

MONTGOMERY COUNTY BOARD OF EDUCATION  
Rockville, Maryland

October 9, 2012

MEMORANDUM

To: Members of the Board of Education

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

Subject: Final Action, Policy BBB, *Ethics*

On February 14, 2012, the Montgomery County Board of Education tentatively adopted the updated Policy BBB, *Ethics*. The tentatively adopted policy was distributed for public comment. Four comments were received.

On July 23 and September 18, 2012, the members of the Board of Education Policy Committee further discussed Policy BBB, *Ethics*. Based on comments received from the legal counsel for the State Ethics Commission, it was recommended that the Board of Education adopt Policy BBB, *Ethics*, with the inclusion of language from the Commission's legal counsel that would allow specified employees to file a shorter financial disclosure form as noted in the counsel comments, as well as requiring the following information:

Language should be retained from the current policy that requires any school employee who has the responsibility for preparing, approving, or auditing, or has the authority to commit the school system to rent, purchase, or lease, any of the following items with an aggregate value of \$100,000 in any fiscal year: personal service contracts; specifications for materials; supplies or equipment; or requests for bids or proposals.

Employees also should be required to disclose outside employment during the reporting period with entities which are or were doing business with Montgomery County Public Schools (MCPS).

Employees also should be required to disclose whether a spouse or a dependent child is employed by MCPS and whether that person falls within the same supervisory chain.

A section should be included in the shorter financial disclosure form that asks employees to include any information or interests they find appropriate to disclose.

Pursuant to existing Section 3-901 of the *Education Article* of the *Annotated Code of Maryland*, the Student Member of the Board (SMOB) currently does not have any voting rights for fiscal items, i.e., contracts, collective bargaining, operating budget, or capital budget. In addition, the SMOB is legally a minor. For these reasons, the Committee Recommended Draft includes

language that excludes the SMOB from completing the financial disclosure form required of the adult Board members and candidates.

The Maryland State Ethics Commission has reviewed the recommended changes and determined the Committee Recommended Draft to be in compliance with applicable laws.

The Policy Committee's recommended changes to the tentatively adopted policy are reflected in the Committee Recommended Draft as Attachment A. The public comments are summarized in Attachment B. The original public comments are included in Attachment C. The Draft for Public Comment is included as Attachment D.

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 Montgomery County Public Schools (MCPS) to ensure the highest public confidence in the impartiality and independent judgment of Board of Education members and school employees, and seeks to provide guidance for MCPS personnel concerning ethics-related matters; and

WHEREAS, The draft of Policy BBB, *Ethics*, was tentatively adopted by the Montgomery County Board of Education on February 14, 2012, and was sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received comments and the Board of Education Policy Committee's recommendations; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy BBB, *Ethics*, as updated in the attached committee recommended draft.

Present at the 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

Attachments

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

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

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25 C. DEFINITIONS

26

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27 Words in this policy have their normal accepted meanings  
28 except as set forth below:

29

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

36

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

46

47 3. *Doing business with* means having or negotiating a  
48 contract that involves the commitment, in a single or  
49 combination of transactions, of \$5,000 or more of  
50 school system funds during a calendar year, or being  
51 subject to the authority of the school system, or  
52 being registered as a lobbyist in accordance with  
53 section H. (*Lobbying Disclosure*) of this policy.

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4. *Employee* means any person employed by the Board, including the superintendent of schools.
  
5. *Financial interest* means:
  - a) Ownership of any interest as the result of which the owner has received within the past 3 years, is presently receiving, or is entitled to receive in the future in excess of \$1,000 annually; or
  
  - b) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by an official or the spouse of an official.
  
6. *Gift* means the transfer of anything of economic value, regardless of form, without adequate and lawful consideration. Gift does not include political campaign contributions regulated under Maryland or local law. (See also exemptions in section D.6.d.)
  
7. *Immediate family* means a spouse and dependent children.
  
8. *Interest* means any legal or equitable economic interest, whether or not subject to an encumbrance or

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81 a condition, which was owned or held in whole or in  
82 part, jointly or severally, directly or indirectly, at  
83 any time during the ~~calendar-year~~ reporting period.

84 Interest does not include:

85  
86 a) An interest held in the capacity of a personal  
87 agent, personal representative, agent, custodian,  
88 fiduciary, or trustee, unless the holder has an  
89 equitable interest in the subject matter;

90  
91 b) An interest in a time or demand deposit in a  
92 financial institution;

93  
94 c) An interest in an insurance or endowment policy  
95 or annuity contract under which an insurance  
96 company promises to pay a fixed amount of money  
97 in a lump sum or for life or some other specified  
98 period;

99  
100 d) A common trust fund or a trust which forms part  
101 of a pension or profit-sharing plan which has  
102 more than 25 participants and which has been  
103 determined by the Internal Revenue Service to be  
104 a qualified trust under the Internal Revenue  
105 Code; ~~or~~

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107 e) A college savings plan under the Internal Revenue  
108 Code.

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110 9. *Lobbying* means:

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112 a) Communicating in the presence of a school  
113 official with the intent to influence any  
114 official action of that official, where \$100 or  
115 more is spent during a calendar year for food,  
116 entertainment, other gifts, or a series of gifts  
117 in furtherance of this activity; or

118

119 b) Engaging in activities having the express purpose  
120 of soliciting others to communicate with a school  
121 official with the intent to influence that  
122 official in the outcome of any official action,  
123 where \$300 or more is spent in furtherance of  
124 this activity during the calendar year.

125

126 10. *Lobbyist* means a person required to register and  
127 report expenses related to lobbying under section H.  
128 of this policy.

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130 11. *Official or school official* means each member of the  
131 Board and its employees, including the superintendent  
132 of schools.

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- 134           12. *Panel* means the Board Ethics Panel.  
135  
136           13. *Person* includes an individual or a business entity.  
137  
138           14. *Qualified relative* means a spouse, parent, child, or  
139           sibling.  
140  
141           15. *Subject to the authority of* refers to business  
142           entities regulated by the Board or subject to  
143           significant control or impact by policies of the  
144           school system relating to the operations of the  
145           entity.

