

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

February 14, 2012

MEMORANDUM

To: Members of the Board of Education

From: Patricia O'Neill, Chair, Board of Education Policy Committee

Subject: Tentative Approval, Policy BBB, *Ethics*

The Montgomery County Board of Education Policy Committee, in consultation with staff members, identified Policy BBB, *Ethics*, for updating as a result of the 2010 legislative session in which the General Assembly enacted ethics laws applicable to boards of education. On April 18, 2011, the State Ethics Commission promulgated regulations to implement those laws and also provided model policies that are deemed to be in compliance with those laws. The new law requires boards of education to develop conflict of interest regulations applicable to board of education members that are equivalent to or exceed state requirements. A board's conflict of interest regulations pertaining to its employees must be similar to state requirements.

Policy BBB, *Ethics*, seeks to promote the highest level of ethical conduct on the part of all persons associated with Montgomery County Public Schools (MCPS), ensures the highest public confidence in the impartiality and independent judgment of Board of Education (Board) members and school employees, and seeks to provide guidance for MCPS personnel concerning ethics-related matters. The updated draft reflects changes in the new ethics laws.

Members of the Montgomery County Board of Education Policy Committee discussed draft Policy BBB, *Ethics*, on September 20, 2011, and January 17, 2012. Updated Policy BBB, *Ethics*, is attached.

The following resolution is provided for your consideration:

WHEREAS, Policy BBB, *Ethics*, seeks to promote the highest level of ethical conduct on the part of all persons associated with MCPS, to ensure the highest public confidence in the impartiality and independent judgment of Board members and school employees, and to provide guidance for MCPS personnel concerning ethics-related matters; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to update Policy BBB, *Ethics*; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy BBB, *Ethics*; and be it further

Resolved, That Policy BBB, *Ethics*, be sent out for public comment.

Present at the Board table for the discussion are Ms. Suzann M. King, staff assistant, Board of Education, and Mrs. Stephanie P. Williams, director, Department of Policy, Records and Reporting, Office of Shared Accountability.

PO:hp

Attachment

1 | Related Entries: GCA-RA
2 | Responsible Office: Board of Education

3
4 | Ethics

5
6 | A. PURPOSE

7
8 | To promote the highest level of ethical conduct on the part
9 | of all persons associated with Montgomery County Public
10 | Schools (MCPS), to ensure the highest public confidence in
11 | the impartiality and independent judgment of Board of
12 | Education (Board) members and school employees, and to
13 | provide guidance for MCPS personnel concerning ethics-
14 | related matters

15
16 | B. ISSUE

17
18 | Chapter 257 277 of the 1983 2010 Laws of Maryland directs
19 | and authorizes local boards of education to adopt
20 | appropriate provisions concerning conflicts of interest,
21 | financial disclosure, and lobbying to help ensure the
22 | highest public confidence in the impartiality and
23 | independent judgment of Board members and school employees.

24
25 | C. POSITION

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27 | 1. Definitions

28

29 Words in this policy have their normal accepted
30 meanings except as set forth below:

31
32 a) *Business entity* means any corporation, general or
33 limited partnership, sole proprietorship, joint
34 venture, incorporated association or firm,
35 institution, trust, foundation, or other
36 organization, whether or not operated for profit.
37 Business entity does not include a governmental
38 entity.

39
40 b) *Compensation* means any money or thing of value,
41 regardless of form, received or to be received by
42 any individual person covered by this policy from
43 an employer for service rendered. For purposes of
44 section C. 4. of this policy, if lobbying is only
45 a portion of a person's employment,
46 "compensation" means a prorated amount based on
47 the time devoted to lobbying compared to the time
48 devoted to other employment duties.

49
50 c) *Doing business with* means having or negotiating a
51 contract that involves the commitment, in a
52 single or combination of transactions, of \$5,000
53 or more of school system funds during a calendar
54 year, or being subject to the authority of the
55 school system, or being registered as a lobbyist
56 in accordance with Section C.4. of this policy.

57
58 d) *Employee* means any person employed by the Board
59 Public Schools, including the superintendent of
60 schools. ~~except that full and part-time teachers~~
61 ~~are exempt from financial disclosure provisions~~
62 ~~by Maryland law (State Government Article,~~
63 ~~Section 15-601).~~

64
65 ~~e) *Employer* means any person paying or agreeing to~~
66 ~~pay compensation to another person for services~~
67 ~~rendered.~~

68
69 ef) *Financial interest* means:

70
71 (1) Ownership of any interest as the result of
72 which the owner has received within the past
73 3 years, is presently receiving, or is
74 entitled to receive in the future in excess
75 of \$1,000 annually; or

76
77 (2) Ownership, or the ownership of securities of
78 any kind representing or convertible into
79 ownership, of more than 3 percent of a
80 business entity by an official or the spouse
81 of an official.

82
83 fg) *Gift* means the transfer of ~~any service or thing~~
84 anything of economic ~~more than nominal~~ value,

85 regardless of form, without adequate and lawful
86 consideration. Gift does not include ~~the~~
87 ~~solicitation, acceptance, or receipt~~ of political
88 campaign contributions regulated under Maryland
89 or local law. (See also exemptions in Section
90 2.b)(4).)

91
92 g) Immediate family means a spouse and dependent
93 children.

94
95 h) *Interest* means any legal or equitable economic
96 interest, whether or not subject to an
97 encumbrance or a condition, which was owned or
98 held in whole or in part, jointly or severally,
99 directly or indirectly, at any time during the
100 calendar year. Interest does not include:

101
102 (1) An interest held in the capacity of a
103 personal agent, personal representative,
104 agent, custodian, fiduciary, or trustee,
105 unless the holder has an equitable interest
106 therein in the subject matter;

107
108 (2) An interest in a time or demand deposit in a
109 financial institution;

110
111 (3) An interest in an insurance or endowment
112 policy or annuity contract under which an

113 insurance company promises to pay a fixed
114 amount of money in a lump sum or for life or
115 some other specified period; ~~or~~

116
117 (4) A common trust fund or a trust which forms
118 part of a pension or profit-sharing plan
119 which has more than 25 participants and
120 which has been determined by the Internal
121 Revenue Service to be a qualified trust ~~is~~
122 ~~qualified~~ under the Internal Revenue Code;

123
124 (5) A college savings plan under the Internal
125 Revenue Code.

126
127 i) *Lobbying* means:

128
129 (1) Communicating in the presence of a school
130 official ~~or employee~~ with the intent to
131 influence any official action of that
132 official ~~or employee~~, where ~~in excess of~~
133 \$100 or more is spent during a calendar year
134 for food, entertainment, other gifts, or a
135 series of gifts in furtherance of this
136 activity; or

137
138 (2) Engaging in activities having the expressed
139 purpose of soliciting others to communicate
140 with a school official ~~or employee~~ with the

141 intent to influence that official or
142 employee in the outcome of any official
143 action, where \$300 or more is spent in
144 furtherance of this activity during the
145 calendar year.

146
147 j) Lobbyist means a person required to register and
148 report expenses related to lobbying under section
149 C. 4. of this policy.

