

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 98-14

This Advisory Opinion 98-14 is in response to a request made by [REDACTED] for Baltimore County Public Schools, inquiring as to whether it is appropriate for him to engage in secondary employment as a consultant critiquing another state's exit standards for [REDACTED].

Policy 8363 of the Ethics Code prohibits employees from engaging in outside employment if that employment is incompatible with the performance of their official duties or if the employment affects their performance with the Baltimore County School System. Policy 8363 also prohibits employees from using confidential information gained through their employment with Baltimore County Public Schools for their personal enrichment, or from participating in such employment during hours for which they are compensated by Baltimore County Public Schools.

The relevant sections of the Ethics Code are as follows:

*ETHICS CODE: Conflict of Interest*

*Section 8363*

*Board members, employees, and volunteers shall not participate on behalf of the school system in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse, dependent child, ward, parent, or other who shares the Board member's, employee's, or volunteer's legal residence or a business entity with which they are affiliated.*

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 without prior written approval from the principal or other appropriate administrator.*

5. Royalties/Personal Gain

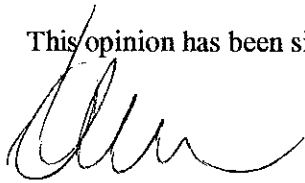
- (a) *No royalties will be paid to employees or volunteers for textbooks, instructional materials, or programs written or produced during working hours.*
- (b) *No Board member, employee, or volunteer, will be permitted to use—for commercial purposes—any photographs or information—including test scores and other confidential data—gained through his or her position unless prior approval is provided in writing from the Superintendent of Schools.*
- (c) *No Board member, employee, or volunteer will be permitted to compile lists of students' and/or parents' names, addresses, phone numbers, or related information available through his or her position for any other person or commercial enterprise unless the compilation of such data has been approved in writing by the individual's supervisor and serves a valid educational purpose and only as permitted by the provisions of the Annotated Code of Maryland, State Government Article, 10-611 et seq.*

The matter before the Ethics Panel is whether the Petitioner may engage in secondary employment during the employee's personal time when such employment does not employ Baltimore County Public School resources or materials.

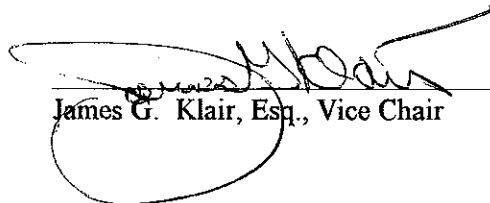
The Ethics Panel has concluded that this secondary employment request does not violate any of the aforementioned prohibitions of the Ethics Code involving conflicts of interest, which encompass provisions dealing with secondary employment.

In reference to Advisory Opinion 98-14, it is the opinion of the Panel that the Petitioner may engage in the secondary employment set forth in the Petitioner's application for an advisory opinion.

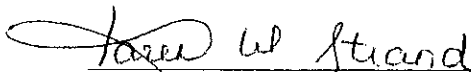
This opinion has been signed by the Ethics Panel members and adopted on 12/17/98.



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



James G. Klair, Esq., Vice Chair



Karen W. Strand, R.N., Panel Member

ABSENT

Donald A. Gabriel, Panel Member

*Joy Shillman*

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Joy Shillman, Panel Member