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2 Related Entries: GCA-RA
3 Responsible Office: Board of Education
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6 Ethics
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9 A. PURPOSE
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11 To promote the highest level of ethical conduct on the part
12 of all persons associated with Montgomery County Public
13 Schools (MCPS), to ensure the highest public trust and
14 confidence in the impartiality and independent judgment of
15 Board of Education (**Board**) members and MCPS ~~school~~ officials
16 and employees, and to provide guidance for MCPS personnel
17 concerning ethics-related matters
18

19 B. ISSUE
20

21 **The State of** ~~Chapter 277 of the 2010 Laws of Maryland~~
22 (**"State"**) directs and authorizes local boards of education to
23 adopt appropriate provisions concerning conflicts of
24 interest, financial disclosure, and lobbying to help ensure
25 the highest public confidence in the impartiality and
26 independent judgment of Board members and MCPS ~~school~~
27 officials and employees.
28

29 C. DEFINITIONS

30

31 Words in this policy have their normal accepted meanings
32 except as set forth below:

33

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

40

41 2. *Board of Elections* means Montgomery County Board of
42 Elections.

43

44 3. *Compensation* means any money or thing of value,
45 regardless of form, received or to be received, **directly**
46 **or indirectly**, by any individual covered by this policy
47 from an employer for service rendered. For purposes of
48 Section H- (*Lobbying Disclosure*) of this policy, if
49 lobbying is only a portion of a person's employment,
50 "compensation" means a prorated amount based on the time
51 devoted to lobbying compared to the time devoted to other
52 employment duties.

53

54 4. *Doing business with* means ~~—~~

55

56 a) having or negotiating a contract that involves
57 the commitment, either in a single or combination
58 of transactions, of \$5,000 or more of school
59 system funds during a calendar year,

60
61 b) being subject to the authority of the school
62 system, or

63
64 c) being registered as a lobbyist in accordance with
65 Section H- (Lobbying Disclosure) of this policy.

66
67 5. *Employee* means any person employed by the Board, or the
68 school system, including the superintendent of schools.

69
70 6. *Financial interest* means—:

71
72 a) ~~Ownership~~**ownership** of any interest as the result
73 of which the owner has received within the past ~~3~~
74 **three** years, or is presently receiving, or is
75 entitled to receive in the future **that is valued** in
76 excess of \$1,000 annually; or

77
78 b) ~~Ownership~~**ownership**, or [MPDM1]the ownership of
79 securities of any kind representing or convertible
80 into ownership, of more than ~~three~~**three** percent of a
81 business entity by an official or the spouse of an
82 official.

83

- 84 7. *Gift* means the transfer of anything of economic value,
85 regardless of the form, without adequate and lawful
86 consideration. Gift does not include political campaign
87 contributions regulated under ~~Maryland~~**State** or local
88 law. (See also exemptions in section D.6.d).)
89
- 90 8. *Home Address* means the address of an individual's
91 principal home, and designated second home as defined in
92 ~~Maryland~~**state** law, if any.
93
- 94 9. *Immediate family* means a spouse and dependent children.
95
- 96 10. *Interest* means a legal or equitable economic interest,
97 whether or not subject to an encumbrance or a condition,
98 which was owned or held in whole or in part, jointly or
99 severally, directly or indirectly, at any time during
100 the reporting period. Interest does not include—
101
- 102 a) ~~An~~**an** interest held in the capacity of a personal
103 agent, personal representative, agent, custodian,
104 fiduciary, or trustee, unless the holder has an
105 equitable interest in the subject matter;
106
- 107 b) ~~An~~**an** interest in a time or demand deposit in a
108 financial institution;
109
- 110 c) ~~An~~**an** interest in an insurance or endowment policy
111 or annuity contract under which an insurer promises

112 to pay a fixed amount of money in a lump sum or
113 periodically for life or some other specified
114 period;

115
116 d) ~~A~~**a** common trust fund or a trust ~~which~~**that** forms
117 part of a pension or profit-sharing plan ~~which~~
118 ~~has~~**with** more than 25 participants and which has
119 been determined by the Internal Revenue Service to
120 be a qualified trust under the Internal Revenue
121 Code;

122
123 e) ~~A~~**a** college savings plan under the Internal Revenue
124 Code; or

125
126 f) ~~A~~**a** mutual fund or exchange-traded fund that is
127 publicly traded on a national scale, unless the
128 mutual fund or exchange-traded fund is composed
129 primarily of holdings of stocks and interests in a
130 specific sector or area that is regulated by the
131 individual's governmental unit.

132
133 11. *Lobbying* means ~~—~~:

134
135 a) ~~Communicating~~**communicating with** ~~in the presence of~~
136 a school official with the intent to influence any
137 official action of that official, **provided** and
138 ~~where~~ \$~~5~~**100** or more is spent during a calendar
139 year for ~~food, entertainment, other gifts, or a~~

140 ~~series of gifts in furtherance of this activity~~
141 **Gifts, as defined in this policy, or a series of**
142 **Gifts, in furtherance of the intent to influence;**
143 or

144
145 b) ~~Engaging~~**engaging** in activities having the express
146 purpose of soliciting others to communicate with an
147 official with the intent to influence that official
148 in the outcome of any official action, where \$300
149 or more is spent in furtherance of this activity
150 during the calendar year.

151
152 12. *Lobbyist* means a person required to register and report
153 expenses related to lobbying under section H~~r~~ of this
154 policy.

155
156 13. *Official or ~~school~~**MCPS** official* means each member of
157 the Board, an employee of the Board, or certain MCPS
158 ~~school~~—officials or employees, including the
159 superintendent of schools.