150
151 k) Official or school official means each member of
152 the Montgomery County Board of Education and its
153 employees, including the superintendent of
154 schools, and any other employee identified by the
155 Board as a school official.

156
157 l) Panel means the Montgomery County Board of
158 Education Ethics Panel.

159
160 m) Person includes an individual or a business
161 entity.

162
163 n) Qualified relative means a spouse, parent,
164 child, or sibling.

165
166 o) Subject to the authority of refers to business
167 entities regulated by the Board of ~~Education~~ or
168 subject to significant control or impact by

169 policies of the school system relating to the
170 operations of the entity.

171

172 2. Conflicts of interest

173

174 a) Participation

175

176 (1) Except in the exercise of an administrative
177 or ministerial duty that does not affect the
178 disposition or decision in the matter, an
179 official may not participate in the
180 disposition or decision of:

181

182 (a) Any matter in which, to the knowledge
183 of the official, the official or a
184 qualified relative of the official has
185 an interest; or

186

187 (b) Any matter in which any of the
188 following is a party:

189

190 i) A business entity in which the
191 official has a direct financial
192 interest of which the official may
193 reasonably be expected to know;

194

195 ii) A business entity for which the
196 official or a qualified relative

197 of the official is an officer,
198 director, trustee, partner, or
199 employee;
200

201 iii) A business entity for which the
202 official or, to the knowledge of
203 the official, a qualified relative
204 of the official is negotiating or
205 has any arrangement concerning
206 prospective employment;
207

208 iv) A business entity that is a party
209 to an existing contract with the
210 school official or which, to the
211 knowledge of the official, a
212 qualified relative of the official,
213 if the contract reasonably could be
214 expected to result in a conflict
215 between the private interests of
216 the official and the school system
217 or Board duties of the official;
218

219 v) An entity, doing business with the
220 Board or school system, in which a
221 direct financial interest is owned
222 by another entity in which the
223 official has a direct financial
224 interest, if the official may

225 reasonably be expected to know of
226 both direct financial interests;
227 or

228
229 vi) A business entity that;

230
231 A) The official knows is a
232 creditor or obligee of the
233 official or a qualified
234 relative of the official with
235 respect to anything of
236 economic value; and

237
238 B) As a creditor or obligee, is
239 in a position to directly and
240 substantially affect the
241 interest of the official or
242 qualified relative of the
243 official.

244
245 (2) An official who is disqualified from
246 participating under paragraph (1) of this
247 subsection shall disclose the nature and
248 circumstances of the conflict and may
249 participate or act if:
250

251 (a) The disqualification leaves the Board
252 with less than a quorum capable of
253 acting;

254
255 (b) The disqualified official is required
256 by law to act;

257
258 (c) The disqualified official is the only
259 person authorized to act; or

260
261 (3) The prohibitions of paragraph (1) of this
262 subsection do not apply if participation is
263 allowed by opinion of the Panel.

264

265 **b) Employment and financial interests**

266

267 **(1) Except as permitted by school system**
268 **regulation when the interest is disclosed or**
269 **when the employment does not create a**
270 **conflict of interest or appearance of a**
271 **conflict, an official may not:**

272

273 **(a) Be employed by or have a financial**
274 **interest in an entity that is:**

275

276 **i) Subject to the authority of the**
277 **school system or Board; or**

278

279 ii) Negotiating or has a contract with
280 the school system or Board; or
281

282 (b) Hold any other employment relationship
283 that would impair the impartiality or
284 independence of judgment of the
285 official, affect their usefulness as
286 employees in the school system, make
287 time and/or energy demands that could
288 interfere with their effectiveness in
289 performing their regularly assigned
290 duties, adversely affect their
291 employment status, or would in any way
292 conflict with assigned duties.
293

294 (2) This prohibition does not apply to:

295
296 (a) An official whose duties are
297 ministerial, if the private employment
298 or financial interest does not create a
299 conflict of interest or the appearance
300 of a conflict of interest, as permitted
301 by school system regulations; or
302

303 (b) Subject to other provisions of
304 regulation and law, a member of the
305 Board in regard to a financial interest
306 or employment held at the time of the

307 oath of office, if the financial
308 interest or employment was disclosed on
309 the financial disclosure statement
310 filed with the certificate of candidacy
311 to be a candidate to be a member of the
312 Board; or

313
314 (c) Employment or financial interests
315 allowed by opinion of the Panel if the
316 employment does not create a conflict
317 of interest or the appearance of a
318 conflict of interest or the financial
319 interest is disclosed.

320
321 c) Post-employment

322
323 A former official may not assist or represent any
324 other party other than the Board or school system
325 for compensation in a case, contract, or other
326 specific matter involving the Board or the school
327 system if the matter is one in which the former
328 official significantly participated as an
329 official.

330
331 d) Contingent compensation

333 An official may not assist or represent a party
334 for contingent compensation in any matter before
335 or involving the Board or the school system.

336
337 e) Prestige of office

338
339 An official may not intentionally use the
340 prestige of their office or public position for
341 the private gain of that official or the private
342 gain of another. The performance of usual and
343 customary constituent services by a member of the
344 Board without additional compensation does not
345 constitute the use of prestige of office or
346 public position.

347
348 f) Gifts

349
350 (1) An official may not solicit any gift.

351
352 (2) An official may not directly solicit or
353 facilitate the solicitation of a gift, on
354 behalf of another person, from an individual
355 lobbyist.

356
357 (3) An official may not knowingly accept a gift,
358 directly or indirectly, from a person that
359 the official knows or has reason to know:

360 _____

361 (a) Is doing business with or seeking to do
362 business with the school system or
363 Board;

364
365 (b) Is subject to the authority of the
366 school system;

367
368 (c) Is a lobbyist with respect to a matter
369 within the jurisdiction of the
370 official; or

371
372 (d) Has financial interests that may be
373 substantially and materially affected,
374 in a manner distinguishable from the
375 public generally, by the performance or
376 nonperformance of the school system
377 duties of the official.

378
379 (4) Notwithstanding paragraph (f)(3) of this
380 subjection, an official may accept:

381
382 (a) Meals and beverages consumed in the
383 presence of the donor or sponsoring
384 entity;

385
386 (b) Ceremonial gifts or awards that have
387 insignificant monetary value;

388

389 (c) An unsolicited gift that does not
390 exceed \$25 in value, or an unsolicited
391 series of gifts not exceeding \$100 in
392 value in a calendar year, or trivial
393 items of informational value;

394
395 (d) Reasonable expenses for food, travel,
396 lodging, and scheduled entertainment of
397 the official at a meeting which is
398 given in return for the participation
399 of the official in a panel or speaking
400 engagement at the meeting;

401
402 (e) Gifts of tickets or free admission
403 extended to members of the Board to
404 attend a charitable, cultural, or
405 political event, if the purpose of the
406 gift or admission is a courtesy or
407 ceremony extended to the Board;

408
409 (f) A specific gift or class of gifts which
410 the Panel exempts from the operation of
411 this subsection upon a written finding
412 that acceptance of the gift or class of
413 gifts would not be detrimental to the
414 impartial conduct of the business of
415 the school system or Board and that the

416 gift is purely personal and private in
417 nature;

418
419 (g) Gifts from a person related by blood or
420 marriage, or any other individual who
421 is a member of the household of the
422 official; or

423
424 (h) An honorarium for speaking to or
425 participating in a meeting, provided
426 that the officering of the honorarium
427 is in no way related to the school
428 system or Board position of the
429 official.

