

**BOARD OF EDUCATION OF HARFORD COUNTY
INFORMATIONAL BOARD REPORT**

RECOMMENDATION ON

**REVISION OF SECTION V. C. 1. OF
BOARD POLICY 12-0001-000 ETHICS**

OCTOBER 11, 2021

Background Information:

Among the Board policies maintained in the Board Policy Manual, is that entitled 12-0001-000 Ethics. This policy is required by Maryland law. The Ethics Policy also includes, consistent with Maryland law, a financial disclosure requirement. These disclosures, when completed, are submitted to the Ethics Panel for review. The Ethics Policy, at Section V. C. 1., requires Board members to complete a Financial Disclosure Statement which contains certain financial information pertaining to the Board members and their spouses and dependent children. This form is, generally, referred to as the “long form.”

In December 2018, the Board voted to modify Section V. C. 1. By requiring that all the below listed employees complete the “long form.”

1. Superintendent
2. Associate Superintendent
3. Chief of Administration
4. Board Attorney
5. Assistant Superintendents
6. Executive Directors
7. Directors
8. Facilitator of Governmental Relations
9. All School-Based Administrators
10. Director of Purchasing
11. Purchasing Agent II
12. Purchasing Agent
13. Purchasing Assistant
14. Supervisor of Planning and Construction
15. Assistant Supervisor of Planning and Construction
16. Facilities Planner, Planning and Construction
17. Any other employees identified by the Ethics Panel, Board of Education, or Superintendent

Prior to December 2018, the above staff were required to complete a less involved form which requested responses to three questions regarding potential conflicts that an employee may have.

This form was generally referred to as the “short form.” A copy of the “short form” is attached as Exhibit 1 to this report.

Calendar Year 2020 was the first year relative to which the above HCPS staff were required to submit the “long form.” Many of the school-based administrators, who were included in the above staff, expressed concerns and objections about the requirement that they file the “long form.”

As a result of these objections and concerns, in January 2021, the Superintendent recommended to the Board that it waive, for the Calendar Year 2020, the requirement that school-based administrators be required to file the “long form” and, instead, be permitted to file the “short form.”

The Superintendent also stated that he/his designees would review and reevaluate whether school-based administrators should be required to complete the “long form,” and also review the other provisions of Section V.C.1.

The Board, at its meeting of January 25, 2021, approved the Superintendent’s above waiver recommendation.

Discussion:

During the summer of 2021, Patrick P. Spicer, Esquire, General Counsel, Ms. Deborah Judd, Assistant Superintendent of Business Services and Ms. Laura Tucholski, Chief Internal Auditor, met to review and reevaluate whether school-based administrators should be required to complete the “long form,” and to otherwise review the provisions of Section V.C.1.

As a result of this review/reevaluation, the following recommendations were made by Mr. Spicer, Ms. Judd, and Ms. Tucholski to the Superintendent.

1. Principals of schools should be required to complete the “long form.” The basis for this recommendation was the substantial contracting authority principals have at the school level.
2. Assistant Principals and any other school administrators should not be required to complete the “long form,” but should continue to complete the “short form.” The basis for this recommendation was the relatively insignificant contracting authority assistant principals have.
3. The following positions should be included in Section V.C.1. and required to complete the “long form.”
 - a. Chief Auditor and Internal Auditor

The basis for this recommendation is the responsibility of these positions as auditors to act to protect the integrity of HCPS financial operations.

b. Staff Attorney

The basis for this recommendation is the responsibility of the staff attorney to act to protect HCPS against financial wrongdoing by staff.

c. Supervisor of Purchasing

This position was formerly titled “Director of Purchasing.” The basis for this recommendation is the importance of protecting the financial integrity of procurement operations.

4. The following positions should be removed from Section V.C.1.

a. Facilities Planner

The basis for this recommendation is that this position has little or no spending or contracting authority.

b. Purchasing Agent II

The basis for this recommendation is that this position no longer exists.

c. Associate Superintendent

The basis for this recommendation is that this position no longer exists.

d. Facilitator of Governmental Relations

The basis for this recommendation is that this position no longer exists.

e. Director of Purchasing

The basis for this recommendation is that this position no longer exists.

III. Recommendations

Based on the above, the Superintendent recommends that the Board review for future decision, the following actions.

1. Add the following positions to Section V.C.1. of the Ethics policy:

- a. School Principals
- b. Chief Internal Auditor
- c. Internal Auditor
- d. Staff Attorney
- e. Supervisor of Purchasing

2. Require school-based administrators other than principals to complete the “short form.”
3. Remove from Section V. C. 1. the following positions listed therein.
 - a. Associate Superintendent
 - b. Facilitator of Government Relations
 - c. Director of Purchasing
 - d. Facilities Planner – Planning and Construction

Attachments:

1. Current Board Policy 12-0001-000 Ethics.
2. Revised Board Policy 12-0001-000 Ethics, specifically pages 18 and 19 of the 26 page document.

POLICY TITLE: Ethics		
ADOPTION/EFFECTIVE DATE: 12/12/1983	MOST RECENTLY AMENDED: 04/08/2019	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Ethics		

I. Statement of Purpose

- A. The Board of Education of Harford County, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.
- B. It is evident that this confidence and trust is eroded when the conduct of public business is subject to improper influence and even the appearance of improper influence.
- C. For the purpose of guarding against improper influence, the Harford County Board of Education adopts these Ethics Regulations to require school officials and employees to disclose their financial affairs and to set minimum standards for their conduct of school system business.
- D. It is the intention of the Board that this policy be liberally construed to accomplish this purpose.

II. Definitions

In these regulations, the following terms have the meanings indicated.

- A. "Board" or "Board of Education" means the Board of Education of Harford County.
- B.
 - 1. "Business entity" means a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
 - 2. "Business entity" does not include a governmental entity.

- C. 1. "Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by this policy from an employer for service rendered.
2. For the purposes of Section VI of this policy, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.
- D. "Doing business with" means:
1. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$1,000.00 or more of school system funds;
2. Being subject to the authority of the school system; or
3. Being registered as a lobbyist under Section VI of this policy.
- E. 1. "Employee" means an employee of the Board or the school system.
2. "Employee" includes the Superintendent.
- F. "Financial interest" means:
1. Ownership of any interest as the result of which the owner has received within the past three (3) years or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
2. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three (3) percent of a business entity by an official or qualified relative of an official.
- G. 1. "Gift" means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.
2. "Gift" does not include political campaign contributions regulated under the Elections Law Article, Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.
- H. "Immediate family" means a spouse and dependent children.

