

BOARD OF EDUCATION OF HARFORD COUNTY

INFORMATIONAL REPORT

DECISION ON

ETHICS

POLICY NO. 12-0001-000

BOARD OFFICERS – ELECTION AND TERM OF OFFICE

POLICY NO. 22-0005-000

STUDENT ATTENDANCE

POLICY NO. 02-0001-000

DECEMBER 17, 2018

Background Information:

The Board maintains a manual which sets forth the various policies of the Harford County Public Schools. The manual contains policies which are either required by federal and state law and regulation or which are, in the Board's judgment, necessary and appropriate for the school system to operate in a lawful, appropriate and effective manner. Included among such policies are those entitled:

12-0001-000 Ethics
22-0005-000 Board Officers – Election and Term of Office
02-0001-000 Attendance

Discussion:

Various sections of the Board Policy Manual are under revision. Included within the Ethics section is the following policy which was reviewed by the Board Policy Review Committee ("BPRC") at its June 11, 2018, meeting and presented to the Board for review at its October 22, 2018 meeting.

1. 12-0001-000 Ethics

At the June 11, 2018 meeting of the BPRC, the BPRC determined that it is in the best interest of the school system to require all staff required to complete an FDS to complete the long-form of the FDS which includes all requirements listed in Section V, § B, 1-10 of the policy.

At the October 22, 2018, meeting of the Board of Education, this policy was presented for review. At that time, Board members requested that language be modified so that a Board member, or official, would be notified should someone request to review his/her FDS. Also Board members requested that the FDS form be maintained for the entire tenure of a Board members and for a suitable period of time following.

Revision of this policy includes the following:

1. All staff members required to complete the FDS will complete the long form as described above.
2. FDSs will be maintained for a ten (10) year period.
3. Board members will be notified should there be a request to review his/her FDS.

This policy was posted for public comment and 1 comment was received and forwarded to the Board for review.

The Superintendent recommends that the Board approve the proposed, revised policy.

Included within the School System Governance section is the following policy which was reviewed by the BPRC at its June 11, 2018, meeting.

2. 22-0005-000 Board Officers – Election and Term of Office

This policy was presented to the Board at its May 14, 2018 business meeting. At that meeting, the Board recommended that the policy be returned to the BPRC for review. At the June 11, 2018 meeting of the BPRC, the committee adopted the suggestion of the Board that all nominations for the office of president be seconded and voted upon with the first nominee receiving an affirmative vote of five or more members then being elected president of the Board. An additional issue with respect to this policy arose since the Board's meeting of May 14, 2018, when the Board last considered this policy. Specifically, HCPS counsel was made aware of letters issued by the Maryland Attorney General's Office dated May 24, 2018 and June 7, 2018 respectively, addressing the issue as to the right of the student member to vote regarding the election of the Board officers. These letters opine that the student member has such a right. The Attorney General's position in this regard places the Board's action at its meeting of May 14, 2018, in which it voted to preclude the student member from voting for Board officers, in legal doubt. The BPRC voted to revise the language of this policy to reflect that a student member would be entitled to vote in a Board President/Vice-President election.

At the October 22, 2018 Board meeting, Board members expressed further concern with the vote for nominees for Board President being in alphabetical order, citing that this presented an unfair advantage.

Language has been revised to reflect that, in the case of multiple nominees with seconds, Board members will vote by stating the name of his/her individual nominee. The Vice-President will be elected in accordance with the above procedure.

This policy was posted for public comment and no comments were received.

The Superintendent recommends that the Board approve this proposed, revised policy.

Included within the Student section is the following policy which was reviewed by the BPRC at its June 11, 2018 meeting.

3. 02-0001-000 Student Attendance

This policy was presented to the Board for review at its October 22, 2018, Board meeting.

At that meeting, the following revisions were presented to the Board for review:

- Definitions to provide clarity and consistency with current policy formatting.
- Clarification regarding the recordation of attendance including the constitution of a full or half-day, tardy, inclement weather or teacher planning and scheduling for partial attendance days, as well as attendance recordation for Home and Hospital Teaching, or family vacation.
- Language has been included to permit a student to be absent from school so that he or she could participate in a primary or general election campaign. Such absence would not be more than two (2) days total and would include the review by school administration of the student's academic and attendance records prior to approval.
- Notification in writing to parents regarding absences will occur after the 4th day of absence. This is a change from the previous notice after the 5th day of absence. This revision is in compliance with the Every Student Succeeds Act ("ESSA").
- In-school suspension has been added to the list of possible actions following continued absences, tardiness or early dismissal.
- Parents will be required to provide written documentation explaining the reason for a student's absence/tardiness within three school days of the student's return to school.
- High school students MAY lose credit for semester courses following the 2nd day of unlawful absence in a semester course and following the 6th day of unlawful absence in a full-year course. Prior to revision, this information stated that students "will" lose credit.
- Revisions to make-up work requirements.
- Examples of strategies to encourage regular school attendance in compliance with state standards.

Also at that meeting, Board members expressed concern regarding language in the policy falling under Section III – Statement of Policy, (B) Standards and Requirements – General, (8) Standards for Regular Attendance – (d) High Schools, (1) and (2) which states that high school students "will" lose credit for semester courses following unlawful absences in certain circumstances. It was determined that the language would change to reflect that students "may" lose credit, as this would give teachers and administrators some latitude when determining whether credit had been earned.

This policy was posted for public comment and 1 comment was received and forwarded to the Board.

The Superintendent recommends that the Board approve this proposed, revised policy.

Attachments:

1. Current Board Policy 12-0001-000 entitled Ethics.
2. Proposed, revised Board Policy 12-0001-000 entitled Ethics.
3. Current Board Policy 22-0005-000 entitled Board Officers – Election and Term of Office.

4. Proposed, revised Board policy 22-0005-000 entitled Board Officers – Election and term of Office.
5. Current Board Policy 02-0001-000 entitled Student Attendance.
6. Proposed, revised Board policy 02-0001-000 entitled Student Attendance.

Superintendent's Recommendation:

For the foregoing reasons, the Superintendent recommends that the Board review for approval at a subsequent Board meeting the following.

- Proposed revision of policy 12-0001-000 Ethics.
- Proposed revision of policy 22-0005-000 Board Officers – Election and Term of Office.
- Proposed revision of policy 02-0001-000 Student Attendance.

POLICY TITLE: Ethics		
ADOPTION/EFFECTIVE DATE: 12/12/1983	MOST RECENTLY AMENDED: 04/24/2018	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Ethics		

I. Statement of Purpose

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

II. Definitions

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

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

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

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

J. "Lobbying" means:

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

K. "Lobbyist" means a person required to register and report expenses related to lobbying under Section VI of this policy.

- L. "Member of the Board" means a member of the Harford County Board of Education.
- M. "Official" includes a member of the school board, an employee of the school board or the school system, and the Superintendent.
- N. "Panel" means the Harford County School System Ethics Panel established under Section III of this policy.
- O. "Person" includes an individual or business entity.
- P. "Qualified relative" means a spouse, parent, child, or sibling.
- Q. "School system" means the educational system under the authority of the Harford County Board of Education.

III. Administration

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

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

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

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

IV. Prohibited Conduct and Interests

- A. Participation.
 1. Except as permitted by Board of Education regulation when such interest is disclosed or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:
 - a. Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest;
 - b. Any matter wherein the impartiality of or independence of judgment of the official would be impaired because the decision or action of the official would impart a benefit, financial or otherwise, to the official or a qualified relative of the official as opposed to Harford County Public Schools (HCPS) students, employees or the public, generally; or
 - c. Any matter in which any of the following is a party:

- 1) A business entity in which the official, or a qualified relative of the official, has a direct financial interest of which the official may reasonably be expected to know;
 - 2) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
 - 3) A business entity with which the official or a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
 - 4) A business entity that is a party to an existing contract with the school official or a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board duties of the official;
 - 5) An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
 - 6) A business entity that:
 - a) The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and
 - b) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.
2. An official who is disqualified from participating under paragraph A.1(c) of this subsection may participate or act in the matter if the person discloses the nature and circumstance of the conflict and:
 - a. The disqualification leaves the Board or body with less than a quorum capable of acting;
 - b. The disqualified official is required by law to act; or
 - c. The disqualified official is the only person authorized to act.
 3. The prohibitions of paragraph IV.A.1 do not apply if participation is allowed by the Panel.

