

# BOARD OF EDUCATION OF BALTIMORE COUNTY

## Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: October 6, 2006

RE: Advisory Opinion 06-02

At its September 21, 2006, meeting, the Ethics Review Panel adopted Advisory Opinion 06-02 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 the *Superintendent's Bulletin* and Outlook.

If you or members of your staff have any questions, please contact Dr. Carol R. Batoff, Administrative Liaison to the Ethics Review Panel, at 4138.

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## BOARD OF EDUCATION OF BALTIMORE COUNTY

### ETHICS REVIEW PANEL

### ADVISORY OPINION 06-02

This advisory opinion is in response to a request by Petitioner, an employee of the Baltimore County Public Schools (BCPS). Petitioner teaches computer repair and networking at a BCPS high school. In order to qualify for his current teaching position, Petitioner passed an industry certification exam in the field of computer repair. That exam is known as the A+ exam. Cisco Press, a publishing alliance between Cisco Systems and Pearson Education, recently offered Petitioner an opportunity to write an exam preparation guide for the A+ Exam. Before going forward with that project,

Petitioner has inquired whether his participation would violate any provision of the Ethics Code.

Petitioner provided the additional information that the A+ exam is created and managed by an organization called CompTIA. That organization is unaffiliated with BCPS, Cisco Press, or Pearson Education. The exam preparation guide Petitioner would be writing for Cisco Press is to be marketed to information technology (IT) professionals, not high school students. The material for the book was not created for his students, nor was it developed during school hours, on school property, or using any BCPS resources. Petitioner considers it “unlikely that the BCPS would ever purchase the book for our students.” In the event BCPS decided to purchase A+ exam preparation materials in the future, Petitioner indicates he would ask the responsible purchaser(s) not to consider his book, so as to avoid any conflict of interest or appearance of impropriety.

Policy 8363 of the Ethics Code governs conflicts of interest, including restrictions on outside employment. The relevant sections 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.*

Based upon the facts presented, the panel has concluded that Petitioner is permitted to pursue the outside employment opportunity described in his *Application to Provide An*

*Advisory Opinion.* Such outside employment does not violate the Ethics Code policy regarding conflict of interest. Petitioner seems to recognize the potential conflict should his exam preparation guide ever be considered suitable for marketing to school systems. In that event, Petitioner has indicated he will take steps to ensure he does not “benefit from business with the [Baltimore County] school system” by asking that his book not be considered by BCPS.

**This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on September 21, 2006.**

Raymond A Hein, Esq., Chair  
Karen W. Strand, RN, Vice Chair  
Meryl D. Burgin, Esq., Panel Member

Mary C. Burke, LCSW-C, BCD, Panel Member  
Roland L. Unger, CPA, Panel Member