- I. "Interest" means:
1. A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
 2. For purposes of Section V of this policy, "interest" includes any interest held at any time during the reporting period.
 3. "Interest" does not include:
 - a. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - b. An interest in a time or demand deposit in a financial institution;
 - c. An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - d. A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or
 - e. A college savings plan under the Internal Revenue Code.
- J. "Lobbying" means:
1.
 - a. Communicating in the presence of an official with the intent to influence any official action of that official; and
 - b. Spending over \$50.00 for food, entertainment, or other gifts during the calendar year in connection with the communication or intent to influence; or
 2.
 - a. Engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that official; and
 - b. Spending over \$50.00 in connection with the activities or intent to influence.

- K. “Lobbyist” means a person required to register and report expenses related to lobbying under Section VI of this policy.
- L. “Member of the Board” means a member of the Harford County Board of Education.
- M. “Official” includes a member of the school board, an employee of the school board or the school system, and the Superintendent.
- N. “Panel” means the Harford County School System Ethics Panel established under Section III of this policy.
- O. “Person” includes an individual or business entity.
- P. “Qualified relative” means a spouse, parent, child, or sibling.
- Q. “School system” means the educational system under the authority of the Harford County Board of Education.

III. Administration

- A. There is a Harford County School System Ethics Panel that consists of five members appointed by the Chairman of the Board of Education with the concurrence of the other members of the Board.
- B. The Panel members shall serve five year overlapping terms. The members of the Ethics Panel serving on December 31, 2011 shall continue to serve for the duration of their terms. A member shall not serve for more than two consecutive full terms. Vacancies for unexpired terms shall be filled in the same manner as original appointments. A member of the panel may be removed for cause.
- C. The time during which Panel members served as such prior to January 1, 2012 shall count toward the five-year term of such Panel member.
- D. Members of the Panel must be eligible to vote in Harford County.
- E. Panel members shall not be current members of the Board; officials, employees, contractors, or students of Harford County Public Schools; owners of or persons employed by a business entity doing business with the Board; any person registered with the Board as a lobbyist; or spouses of such persons.
- F. A Panel member may serve until a successor is appointed and qualifies.
- G. The Panel shall elect a chairman from among its members.

1. The term of the chairman is one year.
 2. The chairman may be reelected.
- H. Compensation. Members of the Panel shall not receive compensation for their services, but members may receive reasonable and necessary expenses as may be provided in the budget.
- I. The Board of Education Attorney shall assist the Panel in carrying out its duties. If a conflict of interest under Section IV of this policy or another conflict prevents the Board Attorney from assisting the Panel in a specific matter:
1. The Panel shall identify other counsel to assist the Panel in the matter; and
 2. The Board shall provide sufficient funds to hire counsel.
- J. The Panel is the advisory body responsible for interpreting this policy and advising persons subject to this policy regarding its application.
- K. The Panel shall implement a public information and education program regarding the purpose and implementation of this policy.
- L. The Panel, assisted by the Superintendent or other official designated by the Board, shall be the custodian of all forms submitted by any person under this policy.
- M. Any official, or other person subject to this policy may request an advisory opinion from the Panel concerning the application of this policy.
- N. The Panel shall respond promptly to a request for an advisory opinion and shall provide interpretations of this policy within 60 days of the request based on the facts provided or reasonably available to the Panel.
- O. In accordance with applicable State laws regarding public records, the Panel shall publish or otherwise make available to the public copies of the advisory opinions with the identities of the subjects deleted.
- P. Any person may file a complaint with the Panel alleging a violation of any of the provisions of this policy.
- Q. A complaint shall be in writing and under oath.
- R. The Panel may refer a complaint to the Board Attorney or other legal counsel, if appropriate, for investigation and review.

- S. If the Panel determines that there are insufficient facts upon which to base a determination of a violation, the Panel shall recommend to the Board of Education that the complaint be dismissed.

- T. 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 conducted by the Panel in accordance with the following rules of procedure:
 - 1. the hearing shall be informal;
 - 2. the purpose of the hearing shall be to allow the subject of the complaint the full opportunity to provide to the Panel in writing, in person, or both, any responses to the allegations and other necessary information;
 - 3. the subject of the complaint may be represented by an attorney or other representative;
 - 4. the subject of the complaint shall be allowed to present witnesses and other evidence;
 - 5. the subject of the complaint may be asked to respond to questions from the Panel;
 - 6. the Panel may call additional witnesses if deemed necessary, in which case the subject of the complaint may cross-examine those witnesses;
 - 7. the Panel may request additional information from other sources if deemed necessary;
 - 8. the hearing shall be closed except to the subject of the complaint, his or her representative, any witnesses, and any individuals deemed appropriate by the Panel;
 - 9. the Panel shall develop a final written report of the Panel's finding of facts, conclusions of law, and recommendations concerning any complaint not previously recommended for dismissal;
 - 10. the Panel shall provide to the Board Chairperson its final written report, at which time the Board Chairperson shall distribute the report to all Board members as soon as practicable;
 - 11. the Panel shall ensure that all actions taken by the Panel regarding any complaint received be considered confidential;

- U. A respondent may propose a settlement or cure to the Panel before a hearing.
 - 1. If the panel determines that the proposed settlement or cure is consistent with the purposes of this policy, the Panel shall recommend that the Board accept the proposed settlement or cure.
 - 2. If the Board concurs with the recommendation of the Panel, the Board shall accept the proposed settlement or cure.
- V. The Panel's findings of a violation resulting from the hearing shall include findings of fact and conclusions of law.
- W. The Panel shall report its findings and recommendations for action to the Board.
- X. If the Board concurs with the findings of a violation and recommendations of the Panel, the Board may take enforcement action as provided in Section VII of this policy.
- Y. The Board may dismiss a complaint:
 - 1. On the recommendation of the Panel; or
 - 2. If the Board disagrees with a finding of a violation by the Panel.
- Z. After a complaint is filed and until a final determination by the Board, all actions regarding a complaint are confidential.
- AA. Concurrence by the Board with a finding of a violation by the Panel is public information.