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

- a. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
- b. This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board without compensation.

F. Gifts.

1. An official may not solicit any gift.
2. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
 - a. Is doing business with or seeking to do business with the school system or Board;
 - b. Is subject to the authority of the school system;
 - c. Is a lobbyist with respect to matters within the jurisdiction of the official; or
 - d. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official.
4. a. This paragraph does not apply to a gift:
 - 1) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
 - 2) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or
 - 3) Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.
- b. Notwithstanding paragraph F.3 of this subsection, an official may accept:

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

- 2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

V. Financial Disclosure

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

1. Except as provided in subsection V.A.3 of this section, a member of the Board, candidate to be a member of the Board, or employee shall file the financial disclosure statement required under this subsection:

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- a. On a form provided by the Panel;
- b. Under oath or affirmation; and
- c. With the Panel or the office designated by the Panel.

2. Deadlines for filing statements.

- a. An incumbent Board member shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
- b. A Board member who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
- c. A Board member who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:
 - 1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - 2) The portion of the current calendar year during which the individual held the office.

3. Candidates to be members of the Board.

- a. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board shall file a financial disclosure

statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

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

B. Contents of Financial Disclosure Statement as to Board Members.

1. Interests in Real Property.

- a. A statement filed under this section shall include a schedule of all interests in real property wherever located.

- b. For each interest in real property, the schedule shall include:
 - 1) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - 2) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - 3) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - 4) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - 5) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - 6) The identity of any other person with an interest in the property.
2. Interests in corporations and partnerships.
 - a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - 2) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - 3) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

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

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

4. Gifts.

- a. A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board.
- b. For each gift reported, the schedule shall include:
 - 1) A description of the nature and value of the gift; and
 - 2) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

5. Employment with or interests in entities doing business with the school system or Board.

- a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board.
- b. For each position reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the business entity;
 - 2) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - 3) The name of each school system or Board unit with which the entity is involved as indicated by identifying one or more of the three categories of "doing business", as defined in Section II.D of this policy.

6. Indebtedness to entities doing business with the school system or Board.

- a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business

with the school system or Board owed at any time during the reporting period:

- 1) By the individual; or
 - 2) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- b. For each liability reported under this paragraph, the schedule shall include:
- 1) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - 2) The amount of the liability owed as of the end of the reporting period;
 - 3) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - 4) The security given, if any, for the liability.
7. Employment with the school system or Board. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the school system or Board in any capacity at any time during the reporting period.
8. Sources of earned income.
- a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.
 - b. A minor child's employment or business ownership need not be disclosed if the Board or school system does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
9. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

10. For the purposes of Section V.B(1), (2) and (3) of this policy, the following interests are considered to be the interests of the individual making the statement:

- a. An interest held by a qualified relative of the individual, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
- b. An interest held by a business entity in which the individual, or a qualified relative of the individual, held a 30% or greater interest at any time during the reporting period.
- c. An interest held by a trust or an estate in which, at any time during the reporting period:
 - 1) The individual, or a qualified relative of the individual, held a reversionary interest or was a beneficiary; or
 - 2) If a revocable trust, the individual, or a qualified relative of the individual, was a settlor.

C. Financial disclosure – Officials.

1. This section applies only to the following officials.

- a) Superintendent;
- b) Associate Superintendent;
- c) Chief of Administration;
- d) Board Attorney;
- e) Assistant Superintendents;
- f) Executive Directors;
- g) Directors;
- h) Facilitator of Governmental Relations;
- i) All school-based Administrators;
- j) Director of Purchasing;
- k) Purchasing Agent II;
- l) Purchasing Agent;
- m) Purchasing Assistant;
- n) Supervisor of Planning and Construction;
- o) Assistant Supervisor of Planning and Construction;
- p) Facilities Planner, Planning and Construction;
- q) Any other employees identified by the Ethics Panel, Board of Education, or Superintendent.

D. Contents of Financial Disclosure Statement - Officials

1. The officials identified in V.C above shall file a statement with the Panel or office designated by the Panel under oath or affirmation as follows.
 - a. On or before April 30 of each year during which an official holds office or employment, an official shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts 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.
 - b. An official shall disclose employment and interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the official sufficiently in advance of the action to provide adequate disclosure to the public.

- 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.

- 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.
 1. The Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall

notify an individual submitting the statement of any omissions or deficiencies.

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

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

VI. Lobbying

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

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

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

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

- J. Notification to official and confidentiality.
 - 1. If any report filed under this section contains the name of an official or a member of the official's immediate family, the Panel shall notify the official within 30 days.
 - 2. The Panel shall keep the report confidential for 60 days following receipt by the Panel.
 - 3. Within 30 days of the notice required under paragraph I.1 of this subsection, the official may file a written exception to the inclusion in the report of the name of the official or the member of the official's immediate family.

- K. The Panel may require a lobbyist to submit other reports the Panel determines to be necessary.
 - 1. The Panel or office designated by the Panel shall maintain all registrations and reports filed under this section for four years from the date of receipt by the Panel.
 - 2. The Panel shall make lobbying registrations and reports available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the Panel or the Board.

- L.
 - 1. The Panel shall review the registrations and reports filed under this section for compliance with this section and shall notify persons engaging in lobbying activities of any omissions or deficiencies.
 - 2. The Panel or the Board may take appropriate enforcement action to ensure compliance with this section including prohibiting a person from acting as a lobbyist as defined herein.

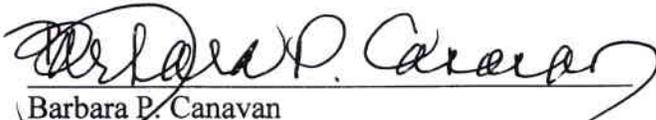
- M. Annual report.
 - 1. The Panel shall compute and make available a subtotal under each of the nine required categories in subparagraph H.4(b) of this section.
 - 2. The Panel shall compute and make available the total amount reported by all lobbyists for their lobbying activities during the reporting period.

VII. Sanctions

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

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

Board Approval Acknowledged By:


Barbara P. Canavan
Superintendent

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

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

LEGAL REFERENCES¹

References are set forth in the Procedure.

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

POLICY TITLE Ethics		
ADOPTION/EFFECTIVE DATE: 12/12/1983	MOST RECENTLY AMENDED: 04/24/2018	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY Ethics		

I. Statement of Purpose

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

II. Definitions

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

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

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

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

- L. "Member of the Board" means a member of the Harford County Board of Education.
- M. "Official" includes a member of the school board, an employee of the school board or the school system, and the Superintendent.
- N. "Panel" means the Harford County School System Ethics Panel established under Section III of this policy.
- O. "Person" includes an individual or business entity.
- P. "Qualified relative" means a spouse, parent, child, or sibling.
- Q. "School system" means the educational system under the authority of the Harford County Board of Education.

III. Administration

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

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

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

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

IV. Prohibited Conduct and Interests

- A. Participation.
 1. Except as permitted by Board of Education regulation when such interest is disclosed or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:
 - a. Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest;
 - b. Any matter wherein the impartiality of or independence of judgment of the official would be impaired because the decision or action of the official would impart a benefit, financial or otherwise, to the official or a qualified relative of the official as opposed to Harford County Public Schools (HCPS) students, employees or the public, generally; or
 - c. Any matter in which any of the following is a party:

- 1) A business entity in which the official, or a qualified relative of the official, has a direct financial interest of which the official may reasonably be expected to know;
 - 2) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
 - 3) A business entity with which the official or a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
 - 4) A business entity that is a party to an existing contract with the school official or a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board duties of the official;
 - 5) An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
 - 6) A business entity that:
 - a) The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to a thing of economic value; and
 - b) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.
2. An official who is disqualified from participating under paragraph A.1(c) of this subsection may participate or act in the matter if the person discloses the nature and circumstance of the conflict and:
 - a. The disqualification leaves the Board or body with less than a quorum capable of acting;
 - b. The disqualified official is required by law to act; or
 - c. The disqualified official is the only person authorized to act.
 3. The prohibitions of paragraph IV.A.1 do not apply if participation is allowed by the Panel.

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

- a. An official may not intentionally use the prestige of office or public position for the private gain of that official or the private gain of another.
- b. This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board without compensation.

