

# BOARD OF EDUCATION OF BALTIMORE COUNTY

## ETHICS REVIEW PANEL

### ADVISORY OPINION 00-05

Advisory Opinion 00-05 is a request by [REDACTED] [REDACTED] ("Petitioner") concerning a first grade student who will be retained in that grade for the 2000-2001 school year. The student's parent has asked that one of the first grade teachers (not the child's current one) be allowed to tutor the child during the summer. In addition, the request includes asking that the teacher tutor on the school property while receiving tutorial compensation from a private individual ie. the pupil's parent. The parent has also asked that the student have this tutor for first grade this next school year (2000-2001).

#### 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 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.*


Concerning question 1: Can the teacher tutor a student during the summer if he/she is not that student's current teacher? Yes, it is possible for a teacher to tutor under the

condition that the teacher was not the student's teacher for that current school year. However, addressing the next two issues, the Panel finds that, according to the code, and according to previous Advisory Opinion 98-15, a teacher may not tutor on school property while receiving private compensation for that tutoring. The final request that the tutor be assigned as that student's teacher for the first grade in the next school year would not be in compliance with the Ethics Code. Working with a student over the summer nurtures a familiarity and a relationship that could impair that teacher's objectivity (impartiality) in regard to the student and is possibly a disadvantage to the others in the class. Therefore the Panel finds that a teacher other than the tutor should be assigned to that student for the 2000-2001 school year.

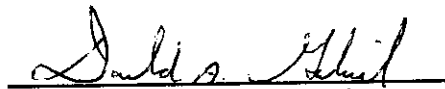
**This Advisory Opinion has been signed by the Ethics Panel members and adopted**

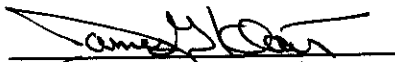
on July 20, 2000

  
Joy Shillman, Chair

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

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

  
Donald A. Gabriel, Panel Member

  
James G. Blair, Esq., Panel Member