

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: June 28, 2005
RE: Advisory Opinion 05-02

At its June 16, 2005, meeting, the Ethics Review Panel adopted Advisory Opinion 05-02 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 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 05-02

This Advisory Opinion 05-02 is in response to a request made by the Petitioner, an employee of the Baltimore County Public Schools ("BCPS"). In her position with the BCPS, the Petitioner has been trained to lead workshops and College Board professional development activities within the BCPS. As a result of such training and expertise, she has been invited by the College Board to prepare and deliver professional development outside of the BCPS, as an independent contractor on her own time. In exchange for such services, the College Board would provide the Petitioner with an honorarium and mileage

reimbursement. 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:

ETHICS CODE: Gifts

Section 8362

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.

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.

Additional facts to this petition include that the BCPS has entered in a partnership relationship with the College Board. As noted by the Ethics Code and prior Advisory Opinions, these partnerships are encouraged by the BCPS Board of Education. The payment of mileage, and other expenses, in relationship to Petitioner's services for the

College Board would not be in violation of the Ethics Code as they are directly related to the partnership and not considered a gift to the Petitioner. However, any honorarium or stipend from the College Board should be paid directly to the Board of Education, school, or organization within the school system. Finally, due to the partnership between the BCPS and the College Board, Petitioner may, with the permission of her supervisor, perform such services on BCPS time without creating a violation of the Ethics Code.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on June 16, 2005.

Meryl D. Burgin, Esq., Chair
Raymond A. Hein, Esq., Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Karen Strand, RN, Panel Member
Roland Unger, CPA