

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: August 28, 2003
RE: Advisory Opinion 03-03

At its July 17, 2003, meeting, the Ethics Review Panel adopted Advisory Opinion 03-03 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 03-03

This Advisory Opinion 03-03 is in response to a request made by the Petitioners. One of the Petitioners is a teacher who wants to tutor, during the summer, a past second grade student at the teacher's school. There will be no use of Baltimore County School facilities to accomplish the tutoring.

Policy 8363 prohibits employees with instructional responsibility from tutoring, for compensation, any student that he/she is currently teaching.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Conflict of Interest

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.*

Section 8363 does prohibit the tutoring, for compensation, of any student that is currently being taught by an employee. The matter before the Ethics Panel is whether a teacher may provide summer instruction to a past student. The Ethics Panel has concluded that this secondary employment does not violate the Ethics Code since the instructing teacher will not be providing instruction to a student that the teacher is currently teaching. Additionally, Baltimore County School System facilities will not be utilized to accomplish such instruction.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on July 17, 2003.

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

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