

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 8365 – LOBBYING DISCLOSURE**

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 8365

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: Lobbying Disclosure

Any person who personally appears before any Board member or employee with the intent to influence that person in performance of his or her official duties, and who, in connection with such intent expends or reasonably expects to expend in a given calendar year a cumulative value in excess of \$25 on food, entertainment, or other gifts, shall file a registration statement with the Ethics Review Panel no later than January 15 of the calendar year or within five (5) days after first making such appearances.

The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make such appearances and shall cover a defined registration period not to exceed one calendar year.

Registrants under this section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment, or other gift provided to a Board member or employee. Where a gift or series of gifts are made to a Board member or employee exceeding a \$25 market value, the Board member or employee shall also be identified.

The registrations and reports filed pursuant to this policy shall be maintained by the Ethics Review Panel as public records available for public inspection and copying.

Legal Reference: *Annotated Code of Maryland*, State Government Article, [§10-611 et seq.] §§15-701[, et seq.; §] to -715, 15-814

RELATED POLICIES: SUPERINTENDENT’S RULE 2373, PUBLIC INFORMATION ACT, SCHEDULE OF FEES

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

Board of Education of Baltimore County