

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 10-02

This Advisory Opinion 10-02 is in response to a request made by the petitioner, an employee of the Baltimore County Public Schools ("BCPS"), inquiring whether it is permissible under the BCPS Ethics Code to have a vendor seek sponsorship of career booklets used in elementary schools. As described by the petitioner, the sponsorship of these booklets by businesses in the community would provide the school system with more booklets as gifts to BCPS. The petitioner is requesting an advisory opinion regarding whether this would violate the Ethics Code.

The relevant section of the Ethics Code is as follows:

Policy 8362, Section I. A. and B. Gifts to the Board of Education, Schools, and Offices within the School System

- A. As the Baltimore County Public Schools (BCPS) 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 of Baltimore County (Board) 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, 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. All gifts will become the property of the Board and may be designated by the Board for use in a particular school or office.

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

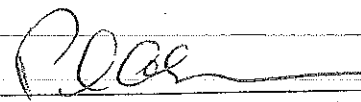
- B. To be acceptable, a gift must meet the following criteria:
- (i) have a purpose consistent with those of the Board of Education, schools, or offices
 - (ii) be offered by a donor acceptable to the Board of Education, schools, or offices
 - (iii) be manageable by existing staff

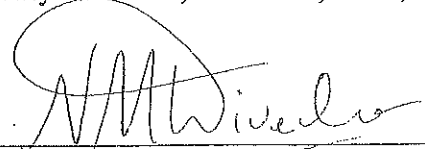
- (iv) not begin a program with the assumption that the Board of Education will take over if the funds are exhausted
- (v) place no restrictions on the school program
- (vi) be appropriate to the best education of students
- (vii) not imply endorsement of any business or product
- (viii) not carry an excessive cost of maintenance or installation
- (ix) be consistent with the provisions of the school code or public law.

The matter before the Ethics Review Panel is whether a vendor can approach businesses seeking their sponsorship of career booklets that would be used in the schools to supplement those already purchased by the school system. The Ethics Review Panel concluded that a vendor's solicitation of business sponsors for booklets to be donated to the school system would not be a violation of the Ethics Code provided that the donated booklets become the property of the Board of Education and may be designated by the Board for use in a particular school or office. Additionally, the criteria set forth in Ethics Code Policy 8362, Section I. B. must be satisfied. In particular, the panel considered subsections (ii) and (vii), requiring that in order to be acceptable, a gift must be offered by a donor acceptable to the Board of Education and not imply endorsement of any business or product. Assuming such criteria are met, the Ethics Review Panel concluded that if the administration believes this to be a beneficial arrangement, it can approve it. The Ethics Review Panel further suggests that the designation "donated by" should be placed on the booklets rather than "sponsored by," it being the panel's view that the latter language implies a greater sense of endorsement of the sponsoring business.

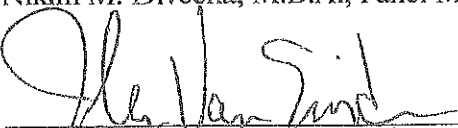
This opinion has been signed by the Ethics Review Panel members and adopted on April 15, 2010.


 Mary C. Burke, LCSW-C, BCD, Chair


 Philip Abraham, Esq., Vice Chair


 Nikhil M. Divecha, M.B.A., Panel Member

Absent
 Raymond A. Hein, Esq., Panel Member


 John Van Emden, Panel Member