430 (5) Paragraph (f)(4)(a) above does not apply to
431 gifts:

432
433 (a) That would tend to impair the
434 impartiality and independence of
435 judgment of the official receiving the
436 gift;

437
438 (b) Of significant value that would give
439 the appearance of impairing the
440 impartiality and independent judgment
441 of the official; or

442

443 (c) Of significant value that the recipient
444 official believes or has reason to
445 believe is designed to impair the
446 impartiality and independent judgment
447 of the official.

448

449 g) Disclosure of confidential information

450

451 Other than in the discharge of official duties,
452 an official may not disclose or use confidential
453 information that the official acquired by reason
454 of the official's public position and that is not
455 available to the public for their own economic
456 benefit or that of another person.

457

458 h) Procurement

459

460 (1) An individual or person that employs an
461 individual who assists the school system or
462 Board in the drafting of specifications, an
463 invitation for bids, or a request for
464 proposals for a procurement may not submit a
465 bid or proposal for that procurement or
466 assist or represent another person, directly
467 or indirectly, who is submitting a bid or
468 proposal for the procurement.

469

470 (2) The Panel may establish exemptions from the
471 requirements of this section for providing
472 descriptive literature, sole source
473 procurements, and written comments solicited
474 by the procurement office.
475

476 a) ~~Board of Education members, school officials, and~~
477 ~~employees may not participate in a recommendation~~
478 ~~or decision on behalf of the school system in any~~
479 ~~matter which would, to their knowledge, have a~~
480 ~~direct financial impact on them, their spouse, or~~
481 ~~dependent child, as distinguished from the public~~
482 ~~generally, including matters where the official~~
483 ~~or employee:~~
484

485 ~~(1) Holds or acquires a financial interest in a~~
486 ~~business entity subject to the authority of the~~
487 ~~school system or one that has or is negotiating a~~
488 ~~contract of \$1,000 or more with the school system~~
489

490 ~~(2) Is employed by a business entity subject to the~~
491 ~~authority of the school system or one that has or~~
492 ~~is negotiating a contract of \$1,000 or more with~~
493 ~~the school system~~
494

495 ~~b) Except as otherwise permitted in this~~
496 ~~policy, Board of Education members, school~~
497 ~~officials, and employees may not:~~

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~~(1) Engage in any employment that would affect their usefulness as employees in the system, would make time and/or energy demands upon the individuals that could interfere with their effectiveness in performing their regular assigned duties, would compromise or embarrass the school system, would adversely affect their employment status or professional standing, or would in any way conflict with assigned duties~~

~~(2) Represent any party for a contingent fee before the school system~~

~~(3) Act as a compensated representative of another, within one year following termination of school system service, in connection with any specific matter in which they participated substantially as a school official or employee~~

~~(4) Solicit any gift or accept any gift exceeding \$25 in value or series of gifts exceeding \$100 in value in a calendar year, from any person subject to the authority of the school system or who has or is negotiating a contract with the school~~

526 ~~system, except as provided below or where~~
527 ~~such gifts would not present a conflict of~~
528 ~~interest as determined by the Ethics Panel~~

529
530 ~~Unless a gift of any of the following would~~
531 ~~tend to impair the impartiality and the~~
532 ~~independence of judgment of the school~~
533 ~~official or employee receiving it, or would~~
534 ~~give the appearance of doing so, or the~~
535 ~~recipient has reason to believe that it is~~
536 ~~intended to do so, this section does not~~
537 ~~apply to:~~

- 538
- 539 ~~(a) Meals and beverages~~

 - 540
 - 541 ~~(b) Ceremonial gifts or awards of~~
542 ~~insignificant monetary value~~

 - 543
 - 544 ~~(c) Unsolicited gifts of nominal value~~

 - 545
 - 546 ~~(d) Trivial items of informational or~~
547 ~~advertising value only~~

 - 548
 - 549 ~~(e) Reasonable expenses for food, travel,~~
550 ~~lodging, and scheduled entertainment~~
551 ~~given in return for participating on a~~
552 ~~panel or for speaking at a meeting~~

554 ~~(f) Tickets or free admission to attend an~~
555 ~~interscholastic or intercollegiate~~
556 ~~sporting event or charitable, cultural,~~
557 ~~or political event, if the gift is a~~
558 ~~courtesy extended to the office~~

559
560 ~~(5) Intentionally use the prestige of their~~
561 ~~office for their own economic benefit or~~
562 ~~that of another~~

563
564 ~~The performance of usual and customary~~
565 ~~constituent services without additional~~
566 ~~compensation does not constitute the use of~~
567 ~~prestige of office.~~

568
569 ~~(6) Disclose or use confidential information~~
570 ~~acquired in their official school system~~
571 ~~position for their own economic benefit or~~
572 ~~that of another person~~

573
574 ~~e) If a disqualification under this section~~
575 ~~leaves the Board of Education with less than~~
576 ~~a quorum capable of acting, or if the~~
577 ~~disqualified official is required by law to~~
578 ~~act or is the only person authorized to act,~~
579 ~~the disqualified person shall disclose the~~
580 ~~nature and circumstances of the conflict in~~

581 | ~~writing to the Board of Education and may~~
582 | ~~then participate or act.~~

583

584 | 3. Financial disclosure

585

586 | a) The following persons shall file public financial
587 | disclosure statements with the Panel on a form
588 | approved by the Board, under oath or affirmation,
589 | as provided in this section:

590

591 | (1) ~~Board of Education~~ members

592

593 | (2) Candidates for election to the Board of
594 | ~~Education~~

595

596 | (3) Superintendent of schools, deputy
597 | superintendent **of schools**, associate
598 | superintendents, and the staff director in
599 | the Board of ~~Education~~

600

601 | b) Any school official or employee who has
602 | responsibility for preparing, approving, or
603 | auditing, or who has the authority to commit the
604 | school system to rent, purchase, or lease, any of
605 | the following items with an aggregate value of
606 | \$100,000 in any fiscal year shall file a
607 | confidential financial disclosure statement as
608 | provided in this section:

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(1) Personal service contracts

(2) Specifications for materials, supplies, or equipment; or

(3) Requests for proposals or bids

~~e) All persons specified in Sections 3.a) and 3.b) shall file an annual financial disclosure statement by April 30 for the preceding calendar year on a form approved by the Montgomery County Board of Education.~~

c) Deadlines for filing statements

(1) The incumbent officials identified in sections 3.a)(1) and (3) and in section 3.b) shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.

