

ETHICS POLICY REGARDING PRIVATE BUT PUBLIC EDUCATION-RELATED ACTIVITIES **DT**

Definitions:

For the purpose of this policy, the following definitions apply:

- “Activity Sponsor” means a private or public individual or entity from which the employee of the District receives compensation of any sort and in which public school students participate.
- “Extracurricular Activities” means activities for students, which are recognized or sanctioned by the school or District, which may supplement or complement, but are not an official part of, its required program, or regular curriculum.
- “Private but Public Education-Related Activities” means any type of activity for which the employee receives compensation and the principle clients are students at the school where the employee works. Such activities include but are not limited to:

-) Tutoring
-) Lessons;
-) Clinics;
-) Camps; or
-) Travel Opportunities.

Prohibition Upon Educator Participation in Private But Public Education-Related Activities:

A District employee who participates in a private but public education-related activity shall ensure that his or her participation in the activity is separate and distinguishable from the employee’s public employment in relation to a private but public education-related activity, the employee may not.

- a. Use education records or information obtained through employment with the district to promote the activity unless the records or information have been made available to the general public and the requirement of Federal Education Rights Privacy Act (“FERPA”) have been complied with;
- b. Use school time to promote, discuss, or prepare for the activity;
- c. State or imply to any person or entity that participation in a school sponsored program or extracurricular activity is conditioned in any way for participation in the activity.
- d. Give or withhold credit based on participation in the activity, including but not limited to clinics, camps, private programs or travel activities that are not equally and freely available to all students;

- e. Contact any students at public schools except as provided for below.

Activities an Educator May Engage In:

In relation to a private, but public related activity, an employee may:

1. Offer public education-related services, programs or activities to students provided that they are not advertised or promoted during school time and consistent with the policy.
2. Discuss the activity with students or parents, but only outside of the classroom and the regular school day.
3. Use directories, which are available to the general public to identify prospective clients, such as school phone directories distributed or made available to the public.
4. Use student or school publications in which commercial advertising is allowed to advertise and promote the activity.

Advertising:

An employee may purchase advertising space to advertise an activity or service, whether or not sponsored by schools in the District or by the District, in a publication that accepts advertising.

The advertisement may identify the activity participants and leaders or service provides by name, provide non-school telephone numbers and provide details of the employee's employment experience and qualifications.

Posters and brochures may be posted or distributed only at times and in areas of schools and District buildings where members of the general public are allowed to do so.

Unless the District sponsors the activity, the advertisement shall state clearly and distinctly in bold lettering that the activity is NOT sponsored by the school or District.

Neither the name of the school nor the District shall be named in the advertisement except in connection with the employee's employment history or, if school facilities will be used under the District public civic center use policy.

Copies of Contracts Provided to District:

The educator must provide to the principal at the school where he or she is employed a signed copy of all contracts between him or her and the private activity sponsor. The District will maintain a copy of these contracts and this disclosure in the employee's personnel file. The employee who engages in any private but public education-related activities should provide a written disclosure to the District, which states as follows:

‘WRITTEN VERIFICATION BY EMPLOYEE’

I have provided to the principal of my school a signed copy of all contracts between the private activity sponsor and myself. I understand that the School District will maintain a copy of these contracts and this disclosure in my personnel file.

I represent and warrant that the private activity is not sponsored by the school or school district, that my responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities that I may have as an employee of the School District, and also that my activities undertaken in connection with the private sponsor will not interfere in any way with my employment with the School District. I agree to comply with laws and rules of the state and District policies regarding my advertising and participation.

I agree to abide by all laws and rules of the State of Utah and School District policies.

Utah Admin Code R277-107