IV. Prohibited Conduct and Interests

- A. Participation.
 - 1. Except as permitted by Board of Education regulation when such interest is disclosed or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:
 - a. Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest;
 - b. Any matter wherein the impartiality of or independence of judgment of the official would be impaired because the decision or action of the official would impart a benefit, financial or otherwise, to the official or

a qualified relative of the official as opposed to Harford County Public Schools (HCPS) students, employees or the public, generally; or

- c. Any matter in which any of the following is a party:
 - 1) A business entity in which the official, or a qualified relative of the official, has a direct financial interest of which the official may reasonably be expected to know;
 - 2) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
 - 3) A business entity with which the official or a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
 - 4) A business entity that is a party to an existing contract with the school official or a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board duties of the official;
 - 5) An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
 - 6) A business entity that:
 - a) The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and
 - b) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.
2. An official who is disqualified from participating under paragraph A.1(c) of this subsection may participate or act in the matter if the person discloses the nature and circumstance of the conflict and:
 - a. The disqualification leaves the Board or body with less than a quorum capable of acting;
 - b. The disqualified official is required by law to act; or

- c. The disqualified official is the only person authorized to act.
 - 3. The prohibitions of paragraph IV.A.1 do not apply if participation is allowed by the Panel.
- B. Employment and financial interests.
 - 1. An official may not:
 - a. Be employed by or have a financial interest in an entity that is:
 - 1) Subject to the authority of the school system or Board; or
 - 2) Is doing business with the school system or Board; or
 - b. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.
 - 2. This prohibition does not apply to:
 - a. An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest;
 - b. Subject to other provisions of regulation and law, a member of the Board in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment:
 - 1) As to an appointed member, was publicly disclosed to the appointing authority and the Panel at the time of appointment; or
 - 2) As to an elected member, was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the Board; or
 - c. Employment or financial interests allowed by opinion of the Panel if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- C. Post-employment. A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board or the school system if that matter is one in which the former official significantly participated as an official.

- D. Contingent compensation. An official may not assist or represent a party for contingent compensation in any matter before or involving the Board of Education or the school system.
- E. Prestige of office.
 - a. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
 - b. This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board without compensation.
- F. Gifts.
 - 1. An official may not solicit any gift.
 - 2. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
 - 3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
 - a. Is doing business with or seeking to do business with the school system or Board;
 - b. Is subject to the authority of the school system;
 - c. Is a lobbyist with respect to matters within the jurisdiction of the official; or
 - d. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official.
 - 4. a. This paragraph does not apply to a gift:
 - 1) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
 - 2) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or

- 3) Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.
- b. Notwithstanding paragraph F.3 of this subsection, an official may accept:
- 1) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - 2) Ceremonial gifts or awards that have insignificant monetary value;
 - 3) An unsolicited gift of nominal value that does not exceed \$20.00 in cost; an unsolicited series of gifts from a single donor that do not exceed \$100.00 annually in value; or trivial items of informational value;
 - 4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
 - 5) Gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board of Education;
 - 6) A specific gift or class of gifts which the Panel exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system or Board and that the gift is purely personal and private in nature;
 - 7) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
 - 8) An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board position of the official.
- G. Disclosure of confidential information. Other than in the lawful discharge of official duties, an official may not, for the economic benefit of the official or the economic benefit of another person, disclose or use confidential information that the official acquired by reason of the official's public position and that is not available to the public.

H. Procurement.

- 1) An individual or person that employs an individual who assists the school system or Board in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
- 2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

V. Financial Disclosure

A. Financial Disclosures – Board Member or Candidates for Board membership.

1. Except as provided in subsection V.A.3 of this section, a member of the Board, candidate to be a member of the Board, or employee shall file the financial disclosure statement required under this subsection:
 - a. On a form provided by the Panel;
 - b. Under oath or affirmation; and
 - c. With the Panel or the office designated by the Panel.
2. Deadlines for filing statements.
 - a. An incumbent Board member shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - b. A Board member who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - c. A Board member 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:
 - 1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

- 2) The portion of the current calendar year during which the individual held the office.
3. Candidates to be members of the Board.
 - a. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
 - b. A candidate to be a member of the Board shall file a statement required under this section:
 - 1) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - 2) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - 3) In all other years for which a statement is required, on or before April 30.
 - c. A candidate to be a member of the Board:
 - 1) May file the statement required under Section V.3.b(1) of this policy with the Board of Election Supervisors with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy; and
 - 2) Shall file the statements required under Section V.3.b(2) and (3) of this policy with the Panel or the office designated by the Panel or Board.
 - d. If a candidate fails to file a statement required by this section after written notice is provided by the Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
 - e. The Board of Election Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.
 - f. Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Panel, or the office designated by the Panel or Board.

- B. Contents of Financial Disclosure Statement as to Board Members, Candidates for Board Membership, and Officials.
1. Interests in Real Property.
 - a. A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - b. For each interest in real property, the schedule shall include:
 - 1) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - 2) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - 3) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - 4) The nature and 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;
 - 5) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - 6) The identity of any other person with an interest in the property.
 2. Interests in corporations and partnerships.
 - a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

- 2) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - 3) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - 4) With respect to any interest acquired during the reporting period:
 - a) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - b) 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.
- c. An individual may satisfy the requirement to report the amount of the interest held under item V.B(2)(b) of this paragraph by reporting, instead of a dollar amount:
- 1) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - 2) For an equity interest in a partnership, the percentage of equity interest held.
3. Interests in business entities doing business with the school system or Board.
- a. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the school system or Board, other than interests reported under paragraph V.B(2) of this subsection.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the business entity;
 - 2) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;

- 3) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - 4) With respect to any interest acquired during the reporting period:
 - a) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - b) 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.
4. Gifts.
- a. A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board.
 - b. For each gift reported, the schedule shall include:
 - 1) A description of the nature and value of the gift; and
 - 2) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
5. Employment with or interests in entities doing business with the school system or Board.
- a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board.
 - b. For each position reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the business entity;
 - 2) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

- 3) The name of each school system or Board unit with which the entity is involved as indicated by identifying one or more of the three categories of “doing business”, as defined in Section II.D of this policy.
6. Indebtedness to entities doing business with the school system or Board.
 - a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the school system or Board owed at any time during the reporting period:
 - 1) By the individual; or
 - 2) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - b. For each liability reported under this paragraph, the schedule shall include:
 - 1) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - 2) The amount of the liability owed as of the end of the reporting period;
 - 3) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - 4) The security given, if any, for the liability.
7. Employment with the school system or Board. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the school system or Board in any capacity at any time during the reporting period.
8. Sources of earned income.
 - a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual’s immediate family was a sole or partial owner and from which the individual or member of the individual’s immediate family received earned income at any time during the reporting period.