~~(1) Those officials specified in Sections 3.a)(1) and 3.a)(3) shall file financial disclosure statements with the Montgomery County Board of Education Ethics Panel, and those statements shall be public, subject to restrictions stated below. Those officials~~

637 ~~and employees specified in Section 3.b)~~
638 ~~above shall file confidential financial~~
639 ~~disclosure statements with the Montgomery~~
640 ~~County Board of Education Ethics Panel. The~~
641 ~~Panel shall review the statements for~~
642 ~~completeness of form and for determination~~
643 ~~of any existing or potential conflict of~~
644 ~~interest. These statements shall be retained~~
645 ~~for a period of four years and then~~
646 ~~destroyed.~~

647
648 (2) An official who is appointed to fill a
649 vacancy in an office for which a financial
650 disclosure statement is required and who has
651 not already filed a financial disclosure
652 statement shall file a statement for the
653 preceding calendar year within 30 days after
654 appointment.

655
656 (3) An individual who, other than by reason of
657 death, leaves an office for which a
658 statement is required shall file a statement
659 within 60 days after leaving the office.
660 The statement shall cover:

661
662 (a) The calendar year immediately preceding
663 the year in which the individual left
664 office, unless a statement covering

665 that year has already been filed by the
666 individual; and

667
668 (b) The portion of the current calendar
669 year during which the individual held
670 the office.

671
672 d) Candidates to be members of the Board

673
674 (1) Except for an official who has filed a
675 financial disclosure statement under another
676 provision of this section for the reporting
677 period, a candidate to be a member of the
678 Board shall file a financial disclosure
679 statement each year beginning with the year
680 in which the certificate of candidacy is
681 filed through the year of the election.

682
683 (2) A candidate to be a member of the Board
684 shall file a statement required under this
685 section:

686
687 (a) In the year the certificate of
688 candidacy is filed, no later than the
689 filing of the certificate of candidacy;

690
691 (b) In the year of the election, on or
692 before the earlier of April 30 or the

693 last day for the withdrawal of
694 candidacy; and

695
696 (c) In all other years for which a
697 statement is required, on or before
698 April 30.

699
700 (3) A candidate to be a member of the Board:

701
702 (a) May file the statement required under
703 §3(d)(2)(a) of this policy with the
704 Board of Election Supervisors with the
705 certificate of candidacy or with the
706 Panel prior to filing the certificate
707 of candidacy; and

708
709 (b) Shall file the statements required
710 under §3(d)(2)(b) and (c) of this
711 policy with the Panel.

712
713 (4) If a candidate fails to file a statement
714 required by this section after written
715 notice is provided by the Board of Election
716 Supervisors at least 20 days before the last
717 day for the withdrawal of candidacy, the
718 candidate is deemed to have withdrawn the
719 candidacy.

720

721 (5) The Board of Election Supervisors may not
722 accept any certificate of candidacy unless a
723 statement required under this section has
724 been filed in proper form.

725
726 (6) Within 30 days of the receipt of a statement
727 required under this section, the Board of
728 Election Supervisors shall forward the
729 statement to the Panel, or the office
730 designated by the Panel or Board.

731
732 ~~(2) Those persons specified in Section 3.a)(2)~~
733 ~~shall file a financial disclosure statement~~
734 ~~for the preceding calendar year with the~~
735 ~~Board of Supervisors of Elections at the~~
736 ~~time they submit their certificate of~~
737 ~~candidacy, and these forms shall be public,~~
738 ~~subject to restrictions stated below. Upon a~~
739 ~~candidate's election to the Board of~~
740 ~~Education, the Board of Supervisors of~~
741 ~~Elections shall transmit the financial~~
742 ~~disclosure form to the Ethics Panel.~~

743
744 ~~d) All statements filed by persons specified in~~
745 ~~Section 3.a) shall be made available during~~
746 ~~normal office hours for examination and copying~~
747 ~~by the public, subject to whatever reasonable~~
748 ~~fees and administrative procedures are~~

749 ~~established. Any persons examining or copying~~
750 ~~such statements shall be required to record their~~
751 ~~name, home address, and the name of the person~~
752 ~~whose disclosure statement was examined or~~
753 ~~copied.~~

754
755 e) Public record

756
757 (1) The Panel shall maintain all financial
758 disclosure statements filed under this
759 section.

760
761 (2) Except for the financial disclosure
762 statements filed by the persons identified
763 in section C.3 b) which shall be
764 confidential, the Panel shall make financial
765 disclosure statements available during
766 normal office hours, for examination and
767 copying by the public subject to reasonable
768 fees and administrative procedures
769 established by the Board.

770
771 (3) If an individual examines or copies a
772 financial disclosure statement, the Panel
773 shall record:
774

775 (a) The name and home address of the
776 individual reviewing or copying the
777 statement; and

778
779 (b) The name of the person whose financial
780 disclosure statement was examined or
781 copied.

782
783 (4) Upon request by the individual whose
784 financial disclosure statement was examined
785 or copied, the Panel shall provide the
786 individual with a copy of the name and home
787 address of the person who reviewed the
788 individual's financial disclosure statement.

789
790 f) Retention requirements

791
792 The Panel shall retain financial disclosure
793 statements for four years from the date of
794 receipt.

795
796 ge) All statements filed pursuant to this section
797 shall disclose the following interests:

798
799 (1) Interests in real property

800
801 (a) A statement filed under this section
802 shall include a schedule of all

803 interests in real property wherever
804 located.

805
806 (b) For each interest in real property, the
807 schedule shall include:

808
809 i) The nature of the property and the
810 location by street address,
811 mailing address, or legal
812 description of the property;

813
814 ii) The nature and extent of the
815 interest held, including any
816 conditions and encumbrances on the
817 interest;

818
819 iii) The date when, the manner in
820 which, and the identity of the
821 person from whom the interest was
822 acquired;

823
824 iv) The nature and amount of the
825 consideration given in exchange
826 for the interest or, if acquired
827 other than by purchase, the fair
828 market value of the interest at
829 the time acquired;

830

831 v) If any interest was transferred,
832 in whole or in part, at any time
833 during the reporting period, a
834 description of the interest
835 transferred, the nature and amount
836 of the consideration received for
837 the interest, and the identity of
838 the person to whom the interest
839 was transferred; and

840
841 vi) The identity of any other person
842 with an interest in the property.

843
844 (2) Interests in corporations and partnerships

845
846 (a) A statement filed under this section
847 shall include a schedule of all
848 interests in any corporation,
849 partnership, limited liability
850 partnership, or limited liability
851 corporation, regardless of whether the
852 corporation or partnership does
853 business with the school system or
854 Board.

855
856 (b) For each interest reported under this
857 paragraph, the schedule shall include:

858

- 859 i) The name and address of the
860 principal office of the
861 corporation, partnership, limited
862 liability partnership, or limited
863 liability corporation;
864
865 ii) The nature and amount of the
866 interest held, including any
867 conditions and encumbrances on the
868 interest;
869
870 iii) With respect to any interest
871 transferred, in whole or in part,
872 at any time during the reporting
873 period, a description of the
874 interest transferred, the nature
875 and amount of the consideration
876 received for the interest, and if
877 known, the identity of the person
878 to whom the interest was
879 transferred; and
880
881 iv) With respect to any interest
882 acquired during the reporting
883 period:
884
885 A) The date when, the manner in
886 which, and the identity of

887 the person from whom the
888 interest was acquired; and

889
890 B) The nature and the amount of
891 the consideration given in
892 exchange for the interest or,
893 if acquired other than by
894 purchase, the fair market
895 value of the interest at the
896 time required.

897
898 v) An individual may satisfy the
899 requirement to report the amount
900 of the interest held under item
901 (b)(ii) of this paragraph by
902 reporting, instead of a dollar
903 amount:

904
905 A) For an equity interest in a
906 corporation, the number of
907 shares held and, unless the
908 corporations, stock is
909 publicly traded, the
910 percentage of equity interest
911 held; or

912

913 B) For an equity interest in a
914 partnership, the percentage
915 of equity interest held.

916
917 (3) Interests in business entities doing
918 business with the school system or Board

919
920 (a) A statement filed under this section
921 shall include a schedule of all
922 interests in any business entity that
923 does business with the school system or
924 Board, other than interests reported
925 under paragraph (2) of this subsection.

926
927 (b) For each interest reported under this
928 paragraph, the schedule shall include:

929
930 i) The name and address of the
931 principal office of the business
932 entity;

933
934 ii) The nature and amount of the
935 interest held, including any
936 conditions to and encumbrances on
937 the interest;

938
939 iii) With respect to any interest
940 transferred, in whole or in part,

941 at any time during the reporting
942 period, a description of the
943 interest transferred, the nature
944 and amount of the consideration
945 received in exchange for the
946 interest, and, if known, the
947 identity of the person to whom the
948 interest was transferred; and

949
950 iv) With respect to any interest
951 acquired during the reporting
952 period:

953
954 A) The date when, the manner in
955 which, and the identity of
956 the person from whom the
957 interest was acquired; and

958
959 B) The nature and the amount of
960 the consideration given in
961 exchange for the interest or,
962 if acquired other than by
963 purchase, the fair market
964 value of the interest at the
965 time acquired.

966 (4) Gifts
967

968 (a) A statement filed under this section
969 shall include a schedule of each gift
970 in excess of \$25 in value, or a series
971 of gifts totaling \$100 or more,
972 received during the calendar year from
973 or on behalf of, directly or
974 indirectly, any one person who does
975 business with the school system or
976 Board.

977
978 b) For each gift reported the schedule
979 shall include:

980
981 i) A description of the nature and
982 value of the gift; and

983
984 ii) The identity of the person from
985 whom, or on behalf of whom,
986 directly or indirectly, the gift
987 was received.

988
989 (5) Employment with or interests in entities
990 doing business with the school system or
991 Board

992
993 a) A statement filed under this section
994 shall include a schedule of all
995 offices, directorships, and salaried

996 employment by the individual or member
997 of the immediate family of the
998 individual held at any time during the
999 reporting period with entities doing
1000 business with the school system or
1001 Board.

1002
1003 b) For each position reported under this
1004 paragraph, the schedule shall include:

1005
1006 i) The name and address of the
1007 principal office of the business
1008 entity;

1009
1010 ii) The title and nature of the
1011 office, directorship, or salaried
1012 employment held and the date it
1013 commenced; and

1014
1015 iii) The name of each school system or
1016 Board unit with which the entity
1017 is involved as indicated by
1018 identifying one or more of the
1019 three categories of "doing
1020 business," as specified in the
1021 Definitions section of this
1022 policy.

1023 _____

1024 (6) Indebtedness to entities doing business with
1025 the school system or Board

1026
1027 **A statement filed under this section shall**
1028 include a schedule of all liabilities,
1029 excluding retail credit accounts, to persons
1030 doing business with the school system or
1031 Board owed at any time during the reporting
1032 period by:_____

1033
1034 (a) The individual; or

1035
1036 (b) A member of the immediate family of the
1037 individual if the individual was
1038 involved in the transaction giving rise
1039 to the liability.

1040
1041 i) For each liability reported under
1042 this paragraph, the schedule shall
1043 include:

1044
1045 A) The identity of the person to
1046 whom the liability was owed
1047 and the date the liability
1048 was incurred;
1049

1050 B) The amount of the liability
1051 owed as of the end of the
1052 reporting period;

1053
1054 C) The terms of payment of the
1055 liability and the extent to
1056 which the principal amount of
1057 the liability was increased
1058 or reduced during the year;
1059 and

1060
1061 D) The security given, if any,
1062 for the liability.

1063
1064 (7) Employment with the school system or Board

1065
1066 A statement filed under this section shall
1067 include a schedule of the immediate family
1068 members of the individual employed by the
1069 school system or Board in any capacity at
1070 any time during the reporting period.

1071
1072 (8) Sources of earned income

1073
1074 (a) A statement filed under this section
1075 shall include a schedule of the name
1076 and address of each place of employment
1077 and of each business entity of which

1078 the individual or a member of the
1079 individual's immediate family was a
1080 sole or partial owner and from which
1081 the individual or member of the
1082 individual's immediate family received
1083 earned income at any time during the
1084 reporting period.

1085
1086 (b) A minor child's employment or business
1087 ownership need not be disclosed if the
1088 Board or school system does not
1089 regulate, exercise authority over, or
1090 contract with the place of employment
1091 or business entity of the minor child.

1092
1093 (9) A statement filed under this section may
1094 also include a schedule of additional
1095 interests or information that the individual
1096 making the statement wishes to disclose.

1097
1098 For the purposes of 3 f)(1), (2), and (3) of
1099 this policy, the following interests are
1100 considered to be the interests of the
1101 individual making the statement:

1102
1103 (a) An interest held by a member of the
1104 individual's immediate family, if the
1105 interest was, at any time during the

1106 reporting period, directly or
1107 indirectly controlled by the
1108 individual.

1109
1110 (b) An interest held by a business entity
1111 in which the individual held a 30
1112 percent or greater interest at any time
1113 during the reporting period.

1114
1115 (c) An interest held by a trust or an
1116 estate in which, at any time during the
1117 reporting periods;

1118
1119 i) The individual held a reversionary
1120 interest or was a beneficiary; or

1121
1122 ii) If a revocable trust, the
1123 individual was a settlor.

1124
1125 (10) The Panel shall review the financial
1126 disclosure statements submitted under this
1127 section for compliance with the provisions
1128 of this section and shall notify an
1129 individual submitting the statement of any
1130 omissions or deficiencies. Evidence of
1131 noncompliance shall be pursued by the Panel.
1132

1133 (11) In addition to the financial disclosure
1134 provisions set forth in this section, the
1135 persons specified in section 3.a) shall file
1136 a statement with the Panel disclosing any
1137 interests that raise conflicts of interest
1138 or potential conflicts of interest in
1139 connection with a specific proposed action
1140 by such person, sufficiently in advance of
1141 any anticipated action to allow adequate
1142 disclosure to the public.

