

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: October 25, 2011

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON THE PROPOSED CHANGES TO BOARD OF
EDUCATION POLICY 8361 – STATEMENT OF PURPOSE AND
POLICY**

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

**RESOURCE
PERSON(S):** Patricia Clark, Policy and Compliance Officer
Andrew W. Nussbaum, Esquire, Counsel to the Board of Education

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 8361.
This is the first reading.

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Attachment I – Policy Analysis
Attachment II – Policy 8361

**POLICY ANALYSIS FOR
REVISIONS TO THE BOARD OF EDUCATION’S ETHICS CODE POLICIES
POLICY 8360, *APPLICABILITY AND DEFINITIONS*
POLICY 8361, *STATEMENT OF PURPOSE AND POLICY*
POLICY 8362, *GIFTS*
POLICY 8363, *CONFLICT OF INTEREST – PROHIBITED CONDUCT*
POLICY 8364, *FINANCIAL DISCLOSURE STATEMENTS*
POLICY 8365, *LOBBYING*
POLICY 8366, *ETHICS REVIEW PANEL***

Statement of Issues or Questions Addressed

In 2010, the General Assembly enacted legislation designed to subject members of county boards of education to conflict of interest standards and financial disclosure requirements that are at least equivalent to the State’s requirements for State officials and public officials. The State Ethics Commission issued revised Board of Education Ethics regulations that became effective on April 18, 2011. All county boards of education are required to bring their ethics codes into compliance with the new law and to provide notice to the State Ethics Commission of their progress towards enactment by October 1, 2011.

All policies were edited to conform with the State Ethics Commission’s MODEL BOARD OF EDUCATION ETHICS REGULATIONS and the Policy Review Committee’s editing conventions.

Some of the required changes include: additional reporting requirements for board members and board employees; more stringent lobbying guidelines; defining financial interests; clarifying post-Board service employment restrictions.

The Policy Review Committee is submitting the Ethics Code policies to the full Board for its consideration and action.

Cost Analysis and Fiscal Impact on School System

Because of the comprehensive nature of these revisions, the staff anticipates that education and training of employees, volunteers and consultants will be necessary to ensure compliance.

Relationship to Other Board of Education Policies

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

Legal Requirements

1. *Annotated Code of Maryland, State Government Article §15-101, Legislative Findings; Policy; Liberal Construction*
2. *Annotated Code of Maryland, State Government Article §§15-811 to 15-815, Local Boards of Education*
3. *COMAR 19A.05, Board of Education Regulations*

Similar Policies Adopted by Other Local School Systems

1. CALVERT COUNTY BOARD OF EDUCATION
Policy Number 1740, *Ethics*
Policy Number 1740.1, *Definitions*
Policy Number 1740.2, *Ethics Panel*
Policy Number 1740.3, *Conflict of Interest and Outside Employment*
Policy Number 1740.4, *Gifts*
Policy Number 1740.5, *Lobbying Disclosure*
<http://www.calvertnet.k12.md.us/departments/administration/policies/policies.asp>
2. CARROLL COUNTY BOARD OF EDUCATION
Policy Number BC, *Ethics*
<http://www.boarddocs.com/mabe/ccps/Board.nsf/Public>
3. FREDERICK COUNTY BOARD OF EDUCATION
Policy Number 109, *Ethics*
Policy Number 109.1, *Definitions*
Policy Number 109.3, *Prohibited Conduct and Interest*
Policy Number 109.4, *Financial Disclosure*
Policy Number 109.5, *Lobbying Disclosure*
<http://fcps.schoolwires.com/152910821132356427/site/default.asp>
4. HOWARD COUNTY BOARD OF EDUCATION
Policy Number 2070, *Ethics*
<http://www.hcpss.org/board/policies/>
5. MONTGOMERY COUNTY BOARD OF EDUCATION
Policy Number BBB, *Ethics*
<http://www.mcps.k12.md.us/departments/policy/>
6. 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*
<http://www1.pgcps.org/generalcounsel/boardpolicies/bp0000.aspx>
7. WASHINGTON COUNTY BOARD OF EDUCATION
Policy Number BBF-E, *Code of Ethics for School Board Members*
Policy BDF-E, *Ethics Advisory Panel*
<http://www.boarddocs.com/mabe/wcps/Board.ns>

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First reading – October 25, 2011

Public comment – November 8, 2011

Third reading/vote – December 6, 2011

*The Ethics Code must be approved by the State Ethics Commission prior to adoption by the Board.

