

**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 THAT THE STATE BOARD OF EDUCATION ESTABLISH ETHICAL CONDUCT STANDARDS.

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

ENACTS:

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

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

Section 1. Section **53A-1-402.5** is enacted to read:

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

(1) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that establish basic ethical conduct standards for public education employees who provide education-related services outside of their regular employment to their current or prospective public school students.

(2) The rules shall provide that a local school board may adopt policies implementing the standards and addressing circumstances present in the district.

Section 2. 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

~~[(b)]~~ (ii) secure special privileges or exemptions for himself or others;

~~[(4)]~~ (d) accept other employment that he might expect would impair his independence of judgment in the performance of his public duties; or

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

(2) (a) Subsection (1) does not apply to the provision of education-related services to public school students by public education employees acting outside their regular employment.

(b) The conduct referred to in Subsection (2)(a) is subject to Section 53A-1-402.5.