1143
1144 ~~(1) Interests in real property located in~~
1145 ~~Montgomery County, including:~~

1146
1147 ~~(a) The nature of the property and its~~
1148 ~~location by street or mailing address~~
1149 ~~or legal description~~

1150
1151 ~~(b) The nature and extent of the interest~~
1152 ~~held, including conditions or~~
1153 ~~encumbrances~~

1154
1155 ~~(c) For interest acquired or transferred in~~
1156 ~~the year for which the filing is made,~~
1157 ~~the nature and amount of consideration~~
1158 ~~or the fair market value of the~~
1159 ~~interest at the time acquired or~~
1160 ~~transferred~~

- 1161
1162 ~~(d) The identity of any other person with~~
1163 ~~an interest in the property~~
1164
- 1165 ~~(2) Financial interest in a business entity with~~
1166 ~~which the school system has been known to or~~
1167 ~~is likely to do business, including:~~
1168
- 1169 ~~(a) The name and address of its principal~~
1170 ~~office~~
1171
- 1172 ~~(b) The nature and extent of the interest~~
1173 ~~held either in terms of number of~~
1174 ~~shares or percent of equity interest,~~
1175 ~~including conditions or encumbrances~~
1176
- 1177 ~~(c) For interests acquired or transferred~~
1178 ~~in the year for which the filing is~~
1179 ~~made, the nature and amount of~~
1180 ~~consideration or the fair market value~~
1181 ~~of the interest at the time acquired or~~
1182 ~~transferred and, if known, the person~~
1183 ~~from or to whom the property was~~
1184 ~~acquired or transferred~~
1185
- 1186 ~~(d) The identity of any other person who~~
1187 ~~may share the interest~~
1188

1189 ~~(3) Any gift exceeding \$25 in value or series of~~
1190 ~~gifts exceeding \$100 in value from any~~
1191 ~~person received during the calendar year, or~~
1192 ~~by any other person at the direction of the~~
1193 ~~person making the statement, from or on~~
1194 ~~behalf of any person doing business with the~~
1195 ~~school system, including the nature and~~
1196 ~~value of the gift and the identity of the~~
1197 ~~person from whom, or on behalf of whom, the~~
1198 ~~gift was received~~
1199

1200 ~~(4) Employment by any entity doing business with~~
1201 ~~the school system, including offices,~~
1202 ~~directorships, or salaried employment held~~
1203 ~~by the person making the statement or~~
1204 ~~his/her spouse or dependent child during the~~
1205 ~~calendar year, including:~~
1206

1207 ~~(a) The name and address of the principal~~
1208 ~~office of the business entity~~
1209

1210 ~~(b) Title and nature of the office,~~
1211 ~~directorship, or salaried employment~~
1212 ~~and its beginning date~~
1213

1214 ~~(c) If known, the unit or units in the~~
1215 ~~school system with which the entity has~~
1216 ~~done or is doing business~~

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1244

~~(d) The nature of "doing business" as specified in the Definitions section of this policy~~

~~(5) Amounts in excess of \$250 owed by the persons filing the statement, their spouse, or dependent child during the calendar year, other than retail credit accounts, to persons doing business with the school system, including:~~

~~(a) The identity of the person owed and the date the liability was incurred~~

~~(b) The amount owed at the end of the calendar year~~

~~(c) The terms of payment and the extent to which the principal amount of the liability was increased or decreased during the year~~

~~(d) Any security pledged for the liability~~

~~(6) Names of spouse or dependent children employed by the school system~~

1245 ~~(7) Any other interests or information the~~
1246 ~~person making the statement finds~~
1247 ~~appropriate to disclose in light of the~~
1248 ~~purposes of this policy~~

1250 ~~f) If any financial disclosure statement does not~~
1251 ~~appear to comply with the provisions of this~~
1252 ~~policy, the person filing the statement will be~~
1253 ~~notified of any apparent omission or discrepancy,~~
1254 ~~and evidence of noncompliance with this policy~~
1255 ~~shall be pursued by the Ethics Panel.~~

1257 ~~g) In addition to the financial disclosure provision~~
1258 ~~set forth in this section, persons specified in~~
1259 ~~Section 3.a) shall file a statement with the~~
1260 ~~Ethics Panel disclosing any interest or~~
1261 ~~employment, the holding of which would require~~
1262 ~~disqualification from participation pursuant to~~
1263 ~~2.a) of this policy, sufficiently in advance of~~
1264 ~~any anticipated action to allow adequate~~
1265 ~~disclosure to the public.~~

1267 4. Lobbying Disclosure

1268
1269 a) Any person representing him/herself, a business
1270 entity, or an organization who personally appears
1271 before the Board of Education, a school official,
1272 or employee with the intent to influence that

1273 body or individual in the performance of official
1274 duties, and who in connection with such intent
1275 expends or reasonably expects to expend in excess
1276 of \$100 in any calendar year on food,
1277 entertainment, or other gift or series of gifts
1278 for any member of the Board or a school official
1279 shall register with the Ethics Panel within 5
1280 days after first making the appearance.

1281
1282 b) Any person representing him/herself, a business
1283 entity, or an organization, who communicates with
1284 one or more members of the Board of ~~Education~~ or
1285 school employees, or who solicits others to
1286 communicate with a school official or employee
1287 with the intent to influence that official or
1288 employee in the outcome of any official actions,
1289 and who incurs expenses of more than \$300 for
1290 this purpose in any calendar year, shall register
1291 with the Ethics Panel within 5 days after
1292 expending these funds.

1293
1294 c) The registration statement shall identify the
1295 name and address of the lobbyist and any person
1296 on whose behalf he/she acts, and the subject
1297 matter which the registrant appeared before the
1298 Board or school official. The registration
1299 statement shall cover lobbying activities
1300 undertaken during the calendar year.

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d) Registrants under this section shall file a report within 30 days after the end of any calendar year disclosing the value, date, and nature of any food, entertainment, or other gift provided to a ~~Board member~~ or school official.

_____ Where the value of a gift exceeds \$25 in value or series of gifts exceeds \$100 in value in the calendar year, the registrant shall disclose the name of the ~~Board member~~, school official, ~~or~~ employee to whom it was made.

e) Registrations and reports filed pursuant to this section shall be maintained by the Ethics Panel as public records, available for inspection and copying subject to the conditions specified in Section 3.d) of this policy.

f) The provisions of this section do not apply to the following acts:

- (1) Professional services in advising and rendering opinions to clients as to the construction and effect of proposed or pending Board actions when these services do not otherwise constitute lobbying;

1329 (2) Appearances before the Board upon its
1330 specific invitation or request if the person
1331 or entity engages in no further or other
1332 activities in connection with the passage or
1333 defeat of Board actions;

1334
1335 (3) Appearances before an organizational unit of
1336 the school system upon the specific
1337 invitation or request of the unit if the
1338 person or entity engages in no further or
1339 other activities in connection with the
1340 passage or defeat of school system or Board
1341 action;

1342
1343 (4) Appearance as part of the official duties of
1344 a duly elected or appointed official or
1345 employee of the State or a political
1346 subdivision of the State, or of the United
1347 States, and not on behalf of any other
1348 entity;

1349
1350 (5) Actions of a publisher or working member of
1351 the press, radio, or television in the
1352 ordinary course of the business of
1353 disseminating news or making editorial
1354 comment to the general public who does not
1355 engage in further or other lobbying that
1356 would directly and specifically benefit the

