

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

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TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: August 28, 2003

RE: Advisory Opinion 03-02

At its July 17, 2003, meeting, the Ethics Review Panel adopted Advisory Opinion 03-02 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8363, "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 Outlook.

If you or members of your staff have any questions, please contact Risa Schuster, Administrative Liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 03-02

This Advisory Opinion 03-02 is in response to a request made by the Petitioner, who asks whether the parent of a student with a disability may act as that student's Personal Assistant. The Personal Assistant provides direct services to the student. These services may include accompanying the student on field trips, providing refocusing prompts, and assisting with toilet and other self-care. These services are consistent with providing the student with the ability to operate as independently as possible in the learning

environment. This position is considered temporary, but the Personal Assistant is an employee of the school system.

Policy 8363 of the Ethics Code prohibits employees from serving in positions where there is direct supervision, evaluation, or discipline of an immediate family member. Employees may also not use their position to benefit an immediate family member.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Conflict of Interest

Sec. 8363. 6. Prohibitions

(a) No Board member or employee shall:

- *represent any party, for a contingent fee, before or involving the Board of Education*
- *act as a compensated representative of another party in connection with a case, contract, or any specific matter in which he or she participated substantially as a Board member or employee, within one (1) year following termination of service to the school system*
- *use the prestige of office for personal benefit or that of another*
- *use confidential information acquired in an official school system position for personal benefit or that of another.*

(b) An employee may not be in a position that directly supervises, evaluates, or disciplines an immediate family member. An employee may not use his or her position to benefit an immediate family member.

Section 8363 of the Ethics Code clearly prohibits the direct supervision, evaluation, disciplining, or benefiting of an immediate family member. The student in this case would be an immediate family member of the Personal Assistant/parent. While it is understandable that such relationships seem to be in the best interest of the student, such relationships are prohibited due to the fact that conflicts of interest may arise when such relationships exist in the work environment. Potential conflicts may manifest themselves in the form of loss of objectivity in the supervision, evaluation, or discipline of the student or the student's work. The Panel finds that the proposed relationship between parent and student would violate Section 8363 of the Ethics Code.

This Advisory Opinion has been signed by the Ethics Review Panel members and adopted on July 17, 2003.

Roland Unger, CPA, Chair
Meryl D. Burgin, Esq., Vice Chair
Donald A. Gabriel, Ph.D., Panel Member

Joy Shillman, Panel Member
Karen Strand, RN, Panel Member