



MARYLAND OFFICE OF THE  
INSPECTOR GENERAL FOR EDUCATION

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September 20, 2023

**DELIVERED VIA EMAIL: Karla\_Silvestre@mcpsmd.org**

The Honorable Karla I. Silvestre  
President  
Montgomery County Public Schools  
Board of Education, Room 123  
850 Hungerford Drive  
Rockville, Maryland 20850

Madame President,

The Maryland Office of the Inspector General for Education (OIGE) received a copy of the Jackson Lewis authored Independent Investigation Report (IIR) - regarding events related to a Montgomery County Public Schools (MCPS) employee, an ongoing investigation into matters surrounding said employee, the Montgomery County Office of Human Resource and Development (OHRD) handling of complaints regarding said employee, and the complaints themselves. The OIGE will defer this matter to the MCOIG for further review for the following reasons.

The Maryland Legislature established the OIGE for the following purpose, “(c) The purpose of the Office is to provide accountability and transparency in the expenditure of public funds for education in the State.<sup>1</sup>” Additionally, the agency is charged with the articulated duties<sup>2</sup>,

b) The Inspector General may receive and investigate complaints or information concerning:

(1) Instances of fraud, waste, or abuse involving the use of public funds and property;

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<sup>1</sup> MD Code, Education, § 9.10-102

<sup>2</sup> MD Code, Education, § 9.10-104

**Maryland Office of the Inspector General for Education**  
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- (2) Violations of civil rights, as defined in federal or State laws, of students or employees of the entities listed in subsection (a) of this section;
- (3) Whether policies and procedures governing the prevention and reporting of child abuse and neglect comply with applicable federal and State laws on child abuse and neglect; and
- (4) Compliance with other applicable federal and State laws.

Having reviewed the report, the OIGE believes that there would be two arguable investigations that would fall within its mandate. One, the Title IX allegation under subsections (b)(2) and (b)(4), and two, the process(es) undertaken by MCPS from the receipt of any complaints through the present under subsection (b)(1).

### 1. Title IX

The OIGE met with Maryland State and Federal agencies regarding its role or place in Title IX matters. The U.S. Department of Education's Office of Civil Rights advised that the OIGE would not be the proper authority to investigate matters under the civil rights definitions outlined in Title IX. As a result of these meetings, the OIGE has determined that the appropriate process for potential Title IX investigations is a referral to the Title IX Coordinator at MCPS for review and next steps. As such, the OIGE's legislatively mandated role in a Title IX investigation would be to review the process by which the Title IX investigation occurred and, therefore, would be under section two of this analysis.

### 2. Process

Process(es) of a Local Education Agency falls under the OIGE legislatively mandated subject matter authority. In 2020, the Maryland General Assembly expanded the duties of the Montgomery County Office of the Inspector General (MCOIG), giving it authority over MCPS<sup>3</sup>. As such, the OIGE has historically deferred to or partnered with the MCOIG regarding MCPS. Given this historic relationship, discussions with the MCOIG, and the agreed-upon next steps, the OIGE believes that MCOIG is the appropriate agency to investigate all of MCPS's processes in this matter.

### 3. Perceived Bias and Public Trust

As outlined in the IIR, OIGE previously engaged MCPS regarding these matters. As such, certain members of the OIGE investigative team would be barred from handling these matters going forward to ensure that no potential bias would exist. Given the public nature

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<sup>3</sup> Similarly, Montgomery County expanded the MCOIG duties in 2019 with Montgomery County Code, §2-151A.

and history of these allegations, OIGE's safeguards would not assuage the citizenry's presumption that the OIGE findings could be affected by bias. MCOIG handling these matters would ensure public trust in the findings.

The OIGE understands the importance of this issue and the potential outcome it could have for the citizens of Montgomery County and throughout the State of Maryland. For the reasons stated, the OIGE would defer this matter to the MCOIG for further review.

Respectfully,



Richard P. Henry  
Inspector General for Education

Brandis Marsh  
Principal Counsel – Assistant Attorney General  
Maryland Office of the Inspector General for Education

Cc: The Honorable Evan Glass, President of the Montgomery County Council  
And Members of the Montgomery County Council  
The Honorable Megan Davey Limarzi, Inspector General for Montgomery County  
Dr. Monifa B. McKnight, Superintendent for Montgomery County Public Schools  
Members of the Montgomery County Board of Education

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