- b. A minor child's employment or business ownership need not be disclosed if the Board or school system does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 9. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
 10. For the purposes of Section V.B(1), (2) and (3) of this policy, the following interests are considered to be the interests of the individual making the statement:
 - a. An interest held by a qualified relative of the individual, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - b. An interest held by a business entity in which the individual, or a qualified relative of the individual, held a 30% or greater interest at any time during the reporting period.
 - c. An interest held by a trust or an estate in which, at any time during the reporting period:
 - 1) The individual, or a qualified relative of the individual, held a reversionary interest or was a beneficiary; or
 - 2) If a revocable trust, the individual, or a qualified relative of the individual, was a settlor.
- C. Financial disclosure – Officials.
 1. The following officials are designated to provide the Financial Disclosure Statement set forth in Section V. B. above.
 - a) Superintendent;
 - b) Associate Superintendent;
 - c) Chief of Administration;
 - d) Board Attorney;
 - e) Assistant Superintendents;
 - f) Executive Directors;
 - g) Directors;
 - h) Facilitator of Governmental Relations;
 - i) All school-based Administrators;
 - j) Director of Purchasing;
 - k) Purchasing Agent II;

- l) Purchasing Agent;
- m) Purchasing Assistant;
- n) Supervisor of Planning and Construction;
- o) Assistant Supervisor of Planning and Construction;
- p) Facilities Planner, Planning and Construction;
- q) Any other employees identified by the Ethics Panel, Board of Education, or Superintendent.

E. Public Record.

1. The Panel or office designated by the Panel shall maintain all financial disclosure statements filed under this section.
2. The Panel or office designated by 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 Panel or the Board.
3. If an individual examines or copies a financial disclosure statement, the Panel or the office designated by the Panel shall record:
 - a. The name and home address of the individual reviewing or copying the statement; and
 - b. The name of the person whose financial disclosure statement was examined or copied.
4. If a Financial Disclosure Statement is examined or copied, the Panel or the office designated by 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.

F. Retention requirements. The Panel or the office designated by the Panel shall retain financial disclosure statements or any amendments to financial disclosure statements for ten (10) years from the date of receipt.

- G.
1. The Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
 2. The Board may take appropriate enforcement action to ensure compliance with this section.

- H. The Superintendent or his/her designee shall ensure that a list of vendors doing business with the Board is available for review during regular business hours of the school system. Board members, officials or any other persons required to file financial disclosure statements under this policy are charged with the knowledge of such list.

VI. Lobbying

- A. Except as provided in subsections B and C of this section, a person or entity who engages in lobbying as defined in Section II.J of this policy shall file a lobbying registration with the Panel or the office designated by the Panel or Board.
- B. The following activities are exempt from regulation under this section:
1. Professional services in advising and rendering opinions to clients as to the construction and effect of proposed or pending Board actions when these services do not otherwise constitute lobbying;
 2. Appearances before the Board upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of Board actions;
 3. Appearances before an organizational unit of the school system upon the specific invitation or request of the unit if the person or entity engages in no further or other activities in connection with the passage or defeat of school system or Board action;
 4. Appearance as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of the State, or of the United States, and not on behalf of any other entity;
 5. Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity;
 6. Appearances by an individual before the Board at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the Board that the person or entity is testifying at the request of the lobbyist;
 7. Appearances by an individual before the Board or an organizational unit of the school system at the specific invitation or request of a registered

lobbyist if the person or entity performs no other lobbying act and notifies the unit that the person or entity is testifying at the request of the lobbyist;

8. The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization; and
9. Appearance as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity.

C. Limited exemption — employer of a lobbyist.

1. A person or entity who employs one or more lobbyists and who would otherwise be required to register as a lobbyist is not required to file a registration and submit lobbying reports if the person or entity reasonably believes that all expenses incurred in connection with the lobbying activities will be reported by a properly registered person or entity acting on behalf of the person or entity.
2. A person or entity exempted under this subsection becomes subject to this section immediately upon failure of the lobbyist to report any information required under this section.

D. 1. The registration filed under this section shall be filed on or before the later of the beginning of the calendar year in which the person or entity expects to lobby and within five days of first engaging in lobbying activities in the calendar year.

2. The registration filed under this section:

a. Shall be dated and on a form developed by the Panel; and

b. Shall include:

- 1) The lobbyist's full and legal name and permanent address;
- 2) The name, address, and nature of business of any person or entity on whose behalf the lobbyist acts;
- 3) The written authorization of any person or entity on whose behalf the lobbyist acts or an authorized officer or agent, who is not the lobbyist, of the person or entity on whose behalf the lobbyist acts;

- 4) A statement of whether the person or entity on whose behalf the lobbyist acts is exempt from registration under subsection (C) of this section;
 - 5) The identification, by formal designation, if known, of matters on which the lobbyist expects to act;
 - 6) Identification of the period of time within a single calendar year during which the lobbyist is authorized to engage in these activities, unless terminated sooner; and
 - 7) The full legal signature of the lobbyist and, when appropriate, the person or entity on whose behalf the lobbyist acts or an agent or authorized officer of the person or entity on whose behalf the lobbyist acts.
- E. A lobbyist shall file a separate registration for each person or entity that has engaged or employed the lobbyist for lobbying purposes.
- F. A lobbyist may terminate the lobbyist's registration by providing written notice to the Panel and submitting all outstanding reports and registrations.
- G. A person or entity may not engage in lobbying activities on behalf of another person or entity for compensation that is contingent upon the passage or defeat of any action by the Board or the outcome of any school system action.
- H. Activity report.
1. A lobbyist shall file with the Panel or the office designated by the Panel:
 - a. By July 31, one report concerning the lobbyist's lobbying activities covering the period beginning January 1 through June 30; and
 - b. By January 31, one report covering the period beginning July 1 through December 31.
 2. A lobbyist shall file a separate activity report for each person or entity on whose behalf the lobbyist acts.
 3. If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form.
 4. The report shall include:
 - a. A complete and current statement of the information required to be supplied with the lobbyist's registration form.