160
161 14. *Panel* means the Board Ethics Panel.

162
163 15. *Person* includes an individual or a business entity.

164
165 **16.** *Qualified relative* means a spouse, parent/guardian,
166 child, or sibling.

167

168 ~~16-17.~~ **Quasi-governmental entity** means an entity that is
169 created by State statute, that performs a public
170 function, and that is supported in whole or in part by
171 the State but is managed privately.

172
173 ~~17-18.~~ *School system* means the educational system under the
174 authority of the Board.

175
176 ~~18-19.~~ *Subject to the authority of* refers to business entities
177 regulated by the Board or subject to significant control
178 or impact by policies of the school system relating to
179 the operations of the entity.

180
181 D. CONFLICTS OF INTEREST

182
183 1. Participation

184
185 a) Except as permitted by Board policy or MCPS
186 regulation or in the exercise of an administrative
187 or ministerial duty that does not affect the
188 disposition or decision in the matter, an official
189 may not participate in—

190
191 (1) ~~Any~~**any** matter in which, to the knowledge of
192 the official, the official or a qualified
193 relative of the official, has an interest; or

194

- 195 (2) ~~Any~~**any** matter in which any of the following
196 is a party:
197
- 198 (a) A business entity in which the official
199 has a direct financial interest of which
200 the official may reasonably be expected
201 to know;
202
- 203 (b) A business entity for which the official,
204 or a qualified relative of the official,
205 is an officer, director, trustee,
206 partner, or employee;
207
- 208 (c) A business entity with which the official
209 or, to the knowledge of the official, a
210 qualified relative of the official is
211 negotiating or has any arrangement
212 concerning prospective employment;
213
- 214 (d) A business entity that is a party to an
215 existing contract with the school
216 official or ~~which~~**that**, to the knowledge
217 of the official, a qualified relative of
218 the official, **provided** ~~if~~ the contract
219 reasonably could be expected to result in
220 a conflict between the private interests
221 of the official and the school system or
222 Board duties of the official;

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(e) An entity, doing business with the Board 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 reasonably be expected to know of both direct financial interests; or

(f) A business entity that—

(i) ~~The~~**the** official knows is a creditor or obligee of the official, or a qualified relative of the official, with respect to anything of economic value; and

(ii) ~~As~~**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.

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

- 251 (1) ~~The~~**the** disqualification leaves the Board with
252 less than a quorum capable of acting;
253
254 (2) ~~The~~**the** disqualified official is required by
255 law to act; or
256
257 (3) ~~The~~**the** disqualified official is the only
258 person authorized to act.
259
260 c) The prohibitions of section D.1.a do not apply if
261 participation is allowed by opinion of the Panel.
262
263 d) A former regulated lobbyist who is, or becomes
264 subject under this section as, an employee or
265 official, other than a member of the Board, may not
266 participate in a case, contract, or other specific
267 matter as an employee or official, other than a
268 member of the Board, for one calendar year after
269 the termination of the registration of the former
270 regulated lobbyist if the former regulated lobbyist
271 previously assisted or represented another party
272 for compensation in the matter.

273

274 2. Employment and financial interests

275

- 276 a) Except as permitted by Board policy or MCPS
277 regulation when the interest is disclosed or when
278 the employment does not create a conflict of

279 interest or appearance of a conflict, an official
280 may not ~~→~~

281
282 (1) ~~Be~~**be** employed by or have a financial interest
283 in an entity that is ~~→~~

284
285 (a) ~~Subject~~**subject** to the authority of the
286 school system or Board; or

287
288 (b) ~~Negotiating~~**negotiating** or has a contract
289 with the school system or Board; or

290
291 (2) ~~Hold~~**hold** any other employment relationship
292 that would impair the impartiality or
293 independence of judgment of the official,
294 affect their usefulness as employees in the
295 school system, make time and/or energy demands
296 that could interfere with their effectiveness
297 in performing their regularly assigned duties,
298 adversely affect their employment status, or
299 would in any way conflict with assigned
300 duties.

301
302 b) ~~The~~**This** prohibitions in section D.2.a does not
303 apply to -

304
305 (1) an official whose duties are ministerial, if
306 the private employment or financial interest

307 does not create a conflict of interest or the
308 appearance of a conflict of interest, as
309 permitted by Board policy or MCPS regulations;
310 or

311
312 (2) subject to other provisions of regulation and
313 law, a member of the Board in regard to a
314 financial interest or employment held at the
315 time of the oath of office, if the financial
316 interest or employment was disclosed on the
317 financial disclosure statement filed with the
318 certificate of candidacy to be a candidate to
319 be a member of the Board; or

320
321 (3) employment or financial interests allowed by
322 opinion of the Panel if the employment does
323 not create a conflict of interest or the
324 appearance of a conflict of interest or the
325 financial interest is disclosed.

326
327 3. Post-employment

328
329 A former official may not assist or represent any party
330 other than the Board or school system for compensation
331 in a case, contract, or other specific matter involving
332 the Board or the school system if the matter is one in
333 which the former official significantly participated as
334 an official.

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4. Contingent compensation

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

5. 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, or to influence the award of a state or local contract to a specific person, unless it is part of the official duties of the official or as a usual and customary constituent service by a member of the Board without additional compensation.

b) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.

c) The performance of usual and customary constituent services by a member of the Board without additional compensation does not constitute the use of prestige of office or public position.

363 d) Neither an official nor a member of the Board may
364 use public resources to solicit a contribution as
365 regulated under ~~Maryland~~**State** or local law. In
366 addition, an official, other than a member of the
367 Board, may not use the title of the official to
368 solicit a political contribution as regulated under
369 ~~Maryland~~**State** or local law.

