

EDUCATION ETHICS CODE

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Eli H. Anderson

AN ACT RELATING TO EDUCATORS; MODIFYING THE PUBLIC OFFICERS' AND EMPLOYEES' ETHICS ACT AS RELATED TO ACTIVITIES FOR STUDENTS ORGANIZED BY AN EDUCATOR; AND PROVIDING ~~h [FOR LOCAL SCHOOL BOARDS TO ADOPT DISCLOSURE POLICIES]~~ THAT THE STATE BOARD OF EDUCATION ESTABLISH ETHICAL CONDUCT STANDARDS ~~h~~ .

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

67-16-4, as last amended by Chapter 92, Laws of Utah 1998

h ENACTS:

53A-1-402.5, Utah Code Annotated 1953 h

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **67-16-4** is amended to read:

67-16-4. Improperly disclosing or using private, controlled, or protected information -- Using position to secure privileges or exemptions -- Accepting employment which would impair independence of judgment or ethical performance.

(1) It is an offense for a public officer, public employee, or legislator, under circumstances not amounting to a violation of Section 63-56-72 or 76-8-105, to:

~~(1)~~ (a) accept employment or engage in any business or professional activity that he might reasonably expect would require or induce him to improperly disclose controlled information that he has gained by reason of his official position;

~~(2)~~ (b) disclose or improperly use controlled, private, or protected information acquired by reason of his official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for himself or others;

~~(3)~~ (c) use or attempt to use his official position to:

~~(a)~~ (i) further substantially the officer's or employee's personal economic interest; or

28 ~~[(b)] (ii)~~ secure special privileges or exemptions for himself or others;
 29 ~~[(4)] (d)~~ accept other employment that he might expect would impair his independence of
 30 judgment in the performance of his public duties; or

31 ~~[(5)] (e)~~ accept other employment that he might expect would interfere with the ethical
 32 performance of his public duties.

33 (2) (a) ~~h [It is not a violation of Subsection (1) for an educator to organize an activity~~
 34 ~~h [unrelated to] OUTSIDE OF h his employment h WITH THE DISTRICT h for his students whether or~~
 34a ~~not the educator receives something of~~
 35 ~~value.~~

36 ~~(b) Subsection (1) does not apply to activities organized by educators for individuals who:~~

37 ~~(i) are not subject to the educator's supervision;~~

38 ~~(ii) have not been subject to the educator's supervision within one year; and~~

39 ~~(iii) are not anticipated to be subject to the educator's supervision within one year.~~

40 ~~(c) Local school boards may adopt disclosure policies for an activity referred to in~~
 41 ~~Subsection (2)(a), which may include a provision for disclosing the value of the educator's~~
 42 ~~compensation.] SUBSECTION (1) DOES NOT APPLY TO THE PROVISION OF EDUCATION-RELATED~~

42a ~~SERVICES TO PUBLIC SCHOOL STUDENTS BY PUBLIC EDUCATION EMPLOYEES ACTING OUTSIDE~~
 42b ~~THEIR REGULAR EMPLOYMENT.~~

42c ~~(b) THE CONDUCT REFERRED TO IN SUBSECTION (2)(a) IS SUBJECT TO SECTION~~
 42d ~~53A-1-402.5.~~

42e Section 2. Section 53A-1-402.5 is enacted to read:

42f 53A-1-402.5. State board rules establishing basic ethical conduct standards -- Local school
 42g board policies.

42h (1) IN ACCORDANCE WITH TITLE 63, CHAPTER 46a, UTAH ADMINISTRATIVE RULEMAKING
 42i ACT, THE STATE BOARD OF EDUCATION SHALL MAKE RULES THAT ESTABLISH BASIC ETHICAL
 42j CONDUCT STANDARDS FOR PUBLIC EDUCATION EMPLOYEES WHO PROVIDE
 42k EDUCATION-RELATED SERVICES OUTSIDE OF THEIR REGULAR EMPLOYMENT TO THEIR
 42l CURRENT OR PROSPECTIVE PUBLIC SCHOOL STUDENTS.

42m (2) THE RULES SHALL PROVIDE THAT A LOCAL SCHOOL BOARD MAY ADOPT POLICIES
 42n IMPLEMENTING THE STANDARDS AND ADDRESSING CIRCUMSTANCES PRESENT IN THE
 42o DISTRICT. h

Legislative Review Note

as of 1-20-00 2:57 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel