

**BOARD OF EDUCATION OF BALTIMORE COUNTY**  
**Ethics Review Panel**

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: October 12, 2007

RE: Advisory Opinion 07-09

On September 26, 2007, the Ethics Review Panel adopted Advisory Opinion 07-09 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 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 07-09**

Advisory Opinion 07-09 is in response to a request made by the petitioners, employees of Baltimore County Public Schools (BCPS), inquiring as to whether it is permissible for a BCPS home-based early intervention assistant to receive supplemental pay for those services from independent parties outside of the school system.

The relevant section(s) of the Ethics Code are as follows:

ETHICS CODE: Gifts (Section 8362)

2. Gifts to Individuals

- (a) *A board member, employee, or volunteer may not solicit gifts, gratuities, or discounts for personal use or gain.*
- (b) *No board member, employee, or volunteer may knowingly accept gifts, gratuities, or discounts for personal use or gain, directly or indirectly, from any person or business entity that he or she knows or has reason to know:*
- *is doing business with the Baltimore County Public Schools*
  - *is subject to the authority of the school system*
  - *has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or non-performance of his or her official duty*
  - *is involved in lobbying.*

ETHICS CODE: Conflict of Interest (Section 8363)

6. Prohibitions

- (a) *No board member or employee shall:*
- *represent any party, for a contingent fee, before or involving the Board of Education*
  - *act as a compensated representative of another party in connection with a case, contract, or any specific matter in which he or she participated substantially as a board member or employee, within one (1) year following termination of service to the school system*
  - *use the prestige of office for personal benefit or that of another*
  - *use confidential information acquired in an official school system position for personal benefit or that of another.*
- (b) *An employee may not be in a position that directly supervises, evaluates, or disciplines an immediate family member. An employee may not use his or her position to benefit an immediate family member.*

The matter before the Ethics Review Panel is whether a BCPS personal assistant may receive supplemental compensation from the parent of the student for whom the services are performed. The receipt of such supplemental compensation would be a violation of Sections 8362 and 8363 of the Ethics Code.

Section 8362 (2) of the Code prohibits the receipt of gifts or gratuities from any person if such gifts would impair or tend to impair the impartiality or independence of the person receiving the gift. Supplemental pay under these circumstances would be construed to be a gift, since the amount is meant to supplement the rate of pay prescribed for the services performed.

Section 8363 (6) (a) of the Code restricts using an employee's position for personal benefit.

Therefore, it is the finding of the Ethics Review Panel that receipt of supplemental compensation paid by the parents of the student for whom services are performed is a violation of the Ethics Code as described above.

This opinion has been signed by the Ethics Review Panel members and adopted on September 26, 2007.

Roland L. Unger, CPA, chair  
Mary C. Burke, LCSW-C, BCD, vice chair  
Meryl D. Burgin, Esq., panel member

Raymond A. Hein, Esq., panel member  
Janel D. Sexton, M.A., Ph.D., panel member