F. Gifts.

1. An official may not solicit any gift.
2. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
3. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
 - a. Is doing business with or seeking to do business with the school system or Board;
 - b. Is subject to the authority of the school system;
 - c. Is a lobbyist with respect to matters within the jurisdiction of the official; or
 - d. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official.
4. a. This paragraph does not apply to a gift:
 - 1) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
 - 2) Of significant value that would give the appearance of impairing the impartiality and independent judgment of the official; or
 - 3) Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.
- b. Notwithstanding paragraph F.3 of this subsection, an official may accept:

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

- 2) The Panel may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring unit of the school system.

V. Financial Disclosure

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

1. Except as provided in subsection V.A.3 of this section, a member of the Board, candidate to be a member of the Board, or employee shall file the financial disclosure statement required under this subsection:
 - + a. On a form provided by the Panel;
 - b. Under oath or affirmation; and
 - c. With the Panel or the office designated by the Panel.
2. Deadlines for filing statements.
 - a. An incumbent Board member shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - b. A Board member who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - c. A Board member who, other than by reason of death, leaves an office for which a statement is required shall file a statement within 60 days after leaving the office. The statement shall cover:
 - 1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - 2) The portion of the current calendar year during which the individual held the office.
3. Candidates to be members of the Board.
 - a. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board shall file a financial disclosure

statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.

b. A candidate to be a member of the Board shall file a statement required under this section:

- 1) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
- 2) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
- 3) In all other years for which a statement is required, on or before April 30.

c. A candidate to be a member of the Board:

- 1) May file the statement required under Section V.3.b(1) of this policy with the Board of Election Supervisors with the certificate of candidacy or with the Panel prior to filing the certificate of candidacy; and
- 2) Shall file the statements required under Section V.3.b(2) and (3) of this policy with the Panel or the office designated by the Panel or Board.

d. If a candidate fails to file a statement required by this section after written notice is provided by the Board of Election Supervisors at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.

e. The Board of Election Supervisors may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.

f. Within 30 days of the receipt of a statement required under this section, the Board of Election Supervisors shall forward the statement to the Panel, or the office designated by the Panel or Board.

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

1. Interests in Real Property.

a. A statement filed under this section shall include a schedule of all interests in real property wherever located.

- b. For each interest in real property, the schedule shall include:
 - 1) The nature of the property and the location by street address, mailing address, or legal description of the property;
 - 2) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - 3) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - 4) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - 5) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - 6) The identity of any other person with an interest in the property.
2. Interests in corporations and partnerships.
 - a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - 2) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - 3) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

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

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

4. Gifts.

- a. A statement filed under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board.
- b. For each gift reported, the schedule shall include:
 - 1) A description of the nature and value of the gift; and
 - 2) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

5. Employment with or interests in entities doing business with the school system or Board.

- a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board.
- b. For each position reported under this paragraph, the schedule shall include:
 - 1) The name and address of the principal office of the business entity;
 - 2) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - 3) The name of each school system or Board unit with which the entity is involved as indicated by identifying one or more of the three categories of “doing business”, as defined in Section II.D of this policy.

6. Indebtedness to entities doing business with the school system or Board.

- a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business

with the school system or Board owed at any time during the reporting period:

- 1) By the individual; or
 - 2) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- b. For each liability reported under this paragraph, the schedule shall include:
- 1) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - 2) The amount of the liability owed as of the end of the reporting period;
 - 3) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - 4) The security given, if any, for the liability.
7. Employment with the school system or Board. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the school system or Board in any capacity at any time during the reporting period.
8. Sources of earned income.
- a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.
 - b. A minor child's employment or business ownership need not be disclosed if the Board or school system does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
9. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

10. For the purposes of Section V.B(1), (2) and (3) of this policy, the following interests are considered to be the interests of the individual making the statement:

- a. An interest held by a qualified relative of the individual, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
- b. An interest held by a business entity in which the individual, or a qualified relative of the individual, held a 30% or greater interest at any time during the reporting period.
- c. An interest held by a trust or an estate in which, at any time during the reporting period:
 - 1) The individual, or a qualified relative of the individual, held a reversionary interest or was a beneficiary; or
 - 2) If a revocable trust, the individual, or a qualified relative of the individual, was a settlor.

C. Financial disclosure – Officials.

1. ~~This section applies only to the following officials.~~ The following officials are designated to provide the Financial Disclosure Statement set forth in Section V. B. above.

- a) Superintendent;
- b) Associate Superintendent;
- c) Chief of Administration;
- d) Board Attorney;
- e) Assistant Superintendents;
- f) Executive Directors;
- g) Directors;
- h) Facilitator of Governmental Relations;
- i) All school-based Administrators;
- j) Director of Purchasing;
- k) Purchasing Agent II;
- l) Purchasing Agent;
- m) Purchasing Assistant;
- n) Supervisor of Planning and Construction;
- o) Assistant Supervisor of Planning and Construction;
- p) Facilities Planner, Planning and Construction;
- q) Any other employees identified by the Ethics Panel, Board of Education, or Superintendent.

~~D. Contents of Financial Disclosure Statement – Officials~~

- ~~1. The officials identified in V.C above shall file a statement with the Panel or office designated by the Panel under oath or affirmation as follows:~~
 - ~~a. On or before April 30 of each year during which an official holds office or employment, an official shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts 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.~~
 - ~~b. An official shall disclose employment and interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the official sufficiently in advance of the action to provide adequate disclosure to the public.~~

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.

4. If a Financial Disclosure Statement is examined or copied, the Panel or the office designated by the Panel shall provide the individual with a copy of the name and home address of the person who reviewed the individual's financial disclosure statement.

- F. Retention requirements. The Panel or the office designated by the Panel shall retain financial disclosure statements for ~~four~~ years ten (10) years from the date of receipt.
- G. 1. The Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
2. The Board may take appropriate enforcement action to ensure compliance with this section.
- H. The Superintendent or his/her designee shall ensure that a list of vendors doing business with the Board is available for review during regular business hours of the school system. Board members, officials or any other persons required to file financial disclosure statements under this policy are charged with the knowledge of such list.

VI. Lobbying

- A. Except as provided in subsections B and C of this section, a person or entity who engages in lobbying as defined in Section II.J of this policy shall file a lobbying registration with the Panel or the office designated by the Panel or Board.
- B. The following activities are exempt from regulation under this section:
1. Professional services in advising and rendering opinions to clients as to the construction and effect of proposed or pending Board actions when these services do not otherwise constitute lobbying;
 2. Appearances before the Board upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of Board actions;
 3. Appearances before an organizational unit of the school system upon the specific invitation or request of the unit if the person or entity engages in no further or other activities in connection with the passage or defeat of school system or Board action;

4. Appearance as part of the official duties of a duly elected or appointed official or employee of the State or a political subdivision of the State, or of the United States, and not on behalf of any other entity;
 5. Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity;
 6. Appearances by an individual before the Board at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the Board that the person or entity is testifying at the request of the lobbyist;
 7. Appearances by an individual before the Board or an organizational unit of the school system at the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies the unit that the person or entity is testifying at the request of the lobbyist;
 8. The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization; and
 9. Appearance as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity.
- C. Limited exemption — employer of a lobbyist.
1. A person or entity who employs one or more lobbyists and who would otherwise be required to register as a lobbyist is not required to file a registration and submit lobbying reports if the person or entity reasonably believes that all expenses incurred in connection with the lobbying activities will be reported by a properly registered person or entity acting on behalf of the person or entity.
 2. A person or entity exempted under this subsection becomes subject to this section immediately upon failure of the lobbyist to report any information required under this section.
- D. 1. The registration filed under this section shall be filed on or before the later of the beginning of the calendar year in which the person or entity expects to lobby and within five days of first engaging in lobbying activities in the calendar year.

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

- a. By July 31, one report concerning the lobbyist's lobbying activities covering the period beginning January 1 through June 30; and
 - b. By January 31, one report covering the period beginning July 1 through December 31.
2. A lobbyist shall file a separate activity report for each person or entity on whose behalf the lobbyist acts.
 3. If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form.
 4. The report shall include:
 - a. A complete and current statement of the information required to be supplied with the lobbyist's registration form.
 - b. Total expenditures on lobbying activities in each of the following categories:
 - 1) Total compensation paid to the lobbyist not including expenses reported under items (2) through (8) of this subparagraph;
 - 2) Office expenses of the lobbyist;
 - 3) Professional and technical research and assistance not reported in item 4(a) of this subparagraph;
 - 4) Publications which expressly encourage persons to communicate with officials;
 - 5) Names of witnesses, and the fees and expenses paid to each witness;
 - 6) Meals and beverages for officials;
 - 7) Reasonable expenses for food, lodging, and scheduled entertainment of officials for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
 - 8) Other gifts to or for officials or members of their immediate families; and
 - 9) Other expenses.
 - I. Special gift report.

