



**Teachers as Market Influencers:
Towards a Policy Framework for Teacher Brand Ambassador
Programs in K-12 Schools**

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Abstract: Marketing in schools has a new twist, and teachers are at the center. Corporate firms, particularly those producing education-technology products, have contracted with teachers to become so-called brand ambassadors and micro-influencers. Scant research, however, has examined these brand ambassador arrangements, leaving policymakers uninformed about the implications for students, teachers, and schools. In this article, we delve into what it means to be a teacher brand ambassador (TBA) and micro-influencer by examining the context in which these programs arose and studying current examples of

TBA and TBA-like programs offered by Google, Amazon, Apple, and Microsoft. We review how these recent instantiations of marketing compare to similar practices used to sell prescription drugs to and through doctors, and we explore ethical, legal and policy issues associated with the recruitment and contracting of teachers as brand ambassadors. Further, anticipating the need for the protection of students' and teachers' interests as TBA programs grow as a presence in public schools, we offer a model policy framework to regulate the use of these marketing practices in schools.

Keywords: Commercialism in schools; teacher influencers; teacher brand ambassadors; marketing in schools; educational technology; privatization; ethics; conflicts of interest

Los docentes como influenciadores del mercado: Hacia un marco de políticas para los programas de embajadores de la marca docente en las escuelas

Resumen: El marketing en las escuelas tiene un nuevo estilo y los profesores están en el centro. Las empresas corporativas, en particular las que producen productos de tecnología educativa, han contratado a profesores para convertirse en los llamados embajadores de marca y microinfluencers. Sin embargo, pocas investigaciones han examinado estos acuerdos de embajadores de marca, lo que deja a los legisladores desinformados sobre las implicaciones para los estudiantes, los profesores y las escuelas. En este artículo, profundizamos en lo que significa ser un embajador de marca docente (TBA) y un microinfluencer examinando el contexto en el que surgieron estos programas y estudiando ejemplos actuales de programas TBA y similares a TBA ofrecidos por Google, Amazon, Apple y Microsoft. Revisamos cómo estas instancias recientes de marketing se comparan con prácticas similares utilizadas para vender medicamentos recetados a médicos y a través de ellos, y exploramos cuestiones éticas, legales y de políticas asociadas con el reclutamiento y la contratación de maestros como embajadores de la marca. Además, anticipando la necesidad de proteger los intereses de los estudiantes y maestros a medida que los programas de TBA crecen como presencia en las escuelas públicas, ofrecemos un marco de políticas modelo para regular el uso de estas prácticas de marketing en las escuelas.

Palabras-clave: Comercialismo en las escuelas; influenciadores docentes; embajadores de la marca docente; marketing en las escuelas; tecnología educacional; privatización; ética; conflictos de interés

Professores como influenciadores de mercado: Em direção a uma estrutura política para programas de embaixador da marca de professores nas escolas

Resumo: O marketing nas escolas tem um novo estilo e os professores estão no centro. Firmas corporativas, especialmente aquelas que produzem produtos de tecnologia educacional, fizeram contratos com professores para se tornarem os chamados embaixadores da marca e microinfluenciadores. Poucas pesquisas, no entanto, examinaram esses arranjos de embaixador da marca, deixando os formuladores de políticas desinformados sobre as implicações para alunos, professores e escolas. Neste artigo, investigamos o que significa ser um professor embaixador da marca (TBA) e microinfluenciador examinando o contexto em que esses programas surgiram e estudando exemplos atuais de TBA e programas semelhantes a TBA oferecidos pelo Google, Amazon, Apple e Microsoft. Revisamos como essas instâncias recentes de marketing se comparam a práticas semelhantes usadas para vender medicamentos prescritos para e por meio de médicos, e exploramos questões éticas, legais e políticas associadas ao

recrutamento e contratação de professores como embaixadores da marca. Além disso, antecipando a necessidade de proteção dos interesses dos alunos e professores à medida que os programas TBA crescem como uma presença nas escolas públicas, oferecemos uma estrutura de política modelo para regular o uso dessas práticas de marketing nas escolas.

Palavras-chave: Comercialismo nas escolas; influenciadores de professores; embaixadores da marca do professor; marketing nas escolas; tecnologia educacional; privatização; ética; conflitos de interesse

Teachers as Market Influencers: Towards a Policy Framework for Teacher Brand Ambassador Programs in K-12 Schools

In 2019, tennis star Roger Federer made \$7.4 million in winnings and \$86 million in endorsements (Badenhausen, 2019). For decades, NASCAR drivers have made millions of dollars from endorsement deals. Stars in golf, basketball, and soccer similarly make tens of millions of dollars endorsing products. Meanwhile, model Kendall Jenner is making millions as a so-called brand ambassador for Adidas; while her sister, Kylie, is a brand ambassador for Puma (Eytan, 2017). These sorts of product promotion contracts have become common forms of income for entertainment celebrities and sports stars, who are considered by marketers to be influential among buyers, particularly those who are younger (Hsu & McDonald, 2002). While endorsement deals such as these are studied by scholars interested in social influence (Dwivedi et al., 2015), few people studying law or ethics have taken notice. That may be changing, however, as influencer marketing moves into new territory. In 2017, *The New York Times* published a feature article by reporter Natasha Singer, profiling, among others, a third-grade teacher in North Dakota who served as a brand ambassador for several Silicon Valley firms. Unlike the celebrity agreements described above, the teachers discussed in the article were public employees with a duty to make decisions in the best interest of their students. Singer's article brought to light the ethical issues that arise when a teacher contracts with a private firm to use and market their product in a classroom.¹

In its simplest form, a teacher brand ambassador is any teacher who contracts with a private firm or non-profit to market a product or service in exchange for pecuniary benefit or a non-pecuniary perk. A teacher brand ambassador (TBA) program is designed by a private firm or non-profit organization to recruit teachers to conduct such a service. Fueled in part by the rise and highly competitive nature of the education technology product markets and the ease and pace of mass communication created by social media, TBA programs – and the attendant teacher agreements – have some resemblance to the celebrity contracts highlighted above, but they differ in key ways. Most obviously, TBA programs use a “micro-influencer” strategy, as discussed throughout this article, whereby a single celebrity's vast influence is replaced by a large number of people exerting influence on their smaller audiences. Further, TBAs can exert more direct influence on purchasing, as can many of their audience members. Whereas traditional marketing advertises directly to consumers – for example, a school district or school, brand ambassador marketing reaches students

¹ Since the publication of Singer's 2017 article, additional outlets and articles have reported on other concerns surrounding teacher brand ambassador programs. For example, these articles have considered the ethical and conflict of interest concerns surrounding the sale of curricula and other products created *by a teacher* (e.g., see Bentley, 2018; Reinstein, 2018; Williamson, 2019) and the monetary incentives included in teacher brand ambassador programs *for teachers* (see Carpenter et al., 2021). In this article, we focus on the conflict of interest violations and ethical concerns that arise from a teacher marketing the product *of a vendor*.

and teachers more directly and intimately, sometimes circumventing district purchasing procedures and policies designed to vet and purchase educational materials.

These programs are concerning because of teachers' primary duty to their students, which is carried out by performing central teaching functions. When teachers' loyalty to their districts and students is undermined by a duty owed to a third party, those teachers have a conflict of interest (Hayden, 2000). When teachers become brand ambassadors and make any decision pertaining to curriculum or pedagogy, it becomes almost impossible for parents, supervisors, or even the teachers themselves to determine whether the company incentives play a role (Wilson & Bar-Anan, 2008). Regarding influence, according to Singer (2017), "Some education experts warned that company incentives might influence teachers to adopt promoted digital tools over rival products or even traditional approaches, like textbooks."

Brand ambassador arrangements, by creating conflicts of interest, thus threaten to undermine teachers' ability to perform their core functions with integrity. Perhaps the greatest reason, then, to examine policies concerning TBA programs is to ensure the necessary evaluation of the resources and programs being offered to teachers through these programs as effective and safe. Boninger, Molnar, and their colleagues have raised questions and concerns about the efficacy of the products being offered through similar business-school commercial arrangements, and the threats they pose to student privacy (Boninger et al, 2017; Boninger et al., 2019, 2020). The products and services offered are often untested, have little (if any) proof of efficacy, and can have hidden costs to implementation and maintenance. For policymakers, the goal should be to offer students high-quality educational opportunities, not simply free educational opportunities.

In this article, we delve into what it means to be a TBA and micro-influencer by examining the context in which these programs arose and studying current examples of TBA and TBA-like programs offered by Google, Amazon, Apple, and Microsoft. We review how these recent instantiations of marketing compare to similar practices used to sell prescription drugs to and through doctors, and we explore ethical, legal and policy issues associated with the recruitment and contracting of teachers as brand ambassadors. Further, anticipating the need for protection of students' and teachers' interests as teacher brand ambassadorships grow as a presence in public schools, we offer a model policy framework to regulate the use of these marketing practices in schools.

The Birth of the Teacher Brand Ambassador

Although the emergence of the TBA strategy in schools is new, the strategy builds and draws upon past use of social influencer marketing, the commercialization of schools, the privatization of K-12 public schools, and the "platform" business model. We review recent work in each of these areas of research to (1) examine the trends that contributed to the rise of the TBA strategy in schools and (2) help illuminate the designs, motives, and methods driving current TBA programs.

Social Influencer Marketing

Firms have long drawn upon social influence to target consumers. Large marketing campaigns have relied upon the likenesses of famous celebrities to populate billboards, television commercials, and radio ads. Prominent examples include Nike recruiting Michael Jordan for the "Be Like Mike" campaign or Bo Jackson for the "Bo Knows" campaign (Banks, 2014; Evans, 2016). In such marketing campaigns, the success of the athlete or celebrity is closely tied to the success of the brand. That is, these campaigns work because the marketing strategy is built around the star quality of an individual with a legion of followers (Alsmadi, 2006). At the time of these earlier campaigns,

marketers relied on a celebrity that maximized the media platforms – whether television, radio, billboard or print – that dominated advertising.

