

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 99-01

This Advisory Opinion 99-01 is in response to a request made by [REDACTED] and [REDACTED] ("Petitioners"), employees of Baltimore County Public Schools, inquiring as to whether it is appropriate for them to contract their services for compensation to individual Baltimore County Schools to provide written supplemental question packets for reading text series in the MSPAP format.

Both Petitioners were present at the January 21, 1999, meeting of the Panel and gave a presentation. The Panel was told that the Petitioners were given a summer equity grant by Baltimore County Schools to prepare for [REDACTED] Elementary School review questions for a reading series structured to the MSPAP. Interest in this project has apparently been expressed by other Baltimore County Public Schools. The format developed by the Petitioners has been submitted to the Curriculum Development Office for review. The Petitioners have proposed to offer, for compensation, their services to other schools to develop these types of instructional materials.

Policy 8363 of the Ethics Code prohibits employees from engaging in outside employment if that employment enables the person so engaged to benefit from business with the school system.

The relevant sections of the Ethics Code are as follows:

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 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 Panel is whether offering these services to individual schools for compensation would be in violation of the Ethics Code.

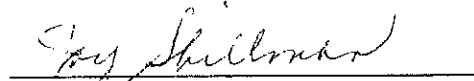
The Ethics Panel has concluded that such secondary employment clearly violates the Ethics Code since offering these services would result in the Petitioners benefiting from business with the school system. The panel also is of the opinion that since the format of the question packets structured to the MSPAP were developed under an equity grant for which Baltimore County School funds were expended to the benefit of the Petitioners, the school system has a proprietary interest in the work product developed under the summer equity grant.

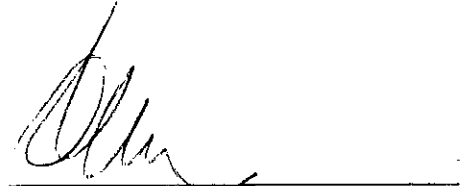
As to Advisory Opinion 99-01, it is the opinion of the Panel that the secondary employment proposed by the Petitioners described in the application for an advisory opinion would be a violation of the Ethics Code and is prohibited.

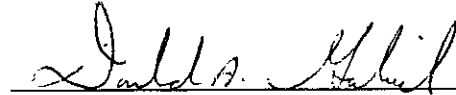
This Opinion has been signed by the Ethics Panel members and adopted on
February 25, 1999.


James G. Klair, Esq., Chair

ABSENT
Karen W. Strand, R.N., Panel Member


Joy Shillman, Panel Member


Roland L. Unger, C.P.A., Vice Chair


Donald A. Gabriel, Panel Member