



Educators Moonlighting as Tutors, Coaches and the Like Must Avoid Conflicts of Interest

By Leonard D. Williams Jr., Staff Attorney

Merriam-Webster defines a conflict of interest as “a conflict between the private interests and the official responsibilities of a person in a position of trust.” Students, parents and educators benefit from an

unbiased learning environment. Therefore, educators need to steer clear of conflicts.

A potential problematic situation arises when an educator has a side business or second job and students or their parents are potential customers. While it may be ethical for students and parents to patronize an educator’s private business, an educator should always review his or her school’s or school board’s policies and obtain written permission from an administrator or the local board of education, if necessary, before entering into any business relationships with students or their parents. Unless expressly approved by one’s employer, an educator may not solicit students or parents to purchase goods or services for the educator’s personal gain.

Educators should also avoid initiating private business relationships with students or their parents. Compensated private tutoring, for example, is a common service that teachers provide. While it is legal and ethical to tutor for pay, a teacher should not market tutoring or other services directly to his or her students or their parents during class or any other official school activity. Further, a teacher may not charge a fee to teach something privately that should have been (but wasn’t) covered in class.

An educator must also avoid blatant conflicts, such as a baseball coach recommending hitting lessons for a player then immediately offering services as a private hitting coach for pay. What about an



educator who wishes to utilize a commercially available service, such as lawn care, from a student or parent? A problem is unlikely to arise so long as the student or parent offers the same service to others in the community at a similar rate.

KINDLY DECLINE EXPENSIVE GIFTS

Gifts are another area of concern. It is not inherently unethical or illegal to accept gifts from students or their parents, but caution is advised. Generally, the more expensive the gift, the greater the chance that the appearance of a conflict of interest may arise. A good rule of thumb is if the gift is valued at less than \$50 and there was no quid pro quo (i.e., an agreement that the student or parent would provide the gift in exchange for something the teacher gave to or did for the student), it is probably permissible to accept it (with written consent of the principal,

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as added protection). If the value is more than \$50, it's probably best to kindly decline it unless you have written permission from the superintendent or a designee to accept it. It may also be permissible to accept a gift from the class (as opposed to a gift from an individual) worth more than \$50, but it's still best to obtain written permission from the principal.

When handling school funds, follow

the local board of education's policy manual and the Georgia Code of Ethics for Educators. One should also follow protocol regarding keeping financial records and depositing and spending school monies. If there are no written policies for a particular issue, ask for a written directive from administration. Never use school funds for non-school-related purposes without written permission from an administrator or commingle school funds with personal funds. Finally, be sure that all requests for reimbursement of expenses or pay that are submitted are honest and accurate.

In summary, use a healthy dose of caution to avoid conflicts of interest. When in doubt, always consult the school or local board policy manual or request a written directive from an administrator.

For more information on this or any other legal issue, please contact the PAGE Legal Department at 770-216-8555. ■

