

# BOARD OF EDUCATION OF BALTIMORE COUNTY

## ETHICS REVIEW PANEL

### ADVISORY OPINION 99-06

This Advisory Opinion 99-06 is in response to a request made by [REDACTED] ("Petitioner"), [REDACTED] regarding the outside employment of Ms. X., a speech-language pathologist for the Baltimore County Public Schools. Ms. X. is currently privately tutoring for compensation a student who is in a Baltimore County [REDACTED] outreach class. Ms. X. participated on the evaluation team that placed this student in this outreach class.

The relevant section of the Ethics Code is 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 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.*

The Panel finds that this section of the Ethics Code prohibits this secondary employment. Ms. X's participation on the evaluation team comprises a relationship with the student from which she, the teacher, does benefit. It also poses the possibility that she may have

confidential knowledge regarding this particular student that could impair impartiality or independence of judgment if she were called upon to participate in mediation or litigation issues concerning Special Education.

In reference to Advisory Opinion 99-06, it is the Opinion of the Panel that the aforementioned Petitioner be advised that the person about whom this inquiry was made 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 2/17/08

Joy Skillman  
Joy Skillman, Chair

Karen W. Strand  
Karen W. Strand, R.N., Vice Chair

James G. Klair  
James G. Klair, Esq., Panel  
Member

ABSENT  
Roland L. Unger, C.P.A., Panel Member

Donald A. Gabriel  
Donald A. Gabriel, Panel Member