



INTERNAL BOARD OPERATIONS: Ethics Code

Applicability and Definitions

I. Applicability

- A. The Ethics Code of the Board of Education of Baltimore County (Board) applies to members of the school Board, candidates to be members of the school board, the superintendent and employees.
- B. The Ethics Code consists of the following Board policies:
 - 1. Board Policy 8360, *Applicability and Definitions*;
 - 2. Board Policy 8361, *Statement of Purpose and Policy*;
 - 3. Board Policy 8362, *Gifts*;
 - 4. Board Policy 8363, *Conflict of Interest – Prohibited Conduct*;
 - 5. Board Policy 8364, *Financial Disclosure Statements*;
 - 6. Board Policy 8365, *Lobbying*; and
 - 7. Board Policy 8366, *Ethics Review Panel*.
- C. The definitions contained in this policy apply to the entire Ethics Code.

II. Definitions

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

- A. *Board or Board of Education* – means the Board of Education of Baltimore County.
- B. *Business or Business Entity* – means a person engaged in business, whether profit or nonprofit, regardless of form. A “business entity” does not include a governmental entity.
- C. *Candidate to be a Member of the School Board* – means a person who has filed for election to the Board of Education of Baltimore County.
- D. *Compensation* – means:
 - 1. Money or any other valuable thing, regardless of form, received or to be received by a person from an employer for service rendered.
 - 2. For purposes of Board Policy 8365, *Lobbying*, if lobbying is only a portion of a person’s employment, “compensation” means a prorated

amount based on the time devoted to lobbying compared to the time devoted to other employment duties.

- E. *Doing Business with* – means:
 - 1. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000.00 or more of school system funds;
 - 2. Being subject to the authority of the school system;
 - 3. Being registered as a lobbyist with the Board; or
 - 4. Pursuing commercial financial transactions with the school system.

- F. *Economic Value* – means a good that is useful and its worth can be measured in financial terms.

- G. *Employee* – means an employee of the Board of Education or the school system. “Employee” includes the superintendent.

- H. *Ethics Review Panel* – means the Board of Education of Baltimore County’s Ethics Review Panel established under Board Policy 8366, *Ethics Review Panel*.

- I. *Financial Interest* – means:
 - 1. Ownership of an interest as the result of which the owner has received within the past 3 years, or is currently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
 - 2. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3% of a business entity by a school official or the spouse of a school official.

- J. *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 under the Elections Law Article, *Annotated Code of Maryland*, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.

- K. *Honorarium* – means:
 - 1. The payment of money or anything of value for:
 - a. Speaking to, participating in or attending a meeting or other function; or

- b. Writing an article that has been or is intended to be published.
 2. “Honorarium” does not include payment for writing a book that has been or is intended to be published.
- L. *Immediate Family* – means an individual’s spouse and dependent children.
- M. *Interest* – means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held, in whole or in part, jointly or severally, directly or indirectly.
 1. For purposes of Board Policy 8364, *Financial Disclosure Statements*, “interest” applied to interests held at any time during the calendar year for which a required statement is to be filed.
 2. “Interest” does not include:
 - a. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative or trustee, unless the holder has an equitable interest in the subject matter;
 - b. An interest in a time or demand deposit in a financial institution;
 - c. An interest in an insurance policy, endowment policy or annuity contract under which an insurance company promises to pay a fixed number of dollars either in a lump sum or periodically for life or some other specified period;
 - d. A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 - e. A qualified college savings plan under Section 529 of the Internal Revenue Code; or
 - f. A mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual’s office.
- N. *Lobbying* – means:
 1. Communicating in the presence of a member of the school board of any school official with the intent to influence any official action of that member of the school board or official and spending over \$25 for food, entertainment or other gifts during the calendar year in connection with the communication or intent to influence; or

2. Engaging in activities having the express purpose of soliciting others to communicate with a school official with the intent to influence that official; and spending over \$25 in connection with the activities or intent to influence.
- O. *Lobbyist* – means a person required to register and report expenses related to lobbying under Board Policy 8365, *Lobbying*.
- P. *Member of Household* – means:
1. If sharing an individual’s legal residence, the individual’s spouse, child, ward or financially dependent relative; or
 2. An individual’s spouse, child, ward, parent or other relative over whose financial affairs the individual has legal or actual control.
- Q. *Member of the School Board* – means an elected or appointed member of the Board of Education of Baltimore County.
- R. *Panel* – means the Ethics Review Panel established under Board Policy 8366, *Ethics Review Panel*.
- S. *Person* – means an individual or business entity.
- T. *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.
- U. *Qualifying Relative* – means a spouse, parent, child, brother or sister.
- V. *School Official* – means each member of the Board of Education, employee and the superintendent.
- W. *School System* – means the Baltimore County Public School system under the authority of the Board.
- X. *Superintendent* – means a county superintendent as defined in §1-101 of the Education Article.
- Y. Tutor – means providing private educational services or private tutoring for compensation by a person or entity other than the Board. (See, Board Policy 4005, *Tutoring/Educational Services*)

Legal References: *Annotated Code of Maryland*, General Provisions Article Title 5,
Maryland Public Ethics Law
Annotated Code of Maryland, General Provisions Article §§5-815 to
5-821, *Local Boards of Education*
COMAR 19A.05, *Board of Education Ethics Regulations*

Related Policies: Board of Education Policy 0200, *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, Waste, Abuse or
Unlawful Acts*

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