

## **7250 Private But Public Education-Related Activities**

### **I. PHILOSOPHY AND PURPOSE**

The purpose of this policy is to provide guidance for Weber School District employees regarding participation in educational services or activities outside of their regular employment, ensuring compliance with ethical standards and state regulations.

### **II. POLICY**

Employees may engage in private, but public education-related activities provided they are separate and distinguishable from their public employment. Such activities must not interfere with the employee's assigned duties or use District resources, including time, facilities, or confidential information.

### **III. DEFINITIONS**

- A. "Activity Sponsor" means a private or public individual or entity that employs or contracts with a District employee in any program involving public school students.
- B. "District Employee" means an individual employed by the district on a full-time, part-time, or contract basis.
- C. "Extracurricular Activity" for the purpose of this policy, means an activity for students recognized or sanctioned by the District, supplementing but not part of the required curriculum.
- D. "Private, but Public Education-Related Activity" means any compensated activity where the primary clients are students from the school where the employee works, including but not limited to tutoring, counseling, coaching, after-school lessons, clinics, camps, or travel opportunities.

### **IV. GENERAL PROVISION**

- A. A District employee who participates in a private but public education-related activity shall ensure that their 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:
  - 1. Use education records, resources, or information obtained through employment with the District to promote the activity unless the records, resources, or information are readily available to the general public;
  - 2. Use school time to promote, discuss, or prepare for the activity;

3. State or imply to any person or entity that participation in a school-sponsored program or extracurricular activity is conditioned in any way on participation in the activity, or in other words, participation in the private activity determines participation in the school sponsored activity.
4. 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;
5. Contact students at public schools except as provided for in section V. below;<sup>1</sup>
6. Use District email accounts to promote or provide information about the activity.
7. Recruit or impose undue influence on out-of-boundary students in the private activity to participate in the school-sponsored activity, in violation of UHSAA rules and regulations.

#### V. ACTIVITIES A DISTRICT EMPLOYEE MAY ENGAGE IN

A. In relation to a private, but public related activity, a District 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 this Policy.
2. Contract with, work for, or otherwise provide services under an activity sponsor, provided they are not advertising or promoting the activity sponsor during school time and consistent with this Policy.
3. Discuss the activity with students or parents, but only outside of the classroom and the regular school day.
4. Use student directories or online resources which are available to the general public to identify prospective clients.
5. Use student or school publications in which commercial advertising is allowed to advertise and promote the activity.<sup>2</sup>

#### VI. ADVERTISING

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

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<sup>1</sup> [Utah Admin. Rules R277-107-3 \(2023\)](#)

<sup>2</sup> [Utah Admin. Rules R277-107-3\(5\) \(2023\)](#)

- B. 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 District employee's employment experience and qualifications.
- C. A District employee may post or distribute posters or brochures advertising an employee's private services only in the same manner as could be done by a member of the general public under District policy.
- D. Unless the activity is sponsored by the District, the paid advertisement in a school publication shall state clearly and distinctly that the activity is NOT sponsored by the school or District.
- E. Neither the name of the school nor the District shall be used in the advertisement except as it relates to the District employee's employment history or, if school facilities will be used under Policy 2240 - Facilities Use Policy. If the District employee's name is used in an advertisement sent to the employee's students or posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school-sponsored.<sup>3</sup>

## VII. AGREEMENTS AND ACKNOWLEDGMENTS

~~A. District employees who participate in private but public education related activity shall complete an "Employee Acknowledgement Form for Private but Public Education Related Activities".¶~~

~~AB. Agreements and/or contracts entered into between d District employees and entering into agreements with activity sponsors in which the employee is an independent contractor, employee, or other agent of the activity sponsor shall be signed by the employee and include the following acknowledgments:~~

1. Ensure the agreement states the activity is not District-sponsored.
2. Acknowledge that responsibilities are outside the scope of District employment.
3. Comply with all applicable laws and rules of the State of Utah and District policies regarding advertising and employee participation.

~~(a) the parties understand that the activity is not sponsored by an 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¶~~

~~¶~~

<sup>3</sup> [Utah Admin. Rules R277-107-4 \(2023\)](#)

~~(c) the employee agrees to comply with laws and rules of the state and policies regarding advertising and employee participation.~~<sup>¶</sup>

~~¶~~

B. ~~(2) Copies of all such agreements or contracts described above must be provided to the employee's school principal, who will forward a copy to the Director of Human Resources. The agreement will be maintained in the employee's personnel file and must be renewed annually. An employee shall provide the school principal LEA business administrator, superintendent, or charter school director with a signed copy of all contracts between the employee and a sponsor of a private, but public education-related activity.~~<sup>¶</sup>

~~¶~~

~~(3) An LEA shall maintain a copy of a contract described in Subsection (2) in the employee's personnel file.~~<sup>¶</sup>

~~¶~~

~~— ¶~~

~~, must:~~

- ~~1. Ensure the agreement states the activity is not District sponsored.~~<sup>¶</sup>
- ~~2. Acknowledge that responsibilities are outside the scope of District employment.~~<sup>¶</sup>
- ~~3. Comply with all applicable laws and rules of the State of Utah and District policies regarding advertising and employee participation.~~

C. ~~A copy of such acknowledgments and agreements must be submitted to the building administrator for inclusion in the District employee's personnel file.~~<sup>4¶</sup>

## VIII. COMPLIANCE WITH LAWS AND ETHICS

- A. District employees must adhere to the Utah Public Officers' and Employees' Ethics Act and the Utah Procurement Code.
- B. Gifts or incentives from private sources related to private activities must comply with state ethics laws and District policies.

## IX. VIOLATIONS

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<sup>4</sup> ~~Utah Admin. Rules R277-107-6 (2023)~~<sup>¶</sup>

- A. Non-compliance with this policy may result in disciplinary action, up to and including termination, and may affect the employee's professional licensure.

More information for employees can be found on the [Information Sheet: Private, but Public Education-Related Activities](#).