

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

Roland L. Unger, CPA, Chair
Mary C. Burke, LCSW-C, BCD, Vice Chair
Meryl D. Burgin, Esq.
Raymond A. Hein, Esq.
Janel D. Sexton, M.A., Ph.D.

6901 Charles Street
Towson, Maryland 21204-3711
Phone: 410-887-4138
Fax: 410-887-4308

TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: September 7, 2007

RE: Advisory Opinion 07-05

On July 19, 2007, the Ethics Review Panel adopted Advisory Opinion 07-05 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "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 the *Superintendent's Bulletin* and Outlook.

If you or members of your staff have any questions, please contact Dr. Carol Batoff, administrative liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 07-05

This Advisory Opinion 07-05 is in response to a request made by petitioner, an employee of Baltimore County Public Schools (BCPS), inquiring as to whether it is permissible for a BCPS personal assistant to supply babysitting services during the summer for a student to whom she has provided BCPS services.

The relevant section(s) of the Ethics Code are as follows:

ETHICS CODE: Definitions (Section 8360)

***Employee** means an individual whose compensation is paid in whole or part by the Board and/or is a student teacher for the school system.*

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 Review Panel is whether a BCPS employee acting as a personal assistant for a student during school hours may provide babysitting services for compensation for that student during the summer when school is not in session.

Personal assistants are hired to provide services during the school year. They are not contracted for any period other than when school is in session. They also receive no compensation in the form of salary or benefits during the summer. Therefore, these

people are not considered employees during the summer when school is not in session, and they are subject to be rehired for the following school year.

Section 8363, 1. (b) of the Ethics Code prohibits any employee or volunteer engaged in outside employment from benefiting from relationships with students. Since the personal assistant does not meet the definition of employee under the Ethics Code Section 8360, the personal assistant does not come under the jurisdiction of the Ethics Code. Should the BCPS personal assistant elect to provide babysitting services during the summer, the Ethics Code would not preclude such activity.

This opinion has been signed by the Ethics Review Panel members and adopted on July 19, 2007.

Roland L. Unger, CPA, chair
Mary C. Burke, LCSW-C, BCD, vice chair
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