

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 01-05

Advisory Opinion 01-05 is a request by the Petitioners, a special education teacher and a music teacher. This request for an opinion is regarding a teacher providing tutoring services for an autistic student. The instructor provides musical tutoring instruction for the student during the summer months. The petitioners are requesting that the instructor be allowed to provide these services to this student.

The relevant section of the Ethics Code is as follows:

Section 8363

Board members, employees, and volunteers shall not participate on behalf of the school system in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, dependent child, ward, parent, or other who shares the Board member's, employee's, or volunteer's legal residence or a business entity with which they are affiliated.

1. Outside Employment

(a) Board members, employees, and volunteers may not participate in outside employment if the work:

- is incompatible with the proper performance of official duties*
- impairs the impartiality or independence of judgment or action of the employee*
- affects the performance of the employee.*

(b) A person engaged in outside employment may not:

- benefit from business with the school system or from relationships with students*
- represent any party before the school system*
- use confidential information acquired in his or her official school system position for personal benefit or that of another.*

(c) Any employee with instructional responsibility shall not tutor, for compensation, any student whom he or she is currently teaching.

The relevant Ethics Code Policy 8363.1 indicates that a teacher in the Baltimore County Public Schools may not tutor, for compensation, a "current student." At this time it is not determined whether this teacher would be assigned to teach this student during the school year; and thus, under the facts we know, there is no current conflict.

According to the facts presented, the Panel concludes that no conflict of interest exists. If the facts change, the applicant would be well advised to seek an additional opinion of the Panel.

This Advisory Opinion has been signed by the Ethics Panel members and adopted on September 20, 2001.

Karen Strand, Chair
Donald A. Gabriel, Vice Chair
James G. Klair, Esq., Panel Member
Joy Shillman, Panel Member
Roland Unger, C.P.A., Panel Member