1. a. With the six-month activity report required under subsection “H” of this section, a lobbyist shall report, except for gifts reported in item H.4(b)(7) of this section, gifts from the lobbyist with a cumulative value of \$75 or more during the reporting period to an official or member of the immediate family of an official.
 - b. The lobbyist shall report gifts under this paragraph regardless of whether the gift was given in connection with lobbying activities.
 2. The report shall include the date, beneficiary, amount or value, and nature of the gift.
- J. Notification to official and confidentiality.
1. If any report filed under this section contains the name of an official or a member of the official’s immediate family, the Panel shall notify the official within 30 days.
 2. The Panel shall keep the report confidential for 60 days following receipt by the Panel.
 3. Within 30 days of the notice required under paragraph I.1 of this subsection, the official may file a written exception to the inclusion in the report of the name of the official or the member of the official’s immediate family.
- K. The Panel may require a lobbyist to submit other reports the Panel determines to be necessary.
1. The Panel or office designated by the Panel shall maintain all registrations and reports filed under this section for four years from the date of receipt by the Panel.
 2. The Panel shall make lobbying registrations and reports available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the Panel or the Board.
- L.
1. The Panel shall review the registrations and reports filed under this section for compliance with this section and shall notify persons engaging in lobbying activities of any omissions or deficiencies.
 2. The Panel or the Board may take appropriate enforcement action to ensure compliance with this section including prohibiting a person from acting as a lobbyist as defined herein.

M. Annual report.

1. The Panel shall compute and make available a subtotal under each of the nine required categories in subparagraph H.4(b) of this section.
2. The Panel shall compute and make available the total amount reported by all lobbyists for their lobbying activities during the reporting period.

VII. Sanctions

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

Board Approval Acknowledged By:

Barbara P. Canavan
Superintendent

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

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

LEGAL REFERENCES¹

References are set forth in the Procedure.

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

POLICY TITLE: Board Officers – Election and Term of Office		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED: 11/24/2008	MOST RECENTLY REAFFIRMED: 11/22/2004
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: School System Governance		

I. Purpose

The purposes of this policy are to:

1. establish the procedure for the election of the Board president and vice president;
2. establish the terms of office for such positions; and
3. establish eligibility requirements for such positions.

II. Policy Statement

A. Election Date

At the first Board meeting in April of every year beginning April, 2009, the Secretary/Treasurer shall preside until a president and a vice president have been elected as set forth herein.

B. Procedure for Nominations

1. The Secretary/Treasurer shall call for nominations for the office of president from the members of the Board. A nomination so made shall be seconded and, thereafter, voted upon. The first such nominee who receives the affirmative vote of four or more members of the Board shall be elected president.
2. After the president is elected as set forth above, the vice president shall be elected in accordance with the same procedure as set forth for the president above.

C. Eligibility

No member shall be eligible to be elected as president unless he/she has served at least one year on the Board. No member shall be eligible to be

elected as vice president unless he/she has served at least six months on the Board.

D. Term/Taking Office

1. The president and vice president elected as set forth above shall serve for a term of one year, beginning with the first Board business meeting in July of the calendar year in which he or she was elected and ending with the Board's first business meeting of July of the following calendar year. Thereafter, either the president or vice president, who has so served, shall be eligible to be elected and serve either as vice president or president, notwithstanding the fact that they may previously have served in such position in the prior year. A Board member may not serve more than two consecutive years as president or as vice president except that any member who has served as vice president for a year or two years may serve as president in the next following year or two years.
2. Any period of time a vice president served as a president as a result of the president's removal, resignation or death shall not be considered as part of the two-year term referenced in the preceding paragraph.
3. The term of the president and vice president, as provided for herein, is subject to termination pursuant to Section 3-108 of the Education Article.

E. Effective Date

1. The election, term and taking office process described above shall become effective as of the first Board business meeting in April and July, 2009, respectively. Thereafter, the election, term and taking office process established herein shall repeat yearly at the first Board meeting in April and July, respectively.
2. Prior to the first business meeting in July, 2009, the president and vice president shall be the Board members who were so elected at the Board meeting of July, 2008.

Board Approval Acknowledged By:

Patricia L. Skebeck, Secretary and Treasurer
Board of Education of Harford County

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Amended	11/8/1982	Reaffirmed	11/22/2004		
Amended	4/6/1992	Amended	11/24/2008		
Reaffirmed	2/12/1996				
Reaffirmed	9/9/2002				

Responsibility for Policy Maintenance & References		
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel	
PERSON RESPONSIBLE: Patrick P. Spicer, Esquire	JOB POSITION OF PERSON RESPONSIBLE: General Counsel	
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:	
REFERENCE 1 TYPE:	REFERENCE 1 NO.	REFERENCE 1 DESCRIPTION:
REFERENCE 2 TYPE:	REFERENCE 2 NO.	REFERENCE 2 DESCRIPTION:
REFERENCE 3 TYPE:	REFERENCE 3 NO.	REFERENCE 3 DESCRIPTION:
REFERENCE 4 TYPE:	REFERENCE 4 NO.	REFERENCE 4 DESCRIPTION:
REFERENCE 5 TYPE:	REFERENCE 5 NO.	REFERENCE 5 DESCRIPTION:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:		

POLICY TITLE Board Officers – Election and Term of Office		
ADOPTION/EFFECTIVE DATE	MOST RECENTLY AMENDED 11/24/2008	MOST RECENTLY REAFFIRMED 11/22/2004
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY School System Governance		

I. Purpose

The purposes of this policy are to:

1. Establish the procedure for the election of the Board president and vice president;
2. Establish the terms of office for such positions; and
3. Establish eligibility requirements for such positions.

II. Policy Statement

A. Election Date

At the first Board meeting in April of every year beginning April, 2009, the Secretary/Treasurer shall preside until a president and a vice president have been elected as set forth herein.

a. A nomination so made shall be seconded. After all nominations are received and seconded, the Board shall vote for the nominees, in alphabetical order. At such time as a nominee receives five (5) votes, that nominee shall be declared president and voting shall cease.

B. Eligibility

No member shall be eligible to be elected as president unless he/she has served at least one year on the Board. No member shall be eligible to be elected as vice president unless he/she has served at least six months on the Board.

C. Term/Taking Office

- ~~1. The president and vice president elected as set forth above shall serve for a term of one year, beginning with the first Board business meeting in July of the calendar year in which he or she was elected and ending with the Board's first business meeting of July of the following calendar year. Thereafter, either the president or vice president, who has so served, shall be eligible to be elected and serve either as vice president or president, notwithstanding the fact that they may previously have served in such position in the prior year. A Board member may not serve more than two consecutive years as president or as vice president except that any member who has served as vice president for a year or two years may serve as president in the next following year or two years.~~
- ~~2. Any period of time a vice president served as a president as a result of the president's removal, resignation or death shall not be considered as part of the two-year term referenced in the preceding paragraph.~~
- ~~3. The term of the president and vice president, as provided for herein, is subject to termination pursuant to Section 3-108 of the Education Article.~~

~~D. Effective Date~~

- ~~1. The election, term and taking office process described above shall become effective as of the first Board business meeting in April and July, 2009, respectively. Thereafter, the election, term and taking office process established herein shall repeat yearly at the first Board meeting in April and July, respectively.~~
- ~~2. Prior to the first business meeting in July, 2009, the president and vice president shall be the Board members who were so elected at the Board meeting of July, 2008.~~

Board Approval Acknowledged By:

Patricia L. Skebeck, Secretary and Treasurer
Board of Education of Harford County

I. Purpose

The purpose of this policy is to establish the procedure for the election of the Board president and vice president.

II. Policy Statement

A. Voting Eligibility

1. The student member of the Board shall be entitled to cast a vote with respect to the election of the office of president and vice-president of the Board.

