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FROM: Samantha M. Biletsky *SMB*

TO: All DOE Employees

RE: Conflicts of Interest In Schools; Prohibited Financial Relationships; Guidelines On Working For An Outside Entity; Guidelines On Tutoring

DATE: December 4, 2009

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The New York City Conflicts of Interest Law, and Chancellor’s Regulation C-110 on conflicts of interest, applies to all Department of Education (“DOE”) employees. Pursuant to these laws and rules, the following memorandum lists and discusses prohibitions and restrictions regarding financial relationships and other conduct of all DOE employees.

FINANCIAL RELATIONSHIPS BETWEEN STAFF AND PARENTS FROM THE SAME SCHOOL ARE PROHIBITED

- All school staff, including substitute teachers, are prohibited from entering into any financial relationship or business relationship with any parents¹ or students from their school, or with any sibling of any student from their school, no matter what school the sibling attends.
 - Examples of prohibited financial relationships include, but are not limited to: tutoring, babysitting, loaning money, selling products, such as cosmetics, or other items, selling Girl Scout cookies, contributing to charitable causes, and participating in a savings club (or “sou-sou”). Tutoring is defined as: teaching a student or students, outside school, for pay directly from a parent, or through a separate entity, on any school subject, a sport, art, a musical instrument, or test preparation.
 - The prohibitions for substitute teachers and other school staff who work in more than one school apply to all schools in which they work.

¹ Parent is defined as a student’s parent or guardian or any person in a parental or custodial relationship to the student, or the student if s/he is an emancipated minor or is 18 or older.

- Waiver requests will be considered on a case-by-case basis and will only be granted in limited circumstances, such as when a student has a long-term illness. Any requests for a waiver of these rules should be directed to the DOE Ethics Officer.

GUIDELINES ON PERMISSIBLE TUTORING AND SIMILAR SERVICES

Tutoring Where Employees Are Paid Directly By Parent

- As long as the above-described prohibitions are followed, school staff may provide tutoring or other similar services to students for pay directly from parents.
- Private tutoring or other services cannot take place on DOE property.
- DOE resources, including but not limited to supplies, materials, and equipment, cannot be used to provide private tutoring or other services.
- Employees cannot engage in private tutoring or other services during their DOE work hours.
- All other applicable conflicts of interest laws and rules must be followed, including, but not limited to, rules regarding anti-nepotism.

Working For **Any** Outside Entity, Including But Not Limited To: Tutoring Businesses And Similar Entities

- DOE employees may also work as tutors or at other jobs for entities.
- If the entity does business with the City or with DOE, the DOE employee must obtain DOE permission and a waiver from the New York City Conflicts of Interest Board before becoming employed by or acting as a consultant to the outside entity. Contact the DOE Ethics Officer for further guidance.
- Employees cannot tutor students from their DOE class, or their siblings, no matter what school the sibling attends.
- There may also be restrictions on tutoring other students from the employee's school. Contact the DOE Ethics Officer for further guidance.

FINANCIAL RELATIONSHIPS BETWEEN SUPERVISORS AND SUBORDINATES ARE PROHIBITED

- Supervisors and subordinates are prohibited from entering into any financial or business relationships with each other.
- Examples of prohibited financial or business relationships include, but are not limited to: loaning money, renting an apartment, selling products, such as cosmetics or other items, and participating in a savings club (or "sou-sou").
- Supervisors are prohibited from selling any items to subordinates, including Girl Scout cookies, and from asking subordinates to contribute to their charitable causes.
- Please also review the DOE Anti-Nepotism Memorandum which prohibits supervisors from hiring or employing near relatives and associates.

Exceptions

- Supervisors may buy Girl Scout cookies and similar items from subordinates, and may contribute to their charitable causes, up to a maximum of \$25.

Please contact DOE Ethics Officer Samantha M. Biletsky at (212) 374-3438, or sbiletsky@schools.nyc.gov if you have any questions.