

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 11-01

This Advisory Opinion is in response to a request made by the petitioner, an employee of Baltimore County Public Schools ("BCPS"), inquiring whether teachers may provide feedback to a publisher on a text they are using in the classroom. In exchange for the feedback, the publisher would provide 25 textbooks of the revised edition to the teachers. Additionally, the teachers would be recognized in the text and on the publisher's website as part of the publisher's Advisory Council. Specifically, the petitioner posed the following questions: Are teachers allowed to give feedback to a publisher on texts they are currently using? May BCPS purchase new editions of these books once feedback has been provided? May BCPS accept the 25 copies offered by the publisher?

The relevant section of the Ethics Code is as follows:

Policy 8362, Section 1. 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*

- (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 it is permissible for teachers to provide feedback on texts they use and, in return, receive recognition for that feedback as well as copies of the revised edition of the book. Ethics Code Policy 8362 states that it is acceptable for the schools to accept gifts as long as they are accepted in the name of the Board of Education and meet the criteria in Policy 8362 B. The Ethics Review Panel specifically considered Policy 8362 I. B. (vii) which prohibits implied endorsement of any business or product. As long as these guidelines are followed, BCPS could accept the gift of 25 books. Additionally, as long as the teachers involved are not directly making the purchase of books and are not personally benefiting from their role in providing the feedback, the Ethics Review Panel did not find that there would be a violation of the Ethics Code.

This opinion has been signed by the Ethics Review Panel members and adopted on February 17, 2011.


 Philip Abraham, Esq., Chair


 John Van Emden, Vice Chair


 Mary C. Burke, LCSW-C, BCD, Panel Member


 Raymond A. Hein, Esq., Panel Member