

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 15-06


This Advisory Opinion 15-06 is in response to an Application to Provide an Advisory Opinion, filed by Applicant, who requested an Opinion about whether the behavior prohibited by Board Policy 4005 – Tutoring/Educational Services – is covered by the Ethics Code Policy, specifically 8363. The Opinion is sought because BCPS staff is considering recommending that Policy 4005 be deleted.

Board Policy 4005 is a one page Policy relating specifically to Tutoring/Educational Services. It states that employees “shall not provide tutoring or educational services of any type for private gain to Baltimore County Public School System (BCPS) students whom the employees currently teach.” It further provides that employees “shall not use BCPS facilities or equipment to provide tutoring or educational services for private gain.”

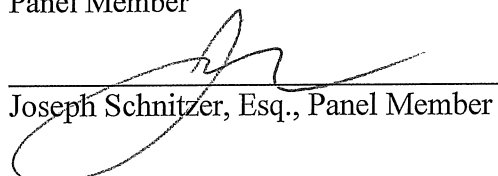
Policy 8363 is a five (5) page document regarding Conflict of Interest – Prohibited Conduct. The last sentence of that Policy states: “An employee with instructional responsibility shall not tutor, for private gain, any student whom he or she is currently teaching.” In comparing the two Policies, it would appear that the language is similar, but not identical, and Policy 4005 contains language regarding facilities and equipment that is not contained in Policy 8363.

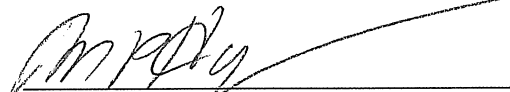
Section VII of Policy 8366 (Ethics Review Panel) provides that an individual may “request that the Panel issue an advisory opinion concerning the application of these policies.” In reviewing the Application to Provide an Advisory Opinion in this matter, the Panel is not certain that it is seeking an opinion concerning the application of the Policy; rather, it appears to seek an analysis of Policy 4005, over which the Panel has no jurisdiction. Notwithstanding that issue, however, the Panel would note that the two Policies, while similar, do contain different language and it would further note that as a “stand-alone” Policy on the topic of providing tutoring and educational services, Policy 4005 appears to more specifically reference those issues and therefore, although Policy 8363 may attempt to accomplish the same outcome, an employee may be more likely to review Policy 4005 if that employee is seeking to find information on tutoring.

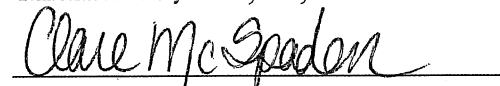
This opinion has been signed by the Ethics Review Panel members and adopted on February 3, 2016.


Theresa E. Barrett, Chair

TERM EXPIRED 12/31/2015
Mary C. Burke, LCSW-C, BCD,
Panel Member


Joseph Schnitzer, Esq., Panel Member


Michael Hofmann, Sr., Vice Chair


Clare McSpaden, Esq., Panel Member