370

371 6. Gifts

372

373 a) An official may not solicit any gift.

374

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

378

379 c) An official may not knowingly accept a gift,
380 directly or indirectly, from a person that the
381 official knows or has reason to know~~→~~

382

383 (1) ~~Is~~**is** doing business with or seeking to do
384 business with the school system or Board;

385

386 (2) ~~Is~~**is** subject to the authority of the school
387 system;

388

389 (3) ~~Is~~**is** a lobbyist with respect to a matter
390 within the jurisdiction of the official; ~~or~~

391
392 **(4)** ~~Has~~**has** financial interests that may be
393 substantially and materially affected, in a
394 manner distinguishable from the public
395 generally, by the performance or
396 nonperformance of the school system duties of
397 the official~~;~~ **or**

398
399 ~~(4)~~**(5)** **is an association, or any entity acting on**
400 **behalf of an association, that is engaged only**
401 **in representing counties or municipal**
402 **corporations.**

403
404 d) Notwithstanding paragraph 6.c) of this subsection,
405 an official may accept -

406
407 (1) meals and beverages consumed in the presence
408 of the donor or sponsoring entity;

409
410 (2) ceremonial gifts or awards that have
411 insignificant monetary value;

412
413 (3) an unsolicited gift that does not exceed \$20
414 in value **per individual, per calendar year**, or
415 ~~an unsolicited series of gifts not exceeding~~
416 ~~\$100 in value in a calendar year, or trivial~~
417 items of ~~informational~~**nominal** value;

418

- 419 (4) Reasonable—**reasonable** expenses for food,
420 travel, lodging, and scheduled entertainment
421 of the official at a meeting, which is given
422 in return for the participation of the
423 official in a panel or speaking engagement at
424 the meeting;
425
- 426 (5) ~~Gifts~~**gifts** of tickets or free admission
427 extended to members of the Board to attend a
428 charitable, cultural, or political event, if
429 the purpose of the gift or admission is a
430 courtesy or ceremony extended to the Board;
431
- 432 (6) ~~A~~**a** specific gift or class of gifts ~~which~~**that**
433 the Panel exempts from the operation of this
434 subsection upon a written finding that
435 acceptance of the gift or class of gifts would
436 not be detrimental to the impartial conduct of
437 the business of the school system or Board and
438 that the gift is purely personal and private
439 in nature;
440
- 441 (7) ~~Gifts~~**gifts** from a person related by blood or
442 marriage, or any other individual who is a
443 member of the household of the official; or
444
- 445 (8) ~~An~~**an** honorarium for speaking to or
446 participating in a meeting, provided that the

447 offering of the honorarium is in no way
448 related to the school system or Board position
449 of the official.

450
451 e) Paragraph 6.d) above does not apply to ~~Gifts~~;

452
453 (1) ~~That~~ **that** would tend to impair the
454 impartiality and independence of judgment of
455 the official receiving the ~~Gift~~;

456
457 (2) ~~Of~~ **of** significant value that would give the
458 appearance of impairing the impartiality and
459 independent judgment of the official; or

460
461 (3) ~~Of~~ **of** significant value that the recipient
462 official believes or has reason to believe is
463 designed to impair the impartiality and
464 independent judgment of the official.

465
466 7. Disclosure of confidential information

467
468 **a)** Other than in the discharge of official duties, an
469 official **or former official** may not disclose or use
470 confidential information that the official acquired
471 by reason of the official's public position **or**
472 **former public position** and that is not available to
473 the public for their own economic benefit or that
474 of another person.

- 502 a) The Panel shall maintain all financial disclosure
503 statements filed under this section.
504
- 505 b) The Panel shall make financial disclosure
506 statements available, during normal office hours,
507 for examination and copying by the public, subject
508 to reasonable fees and administrative procedures
509 established by the Board.
510
- 511 c) If an individual examines or copies a financial
512 disclosure statement, the Panel shall record~~→~~
513
- 514 (1) ~~The~~**the** name and home address of the
515 individual reviewing or copying the statement;
516 and
517
- 518 (2) ~~The~~**the** name of the person whose financial
519 disclosure statement was examined or copied.
520
- 521 d) Upon request by the individual whose financial
522 disclosure statement was examined or copied, the
523 Panel shall provide the individual with a copy of
524 the name and home address of the person who reviewed
525 the individual's financial disclosure statement.
526
- 527 e) For statements filed after January 1, 2019, the
528 Panel may not provide public access to an

529 individual's home address that the individual has
530 designated as the individual's home address.

531
532 **f) The Board or office designated by the Board shall**
533 **not provide public access to information related to**
534 **consideration received from—**

535
536 (1) **the University of Maryland Medical System;**

537
538 (2) **a governmental entity of the State or local**
539 **government in the state; or**

540
541 ~~e)~~ (3) **a quasi-governmental entity of the State or**
542 **local government in the State.**

543
544 2. Retention requirements

545
546 The Panel shall retain financial disclosure statements
547 for four years from the date of receipt.

548
549 3. Review by Panel

550
551 The Panel shall review the financial disclosure
552 statements submitted for compliance with the provisions
553 of this policy and shall notify an individual submitting
554 the statement of any omissions or deficiencies. Evidence
555 of noncompliance shall be pursued by the ~~Panel~~**panel**.

556

557 F. FINANCIAL DISCLOSURE STATEMENTS - CERTAIN SCHOOL ~~SCHOOL~~ **MCPS**
558 OFFICIALS AND EMPLOYEES

559

560 1. ~~School~~ **MCPS** officials and ~~school~~ employees who have
561 decision-making authority or act as principal advisors
562 to a person with that authority in any of the following
563 capacities, in any fiscal year, shall file a financial
564 disclosure statement as provided in this section:

565

566 a) ~~m~~**M**aking school system or school ~~b~~**B**oard policy.