B. Procedure for Nominations

1. The Secretary/Treasurer shall call for nominations for the office of President from the members of the Board.
2. A nomination so made shall be seconded.
3. Once nominations have closed, a vote shall be taken.

C. Procedure for Voting

1. In the case of multiple nominees with seconds, Board members shall vote by stating the name of the individual nominee.
2. The nominee who is voted for by name by six Board members shall be elected President.
3. After the president is elected as set forth above, the vice president shall be elected in accordance with the same procedure as set forth above for the election of the president.

Board Approval Acknowledged By:

Sean W. Bulson
Superintendent

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Amended	11/8/1982	Reaffirmed	11/22/2004		
Amended	4/6/1992	Amended	11/24/2008		
Reaffirmed	2/12/1996				
Reaffirmed	9/9/2002				

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

LEGAL REFERENCES¹

Section 3-6A-01 *et seq* of the Education Article of the Maryland Code.

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

POLICY TITLE: STUDENT ATTENDANCE		
ADOPTION/EFFECTIVE DATE: July 9, 1990	MOST RECENTLY AMENDED: February 26, 2018	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: STUDENTS		

I. Purpose

The purpose of this policy is to set forth the position and criteria of the Board regarding student attendance.

II. Definitions

None.

III. Statement of Policy

A. The Board is committed to the goal that students shall attend school and classes regularly. Accordingly,

1. Students are required to attend school and all classes regularly and to be punctual.
2. Regular attendance is a shared responsibility by the community, the home, students and school personnel, and all must work together to ensure that regular attendance is achieved.

B. Standards and Requirements – General

1. Each child who resides in this State and is five years old or older and under eighteen years of age, shall attend a public school regularly during the entire school year, unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.
2. Students shall be considered in attendance at school when participating in school sponsored activities during the school day, and when that participation is approved by the local superintendent of schools or the school principal, or their designees.

3. Lawful Absences

- a. Death in the immediate family. The immediate family shall include parent, siblings, grandparents, a person who is the primary care provider, or anyone who lives regularly in the household of the student and others as determined by the school principal.
- b. Illness of the student. The principal may require a physician's certificate from the parent(s) caretaker(s) of a student reported continuously absent for illness. (Continuously absent means either a number of consecutive absences or a total absence in excess of the standard for regular attendance for which, in the principal's judgment, medical documentation is required.)
- c. Court Summons.
- d. Hazardous weather conditions. Hazardous weather conditions which would endanger the health or safety of the student when in transit to and from school.
- e. Work approved or sponsored by the school, the local school system or the State Department of Education, accepted by the local superintendent of schools or the school principal, or their designees, as reason for excusing the students.
- f. Observance of a religious holiday. The absence of a student to participate in the observance of a major religious holiday shall not prevent him or her from achieving a "perfect attendance" certificate or other appropriate recognition for attendance. Major tests, field trips, the taking of student pictures, and similar activities should not, insofar as possible, be scheduled during religious holidays.
- g. Pregnancy and Parenting. The absence of a student due to pregnancy or parenting needs
 - (1) A student's absence due to a student's pregnancy or parenting needs is a lawful absence as provided in Maryland law and acknowledged in Board of Education (Board) Policy 430 *Attendance at Schools*.
 - (2) Pregnant or parenting student absences due to pregnancy, or pregnancy-related conditions, shall be excused. Examples are:
 - (i) Labor;
 - (ii) Delivery;

- (iii) Recovery; and
- (iv) Prenatal and postnatal medical appointments.

(3) At least ten days of excused absences will be provided for a parenting student after the birth of the student's child.

(4) Parenting-related absences due to an illness or medical appointment of the student's child, including up to four days of absences per school year for which the school may not require a note from a physician, shall be excused.

(5) Any absence due to a legal appointment involving the pregnant or parenting student that is related to family law proceedings, including adoption, custody and visitation shall be excused.

(6) In addition to home and hospital services, a school may allow the pregnant or parenting student to make up the work that the student missed in a time period that equals at least as many days that the student was absent, and allow the student to choose one of the following alternatives to make up work that the student missed:

- (i) Retake a semester;
- (ii) Participate in an online course credit recovery program; or
- (iii) Allow the student six weeks to continue at the same pace and finish at a later date.

- h. State emergency.
- i. Suspension.
- j. Lack of authorized transportation. This shall not include students denied authorized transportation for disciplinary reasons.
- k. Other emergency or set of circumstances which, in the judgment of the superintendent or designee, constitutes a good and sufficient cause for absence from school.
- l. Family Vacation or Family Trip

(1) A family vacation or a family trip during the school year is strongly discouraged as the loss of class time may have a negative impact on the student's academic progress and record. It is also recognized

that, on some occasions, working parents have little control over the time of the year when vacations or trips may be taken.

(2) A parent/guardian must submit the request to have a student's absence lawfully excused to the principal or designee in writing at least ten (10) school days in advance of the proposed absence.

(3) In making the determination as to whether the request shall be approved or denied, the principal or designee will review all relevant facts to include the student's attendance and academic record.

(4) If approved, the maximum number of lawful days for family vacations and family trips for any school year shall not exceed five (5). If a family vacation or family trip is not approved, the parent may follow the appeals process in Section B.13. Requests that exceed five days per year may be approved by the superintendent's designee.

4. Unlawful Absence/Tardiness/Early Dismissal
 - a. An absence, including absence for any portion of the day, for any reason other than those cited as lawful are presumed to be unlawful and may constitute truancy.
5. Truancy. A truant is a student who is absent without lawful cause as defined above, from such attendance for a school day or portion thereof.
6. Habitual Truant. A student is a habitual truant if he or she is unlawfully absent from school for a number of days or equivalent days in excess of six per cent of the school days within any marking period, semester, or year.
 - a. Repeated unlawful absences will require a school conference between the appropriate school personnel and parent(s)/caretaker(s) and may result in a referral to the pupil personnel worker.
 - b. Any student who meets or exceeds five days of unlawful absence in a quarter must be referred to the pupil personnel worker.
7. Tardiness/Early Dismissal. Any student(s) arriving up to two hours late to school shall be considered late to school. Two hours or more late would be considered absent one-half day. Students arriving with less than two hours remaining in the school day would be considered absent the entire day.

Students leaving school with more than two hours remaining would be considered absent one-half day.

8. Standards for Regular Attendance

a. The standard for regular attendance is the minimal requirement for student attendance in order to foster continuity in the instructional program. The standard includes both lawful and unlawful absences within a marking period, semester, or school year. The minimal standard is four (4) total days absence per quarter.

b. The actions taken when the standard is not met shall reflect a continuum of consequences for increasing absenteeism. School officials may waive these actions when they are aware of circumstances beyond the student's control such as documented chronic illness, extenuating family circumstances, etc.

c. All schools

(1) Beginning with the fifth absence and/or tardiness in any quarter, the parent will be notified in writing.

(2) Continuing absence and/or tardiness of the student will result in the initiation of one or more of the following actions:

(a) Conference with the parent, student, and the principal or designee.

(b) Referral to pupil services team/and or the Pupil Personnel Worker for appropriate intervention.

(c) Probationary time period – verbal agreement.

(d) Written contract.

(e) After-school detention.

(f) Saturday school (nonteaching day attendance).

(g) Removal of school privileges.

(h) Restriction of extracurricular activities.

(i) Consideration of the Alternative Education Program.

(j) Referral to student services for possible outside referral to court or other agencies for violation of the compulsory attendance law.

d. High Schools

- (1) Following the second day of unlawful absence in a semester course, the parent will be notified in writing of the imminent danger of loss of the one-half credit for the course. On the fifth day of unlawful absence, the student loses credit for the semester course. Parents will be notified in writing of the loss of credit and made aware of the appeals process.
- (2) Following the sixth day of unlawful absence in a full-year course, the parent will be notified in writing of the imminent danger of loss of the full one credit for the course. On the eleventh day of unlawful absence, the student loses credit for the full-year course. Parents will be notified in writing of the loss of credit and made aware of the appeals process.

e. Elementary and Middle Schools

- (1) Students who have been absent twenty days by the end of the third quarter must be reviewed for possible retention during promotion/non-promotion conferences.

9. Procedures to Monitor Attendance and Verify Absences/Tardiness

a. The Principal of each school shall review and monitor attendance in his/her school.