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147 D. Conflicts of interest

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149           1. Participation

150  
151           a) Except in the exercise of an administrative or  
152           ministerial duty that does not affect the  
153           disposition or decision in the matter, an  
154           official may not participate in ~~the disposition~~  
155           ~~or decision of:~~

156  
157                   (1) Any matter in which, to the knowledge of the  
158                   official, the official or a qualified  
159                   relative of the official has an interest; or  
160

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- 161                   (2) Any matter in which any of the following is  
162                   a party:
- 163
- 164                   (a) A business entity in which the official  
165                   has a direct financial interest of  
166                   which the official may reasonably be  
167                   expected to know;
- 168
- 169                   (b) A business entity for which the  
170                   official or a qualified relative of the  
171                   official is an officer, director,  
172                   trustee, partner, or employee;
- 173
- 174                   (c) A business entity for which the  
175                   official or, to the knowledge of the  
176                   official, a qualified relative of the  
177                   official is negotiating or has any  
178                   arrangement concerning prospective  
179                   employment;
- 180
- 181                   (d) A business entity that is a party to an  
182                   existing contract with the school  
183                   official or which, to the knowledge of  
184                   the official, a qualified relative of  
185                   the official, if the contract  
186                   reasonably could be expected to result  
187                   in a conflict between the private

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188 interests of the official and the  
189 school system or Board duties of the  
190 official;

191  
192 (e) An entity, doing business with the  
193 Board or school system, in which a  
194 direct financial interest is owned by  
195 another entity in which the official  
196 has a direct financial interest, if the  
197 official may reasonably be expected to  
198 know of both direct financial  
199 interests; or

200  
201 (f) A business entity that;  
202  
203 i) The official knows is a creditor or  
204 obligee of the official or a  
205 qualified relative of the official  
206 with respect to anything of economic  
207 value; and

208  
209 ii) As a creditor or obligee, is in a  
210 position to directly and  
211 substantially affect the interest of  
212 the official or qualified relative  
213 of the official.

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215           b) An official who is disqualified from  
216 participating under section D.1.a shall disclose  
217 the nature and circumstances of the conflict and  
218 may participate or act if:

219  
220               (1) The disqualification leaves the Board with  
221               less than a quorum capable of acting;

222  
223               (2) The disqualified official is required by law  
224               to act; or

225  
226               (3) The disqualified official is the only person  
227               authorized to act.

228  
229           c) The prohibitions of section D.1.a do not apply if  
230 participation is allowed by opinion of the Panel.

231  
232       2.   Employment and financial interests

233  
234           a) Except as permitted by school system regulation  
235 when the interest is disclosed or when the  
236 employment does not create a conflict of interest  
237 or appearance of a conflict, an official may not:

238  
239               (1) Be employed by or have a financial interest  
240               in an entity that is:

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242 (a) Subject to the authority of the school  
243 system or Board; or  
244

245 (b) Negotiating or has a contract with the  
246 school system or Board; or  
247

248 (2) Hold any other employment relationship that  
249 would impair the impartiality or  
250 independence of judgment of the official,  
251 affect their usefulness as employees in the  
252 school system, make time and/or energy  
253 demands that could interfere with their  
254 effectiveness in performing their regularly  
255 assigned duties, adversely affect their  
256 employment status, or would in any way  
257 conflict with assigned duties.  
258

259 b) This prohibition does not apply to:  
260

261 (1) An official whose duties are ministerial, if  
262 the private employment or financial interest  
263 does not create a conflict of interest or  
264 the appearance of a conflict of interest, as  
265 permitted by school system regulations; or  
266

267 (2) Subject to other provisions of regulation  
268 and law, a member of the Board in regard to

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269 a financial interest or employment held at  
270 the time of the oath of office, if the  
271 financial interest or employment was  
272 disclosed on the financial disclosure  
273 statement filed with the certificate of  
274 candidacy for the candidate to be a member  
275 of the Board; or

276  
277 (3) Employment or financial interests allowed by  
278 opinion of the Panel if the employment does  
279 not create a conflict of interest or the  
280 appearance of a conflict of interest or the  
281 financial interest is disclosed.

282  
283 3. Post-employment

284  
285 A former official may not assist or represent any  
286 other party other than the Board or school system for  
287 compensation in a case, contract, or other specific  
288 matter involving the Board or the school system if the  
289 matter is one in which the former official  
290 significantly participated as an official.

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292 4. Contingent compensation

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294 An official may not assist or represent a party for  
295 contingent compensation in any matter before or  
296 involving the Board or the school system.

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298 5. Prestige of office

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300 An official may not intentionally use the prestige of  
301 their office or public position for the private gain  
302 of that official or the private gain of another. The  
303 performance of usual and customary constituent  
304 services by a member of the Board without additional  
305 compensation does not constitute the use of prestige  
306 of office or public position.

307

308 6. Gifts

309

310 a) An official may not solicit any gift.

311

312 b) An official may not directly solicit or  
313 facilitate the solicitation of a gift, on behalf  
314 of another person, from an individual lobbyist.

315

316 c) An official may not knowingly accept a gift,  
317 directly or indirectly, from a person that the  
318 official knows or has reason to know:

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COMMITTEE RECOMMENDED DRAFT  
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- 320 (1) Is doing business with or seeking to do  
321 business with the school system or Board;  
322
- 323 (2) Is subject to the authority of the school  
324 system;  
325
- 326 (3) Is a lobbyist with respect to a matter  
327 within the jurisdiction of the official; or  
328
- 329 (4) Has financial interests that may be  
330 substantially and materially affected, in a  
331 manner distinguishable from the public  
332 generally, by the performance or  
333 nonperformance of the school system duties  
334 of the official.  
335
- 336 d) Notwithstanding paragraph 6. c) of this  
337 subsection, an official may accept:
- 338
- 339 (1) Meals and beverages consumed in the presence  
340 of the donor or sponsoring entity;  
341
- 342 (2) Ceremonial gifts or awards that have  
343 insignificant monetary value;  
344
- 345 (3) An unsolicited gift that does not exceed ~~\$25~~  
346 \$20 in value, or an unsolicited series of

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**COMMITTEE RECOMMENDED DRAFT**  
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347 gifts not exceeding \$100 in value in a  
348 calendar year, or trivial items of  
349 informational value;

350

351 (4) Reasonable expenses for food, travel,  
352 lodging, and scheduled entertainment of the  
353 official at a meeting which is given in  
354 return for the participation of the official  
355 in a panel or speaking engagement at the  
356 meeting;

357

358 (5) Gifts of tickets or free admission extended  
359 to members of the Board to attend a  
360 charitable, cultural, or political event, if  
361 the purpose of the gift or admission is a  
362 courtesy or ceremony extended to the Board;

363

364 (6) A specific gift or class of gifts which the  
365 Panel exempts from the operation of this  
366 subsection upon a written finding that  
367 acceptance of the gift or class of gifts  
368 would not be detrimental to the impartial  
369 conduct of the business of the school system  
370 or Board and that the gift is purely  
371 personal and private in nature;

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**COMMITTEE RECOMMENDED DRAFT**  
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373 (7) Gifts from a person related by blood or  
374 marriage, or any other individual who is a  
375 member of the household of the official; or

376  
377 (8) An honorarium for speaking to or  
378 participating in a meeting, provided that  
379 the offering of the honorarium is in no way  
380 related to the school system or Board  
381 position of the official.

