

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

Meryl D. Burgin, Esq., Chair
Raymond A. Hein, Esq., Vice Chair
Donald A. Gabriel, Ph.D.
Karen W. Strand, RN
Roland Unger, CPA

6901 Charles Street
Towson, Maryland 21204-3711
Phone: 410-887-4138
Fax: 410-887-4308

TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: July 29, 2005

RE: Advisory Opinion 05-04

At its July 14, 2005, meeting, the Ethics Review Panel adopted Advisory Opinion 05-04 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "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 Dr. Carol Batoff, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 05-04

This advisory opinion is in response to a request made by Petitioner, an employee of the Baltimore County Public Schools (BCPS) who was hired under the "retire-rehire policy" as a part-time speech pathologist. During her employment at a BCPS elementary school, Petitioner developed a program to train parents of prekindergarten students to improve their children's oral language skills. This request for an Advisory Opinion relates to Petitioner's inquiries under the Ethics Code as to: 1) whether she can offer this program to other Title I schools in Baltimore

County; 2) whether she can serve as a paid consultant to BCPS on the days she is not serving as a BCPS employee; and 3) whether being a consultant, and not a BCPS employee, during the 2005-2006 school year would have any effect on her future employment with the BCPS.

The Panel reviewed Petitioner's inquiries and the Ethics Code and determined that the specific questions raised do not implicate any provisions of the Ethics Code. Clearly, no violation of the Ethics Code would exist if a program developed by a BCPS employee, during his/her employment with the BCPS, is used by the teacher or the school system at other schools within the Baltimore County school district. The determination of whether a teacher may be hired as an employee, consultant, or employee and consultant during the same school year is a question for the school system based upon its human resources' policies and applicable law, and is not a question addressed by the Ethics Code. Therefore, the questions of how the Petitioner could or should be compensated and classified by the school system and whether such employment classification would have an effect on her future employment with the BCPS are issues for the school system and not this Panel.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on July 14, 2005.

Meryl D. Burgin, Esq., Chair
Raymond A. Hein, Esq., Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Karen Strand, RN, Panel Member
Roland Unger, CPA, Panel Member