

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: April 25, 2008

RE: Advisory Opinion 08-02

On March 20, 2008, the Ethics Review Panel adopted Advisory Opinion 08-02 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 Batoff, administrative liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 08-02

This Advisory Opinion 08-02 is in response to a request made by a petitioner, an employee of Baltimore County Public Schools (BCPS), inquiring as to whether it is permissible under the BCPS' Ethics Code, for BCPS' employees to accept summer employment, as independent contractors, with summer camp programs. According to the

facts presented by the petitioner, one such camp is an outreach enrichment program of the National Inventors Hall of Fame Foundation. The camp is a one-week program held in many BCPS' elementary facilities. Students who attend the camp may go to public, private, or parochial schools or may be home schooled during the academic school year. Enrollment is open to the general public, and the teachers do not select which children are accepted into the camp program.

The relevant section(s) of the Ethics Code are 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.*

The matter before the Ethics Review Panel is whether BCPS' teachers may work for the camp during the summer months without violating the Ethics Code. The panel finds that such employment, whether as an employee of the camp or an independent contractor, does not constitute a violation of the Ethics Code.

Ethics Code Section 8363(1)(b) prohibits a person engaged in outside employment from benefiting from business with the school system or from relationships with students. Based upon the facts, as presented, there is no indication that the teachers are engaged in the solicitation of BCPS' students to attend the camp or are compensated based upon the number of "campers" enrolled from the school system. The camp is part of a national foundation and, therefore, there is no reason for the panel to believe that BCPS' teachers are business owners of the camp. Therefore, the BCPS' teachers are not benefiting from business with the school system. As a result, the Ethics Review Panel finds that such employment is not a violation of the Ethics Code.

This opinion has been signed by the Ethics Review Panel members and adopted on March 20, 2008.

Meryl D. Burgin, Esq., chair

Raymond A. Hein, Esq., vice chair

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