Advertising today continues to be a celebrity-rich domain, but the advent of new technologies has invited new forms of marketing (Bearne, 2015; Creswell, 2008; Schrage, 1994). Access to social media and hand-held technology, for instance, have made it possible for any individual to simultaneously and instantaneously communicate with their entire social circle. In marketing, the response has been an increase in the viability of the micro-influencer advertising strategy (Khamis et al., 2017). A micro-influencer is an individual who alone lacks the celebrity to be the center of an advertising campaign but who can be a part of an aggregated group that is capable of reaching a large mass of consumers. These micro-influencers engage in a type of word of mouth marketing, where a known person can be a particularly trusted and therefore persuasive source of information (Katz et al., 1955). An endorsement can be more credible when we hear it from a family member, friend or colleague — it is less likely to be recognized as an attempt to persuade or market, and it leaves a lasting memory (Katz et al., 1955). While the individual effect of each social influencer may be small, the aggregate effect of a network of influencers can be substantial. Lululemon, for instance, relied on 1,600 micro-influencers to market their line of athletic wear. The strategy proved to be an effective way to streamline broad brand awareness. In case studies of Lululemon's growth, its success is often attributed to the decision to forego costly macro-influencers in exchange for a “hyper local” ambassador program (Comcowich, 2018; Gajsek, 2020). Such micro-influencer marketing can thus be appealing to firms hoping to stand out in a competitive product market (Wong, 2018).

For decades, social psychologists have examined the characteristics that form social power and influence (French et al., 1959). Within schools, teachers represent an especially convenient and appealing group. For example, teachers often rank high in surveys that identify the most trusted professionals. A December 2020 Gallup poll found that 75% of people surveyed believed that teachers had a high to very high rate of honesty and ethical standards (Saad, 2020) – ranking below only nurses (89%) and medical doctors (77%). Teachers also have access to students, parents, school personnel, and school and district administrators. They play a role in the development of a school's culture and policies, curriculum adoption, standards implementation, product adoption, and course offerings. Within their classrooms, teachers make decisions about how they teach, and (on occasion) the products with which they supplement teaching.

Because trust and access to target audiences are characteristics that are integral to the success of the micro-influencer and brand ambassador strategy, teachers appear to fit the bill. Questions remain, however, about the type of teachers recruited by TBA programs, and the methods used to recruit them. We consider these questions in our examination of TBA programs.

Commercialism in Schools

On the surface, TBA arrangements appear innocuous and even a win-win-win for firms, teachers and students. A teacher gains access to teaching materials and the potential for some personal benefits; students gain access to resources that would otherwise be unavailable; and firms receive a teacher's endorsement and gain access to students, parents, teachers and school administrators for a relatively low cost. These programs, however, have embedded within them a number of characteristics that can, if protections are not put in place, potentially put teachers at risk and threaten students' learning. The broader body of literature on the commercialization of schools considers these threats and illuminates why, despite the harms, schools still choose to participate in commercial arrangements (Molnar & Boninger, 2015).

Even though TBA marketing is relatively new to schools, it fits within a well-established history of marketing in schools. Traditionally, private businesses have offered to help schools by filling the resource void left open by inadequate public funding. For example, Williamson and Hogan (2020) show how philanthropic foundations, multi-national nongovernmental organizations, and education technology firms have worked together through complex networks to shape and support the implementation of remote learning in K-12 public schools during COVID-19 pandemic. Perhaps the best-known example of marketing in classrooms is Channel One, an innovative idea from the early 1990s. Cash-strapped schools wishing to have a television, a VCR, and a satellite dish could sign up with the new company and get all of this for free. The company also provided a 12-minute news broadcast every school day. The only catch is that the school was required to broadcast the program to its students (without lowering the volume), and those 12 minutes include two minutes of commercials. This clever business model allowed the company to charge the commercial advertisers top dollar. But the lack of a direct price tag for schools did not mean there was no cost to the students. In fact, researchers estimated that Channel One costs taxpayers \$1.8 billion annually in lost instructional time, including \$300 million in class time lost during those commercials (Sawicky & Molnar, 1998).

The strategy behind teacher-focused brand ambassadorships may also be a response to the resource needs of schools. As firms that create TBA programs know, teachers are tasked with delivering an education to students within a public school system that often lacks adequate resources due to severe underfunding (Baker, 2018). Moreover, they are asked to do so with minimal guidance or training concerning the procurement of educational supplies. Within this context, firms can target dedicated teachers who do their best to cobble together needed resources (Ness, 2017; Spiegelman, 2018; Will, 2018). Many of these problems are amplified for teachers working in schools where systemic discrimination and chronic underfunding have severely restricted students' opportunities to learn (Carter & Welner, 2013). In this way, these marketing endeavors are a symptom of larger social, political, and cultural problems.

TBA programs may also appeal to teachers who work in well-resourced schools but who are attracted to agency and entrepreneurship – or merely the product itself. Brand ambassador programs offer new exciting opportunities for career advancement and recognition.

However, despite the offer of free stuff, these “gifts” can come with a price. McDonald's “McTeacher Nights,” Coca-Cola sponsored health curricula, Pepsi machines in school hallways, oil and gas sponsored science curricula, an NFL-sponsored physical education or after-school program – these are all programs designed to provide a benefit to students, but that benefit is granted with the goal of familiarizing children with various consumer products, developing brand loyalty, and shaping attitudes toward consumerism (Molnar & Boninger, 2015). Businesses have regularly targeted schools as a means to target children as current and future consumers, and to do so in a relatively uncluttered marketing environment. As Boninger and Molnar (2015) explain, students have little choice when they are in a classroom but to be a captive audience for the products being marketed. In this setting, young students especially, but even adults on occasion, can be unaware that they are being marketed to. The micro-influencer strategy takes this a step further by targeting students through a public employee who has a duty to protect their best interest. Accordingly, the advertisement is embedded in a classroom and comes from a trusted source. Even attentive observers may not discern that they are being advertised to.

In the following examination of TBA programs, we consider what benefits or “perks” firms offer teachers in exchange for their participation in a TBA program, we examine what roles and responsibilities teachers are required to undertake in order to receive those benefits or perks, we report the products firms ask teachers to use and market, and we review publicly available teacher-

firm agreements to assess what cautions (if any) firms offer to teachers prior to participating in their program. We also report – for programs where the information is available – information about the number of teachers participating in the program.

Educational Privatization

In general, educational privatization refers to the shift to the private sector in the governance, design, implementation, operation and responsibility regarding various parts of public schools. Within education, Adamson and Galloway (2020) define it in the following way, “Education privatization is the shifting of government responsibility for the management and provision of equitable, high quality education to the private sector, including for funding and/or ownership, thereby relegating governments to a subsidiary role of allocating funds and monitoring outcomes.” Within the framework of privatization, studies have used the concept of “unbundling,” an operational strategy that considers the particular part of schools that should be targeted by privateers (Hess et al., 2011; Saltman, 2018; Schneider & Berkshire, 2020). Hess and colleagues (2011) write, “if we reimagine schools as a mechanism that provide students with an assortment of services instead of delivering an indivisible package of ‘education,’ we can start to disentangle the components of that package and customize them to fit specific student needs and abilities” (p. 2).

We draw on a privatization framework and this idea of “unbundling” to consider what the growing partnership between teachers and private firms might mean in general for public schools. That is, we consider which parts of schools’ TBA programs are designed to supplement or supplant. Hess et al. (2011), for example, assert that “[m]uch of the discussion around customization focuses on students, but the intuitions apply equally to educators and administrators. Teachers in need of specialized lesson plans or wishing to import specialized support for a handful of advanced students could use new resources to become more effective” (p. 4).

“Platform” Capitalism

As the presence of education technologies has grown in K-12 public schools, education scholars have warned that learning management systems (LMSs) and both personalized and adaptive learning softwares may pose threats to student privacy (see Boninger et al., 2019, 2020; Kumar et al., 2019; Marachi & Quill, 2020; Williamson, 2021). They point to the products and services as well as the student data being collected and how those data are being used. As the demand for knowledge about consumers and transactions has increased, the potential profits from collecting and handling data have also grown. In this section, we review Srnicek’s (2017) concept of the “platform” business model to better understand the motivation behind the collection and sale of data, and further, the role a TBA marketing strategy may play in facilitating that process in classrooms and schools. Srnicek defines the “platform” business model as “an efficient way to monopolize, extract, analyze, and use the increasingly large amounts of data” (p. 39).

Platforms (as described by Srnicek) are “digital infrastructures that enable two or more groups to interact. They [i.e., platforms]... position themselves as intermediaries that bring together different users: customers, advertisers, service providers, producers, suppliers, and even physical objects” (p. 43). In this way, platforms can collect information that a transaction occurred (i.e., “data”) and information about why a transaction occurred (i.e., “knowledge”; Srnicek, 2017, p. 39). In their efforts to collect more and more data, platforms “produce and are reliant on ‘network effects’: the more numerous the users who use a platform, the more valuable that platform becomes for everyone else” (p. 45). This, however, “generates a cycle whereby more users beget more users, which leads platforms having a natural tendency towards monopolization” (p. 46). Srnicek (2017) argues that the need to capture the benefits of network effects requires platforms to “deploy a range of tactics to ensure that more and more users come on board.” For instance, he argues platforms

can rely on the practice of “cross-subsidization” where “one arm of the firm reduces the price of a service or good (even providing it for free), but another arm raises prices in order to make up for these losses” (p. 46). In our examination of teacher brand ambassador programs, we consider TBA marketing as a form of cross-subsidization – i.e., a relationship between teachers and vendors, where vendors grant teachers access to free educational products in exchange for information about students, colleagues, classrooms, and schools.

