

ASBO MD&DC ETHICS LAW ADVISORY

The Maryland Public Ethics Law requires local governments to enact ethics laws similar to those of State government agencies and elected officials. In 2010, the Governor signed into law amendments to the Public Ethics Law that require every local school board to adopt conflict of interest regulations applicable to board members that are at least “equivalent to” State provisions for elected officials. All local school boards have complied with this requirement and have had their ethics regulations approved by the State Ethics Commission.

Subtitle 05 Board of Education Ethics Regulations, Title 19A State Ethics Commission, Code of Maryland Regulations, specifically addresses gifts and prohibits “school officials and school employees from accepting gifts from persons regulated or contracting with the school system with which the school official or school employee is affiliated”. Acting in an advisory and interpretive capacity, the State Ethics Commission legal staff issued a Special Ethics Law Memo for County School Board Members and Staff that explained the 2010 statute and its impact on local school boards and their employees. Among the matters addressed, the staff gave an example of the “equivalent to” requirement by noting that State officials are barred from accepting gifts (defined as “the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration” from lobbyists in excess of \$20). They further explain that the State Ethics Law generally bars a State employee from accepting a gift from an entity doing business with the employee’s agency. While the State Ethics Commission does not make a recommendation that all school boards prohibit all gifts, they do caution that in certain counties, because of the small size of the school system, it may be necessary to bar **all** gifts from anyone doing business with the school system to prevent any semblance of conflict of interest.

Having taken all of this into consideration, ASBO MD&DC has adopted the following policy regarding gifts and prizes provided by those businesses that exhibit at our conferences or in any other way interact with our organization’s members:

1. A gift, prize, cash award, or anything of economic value of greater than \$20.00 will be prohibited. Our business partners will be notified of this change and requested to comply with this policy.
2. ASBO MD&DC will not accept any gift, prize, cash award or anything of economic value of greater than \$20.00 to distribute to school business officials by way of a drawing, lottery, etc.
3. ASBO MD&DC members are responsible for determining the specific policy of their school board regarding the acceptable dollar value of “gifts”. For example, the Board of Education, Baltimore County Public Schools bars its employees accepting “gifts” of any value.
4. Any ASBO MD&DC members who are school system employees may not solicit any gifts.
5. ASBO MD&DC members may accept meals and beverages when consumed in the presence of the entity sponsoring an event.
6. Trivial items of informational value may be accepted by members.

