

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 00-03

Advisory Opinion 00-03 is in response to a request by [REDACTED] (Petitioner) regarding her returning to work in the fall after a child rearing leave of absence. She is a part time Speech Pathologist. During her leave she worked ½ day a week in a private school and she would like to continue her position in the private school as she regains her position as a part time speech pathologist in the Baltimore County public schools. Some of the students in the private setting are funded by BCPS (Baltimore County Public Schools). Can she maintain both positions without this being a conflict of interest?

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 manner 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 from 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 the Petitioner would not be prohibited from working in both Baltimore County Public Schools and in the private school as described provided the Petitioner does not sit on any ARDs (Admission Review and Dismissal) involving any private school student she may teach or has taught or currently teaches. All teaching activity must be in compliance with the Ethics Code and any appearance of conflict of interest must be avoided. The Petitioner is advised that all activity in regard to providing speech therapy must be tailored not to conflict with Section 8363 of the Ethics Code.

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

on June 15, 2007

Joy Shillman
Joy Shillman, Chair

Karen W. Strand
Karen W. Strand, R.N., 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