As we discuss in the following section, the largest firms that market within the educational technology space – i.e., Google, Apple, Microsoft, and Amazon – already offer a myriad of products such as laptops, tablets, applications and cloud software (including curricular and teaching software), and internet browsers. This reach of products and the natural tendency of platforms towards monopolization suggests that a future school may be served by a single platform. In a school environment that is increasingly relying on school choice, this could simply add to the decisions a parent must make – i.e., do they want their child to go to an Apple or Amazon school? Srnicek’s (2017) work encourages us to consider how platforms use TBA programs to pursue their goal of monopolizing classrooms, schools, and the market for educational technology. He argues, for example, “in their positions as intermediary, platforms gain not only access to more data but also control and governance over the rules of the game.” Because of the concerns Srnicek raises, we view TBA programs from the perspective of the platform business model, and we explore in particular what TBA programs are designed to accomplish from the vantage point of a platform.

Examining Teacher Brand Ambassador Programs: The Big 4

Google, Apple, Amazon, and Microsoft are four of the largest and most powerful firms in the history of the world. Google popularized the search engine. Amazon developed e-commerce. Apple revolutionized personal technology. Microsoft introduced a suite of professional applications for businesses. Today, each of these firms includes a division that produces and markets educational products to K-12 schools, and together they now control a considerable share of the EdTech market (See: Cavanagh, 2017; De Vynck & Bergen, 2020; hoolov, 2019). Because of their large size (and their small number), these firms are not perfectly representative of the universe of TBA programs. Nevertheless, we focus on them because of their relative power to influence both the educational technology market and the approach and practices of smaller firms. Fong, Huang, Robinson, and Ungerman (2019) report that “[i]n ten years, 30 percent of the world’s gross economic output will be from companies that operate a network of interconnected businesses, such as those run by Amazon, Alibaba, Google, and Facebook.” This is made possible by these platforms already controlling most of the software and hardware infrastructure needed to deliver content and services to internet users (Smyrnaios, 2016).

Accordingly, we delve deeper into the practice of TBA marketing by examining the TBA programs offered by Google, Apple, Microsoft, and Amazon (for convenience, we use the acronym GAMA for the remainder of the paper). Drawing on the literatures reviewed in our previous sections, we consider the following eight questions, as shown in Table 1.

Table 1
Examining a Teacher Brand Ambassador Program

| | |
|----------------------------|--|
| Social Influence | <ul style="list-style-type: none"> • What kind of teachers does the TBA program recruit, and how are they recruited? |
| Commercialization | <ul style="list-style-type: none"> • What is the product(s) advertised by the TBA program? • What “perks” or benefits does the program offer a teacher? • What does the TBA program ask a teacher to do to participate and maintain their TBA status? • How many teachers participate in the program? • Do firms encourage teachers to seek guidance within their district before entering into an agreement? |
| Privatization | <ul style="list-style-type: none"> • What part of public schools is the TBA program trying to replace or disrupt? |
| Platform Capitalism | <ul style="list-style-type: none"> • From the perspective of the platform, what benefits does the TBA program offer? |

We examined the websites of four brand ambassador programs: Google, Amazon, Apple, and Microsoft. We used the questions outlined above to guide our review of each company’s TBA website(s). Below we present our findings for each company for each of the questions where information was publicly available. Information regarding certain questions – for example, questions relating to whether TBA programs encourage teachers to seek guidance before joining – was not always available. Moreover, we hold off until our discussion section a consideration of our final two questions – what part of public schools are TBA programs attempting to replace and what is the TBA program’s purpose. We do so to account for the similarities in approach that exist across the four companies.

Amazon Web Services (AWS) Educate “Cloud Ambassador” Program

Amazon offers teachers the opportunity to participate in its AWS Educate “Cloud Ambassador” Program, which it describes as a program for “top-tier educators who serve as ambassadors and evangelists for AWS Educate” (AWS, 2021a). On its “Cloud Products” page, AWS lists 26 product categories, such as analytics, blockchain, business applications, developer tools and game tech (AWS, 2021b). Further, AWS Educate lists a variety of Amazon products, software, and platforms as potentially benefiting teachers and schools in delivering education to their students (AWS, 2021c; Amazon, 2021a).

The Cloud Ambassador program requires that interested teachers apply by submitting a Faculty Ambassador application and by creating an “original video” answering application questions. The program is available anywhere AWS Educate is available, and it recruits members who are employed at public or private schools, colleges, or nonprofit organizations. The AWS Cloud Ambassador program selects currently employed teachers with an interest in preparing students for the “modern workforce” (AWS, 2021a). AWS avoids recruiting superintendents, college or university presidents, and other top-level leaders of organizations, “given their official roles for purchasing decisions” and to “avoid conflicts of interest.” However, “exceptions are evaluated on a case by case basis by the AWS Educate Cloud Ambassador Program team and the AWS legal team” (AWS, 2021a). The program reported that its 2019 AWS Educate Faculty Ambassadors belonged to 175 institutions in higher education and K12 and from 32 different countries. While the 2019 cohort announcement did not include the number of ambassadors, the 2020 cohort reported a membership

of 235 ambassadors from 47 countries with more than 180 institutions represented (AWS Public Sector Blog Team, 2019; Irons, 2020).

For a member to participate and stay in good standing, they must attend virtual kickoff events and participate in quarterly calls, complete member surveys, participate in at least one special interest group, stay knowledgeable about the effective use of AWS Educate's programs, features, and services, and "evangelize" AWS Educate and cloud instruction through at least two social media posts, blog posts, AWS Educate events, or user workshops annually. Cloud Ambassadors must also report their activities. Membership standing is evaluated every two years (AWS, 2021a)

In exchange, AWS offers teachers recognition, professional development, and exclusive access to products and software. The professional development includes special training at select AWS events, incremental AWS promotional credit, quarterly tech talks with AWS service teams, and collaboration with AWS and other Cloud Ambassadors on content development. Ambassadors receive exclusive and early access (under nondisclosure agreements) to select AWS services, invitations to exclusive AWS events, swag and gear, access to AWS leadership, and discounted registration rate for "AWS re:Invent," which is "a learning conference hosted by Amazon Web Services (AWS) for the global cloud computing community." Ambassadors also receive recognition at AWS events, special designations in the AWS Educate portal, inclusion in the AWS Educate marketing, and the ability to share thought leadership with the AWS Educate global community (AWS, 2021a, 2021d).

We were unable to find a publicly available Amazon TBA agreement. We cannot, therefore, assess the agreement AWS asks teachers to sign or whether AWS cautions teachers to seek counsel about the potential ethical or conflict of interest issues that may arise with their participation.

Apple Distinguished Educators

Apple offers teachers the opportunity to participate in its Apple Distinguished Educators (ADEs) program, which recognizes K-12 and higher education professionals "who are using Apple technology to transform teaching and learning" (Apple, 2021a). Apple describes its Distinguished Educators as "trusted advisors" who integrate technology into learning environments and work closely with Apple. They are "passionate advocates" who share their expertise in engaging students, "authentic authors" who publish best practices through "lessons, podcasts, [and] books," and "global ambassadors" who develop and promote ideas for improving teaching and learning (Apple, 2021a). Apple markets a suite of educational products and software. Most of its marketing to schools revolves around the Apple iPad, a tablet that it markets as an alternative to a laptop. Along with the iPad, Apple markets add-ons, such as the Apple Bluetooth keyboard and Apple Pencil, Apple software, its internet browser (Safari), office applications (Pages, Numbers, Keynote, iMovie, Photos, and GarageBand), and its application marketplace (the App Store). Apple also markets its MacBook and desktop products (Apple, 2021b).

To participate in the program, interested educators are required to submit an application. If accepted, ADEs must maintain "active" membership status by regularly monitoring content and news, participating in online forums and interest groups in the "ADE Online Community," with a minimum of two logins per month. ADEs are required to exchange educational experiences, projects and ideas with fellow ambassadors on an ongoing basis and attend a regional "ADE Institute" event. They must maintain an up-to-date member profile with contact information and a biography. Most importantly, for our purposes, ADEs must submit a bi-annual impact survey to share content published, presentations or activities participated in, and stories of impact around learning projects or accomplishments in an ADE's classroom or school (Apple, 2020a). ADEs are also required to submit a one-minute annual reflection video that highlights accomplishments and

maintain membership in the “Apple Teacher” program, a professional learning program designed to support and celebrate teachers. The Apple Teacher is a free program that does not require an application. It offers “free, self-paced professional learning program that offers unlimited access to learning materials and content for using technology in education” (Apple, 2021c). The program is designed to offer teachers an opportunity to certify themselves. The requirement is that teachers complete Apple training in exchange for Apple badges and certification that can be published on a teacher’s website or blog (Apple, 2021d).

Apple claims the program offers teachers several benefits. ADEs provide input to Apple on instructional technology, contribute content, and demonstrate the use of Apple and other technologies in professional or educational environments, engage with Apple and ADE peers on project-based teams, and participate with Apple, “online and/or in person, at the local, state/provincial, national, or international level to speak at educational conferences, meetings and events, as feasible” (Apple, 2020a). If an ADE participates in a non-local event at Apple’s request, Apple might cover costs associated with travel, lodging and meal expenses, and if significant content development or repeated delivery of workshops or presentations is requested, Apple may offer an ADE a stipend or payment.

In addition, ADEs may be offered a commission “around a specific theme, purpose or concept that is specific to an Apple need,” where “[t]hese engagements are an opportunity to engage with Apple directly, are not required as a part of ADE membership and may be declined. Engagements of this nature may include payment of a pre-determined fee or rate and/or the reimbursement of related travel and expense costs” (Apple, 2020a). Here, Apple cautions “[a]pproval from your school or organization’s legal counsel or ethics official (or the appropriate individual within your organization) is required before this benefit is provided” and “[b]efore engagements are accepted, your school or organization must confirm whether outside engagements/employment are permissible, whether reimbursement or payment of associated expenses is permissible, and whether payment of compensation for time spent developing and/or delivering content is permissible” (Apple, 2020a).

Apple reports that it has 2,947 Apple Distinguished Educators worldwide in 45 countries and regions. It reports 1,144 in the Americas, 969 in Europe, the Middle East, India, and Africa, and 834 in the Asia-Pacific (Apple, 2021a).

