

## **I. Board Directive**

The Board of Education is aware that occasionally employees provide or participate in private but public education-related activities outside of their public education employment. The Board directs the Administration to set direction and parameters in policy which define when an employee is acting within the scope of employee duties with respect to LEA activities, identifies when an employee does not represent the LEA, and provides notice to employees regarding disclosure duties ([Utah State Board Rule R277-107](#)).

## **II. Administrative Policy**

### **A. Definitions**

For purposes of this policy the following definitions apply:

1. "Activity Sponsor" means a private or public individual or entity from which the employees of the LEA receive compensation of any sort and in which public school students participate.
2. "Extra-Curricular Activities" means activities for students that are recognized or sanctioned (but not necessarily sponsored) by the school or LEA that may supplement or complement required programs or regular curriculum.
3. "Private but Public Education-Related Activities" means an activity in which an employee participates and receives compensation from current or prospective students of the LEA. Such education-related activities include but are not limited to:
  - a. Tutoring
  - b. Lessons
  - c. Clinics
  - d. Camps
  - e. Travel Opportunities

Private but Public Education-Related Activities are treated as Non-LEA Sponsored events.

### **B. Employee Participation in Private but Public Education-Related Activities**

1. An employee may participate in a private but public education-related activity if the activity is separate and distinguishable from employment in the LEA and does not interfere with performing the duty of employment with the LEA in any way.
2. In promoting a private activity, an employee may not:
  - a. Contact any students at public schools except as stated in section B. 3. of this policy.
  - b. Use education records or information obtained through employment with the LEA unless the records or information have been made available to the general public and the requirement of the Federal Education Rights Privacy Act (FERPA) has been met.
  - c. Use school time and/or materials to promote, discuss, or prepare for the private activity.

- d. State or imply to any person or entity that participation in a private activity is required for any school program.
  - e. Give or withhold credit based on participation in the private activity, including but not limited to clinics, camps, private programs or travel activities that are not equally and freely available to all students.
3. In promoting a private activity, an employee may:
    - a. Offer public education-related services, programs or activities to students provided they are not advertised or promoted during school time and consistent with the policy.
    - b. Discuss the private activity with students or parents only outside of the classroom and the regular school day.
    - c. Use directories that are available to the general public to identify prospective clients such as high school phone directories distributed or made available to the public.
    - d. Use student or school publications in which commercial advertising is allowed to advertise and promote the private activity.
  4. A student, but not an employee, may submit a request for approval of school credit based on an extra-curricular educational experience under LEA policies. Credit(s) applied for any extracurricular educational experience must be earned from a fully accredited program as per [Utah Code §53G-6-406](#).

C. Directives Regarding Advertising of Private Activities

The following directives apply to advertising private activities where employees are involved or affiliated in any way with the group, entity, association or company promoting or sponsoring the private activity:

1. An employee may purchase advertising space to advertise an activity or service in a publication that accepts advertising, whether or not sponsored by schools in the LEA or by the LEA. Such publications include school newspapers and yearbooks but not school newsletters.
2. The advertisement may identify the activity participants and leaders or service providers by name, provide non-school telephone numbers, and provide details of the employee's employment experience and qualifications.
3. Posters and brochures may be posted or distributed only at times and in areas of schools and LEA buildings where members of the general public are allowed to do so.
4. Unless the activity is sponsored by the LEA, the advertisement shall state clearly and distinctly in bold lettering that the activity is NOT sponsored by the school or LEA.
5. Neither the school nor the LEA shall be named in the advertisement except in connection with the employee's employment history or, if school facilities will be used under the LEA public civic-center use policy.

D. Parent Notice and Permission

Prior to any travel or other activity listed in A. 3. of this policy, parents or legal guardians of all students shall be notified and the parents shall have signed a release of liability form. This form shall be kept in the administrative office(s) of the school.

E. Copies of Contracts Provided to LEA

The employee must provide to the principal at the school where he/she is employed a

signed copy of all contracts between him/her and the private activity sponsor. The employee who engages in any private but public education-related activity shall provide a signed disclosure statement to the LEA available from local principals.