- b. Total expenditures on lobbying activities in each of the following categories:
 - 1) Total compensation paid to the lobbyist not including expenses reported under items (2) through (8) of this subparagraph;
 - 2) Office expenses of the lobbyist;
 - 3) Professional and technical research and assistance not reported in item 4(a) of this subparagraph;
 - 4) Publications which expressly encourage persons to communicate with officials;
 - 5) Names of witnesses, and the fees and expenses paid to each witness;
 - 6) Meals and beverages for officials;
 - 7) Reasonable expenses for food, lodging, and scheduled entertainment of officials for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
 - 8) Other gifts to or for officials or members of their immediate families; and
 - 9) Other expenses.

- I. Special gift report.
 - 1. a. With the six-month activity report required under subsection "H" of this section, a lobbyist shall report, except for gifts reported in item H.4(b)(7) of this section, gifts from the lobbyist with a cumulative value of \$75 or more during the reporting period to an official or member of the immediate family of an official.
 - b. The lobbyist shall report gifts under this paragraph regardless of whether the gift was given in connection with lobbying activities.
 - 2. The report shall include the date, beneficiary, amount or value, and nature of the gift.

- J. Notification to official and confidentiality.

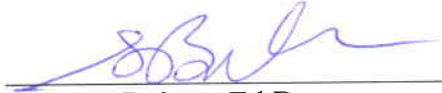
1. If any report filed under this section contains the name of an official or a member of the official's immediate family, the Panel shall notify the official within 30 days.
 2. The Panel shall keep the report confidential for 60 days following receipt by the Panel.
 3. Within 30 days of the notice required under paragraph I.1 of this subsection, the official may file a written exception to the inclusion in the report of the name of the official or the member of the official's immediate family.
- K. The Panel may require a lobbyist to submit other reports the Panel determines to be necessary.
1. The Panel or office designated by the Panel shall maintain all registrations and reports filed under this section for four years from the date of receipt by the Panel.
 2. The Panel shall make lobbying registrations and reports available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the Panel or the Board.
- L. 1. The Panel shall review the registrations and reports filed under this section for compliance with this section and shall notify persons engaging in lobbying activities of any omissions or deficiencies.
2. The Panel or the Board may take appropriate enforcement action to ensure compliance with this section including prohibiting a person from acting as a lobbyist as defined herein.
- M. Annual report.
1. The Panel shall compute and make available a subtotal under each of the nine required categories in subparagraph H.4(b) of this section.
 2. The Panel shall compute and make available the total amount reported by all lobbyists for their lobbying activities during the reporting period.

VII. Sanctions

- A. An official who violates this policy is subject to discipline, personnel action, or removal from office or employment, as provided by law and consistent with procedures set forth in this policy.

- B. A person who violates this policy is subject to the provisions or sanctions provided herein or otherwise provided by law.

Board Approval Acknowledged By:



Sean W. Bulson, Ed.D.
Superintendent

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	12-12-1983				
Amended	04-10-2012				
Amended	04-24-2018				
Amended	04-08-2019				

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Patrick P. Spicer, Esquire	JOB POSITION OF PERSON RESPONSIBLE: General Counsel
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

References are set forth in the Procedure.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.

POLICY TITLE: Ethics		
ADOPTION/EFFECTIVE DATE: 12/12/1983	MOST RECENTLY AMENDED: 04/08/2019	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Ethics		

I. Statement of Purpose

- A. The Board of Education of Harford County, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.
- B. It is evident that this confidence and trust is eroded when the conduct of public business is subject to improper influence and even the appearance of improper influence.
- C. For the purpose of guarding against improper influence, the Harford County Board of Education adopts these Ethics Regulations to require school officials and employees to disclose their financial affairs and to set minimum standards for their conduct of school system business.
- D. It is the intention of the Board that this policy be liberally construed to accomplish this purpose.

II. Definitions

In these regulations, the following terms have the meanings indicated.

- A. “Board” or “Board of Education” means the Board of Education of Harford County.
- B.
 - 1. “Business entity” means a corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
 - 2. “Business entity” does not include a governmental entity.

- C. 1. “Compensation” means any money or thing of value, regardless of form, received or to be received by any individual covered by this policy from an employer for service rendered.
2. For the purposes of Section VI of this policy, if lobbying is only a portion of a person’s employment, “compensation” means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.
- D. “Doing business with” means:
1. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$1,000.00 or more of school system funds;
2. Being subject to the authority of the school system; or
3. Being registered as a lobbyist under Section VI of this policy.
- E. 1. “Employee” means an employee of the Board or the school system.
2. “Employee” includes the Superintendent.
- F. “Financial interest” means:
1. Ownership of any interest as the result of which the owner has received within the past three (3) years or is presently receiving, or in the future is entitled to receive, more than \$1,000 per year; or
2. Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three (3) percent of a business entity by an official or qualified relative of an official.
- G. 1. “Gift” means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.
2. “Gift” does not include political campaign contributions regulated under the Elections Law Article, Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.
- H. “Immediate family” means a spouse and dependent children.

I. "Interest" means:

1. A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
2. For purposes of Section V of this policy, "interest" includes any interest held at any time during the reporting period.
3. "Interest" does not include:
 - a. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - b. An interest in a time or demand deposit in a financial institution;
 - c. An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - d. A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or
 - e. A college savings plan under the Internal Revenue Code.

J. "Lobbying" means:

1.
 - a. Communicating in the presence of an official with the intent to influence any official action of that official; and
 - b. Spending over \$50.00 for food, entertainment, or other gifts during the calendar year in connection with the communication or intent to influence; or
2.
 - a. Engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that official; and
 - b. Spending over \$50.00 in connection with the activities or intent to influence.

- K. “Lobbyist” means a person required to register and report expenses related to lobbying under Section VI of this policy.
- L. “Member of the Board” means a member of the Harford County Board of Education.
- M. “Official” includes a member of the school board, an employee of the school board or the school system, and the Superintendent.
- N. “Panel” means the Harford County School System Ethics Panel established under Section III of this policy.
- O. “Person” includes an individual or business entity.
- P. “Qualified relative” means a spouse, parent, child, or sibling.
- Q. “School system” means the educational system under the authority of the Harford County Board of Education.

III. Administration

- A. There is a Harford County School System Ethics Panel that consists of five members appointed by the Chairman of the Board of Education with the concurrence of the other members of the Board.
- B. The Panel members shall serve five year overlapping terms. The members of the Ethics Panel serving on December 31, 2011 shall continue to serve for the duration of their terms. A member shall not serve for more than two consecutive full terms. Vacancies for unexpired terms shall be filled in the same manner as original appointments. A member of the panel may be removed for cause.
- C. The time during which Panel members served as such prior to January 1, 2012 shall count toward the five-year term of such Panel member.
- D. Members of the Panel must be eligible to vote in Harford County.
- E. Panel members shall not be current members of the Board; officials, employees, contractors, or students of Harford County Public Schools; owners of or persons employed by a business entity doing business with the Board; any person registered with the Board as a lobbyist; or spouses of such persons.
- F. A Panel member may serve until a successor is appointed and qualifies.
- G. The Panel shall elect a chairman from among its members.

