

**BOARD OF EDUCATION OF ST. MARY’S COUNTY
ETHICS POLICY, ADMINISTRATIVE REGULATION, AND FORMS
FREQUENTLY ASKED QUESTIONS**

Q: What is the purpose of the Public Ethics Law?

A: The Law, set forth in the *Maryland Annotated Code*, State Government Article, Sections 15-101 through 15-1001, was enacted for the following purposes:

1. To assure the people of the impartiality and independent judgment of officials and employees.
2. To avoid improper influence or even the appearance of improper influence.
3. To require officials and employees to disclose financial affairs and to meet minimum standards of ethical conduct.

Q: Is the Board of Education required to have an ethics policy?

A: Yes: All boards of education in the State of Maryland are required by Maryland law to have an ethics policy.

Q: Does the Board of Education have an ethics policy?

A: Yes: The Board of Education’s Ethics Policy BCA and Administrative Regulation BCA-R were approved by the State Ethics Commission and adopted by the Board of Education.

Q: Why did the Board of Education update its ethics policy?

A: As the result of the passage of a new law by the General Assembly and the adoption of new administrative regulations by the State Ethics Commission, it was necessary to update the Board of Education’s Policy and Administrative Regulations.

Q: To whom does the Ethics Policy apply?

A: Policy BCA and Administrative Regulation BCA-R apply to all employees of the school system, Board of Education members, candidates seeking election to the Board of Education, school officials, lobbyists, persons who seek advisory opinions, and persons who file an ethics complaint pursuant.

Q: Where can I find more information about the Board of Education’s ethics policy?

A: Policy BCA and Administrative Regulation BCA-R are available for review on the Board of Education’s boarddocs web site at <http://www.boarddocs.com/mabe/smeps/Board.nsf/Public>. More information is available on the page you are currently viewing.

Q: Is there an ethics panel and if so, what is its role?

A: Yes: In accordance with the Ethics Policy and the Ethics Regulations, a new St. Mary's County Public Schools' Ethics Panel was appointed by the Board of Education in March, 2012. The Ethics Panel is an advisory body that is charged with several important responsibilities including: (1) creating the applicable Financial Disclosure Statements, Confidential Ethics Complaint Reporting Form, and the Lobbying Registration Form, (2) reviewing and maintaining the Financial Disclosure Statements submitted by Board of Education members, Board of Education candidates, Board of Education employees and school officials, (3) reviewing requests for advisory opinions, (4) reviewing ethics complaints, and (5) providing a public information and education program to the school system regarding the Ethics Policy and Ethics Regulations.

Q: How do I request an advisory opinion?

A: A request for an advisory opinion should be submitted to the St. Mary's County Public Schools' Ethics Panel at 23160 Moakley Street, P.O. Box 641, Leonardtown, Maryland 20650.

Q: What should I do if I have an ethics complaint?

A: An individual who has an ethics complaint must complete the Ethics Complaint Reporting Form, which is available on this website. Administrative Regulation BCA-R sets forth a step-by-step process by which the St. Mary's County Public Schools' Ethics Panel shall review an ethics complaint.

Q: Do all school employees have to file a financial disclosure statement?

A: No.

Q: Who must file a financial disclosure statement?

A: Provided below are the groups that must file an annual financial disclosure statement

1. The following employees and officials must complete Financial Disclosure Form A by April 30 of each year for the prior calendar year:
 - a. Board of Education members
 - b. Candidates for election to the Board of Education
 - c. A person appointed to fill a vacancy on the Board of Education (statement must be filed within thirty days after appointment and on April 30 of each year thereafter)
 - d. The Superintendent
 - e. The Chief Operating Officer, Chief Academic Officer, and Chief of Fiscal Services and Human Resources
 - f. All Directors
 - g. All Supervisors
 - h. All Principals

2. The following employees must complete a Financial Disclosure Statement Form B if they have received a reportable gift by January 15 of each year for the prior calendar year:
 - a. Any school official or school system employee who, acting alone or as a member of a committee, panel, or other entity under the authority of the school system or the Board of Education, (1) exercises decision making authority, (2) acts as a principal advisor to the school system or Board of Education in making school system policy, or (3) exercises quasi-judicial, regulatory, licensing, or auditing functions. **Classroom teachers do not need to complete a Financial Disclosure Statement Form B unless they engage in other duties, beyond regular classroom instruction,** that fall under one of the above categories.
 - b. In addition to filing the annual financial disclosure statement Form B, all school employees and school officials must file a Financial Disclosure Statement Form C to report any conflict of interest or potential conflict of interests that may arise. Such reporting shall be filed by January 15 of each year for the prior calendar year with the Ethics Panel or sufficiently in advance of the action to provide adequate disclosure to the public.

Q: How do I determine which persons or business entities do business with the school system or Board of Education?

A: In order to assist persons in the completion of either Financial Disclosure Form A or Financial Disclosure Form B and Form C, a list of all persons and entities doing business with the school system or the Board of Education shall be available on the Ethics Panel's website.

Q: How are the terms "immediate family member" and "qualified relative" defined?

