

HOWARD COUNTY PUBLIC SCHOOL SYSTEM

Ethics Regulations

I. Applicability

The provisions of these regulations apply to all members of the Board of Education, the Superintendent, all employees of the Board of Education of Howard County, and all consultants to the Board.

II. Definitions

The words used in these regulations will have their normally accepted meanings except as set forth below.

A. "Advisory opinion" means an opinion rendered by the Ethics Panel as to the applicability of the Ethics Regulations to conduct or actions by those persons as set forth in Section I. An advisory opinion may include cautionary advice regarding situations which by their nature require only a minor change of circumstances to become an actual conflict.

B. "Board" means the Board of Education of Howard County.

C. "Business entity" means any individual or organization, regardless of form, including, but not limited to, a corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.

D. "Compensation" means any money or thing of value, regardless of form, received or to be received by any individual covered by these regulations from an employer for services rendered. If lobbying is only a portion of a person's employment, compensation means a prorated amount based upon the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount will be labeled as such.

E. "Confidential Information" includes the following:

- (1) Records protected against release or distribution by a federal, state, or controlling law;
- (2) Attorney-client privileged material and attorney work product, unless legally waived by the party controlling the privilege;
- (3) Identifying information concerning the Requestor of an Advisory Opinion from the Ethics Panel; and
- (4) All information regarding a Complaint filed with the Ethics Panel unless authorized for release by the Board of Education.

F. "Doing business with" means:

- (1) Having or negotiating a contract that involves the commitment (either in a single or combination of transactions) of school system funds.
- (2) Being subject to the authority of the Board.
- (3) Being registered as a lobbyist with the Board of Education of Howard County.

G. "Employee" means an individual, regardless of their temporary or permanent status, whose compensation is paid permanently or temporarily in whole or part by the Board and/or an individual who is a student teacher, an intern, consultant, or an independent contractor for the school system.

H. "Financial interest" means:

- (1) Ownership of any interest as the result of which the owner has received, within the past three years, or is presently receiving, or in the future is entitled to receive more than \$1000 per year; or
- (2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than three percent of a business entity, by an official or the spouse of an official.

I. "Gift" means the transfer of any service or thing of economic value regardless of form without adequate and lawful consideration. The term also includes forgiveness of debts, or the waiver or forgiveness of interest on any loan or obligation obtained from those doing business with the Board of Education. The term "gift" does not include the solicitation or receipt of political campaign contributions regulated under Elections 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, as may be amended from time to time.

J. "HCPSS" means the Howard County Public School System.

K. "Immediate family" means a spouse, domestic partner, and dependent children.

L. "Interest" means any legal or equitable economic interest, whether or not subject to an encumbrance or a condition, which was owned or held at any time during the calendar year, in whole or in part, jointly or severally, directly or indirectly. "Interest" does not include:

- (1) An interest held in the capacity of a personal representative, agent, custodian, fiduciary, or trustee, unless the holder has an equitable interest therein.
- (2) An interest in a time or demand deposit in a financial institution.
- (3) An interest in an insurance or endowment policy or annuity contract under which an insurance company promises to pay, for a fixed number of dollars, either in a lump sum or periodically, for life or some other specified period.
- (4) 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 trust under Sections 401 and 501 of the Internal Revenue Code of 1986.
- (5) A college savings plan under the Internal Revenue Code; or
- (6) A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

M. "Lobbying" means:

- (1) Communicating in the presence of a school official or employee with the intent to influence any official action of that official or employee, where more than **\$75** is spent for food, entertainment, or other gifts during the calendar year to further this activity.
- (2) Engaging in activities having the express purpose of soliciting others to communicate with a school official or employee with the intent to influence that official or employee, where more than **\$75** is spent to further these activities.

N. "Official" means a member of the board of education, an employee of the school board or the school system, and the superintendent.

O. "Outside employment" means any employment, including teaching and secondary employment within State service and excluding service in the military reserves or National Guard, for which the employee receives compensation.

P. "Panel" means the Board of Education Ethics Panel established by these regulations.

Q. "Person" means an individual or business entity.

R. "Personal benefit" means anything that promotes or enhances the well-being of the individual or his/her immediate family or that accrues to the personal advantage of that individual or his/her immediate family.

S. "Qualified Relative" means a spouse, domestic partner, parent, child, and sibling.

- T. "Subject to the authority of" refers to business entities regulated by the Board of Education or subject to significant control or impact by the policies of the Board of Education relating to the operation of the entity.
 - U. "Superintendent" means the person in the Howard County Public School System designated as the Superintendent pursuant to Par. 1-101(e) of the Education Article, *Annotated Code of Maryland*.
 - V. "Tutoring" means any private instruction or services for a student provided by an employee for compensation.
- III. The Howard County Public School System Ethics Panel
- A. Appointment

The Howard County Public School System Ethics Panel consists of five members, residents of Howard County, and appointed by the Board of Education of Howard County.

