

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: March 30, 2007
RE: Advisory Opinion 07-01

At its March 8, 2007, meeting, the Ethics Review Panel adopted Advisory Opinion 07-01 in response to an application received from a petitioner.

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 07-01

This Advisory Opinion 07-01 is in response to a request made by Petitioner, an employee of the Baltimore County Public Schools, inquiring as to whether it is permissible for a school vendor to offer a \$1,000 scholarship to Advanced Placement students that act as tutors for 300 or more volunteer service hours.

Policy 8360 of the Ethics Code defines “volunteer” as “any person who provides a service or performs a duty or responsibility for the school system without compensation” and “gift” as anything of economic value, regardless of the form, without adequate and lawful consideration. Policy 8362, Section 2.b of the Ethics Code prohibits any volunteer from accepting gifts from any business entity that is doing business with the Baltimore County Public Schools.

The relevant sections of the Ethics Code are as follows:

Policy 8360

Volunteer means any person who provides a service or performs a duty or responsibility for the school system without compensation.

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 Annotated Code of Maryland, Article 33, Sections 26-1 et seq., or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

Policy 8362

2. Gifts to Individuals

- (a) A Board member, employee, or volunteer may not solicit gifts, gratuities, or discounts for personal use or gain.
- (b) No Board member, employee, or volunteer may knowingly accept gifts, gratuities, or discounts for personal use or gain, directly or indirectly, from any person or business entity that he or she knows or has reason to know:
 - is doing business with the Baltimore County Public Schools
 - is subject to the authority of the school system
 - has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of his or her official duty
 - is involved in lobbying.
- (c) Unless a gift of any of the following would tend to impair the impartiality and independence of judgment of the Board member or employee receiving it, or, if of significant value would give the appearance of doing so, or, if of significant value, the recipient has

reason to believe that it is designed to do so, then the Board member or employee may accept the following, unless exceeding a \$25 market value:

- meals and beverages consumed in the presence of the donor
 - ceremonial gifts or awards
 - unsolicited gifts of nominal value or trivial items of informational value
 - reasonable expenses for food, travel, lodging, and scheduled entertainment of the Board member or employee for a meeting which is given in return for participating in a panel or speaking engagement at a meeting
 - tickets or free admission extended to a Board member to attend a professional or intercollegiate sporting event or charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy extended to the office
 - a specific gift or class of gifts which the Ethics Review Panel exempts upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system and that the gift is purely personal and private in nature.
- (d) It is not the intent of the Code to prohibit students and employees from participating in and accepting awards exceeding a \$25 market value at events which are determined by the Ethics Review Panel to have an educational benefit.
- (e) It is not the intent of the Code to prohibit gifts from a person related by blood or marriage, or a spouse, child, ward, financially dependent parent, or other relative who share the Board member's, the Superintendent's or an employee's legal residence, or a child, ward, parent, or other relative over whose financial affairs the person has legal or actual control.

The matter before the Ethics Panel is whether students who perform as Program volunteers can receive a \$1,000 scholarship from an entity that does business with Baltimore County Public Schools in return for working 300 or more volunteer hours.

The Ethics Panel has concluded that the student may accept the \$1,000 scholarship from the vendor as long as the scholarship is considered to be compensation for services performed. However, due to service learning rules of which the Panel is aware, students may not be paid for service learning hours. Therefore, the 300 or more hours served to secure the scholarship may not count toward any service learning hours required for graduation or elective credit.

As long as the scholarship is considered to be compensation for services, Ethics Code Policy 8362 prohibiting gifts does not apply.

Furthermore, the Panel cites Ethics Code Policy 8362, Section 2.(d) to support the premise that the Ethics Code was not intended to preclude gifts to students that exceed the \$25 limit when such gifts may be presumed to have an educational benefit.

This opinion has been signed by the Ethics Panel members and adopted on March 8, 2007.

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

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