandate as an aid to strengthen the ability of Department, BOEs and LSS to perform their duties.

F. Cooperative Partnership

In an effort to ensure local counties and city government have the ability to investigate matters involving educational fraud, waste and abuse, the OIGE formed an Investigative Educational Task Force with the Baltimore City³ and Baltimore County⁴ Inspector Generals. The task force's primary mission is to cooperatively investigate and report person(s) who are engaged in educational financial fraud.

The intent of the joint effort is to investigate and report LLS fraud, thereby improving educational financial oversight and reducing administrative and criminal fraud. Cases will be adopted by the Task Force at the discretion of the OIGE and the respective county IG.

³ Memorandum of Understanding between OIGE and Baltimore City OIG signed 09/10/2020

⁴ Memorandum of Understanding between OIGE and Baltimore County OIG signed 09/14/2020

Section 4 – Investigative Examples

Case 20 - 0001- I

Findings Regarding the Alleged Retaliation or Termination of a Baltimore County Public School Employee for Failure to Shred Financial Disclosure Documents

The Maryland Office of the Inspector General for Education (OIGE) initiated this investigation upon the receipt of information from the Office of Education Accountability (OEA). The complaint alleged that a former Baltimore County Public Schools (BCPS) Law Office employee was terminated due to their failure to shred financial disclosure statements and failure to create a fictitious timeline associated with the shredding of documents.

A preliminary review of this complaint and statements made as a result of an investigation indicated that on February 7, 2018 the BCPS Law Office contacted a contract employee to assist in the review of financial disclosure statements (FDS) which had been stored in the Ethics Office. The contract employee reported to the law office on February 14, 2018 and was instructed to review all of the stored FDS and identify those that were four years or older. The contract employee identified, logged, and prepared those documents identified for purging. (For the purpose of this summary, “purging” is a term used by BCPS interchangeably as shredding.) On March 1, 2018, the contract employee completed the review and stored approximately 2,400 identified documents for purging, stored in four boxes. (Boxes were identified as standard copy paper boxes used for storage.) Upon completion of that assignment, the contract employee received a second unrelated assignment on March 5, 2018 and completed same on April 25, 2018.

At the time the contract employee was assigned to the BCPS Law Office, the BCPS Board of Education (BOE) had approved the issuance of an Audit Review. On March 15, 2018, the BCPS issued a Request for Proposal (RFP) for audit services. On March 28, 2018 and April 4, 2018, addendums were made to the scope of work related to the initial RFP.

On April 27, 2018, an identified employee from the BCPS Law Office was tasked with purging the FDS logged as four years or older by the contract employee. The employee stated the documents were shredded in the Law Office due to, 1) a lack of storage space, 2) the pending arrival of new FDS from approximately 300 BCPS employees, and 3) concerns regarding the Personal Identifiable Information (PII) contained within the documents.

On May 28, 2018, the BCPS audit contract was awarded to UHY LLP, Certified Public Accountants. An audit kickoff meeting was held on June 22, 2018. The kickoff meeting identified the audit team members, BCPS employees assigned to the audit team, and an initial timetable for the audit review. On June 27, 2018, members of UHY audit team reported to BCPS to begin their fieldwork.

During the month of July 2018, a BCPS employee conducted a second review of documents stored in the Ethic Office to identify FDS four years and older. At the conclusion of the review, 213 FDS were identified, logged for purging, and placed in two boxes. On August 1, 2018, an identified BCPS Law Office employee was tasked with shredding the FDS identified for purging.

The BCPS BOE became aware that documents continued to be shredded during the UHY audit and directed the BCPS Intern Superintendent to issue a directive instructing BCPS personnel to immediately cease all shredding. The directive was issued on August 25, 2018.

Our investigation further revealed that the UHY audit team did not inform BCPS personnel of their request to review FDS of selected employees until January 2019. At the time of their request, BCPS was unable to provide one requested FDS. This document was later provided due to the efforts of the BCPS audit staff and the selected employee.

Furthermore, it is alleged that on March 20, 2019, employees of the Law Office met to review a draft document to the BOE clarifying the shredding of FDS. At the meeting, it is alleged an employee was instructed to fabricate a timeline detailing the shredding of documents.

On March 29, 2019, UHY LLP, concluded their fieldwork at BCPS.

Our investigation found that two employees were assigned to produce a timeline and develop procedures regarding the review and purging of FDS-related documents. Our investigation revealed that a timeline document was never drafted; rather, a document was produced which outlined procedures governing the review, storage, and purging of FDS instead.

After a review of all statements, the OIGE did not find convincing evidence that BCPS attempted to cover up the shredding of FDS. Additionally, the OIGE did not substantiate the complaint received by the office of Education Accountability regarding the termination of a BCPS employee for their refusal to shred documents. The identified employee in this matter stated to OIGE investigators they were not fired due to their failure to shred FDS documents.

Case 20 - 0005 - I

Findings of Inappropriate Background Sound During a Baltimore County Public School System, Board of Education Meeting

The Maryland Office of the Inspector General for Education (OIGE) received a complaint regarding the disruption of a virtual Baltimore County Public School (BCPS), Board of Education (BOE) meeting by an inappropriate background sound.

