

Advisory Opinion 22-04

This Advisory Opinion is in response to an *Application to Provide an Advisory Opinion* filed by a staff member working in the BCPS [REDACTED]

The staff member states that BCPS is participating in a five-year grant-funded study, conducted by professors at Johns Hopkins University (“JHU”), that is focused on ascertaining whether targeted professional learning opportunities that are provided to teachers results in increased student achievement among gifted and talented students.

The staff member advises that two teachers and one administrator from forty BCPS elementary schools will be participating in the study, along with staff from another Maryland school system and a school district in California. The staff member has been asked by the JHU professors to serve on an advisory board for the study, for which the staff member would be paid a \$2,000.00 honorarium. Accordingly, the staff member asks whether acceptance of this compensated position is permissible under the school system’s Ethics Code

Section IV of Board of Education Policy 8363, *Conflict of Interest-Prohibited Conduct*, regarding *Employment and Financial Interests*, provides that:

A. Except as permitted by Board policies when the interest is disclosed, or when the employment does not create a conflict of interest or appearance of a conflict, a school official may not:

1. Be employed by or have a financial interest in an entity that is:
 - a. Subject to the authority of the Board or school system; or
 - b. Negotiating with or has entered into a contract with the Board or school system; or
2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the school official.

B. The prohibition described in paragraph IV(A) does not apply to:

3. Employment or financial interests allowed by opinion of the Ethics Review Panel if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

The staff member, as a BCPS employee, is a “school official.” See Policy 6383, section II.D. It is the Panel’s understanding that BCPS currently has a contract with JHU regarding a mathematics program. While such a contract would often operate to preclude a staff member’s outside employment with that organization, in light of the unique circumstances of this matter, the Panel finds that the compensated secondary employment as a member of the advisory board does not create a conflict of interest or the appearance of a conflict of interest. As noted by the staff member, BCPS has elected to participate in this grant-funded study, thereby reflecting BCPS’ interest in the study. Because it appears that the advisory board furthers the purpose of the study, it further appears that the staff member’s participation on the advisory board would align with BCPS’ interests in the study, rather than create a conflict of interest. Accordingly, the Panel advises that the requested compensated service on the advisory board is permissible under BCPS’ Ethics Code.

When you are performing your duties as a member of the advisory board you should ensure that you utilize your own leave or personal time. Additionally, you should ensure that you do not utilize BCPS materials or equipment in furtherance of your work on the advisory board except as permitted in accordance with the terms of the grant-funded study. If you anticipate any material changes to your service on the advisory board, you may wish to seek a further advisory opinion from the Panel.

This Advisory Opinion has been adopted by the Ethics Review Panel members on June 8, 2022.

Tim Topoleski, Ph.D.
Chair

Thomas Keech, Esq.
Vice Chair

Owen Jarvis, Esq.
Panel Member

Ralph Sapia, Esq.
Panel Member

Cynthia Boyd, M.D. M.P.H.
Panel Member