567

568 b) ~~e~~**E**xercising quasi-judicial, regulatory, licensing,
569 inspecting, or auditing functions.

570

571 c) ~~p~~**P**reparing, approving, or auditing, or who has the
572 authority to commit the school system to rent,
573 purchase, or lease, any of the following items with
574 an aggregate value of \$100,000 in any fiscal year:

575

576 (1) Personal service contracts

577

578 (2) Specifications for materials, supplies, or
579 equipment

580

581 (3) Requests for proposals or bids

582

583 2. Deadline for filing

584

585 a) The ~~school~~**MCPS** officials and employees referenced
586 in paragraph F.1~~7~~ are required to file a financial
587 disclosure statement on or before April 30 of each
588 year during which they are employed or hold office
589 for the preceding calendar year.

590
591 b) An official who is appointed to fill a vacancy in
592 an office for which a financial disclosure
593 statement is required, and who has not already
594 filed a financial disclosure statement, shall file
595 a statement for the preceding calendar year within
596 30 days after appointment.

597
598 c) An individual who, other than by reason of death,
599 leaves an office for which a statement is required
600 shall file a statement within 60 days after leaving
601 the office. The statement shall cover the calendar
602 year immediately preceding the year in which the
603 individual left office, unless a statement covering
604 that year has already been filed by the individual,
605 as well as the portion of the current calendar year
606 during which the individual held the office.

607
608 3. Contents of Disclosure Statement for Certain MCPS ~~School~~
609 Officials and Employees
610

- 611 a) The financial disclosure statement shall require
612 the ~~school~~ **MCPS official or** employee to disclose—
613 —
614
615 (1) outside employment; ~~;~~
616 ~~(1)~~ (2) any conflicts of interests; ~~;~~ **and**
617
618 (3) ~~and~~ ~~g~~Gifts received during the preceding
619 calendar year from any person or entity that
620 contracts with or is under the authority of
621 the Board or the school system, including the
622 name of the donor of the ~~e~~Gift and the
623 approximate retail value at the time of
624 receipts.
625
626 b) **An individual who is required to disclose the name**
627 **of a business under this section shall disclose any**
628 **other names that the business is trading as or doing**
629 **business as.**
630
631 c) **Relationship with the University of Maryland**
632 **Medical System, State or local government, or**
633 **quasi-governmental entity.**
634
635 (1) **An individual shall disclose any financial or**
636 **contractual relationship with—;**
637

638 (a) the University of Maryland Medical
639 System;

640 (b) a governmental entity of the State or a
641 local government in the state; or

642 (c) a quasi-governmental entity of the State
643 or local government in the State.

644 d) For each financial or contractual relationship
645 reported, the schedule shall include-

646

647 (1) a description of the relationship;

648 (2) the subject matter or the relationship; and

649 (3) the consideration.

650

651 e) This statement shall be submitted to the Panel on
652 a form approved by the Panel, under oath or
653 affirmation.

654

655 4. An MCPS official or employee shall disclose **interest in,**
656 **or** employment **with a third party** ~~and interest~~ that raise
657 conflicts of interest or potential conflicts of interest
658 in connection with a specific proposed action by the
659 employee or official sufficiently in advance of the
660 action to provide adequate disclosure to the public.

661

662 G. FINANCIAL DISCLOSURE FORMS—**STATEMENTS** - BOARD MEMBERS AND
663 CANDIDATES

664

- 665 1. This section shall apply to all Board members and
666 candidates for the Board.
667
- 668 2. Deadline for filing
669
- 670 a) Board members shall file financial disclosure
671 statements ("**statement**" or "**statements**") on or
672 before April 30 of each year for the preceding
673 calendar year with the Panel on a form approved by
674 the Panel, under oath or affirmation.
675
- 676 b) Candidates to be members of the Board
677
- 678 (1) Except for an official who has filed a
679 ~~financial disclosure~~ statement under another
680 provision of this section for the reporting
681 period, a candidate to be a member of the Board
682 shall file a ~~financial disclosure~~ statement
683 each year, beginning with the year in which
684 the certificate of candidacy is filed through
685 the year of the election.
686
- 687 (2) A candidate to be a member of the Board shall
688 file a statement required under this section—
689 ÷
690
- 691 (a) ~~In~~**in** the year the certificate of
692 candidacy is filed, no later than the

693 **date of** filing of the certificate of
694 candidacy. This statement may be filed
695 with the Board of Elections with the
696 certificate of candidacy or with the
697 Panel prior to filing the certificate of
698 candidacy;-

699
700 (b) ~~In~~**in** the year of the election, on or
701 before the earlier of April 30 or the
702 last day for the withdrawal of candidacy,
703 this statement shall be filed with the
704 Panel; and

705
706 (c) ~~In~~**in** all other years for which a
707 statement is required, this statement
708 shall be filed on or before April 30 with
709 the Panel.

710
711 (3) Failure to file a statement

712
713 (a) If a statement required to be filed by a
714 candidate is overdue and not filed within
715 ~~8~~**eight** days after written notice of the
716 failure to file is provided by the Board
717 of Elections, the candidate is deemed to
718 have withdrawn the candidacy.

719

720 (b) The Board of Elections may not accept any
721 certificate of candidacy unless a
722 statement required under section G- has
723 been filed in proper form.

724
725 (4) Within 30 days of the receipt of a statement
726 required under this section, the Board of
727 Elections shall forward the statement to the
728 Panel, or the office designated by the Panel
729 or Board.