INTERNAL BOARD OPERATIONS: Ethics Code

STATEMENT OF PURPOSE AND POLICY [General]

I. POLICY STATEMENT

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) AND the Baltimore County Public Schools (BCPS) 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 ETHICS Code (HEREINAFTER, "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.
- B. THE BOARD, RECOGNIZING THAT OUR SYSTEM OF REPRESENTATIVE GOVERNMENT IS DEPENDENT IN PART UPON THE PEOPLE MAINTAINING THE HIGHEST TRUST IN THEIR PUBLIC OFFICIALS AND EMPLOYEES, FINDS AND DECLARES THAT THE PEOPLE HAVE A RIGHT TO BE ASSURED THAT THE IMPARTIALITY AND INDEPENDENT JUDGMENT OF PUBLIC OFFICIALS AND EMPLOYEES WILL BE MAINTAINED.
- C. IT IS EVIDENT THAT THIS CONFIDENCE AND TRUST IS ERODED WHEN THE CONDUCT OF PUBLIC BUSINESS IS SUBJECT TO IMPROPER INFLUENCE AND EVEN THE APPEARANCE OF IMPROPER INFLUENCE.
- D. FOR THE PURPOSE OF GUARDING AGAINST IMPROPER INFLUENCE, THE BOARD ADOPTS THIS CODE TO REQUIRE SCHOOL SYSTEM OFFICIALS TO DISCLOSE THEIR FINANCIAL AFFAIRS AND TO SET MINIMUM STANDARDS FOR THEIR CONDUCT OF SCHOOL SYSTEM BUSINESS.

- E. IT IS THE INTENTION OF THE BOARD THAT THIS POLICY BE LIBERALLY CONSTRUED TO ACCOMPLISH THIS PURPOSE.

II. STANDARDS

- A. This Code establishes recommended behavior for MEMBERS OF THE BOARD, THE SUPERINTENDENT, EMPLOYEES, CONSULTANTS, AND VOLUNTEERS (HEREINAFTER, "SCHOOL SYSTEM OFFICIAL") [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)]. EACH [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.
- B. 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.
- C. One of the most important elements of this Code is promoting the worth and dignity of all individuals in compliance with the Board'S [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; Conflicts of Interest; Financial Disclosure; Lobbying Disclosure; Creation of an Ethics Review Panel.]

III. SANCTIONS

- A. A SCHOOL SYSTEM OFFICIAL WHO VIOLATES THE ETHICS CODE IS SUBJECT TO DISCIPLINE, PERSONNEL ACTION, OR REMOVAL FROM OFFICE, AS PROVIDED BY LAW AND CONSISTENT WITH BOARD OF EDUCATION POLICIES AND SUPERINTENDENT’S RULES.
- B. Persons or organizations found in violation of the lobbying provisions of the Ethics Code shall be publicly identified and subject to other penalties as provided by law.

Legal References: *Annotated Code of Maryland*, State Government Article [, §] §15-101, *LEGISLATIVE FINDINGS; POLICY; LIBERAL CONSTRUCTION*
ANNOTATED CODE OF MARYLAND, STATE GOVERNMENT ARTICLE §§15-811 to 15-815, *LOCAL BOARDS OF EDUCATION*
 COMAR 19A.05, *BOARD OF EDUCATION REGULATIONS*

Related Policies: Board of Education Policy 3127, *Travel*
 Board of Education Policy 3209, *Purchasing Principles*
 Board of Education Policy 4000, *Precepts, Beliefs, and Values of the Baltimore County Public Schools*
 BOARD OF EDUCATION POLICY 4002, *OBLIGATIONS OF EMPLOYEES OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY*
 BOARD OF EDUCATION POLICY 4100, *EMPLOYEE CONDUCT AND RESPONSIBILITIES*
 BOARD OF EDUCATION POLICY 8410, *FRAUD REPORTING*

Policy		Board of Education of Baltimore County
Adopted:	10/08/96	
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Revised:	03/11/08	
Approved by SEC:	04/22/09	
Edited:	07/01/11	
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