1. The term of the chairman is one year.
 2. The chairman may be reelected.
- H. Compensation. Members of the Panel shall not receive compensation for their services, but members may receive reasonable and necessary expenses as may be provided in the budget.
- I. The Board of Education Attorney shall assist the Panel in carrying out its duties. If a conflict of interest under Section IV of this policy or another conflict prevents the Board Attorney from assisting the Panel in a specific matter:
1. The Panel shall identify other counsel to assist the Panel in the matter; and
 2. The Board shall provide sufficient funds to hire counsel.
- J. The Panel is the advisory body responsible for interpreting this policy and advising persons subject to this policy regarding its application.
- K. The Panel shall implement a public information and education program regarding the purpose and implementation of this policy.
- L. The Panel, assisted by the Superintendent or other official designated by the Board, shall be the custodian of all forms submitted by any person under this policy.
- M. Any official, or other person subject to this policy may request an advisory opinion from the Panel concerning the application of this policy.
- N. The Panel shall respond promptly to a request for an advisory opinion and shall provide interpretations of this policy within 60 days of the request based on the facts provided or reasonably available to the Panel.
- O. In accordance with applicable State laws regarding public records, the Panel shall publish or otherwise make available to the public copies of the advisory opinions with the identities of the subjects deleted.
- P. Any person may file a complaint with the Panel alleging a violation of any of the provisions of this policy.
- Q. A complaint shall be in writing and under oath.
- R. The Panel may refer a complaint to the Board Attorney or other legal counsel, if appropriate, for investigation and review.

- S. If the Panel determines that there are insufficient facts upon which to base a determination of a violation, the Panel shall recommend to the Board of Education that the complaint be dismissed.
- T. 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 conducted by the Panel in accordance with the following rules of procedure:
1. the hearing shall be informal;
 2. the purpose of the hearing shall be to allow the subject of the complaint the full opportunity to provide to the Panel in writing, in person, or both, any responses to the allegations and other necessary information;
 3. the subject of the complaint may be represented by an attorney or other representative;
 4. the subject of the complaint shall be allowed to present witnesses and other evidence;
 5. the subject of the complaint may be asked to respond to questions from the Panel;
 6. the Panel may call additional witnesses if deemed necessary, in which case the subject of the complaint may cross-examine those witnesses;
 7. the Panel may request additional information from other sources if deemed necessary;
 8. the hearing shall be closed except to the subject of the complaint, his or her representative, any witnesses, and any individuals deemed appropriate by the Panel;
 9. the Panel shall develop a final written report of the Panel's finding of facts, conclusions of law, and recommendations concerning any complaint not previously recommended for dismissal;
 10. the Panel shall provide to the Board Chairperson its final written report, at which time the Board Chairperson shall distribute the report to all Board members as soon as practicable;
 11. the Panel shall ensure that all actions taken by the Panel regarding any complaint received be considered confidential;

- U. A respondent may propose a settlement or cure to the Panel before a hearing.
 - 1. If the panel determines that the proposed settlement or cure is consistent with the purposes of this policy, the Panel shall recommend that the Board accept the proposed settlement or cure.
 - 2. If the Board concurs with the recommendation of the Panel, the Board shall accept the proposed settlement or cure.
- V. The Panel's findings of a violation resulting from the hearing shall include findings of fact and conclusions of law.
- W. The Panel shall report its findings and recommendations for action to the Board.
- X. If the Board concurs with the findings of a violation and recommendations of the Panel, the Board may take enforcement action as provided in Section VII of this policy.
- Y. The Board may dismiss a complaint:
 - 1. On the recommendation of the Panel; or
 - 2. If the Board disagrees with a finding of a violation by the Panel.
- Z. After a complaint is filed and until a final determination by the Board, all actions regarding a complaint are confidential.
- AA. Concurrence by the Board with a finding of a violation by the Panel is public information.

IV. Prohibited Conduct and Interests

- A. Participation.
 - 1. Except as permitted by Board of Education regulation when such interest is disclosed or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:
 - a. Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest;
 - b. Any matter wherein the impartiality of or independence of judgment of the official would be impaired because the decision or action of the official would impart a benefit, financial or otherwise, to the official or

a qualified relative of the official as opposed to Harford County Public Schools (HCPS) students, employees or the public, generally; or

- c. Any matter in which any of the following is a party:
 - 1) A business entity in which the official, or a qualified relative of the official, has a direct financial interest of which the official may reasonably be expected to know;
 - 2) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
 - 3) A business entity with which the official or a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
 - 4) A business entity that is a party to an existing contract with the school official or a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board duties of the official;
 - 5) An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
 - 6) A business entity that:
 - a) The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and
 - b) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.
2. An official who is disqualified from participating under paragraph A.1(c) of this subsection may participate or act in the matter if the person discloses the nature and circumstance of the conflict and:
 - a. The disqualification leaves the Board or body with less than a quorum capable of acting;
 - b. The disqualified official is required by law to act; or

- c. The disqualified official is the only person authorized to act.
 - 3. The prohibitions of paragraph IV.A.1 do not apply if participation is allowed by the Panel.
- B. Employment and financial interests.
 - 1. An official may not:
 - a. Be employed by or have a financial interest in an entity that is:
 - 1) Subject to the authority of the school system or Board; or
 - 2) Is doing business with the school system or Board; or
 - b. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.
 - 2. This prohibition does not apply to:
 - a. An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest;
 - b. Subject to other provisions of regulation and law, a member of the Board in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment:
 - 1) As to an appointed member, was publicly disclosed to the appointing authority and the Panel at the time of appointment; or
 - 2) As to an elected member, was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the Board; or
 - c. Employment or financial interests allowed by opinion of the Panel if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- C. Post-employment. A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board or the school system if that matter is one in which the former official significantly participated as an official.