730
731 c) Appointment to Position

732
733 An official who is appointed to fill a vacancy on
734 the Board and who has not already filed a ~~financial~~
735 ~~disclosure~~ statement shall file a statement for the
736 preceding calendar year within 30 days after
737 appointment.

738
739 d) Resignation of Position

740
741 An individual who, other than by reason of death,
742 leaves the Board of Education shall file a
743 statement within 60 days after leaving the office.
744 The statement shall cover the calendar year
745 immediately preceding the year in which the
746 individual left office, unless a statement covering
747 that year has already been filed by the individual,

748 as well as the portion of the current calendar year
749 during which the individual held office.

750

751 3. The ~~s~~Student ~~m~~Member of the ~~B~~Board of ~~e~~Education (SMOB)
752 is elected by the secondary students of MCPS. The SMOB
753 is elected for a one-year term that begins July 1 and
754 ends June 30. Within 30 calendar days of the
755 announcement of the election results, the SMOB must
756 submit a financial disclosure ~~form~~ **statement** (as
757 outlined in ~~S~~section G.4.) covering the preceding
758 calendar year through the date of election to the
759 ~~Montgomery County Board of Education Ethics Panel~~. The
760 SMOB shall file a financial disclosure ~~form~~ **statement** by
761 June 30 of the year the SMOB term ends, covering from
762 the date of election until the expiration of the SMOB's
763 term.

764

765 4. Contents of Financial Disclosure ~~Form~~ **Statement** for
766 Board Members and Candidates

767

768 Board members and candidates must complete a financial
769 disclosure ~~form~~ **statement** approved by the Panel, under
770 oath or affirmation disclosing the following interests:

771

772 a) Interests in real property.

773

774 A statement filed under this section shall include
775 a schedule of all interests in real property

776 wherever located. For each interest in real
777 property, the schedule shall include~~---~~

778
779 (1) ~~T~~the nature of the property and the location
780 by street address, mailing address, or legal
781 description of the property;

782
783 (2) ~~T~~the nature and extent of the interest held,
784 including any conditions and encumbrances on
785 the interest;

786
787 (3) ~~T~~the date when, the manner in which, and the
788 identity of the person from whom the interest
789 was acquired;

790
791 (4) ~~T~~the nature and amount of the consideration
792 given in exchange for the interest or, if
793 acquired other than by purchase, the fair
794 market value of the interest at the time
795 acquired;

796
797 (5) ~~I~~if any interest was transferred, in whole or
798 in part, at any time during the reporting
799 period, a description of the interest
800 transferred, the nature and amount of the
801 consideration received for the interest, and
802 the identity of the person to whom the
803 interest was transferred; and

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(6) ~~¶~~the identity of any other person with an interest in the property.

b) Interests in corporations and partnerships

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. 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

832 the consideration received for the interest,
833 and, if known, the identity of the person to
834 whom the interest was transferred; and

835

836 (4) ~~W~~with respect to any interest acquired during
837 the reporting period,~~+~~

838

839 (a) ~~T~~the date when, the manner in which, and
840 the identity of the person from whom the
841 interest was acquired; and

842

843 (b) The nature and the amount of the
844 consideration given in exchange for the
845 interest or, if acquired other than by
846 purchase, the fair market value of the
847 interest at the time acquired.

848

849 (c) An individual may satisfy the requirement
850 to report the amount of the interest held
851 under item 2.b)(2) of this paragraph by
852 reporting, instead of a dollar amount~~+~~

853

854 (i) ~~F~~for an equity interest in a
855 corporation, the number of shares
856 held and, unless the corporation's,
857 stock is publicly traded, the
858 percentage of equity interest held;
859 or

860
861 (ii) ~~F~~for an equity interest in a
862 partnership, the percentage of
863 equity interest held.

864
865 ~~e~~**f**) Interests in business entities doing business with
866 the school system or Board

867
868 A statement filed under this section ~~G.~~ shall
869 include a schedule of all interests in any business
870 entity that does business with the school system or
871 Board, other than interests reported under **G.4.**
872 ~~paragraph b) of this subsection.~~ For each interest
873 reported under this paragraph, the schedule shall
874 include- ÷

875
876 (1) ~~T~~the name and address of the principal office
877 of the business entity;

878
879 (a) ~~T~~the nature and amount of the interest
880 held, including any conditions to and
881 encumbrances on the interest;

882
883 (b) ~~W~~with respect to any interest
884 transferred, in whole or in part, at any
885 time during the reporting period, a
886 description of the interest transferred,
887 the nature and amount of the

888 consideration received in exchange for
889 the interest, and, if known, the identity
890 of the person to whom the interest was
891 transferred; and

892
893 (c) With respect to any interest acquired
894 during the reporting period,÷

895
896 (i) ~~T~~the date when, the manner in which,
897 and the identity of, the person from
898 whom the interest was acquired; and

899
900 (ii) ~~T~~the nature and the amount of the
901 consideration given in exchange for
902 the interest or, if acquired other
903 than by purchase, the fair market
904 value of the interest at the time
905 acquired.

906 ~~d~~**g**) Gifts

907
908 A statement filed under this section shall include
909 a schedule of each ~~e~~**G**ift in excess of \$20 in value,
910 or a series of ~~e~~**G**ifts totaling \$100 or more,
911 received during the calendar year from, or on
912 behalf of, directly or indirectly, any one person
913 who does business with the school system or Board
914 **or from an association or any entity acting on**
915 **behalf of an association that is engaged only in**

916 **representing counties or municipal corporations.**

917 For each gift reported **under this section G.4.d** the
918 schedule shall include-

919

920 (1) ~~A~~**a** description of the nature and value of the
921 ~~g~~**G**ift; and

922

923 (2) The identity of the person from whom, or on
924 behalf of whom, directly or indirectly, the
925 ~~g~~**G**ift was received.