(1) Student Accounting on a Daily Basis

(a) The following procedures may be used to facilitate accurate student accounting.

(i) At the beginning of the day, the homeroom teacher will send a list of all absentees to the office.

(ii) The office will issue, by the end of period one, a list of all absentees for the entire school.

(iii) Each period the teacher will check his/her class roll against this office list. Any student absent from class, and not included on the list from the office, will be recorded on the appropriate school form. This form should be returned to the office at the end of the day.

(iv) The follow-up checking on absentees will be handled by the principal, assistant principal, or some

other administrative assistant who has been assigned this duty.

(v) Further reporting of chronic absenteeism will be made to the pupil personnel worker. (Chronic absence means recurring, not necessarily consecutive, absence over time; i.e. habitual absence.)

(b) Attendance-monitoring procedure

(i) Recording-keeping format

a) All schools will collect attendance data in terms of race, sex, and grade level. A systemwide attendance keeping format to comply with state and school system policy and regulations has been developed and will be incorporated in the student database.

(ii) Reporting absences

a) A daily attendance record will be maintained of each student's tardiness or absence from school and all classes.

b) A record of each student's lawful and unlawful absences from an individual class will be recorded and maintained.

c) Upon returning to school from an absence, a student is required to bring a written note from his or her parent/caretaker stating the reason for each absence.

d) Each course grade received by a secondary school student will include a report of his or her absence(s) for that course.

(iii) Intervention strategies and procedures for dealing with absenteeism

- a) Recognition of problem by teacher, administrator, or data processing.
- b) Student referred to guidance counselor.
- c) Parent conference.
- d) Referral to school pupil services team.
- e) Referral to Pupil Personnel Worker.
- f) Referral to appropriate agencies.

- (iv) Each school shall develop additional procedures to verify absences and tardiness. A copy of each school's current procedures must be on file with the Director of Student Services. In developing these procedures, consideration shall be given to the following:
- a) The student and parent(s)/caretaker(s) shall be responsible for verification of absences or tardiness.
 - b) Establish a maximum time limit that a student and parent/caretaker can have to verify an absence/tardiness after which the absence/tardiness is coded as unlawful or truancy.
 - c) Specify a time limit that a written explanation will be acceptable upon a student's return from an absence.
 - d) Require a written explanation of a student's tardiness from the parent/caretaker or eligible student the next school day following the tardiness.
 - e) Require that the parent/guardian call the school on the morning of the absence(s) followed up with a written explanation.
 - f) Establish a procedure for a medical verification of long term, consecutive, or repeated absences due to illness.
 - g) Establish a procedure to accept an absence/tardiness verification from an eligible student (18 years or older) who lives with parent(s)/caretaker(s) or lives independently.
 - h) Establish procedure for appropriate school staff when excessive absence/tardiness is verified as unlawful or truancy.

- i) Establish a process to insure that all students and their parent(s)/caretaker(s) are informed of the procedure to verify absence/tardiness.

10. Make-Up Work Requirements

- a. There shall be no make-up work given to students who have been unlawfully absent.
- b. The make-up policy for short term (five days or less) lawful absence shall be:
 - (1) It will be the responsibility of the student/guardian to request missed assignments.
 - (2) Students will be given the number of days equal to the number of days absent to turn in completed make-up work. Assignments may be provided when possible in advance of a lawful absence if requested by parent/caretaker at least five days in advance of the absence and approved by the principal or designee. Submission of the make-up work provided in advance is required upon the return of the student to school unless extenuating circumstances have been documented.
 - (3) The make-up work policy for extended (six days to ten days) lawful absence shall require that the parent/caretaker request designated school officials to arrange for make-up work.
 - (a) The teacher will provide the required make-up work in a method chosen by the teacher and will collect and correct the make-up work. A reasonable timeline for the completion of the work will be established. It is recommended that this exchange of completed and newly assigned work be done on a weekly basis.
 - (b) The student will be accountable to complete all assigned make-up work.
 - (4) All make-up work will be graded in accordance with the regular classroom grading policy as long as it is completed within the established timeline.
 - (5) It is the responsibility of the student and the parent/caretaker to initiate the request and obtain work from the teachers and return the completed work within the allocated time frame.

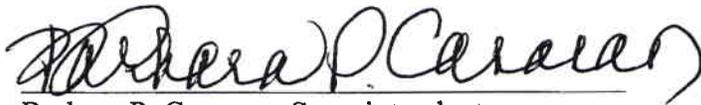
- (6) The make-up work requirements for students who have been suspended or expelled shall comply with COMAR 13A.08.01.11 as follows:
 - (a) Students suspended for more than 3 school days, or expelled, and who are not placed in an alternative education program, shall receive daily classwork and assignments from each teacher which shall be reviewed and corrected by the teachers on a weekly basis and returned to the student;
 - (b) The principal of the school shall assign a school staff person to serve as liaison between the teacher and the suspended/expelled student and parent to provide communication weekly about classwork assignments and school related issues by phone or e-mail.
11. Attendance Recognition. Each school shall establish strategies to encourage regular school attendance.
12. Information Dissemination
 - a. Students and parents/caretakers will be provided information regarding the Student Attendance Policy at the opening of school each year.
 - (1) information to be included in parent/student handbook, school handbooks, newsletters, school announcements, bulletin boards, etc.
 - (2) articles and news releases in local newspapers.
13. Appeals Process. Procedures for parent(s)/caretaker(s) in order to appeal attendance violation decisions related to the Student Attendance Policy at both the school and central office level.
 - a. The parent(s)/caretaker(s) contact the school principal to arrange for an appointment to discuss their concern.
 - b. If the issue is not resolved, the parent(s)/caretaker(s) contact the superintendent's designee to discuss the matter.
 - c. If the issue remains unresolved, the parent(s)/caretaker(s) may elect to submit a written appeal to the Superintendent of Schools.
 - d. If parent(s)/caretaker(s) are not satisfied with the Superintendent's decision, they may appeal the decision of the Superintendent of Schools for a hearing before a committee of the Board of Education. Such

POLICY

Harford County Public Schools

appeal shall be filed within 10 days of the parent(s)/caretaker(s) receipt of the Superintendent's decision.

Board Approval Acknowledged By:



Barbara P. Canavan, Superintendent
Board of Education of Harford County

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	7/9/1990	Amended	8/23/1999		
Amended	8/20/1990	Amended	5/30/2002		
Amended	7/8/1991	Amended	4/10/2017		
Amended	6/12/1995	Amended	2/26/2017		

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

LEGAL REFERENCES¹

See COMAR 13A.08.01.05.

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

POLICY TITLE: STUDENT ATTENDANCE		
ADOPTION/EFFECTIVE DATE: July 9, 1990	MOST RECENTLY AMENDED: April 10, 2017	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: STUDENTS		

I. Purpose

The purpose of this policy is to set forth the position and criteria of the Board regarding student attendance.

II. Definitions

For the purpose of this policy, the following definitions apply:

- A. Absence – The failure of the student to be physically present in school/class or at a school-sponsored activity during the school day.
- B. Attendance – The act of being physically present at school or at activities that have been approved as part of the student’s instruction during the school day.
- C. Chronically absent – a year-to date absence rate of 10% or more, including both lawful and unlawful absences.
- D. Compulsory school age – Age required by the State for which a student must be enrolled in and attending public school or an equivalent approved education programs as set forth in Md. Code Ann., Ed. Art. §7-301.
- E. Extracurricular Activity – a school-sponsored activity that generally occurs after the regular school day is not graded and for which a credit is not earned, and is not described as a part of a course of study or subject offering in the course description guide, including, but not limited to, interscholastic sports.
- F. Lawful absence – an absence for any portion of the school day, under specified conditions that render the absence excused.
- G. Parent – Any one of the following, recognized as the adult(s) legally responsible for a child:
 - 1. Biological parent – A person legally identified as the natural parent and who has not had parental rights terminated.
 - 2. Adoptive parent – A person who has legally adopted a child.
 - 3. Custodian – A person or an agency appointed by the court as the legal custodian of a child.
 - 4. Guardian – A person who has been placed by the court in charge of the affairs of a child.
 - 5. Caretaker – A person who is domiciled in Harford County and with whom a child resides who has a bona fide non-educational reason to reside with the caretaker.