We were able to find and review a copy of the Apple Distinguished Educator program agreement. The agreement is clear about the fact that teachers should seek out guidance on their district’s ethics and conflict of interest policy before entering into an agreement. For example, the agreement reports that teachers will receive “[a]ccess to Apple and third party software through the ADE Software Evaluation and Advocacy Program (SEAP), *if your school or organization’s legal counsel or ethics official (or the appropriate individual within your organization) permits acceptance*” (Apple, 2020a, emphasis added). Further, the agreement reports that “Apple does NOT provide discounts or hardware loans or gifts to ADEs as a benefit of membership in the ADE Program” (Apple, 2020a). In offering invitations to meetings and conferences, the agreement also reports that Apple organizers “recognize that [an ADE] must get permission for leave from [their] school or organization” (Apple, 2020a).

Google for Education Certified Trainer, Coach, and Innovator

Google offers teachers the opportunity to participate in one of three teacher programs through its Google for Education Certified Educator program. A teacher can become a “Certified Trainer,” a “Certified Coach,” and/or a “Certified Innovator” (Google for Education, 2021a). Each program has different requirements, perks, and recruitment practices. All programs, however, are

designed to provide professional development opportunities for teachers to “take [a teacher’s] expertise in Google for Education products to the next level, while programs for student engagement support how you teach with lesson ideas, curricula, and more” (Google for Education, 2021a). Google offers a suite of products and software, including its popular Google for Education applications (e.g., Google Docs, Sheets, Sites, Assignments, Expeditions, Jamboard, and Slides), its laptop (the Chromebook), its software and platforms (YouTube, Gmail, Google’s search engine, and Google Chrome Internet Browser; Google for Education, 2021b).

While Google does not market all of these products as educational, it does often market educational resources on these platforms and applications. At the start of the pandemic, for example, Google and YouTube launched an educational resource page (“Teach From Home”) to offer teachers recommendations on teaching remotely during the pandemic using Google products. The recommendations included encouraging teachers to organize video calls with their class(es) using Google Hangouts and creating quizzes using Google Forms (Peters, 2020). Similarly, YouTube’s “Learn@Home” resource page highlighted several educational video channels. The page even organized recommendations by age – for example, students who are 13 and older versus preschool age students. The resources include videos created by “education-focused creators” like Khan Academy, CrashCourse, Discovery Education, Cool School, PBS Kids, and Sesame Street (Peters, 2020). Google’s products often end up in the “EdTech Top 40” (Learn Platform, 2019).

Google’s Certified Trainer program offers teachers the opportunity to “lead and train fellow educators” using their expertise in Google tools. Google promotes the program as a resume builder and supplemental income opportunity. The program, Google claims, also affords teachers the opportunity to “collaborate with a community of fellow Certified Trainers in a private Trainer Google Group.” To become a Certified Trainer, teachers are required to complete a Google Trainer course and skills assessment, and obtain their Google Educator Level 1 & 2 certificates. Moreover, teachers are required to create and submit a video (Google for Education, 2021c). The video is described as a “3 minute video to showcase your personality and instructional style” (Google for Education, 2021c). The level 1 and level 2 certification cost teachers \$10 and \$25, respectively. While the Google Trainer skills assessment costs \$15. For teachers to maintain their Certified Trainer status, they must “conduct and report at least 12 training events per year,” “share ideas and resources with [Google’s] community of trainers,” and submit a “resubmission of interest, including an annual product update assessment” (Google for Education, 2021c).

Google’s “Certified Coach” program, alternatively, offers teachers an opportunity to “[t]ransform how schools use technology.” Teacher participants are taught to coach colleagues and teachers using Google’s curriculum and “research-proven coaching model.” Google claims that the program helps teachers “strengthen [their] coaching toolkit through [Google’s tailored curriculum],” “deepen teacher support with [Google’s] research-based, 5-step coaching model,” and “find inspiration from peer community and special events.” If teachers decide to participate in the program, they also have the option of working with a list of Google’s recommended partners. The Google website claims that partners might be able to provide “paid mentorship and hands-on support.” To become a Google Certified Coach, teachers are required to complete the “Coach Curriculum,” complete the “Coach Skills Assessment,” obtain the educator level 1 and level 2 certificates, and create a coaching portfolio and application – which requires a short video that includes three coaching artifacts and an administrator letter of reference. To maintain their certified coaching status, teachers are required to work one on one with educators using Google’s Certified Coach 5-step model, report “at least” 100 hours of one-on-one coaching per year in Google’s EDU Activity App, and share their ideas and resources with other Google coaches. Google estimates that the process to become a Coach can take about a school year. There is no cost for Google Coach

training, but teachers are required to submit an application. Google recommends that prospective coaches “invest time in putting together an application that demonstrates mastery of the curriculum and 5-step coaching model” (Google for Education, 2021d).

Finally, Google’s “Certified Innovator Program” offers teachers the option of transforming education with a project of their choice (Google for Education, 2021e). Past projects have ranged from the integration of Google technologies into a classroom to the use of Google products in support of formative assessments (Google for Education, 2021f). Google claims the program offers teachers the opportunity to launch a “transformative project,” amplify their influence, and accelerate their personal growth through “tailored mentorship from talented innovators.” Teachers are required to apply to the program. To apply, teachers must attend a Google Academy and receive a three-day training, complete the level 1 and level 2 certification courses, pass the level 2 exam, and complete an application, which requires identifying a challenge to solve in education by interviewing “a few people affected by the challenge” and creating a “90-second video about that challenge and why [they] want to solve it” (Google for Education, 2021e). Google makes an application rubric available to teachers who are interested in applying. The rubric states that teachers should have strong evidence of “online advocacy,” a “history of transformation,” a specific and unique challenge that has “developed strong empathy for [a teacher’s] ‘users,’” and a video that shows “effort and creativity” (Google for Education, 2021g). Google requires that teachers do at least one of three things to continue in the program: (1) work on a high-impact Innovation Project of their choosing, (2) be influential advocates for using Google technologies to transform education, or (3) lead Google programs to drive innovation and transformation in their schools or school systems (Google for Education, 2021e). Unlike Google’s Certified Trainer and Coach programs, these requirements do not have specific time or training quotas.

Google explains that Trainers, Coaches, and Innovators differ in the following way:

Coaches are experts in using our 5-step coaching model to work 1:1 with educators to drive impactful technology use in their schools. Trainers are experts in delivering strong 1:many professional development experiences to fellow educators and often focus on Google products and tools. Innovators are education influencers who lead innovative education projects that impact school communities. (Google for Education, 2021d)

Unfortunately, Google does not publish data on the number of teachers who participate in any of its TBA programs. We were also unable to view a copy of a TBA agreement; therefore, we are unable to comment on whether or how Google cautions teachers to seek out guidance before participating in any of its programs.

Microsoft Innovative Educator Program

Like Google, Microsoft offers teachers the option of participating in one of three teacher programs: the Microsoft Innovative Educator, the Microsoft Innovative Educator Trainer, and the Microsoft Innovative Education Expert. The programs are designed to “recognize global educator visionaries who are using technology to pave the way for their peers for better learning and student outcomes” (Microsoft – Educator Center, 2021a). In addition to the programs, Microsoft markets several educational products and applications, such as the Microsoft Surface, which is an alternative to Google’s Chromebook and Apple’s iPad. During the pandemic and subsequent shift to remote learning, Microsoft advertised its Skype platform as a competitor to video software competitors Zoom and Google Hangouts. Microsoft also claims schools could benefit from a popular video

game (Minecraft), its cloud computing technology (Azure), and its Microsoft Office 365 suite of applications (Microsoft Education, 2021a).

In the Microsoft Innovative Educator (MIEs) program, teachers have some familiarity with Microsoft products and use these products in their classroom. To join the program, teachers are required to join the Microsoft Educator Center – a Microsoft resource hub for educators – and complete two hours of training. The program does not specify what information is required in the training; however, the Microsoft Educator Center offers lessons on Office 365, Windows and models for hybrid learning (Microsoft – Educator Center, 2021a). Microsoft claims that a benefit of the program for teachers lies in the access they gain to training resources.

The second tier of the Microsoft Innovative Educator program offers teachers the option of becoming a Microsoft Innovative Educator Trainer (MIE Trainer). The program explains that participants range from “educators, government or district trainers, professional development specialists, or affiliates who want to train educators and school leaders on the effective use of technology.” Microsoft expects that MIE Trainers are equipped to train teachers to use Microsoft products and software (Microsoft – Educator Center, 2021a). For example, the trainer program requires that teachers complete an “instructor-led Trainer Academy” or a “MIE Trainer learning path” available on the Microsoft Educator Center (Microsoft – Educator Center, 2021a). According to the trainer academy website, the training takes 10.5 hours, and it is “designed for educator trainers and those who are responsible for training educators on the integration of technology in the classroom” (Microsoft – Educator Center, 2021c). The program aims to “provide trainers exposure to the many Microsoft technologies and resources that support student-centered learning based on authentic problems and projects while aligning to 21st Century Skills, NETS-S and Common Core Standards” (Microsoft – Educator Center, 2021c). The “learning path outline” provided by Microsoft for MIE Trainers includes 11 trainings that range from half an hour to a full hour (Microsoft – Educator Center, 2021c). In addition to the training, the program requires that teachers join the Microsoft LinkedIn group and “commit to and report training 100 educators between July 1 and June 30 each year” (Microsoft – Educator Center, 2021a). The benefits to becoming an MIE Trainer are access to research on “effective professional development,” training on how to employ the Microsoft approach to needs assessments, earning a MIE Trainer or MIE Master Trainer Badge, getting a MIE Trainer or MIE Master Trainer email signature to use, and recognition for training (Microsoft – Educator Center, 2021d).

