

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 99-05

This Advisory Opinion 99-05 is in response to a request made by [REDACTED] ("Petitioner"), an employee of the Baltimore County Public Schools, inquiring if it is appropriate for her, a speech language pathologist and consultant to schools regarding students with autism, to provide speech therapy services for compensation to a special education student who is in an outreach class for students exhibiting autistic behavior. The Petitioner participated on the evaluation team that placed this student in this particular 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. The Petitioner'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 99-05, it is the Opinion of the Panel that the aforementioned Petitioner may not engage in the outside employment described in the application for this Advisory Opinion.

This Advisory Opinion has been signed by the Ethics Panel members and adopted

on 2/17/00

Joy Shillman
Joy Shillman, Chair

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

James G. Clair
James G. Clair, Esq., Panel Member

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

Donald A. Gabriel
Donald A. Gabriel, Panel Member