- 6. Foster parent – An adult approved to care for a child who has been placed in their home by a State agency or a licensed child placement agency as provided by Section 5-507 of the Family Law Article of the Maryland Annotated Code.
- H. School-sponsored activity – an event under the control and supervision of HCPS which is a component of instruction and which is not a regularly scheduled component of the student's school day.
- I. Tardiness – any time a student arrives at school after the official start of the school day or at class after the start of the class period.
- J. Truant student – a student who is absent from school or a portion thereof without lawful cause.
- K. Unlawful absence - an unexcused absence from school, or any portion of the school day or at a school-sponsored activity, for any reason other than those cited as lawful.

III. Statement of Policy

- A. The Board is committed to the goal that students shall attend school and classes regularly. Daily attendance is crucial to student achievement and required in order to demonstrate mastery of materials and receive credit for courses. Accordingly,
 - 1. Students are required to attend school and all classes regularly and to be punctual.
 - 2. Regular attendance is a shared responsibility by the community, the home, students and school personnel, and all must work together to ensure that regular attendance is achieved.
- B. Standards and Requirements – General
 - 1. Each child who resides in this State and is five years old or older and under eighteen years of age, shall attend a public school regularly during the entire school year, unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age in accordance with applicable law.
 - ~~1. Students shall be considered in attendance at school when participating in school sponsored activities during the school day, and when that participation is approved by the local superintendent of schools or the school principal, or their designees.~~
 - 2. Any person who has legal custody or care and control of a child who is of compulsory school age (5 years old or older and under the age of 18) shall see that the child attends school or receives instruction as required by State law and regulations.

C. Recording Attendance

1. Students Scheduled for a Full Day

A student is counted present for a full day if the student is in attendance four hours or more of the school day. A student is counted present half day if in attendance for at

least two hours of the school day, but less than four hours. A student is counted as tardy to school if the student is absent less than two and a half hours in the morning. A student is counted as having an early dismissal if the student is absent less than two and a half hours before dismissal.

2. Late Opening or Early Dismissal due to Inclement Weather or Planning Day

- a. In the event of a late opening or early dismissal, a student is counted present for a full day if absent no more than 30 minutes of the school day.
- b. In the event of a late opening or early dismissal, a student is counted present for half day if present for at least two hours. A student is counted as having an early dismissal if the student is absent less than 30 minutes before dismissal.
- c. In the event of a late opening, high school students scheduled for partial day will automatically be marked present for the day.

3. Students Scheduled for a Partial Day

A student scheduled for a partial day is to be counted present based on the amount of time he/she is scheduled. Example: A student scheduled for a two-hour block of time will be counted present for a full day if the student is in attendance for that entire block of time. If the student is absent for that entire block of time, the student will be counted absent for a full day. A student scheduled for a two-hour block of time will be counted present for one-half day if the student is in attendance for one hour.

4. Students who have been absent from school may not attend any after school activities for the same day, unless special permission has been granted by the principal due to the reason for the absence.

D. Lawful Absences — ~~an excused absence for any portion of the day under the following conditions:~~

1. ~~Death in the immediate family. The immediate family shall include parent, siblings, grandparents, a person who is the primary care provider, or anyone who lives regularly in the household of the student and others as determined by the school principal.~~
2. Illness of the student. An administrator may require a physician's certificate from the parent(s) caretaker(s) of a student reported continuously absent for illness. Continuously absent means either a number of consecutive absences or a total absence in excess of the standard for regular attendance for which, in the principal's judgment, medical documentation is required. Students receiving Home and Hospital Teaching will be maintained on the regular school rolls and counted as present except when students are not available for home and hospital teaching, in which case they shall be marked absent.
3. Court Summons.
4. Hazardous weather conditions - hazardous weather conditions that would endanger the health or safety of the student when in transit to and from school.

5. Work approved or sponsored by the school, the local school system, or the State Department of Education, accepted by the local superintendent of schools or the school principal, or their designees, as reason for excusing the students.
6. Observance of a religious holiday. The absence of a student to participate in the observance of a major religious holiday shall not prevent him or her from achieving a "perfect attendance" certificate or other appropriate recognition for attendance. Major tests, field trips, the taking of student pictures, and similar activities should not, insofar as possible, be scheduled during religious holidays.
7. Pregnancy and Parenting. The absence of a student due to pregnancy or parenting needs
 - a. Pregnant or parenting student absences due to pregnancy, or pregnancy-related conditions, shall be excused. Examples are:
 - (1) Labor;
 - (2) Delivery;
 - (3) Recovery; and
 - (4) Prenatal and postnatal medical appointments.
 - b. At least ten days of excused absences shall be provided for a parenting student after the birth of the student's child.
 - c. Parenting-related absences due to an illness or medical appointment of the student's child, including up to four days of absences per school year for which the school may not require a note from a physician, shall be excused.
 - d. Any absence due to a legal appointment involving the pregnant or parenting student that is related to family law proceedings, including adoption, custody and visitation shall be excused.
 - e. In addition to home and hospital services, a school may allow the pregnant or parenting student to make up the work that the student missed in a time period that equals at least as many days that the student was absent, and allow the student to choose one of the following alternatives to make up work that the student missed:
 - (1) Retake a semester;
 - (2) Participate in an online course credit recovery program; or
 - (3) Allow the student six weeks to continue at the same pace and finish at a later date.
8. State emergency.
9. Suspension.
10. Lack of authorized transportation. Lack of authorized transportation shall not include students denied authorized transportation for disciplinary reasons.
11. Other emergency or set of circumstances which, in the judgment of the superintendent or designee, constitutes a good and sufficient cause for absence from school.

12. Reasonable participation by a middle school or high school student in a general or primary election campaign, for which sufficient documentation has been provided. In making the determination as to whether the request shall be approved or denied, the principal or designee will review all relevant facts to include the student's attendance and academic record. more than two (2) days total absence is allowed under this section.

13. Family Vacation or Family Trip

- a. A family vacation or a family trip during the school year is strongly discouraged as the loss of class time may have a negative impact on the student's academic progress and record. It is also recognized that, on some occasions, working parents have little control over the time of the year when vacations or trips may be taken.
- b. A parent/guardian must submit the request to have a student's absence lawfully excused to the principal or designee in writing at least ten (10) school days in advance of the proposed absence.
- c. In making the determination as to whether the request shall be approved or denied, the principal or designee will review all relevant facts to include the student's attendance and academic record.
- d. If approved, the maximum number of lawful days for family vacations and family trips for any school year shall not exceed five (5). If a family vacation or family trip is not approved, the parent may follow the appeals process in Section B.13. Requests that exceed five days and are less than ten days may be approved by the superintendent's designee. Any request for a trip of 10 days or more will result in a referral to the Pupil Personnel Worker for withdrawal in accordance with the Maryland Student Records Manual. These students will need to be re-enrolled upon their return from the trip.

Unlawful Absence/Tardiness/Early Dismissal

- a. ~~An absence, including absence for any portion of the day, for any reason other than those cited as lawful are presumed to be unlawful and may constitute truancy.~~

~~Truancy. A truant is a student who is absent without lawful cause as defined above, from such attendance for a school day or portion thereof for:~~

~~Habitual Truant—A student is a habitual truant if he/she is unlawfully absent from school for:~~

- ~~i. Eight days in any quarter;~~

~~ii. Fifteen days in any semester; or~~

~~iii. Twenty days in a school year.~~

~~a. Repeated unlawful absences will require a school conference between the appropriate school personnel and parent(s)/caretaker(s) and may result in a referral to the pupil personnel worker.~~

~~b. Any student who meets or exceeds five days of unlawful absence in a quarter must be referred to the pupil personnel worker.~~

E. Standards for Regular Attendance

~~1. The standard for regular attendance is the minimal requirement for student attendance in order to foster continuity in the instructional program. The standard includes both lawful and unlawful absences within a marking period, semester, or school year. The minimal standard is four (4) total days absence per quarter.~~

Students are expected to maintain attendance at the State standard.

1. The actions taken when the standard is not met shall reflect a continuum of consequences for increasing absenteeism. School officials may waive these actions when they are aware of circumstances beyond the student's control such as documented chronic illness, extenuating family circumstances, disability status, etc.