- D. Contingent compensation. An official may not assist or represent a party for contingent compensation in any matter before or involving the Board of Education or the school system.
- E. Prestige of office.
 - a. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
 - b. This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board without compensation.
- F. Gifts.
 - 1. An official may not solicit any gift.
 - 2. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
 - 3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
 - a. Is doing business with or seeking to do business with the school system or Board;
 - b. Is subject to the authority of the school system;
 - c. Is a lobbyist with respect to matters within the jurisdiction of the official; or
 - d. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official.
 - 4. a. This paragraph does not apply to a gift:
 - 1) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
 - 2) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or

- 3) Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.
- b. Notwithstanding paragraph F.3 of this subsection, an official may accept:
- 1) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - 2) Ceremonial gifts or awards that have insignificant monetary value;
 - 3) An unsolicited gift of nominal value that does not exceed \$20.00 in cost; an unsolicited series of gifts from a single donor that do not exceed \$100.00 annually in value; or trivial items of informational value;
 - 4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
 - 5) Gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board of Education;
 - 6) A specific gift or class of gifts which the Panel exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system or Board and that the gift is purely personal and private in nature;
 - 7) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
 - 8) An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board position of the official.
- G. Disclosure of confidential information. Other than in the lawful discharge of official duties, an official may not, for the economic benefit of the official or the economic benefit of another person, disclose or use confidential information that the official acquired by reason of the official's public position and that is not available to the public.

H. Procurement.

- 1) An individual or person that employs an individual who assists the school system or Board in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
- 2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

V. Financial Disclosure

A. Financial Disclosures – Board Member or Candidates for Board membership.

1. Except as provided in subsection V.A.3 of this section, a member of the Board, candidate to be a member of the Board, or employee shall file the financial disclosure statement required under this subsection:
 - a. On a form provided by the Panel;
 - b. Under oath or affirmation; and
 - c. With the Panel or the office designated by the Panel.
2. Deadlines for filing statements.
 - a. An incumbent Board member shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - b. A Board member who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - c. A Board member 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:
 - 1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and

- 2) The portion of the current calendar year during which the individual held the office.
3. Candidates to be members of the Board.
 - a. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
 - b. A candidate to be a member of the Board shall file a statement required under this section:
 - 1) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - 2) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - 3) In all other years for which a statement is required, on or before April 30.
 - c. A candidate to be a member of the Board:
 - 1) May file the statement required under Section V.3.b(1) of this policy with the Board of Election Supervisors with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy; and
 - 2) Shall file the statements required under Section V.3.b(2) and (3) of this policy with the Panel or the office designated by the Panel or Board.
 - d. If a candidate fails to file a statement required by this section after written notice is provided by the Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
 - e. The Board of Election Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.
 - f. Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Panel, or the office designated by the Panel or Board.

B. Contents of Financial Disclosure Statement as to Board Members, Candidates for Board Membership, and Officials.

1. Interests in Real Property.

- a. A statement filed under this section shall include a schedule of all interests in real property wherever located.
- b. For each interest in real property, the schedule shall include:
 - 1) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - 2) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - 3) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - 4) The nature and 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;
 - 5) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - 6) The identity of any other person with an interest in the property.

2. Interests in corporations and partnerships.

- a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board.
- b. For each interest reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

- 2) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - 3) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - 4) With respect to any interest acquired during the reporting period:
 - a) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - b) 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.
- c. An individual may satisfy the requirement to report the amount of the interest held under item V.B(2)(b) of this paragraph by reporting, instead of a dollar amount:
- 1) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - 2) For an equity interest in a partnership, the percentage of equity interest held.
3. Interests in business entities doing business with the school system or Board.
- a. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the school system or Board, other than interests reported under paragraph V.B(2) of this subsection.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the business entity;
 - 2) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;

- 3) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - 4) With respect to any interest acquired during the reporting period:
 - a) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - b) 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.
4. Gifts.
- a. A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board.
 - b. For each gift reported, the schedule shall include:
 - 1) A description of the nature and value of the gift; and
 - 2) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
5. Employment with or interests in entities doing business with the school system or Board.
- a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board.
 - b. For each position reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the business entity;
 - 2) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and

- 3) The name of each school system or Board unit with which the entity is involved as indicated by identifying one or more of the three categories of “doing business”, as defined in Section II.D of this policy.
6. Indebtedness to entities doing business with the school system or Board.
 - a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the school system or Board owed at any time during the reporting period:
 - 1) By the individual; or
 - 2) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - b. For each liability reported under this paragraph, the schedule shall include:
 - 1) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - 2) The amount of the liability owed as of the end of the reporting period;
 - 3) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - 4) The security given, if any, for the liability.
7. Employment with the school system or Board. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the school system or Board in any capacity at any time during the reporting period.
8. Sources of earned income.
 - a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual’s immediate family was a sole or partial owner and from which the individual or member of the individual’s immediate family received earned income at any time during the reporting period.

- l) Purchasing Agent;
 - m) Purchasing Assistant;
 - n) Supervisor of Planning and Construction;
 - o) Assistant Supervisor of Planning and Construction;
 - ~~p) Facilities Planner, Planning and Construction;~~
 - q) School Principals**
 - r) Chief Internal Auditor**
 - s) Internal Auditor**
 - t) Staff Attorney**
 - u) Supervisor of Purchasing**
 - v) Any other employees identified by the Ethics Panel, Board of Education, or Superintendent.
- E. Public Record.
- 1. The Panel or office designated by the Panel shall maintain all financial disclosure statements filed under this section.
 - 2. The Panel or office designated by 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 Panel or the Board.
 - 3. If an individual examines or copies a financial disclosure statement, the Panel or the office designated by the Panel shall record:
 - a. The name and home address of the individual reviewing or copying the statement; and
 - b. The name of the person whose financial disclosure statement was examined or copied.
 - 4. If a Financial Disclosure Statement is examined or copied, the Panel or the office designated by 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.
- F. Retention requirements. The Panel or the office designated by the Panel shall retain financial disclosure statements or any amendments to financial disclosure statements for ten (10) years from the date of receipt.
- G. 1. The Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.

2. The Board may take appropriate enforcement action to ensure compliance with this section.

- H. The Superintendent or his/her designee shall ensure that a list of vendors doing business with the Board is available for review during regular business hours of the school system. Board members, officials or any other persons required to file financial disclosure statements under this policy are charged with the knowledge of such list.

