

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 98-01

This advisory opinion is in response to a request made by [REDACTED] regarding 1) an inconsistency concerning two policies now in effect, Ethics Code policy 8363 and Superintendent's Rule 4133, and 2) to determine whether a current Board Policy 4115 and Superintendent's Rule 4115 captioned "Code of Ethics" required modification.

According to Policy 8363 of the Ethics Code, employees with instructional responsibilities are prohibited from tutoring current students "without written approval from the principal or other appropriate administrator." Rule 4133 flatly prohibits tutoring by any teacher who works in the same school that the tutored student attends.

The relevant sections of the Ethics Code and Superintendent's Rules are as follows:

*ETHICS CODE: Conflicts of Interest*

*Sec. 8363. 1. (c) Outside Employment*

*Any employee with instructional responsibility shall not tutor, for compensation, any student whom he or she is currently teaching without prior written approval from the principal or other appropriate administrator.*

*SUPERINTENDENT'S RULES: Personnel: Professional*

*Activities: Tutoring*

*The principal of the school involved and members of his/her staff are to consult with parents and to advise them with regard to tutoring. While such service may be advisable for some few students, it should be recommended only after all the resources of the school system have been utilized fully and when it definitely is believed that the best interests of the student are being served.*

*Principals are reminded that no teacher regularly employed in a school shall tutor during the school year any student who is enrolled in that school. Secondary school principals should review Graduation Requirements for Public High School in Maryland, Maryland State Department of Education.*

*Questions about this procedure should be directed to the appropriate Area Assistant Superintendent.*

The Panel members believe there should be consistency between the provisions cited and will make recommendation to the Board of Education that:

- 1) Ethics Code Section 8363.1.(c) be amended in accordance with the following:

*"Any employee with instructional responsibility shall not tutor, for compensation, any student whom he or she is currently teaching," and,*

2) that the following definition should be incorporated into the Ethics Code, Section 8360:

*"Tutoring means any private additional, special or remedial instruction performed for compensation," and,*

3) that the words "Code of Ethics" be deleted from Board Policy 4115 and Superintendent's Rule 4115.

This opinion has been signed by the Ethics Panel members.

5/21/98.



Roland L. Unger, C.P.A., Chair



James G. Klair, Esq., Vice Chair

ABSENT

Karen W. Allen, Panel Member



Donald A. Gabriel, Panel Member



Joy Shellman, Panel Member