Any person who resides in Howard County and is at least 18 years of age is eligible to serve on the Ethics Panel if that person:

 - (1) Is not an incumbent member of the Board.
 - (2) Is not an employee.
 - (3) Is not a student.
 - (4) Is not an owner or individual employed by an entity doing business with the Board.
 - B. Term of Membership

Members will serve for overlapping terms of five years or until their successors are appointed. A member whose term is expiring may apply for reappointment and be considered along with other interested candidates. A vacancy for an unexpired term will be filled in the same manner as the original appointment.
 - C. Termination of Membership

By a vote of four out of five members of the Panel, any member of the Panel may be recommended to the Board for dismissal because of nonparticipation which impedes the Panel's ongoing duties and responsibilities.

The Board will replace a member of the Ethics Panel in the event of:

- (1) Death;
- (2) Resignation;
- (3) Just cause, which may include failure to attend, without good cause, more than fifty percent of the Ethics Panel's scheduled meetings in one calendar year or three consecutive absences, subject to the discretion of the Board.

D. Compensation

Members of the panel will receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget.

- E. The members of the Ethics Panel will be insulated by the defense of the sovereign immunity as provided by the laws of the State of Maryland.
- F. The Board will provide, in accordance with Maryland law, inclusion for the Ethics Panel and each of its members in the Board's comprehensive liability insurance coverage from any personal or joint civil liability action arising out of and in the course of the performance of their duties.

IV. Duties and Responsibilities of the Ethics Panel

- A. To devise, receive, and maintain all forms generated by these regulations.
- B. To provide advisory opinions to persons subject to the regulations as to the applicability of those provisions to them.
- C. To process and make determinations as to complaints filed by any person alleging violations of these regulations.
- D. To refer findings regarding complaints and other enforcement matters to the Board of Education for action.
- E. To conduct an information program regarding the purposes and application of these regulations.
- F. Opinions of the Panel are advisory and may be reviewed by the Board.

V. Rules of Procedure

- A. A majority vote of the Panel consists of three or more votes.
- B. A quorum consists of three members present.
- C. The panel will adopt rules for the transaction of its business.

D. The panel will keep on file the minutes of its proceedings.

E. All panel actions and decisions will be in writing.

F. Advisory Opinion

- (1) Any person subject to the provisions of these regulations may request the panel for an advisory opinion concerning the applicability of the regulations.
- (2) The panel will respond promptly to such requests, providing interpretations of these regulations based on the facts provided or reasonably available to it.
- (3) Copies of these interpretations, with the identity of the name deleted, will be made available to the public in accordance with applicable state law regarding public records.

G. Complaint

- (1) A person may file a complaint with the panel alleging a violation of any of the provisions of these regulations. Such complaints will be written and under oath or by affirmation. All actions regarding a complaint will be treated confidentially.
- (2) If the panel determines that there is no violation or there are insufficient facts to determine a violation, the panel will refer the matter to the Board of Education with the recommendation that the complaint be dismissed.
- (3) If the panel determines there is a violation, the panel will refer the matter to the Board of Education for further action.

VI. Prohibited Conduct and Interests

A. Participation

- (1) Except as permitted by board of education regulation 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 in which any of the following is a party:
 - (i) A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;

- (ii) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
 - (iii) A business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
 - (iv) A business entity that is a party to an existing contract with the school official or which, to the knowledge of the official, 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;
 - (v) 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
 - (vi) 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 (1) of this subsection shall disclose the nature and circumstance of the conflict and may participate or act if:
- a. The disqualification leaves a 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 (1) of this subsection do not apply if participation is allowed by opinion of the panel.
- (4) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than a member of the Board, may not participate in a case, contract, or other specific matter as an employee or official, other than a member of the Board, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
- B. If a disqualification under paragraphs (1), (2), and (3) of this subsection leaves the Board of Education with less than a quorum capable of acting or if the disqualified official is required by law to act or is the only person authorized to act, the disqualified person will disclose the nature and circumstances of the conflict and may participate or act.

C. Employment and financial interests.

- (1) Except as permitted by regulation of the board of education when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:
 - (a) Be employed by or have a financial interest in an entity that is:
 - (i) subject to the authority of the school system or board; or
 - (ii) Negotiating or has entered a contract 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, as permitted in accordance with regulations adopted by the board of education; or
 - (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 was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the board.
 - (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.

