

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: October 23, 2003
RE: Advisory Opinion 03-05

At its October 16, 2003, meeting, the Ethics Review Panel adopted Advisory Opinion 03-05 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 03-05

This Advisory Opinion 03-05 is in response to a request made by the Petitioner, a teacher within the Baltimore County Public Schools (BCPS). The Petitioner is a current science department chair at a BCPS middle school and desires to write and develop an instructional manual for 8th grade general science. This work would be performed for a private company, Teachingpoint, Inc., a publisher of teaching materials. The Petitioner has asked the Ethics Panel to determine if such work would be a conflict as outlined in Ethics Code Section 8363, since the work might involve including information that might have been gained by virtue of the Petitioner's position with BCPS.

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.

5. *Royalties/Personal Gain*

(a) No royalties will be paid to employees or volunteers for textbooks, instructional materials, or programs written or produced during working hours.

(b) No Board member, employee, or volunteer, will be permitted to use—for commercial purposes—any photographs or information—including test scores and other confidential data—gained through his or her position unless prior written approval is provided in writing from the Superintendent of Schools.

(c) No Board member, employee, or volunteer will be permitted to compile lists of students' and/or parents' names, addresses, phone numbers, or related information available through his or her position for any other person or commercial enterprise unless the compilation of such data has been approved in writing by the individual's supervisor and serves a valid educational purpose and only as permitted by the provisions of the Annotated Code of Maryland, State Government Article, Section 10-611 et seq.

The facts of this request for an advisory opinion, as related by the Petitioner, indicate that the work that would be done for Teachingpoint, Inc. is work that has been developed independently of the relationship that the Petitioner has with BCPS. However, the Petitioner does state that there are lessons that have been developed by the Petitioner that will be altered in order to comply with a variety of states' standards. The Panel feels that, given the subject matter (science) involved, such information may not be devoid of material developed within the purview of BCPS since such subject matter must be current and relevant in a field of study that is constantly changing.

Based on the facts laid forth by the Petitioner, the Ethics Panel feels that Ethics Code Section 8363, 5(b) applies and gives the Superintendent of Schools the authority to approve or disapprove of any commercial relationship that might involve the use of information by an employee gained through their employment with BCPS.

Therefore, it is the decision of the Ethics Panel to defer any judgment in this matter to the Superintendent of Schools. It is expected that the Petitioner will provide the Superintendent of Schools with the necessary facts and information to arrive at a decision in this matter consistent with the intent of the authority granted the Superintendent of Schools through Ethics Code Section 8363.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on October 16, 2003.

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

Karen Strand, RN, Panel Member
Vacant Position