

# ROCKWELL CHARTER SCHOOL

## Educational Services Outside of an Educator's Regular Employment

### **Purpose**

The Board of Directors acknowledges that public school educators have expertise and training in various subjects and skills and should have the opportunity to use these to enrich the community while upholding the public trust. Therefore, the board has established this policy, in accordance with Utah Admin. Code R277-107, to provide guidelines for employees who provide or participate in public education-related services or activities outside of their regular employment. The board

### **Definitions**

Activity Sponsor: means a private or public individual or entity that employs an employee in any program in which public school students participate.

Extracurricular Activity: means an activity for students recognized or sanctioned by an LEA which may supplement or complement, but is not part of, the LEA's required program or regular curriculum.

Public Education Employee: means a person who is employed on a full-time, part-time, or contract basis by an LEA.

Private but Public-Education-Related Activity: means any type of activity for which a public education employee receives compensation; and the principal clients are students at the school where the employee works including, but not limited to, tutoring, lessons, clinics, camps, or travel opportunities.

### **School's Relationship to Activities Involving Educators**

The school may sponsor extracurricular activities or opportunities for students which are subject to:

- School fee laws and rules, including the provisions of Utah Admin. Code R277-407;
- Fee waivers;
- Procurement laws; and,
- All other applicable laws and rules.

### **Allowances and Prohibitions for Employees and Students**

An employee who participates in a private but public education-related activity is subject to the following requirements:

- An employee's participation in the activity shall be separate and distinguishable from the employee's public employment;
- An employee may not, in promoting private but public-education related activities:
  - Contact students at a public school, except as permitted by this policy; or,
  - 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.
- An employee may not use school time to discuss, promote, or prepare for a private activity or a private but education-related activity.
- An employee may engage in the following:
  - 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;
  - Discuss a private but public education-related activity with students or parents outside of the classroom and the regular school day;
  - Use student directories or online resources which are available to the general public; and,
  - Use student or school publications in which commercial advertising is allowed, to advertise and promote the activity.
- 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.
- 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.
- A student may request or petition the school for approval of credit based on an extracurricular educational experience consistent with school policy.

### **Advertising Guidelines**

- An employee may purchase or utilize advertising space to advertise an activity or service in a publication, whether or not sponsored by the public school, that accepts paid for or free community advertising.
- An advertisement in a school publication may be provided free or for pay for a school employee consistent with the manner in which the school publication provides advertisement for community members who are not employees.
- An 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 qualifications.

- An employee may post or distribute posters or brochures in the same manner as could be done by a member of the general public or private advertising services.
- Unless an activity is sponsored by the school, an advertisement in a school publication shall state clearly and distinctly that the activity is not sponsored by the school.
- The name of the school may not be used in an advertisement unless the school's name relates to the employee's employment history or if school facilities have been rented for the activity.
- 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.

### **Compliance for Public Education Employees**

- Public education employees shall comply with Title 63G, Chapter 6a, Utah Procurement Code.
- A public education employee shall comply with Title 67, Chapter 16, Public Officers' and Employees' Ethics Act.
- Except as provided in 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:
  - For the employee's personal or family use;
  - In exchange for payment for advertising placed by the employee; or,
  - In exchange for payment for securing agreements, contracts, or purchases between private company and public education employers, programs, or teams.
- A public education employee may accept a gift, incentive, honoraria, or stipend from a private source if the gift, incentive, honoraria, or stipend is:
  - Of nominal value and is for birthdays, holidays, or teacher appreciation occasions; or,
  - A public award in recognition of public service; and,
  - Consistent with school policies and the Utah Public Employees' Ethics Act.
- A public education employee who holds a Utah educator license may be subject to license discipline for violation of Utah Admin. Code R277-107 and related provisions of Utah law.

### **Public Education Employee/Sponsor Agreements or Contracts**

- 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 acknowledgements:
  - The parents understand that the activity is not sponsored by the school;
  - 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
  - The employee agrees to comply with laws and rules of the state and policies regarding advertising and employee participation.
- An employee shall provide the school's Business Manager and Executive Director with a signed copy of all contracts between the employee and a sponsor of a private but public education-related activity.
- The school will maintain a copy of the contract described above in the employee's personnel file.