382 e) Paragraph 6.d) above does not apply to gifts:

383  
384 (1) That would tend to impair the impartiality  
385 and independence of judgment of the official  
386 receiving the gift;

387  
388 (2) Of significant value that would give the  
389 appearance of impairing the impartiality and  
390 independent judgment of the official; or

391  
392 (3) Of significant value that the recipient  
393 official believes or has reason to believe  
394 is designed to impair the impartiality and  
395 independent judgment of the official.

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397 7. Disclosure of confidential information

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**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
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399 Other than in the discharge of official duties, an  
400 official may not disclose or use confidential  
401 information that the official acquired by reason of  
402 the official's public position and that is not  
403 available to the public for their own economic benefit  
404 or that of another person.

405

406 8. Procurement

407

408 a) An individual or person that employs an  
409 individual who assists the school system or Board  
410 in the drafting of specifications, an invitation  
411 for bids, or a request for proposals for a  
412 procurement may not submit a bid or proposal for  
413 that procurement or assist or represent another  
414 person, directly or indirectly, who is submitting  
415 a bid or proposal for the procurement.

416

417 b) The Panel may establish exemptions from the  
418 requirements of this section for providing  
419 descriptive literature, sole source procurements,  
420 and written comments solicited by the procurement  
421 office.

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423 E. Financial Disclosure Statements - General Provisions

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425 1. Public record

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- a) The Panel shall maintain all financial disclosure statements filed under this section.
  
- b) The Panel shall make financial disclosure statements available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the Board.
  
- c) If an individual examines or copies a financial disclosure statement, the Panel shall record:
  - (1) The name and home address of the individual reviewing or copying the statement; and
  
  - (2) The name of the person whose financial disclosure statement was examined or copied.
  
- d) Upon request by the individual whose financial disclosure statement was examined or copied, the Panel shall provide the individual with a copy of the name and home address of the person who reviewed the individual's financial disclosure statement.

2. Retention requirements

453

454           The Panel shall retain financial disclosure statements  
455           for four years from the date of receipt.

456

457           3.    Review by Panel

458

459           The Panel shall review the financial disclosure  
460           statements submitted for compliance with the  
461           provisions of this policy and shall notify an  
462           individual submitting the statement of any omissions  
463           or deficiencies. Evidence of noncompliance shall be  
464           pursued by the Panel.

465

466   F.    Financial Disclosure Statements - Certain School Officials  
467           and Employees

468

469           1.    School officials and school employees who have  
470           decision-making authority or act as principal advisors  
471           to a person with that authority in any of the  
472           following capacities, in any fiscal year, shall file a  
473           financial disclosure statement as provided in this  
474           section:

475

476           a)    making school system or school board policy;

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478           b)    exercising quasi-judicial, regulatory, licensing,  
479           inspecting, or auditing functions;

**ATTACHMENT A  
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c) preparing, approving, or auditing, or who has the authority to commit the school system to rent, purchase, or lease, any of the following items with an aggregate value of \$100,000 in any fiscal year:

- (1) Personal service contracts
- (2) Specifications for materials, supplies, or equipment
- (3) Requests for proposals or bids

2. Deadline for filing

a) The school officials and employees referenced above are required to file a financial disclosure statement on or before April 30 of each year during which they are employed or hold office.

b) An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover the calendar year immediately preceding the year in which the individual left office, unless

507 a statement covering that year has already been  
508 filed by the individual, as well as the portion  
509 of the current calendar year during which the  
510 individual held the office.

511  
512 3. Contents of Disclosure Statement for Certain School  
513 Officials and Employees

514  
515 The financial disclosure statement shall require the  
516 school official ~~or~~ employee to disclose outside  
517 employment, any conflicts of interests, and gifts  
518 received during the preceding calendar year from any  
519 person or entity that contracts with or is under the  
520 authority of the Board ~~of Education~~ or the school  
521 system, including the name of the donor of the gift  
522 and the approximate retail value at the time of  
523 receipts. This statement shall be submitted to the  
524 Panel on a form approved by the ~~Board~~ Panel, under  
525 oath or affirmation.

526  
527 4. An official or employee shall disclose employment and  
528 interest that raise conflicts of interest or potential  
529 conflicts of interest in connection with a specific  
530 proposed action by the employee or official  
531 sufficiently in advance of the action to provide  
532 adequate disclosure to the public.

533  
534 G. Financial Disclosure Forms - Board Members and Candidates

535 1. This section shall apply to all Board members and  
536 candidates for the Board, except for the Student  
537 Member of the Board.

538  
539 ~~1.~~ 2. Deadline for filing

540  
541 a) Board members shall file ~~public~~ financial  
542 disclosure statements on or before April 30 of  
543 each year for the preceding calendar year with  
544 the Panel on a form approved by the ~~Board Panel~~,  
545 under oath or affirmation.

546  
547 b) Candidates to be members of the Board  
548 (1) Except for an official who has filed a  
549 financial disclosure statement under  
550 another provision of this section for the  
551 reporting period, a candidate to be a  
552 member of the Board shall file a financial  
553 disclosure statement each year beginning  
554 with the year in which the certificate of  
555 candidacy is filed through the year of the  
556 election.

557  
558 (2) A candidate to be a member of the Board  
559 shall file a statement required under this  
560 section:

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COMMITTEE RECOMMENDED DRAFT  
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- 561 (a) In the year the certificate of  
562 candidacy is filed, no later than  
563 the filing of the certificate of  
564 candidacy. This statement may be  
565 filed with the Board of Election  
566 Supervisors with the certificate of  
567 candidacy or with the Panel prior to  
568 filing the certificate of candidacy.
- 569 (b) In the year of the election, on or  
570 before the earlier of April 30 or  
571 the last day for the withdrawal of  
572 candidacy, this statement shall be  
573 filed with the Panel; and
- 574 (c) In all other years for which a  
575 statement is required, this  
576 statement shall be filed on or  
577 before April 30 with Panel.
- 578
- 579 (3) Failure to file a statement.
- 580
- 581 (a) If a candidate fails to file a  
582 statement required by this section  
583 after written notice is provided by  
584 the Board of Election Supervisors at  
585 least 20 days before the last day  
586 for the withdrawal of candidacy, the

**ATTACHMENT A  
COMMITTEE RECOMMENDED DRAFT  
BBB**

587 candidate is deemed to have  
588 withdrawn the candidacy.

589 (b) The Board of Election Supervisors  
590 may not accept any certificate of  
591 candidacy unless a statement  
592 required under section G. has been  
593 filed in proper form.