A: Both terms apply to a spouse, domestic partner, parent, parent-in-law, sibling, child, or other legal dependant.

Q: What type of activity is prohibited under the ethics policy?

A: The ethics policy contains the following general types of prohibitions:

1. Except as otherwise permitted by applicable law, policy, or regulation, a Board of Education member, school official, or school employee may not participate in (a) any matter in which, to the knowledge of the Board of Education member, school official, or school employee or a qualified relative, the Board of Education member, school official, or school employee has an interest, or (b) any matter in which any of the following is a party:
 - A business entity in which the Board of Education member, school official, or school employee has a direct financial interest of which the Board of Education member, school official, or school employee may reasonably be expected to know.
 - A business entity for which the Board of Education member, school official, or school employee or immediate family member of the Board of Education member,

school official, or school employee is an officer, director, trustee, partner, or employee.

- A business entity with which the Board of Education member, school official, or school employee or which, to the knowledge of the Board of Education member, school official, school employee, or an immediate family member is negotiating or has any arrangement concerning prospective employment.
 - A business entity that is a party to an existing contract with the Board of Education member, school official, or school employee or which, to the knowledge of the Board of Education member, school official, or school employee, an immediate family member is a party, 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 of Education duties of the official.
 - 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 Board of Education member, school official, or school employee has a direct financial interest, if the Board of Education member, school official, or school employee may be reasonably expected to know of both direct financial interests; or
 - A business entity that:
 - The Board of Education member, school official, or school employee knows is a creditor or obligee of the Board of Education member, school official, or school employee or an immediate family member with respect to a thing of economic value; and
 - As a creditor or obligee, is in a position to directly and substantially affect the interest of the Board of Education member, school official, or school employee or an immediate family member of the Board of Education member, school official, or school employee.
2. Except as permitted by law, policy, or regulation, a Board of Education member, school official, or school employee may not be employed by or have a financial interest in an entity that is subject to the authority of the school system or the Board of Education or is negotiating or has entered into a contract with the school system or the Board of Education. A Board of Education member, school official, or school employee may not hold any other employment relationship that would impair the impartiality or independence of judgment of the Board of Education member, school official, or school employee.
3. A former Board of Education member, school official, or school employee may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board of Education or the school system if that matter is one in which the former official significantly participated as a Board of Education member, school official, or school employee.
4. A Board of Education member, school official, or school employee may not show favoritism to, nor seek preferential treatment for, an immediate family member with regard to employment issues.

5. A Board of Education member, school official, or school employee may not assist or represent party for contingent compensation in any matter before or involving the Board of Education or the school system.
6. A Board of Education member, school official, or school employee may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
7. A Board of Education member, school official, or school employee may not directly solicit or facilitate the solicitation of a gift on behalf of himself/herself or on behalf of another person. A Board of Education member, school official, or school employee may not knowingly accept a gift, directly or indirectly, from a person that the Board of Education member, school official, or school employee knows or has reason to know is doing business with or seeking to do business with the school system or Board of Education; is subject to the authority of the school system or Board of Education; is a lobbyist with respect to matters within the jurisdiction of the Board of Education member, school official, or school employee; or 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 Board of Education member, school official, or school employee.
8. Other than in the discharge of his/her official duties, a Board of Education member, school official, or school employee may not disclose or use confidential information that the Board of Education member, school official, or school employee acquired by reason of the public position and that is not available to the public for the economic benefit of the Board of Education member, school official, or school employee or the economic benefit of another person.
9. An individual or person that employs an individual who assists the school system or Board of Education 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.

Q: Are there consequences if an individual who is subject to the Ethics Policy and Administrative Regulations commits an ethics violation?

A: Yes: Administrative Regulation BCA-R authorizes the Board of Education to impose sanctions for violations of the Ethics Policy.

Form A - Questions:

Q: When you click on to open up vendor list, the field is blank. Why does a list not appear?

A: The vendor list field is set-up as a search engine. All you need to do is enter the beginning few letters of a vendor(s) you deal with, such as “auto” and it will give you a complete list of all vendors/businesses doing business with the Board or SMCPSS starting with “auto.”

Q. Do I need to print, sign and have Form A notarized?

A. By completing Form A online under the Lime Survey, you are provided a token number that identifies you as the one completing the form. None of the forms will need to be notarized.

Q. What calendar year reporting period will I be filing in?

A. You will be filing the financial disclosure statement for the preceding calendar year. For example if completing and filing the statement in calendar year 2012, you will be completing the form for the preceding calendar year 2011.

Q. What if I need to complete additional schedules for Form A – such as Schedule 1 – if I own or rent more than one real estate property?

A. If you need to complete additional schedules 1, 2, 3, and 7 under the Form A, they are provided online in PDF format – you can complete online, give it a new “save as” file name and submit the additional forms to be placed with your online Form A submittal placed onto the Lime Survey.

Q. What if I completed and submitted the form, but wish to go back into the online survey to make changes?

A. You can go back into your survey by logging onto the same link provided to you to log on for completion of the form. You can make additions and/or corrections and resubmit at any time, until the survey has been completed and closed for review by the Ethics Panel Commission once all submitters have completed their submittals.