A preliminary review of this complaint and statements made as a result of an investigation indicated that the inappropriate sound which occurred at approximately 01:17 hours on the morning of October 14, 2020 was not the result of a network system breach or commonly referred to as "zoom bombing." At the time of the detected sound, there were approximately 33 active participants using several different devices to attend or access the virtual meeting.

Our investigation found that BCPS was operating their virtual meeting through Microsoft. The virtual invitations for all attendees were sent using a single authority account. The virtual meeting was in a controlled virtual environment, invitation-only, and hosted using Microsoft Teams Meeting software. Our investigation also determined that BCPS operates each BOE virtual meeting using Microsoft 365 Premium Suite, which provides 24/7 support and immediate problem escalation. Our investigation further indicated that BCPS did not request the service provider to record the BCPS Teams Meeting. The virtual platform does not track when an attendee has their device in the "muted" or "unmuted" option.

Our investigation revealed that there is no original recording of the October 13-14, 2020 BCPS BOE meeting. If the meeting had been recorded using the service provider feature, an indication on the attendees' screen would have notified all participants they were being recorded. In this case, the live meeting feed was not being recorded using the Team Meetings recording feature, but recorded using a secondary, BCPS in-house device.

Furthermore, although each attendee can view an "all attendees" version of the meeting, (what is commonly referred to as a "Brady Bunch view"), the actual view recorded was the view constructed by the Executive Director of the BCPS Information Technology Division. The Executive Director constructed this view to ensure attendees' information is masked and not displayed on the forward-facing or public display. In addition, the Executive Director's constructed view was fed to a secondary recording device which is later reviewed, edited, and published for historical reference. At the time of this incident, the view that was publicly displayed was that of the constructed tile view and based on the individuals listed as part of the agenda item.

After a review of all statements, and in consultation with local and federal law enforcement, the OIGE investigation substantiated the complaint and found that there was not clear and convincing evidence that the source of the background sound was intentional. The background sound was generated from within the controlled environment, each active attendee had been invited, and the intention of the intrusive sound does not seem to be that of a deliberate action. OIGE has determined this to be a BCPS internal matter.

Case 20 - 0008 – I

Findings of Reasonable Grounds to Believe that a Somerset County Public School System, Speech – Language Pathologist Assistant Practiced Without a Valid State of Maryland License

The Maryland Office of the Inspector General for Education (OIGE) received a complaint regarding the employment of an unlicensed Speech–Language Pathology Assistant (SLP-A) at the Somerset County Public School (SCPS) system.

A preliminary review of this complaint and statements made as a result of an investigation indicated that at the time of the employment interview, the identified individual provided only a copy of their limited licensure application to the Maryland Board of Examiners for Audiologists, Hearing and Dispensers and Speech-Language Pathologists (MDBOE). The individual did not have a license issued by the State of Maryland.

We found that the SCPS system, Office of Human Resources and the Office of Special Education did not, prior to offering employment with SCPS, receive a copy of the required license, nor maintained a copy as part of their personnel records. Throughout school years 2018-2019 and 2019-2020, the SLP-A did work, under the supervision of a licensed SLP, directly with students in the area of speech and language therapy.

In addition to interviews with the SLP and unlicensed SLP-A, representatives of the Office of Human Resources and the Office of Special Education were interviewed regarding required on-site State certifications for employees hired as SLP's and SLP-A's.

The SLP supervisor and SLP-A have separated from employment with the SCPS system prior to this investigation.

After a review of all statements, the OIGE investigation substantiated the complaint and found that the SLP-A did not provide a copy of the required license. The OIGE also found a systemic breakdown in designated responsibilities between the Office of Human Resources and the Office of Special Education. This breakdown afforded the SLP-A to be hired and employed with the SCPS for a period of two (2) years.

The OIGE did not find clear and convincing evidence that the SCPS intentionally omitted the certification of the limited licensure. Accordingly, we found reasonable grounds to believe that the SCPS system lacked a policy or procedure delegating a respective division or divisional supervisor with direct or final review responsibility related to employment required final documents and licenses.

Section 5 – Civil Rights Violations

During 2020, the OIGE did not receive any allegations related to or associated with the violation of a student’s or employee’s civil rights.

Section 6 – Child Abuse and Neglect Compliance

The OIGE has conducted a review of all LSS policies and procedures regarding the handling, notification, reporting and privacy protections governing students that may be subject to child abuse and neglect. OIGE has found all LSS to be in compliance with State and Federal law.

Section 7 – Goals and Priorities for 2021

Recognizing the educational challenges facing our local school systems and coupling this with the operational restrictions experienced due to the current unprecedented pandemic has been undoubtedly an exciting but incredibly challenging time.

I will continue to work hard regarding the development of a DoIT-supported website, acquiring training through the National Association of Inspectors General, and the hiring of additional staff to complement a regional investigation model. These identified challenge areas reflect continuing vulnerabilities and emerging issues the OIGE faces. Each area connects to the OIGE’s mission, includes large expenditures, requires continuous management improvements, or involves fiduciary relationships.

I look forward to the continued challenges ahead and forging additional relationships at both the local and national levels. Although my office is new and still emerging, my goal is to demonstrate that the Maryland Office of the Inspector General for Education can serve as an example of an idea that became a reality, and can become a model for those educational agencies to come.