For teachers who want to go further, Microsoft offers the Microsoft Innovative Educator Expert (MIE Expert) program, which invites teachers to self-nominate themselves and “work closely with Microsoft and lead innovation in education.” The program requires that teachers complete two hours of training on the Microsoft Educator Center or redeem an “achievement code” from a Microsoft trainer. As part of their self-nomination, prospective candidates are also required to submit a two-minute video or “Sway” that demonstrates how the candidate integrates technology into teaching learning (Microsoft – Educator Center, 2021a). Sway is a free app from Microsoft office that facilitates multimodal presentations. Microsoft recommends that the presentation include responses to why a teacher considers themselves a Microsoft Innovative Educator Expert, how Microsoft technologies have been incorporated in innovative ways, how a teacher has impacted the learning and growth of their colleagues, whether a teacher has reached beyond their classroom to coach or support other educators, and how a prospective candidate hopes their participation in the program will impact their current role “in the next 12 months” (Microsoft – Education, 2021b, 2020a).

Microsoft uses different recruitment methods for each of its TBA programs. Its MIE program is a cost-free service that offers any teacher resources to learn how to use Microsoft

products (Microsoft – Educator Center, 2021a). The MIE Trainer program requires that teachers take a training course, but teachers are not required to apply to the program. The expert program does require teachers to submit an application. It requires a two-hour training session and short video showing how the teacher can incorporate Microsoft products into the classroom. The program website reads,

We are looking for self-driven educators who are passionate about teaching and learning, who inspire students with creative thinking, and work in a truly collaborative spirit to share their learning with the world. MIE Experts share their learning with colleagues and other educators through local training programs in their own school systems, presentations at conferences, blogs, social channels, and more. Resourceful and entrepreneurial, they relish the role of change agent, and work to achieve excellence in education using Microsoft technologies coupled with their innovative teaching practices. (Microsoft – Educator Center, 2021e)

Like other programs, Microsoft promises benefits to teachers who become MIE Experts. In a 2016 flyer, Microsoft reports that teachers will receive publicity and promotion via social media and other Microsoft channels, as well as professional and career development opportunities and certifications. They will receive the opportunity to share their expertise with world-renowned educators and specialists to scale their innovations, present in Microsoft’s global EduCast Webinar series, participate in focus groups giving feedback to a development teams on Microsoft products, and join invitation-only special events from Microsoft. They will also be able to share their passion for Microsoft technology with peers and policymakers, and through social media, blogs and video, test out new products while in beta form. They will represent Microsoft through product demonstrations, and (by attending events) build educator capacity in their educational community by training and coaching colleagues and inviting them to join the online Microsoft Educator Community. They will collaborate with innovative educators across the globe using Skype in the Classroom, host regional events showcasing uses of Microsoft technology in the classroom, and achieve eligibility to earn an all-expense paid trip to the Microsoft Global Educator Exchange Event (Microsoft – Education, 2016a). Because the flyer is from 2016, however, we are unsure if Microsoft has revised the benefits it offers participants. Moreover, we note that some of the benefits appear to resemble responsibilities, such as training and coaching colleagues, hosting events, showcasing Microsoft technologies. Microsoft’s own program description, therefore, blurs the line between benefit and responsibility.

Microsoft publishes a list of its experts, and estimate the report includes approximately 20,000 names from several countries (Microsoft, 2020a). The company explains that MIE Experts are “selected by the regional Microsoft representative based on the quality of the responses to the self-nomination form, the level of innovation and use of Microsoft tools described in the learning activity and the level of detail in how becoming a part of the program will impact both teaching and student learning” (Microsoft – Educator Center, 2021e). Unfortunately, we do not know whether or how the program encourages teachers to seek out guidance before joining any of the Microsoft TBA programs, since we were unable to view a copy of an MIE agreement.

The Potential Harms to K-12 Public Schools Posed by TBA Programs

In this section, we zoom out from the details of TBA programs to consider two questions: (1) what parts of K-12 public schools are TBA programs designed to replace or disrupt, and (2) what do

the GAMA platforms gain from offering TBA programs? As explained below, TBA programs are designed to, among other things, replace or disrupt the following three elements of decision-making in schools: (a) the traditional vetting processes used by school districts to identify and purchase quality educational products, (b) the professional development offered to teachers around the use of technology, and (c) the career advancement opportunities that teachers may desire over the course of their teaching career. Transferring control of these responsibilities from schools to platforms potentially benefits platforms by allowing them to minimize scrutiny of the educational efficacy of their products and their data collection and protection practices, and it cultivates a teacher workforce that facilitates the growth and stability of this process going forward. Meanwhile, platforms expand their access to and knowledge of students, expand their market share in schools and classrooms, and increase the profitability of their platform, all with little risk and apparently low fiscal cost.

What Parts of K-12 Schools are TBA Programs Designed to Replace or Disrupt?

Advocates of privatization often argue that district vetting procedures are too tedious, complex, and rigid (Morrison et al., 2014). They argue that vetting procedures pose an obstacle to firms looking to sell their product and hamper the ability of school districts to get these products expeditiously into the hands of their students. However, these bureaucratic procedures serve the legitimate purpose of identifying educational products that are of high enough quality to safely and effectively support student learning and ensure that a district receives sufficient value for its purchase. Districts also use the vetting process to ensure that they are in compliance of all applicable laws and district policy (see, e.g., the description of this process at “The Commons,” a website maintained by Denver Public Schools). As the demand for EdTech has increased, school districts have relied on the vetting process to learn more about what student data platforms collect and the steps taken to protect that data (Lieberman, 2020). Through a TBA program, however, a platform is able to bypass this process. Platforms can continue advertising their products directly to the district through the traditional bidding and proposal process while simultaneously recruiting teachers to influence sentiments about a product from within. Platforms that offer TBA programs encourage their participants to use, announce, present, recruit, train, and (on occasion) sell their products. Several of the programs that we examined require that participants meet quotas or risk losing their brand ambassador status.

The risks of this dynamic might be lessened if school districts and teachers had a formal system of disclosure, processes, and acceptable actions. On the platform side, TBA programs might encourage or require teachers to check with district officials before bringing a product into a classroom. Yet, outside of the agreement for the Apple Distinguished Educators program (which only cautioned teachers about accepting benefits), it is unclear what guidance or cautions other platforms provide to teachers interested in participating in their programs. In fact, the incentives may point in the other direction; the TBA strategy may be more effective if teachers introduce products in their classroom without district approval. This allows them to avoid addressing any issues with their products and gives them access to students and classrooms – particularly as school districts contended with greater reliance on technology during the COVID-19 pandemic (Lieberman, 2020).

In addition, through their training, coaching, and professional development, firms control how teachers are exposed to the software. Unlike high-quality professional development, which is designed to provide teachers with training on best practices for using a new tool as part of the district’s overall strategy, the professional development offered by firms familiarizes a teacher with that firm’s product with the goal of making the teacher better at using the product. Through the

training process, platforms also increase the opportunity cost of switching to a competitor's product; teachers would need to make an additional investment of time to be trained to use a new product.

Further, because each GAMA platform offers a suite of products, the professional development trainings are designed to encourage the continuity of learning across their product offerings. For example, teachers may receive training on how to pair laptops, tablets, applications, and browsers with resources and educational materials offered through a single platform. This encourages teachers to avoid the practice of mixing and matching products to pick what works best for them and their classroom. It is, for instance, unlikely that Google's Certified Trainer program would encourage teachers using a Chromebook to consider using Apple's internet browser (Safari), Microsoft's video call service (Skype), and Amazon's cloud service (AWS). The professional development offered by platforms is also unlikely to offer critical training on the privacy practices of firms. By training teachers, firms control how technology is conceptualized, what role it can play in classrooms, and what attitudes should be taken to it. As Williamson (2019) writes, "[a]s the big tech firms have closed in on education, they have begun to merge the marketing role of the brand ambassador into a professional development role." As firms encourage teachers to introduce products into their classroom, there do not appear to be professional development courses that train teachers to read privacy agreements, data collection practices, or third-party service agreements – all necessary issues that should be understood by anyone introducing technology to a child (and about which school district decision-makers do have experience and training, as part of a competitive bidding process for larger purchases).

Finally, consider how TBA programs are positioned as teacher advancement opportunities. Aside from the benefit of creating a more functional classroom or offering an opportunity to engage with a product through professional development, teachers may find that brand ambassador programs offer the opportunity to supplement their career, their income, or their control over their classroom. For some brand-ambassador teachers, such compensation of perks, the social following, or recognition associated with participating in these programs may be the driving motivation. For years, teachers have been marginalized in decision-making, de-professionalized in society, and underpaid (García & Weiss, 2019; Ingersoll et al., 2018; Milner, 2013). Because of this, many teachers have opted to simply leave the profession (Goldstein, 2014; Rousmaniere, 1997; Santoro, 2018). TBA programs offer teachers the option to introduce a product into their classroom, certification of their expertise in using the product or products, opportunities to train or coach colleagues, and the prospect of developing and designing their own products. The TBA programs we reviewed stressed to teachers that they would be recognized on company blog posts, respected in their profession, and influential. Teachers would be included in decision-making and have a role in product design. This aspect of TBA programs is designed to lure talented, respected, and influential teachers to become more involved and integrated in the platform culture, process, and purpose.

Again, like other policies favored by advocates of privatization and practices supported by commercialization (e.g., vouchers, online learning, sponsored curriculum, and exclusive agreements), TBA programs operate within a school system that is inadequately funded. K-12 public schools do often lack access to high-quality technology as well as access to high-quality professional development for teachers to learn and feel confident using this technology. School systems also often lack meaningful opportunities for teachers to advance in their careers, be recognized for their sacrifice, and develop themselves as professionals. This leaves open the opportunity for self-interested private actors to fill very real needs in ways that benefit themselves but may or may not benefit students and schools.

What Does GAMA Gain from Offering TBA Programs?

The TBA programs examined above are designed to, among other things, allow the platforms to limit scrutiny over their educational products and cultivate a teacher workforce that uses products for their availability and familiarity, as opposed to their efficacy. Meanwhile, platforms gain access to students' data and garner knowledge about classroom learning that allows them to tailor their products to classrooms. It allows firms to expand their market share in classrooms and schools and increase their profits, all with little risk and apparently low fiscal cost.

