

ADVISORY OPINION 23-08

This advisory opinion is in response to your request, [REDACTED] whether it would be a violation of the Board of Education's Ethics Code for the co-chair [REDACTED] to be a paid consultant with the Baltimore County Public Schools.

The Panel considered the following background information when it processed your request:

- The request is being made on behalf of a third-party, not yourself.
- The [REDACTED] serves as an advisory council to the Baltimore County Board of Education's [REDACTED].
- The purpose [REDACTED] is to provide engagement opportunities for both internal and external stakeholders to discuss systemic [REDACTED] challenges that are impacted by policy and budget decisions.

The relevant sections of the Baltimore County Board of Education Ethics Code provide as follows:

Policy 8363, *Conflict of Interest – IV and VII: Prohibited Conduct*

IV. Employment and Financial Interests

A. Except as permitted by Board policies when the interest is disclosed or when the employment does not create a conflict of interest or appearance of a conflict, a school official may not:

1. Be employed by or have a financial interest in an entity that is:
 - a. Subject to the authority of the Board or school system; or
 - b. Negotiating with or has entered into a contract with the Board or school system; or
2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the school official.

B. The prohibition described in Paragraph IV(A) does not apply to:

1. A school official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with policies adopted by the Board;
2. Subject to other provisions of regulation and law, a member of the Board in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment:
 - a. Was publicly disclosed to the appointing authority and the Ethics Review Panel at the time of appointment; or

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- b. Was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the school board; or
3. Employment or financial interests allowed by opinion of the Ethics Review Panel if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

VII. Use of Prestige of Office

A. A school official may not intentionally use the prestige of office or public position:

1. For private gain of that school official or the private gain of another; or
2. To influence, except as part of the official duties of the school official or as a usual and customary constituent service by a member of the Board without additional compensation, the award of a state or local contract to a specific person.

Policy 8363, *Conflict of Interest – II. Definitions*

D. *School Official* – Each member of the Board of Education of Baltimore County, the Superintendent, and school system employees.

Policy 8363, *Ethics Code – Applicability*

The Ethics Code of the Board of Education of Baltimore County (Board) applies to members of the school Board, candidates to be members of the school board, the Superintendent, and employees.

Policy 8363, *Ethics Code – Definitions*

I. *Employee* –

1. An employee of the Board of Education or the school system.
2. “Employee” includes the Superintendent.

AA. *School Official* – Each member of the Board of Education of Baltimore County, the Superintendent, and school system employees.

BB. *School System* – The Baltimore County Public School system under the authority of the Board.

The Panel notes that a paid consultant who provides services to the Board of Education is not an employee of the Board of Education or the school system, nor a school official.

The Panel further notes that the Ethics Code does not apply to volunteers, such as individuals who volunteer to serve on advisory councils or committees.

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Accordingly, based upon the information that you have provided, the Panel advises that it would not be a conflict of interest for a consultant, who is not an employee of the Baltimore County Public Schools, to serve in a volunteer capacity [REDACTED].

The Panel would like to express its appreciation for this request for an advisory opinion and your sensitivity to the ethical considerations that generated the request.

This Advisory Opinion has been adopted by the Ethics Review Panel members at its August 17, 2023, meeting.

Tim Topoleski, Ph.D.
Chair

Thomas Keech, Esq.
Vice Chair

Ralph Sapia, Esq.
Panel Member

Owen Jarvis, Esq.
Panel Member

George Makris, Esq.
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