

**BOARD OF EDUCATION OF BALTIMORE COUNTY**  
**Ethics Review Panel**

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TO: Principals and Office Heads  
FROM: Ethics Review Panel  
DATE: November 3, 2006  
RE: Advisory Opinion 06-03

At its October 19, 2006, meeting, the Ethics Review Panel adopted Advisory Opinion 06-03 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.

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**BOARD OF EDUCATION OF BALTIMORE COUNTY**  
**ETHICS REVIEW PANEL**  
**ADVISORY OPINION 06-03**

This advisory opinion is in response to a request by Petitioner, an employee of the Baltimore County Public Schools (BCPS). Petitioner's application describes a proposed art poster contest for two-student teams of BCPS special and general education students in elementary or middle school. The student poster entries would be submitted through the BCPS for display and judging at the Baltimore County Italian Festival. The posters are to "capture the spirit of the Italian culture and/or the Italian festival". A flyer for the proposed contest indicates that the Baltimore County Italian Festival and the poster contest are sponsored by Columbus Celebrations and that a portion of the proceeds from

the poster contest will be donated to Special Olympics Maryland-Baltimore County. The flyer also lists prizes to be awarded to the winning team and school, as well as first and second runners-up. The student prizes to be awarded are Barnes & Noble gift certificates in the amounts of \$75 to each winning team member, \$50 to each first runner-up team member, and \$25 to each second runner-up team member. The winning team's school would receive a cash donation of \$300, with \$200 awarded to the school of the first runner-up and \$100 to the school of the second runner-up. Petitioner requests an opinion "regarding the amount of the gift certificates awarded to the students, as well as the monetary donation awarded to the schools.

Under the Definitions section of the Ethics Code Policy 8360, **Gift** is defined as "the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration." The cash prizes to be awarded to the schools of the winning team, first runner-up and second runner-up in the Baltimore County Italian Festival poster contest appear to fall within this definition. Therefore, such prizes are governed by Policy 8362(1) of the Ethics Code.

### **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.*

Based on the information provided, the panel does not find any prohibition against the proposal to award cash prizes to the schools of the top three poster entries, provided that the prizes are properly accepted in the name of the Board of Education and are accompanied by a document of intent from the donor for official action and recognition. Although there is no indication that the donated prize funds would be designated for a specific purpose or subject to any restrictions, the panel also points out that a gift must meet the nine (9) criteria listed in Policy 8362(1) in order to be acceptable. It is up to the Board of Education and the schools to make sure any gift satisfies those criteria.

With respect to the gift certificates to be awarded to the student winners of the poster contest, there is no Ethics Code policy limiting the value of awards or prizes students may receive from participating in such an activity. Policy 8362(2)(d) provides: “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.” Notwithstanding this provision, the panel does not have any basis to consider the “educational benefit” of the Baltimore County Italian Festival poster contest because the Ethics Code does not regulate gifts, prizes, or awards to students.

**This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on October 19, 2006.**

Raymond A. Hein, Esq., Chair  
 Karen W. Strand, RN, Vice Chair  
 Meryl D. Burgin, Esq., Panel Member

Mary C. Burke, LCSW-C, BCD Panel Member  
 Roland L. Unger, CPA, Panel Member