594  
595 (4) Within 30 days of the receipt of a statement  
596 required under this section, the Board of  
597 Election Supervisors shall forward the  
598 statement to the Panel, or the office  
599 designated by the Panel or Board.

600  
601 c) Appointment to Position. An official who is  
602 appointed to fill a vacancy on the Board and who  
603 has not already filed a financial disclosure  
604 statement shall file a statement for the  
605 preceding calendar year within 30 days after  
606 appointment.

607  
608 d) Resignation of Position. An individual who,  
609 other than by reason of death, leaves the Board  
610 of Education shall file a statement within 60  
611 days after leaving the office. The statement  
612 shall cover the calendar year immediately  
613 preceding the year in which the individual left

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

614 office, unless a statement covering that year has  
615 already been filed by the individual, as well as  
616 the portion of the current calendar year during  
617 which the individual held office.

618  
619 2. Contents of Financial Disclosure Form for Board Members  
620 and Candidates. Board members and candidates must  
621 complete a financial disclosure form approved by the  
622 **Board Panel**, under oath or affirmation disclosing the  
623 following interests:

624  
625 a) Interests in real property

626  
627 A statement filed under this section shall  
628 include a schedule of all interests in real  
629 property wherever located. For each interest in  
630 real property, the schedule shall include:

631  
632 (1) The nature of the property and the location  
633 by street address, mailing address, or legal  
634 description of the property;

635  
636 (2) The nature and extent of the interest held,  
637 including any conditions and encumbrances on  
638 the interest;

639

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

640 (3) The date when, the manner in which, and the  
641 identity of the person from whom the  
642 interest was acquired;

643  
644 (4) The nature and amount of the consideration  
645 given in exchange for the interest or, if  
646 acquired other than by purchase, the fair  
647 market value of the interest at the time  
648 ~~required~~ acquired;

649  
650 (5) If any interest was transferred, in whole or  
651 in part, at any time during the reporting  
652 period, a description of the interest  
653 transferred, the nature and amount of the  
654 consideration received for the interest, and  
655 the identity of the person to whom the  
656 interest was transferred; and

657  
658 (6) The identity of any other person with an  
659 interest in the property.

660  
661 b) Interests in corporations and partnerships

662  
663 A statement filed under this section shall  
664 include a schedule of all interests in any  
665 corporation, partnership, limited liability  
666 partnership, or limited liability corporation,

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

667                   regardless of whether the corporation or  
668                   partnership does business with the school system  
669                   or Board. For each interest reported under this  
670                   paragraph, the schedule shall include:

671  
672                   (1) The name and address of the principal office  
673                   of the corporation, partnership, limited  
674                   liability partnership, or limited liability  
675                   corporation;

676  
677                   (2) The nature and amount of the interest held,  
678                   including any conditions and encumbrances on  
679                   the interest;

680  
681                   (3) With respect to any interest  
682                   transferred, in whole or in part, at any  
683                   time during the reporting period, a  
684                   description of the interest transferred, the  
685                   nature and amount of the consideration  
686                   received for the interest, and if known, the  
687                   identity of the person to whom the interest  
688                   was transferred; and

689  
690                   (4) With respect to any interest acquired during  
691                   the reporting period:

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**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

- 693 (a) The date when, the manner in which, and  
694 the identity of the person from whom  
695 the interest was acquired; and  
696
- 697 (b) The nature and the amount of the  
698 consideration given in exchange for the  
699 interest or, if acquired other than by  
700 purchase, the fair market value of the  
701 interest at the time acquired.  
702
- 703 (c) An individual may satisfy the  
704 requirement to report the amount of the  
705 interest held under item 2.b)(2) of  
706 this paragraph by reporting, instead of  
707 a dollar amount:  
708
- 709 i) For an equity interest in a  
710 corporation, the number of shares  
711 held and, unless the  
712 corporation's, stock is publicly  
713 traded, the percentage of equity  
714 interest held; or  
715
- 716 ii) For an equity interest in a  
717 partnership, the percentage of  
718 equity interest held.  
719

**ATTACHMENT A  
COMMITTEE RECOMMENDED DRAFT  
BBB**

720 c) Interests in business entities doing business  
721 with the school system or Board  
722

723 A statement filed under this section shall  
724 include a schedule of all interests in any  
725 business entity that does business with the  
726 school system or Board, other than interests  
727 reported under paragraph b) of this subsection.  
728 For each interest reported under this paragraph,  
729 the schedule shall include:

730  
731 (1) The name and address of the principal office  
732 of the business entity;  
733

734 (a) The nature and amount of the interest  
735 held, including any conditions to and  
736 encumbrances on the interest;  
737

738 (b) With respect to any interest  
739 transferred, in whole or in part, at  
740 any time during the reporting period, a  
741 description of the interest  
742 transferred, the nature and amount of  
743 the consideration received in exchange  
744 for the interest, and, if known, the  
745 identity of the person to whom the  
746 interest was transferred; and

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

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(c) With respect to any interest acquired during the reporting period:

i) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

ii) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

d) Gifts

A statement filed under this section shall include a schedule of each gift in excess of ~~\$25~~ \$20 in value, or a series of gifts totaling \$100 or more, received during the calendar year from or on behalf of, directly or indirectly, any one person who does business with the school system or Board. For each gift reported the schedule shall include:

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

773 (1) A description of the nature and value of the  
774 gift; and

775  
776 (2) The identity of the person from whom, or on  
777 behalf of whom, directly or indirectly, the  
778 gift was received.

779  
780 e) Employment with or interests in entities doing  
781 business with the school system or Board

782  
783 A statement filed under this section shall  
784 include a schedule of all offices, directorships,  
785 and salaried employment by the individual or  
786 member of the immediate family of the individual  
787 held at any time during the reporting period with  
788 entities doing business with the school system or  
789 Board. For each position reported under this  
790 paragraph, the schedule shall include:

791  
792 (1) The name and address of the principal office  
793 of the business entity;

794  
795 (2) The title and nature of the office,  
796 directorship, or salaried employment held  
797 and the date it commenced; and

798

**ATTACHMENT A  
COMMITTEE RECOMMENDED DRAFT  
BBB**

799                   (3) The name of each school system or Board unit  
800                   with which the entity is involved as  
801                   indicated by identifying one or more of the  
802                   three categories of "doing business," as  
803                   specified in the Definitions section of this  
804                   policy.

