

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: January 13, 2009

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
Ethics Code: Definitions

Statement of issues or questions to be addressed by the proposed policy history

State law requires that the provisions of such local board policies follow the Public Ethics Law. Md. State Gov't Code Ann., §15-811. Beginning in November of 2007, the Board charged its Policy Review Committee and the Ethics Review Panel to recommend changes to the Board's Ethics Code policies. These revisions were first presented to the Board in February of 2008, and subsequently adopted by the Board at its March 11, 2008 meeting. Approval by the State Ethics Commission is required prior to adoption of any local school board's ethics rules or policies.

Current Issues Presented

Following the requisite review and comment by the State Ethics Commission, the Board was scheduled to adopt Policy 8360 at its December 2, 2008 meeting. Because of questions posed at that Board meeting regarding the definition of "lobbyist," the Policy Review Committee met on December 10, 2008 to discuss possible revisions. It is the Committee's recommendation that the definition of "lobbyist" should remain unchanged, and that the Policy be adopted by the Board.

Fiscal Impact on the school system

No fiscal impact is anticipated or contemplated by these revisions.

Relationship to other Board of Education Policies

Policy 8360 is the first in the Ethics Code policy series, and establishes definitions that govern all other Ethics Code Policies.

Similar Policies adopted by other local school systems

ANNE ARUNDEL COUNTY BOARD OF EDUCATION

Policy 200.05, Code of Ethics

http://www.aacps.org/aacps/boe/board/newpolicy/Sections/section_200/policy200.05.pdf

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

109.05 Lobbying Disclosure

<http://www.fcps.org/dept/legal/109.pdf>

MONTGOMERY COUNTY BOARD OF EDUCATION

Policy BBB, Ethics

Section 4, Lobbying Disclosure

<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 0109, Conflict of Interest

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, §§15-811 to 15-815 (Local Boards of Education) governs local Boards of education in the public ethics law.

A draft of the proposed policy

See attached

Timeline

Approval by the State Ethics Commission (already secured)

First Reader, October 21, 2008

Second Reader, November 5, 2008

Third Reader, December 2, 2008

Subsequent Review by the Policy Review Committee, December 10, 2008

Adoption by the Board, January 13, 2009

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

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~~