VI. Lobbying

- A. Except as provided in subsections B and C of this section, a person or entity who engages in lobbying as defined in Section II.J of this policy shall file a lobbying registration with the Panel or the office designated by the Panel or Board.
- B. The following activities are exempt from regulation under this section:
 1. Professional services in advising and rendering opinions to clients as to the construction and effect of proposed or pending Board actions when these services do not otherwise constitute lobbying;
 2. Appearances before the Board upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of Board actions;
 3. Appearances before an organizational unit of the school system upon the specific invitation or request of the unit if the person or entity engages in no further or other activities in connection with the passage or defeat of school system or Board action;
 4. Appearance as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of the State, or of the United States, and not on behalf of any other entity;
 5. Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity;
 6. Appearances by an individual before the Board at the specific invitation or request of a registered lobbyist if the person performs no other lobbying

act and notifies the Board that the person or entity is testifying at the request of the lobbyist;

7. Appearances by an individual before the Board or an organizational unit of the school system at the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies the unit that the person or entity is testifying at the request of the lobbyist;
 8. The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization; and
 9. Appearance as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity.
- C. Limited exemption — employer of a lobbyist.
1. A person or entity who employs one or more lobbyists and who would otherwise be required to register as a lobbyist is not required to file a registration and submit lobbying reports if the person or entity reasonably believes that all expenses incurred in connection with the lobbying activities will be reported by a properly registered person or entity acting on behalf of the person or entity.
 2. A person or entity exempted under this subsection becomes subject to this section immediately upon failure of the lobbyist to report any information required under this section.
- D.
1. The registration filed under this section shall be filed on or before the later of the beginning of the calendar year in which the person or entity expects to lobby and within five days of first engaging in lobbying activities in the calendar year.
 2. The registration filed under this section:
 - a. Shall be dated and on a form developed by the Panel; and
 - b. Shall include:
 - 1) The lobbyist's full and legal name and permanent address;
 - 2) The name, address, and nature of business of any person or entity on whose behalf the lobbyist acts;

- 3) The written authorization of any person or entity on whose behalf the lobbyist acts or an authorized officer or agent, who is not the lobbyist, of the person or entity on whose behalf the lobbyist acts;
 - 4) A statement of whether the person or entity on whose behalf the lobbyist acts is exempt from registration under subsection (C) of this section;
 - 5) The identification, by formal designation, if known, of matters on which the lobbyist expects to act;
 - 6) Identification of the period of time within a single calendar year during which the lobbyist is authorized to engage in these activities, unless terminated sooner; and
 - 7) The full legal signature of the lobbyist and, when appropriate, the person or entity on whose behalf the lobbyist acts or an agent or authorized officer of the person or entity on whose behalf the lobbyist acts.
- E. A lobbyist shall file a separate registration for each person or entity that has engaged or employed the lobbyist for lobbying purposes.
- F. A lobbyist may terminate the lobbyist's registration by providing written notice to the Panel and submitting all outstanding reports and registrations.
- G. A person or entity may not engage in lobbying activities on behalf of another person or entity for compensation that is contingent upon the passage or defeat of any action by the Board or the outcome of any school system action.
- H. Activity report.
1. A lobbyist shall file with the Panel or the office designated by the Panel:
 - a. By July 31, one report concerning the lobbyist's lobbying activities covering the period beginning January 1 through June 30; and
 - b. By January 31, one report covering the period beginning July 1 through December 31.
 2. A lobbyist shall file a separate activity report for each person or entity on whose behalf the lobbyist acts.
 3. If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form.

4. The report shall include:
 - a. A complete and current statement of the information required to be supplied with the lobbyist's registration form.
 - b. Total expenditures on lobbying activities in each of the following categories:
 - 1) Total compensation paid to the lobbyist not including expenses reported under items (2) through (8) of this subparagraph;
 - 2) Office expenses of the lobbyist;
 - 3) Professional and technical research and assistance not reported in item 4(a) of this subparagraph;
 - 4) Publications which expressly encourage persons to communicate with officials;
 - 5) Names of witnesses, and the fees and expenses paid to each witness;
 - 6) Meals and beverages for officials;
 - 7) Reasonable expenses for food, lodging, and scheduled entertainment of officials for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
 - 8) Other gifts to or for officials or members of their immediate families; and
 - 9) Other expenses.
- I. Special gift report.
 1. a. With the six-month activity report required under subsection "H" of this section, a lobbyist shall report, except for gifts reported in item H.4(b)(7) of this section, gifts from the lobbyist with a cumulative value of \$75 or more during the reporting period to an official or member of the immediate family of an official.
 - b. The lobbyist shall report gifts under this paragraph regardless of whether the gift was given in connection with lobbying activities.
2. The report shall include the date, beneficiary, amount or value, and nature of the gift.

- J. Notification to official and confidentiality.
 - 1. If any report filed under this section contains the name of an official or a member of the official's immediate family, the Panel shall notify the official within 30 days.
 - 2. The Panel shall keep the report confidential for 60 days following receipt by the Panel.
 - 3. Within 30 days of the notice required under paragraph I.1 of this subsection, the official may file a written exception to the inclusion in the report of the name of the official or the member of the official's immediate family.
- K. The Panel may require a lobbyist to submit other reports the Panel determines to be necessary.
 - 1. The Panel or office designated by the Panel shall maintain all registrations and reports filed under this section for four years from the date of receipt by the Panel.
 - 2. The Panel shall make lobbying registrations and reports available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the Panel or the Board.
- L.
 - 1. The Panel shall review the registrations and reports filed under this section for compliance with this section and shall notify persons engaging in lobbying activities of any omissions or deficiencies.
 - 2. The Panel or the Board may take appropriate enforcement action to ensure compliance with this section including prohibiting a person from acting as a lobbyist as defined herein.
- M. Annual report.
 - 1. The Panel shall compute and make available a subtotal under each of the nine required categories in subparagraph H.4(b) of this section.
 - 2. The Panel shall compute and make available the total amount reported by all lobbyists for their lobbying activities during the reporting period.

VII. Sanctions

- A. An official who violates this policy is subject to discipline, personnel action, or removal from office or employment, as provided by law and consistent with procedures set forth in this policy.
- B. A person who violates this policy is subject to the provisions or sanctions provided herein or otherwise provided by law.

Board Approval Acknowledged By:

Sean W. Bulson, Ed.D.
Superintendent

DRAFT

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	12-12-1983				
Amended	04-10-2012				
Amended	04-24-2018				
Amended	04-08-2019				

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Patrick P. Spicer, Esquire	JOB POSITION OF PERSON RESPONSIBLE: General Counsel
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

References are set forth in the Procedure.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.