- D. Tutoring a current student of the employee for private compensation will be considered a conflict of interest.

VII. Prohibitions

- A. Except as permitted by a ruling in Section XI. (Exemptions) of these regulations, current or former Board members, Superintendents, or employees will not assist or represent another party other than the Board of Education for compensation in a case, contract, or other specific matters involving the Board if the matter is one in which they significantly participated while with the school system.
- B. Except as permitted by a ruling in Section XI. (Exemptions) of these regulations current Board members, Superintendents, or employees will not:
 - (1) Hold any outside employment relationship that would impair their impartiality or independence of judgment.

- (2) Represent any party, for a contingent fee, before the school system.

C. 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 subparagraph (4) does not apply to a gift:
 - (i) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
 - (ii) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or
 - (iii) 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 subparagraph (3) of this Section C., an official may accept:
 - (i) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - (ii) Ceremonial gifts or awards that have insignificant monetary value;
 - (iii) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - (iv) Reasonable expenses for food, travel, lodging, and schedule 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;
 - (v) 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.
 - (vi) 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;

- (vii) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
- (viii) An honorarium to 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.

D. Use of Prestige of Office

- (1) An official may not intentionally use the prestige of office or position:
 - (a) For the private gain of that official or the private gain of another; or
 - (b) To influence, except as part of the official duties of the official or as usual and customary constituent of service by a member of the Board without additional compensation, the award of a local contract to a specific person.
- (2) 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.
- (3) The performance of usual and customary constituent services, by a Board member without additional compensation, does not constitute the use of the prestige of office.
- (4) An official, other than a member of the Board, may not use public resources or the title of the official to solicit a contribution as that term is defined in the Election Law Article.
- (5) A member of the Board may not use public resources to solicit a contribution as that term is defined in the Election Law Article.

E. Disclosure of Confidential Information

Other than in the discharge of official duties, Board members, the Superintendent, or employees may neither disclose nor use, for their own benefit or that of another, confidential information, including student records, photographs, and HCPSS test data identifying students, which they have acquired by reason of their public position and which is not available to the public.

F. Reception of Royalties

Staff members have the right to produce administrative and instructional materials apart from their employment with the Howard County Public School System. In order to avoid conflicts of interest, staff members who receive royalties on annual gross sales in excess of \$25,000, or a pro rata share of payments of account in excess of \$25,000 gross sales annually, for instructional or administrative materials sold to the Howard County Public School System will donate royalties or their net pro rata share of payments of account to an approved charity.

G. 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 requirement of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

VIII. Financial disclosure.

- A. This section applies to all members of the Board, and all candidates to be members of the Board.

- B. Except as provided in subsection D. of this section, a member of the Board or candidate to be a member of the Board shall file the financial disclosure statement required under this subsection:

- (1) On a form provided by the Panel;
- (2) Under oath or affirmation; and
- (3) With the Panel or the office designated by the Panel.

- C. Deadlines for filing statements.

- (1) An incumbent official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
- (2) An official 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.
- (3)(a) An individual who, other than by reason of death, leaves their position as Board member shall file a statement within 60 days after leaving the office.
- (b) The statement shall cover:
 - (i) 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
 - (ii) The portion of the current calendar year during which the individual held the office.

- D. Candidates to be members of the Board.

- (1) 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.

- (2) A candidate to be a member of the Board shall file a statement required under this section:
 - (a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - (b) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - (c) In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be a member of the Board:
 - (a) May file the statement required under Section VIII.D.(2)(a) with the Board of Election Supervisors with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy; and
 - (b) Shall file the statements required under Sections VIII.D.(2)(b) and (c) with the Panel or the office designated by the Panel or Board.
- (4) 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.
- (5) 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.
- (6) 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.

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) Upon request by the individual whose financial disclosure statement was 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.

(5) For statements filed after January 1, 2019, the Panel of the office designated by the Panel may not provide public access to an individual's home address that the individual has designated as the individual's home address.

F. Retention requirements. The Panel or the office designated by the Panel shall retain financial disclosure statements for four years from the date of receipt.

G. Contents of statement.

(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:

(i) The nature of the property and the location by street address, mailing address, or legal description of the property;

(ii) The nature and extent of the interest held, including any conditions and encumbrances on the interest;

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

(iv) 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;

(v) 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

(vi) 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:
 - (i) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - (ii) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - (iii) 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
 - (iv) 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 (b)(ii) of this paragraph by reporting, instead of a dollar amount:
 - (i) 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
 - (ii) 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 (2) of this subsection.
- (b) For each interest reported under this paragraph, the schedule shall include:
 - (i) The name and address of the principal office of the business entity;
 - (ii) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 - (iii) 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
 - (iv) 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:
 - (i) A description of the nature and value of the gift; and
 - (ii) 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:
 - (i) The name and address of the principal office of the business entity;
 - (ii) The title and nature of the office directorship, or salaried employment held and the date it commenced; and
 - (iii) 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 §II.E. of these Regulations.