926

927 ~~e~~**h**) Employment with or interests in entities doing
928 business with the school system or Board

929

930 A statement filed under this section shall include
931 a schedule of all offices, directorships, and
932 salaried employment by the individual or member of
933 the immediate family of the individual held at any
934 time during the reporting period with entities
935 doing business with the school system or Board.
936 For each position reported under this paragraph,
937 the schedule shall include-

938

939 (1) ~~T~~**t**he name and address of the principal office
940 of the business entity;

941

942 (2) ~~T~~the title and nature of the office,
943 directorship, or salaried employment held and
944 the date it commenced; and

945
946 (3) ~~t~~The name of each school system or Board unit
947 with which the entity is involved, as
948 indicated by identifying one or more of the
949 three categories of "doing business," as
950 **defined** ~~specified in the Definitions~~ section
951 **C.4** of this policy.

952
953 ~~f~~**i**) Indebtedness to entities doing business with or
954 regulated by the individual's school system unit or
955 department

956
957 A statement filed under ~~this~~ section **G** shall
958 include a schedule of all liabilities, excluding
959 retail credit accounts, to persons doing business
960 with or regulated by the individual's school system
961 unit or department owed at any time during the
962 reporting period by the individual or by a member
963 of the immediate family of the individual, if the
964 individual was involved in the transaction giving
965 rise to the liability. For each liability reported
966 under this paragraph, the schedule shall include ~~÷~~

967

- 968 (1) ~~T~~the identity of the person to whom the
969 liability was owed and the date the liability
970 was incurred;
971
972 (2) ~~T~~the amount of the liability owed as of the
973 end of the reporting period;
974
975 (3) ~~T~~the terms of payment of the liability and the
976 extent to which the principal amount of the
977 liability was increased or reduced during the
978 year; and
979
980 (4) ~~T~~the security given, if any, for the
981 liability.
982

983 ~~g~~**j**) Employment with the school system or Board
984

985 A statement filed under this section ~~G~~ shall
986 include a schedule of the immediate family members
987 of the Board member or candidate employed by the
988 school system or Board in any capacity at any time
989 during the reporting period.
990

991 ~~h~~**k**) Sources of earned income
992

- 993 (1) A statement filed under this section ~~G~~ shall
994 include a schedule of the name and address of
995 each place of employment and of each business

996 entity of which the individual or a member of
997 the individual's immediate family was a sole
998 or partial owner and from which the individual
999 or member of the individual's immediate family
1000 received earned income at any time during the
1001 reporting period.

1002
1003 (2) A minor child's employment or business
1004 ownership need not be disclosed if the Board
1005 or school system does not regulate, exercise
1006 authority over, or contract with the place of
1007 employment or business entity of the minor
1008 child.

1009
1010 (3) For a statement filed on or after January 1,
1011 2019, if the individual's spouse is a lobbyist
1012 regulated by the Board, the individual shall
1013 disclose the entity that has engaged the
1014 spouse for lobbying purposes.

1015
1016 **i) An individual who is required to disclose the name**
1017 **of a business under this section shall disclose any**
1018 **other names that the business is trading as or doing**
1019 **business as.**

1020
1021 **j) Relationship with the University of Maryland**
1022 **Medical System, State or local government, or**
1023 **quasi-governmental entity.**

- 1024 (1) An individual shall disclose any financial or
1025 contractual relationship with—
1026 (a) the University of Maryland Medical
1027 System;
1028 (b) a governmental entity of the State or a
1029 local government in the State; or
1030 (c) a quasi-governmental entity of the State
1031 or local government in the State.
1032 (2) For each financial or contractual relationship
1033 reported, the schedule shall include—
1034 (a) a description of the relationship;
1035 (b) the subject matter of the relationship
1036 and
1037 (3)(c) the consideration.

1038
1039 i)k) A statement filed under this section ~~G-~~ may
1040 also include a schedule of additional interests or
1041 information that the individual making the
1042 statement wishes to disclose.

1043
1044 5. For the purposes of sections G-2.—(a)—(b), and—(c) of
1045 this policy, the following interests are considered to
1046 be the interests of the individual making the statement:

- 1047
1048 a) An interest held by a member of the individual's
1049 immediate family, if the interest was, at any time
1050 during the reporting period, directly or indirectly
1051 controlled by the individual.

- 1052
- 1053 **b) An interest held, at any time during the applicable**
- 1054 **period, by a—**
- 1055
- 1056 (1) ~~by a~~ business entity in which the individual
- 1057 held a ~~30~~ **10** percent or greater interest; ~~at~~
- 1058 ~~any time during the reporting period.~~
- 1059
- 1060 (2) **business entity described in paragraph (1) of**
- 1061 **this subsection, in which the business entity**
- 1062 **held a 25 percent or greater interest;**
- 1063
- 1064 (3) **business entity described in paragraph (2) of**
- 1065 **this subsection in which the business entity**
- 1066 **held a 50 percent or greater interest; and**
- 1067
- 1068 **b) (4) business entity in which the individual,**
- 1069 **directly or indirectly, though an interest in**
- 1070 **one or a combination of other business**
- 1071 **entities, holds a 10 percent or greater**
- 1072 **interest.**
- 1073
- 1074 c) An interest held by a trust or an estate in which,
- 1075 at any time during the reporting periods—~~;~~
- 1076
- 1077 (1) ~~The~~ **the** individual held a reversionary
- 1078 interest or was a beneficiary; or
- 1079