805  
806                   f) Indebtedness to entities doing business with the  
807                   school system or Board

808  
809                   A statement filed under this section shall  
810                   include a schedule of all liabilities, excluding  
811                   retail credit accounts, to persons doing business  
812                   with the school system or Board owed at any time  
813                   during the reporting period by the individual or  
814                   a member of the immediate family of the  
815                   individual if the individual was involved in the  
816                   transaction giving rise to the liability. For  
817                   each liability reported under this paragraph, the  
818                   schedule shall include:

819  
820                   (1) The identity of the person to whom the  
821                   liability was owed and the date the  
822                   liability was incurred;

823  
824                   (2) The amount of the liability owed as of the  
825                   end of the reporting period;

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

826  
827 (3) The terms of payment of the liability and  
828 the extent to which the principal amount of  
829 the liability was increased or reduced  
830 during the year; and

831  
832 (4) The security given, if any, for the  
833 liability.

834  
835 g) Employment with the school system or Board

836  
837 A statement filed under this section shall include  
838 a schedule of the immediate family members of the  
839 ~~individual~~ Board member or candidate employed by  
840 the school system or Board in any capacity at any  
841 time during the reporting period.

842  
843 h) Sources of earned income

844  
845 (a) A statement filed under this section shall  
846 include a schedule of the name and address  
847 of each place of employment and of each  
848 business entity of which the individual or a  
849 member of the individual's immediate family  
850 was a sole or partial owner and from which  
851 the individual or member of the individual's

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

852                    immediate family received earned income at  
853                    any time during the reporting period.

854  
855                    (b) A minor child's employment or business  
856                    ownership need not be disclosed if the Board  
857                    or school system does not regulate, exercise  
858                    authority over, or contract with the place  
859                    of employment or business entity of the  
860                    minor child.

861  
862                    i) A statement filed under this section may also  
863                    include a schedule of additional interests or  
864                    information that the individual making the  
865                    statement wishes to disclose.

866  
867                    3. For the purposes of sections G 2. (a) (b), and (c) of  
868                    this policy, the following interests are considered to  
869                    be the interests of the individual making the  
870                    statement:

871  
872                    a) An interest held by a member of the individual's  
873                    immediate family, if the interest was, at any  
874                    time during the reporting period, directly or  
875                    indirectly controlled by the individual.

876

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

877           b) An interest held by a business entity in which  
878           the individual held a 30 percent or greater  
879           interest at any time during the reporting period.

880  
881           c) An interest held by a trust or an estate in  
882           which, at any time during the reporting periods;

883  
884                   (1) The individual held a reversionary interest  
885                   or was a beneficiary; or

886  
887                   (2) If a revocable trust, the individual was a  
888                   settlor.

889  
890           4. In addition to the financial disclosure provisions set  
891           forth in this section, Board members and candidates  
892           shall file a statement with the Panel disclosing any  
893           interests that raise conflicts of interest or potential  
894           conflicts of interest in connection with a specific  
895           proposed action by such person, sufficiently in advance  
896           of any anticipated action to allow adequate disclosure  
897           to the public.

898  
899   H.   Lobbying Disclosure

900  
901           1. Any person representing him/herself, a business  
902           entity, or an organization who personally appears  
903           before the Board , a school official, or employee with

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

904 the intent to influence that body or individual in the  
905 performance of official duties, and who in connection  
906 with such intent expends or reasonably expects to  
907 expend in excess of \$100 in any calendar year on food,  
908 entertainment, or other gift or series of gifts for  
909 any member of the Board or a school official shall  
910 register with the Ethics Panel within 5 days after  
911 first making the appearance.

912  
913 2. Any person representing him/herself, a business  
914 entity, or an organization, who communicates with one  
915 or more members of the Board or school employees, or  
916 who solicits others to communicate with a school  
917 official or employee with the intent to influence that  
918 official or employee in the outcome of any official  
919 actions, and who incurs expenses of more than \$300 for  
920 this purpose in any calendar year, shall register with  
921 the Ethics Panel within 5 days after expending these  
922 funds.

923  
924 3. The registration statement shall identify the name and  
925 address of the lobbyist and any person on whose behalf  
926 he/she acts, and the subject matter which the  
927 registrant appeared before the Board or school  
928 official. The registration statement shall cover  
929 lobbying activities undertaken during the calendar  
930 year.

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

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4. 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 school official. Where the value of a gift exceeds ~~\$25~~ \$20 in value or series of gifts exceeds \$100 in value in the calendar year, the registrant shall disclose the name of the school official to whom it was made.
  
5. 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 E. 1. of this policy.
  
6. The provisions of this section do not apply to the following acts:
  - a) 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;
  
  - b) Appearances before the Board upon its specific invitation or request if the person or entity

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

958 engages in no further or other activities in  
959 connection with the passage or defeat of Board  
960 actions;

961  
962 c) Appearances before an organizational unit of the  
963 school system upon the specific invitation or  
964 request of the unit if the person or entity  
965 engages in no further or other activities in  
966 connection with the passage or defeat of school  
967 system or Board action;

968  
969 d) Appearance as part of the official duties of a  
970 duly elected or appointed official or employee of  
971 the State or a political subdivision of the  
972 State, or of the United States, and not on behalf  
973 of any other entity;

974  
975 e) Actions of a publisher or working member of the  
976 press, radio, or television in the ordinary  
977 course of the business of disseminating news or  
978 making editorial comment to the general public  
979 who does not engage in further or other lobbying  
980 that would directly and specifically benefit the  
981 economic, business, or professional interests of  
982 the person or entity or the employer of the  
983 person or entity;

984

**ATTACHMENT A  
COMMITTEE RECOMMENDED DRAFT  
BBB**

985 f) Appearances by an individual before the Board at  
986 the specific invitation or request of a  
987 registered lobbyist if the person performs no  
988 other lobbying act and notifies the Board that  
989 the person or entity is testifying at the request  
990 of the lobbyist;

991  
992 g) Appearances by an individual before the Board or  
993 an organizational unit of the school system at  
994 the specific invitation or request of a  
995 registered lobbyist if the person or entity  
996 performs no other lobbying act and notifies the  
997 unit that the person or entity is testifying at  
998 the request of the lobbyist;

999  
1000 h) The representation of a bona fide religious  
1001 organization solely for the purpose of protecting  
1002 the right of its own members to practice the  
1003 doctrine of the organization; and

1004  
1005 i) Appearance as part of the official duties of an  
1006 officer, director, member, or employee of an  
1007 association engaged exclusively in lobbying for  
1008 counties and municipalities and not on behalf of  
1009 any other entity.

1010  
1011 J. Exemptions and Modifications

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

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The Ethics Panel may grant exemptions and modifications to the provisions of Sections D and F of this policy to employees (but not members of the Board) when the Panel determines that application of those provisions is not required to preserve the purposes of this chapter and would:

1. Constitute an unreasonable invasion of privacy;
2. Significantly reduce the availability of qualified persons for public service; and
3. Not be required to preserve the purposes of this policy.

