

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads
FROM: Ethics Review Panel
DATE: January 25, 2008
RE: Advisory Opinion 07-13

On December 20, 2007, the Ethics Review Panel adopted Advisory Opinion 07-13 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "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 the *Superintendent's Bulletin* and Outlook.

If you or members of your staff have any questions, please contact Dr. Carol Batoff, administrative liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY
ETHICS REVIEW PANEL
ADVISORY OPINION 07-13

This advisory opinion is in response to a request by petitioner, an employee of the Baltimore County Public Schools (BCPS), who inquires whether BCPS employees may "teach/instruct" other BCPS employees at "local colleges and universities in cohort

programs, online programs, and courses held on BCPS campuses.” The participating institutes of higher education receive tuition paid by BCPS pursuant to a negotiated reimbursable rate, and such payments in turn are “most often used to pay the BCPS instructors.”

The panel considered the possibility that BCPS employees serving as instructors in the cohort programs are recruited, hired, or granted preferential treatment based on their BCPS employment. The application contained no information indicating how the instructors are selected. The Ethics Code, Policy 8363, section 1. (b), provides that a person engaged in outside employment may not “benefit from business with the school system...” Assuming that the cohort program instructors are not specifically recruited or hired because of their BCPS positions, the panel concluded that the outside employment of BCPS employees who teach other BCPS employees enrolled in courses as part of a cohort program does not violate the Ethics Code.

In connection with this application, panel members received an example of a “Cohort” contract between one of the participating universities and the Board of Education of Baltimore County (the Board). The panel noted that the contractual agreement between the contracting university and the Board includes a section 29 titled “Non-Hiring of Employees By Contractor or Board.” Although the hiring of BCPS employees to serve as instructors in the cohort programs may not violate the Ethics Code, appropriate representatives of the contracting parties should determine the contractual permissibility of such hirings.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on December 20, 2007.

Roland L. Unger, CPA, chair
Mary C. Burke, LCSW-C, BCD, vice chair
Meryl D. Burgin, Esq., panel member

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