

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 13, 2008

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **PROPOSED CHANGES TO BOARD OF EDUCATION ETHICS CODE
POLICY 8362 - GIFTS TO THE BOARD OF EDUCATION, SCHOOLS,
AND OFFICES WITHIN THE SCHOOL SYSTEM**

ORIGINATOR:

RESOURCE

PERSONS: Margaret-Ann F. Howie, Esquire, General Counsel

RECOMMENDATION

That the Board of Education's Ethics Code Policies be presented to the Board for action. This is the first reading.

Attachment I – Policy Analysis

Attachment II – Policy 8362

POLICY ANALYSIS

Revisions to Board of Education Ethics Code Policies

Policy 8360: Ethics Code: Definitions * Policy 8361: Ethics Code: General
Policy 8362: Gifts * Policy 8364: Financial Disclosure
Policy 8365: Lobbying Disclosure * Policy 8366: Ethics Review Panel

Statement of issues or questions to be addressed by the proposed policy

The Board of Education's Policy Review Committee continues its process of revising the Board's Internal policies. (8000 series) During the course of its review, the Committee has had the opportunity to confer with a subcommittee of the Ethics Review Panel. The revisions to the Code reflect the joint work of the Policy Review Committee and the Ethics Code Panel. The Ethics Code Panel's recommendations also reflect the Panel's experience in applying the Code to questions posed by staff. Following initial discussion by the full Board at its November 6, 2007 meeting, the Board's Policy Committee is resubmitting these policies for Board action.

In short, the changes are as follows:

Policy 8360: Ethics Code: Definitions include: (1) number or letter all paragraphs; (2) Paragraph D – expand “doing business” to include those entities that are seeking to do business with school system; (3) Paragraph H - exclude scholarships from definition of “gift.”

Policy 8361: Ethics Code: General. Only one non-substantive change is recommended concerning policy references.

Policy 8362: Gifts. It is recommended that the policy increase gift amount to \$50; define awards and exclude such from the definition of “gift;” prohibit persons from accepting tickets to political events.

Policy 8364: Financial Disclosure. Only one change is recommended by the subcommittee; namely, to increase the gift amount to \$50 to conform with Policy 8362. A non-substantive change was also made to reference related policies.

Policy 8365: Lobbying Disclosure. Only non-substantive change made to reference related policies.

Policy 8366: Ethics Review Panel. The subcommittee recommended that language be added to include replacement of an Ethics Review Panel member as a result of absences; that persons are no longer disqualified from serving on the Panel as a result of having a spouse who is employed by the school system; that a Panel member would be disqualified from participating in or discussing matters involving his/her spouse; that the Panel has right to search employee computer files.

Note that, in addition to the above, the Policy Review Committee has recommended non-substantive changes for ease of reference.

Fiscal Impact on the school system

No fiscal impact is anticipated or contemplated by these revisions.

Relationship to other Board of Education Policies

These policies form the basis of the Board's expectations for employee behavior and conduct.

Similar Policies adopted by other local school systems

CALVERT COUNTY BOARD OF EDUCATION

Policy Number 1740. Ethics.

<http://www.calvertnet.k12.md.us/admin/policies/Web%20Policies/1740%20Policy%20on%20Ethics.pdf>

CARROLL COUNTY BOARD OF EDUCATION

Policy BC, Ethics

FREDERICK COUNTY BOARD OF EDUCATION

Policy 109, Ethics

<http://www.fcps.org/dept/legal/109.pdf>

MONTGOMERY COUNTY BOARD OF EDUCATION

Policy BBB, Ethics

<http://mcps.k12.md.us/departments/policy/pdf/bbb.pdf>

PRINCE GEORGE'S COUNTY BOARD OF EDUCATION

Board Policy 0107, Ethics

Board Policy 0107.1, Ethics - Definitions

Board Policy 0108, Ethics Panel

Board Policy 0109, Conflict of Interest

Board Policy 0111, Board Financial Disclosure

Board Policy 0112, Lobbying Disclosure

HOWARD COUNTY BOARD OF EDUCATION

Ethics Regulations

<http://www.hcpss.org/board/ethicsregs.pdf>

WASHINGTON COUNTY BOARD OF EDUCATION

Policy BBFB, Ethics

Policy BBF, Code of Ethics for School Board Members

Policy BBFA, Conflict of Interest

Legal Requirements, such as federal, state or local laws or regulations

Annotated Code of Maryland, State Government Article, Sections 15-811 to 15-815 (Local Boards of Education)

A draft of the proposed policies

See attached

Timeline

First Reader, February 13, 2008

Citizen Comment, February 26, 2008

Proposed Date of Approval and for Forwarding to the State Ethics Commission, March 11, 2008

ETHICS CODE: Gifts

I. Gifts to the Board of Education, Schools, and Offices within the School System

- A. As the Baltimore County Public Schools (BCPS) continue the practice of school-based management, it becomes increasingly important to establish firm guidelines on the acceptance of gifts by schools and offices on behalf of the Board of Education.