I. Ethics Panel

1. There is a Montgomery County Board of Education Ethics Panel which consists of five members appointed by the Board.
2. Terms of members shall be for three years and established so that at least one member's term expires each year.

**ATTACHMENT A  
COMMITTEE RECOMMENDED DRAFT  
BBB**

- 1038           3.   Panel members shall not be incumbent members of the  
1039           Board, school officials or employees, persons employed  
1040           by a business entity subject to the authority of the  
1041           Board, or spouses of such persons.  
1042
- 1043           4.   The Panel shall elect a chairman from among its  
1044           members.
- 1045                   a)   The term of the chairman is one year.  
1046                   b)   The chairman may be reelected.  
1047
- 1048           5.   The Panel shall be assisted in carrying out the  
1049           responsibilities specified in this policy by the  
1050           ethics officer and the Board which, in consultation  
1051           with the superintendent of schools, shall see that  
1052           needed legal, technical, and clerical assistance is  
1053           provided to the Panel.  
1054
- 1055           6.   The Board encourages all persons affected by this  
1056           policy to seek the advice of the Ethics Panel as to  
1057           any potential conflict of interest or other matter  
1058           within the scope of this policy.  
1059
- 1060           7.   The Panel is the advisory body responsible for  
1061           interpreting this policy and advising persons subject  
1062           to this policy regarding its application.  
1063
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- 1065
- 1066

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

- 1067           8.    The Panel shall implement a public information and  
1068           education program regarding the purpose and  
1069           implementation of this policy.  
1070
- 1071           9.    The Panel shall be the custodian of all forms  
1072           submitted by any person under this policy and shall  
1073           provide public access to such forms in accordance with  
1074           this policy.  
1075
- 1076           10.   Request for advisory opinion  
1077
- 1078                a)   Any official, employee, or other person subject  
1079                to this chapter may request an advisory opinion  
1080                from the Panel concerning the application of this  
1081                policy.  
1082
- 1083                b)   The Panel shall respond promptly to a request for  
1084                an advisory opinion and shall provide  
1085                interpretations of this policy within 60 days of  
1086                the request based on the facts provided or  
1087                reasonably available to the Panel.  
1088
- 1089                c)   In accordance with applicable state laws  
1090                regarding public records, the Panel shall publish  
1091                or otherwise make available to the public copies  
1092                of the advisory opinions with the identities of  
1093                the subjects deleted.

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11. Filing a complaint

- a) Any person may file a complaint with the Panel alleging a violation of any of the provisions of this policy.
- b) A complaint shall be in writing and under oath.
- c) The Panel may refer a complaint to legal counsel for the Board or other legal counsel approved by the Board for investigation and review.
- d) If the Panel determines that there are insufficient facts upon which to base a determination of a violation, the Panel shall dismiss the complaint.
- e) If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing which will be conducted by the Panel.
  - (1) A respondent may propose a settlement or cure to the Panel before a hearing.

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

1120                   (2) If the Panel determines that the proposed  
1121                   settlement or cure is consistent with the  
1122                   purposes of this policy, the Panel shall  
1123                   recommend that the Board accept the proposed  
1124                   settlement or cure.

1125  
1126                   (3) If the Board concurs with the recommendation  
1127                   of the Panel, the Board shall accept the  
1128                   proposed settlement or cure.

1129  
1130                   f) The Panel's findings of a violation resulting  
1131                   from the hearing shall include findings of fact  
1132                   and conclusions of law.

1133  
1134                   g) The Panel shall report its findings and  
1135                   recommendations for action to the Board.

1136  
1137                   h) If the Board concurs with the findings of a  
1138                   violation and recommendations of the Panel, the  
1139                   Board may take enforcement action as provided in  
1140                   this policy.

1141  
1142                   i) The Board may dismiss a complaint:

1143  
1144                   (1) On the recommendation of the Panel; or

1145

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

1146 (2) If the Board disagrees with a finding of a  
1147 violation by the Panel.

1148  
1149 j) After a complaint is filed and until a final  
1150 determination by the Board, all actions regarding  
1151 a complaint are confidential. Concurrence by the  
1152 Board with a finding of a violation by the Panel  
1153 is public information except as otherwise  
1154 precluded by law.

1155  
1156 k) If a Board member is the subject of a complaint  
1157 filed with the Panel, the Board member may not  
1158 vote or participate in the Board's deliberations  
1159 on the complaint.

1160  
1161 12. Sanctions

1162  
1163 a) A finding that a Board member, school official,  
1164 or employee has violated these provisions shall  
1165 constitute grounds for removal from office,  
1166 discipline, or other personnel action consistent  
1167 with provisions of the *Annotated Code of*  
1168 *Maryland, Education*, or the policies of the  
1169 Board.

1170  
1171 b) Persons or organizations found in violation of  
1172 the lobbying provisions of this policy shall be

**ATTACHMENT A  
COMMITTEE RECOMMENDED DRAFT  
BBB**

1173                   publicly identified and subject to other  
1174                   penalties as provided by law.

1175

1176 L.     DESIRED OUTCOME

1177

1178                   MCPS will maintain high standards of ethics on a regular  
1179                   and ongoing basis. All those subject to this policy,  
1180                   including administrators, teachers, and support staff will  
1181                   thoroughly understand and fully adhere to the highest  
1182                   ethical standards. Ethical principles such as honesty,  
1183                   integrity, responsibility, and citizenship will be in the  
1184                   forefront of all activities and promoted to the greatest  
1185                   possible extent with MCPS.

1186

1187 M.     IMPLEMENTATION STRATEGIES

1188

1189                   The position of ethics officer for MCPS is hereby  
1190                   established. The ethics officer shall report directly to  
1191                   the Board. The ethics officer will support and facilitate  
1192                   the work of the Ethics Panel and provide leadership for  
1193                   implementing all MCPS activities concerning ethics and  
1194                   conflicts of interest.

1195

1196 N.     REVIEW AND REPORTING

1197

1198                   This policy will be reviewed in accordance with the Board  
1199                   policy review process.

**ATTACHMENT A**  
**COMMITTEE RECOMMENDED DRAFT**  
**BBB**

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1203 *Policy History:* Adopted by Resolution No. 1003-83, December 13,  
1204 1983; amended by Resolution Nos. 203-84, 204-84, 205-84, 206-84,  
1205 207-84, March 13, 1984; reformatted in accordance with  
1206 Resolution No. 333-86, June 12, 1986 and Resolution No. 458-86,  
1207 August 12, 1986, and accepted by Resolution No. 550-88, October  
1208 24, 1988; amended by Resolution No. 209-99, March 22, 1999;  
1209 modified to reflect Resolution No. 314-03, June 10, 2003;  
1210 amended .