1080 (2) ~~If~~**if** a revocable trust, the individual was a
1081 settlor.
1082

1083 6. In addition to the financial disclosure provisions set
1084 forth in this section, Board members and candidates
1085 shall file a statement with the Panel disclosing any
1086 interests that raise conflicts of interest or potential
1087 conflicts of interest in connection with a specific
1088 proposed action by such person, sufficiently in advance
1089 of any anticipated action to allow adequate disclosure
1090 to the public.
1091

1092 H. LOBBYING DISCLOSURE
1093

1094 1. Persons representing themselves, a business entity, or
1095 an organization who **communicate with** ~~personally appears~~
1096 ~~before~~ the Board, a ~~school~~**MCPS** official, or employee
1097 with the intent to influence that body or individual in
1098 the performance of official duties, and who in
1099 connection with such intent expends or reasonably
1100 expects to expend in excess of \$~~5~~**100** in any calendar
1101 year on **Gifts or a series of Gifts, as defined in this**
1102 **policy, in furtherance of the intent to influence** ~~food,~~
1103 ~~entertainment, or other gift or series of gifts for~~ any
1104 member of the Board or a school official shall register
1105 with the Ethics Panel within ~~5~~**five** days after first
1106 making the appearance.
1107

- 1108 2. Persons representing themselves, a business entity, or
1109 an organization, who communicate with one or more
1110 members of the Board or **MCPS officials or school**
1111 employees, or who solicits others to communicate with a
1112 ~~school~~**MCPS** official or employee with the intent to
1113 influence that official or employee in the outcome of
1114 any official actions, and who incurs expenses of more
1115 than \$300 for this purpose in any calendar year, shall
1116 register with the ~~Ethics~~ Panel within ~~5~~**five** days after
1117 expending these funds.
- 1118
- 1119 3. The registration statement shall identify the name and
1120 address of the lobbyist and any person on whose behalf
1121 the lobbyist acts, and the subject matter **about** which
1122 the registrant appeared before the Board, ~~or school~~**MCPS**
1123 official **or employee**. The registration statement shall
1124 cover lobbying activities undertaken during the calendar
1125 year.
- 1126
- 1127 4. **Persons registered with the Panel under** ~~Registrants~~
1128 ~~under~~ this section ~~H.~~ shall file a report within 30 days
1129 after the end of any calendar year disclosing the value,
1130 date, and nature of any ~~food, entertainment, or other~~
1131 **Gift** provided to a school official. Where the value of
1132 a gift exceeds \$20 in value or series of gifts exceeds
1133 **\$5**~~100~~ in value in the calendar year, the registrant shall
1134 disclose the name of the school official to whom it was
1135 made.

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5. **Persons registered with the Panel under** Registrations ~~and reports filed pursuant to this section H.~~ shall be maintained by the ~~Ethics~~ Panel as public records, available for inspection and copying subject to the conditions specified in ~~S~~section E. 1. of this policy.

6. The provisions of this section do not apply to the following acts:
 - a) Professional services in advising and rendering opinions to clients as to the construction and effect of proposed or pending Board actions when these services do not otherwise constitute lobbying

 - b) Appearances before the Board upon its specific invitation or request, if the person or entity engages in no further or other activities in connection with the passage or defeat of Board actions.

 - c) 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.

- 1164 d) Appearance as part of the official duties of a duly
1165 elected or appointed official or employee of the
1166 State or a political subdivision of the State, or
1167 of the United States, and not on behalf of any other
1168 entity.
1169
- 1170 e) Actions of a publisher or working member of the
1171 press, radio, or television in the ordinary course
1172 of the business of disseminating news or making
1173 editorial comment to the general public who does
1174 not engage in further or other lobbying that would
1175 directly and specifically benefit the economic,
1176 business, or professional interests of the person
1177 or entity or the employer of the person or entity.
1178
- 1179 f) Appearances by an individual before the Board at
1180 the specific invitation or request of a registered
1181 lobbyist, if the person performs no other lobbying
1182 act and notifies the Board that the person or entity
1183 is testifying at the request of the lobbyist.
1184
- 1185 g) Appearances by an individual before the Board or an
1186 organizational unit of the school system at the
1187 specific invitation or request of a registered
1188 lobbyist, if the person or entity performs no other
1189 lobbying act and notifies the unit that the person
1190 or entity is testifying at the request of the
1191 lobbyist.

1192
1193 h) The representation of a bona fide religious
1194 organization solely for the purpose of protecting
1195 the right of its own members to practice the
1196 doctrine of the organization.

1197
1198 i) Appearance as part of the official duties of an
1199 officer, director, member, or employee of an
1200 association engaged exclusively in lobbying for
1201 counties and municipalities and not on behalf of
1202 any other entity.

1203
1204 I. EXEMPTIONS AND MODIFICATIONS

1205
1206 The ~~Ethics~~ Panel may grant exemptions and modifications to
1207 the provisions of ~~S~~sections D and F of this policy to
1208 employees (but not members of the Board) when the Panel
1209 determines that application of those provisions is not
1210 required to preserve the purposes of this chapter and would~~+~~

- 1211
1212 1. constitute an unreasonable invasion of privacy~~+~~,
- 1213
1214 2. significantly reduce the availability of qualified
1215 persons for public service~~+~~, and
- 1216
1217 3. not be required to preserve the purposes of this policy.