The Board of Education of Baltimore County (BOARD) encourages the formation of partnerships between schools and businesses and recognizes that these relationships frequently include gifts to schools and offices to enhance the educational programs of students.

The Board [of Education], schools, and offices may accept any bequest or gift of money or property for a purpose deemed suitable. All gifts shall be accepted in the name of the Board [of Education]. All gifts will become the property of the Board [of Education] and may be designated by the Board for use in a particular school or office.

Any gifts presented to the Board [of Education], schools, and offices must be accompanied by a document of intent from the donor for official action and recognition.

- B. To be acceptable, a gift must meet the following criteria:

- (i)[•] have a purpose consistent with those of the Board of Education, schools, or offices
- (ii)[•] be offered by a donor acceptable to the Board of Education, schools, or offices
- (iii)[•] be manageable by existing staff
- (iv)[•] not begin a program with the assumption that the Board of Education will take over if the funds are exhausted
- (v)[•] place no restrictions on the school program
- (vi)[•] be appropriate to the best education of students

(vii)[•] not imply endorsement of any business or product

(viii)[•] not carry an excessive cost of maintenance or installation

(ix)[•] be consistent with the provisions of the school code or public law.

C. When installation is required, the gift will be installed under the supervision of personnel of the Board [of Education]. The Board is under no obligation to replace the gift if it is destroyed or becomes worn out.

A letter of appreciation will be sent to the donor.

II. Gifts to Individuals

A. SUBJECT TO THE EXCLUSIONS ENUMERATED IN THIS SECTION, A GIFT MAY BE ACCEPTED UNLESS A GIFT WOULD TEND TO IMPAIR THE IMPARTIALITY AND INDEPENDENCE OF JUDGMENT OF THE BOARD MEMBER, EMPLOYEE OR VOLUNTEER RECEIVING IT OR, IF OF SIGNIFICANT VALUE, THE RECIPIENT KNOWS, OR HAS REASON TO KNOW, THAT IT WAS DESIGNED TO DO SO.

[(a)]B. A Board member, employee, or volunteer may not solicit gifts, gratuities, or discounts for personal use or gain.

[(b)]C. No Board member, employee, or volunteer may knowingly accept gifts, gratuities, or discounts for personal use or gain, directly or indirectly, from any person or business entity that he or she knows or has reason to know:

(i)[•] is doing business OR ATTEMPTING TO DO BUSINESS with the BCPS[Baltimore County Public Schools]

(ii)[•] is subject to the authority of the school system

(iii)[•] has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of his or her official duty

(iv)[•] is involved in lobbying.

(v) IS FROM A POLITICAL ORGANIZATION OR

CANDIDATE

[(c)]D. [Unless a gift of any of the following would tend to impair the impartiality and independence of judgment of the Board member or employee receiving it, or, if of significant value would give the appearance of doing so, or, if of significant value, the recipient has reason to believe that it is designed to do so, then the] A Board member or employee may accept the following, unless exceeding a \$[25] 50 market value:

(i)[•] meals and beverages consumed in the presence of the donor

(ii)[•] ceremonial gifts or awards

(iii)[•] unsolicited gifts of nominal value or trivial items of informational value

(iv)[•] reasonable expenses for food, travel, lodging, and scheduled entertainment of the Board member or employee for a meeting which is given in return for participating in a panel or speaking engagement at a meeting

(v)[•] tickets or free admission extended to a Board member to attend a professional or intercollegiate sporting event or charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy extended to the office

(vi)[•] a specific gift or class of gifts which the Ethics Review Panel exempts upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system and that the gift is purely personal and private in nature.

[(d)]E. It is not the intent of the Code to prohibit students and employees from participating in and accepting awards exceeding a \$[25]50 market value at events which are determined by the Ethics Review Panel to have an educational benefit. **IT IS ALSO NOT THE INTENT OF THE CODE TO PROHIBIT THE RECEIPT OF NON-CASH RECOGNITION FOR PROFESSIONAL, EDUCATIONAL, ATHLETIC OR SCHOLASTIC ACHIEVEMENTS.**

[(f)]F. It is not the intent of the Code to prohibit gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who share the Board member's, the Superintendent's or an employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control.

G. A BOARD MEMBER MAY NOT ACCEPT COMPLIMENTARY TICKETS TO ATTEND EVENTS THAT THE BOARD MEMBER MAY KNOW OR HAVE REASON TO KNOW ARE FROM OR ON BEHALF OF POLITICAL CANDIDATES OR ELECTED OFFICIALS.

Legal References: [*Annotated Code of Maryland*, Education Article, §1-101(e), §6-107, §6-109 et seq.]
Annotated Code of Maryland, State Government Article, §§15-101, 15-811 to 15-815

Policy
Adopted: 10/8/96
Revised: 8/12/97
REVISED: _____

Board of Education of Baltimore County