

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: February 9, 2007

RE: Advisory Opinion 06-06

At its January 18, 2007, meeting, the Ethics Review Panel adopted Advisory Opinion 06-06 in response to an application received from petitioners.

In compliance with Ethics Code Policy 8366, "any Board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the Panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the Panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through the *Superintendent's Bulletin* and Outlook.

If you or members of your staff have any questions, please contact Dr. Carol Batoff, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 06-06

This advisory opinion is in response to a request by Petitioner, on behalf of the Office of Health Services of the Baltimore County Public Schools (BCPS). The Office of Health Services provides auto-injector epinephrine to BCPS schools to implement the school health services protocol on anaphylaxis. BCPS has been using auto-injector units known

as EpiPens, purchased at an approximate cost of \$50 per unit. A company named Verus Pharmaceuticals has offered to make a one-time donation of 442 Twinject auto-injectors to BCPS. The donated units would replace soon-to-expire EpiPens. Such auto-injectors expire every 12-18 months.

Petitioner provided a copy of a letter of intent from Verus Pharmaceuticals which confirms the offer of the free Twinject auto-injectors. The letter expressly states that the offer is made “with absolutely no obligation to purchase these in the future.” Petitioner offers additional information that the value of the proposed donation would be approximately \$22,100 and that funds saved “would be used to purchase/replace damaged or needed health room equipment” from existing BCPS vendors. Verus Pharmaceuticals is not an existing vendor.

Finally, Petitioner advises that both the Twinject and the EpiPen are FDA-approved units and deliver identical medication. The donor company and the Office of Health Services would provide training to school nurses in the use of the Twinject units. Such training can be managed by existing staff at a previously scheduled staff development meeting. There are no maintenance or installation costs associated with the proposed donation.

The BCPS Ethics Code, Policy 8360, defines **Gift** as “the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.” Policy 8362(1) regulates gifts to the Board of Education, schools and offices within the school system, as follows:

ETHICS CODE: GIFTS

Section 8362(1)

1. *Gifts to the Board of Education, Schools, and Offices within the School System*

As the Baltimore County Public Schools continue the practice of school-based management, it becomes increasingly important to establish firm guidelines on the acceptance of gifts by schools and offices on behalf of the Board of Education.

The Board of Education encourages the formation of partnerships between schools and businesses and recognizes that these relationships frequently include gifts to schools and offices to enhance the educational programs of students.

The Board of Education, schools, and offices may accept any bequest or gift of money or property for a purpose deemed suitable. All gifts shall be accepted in the name of the Board of Education. All gifts will become the property of the Board of Education and may be designated by the Board for use in a particular school or office.

Any gifts presented to the Board of Education, schools, and offices must be accompanied by a document of intent from the donor for official action and recognition.

To be acceptable, a gift must meet the following criteria:

- *have a purpose consistent with those of the Board of Education, schools, or offices*
- *be offered by a donor acceptable to the Board of Education, schools, or offices*
- *be manageable by existing staff*
- *not begin a program with the assumption that the Board of Education will take over if the funds are exhausted*
- *place no restrictions on the school program*
- *be appropriate to the best education of students*
- *not imply endorsement of any business or product*
- *not carry an excessive cost of maintenance or installation*
- *be consistent with the provisions of the school code or public law.*

When installation is required, the gift will be installed under the supervision of personnel of the Board of Education. The Board is under no obligation to replace the gift if it is destroyed or becomes worn out.

A letter of appreciation will be sent to the donor.

The panel finds the proposed donation of the Twinject auto-injectors by Verus Pharmaceuticals to be an acceptable gift which meets the criteria set forth in Policy 8362(1). As specified in that section, the donation should be accepted in the name of the Board of Education, and a letter of appreciation should be sent to the donor.

This Advisory Opinion has been signed by the Ethics Panel members and adopted on January 18, 2007.

Roland L. Unger, CPA, Chair
Mary C. Burke, LCSW-C, BCD, Vice Chair
Meryl D. Burgin, Esq., Panel Member

Raymond A. Hein, Panel Member
Janel D. Sexton, M.A., Ph.D., Panel Member