By bypassing traditional district purchasing protocols, platforms can minimize scrutiny of the efficacy of their products and their privacy practices. As best we can determine, few of the educational products offered by GAMA or other platforms have supporting empirical research measuring the academic effect of the products. In addition, several of the platforms studied in this article face concerns over the student and child data they collect and how they use it. Google, for example, was sued by the state of New Mexico for allegedly spying on the state's children and families. The suit claimed that Google "collected a trove of students' personal information, including data on their physical locations, websites they visited, YouTube videos they watched and their voice recordings" (Singer & Wakabayashi, 2020). However, a U.S. district court judge ruled that federal laws and regulations do not require Google to receive direct consent from parents when schools use Google's products. Amazon faces a class-action lawsuit claiming that it violated the Children's Online Privacy and Protection Act (COPPA) by recording and collecting the voices of children through its voice-assistant, Alexa.

With these examples in mind, it is unclear what, if any, repercussions a platform would face for controversial data collection practices if a teacher were responsible for bringing a product into a classroom. The dismissal of the lawsuit against Google raises the question of whether platforms may be free to collect sensitive information about students and classrooms regardless of their practices and what they offer schools. Even when a product is ineffective, education technology firms can benefit by using the experience of students and teachers as research and development and to generate profitable data. In the worst-case scenario, the essence of brand ambassador programs simply involves vendors offering untested or unproven materials and students playing the role of guinea pigs, with the teacher compromising the integrity of the classroom. A quarter-century ago, in a 1996 article titled, *Mad Rushes into the Future: The Overselling of Educational Technology*, Doug Noble described how "computer-based education is more about using the education market in the service of technological product development than it is about using technology in the service of education." For example, Boninger et al. (2020) examine claims made by the Summit Learning platform about its efficacy. After contacting the Summit Public Schools organization, the authors found scant evidence in support of these claims. Additional concerns about Summit Learning involved the same issues that have arisen elsewhere: data mining and privacy, as well as exposing students to an unproven product (Tabor, 2018).

TBA programs offer "free" products, services and benefits in exchange for access to teachers' students, colleagues, schools and knowledge. The tradeoff resembles the practice of cross-subsidization described by Srnicek: provide something for free because it will facilitate profit in another part of the business model. As the literature on commercialism reminds us, the offer feels like a win-win-win because teachers get access to resources that presumably improve the functionality of their classroom (Boninger & Molnar, 2016; Boninger et al., 2017). They also gain training, recognition and (potentially) opportunities to advance in their careers. Students, especially those attending under-resourced schools, are provided with technology. Meanwhile, the platform company's products and services are used in classrooms and advocated for by teachers.

Upon closer examination, however, the win for students seems trivial – they are exposed to products without any proof of efficacy. It is also their data that are being collected without consent. The win for participating teachers can, however, be real. As we describe above, TBA programs offer teachers training, recognition, and materials – in addition to various perks and subsidies. (These benefits are counter-balanced by the TBA’s contractual duties to the platform and, as discussed later in this article, some risks facing participating teachers.) The win for platforms, however, can be a game-changer. They gain access to students, classrooms, and teachers. They control the environment in which teachers learn about their products. They open further opportunities for growth through teacher recruitment and requirements meant to encourage teachers to maintain their status. They even can create a mini-monopoly in the TBA classrooms by encouraging teachers to practice continuity across products.

In addition, while platforms use these methods to increase their profitability, the micro-influencer/TBA strategy carries very little risk and a relatively low cost. For example, while a firm may allocate millions of dollars to pay a celebrity brand ambassador, a micro-influencer—who might have anywhere from 1,000 to 50,000 followers on various social media accounts—might be compensated with anything from a t-shirt to a minimal monetary payout. A low financial cost allows firms to recruit and maintain relationships with an army of teachers. In addition, the design of social media platforms allows for an individual’s “influence” to be easily quantified through that person’s “reach” or social following (Alcántara, 2018; Hoffman & Fodor, 2010). Brand ambassadors are also often independent contractors, making them easily replaced when necessary. In this way, the micro-influencer strategy allows firms to avoid tying a brand name to celebrities—like Tiger Woods, OJ Simpson, Lance Armstrong, or Maria Sharapova—who leave open the risk of a scandal that renders the endorsements valueless, or worse (Hock & Rathel, 2019).

Further, teachers play only an indirect role in school districts’ purchasing decisions. That is, by targeting teachers, firms are unlikely to face questions about tampering in official purchasing processes. If, instead, firms were to target superintendents, the relationship could raise legal questions. Consider the experience of the Baltimore County Public Schools (BCPS) and its former superintendent, Shaun Dallas Dance. Dance, like many superintendents, was offered the opportunity to attend national edtech conferences with all expenses paid. Shortly after one such conference, he convinced the BCPS school board to approve a \$200 million budget allocation for the implementation of a one-to-one laptop program. As of January 2018, the district spent \$147 million, but the program had produced lackluster results. In addition, in March of 2018, Dance pleaded guilty to perjury after it was found that he concealed “the nature and extent of his outside business interests and conflicts of interest.” (For more coverage of Dr. Dance and the BCPS, see the following five articles: Bowie, 2017; Bowie & Donovan, 2017; Singer, 2018; Singer & Ivory, 2017, 2018). Importantly, the core illegality in BCPS was perjury, but it arose out of the conflict-of-interest concerns. This example also involves purchasing decisions on a much larger scale than any decision a brand-ambassador teacher would be called upon to make. In short, while TBA programs can also raise conflict-of-interest concerns, an army of teachers likely operates on safer ground than does even one superintendent.

Do TBA Programs Merit Serious Attention?

Do the relatively minor perks involved in TBA programs really rise to the level of a policy concern, or is this a tempest in a teapot? While no published research directly answers this question, we turn instead to analogous research examining prescription-drug marketing involving doctors. We focus specifically on what are known as “opioid-related payments.” These ostensibly harmless

payments to doctors provide perhaps the closest parallel between marketing used in the medical field and the design of TBA programs in K-12 public education.

An “opioid-related payment” can be any non-research payment not supporting clinical trial or medical research. This could include, but is not limited to, free meals, small gifts, travel reimbursement, and paid speaking engagements (Hadland et al., 2019; Wazana, 2000). In 2010, the United States Congress passed the Physician Payments Sunshine Act. The law “requires medical product manufacturers to disclose to the Centers for Medicare and Medicaid Services any payments or other transfers of value made to physicians or teaching hospitals... It also requires certain manufacturers and group purchasing organizations to disclose any physician ownership or investment interests held in those companies” (Richardson, 2014). Passage of the law was partially motivated by the commonness of non-research monetary relationships between pharmaceutical companies and medical professionals; for example, in 2009, 83.8% of randomly sampled doctors reported some type of “physician-industry” relationship (Campbell et al., 2010).

The Physician Payments Sunshine Act created greater transparency and offered an opportunity for researchers to study the association between the monetary value of “gifts” and the resulting effect of “gifts” on doctors’ behavior and prescribing patterns. For instance, in 2014 most opioid related payments were small; only about 2% of physicians received payments totaling more than \$1,000 (Hadland et al., 2018). That is, the vast majority of the 84% or so of implicated doctors received “gifts” of less than \$1,000. In fact, the median payment for meals was just \$13. Yet, opioid-related medical-insurance claims increased by 0.7% for each meal received. In addition, physicians who received a single meal associated with the promotion of a particular prescription drug had significantly higher rates of prescribing the drug over other competitors (Dejong et al., 2016). Although the evidence studying the correlation between opioid-related payments and practitioner behavior is strong, it remains nearly impossible to show that any payment or gift is what causes a doctor’s action.

The same can be said about teachers who decide to participate in a TBA program. That is, a teacher can participate, receive a perk, and have no consequent bias or undue influence. However, if a teacher were to recommend the product for which they serve as a brand ambassador, it would be all but impossible to know whether the recommendation came from a belief in the product’s efficacy or to a desire to maintain the perks and benefits afforded by a TBA program.

Consider the example of a teacher in the Irvington Union Free School District (IUFSD) in New Jersey (Espisoto & Wilson, 2019). In 2019, it was reported that the IUFSD school district’s director of technology, Jesse Lubinsky, was also a contractor for EdTechTeam, a Google partner that provides professional development to teachers. The benefits offered to Mr. Lubinsky as part of his role with EdTechTeam included paid travel and speaking fees, so it appears that they were a step up from the usual brand ambassador benefits. Mr. Lubinsky had been a teacher in the district for 13 years prior to becoming the district’s director of technology in 2017 (he began his affiliation with EdTechTeam in 2014). Reports state that after Mr. Lubinsky became the director of technology, the district’s Google purchases quadrupled. During that time, Lubinsky held several conferences for EdTechTeam in IUFSD, which the district paid for. For example, the district paid almost four thousand dollars to host an EdTechTeam training, which Mr. Lubinsky ran. Mr. Lubinsky also received travel funding to present at conferences in Singapore, Denmark, Canada, and Australia. On four occasions, Mr. Lubinsky simultaneously received payment for his job as a director in IUFSD and his role with EdTechTeam.

Lubinsky resigned from his position as the director of technology in January 2019, after reports surfaced about his involvement with EdTechTeam. In the aftermath, investigations were launched by the Westchester County district attorney and New Jersey comptroller’s office. Lubinsky

also filed a \$6 million defamation lawsuit against the parent who alerted reporters to the potential conflict of interest (Wilson, 2019b). It is unclear whether Mr. Lubinsky was solely responsible for the increased purchases. It is possible that the district increased its purchases of technology without internal influence from a Google-affiliated influencer. In the absence of more information, however, the story is about the appearance of undue influence, rather than actual undue influence.