1357 economic, business, or professional
1358 interests of the person or entity or the
1359 employer of the person or entity;

1360
1361 (6) Appearances by an individual before the
1362 Board at the specific invitation or request
1363 of a registered lobbyist if the person
1364 performs no other lobbying act and notifies
1365 the Board that the person or entity is
1366 testifying at the request of the lobbyist;

1367
1368 (7) Appearances by an individual before the
1369 Board or an organizational unit of the
1370 school system at the specific invitation or
1371 request of a registered lobbyist if the
1372 person or entity performs no other lobbying
1373 act and notifies the unit that the person or
1374 entity is testifying at the request of the
1375 lobbyist;

1376
1377 (8) The representation of a bona fide religious
1378 organization solely for the purpose of
1379 protecting the right of its own members to
1380 practice the doctrine of the organization;
1381 and

1382
1383 (9) Appearance as part of the official duties of
1384 an officer, director, member, or employee of

1385 an association engaged exclusively in
1386 lobbying for counties and municipalities and
1387 not on behalf of any other entity.
1388

1389 ~~(1) Appearances before the Board of Education or~~
1390 ~~any school official by specific invitation~~
1391 ~~or request, if the person engages in no~~
1392 ~~further or other activities in connection~~
1393 ~~with the passage or defeat of Board policies~~
1394 ~~related to the matter on which the~~
1395 ~~appearance is made~~
1396

1397 ~~(2) Appearances before the Board of Education or~~
1398 ~~any school official as part of the official~~
1399 ~~duties of a duly elected or appointed~~
1400 ~~official or employee of the Board of~~
1401 ~~Education, the state, a political~~
1402 ~~subdivision of the state, or of the United~~
1403 ~~States, and not on behalf of any other~~
1404 ~~entity~~
1405

1406 ~~(3) Actions of a publisher or working member of~~
1407 ~~the news media in the ordinary course of~~
1408 ~~disseminating news or making editorial~~
1409 ~~comment to the general public, but who does~~
1410 ~~not engage in further or other lobbying that~~
1411 ~~would directly and specifically benefit the~~
1412 ~~economic, business, or professional~~

1413 | ~~interests of that person or that person's~~
1414 | ~~employer~~

1415 |
1416 | ~~(4) Appearances before the Board of Education or~~
1417 | ~~any school official at the specific~~
1418 | ~~invitation or request of a registrant,~~
1419 | ~~provided no other act is undertaken for~~
1420 | ~~which reporting is required, and provided~~
1421 | ~~the witness identifies him/herself as~~
1422 | ~~testifying at the request of another person~~

1423 |
1424 | ~~(5) Representation of a bona fide religious~~
1425 | ~~organization solely for the purpose of~~
1426 | ~~protecting the right of its members to~~
1427 | ~~practice the doctrine of the organization~~

1428 |

1429 | 5. Exemptions and Modifications

1430 |
1431 | The Ethics Panel may grant exemptions and
1432 | modifications to the provisions of sections C.2 and
1433 | C.3 of this policy to employees (and not members of
1434 | the Board) when the Panel determines that application
1435 | of those provisions is not required to preserve the
1436 | purposes of this chapter and would:

1437 |

1438 | a) Constitute an unreasonable invasion of privacy;

1439 |

- 1440 | b) Significantly reduce the availability of
1441 | qualified persons for public service; and
1442 |
1443 | c) Not be required to preserve the purposes of this
1444 | policy.

1445 |
1446 | ~~Exemptions or modifications to the provisions of this~~
1447 | ~~policy may be permitted by the Ethics Panel if it~~
1448 | ~~determines that application of those provisions would:~~

- 1449 |
1450 | ~~a) Constitute an unreasonable invasion of privacy~~
1451 |
1452 | ~~b) Significantly reduce the availability of~~
1453 | ~~qualified persons for public service~~
1454 |
1455 | ~~c) Not be required to preserve the purposes of this~~
1456 | ~~policy~~

1457 |
1458 | 6. Ethics Panel

- 1459 |
1460 | a) There is a Montgomery County Board of Education
1461 | Ethics Panel which consists of five members
1462 | appointed by the Board of Education.
1463 |
1464 | b) Terms of members shall be for three years and
1465 | established so that one member's term expires
1466 | each year.

1468 c) Panel members shall not be incumbent members of
1469 the Board, school officials or employees, persons
1470 employed by a business entity subject to the
1471 authority of the Board, or spouses of such
1472 persons.

1473
1474 d) The Panel shall elect a chairman from among its
1475 members.

1476
1477 (1) The term of the chairman is one year.

1478
1479 (2) The chairman may be reelected.

1480
1481 e) The Panel shall be assisted in carrying out the
1482 responsibilities specified in this policy by the
1483 ethics officer and the ~~Office of the Board of~~
1484 ~~Education~~ which, in consultation with the
1485 superintendent of schools, shall see that needed
1486 legal, technical, and clerical assistance is
1487 provided to the Ppanel.

1488
1489
1490 fe) The Board of ~~Education~~ encourages all persons
1491 affected by this policy to seek the advice of the
1492 Ethics Panel as to any potential conflict of
1493 interest or other matter within the scope of this
1494 policy.

1495 | _____

1496 (g) The Panel is the advisory body responsible for
1497 interpreting this policy and advising persons
1498 subject to this policy regarding its application.
1499

1500 (h) The Panel shall implement a public information
1501 and education program regarding the purpose and
1502 implementation of this policy.
1503

1504 (i) The Panel shall be the custodian of all forms
1505 submitted by any person under this policy and
1506 shall provide public access to such forms in
1507 accordance with this policy.
1508

1509 (j) Request for advisory opinion
1510

1511 (1) Any official, employee, or other person
1512 subject to this chapter may request an
1513 advisory opinion from the Panel concerning
1514 the application of this policy.
1515

1516 (2) The Panel shall respond promptly to a
1517 request for an advisory opinion and shall
1518 provide interpretations of this policy
1519 within 60 days of the request based on the
1520 facts provided or reasonably available to
1521 the Panel.
1522

1523 (3) In accordance with applicable state laws
1524 regarding public records, the Panel shall
1525 publish or otherwise make available to the
1526 public copies of the advisory opinions with
1527 the identities of the subjects deleted.

1528

1529 (k) Filing a complaint

1530

1531 (1) Any person may file a complaint with the
1532 Panel alleging a violation of any of the
1533 provisions of this policy.

1534

1535 (2) A complaint shall be in writing and under
1536 oath.

1537

1538 (3) The Panel may refer a complaint to legal
1539 counsel for the Board or other legal counsel
1540 approved by the Board for investigation and
1541 review.

1542

1543 (4) If the Panel determines that there are
1544 insufficient facts upon which to base a
1545 determination of a violation, the Panel
1546 shall dismiss the complaint.

1547

1548 (5) If there is a reasonable basis for believing
1549 a violation has occurred, the subject of the
1550 complaint shall be given an opportunity for

1551 a hearing which will be conducted by the
1552 Panel.

1553
1554 i) A respondent may propose a settlement
1555 or cure to the Panel before a hearing.

