

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 98-15

This Advisory Opinion 98-15 is in response to a request made by [REDACTED] employees of Baltimore County Public Schools, inquiring as to whether it is appropriate for a vocal music teacher at an elementary school to teach piano to students before and after school for compensation.

Policy 8363 of the Ethics Code prohibits employees from engaging in outside employment if that employment enables the person so engaged to benefit from business with the school system or from relationships with students. Policy 8363 also prohibits employees with instructional responsibility from tutoring, for compensation, any student that he/she is currently teaching.

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.

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.*

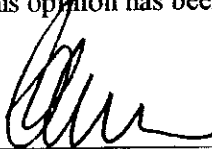
(c) Any employee with instructional responsibility shall not tutor, for compensation, any student whom he or she is currently teaching.

The matter before the Ethics Panel is whether a vocal music teacher may give piano lessons, before and after school, to students who pay the teacher for such instruction.

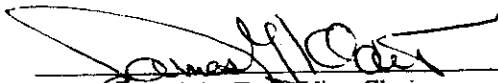
The Ethics Panel has concluded that this secondary employment does violate the Ethics Code since the instructing teacher is benefiting from business with the school system and possibly from relationships with students. It is also possible that the instructing teacher could be providing instruction to students whom the teacher is currently teaching, and this too would be a violation of the Code. If the instruction were not provided on Baltimore County Public School property, it would not change the decision of the Ethics Panel, since the same prohibitions would still apply.

In reference to Advisory Opinion 98-15, it is the opinion of the Panel that the aforementioned teacher may not engage in the secondary employment described in the application for an advisory opinion.

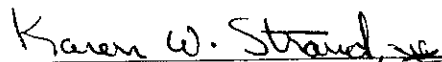
This opinion has been signed by the Ethics Panel members and adopted on 1/21/99.



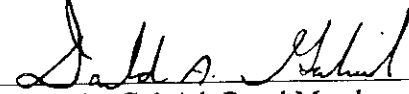
Roland L. Unger, C.P.A., Chair




James G. Clair, Esq., Vice Chair



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



Donald A. Gabriel, Panel Member



Joy Shillman, Panel Member