2. All schools

a. An attempt shall be made to notify the parent after each absence. After the fourth absence, tardiness, or early dismissal ~~and/or tardiness~~ in any quarter, the parent will be notified in writing.

b. Continuing absence, early dismissals, and/or tardiness of the student will result in the initiation of one or more of the following actions:

(1) Conference with the parent, student, and the principal or designee.

(2) Referral to student services team/and or the Pupil Personnel Worker for appropriate intervention.

(3) Probationary time period – verbal agreement.

(4) Written contract.

(5) After-school detention.

(6) Saturday school (nonteaching day attendance).

(7) Removal of school privileges.

(8) Restriction of extracurricular activities.

(9) In-school suspension.

(10) Referral to student services for possible outside referral to court or other agencies for

violation of the compulsory attendance law.

c. High Schools

- (1) Following the second day of unlawful absence in a semester course, the parent will be notified in writing of the imminent danger of loss of the one-half credit for the course. On the fifth day of unlawful absence, the student may lose credit for the semester course. Parents will be notified in writing of the loss of credit and made aware of the appeals process.
- (2) Following the sixth day of unlawful absence in a full-year course, the parent will be notified in writing of the imminent danger of loss of the full one credit for the course. On the eleventh day of unlawful absence, the student may lose credit for the full-year course. Parents will be notified in writing of the loss of credit and made aware of the appeals process.

d. Elementary and Middle Schools

Students who have been absent twenty days by the end of the third quarter must be reviewed for possible retention during promotion/non-promotion conferences.

F. Procedures to Monitor Attendance and Verify Absences/Tardiness

The Principal of each school shall review and monitor attendance in his/her school.

1. Student Accounting on a Daily Basis

- a. Daily attendance shall be reported by homeroom teachers using the Teacher Access Center.
- b. A student will be recorded as present unless marked absent.
- c. Absentees will be noted on the student roster, recorded in the database, and appear in the daily bulletin
- d. Follow-up checking on absentees will be handled by the principal, assistant principal, or some other administrative assistant who has been assigned this duty.

~~(v) Further reporting of chronic absenteeism will be made to the pupil personnel worker. (Chronic absence means recurring, not necessarily consecutive, absence over time; i.e. habitual absence.)~~

2. Attendance-Monitoring Procedure

- a. All schools shall collect attendance data as required by applicable federal and state laws, regulations, and board policies. ~~in terms of race, sex, and grade level. A system-wide attendance keeping format to comply with state and school system policy and regulations has been developed and will be incorporated in the student database.~~
- c. A daily attendance record will be maintained of each student's tardiness or absence from school and all classes.
- d. A record of each student's lawful and unlawful absences from an individual class will be recorded and maintained.

- (1) A parent shall provide written documentation ~~supporting~~ explaining the reason for the

student's absence/tardiness within three (3) school days of the student's return to school.

- (2) Each course grade received by a secondary school student will include a report of his or her absence(s) for that course.

~~(iii) — Intervention strategies and procedures for dealing with absenteeism REPEATED ON PAGE 7 SO TAKE OUT~~

- ~~a) — Recognition of problem by teacher, — administrator, or data processing.~~
- ~~b) — Student referred to school counselor.~~
- ~~c) — Parent conference.~~
- ~~d) — Referral to school student services team.~~
- ~~e) — Referral to Pupil Personnel Worker.~~
- ~~f) — Referral to appropriate agencies.~~

~~(iv) — Each school shall develop additional procedures to verify absences and tardiness. A copy of each school's current procedures must be on file with the Director of Student Services.~~

~~a) — The student and parent(s)/caretaker(s) shall be responsible for verification of absences or tardiness.~~

~~b) — Establish a maximum time limit that a student and parent/caretaker can have to verify an absence/tardiness after which the absence/tardiness is coded as unlawful or truancy.~~

~~c) — Specify a time limit that a written explanation will be acceptable upon a student's return from an absence.~~

~~d) — Require a written explanation of a student's tardiness from the parent/caretaker or eligible student the next school day following the tardiness.~~

~~e) — Require that the parent/guardian call the school on the morning of the absence(s) followed up with a written explanation.~~

~~f) — Establish a procedure for a medical verification of long term, consecutive, or repeated absences due to illness.~~

~~g) — Establish a procedure to accept an absence/tardiness verification from an eligible student (18 years or older) who lives with parent(s)/caretaker(s) or lives independently.~~

~~h) — Establish procedure for appropriate school staff when excessive absence/tardiness is verified as unlawful or truancy.~~

~~i) Establish a process to insure that all students and their parent(s)/caretaker(s) are informed of the procedure to verify absence/tardiness.~~

G. Make-Up Work Requirements

1. There ~~shall be~~ is no make-up work obligated to students who have been unlawfully absent from school.
2. ~~The make-up policy for short term (five days or less) lawful absence shall be~~ The make-up work policy for lawful absences ~~will shall be:~~
 - a. It ~~will be~~ is the responsibility of the student/parent to request missed assignments within the requested timeframe.
 - b. Students ~~will shall be~~ given the number of days equal to the number of days absent to turn in completed make-up work. Assignments may be provided when possible in advance of a lawful absence if requested by parent/caretaker at least five days in advance of the absence and approved by the principal or designee. ~~Submission of the make-up work provided in advance is required upon the return of the student to school unless extenuating circumstances have been documented.~~
 - ~~(3) The make-up work policy for extended (six days to ten days) lawful absence shall require that the parent/caretaker request designated school officials to arrange for make-up work.~~
 - c. The teacher ~~will shall~~ provide the required make-up work in accordance with the method chosen by the teacher and ~~will shall~~ collect and correct the make-up work. A reasonable timeline for the completion of the work will be established by the teacher. It is recommended that this exchange of completed and newly assigned work be done on a weekly basis.
 - d. The student will be accountable to complete all assigned make-up work.
 - e. All make-up work will be graded in accordance with the regular classroom grading policy as long as it is completed within the established timeline.
 - ~~(5) It is the responsibility of the student and the parent/caretaker to initiate the request and obtain work from the teachers and return the completed work within the allocated time frame.~~
 - f. The make-up work requirements for students who have been suspended or expelled shall comply with COMAR 13A.08.01.11 as follows:
 - (1) Students suspended for more than 3 school days, or expelled, and who are not placed in an alternative education program, shall receive daily classwork and assignments from each teacher which shall be reviewed and corrected by the teachers on a weekly basis and returned to the student;
 - (2) The principal of the school shall assign a school staff person to serve as liaison between the teacher and the suspended/expelled student and parent to provide communication weekly about classwork assignments and school related issues by phone or e-mail.

H. Attendance Recognition. Each school shall establish strategies to encourage regular school attendance. Examples may include:

1. Orientation activities at the beginning of the school year to review the attendance policy and promote the importance of regular school attendance.
2. School-wide incentive programs to improve attendance.
3. Positive rewards/recognition for students who have met the standard or who have demonstrated improved attendance during a school quarter, semester, or school year.

I. Information Dissemination

1. Students and parents will be provided information regarding the Student Attendance Policy at the opening of school each year.
2. Information to be included in parent/student handbook, school handbooks, newsletters, school announcements, bulletin boards, school websites, etc.
3. Articles and news releases in local newspapers.

J. Appeals Process. Procedures for parent(s) in order to appeal attendance violation decisions related to the Student Attendance Policy at both the school and central office level.

1. The parent(s)/~~caretaker(s)~~ contact the school principal to arrange for an appointment to discuss their concern.
2. If the issue is not resolved, the parent(s)/caretaker(s) contact the superintendent's designee to discuss the matter.
3. If the issue remains unresolved, the parent(s)/caretaker(s) may elect to submit a written appeal to the Superintendent of Schools.
4. If parent(s)/~~caretaker(s)~~ are not satisfied with the Superintendent's decision, they may appeal the decision of the Superintendent of Schools ~~for a hearing before a committee of~~ to the Board of Education. Such appeal shall be filed within ~~40~~ 30 calendar days of the parent(s) receipt of the Superintendent's decision.

Board Approval Acknowledged By:

 Barbara P. Canavan, Superintendent
 Board of Education of Harford County

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	7/9/1990	Amended	8/23/1999		

POLICY

Harford County Public Schools

Amended 8/20/1990	Amended 5/30/2002	
Amended 7/8/1991	Amended 4/10/2017	
Amended 6/12/1995		

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

LEGAL REFERENCES¹

See COMAR 13A.08.01.05.

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