

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 11, 2008

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **PROPOSED CHANGES TO BOARD OF EDUCATION ETHICS CODE
POLICY 8360 - DEFINITIONS**

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 third reading.

Attachment I – Policy Analysis
Attachment II – Policy 8360

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: Definitions

The following terms used within the Ethics Code are defined as follows:

- (A) **Board of Education** *means* the local Board of Education of Baltimore County.
- (B) **Business entity** *means* any individual or organization, regardless of form, including but not limited to corporation, general, or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
- (C) **Compensation** *means* any money or thing of value, regardless of form, received or to be received by any individual covered by this title from an employer for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.
- (D) **Doing business with** *means* having or negotiating a contract that involves the commitment (either in a single or combination of transactions) of school system funds; or being subject to the authority of the school system; [or] being registered as a lobbyist [in accordance] with [Section 8 of] the State Ethics Commission; OR PURSUING COMMERCIAL FINANCIAL TRANSACTIONS WITH THE SCHOOL SYSTEM.
- (E) **Economic value** *means* when a good is useful and its worth can be measured in financial terms.
- (F) **Employee** *means* an individual whose compensation is paid in whole or part by the Board and/or is a student teacher for the school system.
- (G) **Ethics Review Panel** *means* the advisory board designated to serve the Board of Education of Baltimore County with the responsibility for interpreting the Ethics Code.
- (H) **Gift** *means* the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or regulation of political campaign contributions regulated in accordance with the provisions of the *Annotated Code of Maryland*, [Article 33,

Section 26-1, et seq.,] ELECTION LAW ARTICLE, TITLE 13 SUBTITLE 2 or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions. As used in this Code, gift excludes non-cash recognition for professional, educational, athletic or scholastic achievements AND/OR SCHOLARSHIPS.

- (I) **Immediate family** *means* father, mother, brother, sister, husband, wife, son, daughter, grandmother, and grandfather by blood (not marriage), grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, equivalent stepfamily members, legal dependent of the employee, or a person residing as a member of the household where the employee is making his or her home.
- (J) **Lobbying** *means* communicating in the presence of a Board member or employee with the intent to influence any official action of that Board member or employee, where money is spent for food, entertainment, or other gifts during the calendar year in furtherance of this activity; or engaging in activities having the express purpose of soliciting others to communicate with a Board member or employee with the intent to influence that Board member or employee, where money is expended in furtherance of this activity.
- (K) **Outside employment** *means* any supplementary employment, including teaching and secondary employment within State service and excluding service in the military reserves or National Guard, for which the employee receives remuneration or other economic gain.
- (L) **Person** *means* an individual or business entity.
- (M) **Personal benefit** *means* anything that promotes or enhances the well being of the individual, or his/her immediate family, or accrues to the personal advantage of that individual, or his/her immediate family.
- (N) **School system** *means* the educational system under the authority of any Board of Education.
- (O) **Superintendent** *means* any person [designated] DEFINED as such WITHIN THE MEANING OF [in] the Education Article, §[1-101(e)] 4-102, *Annotated Code of Maryland*.
- (P) **Tutoring** *means* any private additional, special or remedial instruction performed for compensation.

(Q) **Volunteer** means any person who provides a service or performs a duty or responsibility for the school system without compensation.

Legal References: *Annotated Code of Maryland*, State Government Article, §§15-101, 15-811 to 15-815
COMAR 19A.05

Policy
Adopted: 10/8/96
Revised: 8/12/97
Revised: 9/23/98
REVISED: _____

Board of Education of Baltimore County