Summary of Responses to  
Policy BBB, *Ethics*

| <b>Public Response Number</b> | <b>Commentator</b>  | <b>Issue/Concern<br/>Line #'s refer to the Draft<br/>for Public Comment</b>   | <b>Staff Response<br/>Line #'s refer to the<br/>Committee<br/>Recommended Draft</b>                  |
|-------------------------------|---|---|--|
| 1                             | Zara Brunner, parent  | The policy regarding teacher's gifts (not to exceed \$25 in value per year) is too limiting. Parents should be allowed to give freely and not have to keep track throughout the year of the amounts given as gifts.   | The limit regarding teacher's gifts is set by the state.   |
| 2                             | Anonymous   | Editorial changes on lines 14, 80, and 324.   | Staff does not agree with suggested edits.   |
| 3                             | Deadra Daly, Assistant General Counsel, State Ethics Commission | <p>Lines 99–100, change “calendar year” to “reporting period.”</p> <p>Editorial changes on lines 122, 430, 895, 908, 1098, and 1318.</p> <p>Wording in Line 180 about the policy prohibiting participation in the “disposition or decision” of certain matters, needs to be strengthened.</p> <p>The “gift value” needs to be changed from \$25 to \$20 in lines 390 and 970.</p> <p>Lines 601–608 and 762–764, require that all financial disclosure statements be public. Formerly, disclosure forms completed by staff were confidential. These staff members could complete a lesser financial disclosure</p> | <p>Changes made.</p> <p>Edits made.</p> <p>Gift value limit changed to \$20 as set by the state.</p> |

| <b>Public Response Number</b> | <b>Commentator</b> | <b>Issue/Concern<br/>Line #'s refer to the Draft<br/>for Public Comment</b>   | <b>Staff Response<br/>Line #'s refer to the<br/>Committee<br/>Recommended Draft</b> |
|-------------------------------|--------------------|---|---|
|                               |                    | <p>statement.</p> <p>Line 1589, the finding of an ethics violation is public information, not confidential.</p>   |   |
| 4                             | Laurie Halverson   | <p>It is unclear in the policy if employees such as teachers are included as “school officials.” The proposed policy says that school officials are members of the Board and employees of the Board, but it is uncertain if this includes only central office employees or if it also includes teachers and other MCPS staff who have a contract with the school system.</p> <p>There is no guidance in the policy for group gifts other than to say a single gift shall not exceed a certain amount.</p> | Teachers are included in the definition of school officials.                        |

ORIGINAL PUBLIC COMMENTS

POLICY BBB, *Ethics*

Potosky, Harriet E.

---

**From:** King, Suzann M - BOE Office  
**Sent:** Tuesday, February 21, 2012 12:49 PM  
**To:** Williams, Stephanie P  
**Cc:** Potosky, Harriet E.; Rose, Glenda; Sequeira, Martha  
**Subject:** FW: Comment on Ethics Policy

Good morning Stephanie.

The following email was in the Board's email inbox.

**Suzann M. King**  
**Staff Assistant, Policy and Communications**  
**Office of the Board of Education**  
Phone: 301-279-3617  
Fax: 301-279-3860  
Email: [Suzann\\_M\\_King@mcpsmd.org](mailto:Suzann_M_King@mcpsmd.org)

---

**From:** Brunner, Zahraha [mailto:[zahraha.brunner@nist.gov](mailto:zahraha.brunner@nist.gov)]  
**Sent:** Tuesday, February 21, 2012 12:23 PM  
**To:** BOE Mail; Ikheloa, Roland; Docca, Judy; King, Suzann M - BOE Office; O'Neill, Patricia; Brandman, Shirley; Steinberg, Laura; Barclay, Christopher; Berthiaume, Laura; Kauffman, Phil; Yorro, Kathy; Durso, Michael A.; Xie, Alan  
**Subject:** Comment on Ethics Policy

Thank you for the opportunity to comment on the revised Ethics Policy. First, let me acknowledge that I did not carefully review the policy because it's quite simply too long and complex. I think 63 pages of ethics' policy is quite excessive.

My primary reason for writing is that I was shocked and upset to learn about the policy regarding teachers' gifts (not to exceed \$25 in value per year). If this is something under the BOE's purview, then I strongly encourage reconsideration. Our teachers work too hard and don't get much recognition, yet they play one of the most fundamental and crucial roles in shaping and developing the future of our society. I would like to be able to freely give to my child(ren)'s teachers and not tally up how much I spend on them throughout the year.

Thank you for your consideration.

Sincerely,  
Zara Brunner

1

RECEIVED

FEB 27 2012

BOARD OFFICE

DRAFT FOR PUBLIC COMMENT  
BBB

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

26  
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.

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

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

ef) *Financial interest* means:

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

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by an **official** or the spouse of an official.

? School official?

fg) *Gift* means the transfer of ~~any service or thing~~ 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

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.

district?

330  
331 d) Contingent compensation

332

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

Potosky, Harriet E.

---

**From:** King, Suzann M - BOE Office  
**Sent:** Tuesday, March 27, 2012 1:45 PM  
**To:** Williams, Stephanie P  
**Cc:** Potosky, Harriet E.  
**Subject:** FW: Draft Ethics Policy

Please include the following comments from Deadra W. Daly, Esq., Assistant General Counsel of the Maryland State Ethics Commission.

**Suzann M. King**  
**Staff Assistant, Policy and Communications**  
**Office of the Board of Education**  
Phone: 301-279-3617  
Fax: 301-279-3860  
Email: [Suzann\\_M\\_King@mcpsmd.org](mailto:Suzann_M_King@mcpsmd.org)

---

**From:** Deadra Daly [mailto:[ddaly@GOV.STATE.MD.US](mailto:ddaly@GOV.STATE.MD.US)]  
**Sent:** Friday, March 23, 2012 11:18 AM  
**To:** King, Suzann M - BOE Office  
**Subject:** Draft Ethics Policy

As we discussed yesterday, I've completed my review of the draft MCPS Ethics Policy. I've summarized my comments below.