1218
1219 J. ETHICS PANEL

- 1220
- 1221 1. There is a Montgomery County Board of Education Ethics
1222 Panel **(Panel)**, which consists of five members appointed
1223 by the Board.
- 1224
- 1225 2. Terms of members shall be for three years and established
1226 so that at least one member's term expires each year.
- 1227
- 1228 3. Panel members shall not be incumbent members of the
1229 Board, ~~school~~**MCPS** officials or employees, persons
1230 employed by a business entity subject to the authority
1231 of the Board, or spouses of such persons.
- 1232
- 1233 4. The Panel shall elect a chairman from among its members.
- 1234
- 1235 a) The term of the chairman is one year.
- 1236
- 1237 b) The chairman may be reelected.
- 1238
- 1239 5. The Panel shall be assisted in carrying out the
1240 responsibilities specified in this policy by the ethics
1241 officer and the Board which, in consultation with the
1242 superintendent of schools, shall see that needed legal,
1243 technical, and clerical assistance is provided to the
1244 Panel.
- 1245
- 1246 6. The Board encourages all persons affected by this policy
1247 to seek the advice of the ~~Ethics~~Panel as to any

1248 potential conflict of interest or other matter within
1249 the scope of this policy.

1250

1251 7. The Panel is the advisory body responsible for
1252 interpreting this policy and advising persons subject to
1253 this policy regarding its application.

1254

1255 8. The Panel shall implement a public information and
1256 education program regarding the purpose and
1257 implementation of this policy.

1258

1259 9. The Panel shall be the custodian of all **financial**
1260 **disclosure statements** ~~forms~~ submitted by any person
1261 under this policy and shall provide public access to
1262 such forms in accordance with this policy.

1263

1264 10. Request for advisory opinion

1265

1266 a) Any **Board or MCPS** official, employee, or other
1267 person subject to this chapter may request an
1268 advisory opinion from the Panel concerning the
1269 application of this policy.

1270

1271 b) The Panel shall respond promptly to a request for
1272 an advisory opinion and shall provide
1273 interpretations of this policy within 60 days of
1274 the request, based on the facts provided or
1275 reasonably available to the Panel.

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c) In accordance with applicable ~~S~~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.

11. Filing a complaint

a) Any person may file a complaint with the Panel alleging a violation of any of the provisions of this policy.

b) A complaint shall be in writing and under oath.

c) The Panel may refer a complaint to legal counsel for the Board or other legal counsel approved by the Board for investigation and review.

d) If the Panel determines that there are insufficient facts upon which to base a determination of a violation, the Panel shall dismiss the complaint.

e) If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing, which will be conducted by the Panel.

- 1304 (1) A respondent may propose a settlement or cure
1305 to the Panel before a hearing.
1306
- 1307 (2) If the Panel determines that the proposed
1308 settlement or cure is consistent with the
1309 purposes of this policy, the Panel shall
1310 recommend that the Board accept the proposed
1311 settlement or cure.
1312
- 1313 (3) If the Board concurs with the recommendation
1314 of the Panel, the Board shall accept the
1315 proposed settlement or cure.
1316
- 1317 f) The Panel's findings of a violation resulting from
1318 the hearing shall include findings of fact and
1319 conclusions of law.
1320
- 1321 g) The Panel shall report its findings and
1322 recommendations for action to the Board.
1323
- 1324 h) If the Board concurs with the findings of a
1325 violation and recommendations of the Panel, the
1326 Board may take enforcement action as provided in
1327 this policy.
1328
- 1329 i) The Board may dismiss a complaint—
1330
1331 (1) ~~On~~ on the recommendation of the Panel; or

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(2) ~~If~~**if** the Board disagrees with a finding of a violation by the ~~Panel~~**panel**.

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

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

12. Sanctions

a) A finding that a Board member, ~~school~~**MCPS** official, or employee has violated these provisions shall constitute grounds for removal from office, discipline, or other personnel action consistent with provisions of the *Annotated Code of Maryland, Education, (cited below)*, or the policies of the Board.

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

1360 publicly identified and subject to other penalties
1361 as provided by law.

1362

1363 K. DESIRED OUTCOME

1364

1365 MCPS will maintain high standards of ethics on a regular and
1366 ongoing basis. All **individuals** ~~these~~ subject to this policy,
1367 including administrators, teachers, and support staff, will
1368 thoroughly understand and fully adhere to the highest ethical
1369 standards. Ethical principles such as honesty, integrity,
1370 responsibility, and citizenship will be in the forefront of
1371 all activities and promoted to the greatest possible extent
1372 with MCPS.

1373

1374 L. IMPLEMENTATION STRATEGIES

1375

1376 The position of ethics officer for MCPS is hereby established.
1377 The ethics officer shall report directly to the Board. The
1378 ethics officer will support and facilitate the work of the
1379 ~~Ethics~~ Panel and provide leadership for implementing all MCPS
1380 activities concerning ethics and conflicts of interest.

1381

1382 M. REVIEW AND REPORTING

1383

1384 This policy will be reviewed in accordance with the Board
1385 policy review process.

1386

1387

1388 Related Sources: Annotated Code of Maryland, General Provisions
1389 Article §§ 5-205, 5-206, and 5-815-5-820, and
1390 Appendix A, under Code of Maryland
1391 Regulations, Board of Education Ethics
1392 Regulations

1393

1394

1395 *Policy History:* Adopted by Resolution No. 1003-83, December 13,
1396 1983; amended by Resolution Nos. 203-84, 204-84, 205-84, 206-84,
1397 207-84, March 13, 1984; reformatted in accordance with Resolution
1398 No. 333-86, June 12, 1986 and Resolution No. 458-86, August 12,
1399 1986, and accepted by Resolution No. 550-88, October 24, 1988;
1400 amended by Resolution No. 209-99, March 22, 1999; modified to
1401 reflect Resolution No. 314-03, June 10, 2003; amended by Resolution
1402 No.; 442-12, October 9, 2012; amended by Resolution No.249-19,
1403 April 9, 2019; **amended by Resolution No.** , .