

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: December 2, 2008

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 8360 – ETHICS CODE: DEFINITIONS**

ORIGINATOR: Frances A. S. Harris

RESOURCE PERSON(S): Margaret-Ann F. Howie, Esq., General Counsel
Edward J. Novak, Esq., Associate General Counsel

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 8360. This policy has been reviewed and approved by the State Ethics Commission. This is the third reading.

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Attachment I – Policy Analysis
Attachment II – Policy 8360

**Policy Analysis for
Board of Education Policy 8360
Definitions**

Statement of Issues or Questions to be Addressed

Board of Education Policy 8360 was revised to include recommendations that were made by the State Ethics Commission.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by this revision.

Relationship to other Board of Education Policies

None

Legal Requirements

Annotated Code of Maryland, State Government §15-101, §15-811 to §15-815
COMAR, 19A.05

Similar Policies Adopted by Other Local School Systems

None

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

None

Timeline:

First reading: October 21, 2008

Public comment: November 5, 2008

Third reading: December 2, 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 A 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 **THE BOARD OF EDUCATION OF BALTIMORE COUNTY** [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

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| Policy | | Board of Education of Baltimore County |
| Adopted: | 10/8/96 | |
| Revised: | 8/12/97 | |
| Revised: | 9/23/98 | |
| REVISED: | _____ | |

State Ethics Commission Responses-4/21/2008:
New language: **UPPERCASE BOLD UNDERLINE**
Deleted language: ~~redlined~~