1556
1557 ii) If the Panel determines that the
1558 proposed settlement or cure is
1559 consistent with the purposes of this
1560 policy, the Panel shall recommend that
1561 the Board accept the proposed
1562 settlement or cure.

1563
1564 iii) If the Board concurs with the
1565 recommendation of the Panel, the Board
1566 shall accept the proposed settlement or
1567 cure.

1568
1569 (l) The Panel's findings of a violation resulting
1570 from the hearing shall include findings of fact
1571 and conclusions of law.

1572
1573 (m) The Panel shall report its findings and
1574 recommendations for action to the Board.

1575
1576 (n) If the Board concurs with the findings of a
1577 violation and recommendations of the Panel, the

1578 Board may take enforcement action as provided in
1579 this policy.

1580

1581 (o) The Board may dismiss a complaint:

1582

1583 i) On the recommendation of the Panel; or

1584

1585 ii) If the Board disagrees with a finding of a
1586 violation by the Panel.

1587

1588 (p) After a complaint is filed and until a final
1589 determination by the Board, all actions regarding
1590 a complaint are confidential.

1591

1592 (q) If a Board member is the subject of a complaint
1593 filed with the Panel, the Board member may not
1594 vote or participate in the Board's deliberations
1595 on the complaint.

1596

1597 ~~f) The Panel shall:~~

1598

1599 ~~(1) Interpret this policy and advise persons~~
1600 ~~subject to it as to its application~~

1601

1602 ~~(a) Any official, employee or other person~~
1603 ~~subject to this policy may request an~~
1604 ~~advisory opinion from the Panel~~
1605 ~~concerning the application of this~~

1606 | ~~policy. The panel shall respond~~
1607 | ~~promptly to a request by any official,~~
1608 | ~~employee, or other person subject to~~
1609 | ~~the provisions of this policy for an~~
1610 | ~~advisory opinion concerning its~~
1611 | ~~application.~~

1612 |
1613 | ~~(b) Copies of these interpretations, with~~
1614 | ~~the identity of any person deleted,~~
1615 | ~~shall be made public in accordance with~~
1616 | ~~applicable federal or Maryland Laws~~
1617 | ~~regarding public records.~~

1618 |
1619 | ~~(e) The panel shall provide interpretations~~
1620 | ~~of this policy based on the facts~~
1621 | ~~provided or reasonably available to it~~
1622 | ~~and, if necessary, ask the Board of~~
1623 | ~~Education for an addition or amendment~~
1624 | ~~to this policy, which shall be subject~~
1625 | ~~to subsequent approval by the State~~
1626 | ~~Ethics Commission~~

1627 |
1628 | ~~(2) Be responsible for hearing any complaint~~
1629 | ~~filed regarding an alleged violation of this~~
1630 | ~~policy by any person~~

1631 |
1632 | ~~(a) Complaints shall be made in writing and~~
1633 | ~~signed by the complainant and shall be~~

1634 | ~~referred to the ethics officer for~~
1635 | ~~investigation and review in~~
1636 | ~~consultation with legal counsel and the~~
1637 | ~~Ethics Panel.~~

1638 |
1639 | ~~(b) From the time a complaint is filed~~
1640 | ~~until there is a final determination by~~
1641 | ~~the Board, all actions regarding the~~
1642 | ~~complaint shall be confidential.~~

1643 |
1644 | ~~(c) If, after receiving an investigative~~
1645 | ~~report, the panel determines that~~

1646 |
1647 | ~~(i) There is no violation, or~~
1648 | ~~insufficient facts upon which to~~
1649 | ~~determine a violation, it shall~~
1650 | ~~dismiss the complaint~~

1651 |
1652 | ~~(ii) There is a reasonable basis for~~
1653 | ~~believing a violation has~~
1654 | ~~occurred, it shall give the~~
1655 | ~~subject of the complaint a hearing~~

1656 |
1657 | ~~(iii) A report of the hearing shall~~
1658 | ~~include findings of fact and~~
1659 | ~~conclusions of law. If it finds a~~
1660 | ~~violation, the panel shall report~~
1661 | ~~its findings and recommendations~~

1662 | ~~for action to the superintendent~~
1663 | ~~and Board of Education.~~
1664 |

1665 | ~~(3) Determine any exemptions or modifications to~~
1666 | ~~the provisions of this policy as provided~~
1667 | ~~for in Section 5~~
1668 |

1669 | ~~(4) Approve financial disclosure and lobbying~~
1670 | ~~disclosure forms to implement this policy~~
1671 |

1672 | ~~(5) Receive, file, and provide public access to~~
1673 | ~~financial disclosure and lobbying forms~~
1674 | ~~which are filed with the panel~~
1675 |

1676 | ~~(6) Direct the implementation of an educational~~
1677 | ~~program to inform school employees and the~~
1678 | ~~public about the purposes and implementation~~
1679 | ~~of this policy~~
1680 |

1680 | 7. Sanctions
1681 |

1682 | a) A finding that a Board member, school official,
1683 | or employee has violated these provisions shall
1684 | constitute grounds for removal from office,
1685 | discipline, or other personnel action consistent
1686 | with provisions of the *Annotated Code of*
1687 | *Maryland, Education*, or the policies of the
1688 | ~~Montgomery County Board of Education.~~
1689 |

1690 b) Persons or organizations found in violation of
1691 the lobbying provisions of this policy shall be
1692 publicly identified and subject to other
1693 penalties as provided by law.

1694

1695 D. DESIRED OUTCOME

1696

1697 MCPS will maintain high standards of ethics on a regular
1698 and ongoing basis. All those subject to this policy,
1699 including administrators, teachers, and support staff will
1700 thoroughly understand and fully adhere to the highest
1701 ethical standards. Ethical principles such as honesty,
1702 integrity, responsibility, and citizenship will be in the
1703 forefront of all activities and promoted to the greatest
1704 possible extent with MCPS.

1705

1706 E. IMPLEMENTATION STRATEGIES

1707

1708 The position of ethics officer for MCPS ~~the Montgomery~~
1709 ~~County Public Schools~~ is hereby established. The ethics
1710 officer shall report directly to the Board ~~of Education~~.
1711 The ethics officer will support and facilitate the work of
1712 the Ethics Panel and provide leadership for implementing
1713 all MCPS activities concerning ethics and conflicts of
1714 interest.

1715

1716 F. REVIEW AND REPORTING

1717

1718 | This policy will be reviewed ~~by~~ in accordance with the
1719 | Board of Education policy review process.

1720
1721
1722

1723 | *Policy History:* Adopted by Resolution No. 1003-83, December 13,
1724 | 1983; amended by Resolution Nos. 203-84, 204-84, 205-84, 206-84,
1725 | 207-84, March 13, 1984; reformatted in accordance with
1726 | Resolution No. 333-86, June 12, 1986 and Resolution No. 458-86,
1727 | August 12, 1986, and accepted by Resolution No. 550-88, October
1728 | 24, 1988; amended by Resolution No. 209-99, March 22, 1999;
1729 | modified to reflect Resolution No. 314-03, June 10, 2003;
1730 | amended.