



Spectrum Academy Board of Directors		
Policy: Educational Services Outside an Educator's Regular Employment		
Approved: 5/20/2020	Revised:	Monitoring: As Needed

I. Purpose

The purpose of this policy is to provide direction and parameters for employees who provide or participate in public education-related services or activities outside of their regular public education employment.

II. Policy

The Board recognizes that public school educators have expertise and training in various subjects and skills and should have the opportunity to enrich the community with their skills and expertise while still respecting the unique public trust that public educators have.

Definitions

- (1) "Activity sponsor" means a private or public individual or entity that employs an employee in any program in which public school students participate.
- (2) "Extracurricular activity" means an activity for students recognized or sanctioned by Spectrum Academy (LEA), which may supplement or compliment, but is not part of, LEA's required program or regular curriculum.
- (3) "Public education employee" or "employee" means a person who is employed on a full-time, part-time, or contract basis by the LEA.
- (4)(a) "Private, but public education-related activity" means any type of activity for which:
 - (i) a public education employee receives compensation; and
 - (ii) the principle clients are students at the LEA.
- (b) "Private, but public education-related activity" may include:
 - (i) tutoring;
 - (ii) lessons;
 - (iii) clinics;
 - (iv) camps; or
 - (v) travel opportunities.

Spectrum Academy's Relationship to Activities Involving Educators

- (1) The LEA may sponsor extracurricular activities or opportunities for students.
- (2) Extracurricular activities are subject to:



- (a) school fee laws and rules, including the provisions of R277-407;
 - (b) fee waivers;
 - (c) procurement laws; and
 - (d) all other applicable laws and rules.
- (3) An employee that participates in a private, but public education-related activity, is subject to the following requirements:
- (a) An employee's participation in the activity shall be separate and distinguishable from the employee's public employment;
 - (b) An employee may not, in promoting private, but public education-related activity:
 - (a) contact students at school, except as permitted by this rule; or
 - (b) use education records, resources, or information obtained through the employee's public employment unless the records, resources, or information are readily available to the general public.
 - (4) An employee may not use school time to discuss, promote, or prepare for:
 - (a) a private activity; or
 - (b) a private, but public education-related activity.
 - (5) An employee may:
 - (a) offer private, but public education-related services, programs or activities to students provided that they are not advertised or promoted by the employee during school time;
 - (b) discuss a private, but public education-related activity with students or parents outside of the classroom and the regular school day;
 - (c) use student directories or online resources which are available to the general public; and
 - (d) use student or school publications in which commercial advertising is allowed, to advertise and promote the activity.
 - (6) An employee may not condition credit and participation in a public school program or activity on a student's participation in such activities as clinics, camps, private programs, or travel activities, which are not equally and freely available to all students.
 - (7) No employee may state or imply to any person that participation in a regular school activity or program is conditioned on participation in a private activity.
 - (8) No provision of this rule shall preclude a student from requesting or petitioning the LEA for approval of credit based on an extracurricular educational experience consistent with LEA policy.

Advertising

- (1) An employee may purchase advertising space to advertise an activity or service in a publication, whether or not sponsored by the school, that accepts paid or community advertising.



- (2) A paid advertisement in a school publication may identify the activity, participants, and leaders or service providers by name, provide non-school contact information, and provide details of the employee's employment experience and qualification.
- (3) An employee may post or distribute posters or brochures in the same manner as could be done by a member of the general public, advertising private services, consistent with LEA policy.
- (4) Unless an activity is sponsored by the LEA, a paid advertisement in a school publication shall state clearly and distinctly that the activity is NOT sponsored by the LEA.
- (5) The name of the LEA may not be used in an advertisement unless the LEA's name relates to the employee's employment history or if school facilities have been rented for the activity.
- (6) If the name of an employee offering a service or participating in an activity is stated in any advertisement sent to the employee's students, or is posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school sponsored.

Public Education Employees

- (1) A public education employee shall comply with Title 63G, Chapter 6a, Utah Procurement Code.
- (2) A public education employee shall comply with Title 67, Chapter 16, Public Officers' and Employees' Ethics Act.
- (3) Except as provided in Subsection (4), consistent with Section 63G-6a-2404 and Title 67, Chapter 16, Public Officers' and Employees' Ethics Act, a public education employee may not solicit or accept gifts, incentives, honoraria, or stipends from private sources:
 - (a) for the employee's personal or family use;
 - (b) in exchange for payment for advertising placed by the employee; or
 - (c) in exchange for payment for securing agreements, contracts or purchases between a private company and public education employer, programs or teams.
- (4) A public education employee may accept a gift, incentive, honoraria, or stipend from a private source if the gift, incentive, honoraria, or stipend is:
 - (a) of nominal value and is for birthdays, holidays, or teacher appreciation occasions; or
 - (b) a public award in recognition of public service; and
 - (c) consistent with LEA policies and the Utah Public Employees' Ethics Act.
- (5) A public education employee who holds a Utah educator license may be subject to license discipline for violation of this Rule R277-107 and related provisions of Utah law.



Public Education Employee/Sponsor Agreements or Contracts

- (1) An agreement between an employee and a sponsor of a private, but public education-related activity shall be signed by the employee and include the following acknowledgments:
 - (a) the parties understand that the activity is not sponsored by the LEA;
 - (b) the employee's responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities the employee may have as a public education employee; and
 - (c) the employee agrees to comply with laws and rules of the state and policies regarding advertising and employee participation.
- (2) An employee shall provide their respective LEA regional director with a signed copy of all contracts between the employee and a sponsor of a private, but public-education related activity.
- (3) The LEA shall maintain a copy of a contract described in Subsection (2) in the employee's personnel file.