

BOARD OF EDUCATION OF BALTIMORE COUNTY

Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: October 10, 2002
RE: Advisory Opinion 02-01

At its September 19, 2002, meeting, the Ethics Review Panel adopted Advisory Opinion 02-01 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8363, "any Board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the Panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the Panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through Outlook.

If you or members of your staff have any questions, please contact Risa Schuster, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 02-01

Advisory Opinion 02-01 is a request by the Petitioner requesting a clarification of an outside employment issue.

The issue involves a Baltimore County music teacher under an employment contract with the Baltimore County Department of Recreation and Parks. The music teacher provides instrumental music tutoring to students. The Department of Recreation and Parks handles the administrative work, and the services are provided on school property. These lessons are provided to current students, prospective students, and past students during the summer and the regular school year.

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.

According to the current Code and previous advisory opinions, a teacher may not tutor on school property while receiving private compensation for the service. In this situation, the teacher is a private contractor to the Baltimore County Department of Recreation and Parks. Working with a student over the summer and after school nurtures a familiarity and a relationship that could impair the teacher's objectivity in regard to the student and is possibly a disadvantage to others in the class. The teacher should not be tutoring current and future students in this part-time endeavor.

Based upon the information submitted to the Ethics Review Panel, this situation is a direct conflict with Ethics Code, Conflict of Interest, Section 8363.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on September 19, 2002.

Donald A. Gabriel, Chair
Roland Unger, CPA, Vice Chair
Merle D. Burgin, Esq., Panel Member

Joy Shillman, Panel Member
Karen Strand, RN, Panel Member