

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 00-09

Advisory Opinion 00-09 is a request by representatives of the [REDACTED] Elementary School PTA concerning interpretation of Advisory Opinion 00-05, which resulted in the discontinuation of specific before- and after-school enrichment programs at [REDACTED]. The petitioners have asked that the panel advise the [REDACTED] PTA and [REDACTED] administrators that its "After School Sports" and "Early Morning Art" programs are not included under the prohibitions of Advisory Opinion 00-05.

The relevant section of the Ethics Code is as follows:

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.

The Panel agrees that the circumstances of Advisory Opinion 00-05, in which a student was tutored by a teacher during the summer and then requested by the guardian to be placed in that teacher's classroom the following year, does not bear resemblance to the situation that is under advisory review, per your request. However, the Panel does find that there is a conflict of interest in the continuation of the "Early Morning Art" and "After School Sports" programs. In both instances, teachers are being paid to provide instructional guidance to students before and after school. Even though the students paid a "modest sum" it was noted that at least a portion of this fee was paying for the teacher's instructional services. This is in direct conflict with *Ethics Code 8363: Conflict of Interest, Outside Employment, Section B*.

The Panel understands your desire to provide enrichment programs for the students and it is not the intent of the Ethics Code application to cause harm. We would suggest that the administration of [REDACTED] investigate the possibility of operating the enrichment programs. This would remove the conflict of teachers obtaining personal benefit from a business relationship with students. In addition, the administration would oversee the potential risk that may result from student activities outside of normal school hours.

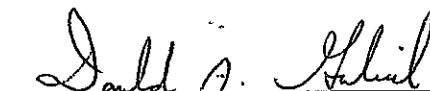
This Advisory Opinion has been signed by the Ethics Panel members and adopted on 2/15/01.



Karen Strand, Chair



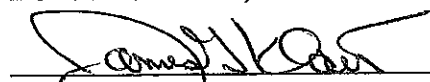
Joy Skillman, Panel Member



Donald A. Gabriel, Vice Chair



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



James G. Klair, Esq., Panel Member