(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:

- (i) By the individual; or
 - (ii) 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:
 - (i) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - (ii) The amount of the liability owed as of the end of the reporting period;
 - (iii) 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
 - (iv) 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.
 - (c) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the Board, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- (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.
- H. For the purposes of §VIII.G.(1),(2), and (3) of these Regulations, the following interests are considered to be the interests of the individual making the statement:
 - (1) An interest held by a member of the individual's immediate family, if the

interest was, at any time during the reporting period, directly or indirectly controlled by the individual.

- (2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.
- (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - (a) The individual held a reversionary interest or was a beneficiary; or
 - (b) If a revocable trust, the individual was a settlor.

- I. (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 Panel or Board may take appropriate enforcement action to ensure compliance with this section.

IX. Financial Disclosure – Employees and appointed officials

A. This section only applies to the following appointed officials and employees.

- (1) All employees that report directly to the Board of Education;
- (2) All employees that report directly to the Superintendent;
- (3) All employees with the following partial or full title;;
 - a. Accountant
 - b. Analyst
 - c. Benefits Administrator
 - d. Buyer
 - e. Community Superintendent
 - f. Director
 - g. Executive Director
 - h. Manager
 - i. MPIA Compliance Specialist
 - j. Performance, Equity, and Community Response Officer
 - k. Principal
 - l. Purchasing Technician
 - m. Safety and Risk Management Officer
 - n. Senior Communications Specialist
 - o. Use of School Facilities Designee; and
- (4) Any position as determined by the Superintendent due to reorganization, position creation, or assignment of duty.

B. A statement filed under this section shall be filed with the Panel or office designated by the Panel under oath or affirmation.

C. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contacts with or is under

the authority of the Board of Education or the school system, including the name of the donor of the gift and the approximate retail value at the time of receipt.

- D. An official or employee shall disclose employment and interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- E. The Panel or office designated by the Panel shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in Sections VIII.E. and F.

X. Lobbying

- A. Except as provided in subsections B. and C. of this section, a person or entity who engaged in lobbying as defined in Section II.I. of these Regulations 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:
 - (i) The lobbyist's full and legal name and permanent address;
 - (ii) The name, address, and nature of business of any person or entity on whose behalf the lobbyist acts;
 - (iii) 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;
 - (iv) A statement of whether the person or entity on whose behalf the lobbyist acts is exempt from registration under subsection (c) of this section;
 - (v) The identification, by formal designation, if known, of matters on which the lobbyist expects to act;
 - (vi) 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
 - (vii) 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 July 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:
 - (i) Total compensation paid to the lobbyist not including expenses reported under items (ii)-(viii) of this subparagraph;
 - (ii) Office expenses of the lobbyist;
 - (iii) Professional and technical research and assistance not report in item (a) of this subparagraph;
 - (iv) Publications which expressly encourage persons to communicate with officials;
 - (v) Names of witnesses, and the fees and expenses paid to each witness;
 - (vi) Meals and beverages for officials;
 - (vii) 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;
 - (viii) Other gifts to or for officials or members of their immediate families; and
 - (ix) 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)(vii) 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 (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.

L. (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.

M. (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.

N. Annual report.

(1) The Panel shall compute and make available a subtotal under each of the ten 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.

XI. Exemptions

The Ethics Panel or the Board of Education, as appropriate, may grant exemptions to the provisions of Sections VI., VII., and IX. of these regulations if it is determined that application of those provisions would:

- A. Constitute an unreasonable invasion of privacy.
- B. Significantly reduce the availability of qualified persons for public service.
- C. Not be required to preserve the purposes of these regulations.

XII. Sanctions

- A. Violation by any Board member, the Superintendent, or an employee of the provisions of these regulations will constitute grounds for discipline or personnel action, or removal from office where provided by law, consistent with procedures set forth in the Education Article of the *Annotated Code of Maryland* or the policies of the Howard County Board of Education.
- B. Persons or organizations found in violation of the lobbying provisions of these regulations will be publicly identified and subject to other penalties as provided by law.

XIII. History

Approved: December 8, 1983
 Revised: March 22, 1984
 April 28, 1988
 June 23, 1988
 October 25, 1990
 February 14, 1991
 November 4, 2010
 November 1, 2012
 October 2, 2018
 November 19, 2020