

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 99-04

This Advisory Opinion 99-04 is in response to a request made by [REDACTED] ("Petitioner"), an employee of Baltimore County Public Schools, inquiring as to whether it is appropriate for an Instructional Assistant (IA) to tutor, for compensation, students who are in classes they assist.

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 manner 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 actions of the employee*
 - affects the performance of the employee*

- (b) A person engaged in outside employment may not:*
 - benefit from business with the school or from relationship 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.*

This Panel has previously considered the issue of tutoring for compensation in Advisory Opinion 98-15. There we opined that a teacher may not engage in giving piano lessons, before or after school, to any student that he/she is currently teaching, as it would violate Policy 8363.

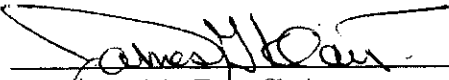
Here the Petitioner attempts to distinguish this prohibition by citing that an IA is paid a substantially lower salary than a teacher; is not obligated to work after school with students as are teachers; merely assists in the instruction within the classroom; and does not assign grades to students.

The Panel, after discussion, fails to see how these factors exempt an IA from the prohibitions of Policy 8363. An IA still has instructional responsibilities, even though supervised, and the amount of compensation is immaterial as the policy even applies to volunteers.

In reference to Advisory Opinion 99-04, it is the Opinion of the Panel that the aforementioned Instructional Assistant may not engage in the secondary employment described in the application for this advisory opinion.

This Advisory Opinion has been signed by the Ethics Panel members and adopted

on December 16, 1999.




James G. Klair, Esq., Chair

Absent

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



Joy Shillman, Panel Member



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



Donald A. Gabriel, Panel Member