Nor is it possible to assess whether Mr. Lubinsky believed in the pedagogical appropriateness of Google products over other products. It is also unclear what, if any, guidance was provided by IUFSD. Throughout his tenure, Mr. Lubinsky made no effort to conceal his affiliation with EdTechTeam. Like most brand ambassadors, he frequently used his social media platforms to tout his use of technology and his travel. Mr. Lubinsky maintains that the district was fully aware of his role with EdTechTeam (Wilson, 2019a).

Mr. Lubinsky's story shows that while TBA programs appear innocuous in their arrangements with teachers, the potential for the appearance of bias or undue influence is real. This is likely true even when perks are of lesser value than those received by Mr. Lubinsky – although public outcry is substantially less likely. Currently, it is near impossible to assess how many teachers associate themselves with TBA programs, how many receive perks, and what the value of these perks might be. To the best of our knowledge, there is no way to track or quantify the size and scope of the TBA/social influencer market. This leaves policymakers unable to determine the potential risk associated with these programs or their scope – comparable to the physician-pharmaceutical situation a couple decades ago. Given the possibility for bias in the professional decision making of teachers and the lack of awareness about the size of this threat, we conclude that school districts and states should indeed be paying attention to the use of brand ambassador programs in public schools. At a minimum, local policymakers should know if teachers in their community are participating in brand ambassador programs.

Policies Addressing Issues Concerning Teacher-focused Brand Ambassadorships

A conflict of interest can arise when someone is acting with divided loyalties, thereby presenting both legal and policy concerns. Laws in this area focus in particular on conflictual situations involving those making public policy as well as those in self-regulating professions (e.g., the law itself), since they threaten the policymaker's or professional's ability to perform specified functions competently and fairly (Hayden, 2000). In addition, influencer marketing presents potential legal ramifications for teachers who fail to disclose an advertising relationship when publicly praising the use of a product or service. As discussed below, teachers technically fall within conflict laws governing government employees—even though those laws were likely written with policymakers, not teachers, in mind. Teachers who serve as brand ambassadors are also likely required to abide by advertising laws that govern the practice of influencer marketing.

In this section, we examine federal guidelines on the use of influencer marketing, and we consider national, state, and local conflict of interest policies and professional codes of ethics. Our examination of state and local policies focuses primarily on codes of ethics and conflict of interest policies in the state of Colorado because of our familiarity with these policy settings; laws and policies across the US are, however, very similar—except as noted.

Federal Guidelines on Influencer Marketing

In November of 2019, the Federal Trade Commission (FTC) released guidance to better inform individuals involved in influencer marketing about disclosures required by law. This guidance

recommends that influencers must disclose any “material connection” to a brand. This includes disclosing any “financial, employment, personal, or family relationship” (FTC, 2019, p. 3). Disclosures must be made clearly and in a way that is hard to miss.

In addition, the FTC recommends that individuals refrain from promoting products that have not been tried, did not function or were not satisfactory. Influencers are also forbidden from making “claims about a product that would require proof the advertiser doesn’t have – such as scientific proof that a product can treat a health condition.” Under Section 5 of the FTC Act (15 U.S.C. 45), the guidance is particularly concerned that influencers’ failure to disclose a contractual relationship with the company would constitute deceptive advertising. However, the FTC guidance provides no information about how the agency intends to enforce these additional recommendations or what methods it has designed to detect potential violations.

In February 2020, former FTC chairman, Rohit Chopra, added to these guidelines by addressing the prevalence and deceptive nature of influencer marketing directly (Chopra, 2020). In his statement, Chopra recognized that advertisers and social media platforms use influencer marketing because it makes paid advertising appear more authentic. He argued that when the financial relationship between marketers and the influencer is not disclosed to the public “this is illegal payola.” He also acknowledged that the current approach to regulating this form of marketing may be ineffective.

For teachers, these guidelines provide generalized advice that includes disclosing on social media that the promotion of a product involves the receipt of perks or monetary payment and making this disclosure hard to miss (Molnar, 2019). However, FTC rules and Chairman Chopra’s statement do not provide guidance on any individual potential ramifications of influencer marketing, brand ambassador programs, and the offering or receipt of perks for individuals who serve in public roles. Nor do these resources provide specific guidance on how public employees can avoid these ramifications. Schmidt (2018), for example, argues that the use of brand ambassador programs to recruit teachers poses the additional regulatory challenge of face-to-face marketing. That is, brand ambassador programs entail the introduction and use of educational products by a teacher into a classroom. Accordingly, we now turn to conflict of interest policies and codes of ethics that specifically address these concerns for public school teachers.

National Policies that Address the Threats of Teacher-focused Brand Ambassadorships

A number of national organizations have adopted model codes of ethics for educators. Although these codes are not binding law, they provide guidance for school districts when creating their own codes of ethics. The National Education Association, for example, provides a *Code of Ethics of the Education Profession*. The provision relating to conflicts of interest states that “[t]he educator shall not accept any gratuity, gift, or favor that might impair or **appear** to influence professional decisions or actions” [emphasis added]. The clause straightforwardly cautions teachers that it is unethical to take gifts that might give someone reason to believe the giver has influence over teaching decisions. If a company gives a brand ambassador teacher a percentage of sales of the software,² a reasonable person would conclude that the company does have influence over the teacher’s decisions. If, on the other hand, a company merely gives a TBA free software for their

² *New York Times* reporter Natasha Singer (2017) described one such offer: “The competition for these teacher evangelists has become so fierce that GoEnnounce, a one-year-old platform where students can share profiles of their accomplishments, decided to offer a financial incentive—a 15 percent cut of any school sales that resulted from referrals.” The company reported that no teacher had asked for the commission by the time of Singer’s article.

classroom, a reasonable person would have a much harder time reaching that conclusion. Many other arrangements fall in the grey area between these two examples, however. In that grey area, it becomes almost impossible to tell if a teacher is using and recommending the product to colleagues because of its educational merit.

The Association of American Educators, which presents itself as an alternative to unions, also has a Code of Ethics, stating that, “The professional educator endeavors to present facts without distortion, bias or personal prejudice.” This code also provides, “The professional educator does not use institutional or professional privileges for personal or partisan advantage.” When brand ambassador teachers receive significant compensation (e.g., a product or a trip), they are arguably using their professional privileges for personal advantage. These companies contract with teachers for a marketing purpose: to reach school districts, schools, other teachers, and students. The “but for” causation is straightforward: *but for* their position as teachers, they would not be afforded the same opportunity to promote the product and receive these benefits.

State Policies

As discussed in the next section, most teachers looking for guidance will ultimately turn to the conflict-of-interest policies of their school districts. But such district-level policies often implement state law. These state laws address ethics and conflicts of interest for public employees in a general sense; they are not typically specific to teachers. While policymakers and employees with purchasing discretion are the type of government employees of most concern, state ethics laws are generally written and interpreted to cover all public employees (Pauken & Daniel, 2007). These statutory conflict of interest laws serve a public purpose in the sense that they provide confidence in the operation of the government. For example, Colorado law, which is typical of state approaches, defines a public employee as “a temporary or permanent employee of a state agency or any local government, except a member of the general assembly and an employee under contract to the state” (Colorado Revised Statutes § 24-18-102(3)). Public school teachers are thus subject to such conflict-of-interest laws.

As public employees, teachers are subject to restrictions on what kinds of gifts they can receive while operating in their official capacity (Colorado Revised Statutes § 24-18-104(1)(b)(I)):

A public officer ... or an employee shall not; accept a gift of substantial value or a substantial economic benefit tantamount to a gift of substantial value; which would tend improperly to influence a reasonable person in his position to depart from the faithful and impartial discharge of his public duties.

Thus, depending on the value of what a TBA receives and the state’s definition of “would tend ... to influence,” a teacher serving as brand ambassador may be violating this law by accepting gifts from companies that are ultimately seeking to build their brand’s reputation in schools. In addition, Colorado has regulations in place that dictate what kind of behavior is unethical for an educator:

It shall be unethical behavior for a license holder [e.g., the holder of a teaching license] or applicant to solicit, accept, or agree to accept or to have ever solicited, accepted or agreed to accept anything of substantial value from any person when the license holder or applicant knows, or a reasonable person could construe, that the conferment of the thing of value is for the purposes of influencing the license holder or the applicant’s professional judgment or performance of professional duties. (1 CCR 301-37:2260.5-R-15.02.)

This regulation shifts the question from *would this gift tend to influence a reasonable person?*, to *would a reasonable person construe the giver of this gift as intending to influence?*

Other state boards and commissions have considered issues worth noting, pertaining to brand-ambassador-like arrangements for public employees. For example, the West Virginia Ethics Commission has wrestled with a number of relevant questions. In one decision, the commission concluded that the state's restriction on public employee commercial endorsements prevented the state from entering into an agreement with a large software vendor that would have included West Virginia teachers in a promotional video. The state itself asked for the advisory opinion because the relevant state agency concluded that the software was beneficial, and the state wanted the educators to participate. But West Virginia law provides: "A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person" (W.Va. Code § 6B-2-5(b)(1)). This statute also includes exceptions that the commission determined do not apply. For example,

Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in *de minimis* private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

The question in the case of TBA programs, then, becomes what constitutes "*de minimis* private gain."

Local Policies that Address the Threats of Teacher-focused Brand Ambassadorships

Borrowing from national and state ethics and conflict-of-interest policies, school districts can assist their teachers by providing adequate and clear guidance. While the state laws cited above are important, teachers are likely to experience the laws through school district guidance and enforcement. The decision as to whether and how to enforce conflicts rules generally lies at this district level.

Typically, state statutes provide authority for each school district's board of education to create its own policies. Colorado law, for example, authorizes districts to "adopt written policies, rules and regulations, not inconsistent with law that may relate to the efficiency, in-service training, professional growth, safety, official conduct, and welfare of the employees, or any classification of the district" (Colorado Revised Statutes § 22-31-110). Conflict-of-interest policies likely fall under the "official conduct" language of this statute, thus authorizing each school district to adopt its own set of policies and procedures around potential conflicts of interest.

