

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 109

(Senator Feldman)

Education, Energy, and the Environment

Environment and Transportation

Maryland Public Ethics Law - School Boards - Compliance Certification

This bill requires that, by October 1 of each year, school boards in the State certify to the State Ethics Commission (SEC) that they are in compliance with the Maryland Public Ethics Law regarding conflicts of interest and financial disclosure statements for (1) members of the school board and (2) officials and employees of the school system, if applicable. Additionally, the bill clarifies that the definition of “school board” includes the Baltimore City Board of School Commissioners.

Fiscal Summary

State Effect: None. The bill’s requirements can be handled with existing budgeted resources.

Local Effect: None. Local school boards can update their ethics policies, as needed, with existing resources.

Small Business Effect: None.

Analysis

Current Law:

Maryland Public Ethics Law

The Maryland Public Ethics Law sets out requirements, prohibitions, and procedures that affect officials in the Legislative, Executive, and Judicial branches of government for the purpose of maintaining people’s trust in government and protecting against the improper influence and the appearance of improper influence of government. The Maryland Public

Ethics Law is administered by SEC with the Joint Committee on Legislative Ethics and the Commission on Judicial Disabilities.

Among the requirements, prohibitions, and procedures of the Maryland Public Ethics Law are provisions regarding conflicts of interest and financial disclosure statements.

School Board Conflict of Interest and Financial Disclosure Statement Provisions

The Maryland Public Ethics Law requires local boards of education to adopt conflict of interest and financial disclosure provisions for members of the school board. These provisions must be equivalent to or exceed the State provisions for officials and employees. The law also authorizes local boards of education to adopt conflict of interest regulations for officials and employees of the school system, which must be similar to State requirements. If a school board does not adopt its own conflict of interest and financial disclosure requirements, the comparable provisions enacted by the county apply to officials and employees of that school system.

Conflict of Interest

The conflict of interest provisions of the Maryland Public Ethics Law apply to ALL State employees, regardless of grade or years of service. Examples of the conflict of interest provisions include, but are not limited to:

- an employee or official may not intentionally use the prestige of his or her office for personal gain or that of another;
- an official or employee may not participate in an official action, decision or matter in circumstances where the official or employee has an interest or where certain relatives of the official or employee have an interest;
- an official or employee may not hold any employment relationship that would impair his or her impartiality or independence of judgment;
- an official or employee may not disclose or use for personal economic benefit, or that of another, confidential information acquired by reason of his or her public position;
- a former official or employee may not assist or represent anyone other than the State for compensation in a case, contract, or other specific matter involving the State, if that matter is one in which he or she significantly participated as an official or employee; and
- employees may not solicit gifts for themselves or others, and generally may not accept gifts from lobbyists or those regulated by or doing (or seeking to do) business with the employee's agency.

Financial Disclosure Statements

Under current law, public officials, State officials, and candidates for office as a State official must file financial disclosure statements with SEC. Statements generally must disclose (1) interests in real property; (2) interests in corporations and partnerships; (3) interests in and employment by business entities doing business with the State; (4) debts owed to entities doing business with or regulated by an individual's governmental unit; (5) family members employed by the State; (6) sources of earned income; and (7) gifts, as specified. A filer must disclose an interest held by (1) a spouse or child of an individual, if the interest was controlled, directly or indirectly, by the individual at any time during the applicable period; (2) a business entity in which the individual held a 10% or greater interest at any time during the applicable period; or (3) a trust or estate in which, at any time during the applicable period, the individual held a reversionary interest, was a beneficiary, or was a settlor, if a revocable trust.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; State Ethics Commission; Anne Arundel County Public Schools; Frederick County Public Schools; Department of Legislative Services

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Analysis by: Kayvon Samadani

Direct Inquiries to:
(410) 946-5510
(301) 970-5510