

Office of Integrity and Compliance

Frank Turner II, Integrity & Compliance Officer

PGCPS Sasser Administration Building, Trailer #450

14201 School Ln., Upper Marlboro, MD 20772

TO: Prince George's County Public Schools (PGCPS) Board of Education

FROM: Frank Turner II *Frank Turner II*
Integrity & Compliance Officer

DATE: Monday, July 29, 2024

RE: **URGENT REVISION OF ADMINISTRATIVE PROCEDURE 2200**

Executive Summary

The Office of Integrity and Compliance (OIC) was informed that a revised version of Administrative Procedure (AP) 2200 - Financial Impropriety, Improper Conduct, and Whistleblower Protections - was issued on July 1, 2024. This version cancels and supersedes AP 2200 - Fraud, Waste and Abuse and Whistleblower Protection, dated March 18, 2019. The revised AP 2200 continues to grant primary responsibility for the investigation of reported acts of financial impropriety and improper conduct to Internal Audit.¹ The revised version of AP 2200 is in substantial conflict with section 4-404 of the Maryland Code of Education, as amended.² As such, the OIC advises the PGCPS Superintendent to cancel this AP and issue a newly revised AP 2200 to acknowledge OIC's primary responsibility on investigating fraud, waste, and abuse and include OIC's responsibilities with regard to the detection and reporting of financial impropriety. Incorporating OIC's existence into AP 2200 will result in the most accurate guidance to the PGCPS and the public, regarding matters of financial impropriety.

I. AP 2200 Issues:

A. *Grants Primary Responsibility of Investigations to Internal Audit*

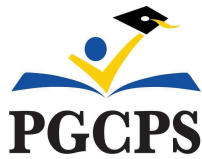
Effective July 1st, 2023, the Office of Integrity and Compliance (OIC) was established by law with the mission to preserve the local school system's reputation.³ Furthermore, it is provided that the OIC shall prevent, investigate and report instances of fraud, waste, and abuse of property or funds of the local school system. On the contrary, AP 2200 - which implements procedures and responsibilities in support of Board Policy (BP) 0109 - grants Internal Audit the primary responsibility to investigate financial impropriety and improper conduct.⁴ Consequently, both the OIC and Internal Audit have been granted

¹ AP 2200, Sec. V.E.1.

² Md. Code, Educ. § 4-404, as amended.

³ *Ibid.*

⁴ BP 0109 AP 2200, Sec. V.E.1.



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authority to investigate fraud, waste, and abuse. The former has statutory authority, whereas the latter has authority granted by AP 2200. Pursuant to Board Bylaw (BB) 9340 (Policy Development), board policies should align with applicable federal, state, and local laws.⁵ AP 2200, which supports BP 0109, does not align with section 4-404 of the Maryland Code of Education. On the contrary, it goes against the law, creating confusion to the PGCPS and the public.

B. Ignores the Existence of the OIC

AP 2200 does not include any language, referencing or addressing the existence and responsibilities of the OIC regarding investigations of waste, fraud, and abuse, which are activities considered as Financial Impropriety per the AP. The revision of AP 2200 shows a manifest disregard and/or ignorance of section 4-404 of Maryland Code of Education, which was already in effect by 07/01/2023, a year before the revised AP 2200 entered into effect.

C. Issuance of AP was done in a timeliness manner

BB 9340 states that “Administrative procedures will be submitted to the Board concurrent with the corresponding draft policy presented to the Policy and Governance Committee, after community input.”⁶ BP 0109 was amended on November 10, 2022. Based on conversations the OIC had with the Office of Government Relations, Compliance and Procedures (OGRCP), the efforts by the Employee and Labor Relations Office (ELRO) to start revising AP 2200 started in late 2023 and went through an almost 6 month review and approval process until it was signed for approval by the Superintendent in June 2024. Clearly, the AP 2200 was approved more than a year and a half after BP 0109 was amended. Therefore, AP 2200 was not submitted concurrently with the draft policy of BP 0109, pursuant to BB 9340. This caused the revised AP 2200 to become outdated, as during this time the OIC was established by law and its investigative authority regarding fraud, waste and abuse was ignored by AP 2200.

D. Lack of communication and no opportunity for comments:

Pursuant to BB 9340, board policies should be aligned with applicable federal, state, and local laws and states the “Board believes that sound policy decisions require the consideration of staff recommendations and community input.”⁷ AP 2200 was issued in support of BP 0109 to implement procedures and responsibilities regarding the detection and reporting of financial impropriety, improper conduct and whistleblower protection. Internal Audit and OIC were not aware or informed AP 2200 was being revised; thus, not giving the consideration and opportunity for each of the offices to provide any comments or input to ensure alignment with PGCPS’ mission and the law.

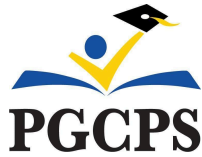
E. Language inconsistency with Board Policy 0109 (amended as of 11/10/2022):

H.B. 437 (2023) changed the name of the position of the CEO of PGCPS to the county Superintendent, effective July 1, 2023. Currently, BP 0109 refers to the CEO and AP 2200 refers to the Superintendent,

⁵ BB 9340, Sec. I.

⁶ BB 9340, Sec. IV, 9.a.

⁷ BB 9340, Sec. I.



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clearly showing inconsistency with the terminology and therefore creating confusion to the PGCPS and the public.

II. Recommendations to Revise AP 2200:

- A. Clarify language that OIC has the primary responsibility for the investigation of financial impropriety and Internal Audit has the primary responsibility to investigate improper conduct without bias (see AP 2200, Sec. V.E.1).
- B. Add the “Office of Integrity and Compliance” as a reporting channel for individuals to report financial impropriety, specifically waste, fraud and abuse of funds and property (see AP 2200, Sec. V.B.2).
- C. Add the ‘Office of Integrity and Compliance’: “The complaint shall be made in writing to the Superintendent who will in turn refer the matter to Internal Audit or the *Office of Integrity and Compliance* for appropriate handling (see AP 2200, Sec. V.D.1).
- D. Request for the PGCPS’ General Counsel to review the legality of the third condition to grant Whistleblower Protection (see AP 2200, Sec. V.C.3.c.)
- E. Clarify language to provide the Office of Integrity and Compliance (instead of Internal Audit) will investigate and objectively evaluate information obtained relative to allegations of financial impropriety. Internal Audit will continue to investigate and objectively evaluate information relative to allegations of improper conduct (see AP 2200, Sec. V.E.3).
- F. ELRO in coordination with OGRCP must provide a newly revised version of AP 2200 by August 15, 2024, after meeting with Internal Audit and the OIC for inputs and comments, in addition to the proposed recommendations included in this memo. It is crucial that the revised AP 2200 be corrected and published before employees report back to the schools.

As stated above, the OIC expects for ELRO and ORGCP to **take immediate action to revise AP 2200 by August 15, 2024**, to include the existence of the OIC. Revising this AP will avoid any further confusion to PGCPS and the public on the implementation and responsibilities to detect and report financial impropriety and improper conduct.