

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 8361 – GENERAL**

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 8361

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: General

The Baltimore County Public Schools are committed to promoting and practicing moral principles and values in both the delivery of instruction and the delivery of support services. Consistent with this conviction, the school system's "Precepts, Beliefs, and Values" and local public ethics laws in accordance with the State Ethics Commission, the Ethics Code establishes guidelines of ethical and professional conduct. This Code formally acknowledges the school system's commitment to its institutional responsibility to the students, parents, and the community. It advocates positive behavior and the avoidance of impropriety or the appearance of impropriety.

This Code establishes recommended behavior for all instructional and non-instructional personnel, administrative and supervisory personnel, Board of Education members, consultants, and volunteers (from this point forward referred to as Board members, employees and/or volunteers). All of these individuals shall be subject to this Code, which addresses the school system's commitment that all lead and teach by example and serve as role models for students.

No code can delineate the appropriate ethical behavior for every situation with which the school system's personnel will be confronted. It is important, therefore, that whenever a difficult situation arises which is not directly addressed by this Code, the individual seek counsel from colleagues, administrators, and the Ethics Review Panel as established by the Code. However, many individuals will be called upon to make decisions in which time precludes consultations. In such cases, the individual must rely on his or her good judgment, recalling that the school system's ethical commitment is rooted in fairness, equity, and integrity.

One of the most important elements of this Code is promoting the worth and dignity of all individuals in compliance with the Board of Education's non-discrimination policy. A second key element of this Code is open communication. Business-related transactions in which individuals engage must be correctly documented and reported. Every individual covered by this Code must behave as if public scrutiny of his or her actions would be welcome.

The Code provides specific direction in the following areas: Gifts; Conflict of Interest; Financial Disclosure; Lobbying Disclosure; Creation of an Ethics Review Panel.

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

[Also see Policy, "Travel" and "Purchasing," Series 3000, Non-instructional Services]

RELATED POLICIES: BOARD OF EDUCATION POLICY 4002, PRECEPTS,
BELIEFS AND VALUES OF THE BALTIMORE COUNTY
PUBLIC SCHOOLS

BOARD OF EDUCATION POLICY 3127, TRAVEL

BOARD OF EDUCATION POLICY 3209, PURCHASING
PRINCIPLES

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

Board of Education of Baltimore County