

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: October 23, 2003

RE: Advisory Opinion 03-04

At its October 16, 2003, meeting, the Ethics Review Panel adopted Advisory Opinion 03-04 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8363, "any Board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the Panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the Panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through Outlook.

If you or members of your staff have any questions, please contact Risa Schuster, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 03-04

This Advisory Opinion 03-04 is in response to a request made by the petitioner, the mother of a student who is the recipient of the services of a personal assistant. The personal assistant is the student's grandmother, mother of the husband of the petitioner. The decision to have the grandmother be the personal assistant of the student was arrived at during the summer of 2003 and was approved by the school's IEP (Individualized Education Program) Team. The petitioner wants this relationship to remain intact such that the grandmother will continue to provide the services of personal assistant to the student.

Policy 8363 prohibits Baltimore County School System employees from supervising, evaluating, or disciplining any person who is an immediate family member.

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.

6. Prohibitions

(a) *No Board member or employee shall:*

- *represent any party, for a contingent fee, before or involving the Board of Education*
- *act as a compensated representative of another party in connection with a case, contract, or any specific matter in which he or she participated substantially as a Board member or employee, within one (1) year following termination of service to the school system*
- *use the prestige of office for personal benefit or that of another*
- *use confidential information acquired in an official school system position for personal benefit or that of another.*

(b) *An employee may not be in a position that directly supervises, evaluates, or disciplines an immediate family member. An employee may not use his or her position to benefit an immediate family member.*

Section 8363 does prohibit the supervision, evaluation, or disciplining of any person who is an immediate family member of the employee. The class specification for both Personal Assistant I and II calls for that position to maintain discipline and directly oversee the conduct of the student recipient of services. While the Panel is sensitive to the needs of the student, such a relationship does violate the Ethics Code and strictly prohibits such a professional relationship.

The Ethics Code, as written, recognizes the potential conflict of interest that may result from such relationships. If it were not for the fact that the person providing the services is a paid employee, such service would not be a violation (for example, service performed on a pro bono or gratis basis). The Ethics Panel concludes that this employment relationship does violate the Ethics Code since the personal assistant and employee providing the services to the student is the student's grandmother. A grandmother is defined within the Ethics Code as an immediate family member. Employees may not have a relationship that directly supervises, disciplines, or evaluates an immediate family member. There should be no further services performed under the aforementioned circumstances.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on October 16, 2003.

Roland Unger, CPA, Chair
Meryl D. Burgin, Esq., Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Karen Strand, RN, Panel Member
Vacant Position