- On page 4, in lines 99 and 100, the definition of interest refers to an interest held "at any time during the calendar year." For the financial disclosure provisions of the policy, you may wish to refer to the "reporting period" because a termination report filed after a filer leaves MCPS service may only cover a portion of a calendar year.
- On page 5, in line 122, the word "or" is missing after the semicolon.
- On page 7, in line 180, the policy prohibits participation in the "disposition or decision" of certain matters. This provision is less stringent than the equivalent provision of the Public Ethics Law and must be strengthened. The State law prohibits any participation, not just the final disposition or decision.
- On page 15, in line 390, the policy authorizes an official to accept an unsolicited gift of "\$25" in value. To be equivalent to the State law, this amount must be reduced to \$20.
- On page 16, in line 430, I believe the correct cross-reference is "paragraph (f)(4)."
- On page 22, in lines 601-608, the policy describes the duties that will trigger a requirement to file a financial disclosure statement. Our regulations require that "school officials and school employees who, acting alone or as members or employees of a local entity, have decision making authority or act as principal advisors to a person with that authority in making school system or school board policy or exercising quasi-judicial, regulatory, licensing, inspecting, or auditing functions" must file a financial disclosure statement. This statement can be the less extensive statement that only requires disclosure of gifts and of conflicts of interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate notice to the public.
- On page 22, in line 608, the policy provides that the financial disclosure statements filed by the employees and officials specified in item b are confidential. All financial disclosure statements must be public. The Public Ethics Law and our regulations authorize a jurisdiction to require filers, other than

members of the school board and candidates, to file a lesser financial disclosure statement. The following language, from one of our models, describes this lesser disclosure:

On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is under the authority of the Board of Education or the school system, including the name of the donor of the gift and the approximate retail value at the time of receipt.

An official or employee shall disclose employment and interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.

The Board could continue to require these filers to also file the more extensive financial disclosure statement and keep that statement confidential, provided the lesser statement is public. If you take that option, I'd recommend putting the requirement to file the confidential statement in a separate policy.

- On page 28, in lines 762-764, the policy includes the same problem with confidential statements as described in my previous bullet.
- On page 33, in line 895, the word "required" should be "acquired." In line 908, the word "corporation," should be "corporation's."
- On page 36, in line 970, the policy must require disclosure of gifts exceeding \$20, not \$25.
- On page 40, in line 1098, the cross reference to 3f should be 3g.
- On page 48, in line 1318, the cross reference to 3d should be to 3e.
- On page 58, in line 1589, the policy must provide that a finding of a violation is public.

Please call me if you have any questions or would like to discuss my comments further.

Dea Daly  
Assistant General Counsel  
State Ethics Commission  
(410) 260-7770

Potosky, Harriet E.

---

**From:** King, Suzann M - BOE Office  
**Sent:** Tuesday, May 22, 2012 3:01 PM  
**To:** Potosky, Harriet E.  
**Subject:** FW: comments on ethics policy

**Suzann M. King**  
**Staff Assistant, Policy and Communications**  
**Office of the Board of Education**  
Phone: 301-279-3617  
Fax: 301-279-3860  
Email: [Suzann\\_M\\_King@mcpsmd.org](mailto:Suzann_M_King@mcpsmd.org)

---

**From:** Sequeira, Martha **On Behalf Of** BOE  
**Sent:** Tuesday, May 22, 2012 1:57 PM  
**To:** King, Suzann M - BOE Office  
**Subject:** FW: comments on ethics policy

fyi

*Martha C. Sequeira*  
*Administrative Secretary*  
*Office of The Board of Education*  
*301-279-3617*  
*Fax: 301-279-3860*  
[Martha\\_Sequeira@mcpsmd.org](mailto:Martha_Sequeira@mcpsmd.org)

---

**From:** Laurie Halverson [mailto:[lauriehalverson@verizon.net](mailto:lauriehalverson@verizon.net)]  
**Sent:** Tuesday, May 22, 2012 11:03 AM  
**To:** BOE  
**Cc:** Lynne Harris; Janette Gilman  
**Subject:** comments on ethics policy

Dear President Brandman and Members of the Board of Education:

Here are a couple of my personal comments about the revised ethics policy:

I think it is unclear if employees such as teachers are included as "school officials." The proposed policy says that school officials are members of the board and employees of the Board, but I am not certain if this includes only Carver central office employees or if it also includes teachers and other MCPS staff who have a contract with the school system.

The other concern I have is that several times over the years, I have looked up this policy for guidance when group gifts have been solicited by a home room mom or other parents who have taken on the role as the parent leader in charge of collecting funds for a group gift for a teacher. There is no guidance other than to say a single gift should not exceed \$25. When I have asked principals for guidance on what to tell parents, they are not sure what to do. One principal I worked intervned when it was apparent that a large sum of fifth grade funds collected through donations and fundraisers was earmarked as a teachers gift. However another principal let it go even though more than \$2,000 was collected for a summer beach week. So, I think there needs to be

further guidance on group gifts. I have seen how gifts to teachers in one year set a precedent for future years and the gift values can spiral and get out of control. Thanks for the opportunity to comment.

Laurie Halverson

[lauriehalverson@verizon.net](mailto:lauriehalverson@verizon.net)

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

3  
4 Ethics

5  
6 A. PURPOSE

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8 To promote the highest level of ethical conduct on the part  
9 of all persons associated with **Montgomery County Public**  
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15  
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18 Chapter ~~257~~ **277** of the ~~1983~~ **2010** Laws of Maryland **directs**  
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36 organization, whether or not operated for profit.  
37 **Business entity does not include a governmental**  
38 **entity.**

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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.

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

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

**ef)** *Financial interest* means:

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

(2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity **by an official or the spouse of an official.**

**fg)** *Gift* means the transfer of ~~any service or thing~~ **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 ~~2.b~~  
90                   **C.2.f) (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

ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB

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

332

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 subsection, 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:~~

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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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~~

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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~~

553

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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

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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.

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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~~

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~~(d) The identity of any other person with  
an interest in the property~~

~~(2) Financial interest in a business entity with  
which the school system has been known to or  
is likely to do business, including:~~

~~(a) The name and address of its principal  
office~~

~~(b) The nature and extent of the interest  
held either in terms of number of  
shares or percent of equity interest,  
including conditions or encumbrances~~

~~(c) For interests acquired or transferred  
in the year for which the filing is  
made, the nature and amount of  
consideration or the fair market value  
of the interest at the time acquired or  
transferred and, if known, the person  
from or to whom the property was  
acquired or transferred~~

~~(d) The identity of any other person who  
may share the interest~~

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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~~

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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~~(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~~

1249  
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.~~

1256  
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.~~

1266  
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

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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.**



- 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



**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

- 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 (1) **The term of the chairman is one year.**  
1477  
1478 (2) **The chairman may be reelected.**  
1479  
1480  
1481
- 1482 e) The Panel shall be assisted in carrying out the  
1483 responsibilities specified in this policy by the  
1484 ethics officer and the ~~Office of the Board of~~  
1485 ~~Education~~ which, in consultation with the  
1486 superintendent **of schools**, shall see that needed  
1487 legal, technical, and clerical assistance is  
1488 provided to the ~~P~~panel.  
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~~

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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 ~~(c) 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~~

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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~~

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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 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.~~

**ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB**

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

ATTACHMENT D  
DRAFT FOR PUBLIC COMMENT  
BBB

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** .