

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 07-10

On September 26, 2007, the Ethics Review Panel adopted Advisory Opinion 07-10 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.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 07-10

Advisory Opinion 07-10 is in response to a request made by an employee of Baltimore County Public Schools (BCPS), inquiring as to whether it is permissible to hire a BCPS teacher for a school system program when that teacher also has a business for which essentially the same services are performed.

The relevant section of the Ethics Code is as follows:

ETHICS CODE: Conflict of Interest (Section 8363)

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.*

The matter before the Ethics Review Panel is whether a BCPS teacher in a school system program may also perform the same services for an outside business for which the teacher works.

Section 8363 (6) (a) of the Code restricts outside employment when such employment impairs the impartiality or independence of the employee. The panel feels that as long as the teacher does not privately see or solicit BCPS students that are seen in a BCPS teaching role, there would be no conflict of interest. The panel feels that as long as all of the provisions of the Code are honored in this relationship, there would be no violation of the Code.

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

Roland L. Unger, CPA, chair
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