There is also the possibility that in addition to violating state conflict of interest laws, public school teachers may be breaching their employment contracts by serving as brand ambassadors. Whether a breach of contract occurs depends on the facts of the situation, as well as the specific language in the contract and the district's policies (see, e.g., Pauken & Daniel, 2007: "Ethics codes, whether they are promulgated by state legislatures, public school boards, or individual schools, are often incorporated directly into the contracts of public school employees" (p. 25)). As a practical matter, these district policies are likely to pull language from state statutes and from provisions in state constitutions. Below, we examine the policies of three Colorado school districts, to better

understand how these policies might guide teachers' decisions about whether to participate in a brand ambassador program.

The Boulder Valley School District (BVSD) implemented the following policy, which is based on language from the Colorado Constitution, Article X, Section 13: "No district employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his or her duties and responsibilities in the school system."³ While the financial benefits for teachers who are brand ambassadors tend to be small, they do exist. In applying the BVSD rule, the question becomes whether the brand ambassador activity "conflicts or raises a reasonable question of conflict with his or her duties and responsibilities in the school system." A teacher might contend that the product being introduced will have benefits for their students—with the logical conclusion that there is no conflict since their normal duties are advanced by the arrangement. That is, while the first part of the policy restriction is met (a financial interest), the argument for no violation is that there is no conflict with job duties. As a practical matter, that judgment will be made by the school district.

Similarly, the Code of Ethics of Aurora (Colorado) Public Schools provides "that each employee be free of any investment association or other relationship that could conflict with her/his responsibility to act objectively in matters affecting the District." The issues posed here are very similar to those in BVSD. To what extent does a relatively small reward affect a brand ambassador's objectivity when faced with a decision that affects the district and implicates their role as a brand ambassador? Again, the school district's judgment would likely be conclusive, and the judgment would probably depend on what kind of incentives the teacher receives, but our examination of the effect of small, non-pecuniary perks on the prescribing patterns of medical professionals suggests that a school district may find it difficult to assess the effect of a perk on a teacher's judgment. A teacher who receives the use of a 3-D printer for their classroom, for example, might be less likely to have that perk affect decision-making than if the perk also provided such a printer for use in the teacher's house and if the perk were revocable for a failure to meet training or recruitment quotas. Similarly, teachers who receive an all-expense-paid trip to a conference may lose their sense of objectivity towards district-related decisions.

The Aurora Public Schools policy also provides examples of circumstances in which a conflict of interest might arise. One such example is as follows: "Receiving any compensation, in addition to regular salary and benefits, whether the compensation is financial or otherwise, for the performance of duties with respect to which any employee already receives payment from the District." The comparable language for the Colorado Springs guide to proper conduct for public employees states that an employee "should not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the employee has a substantial financial interest in a competing firm or undertaking" (Colorado Springs School District 11, 2018). The nature of teachers' role as brand ambassadors puts them in a position where an official act may benefit one organization (brand company or school district) but might be detrimental to the other (school district or brand company). Any type of conduct that puts a teacher in this position is problematic and should be examined. But the word "substantial" (in the Colorado Springs policy but not the Aurora policy) would likely exclude smaller benefits received by brand-ambassador teachers.

Another portion of the Colorado Springs policy, concerning gifts to and solicitations by staff, is also worth mentioning:

³ This exact language is also used in the conflict-of-interest policies for Denver Public Schools and Littleton Public Schools (Denver Public Schools, 2016; Littleton Public Schools, 2017).

All employees of the District are prohibited from accepting gifts of other than nominal value from companies or organizations doing business with the District. Exceptions to this policy are the acceptance of minor items which are generally distributed by the company or organization through its public relations program. (Colorado Springs School District 11, 2019)

The compensation typically provided through TBA programs is likely “nominal” but is provided through its advertising program, not its public relations program.

These school-district policies and their enforcement (or not) are normally the last word; courts are very unlikely to second-guess decisions made by school district leaders, particularly elected school boards. Consider, for example, the following two cases that involved conflict of interest disputes. These cases did not address the issue of brand ambassadors yet still offer useful insights into how the court handles conflict of interest disputes in the K-12 context. In *Meridith v. Board of Education*, a teacher was dismissed because he operated a seed and fertilizer business outside of school hours. The court did not rely on a specific regulation, but it upheld the board of education’s dismissal of the teacher. The court reasoned that this decision was a province of the board in the exercise of its discretion to determine whether “the outside activities of the [teacher] had progressed to such an extent as to interfere with the performance of his duties as a member of the teaching staff” (*Meridith*, 1955, p. 486). In making this decision, the court declined to interfere with the board’s power in the absence of any “malicious, capricious, or arbitrary action by the board.” This case, which evidences deference typical of judicial review of school-board decisions, demonstrates the limits a court specifies in overturning actions taken by a school board: Judges are generally unwilling to overturn the action of a board absent malicious, capricious or arbitrary action.

In *Montrose County School District RE-1J v. Lambert*, a school board member filed a lawsuit challenging the board’s decision not to hire her as a teacher. The board rested its decision on its conflict of interest policy, but the plaintiff alleged that the denial violated her equal protection rights at the state and federal level. The court reviewed the board’s policy, which allowed board members’ spouses to teach, but not board members themselves. The court determined that it was reasonable for the board to believe that “the conflict of interest created when a board member is also a teacher is more direct and compelling than the conflict that may arise when the board member’s spouse is a teacher” (*Lambert*, 1992, p. 352). Applying rational-basis scrutiny to the board’s action, this case illustrates that a board’s enforcement of its conflict-of-interest policies is highly likely to withstand constitutional challenges.

Because teacher-focused brand ambassadorships potentially provide students with benefits, and because teacher compensation is generally small, the threats posed by these arrangements will not necessarily prompt school districts to step in. However, given the threats to educational integrity and the well-being of students, school districts should provide clear guidance in response to the emergence of the TBA strategy.

A Disclosure Framework to Regulate Teacher Brand Ambassadorships

For teachers interested in participating in brand ambassador programs, and for their schools and districts, conflict of interest and ethics codes can provide much-needed guidance. However, if TBA programs proliferate rapidly and increase in scope, policymakers may consider policies that universally mandate greater disclosure on the part of teachers and local educational agencies (LEAs). In this section, we review two such policies: federal payola laws and the earlier-mentioned

Physician's Payment Sunshine Act of 2010. By increasing transparency, a policy akin to these laws could better balance the perceived incentives of brand ambassador programs with the potential risks.

Federal Trade Commission Chairman Rohit Chopra warned, as noted above, that the practice of influencer marketing on social media becomes "illegal payola" if the financial relationship between marketers and an influencer is not disclosed to the public (Chopra, 2020). Anti-payola laws, in particular a statute passed by Congress in 1960 (an amendment to the Communications Act of 1934), were designed to address influencer marketing in radio. The term payola originally referred "to the practice of making undisclosed payments or exchanges of value in return for inclusion of material in radio broadcasts" (Repyneck, 2006, p. 696). The 1960 amendments to the Communications Act focused on disclosure, and federal payola laws now prohibit payment in exchange for marketing when the payment is not disclosed.

Consider also the Physician Payments Sunshine Act of 2010, which requires the disclosure of any payment or transfer of value between medical product manufacturers and practicing physicians or teaching hospitals. The law also mandates that data on transactions be compiled and published annually through the National Physician Payment Transparency Program, which also known as the Open Payments program (Richardson, 2014). A comparable sunshine law aimed at regulating the TBA market would provide useful information about how many teachers are participating in the brand ambassador programs and how much these teachers are being offered to participate. Currently, this information is simply not publicly available, which leaves policymakers in the dark about the potential risk associated with these programs and encourages corporate actors to enter the market without fear of disclosure.

Together, disclosure policies coupled with the conflict of interest and ethics codes described in the previous section form a framework for protecting the teaching profession from potential corporate influence. Like the medical profession, teachers hold a great deal of trust within their schools and communities, and it is in the best interest of the public and the teaching profession to protect this trust.⁴

Conclusion

Teacher-focused brand ambassador programs create partnerships between teachers and private firms. Although they are framed as opportunities for teachers to supplement their classroom with new educational products and resources that would otherwise be out of reach, brand ambassador programs raise ethical questions and create potential conflicts of interest. This is because it is unclear whether a teacher who participates in a brand ambassador program would have selected a different lesson or approach but for the contractual obligation to the company. Teachers are accordingly at risk of violating state and district conflict-of-interest policies. Meanwhile, students become the captive audience for the firm's marketing efforts, while firms reap rewards from gaining access to schools.

The context here is important. The reality facing many teachers is one of significant financial need and a marginalized role in decision-making. Public schools remain severely underfunded, with the weight of this burden falling heavily on schools in urban and predominantly African American and Latinx communities as well as on many lower-income rural communities. Many teachers in these schools lack the technology and training to support student learning, especially as schools have gone

⁴ In this paper, we emphasize the principle of disclosure in designing a policy framework to regulate TBA programs. However, others have proposed alternative policy strategies. For example, see Clement (2019) for a discussion of "regulatory sandboxes" that allow teachers to experiment with emerging educational technologies.

remote. Meanwhile, TBA programs offer opportunities for learning and advancement in a time of teacher de-professionalism.

The TBA programs reviewed in this article illustrate how companies have responded to these needs, strategically filling a void as a way to market their products. Platforms entice talented and influential teachers using the allure of recognition and potential career opportunities, and they expand their market share in classrooms by offering a suite of products that provide for the full gamut of school technological needs.

Whatever their potential benefits to teachers and students, TBA programs pose threats to schools and the professional integrity of teachers, and these threats are sufficiently serious to require regulation. Currently, it is generally impossible to discern if a teacher is advocating for a product because of pedagogical value or because of their private arrangement. These teachers' role accordingly expands from public servants to agents of special interests. Our recommendation is that states and school districts put in place disclosure policies aligned with conflict of interest and ethics codes, to protect the teaching profession from potential corporate influence. Without these protections, only the advertisers are clear winners.

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