



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: G – Personnel
POLICY TITLE: Scope of Employment
FILE NO.: GBHA
DATED: November 8, 2017

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1. PURPOSE AND PHILOSOPHY

- 1.1. Personnel employed by Nebo School District constitute the most important resource for effectively conducting a quality learning program. Every employee can make important contributions to student learning, and the Board of Education recognizes that these contributions are best made when employees act within the scope of their employment. Employees act within the scope of their employment only when performing duties for which they have been hired by the District or for which they have been authorized by the Board, the Superintendent, or their school Principal or supervisor. Employees also act within the scope of their employment only when they act in compliance with District policies and applicable state and federal laws, rules, and regulations.
- 1.2. If a civil lawsuit is brought against an employee for acts or omissions occurring during the performance of official job duties or otherwise within the scope of the employee's employment, the employee may have the right to have the lawsuit defended by an attorney at no cost to the employee, to have any claim settlement paid on the employee's behalf, and to have any judgment entered against the employee paid. Likewise, if criminal charges are brought against an employee for acts or omissions occurring during the performance of official job duties or otherwise within the scope of the employee's employment, the employee has the right to recover reasonable attorney fees and court costs for defense of the charge if the case is dismissed or results in an acquittal, unless such dismissal is on motion of the prosecuting attorney. Employees acting outside the scope of their employment enjoy no such protections.

2. EMPLOYEE/STUDENT STANDARDS OF CONDUCT

Employees act outside the scope of their employment when they fail to operate within the professional boundaries set forth in Nebo School District Policy GBEF *Employee/Student Standards of Conduct*, Policy GBHB *Information and Communication Technology / Social Networking*, and Utah State Board of Education Rule R277-515, Utah Educator Professional Standards. Prohibited boundary violations do not fall within the scope of any employee's employment.

3. STUDENT SUPERVISION

Teachers shall not leave students unattended in a classroom, lab, or other instructional area during instructional time. A justification may exist for leaving students unattended only in cases of emergency

such as injury to a student requiring immediate attention, threat to health or safety, or personal emergency of the teacher. Any other absences from the classroom fall outside the scope of a teacher's employment.

4. PROVISION OF TRANSPORTATION

Except as otherwise specifically provided for by District policy, no employee except an authorized bus driver has authority to provide transportation for any student or other employee unless authorization is given by the Principal or other appropriate administrator. All transportation not authorized is outside the scope of employment. See Nebo School District Policy GBEF *Employee/Student Standards of Conduct*, Section 3.6, and Policy IICA *Student Educational Travel*.

5. CONFLICTING EMPLOYMENT

Consistent with applicable employee Handbooks, no employee of the District shall obtain or maintain any other employment that may or does interfere with or substantially impede the discharge of the employee's duties with the District. Employees engaging in other employment must comply with the *Utah Public Officers' and Employees' Ethics Act*, UTAH CODE ANN. § 67-16-1, et seq., Utah State Board of Education Rule R277-107, *Educational Services Outside of Educator's Regular Employment*, Nebo School District Policy KA *School Facility Use*, and the guidelines found in Nebo School District Administrative Directive No. 5.1, *Private, but Public Education-Related Activities*. Outside employment in violation of these laws, rules, policies, or directives constitutes conduct outside the scope of employment.

6. MEDIA CONTACTS

Official statements for publication regarding District matters should be made only by the District Public Information Officer. Employees should consult with the Public Information Officer before responding to media questions or concerns and before making official statements about school or District business or speaking in their official capacity as an employee on social media or other publicly accessible media forums. Failure to do so may result in the employee's comments constituting conduct outside the scope of employment.

7. CONCEALED FIREARMS

- 7.1** Both federal and state law prohibit firearms from being brought onto public school property, subject to a few limited exceptions. One exception makes the prohibition inapplicable to persons authorized to possess a firearm under Utah's Concealed Firearm Act. Public schools do not have authority to govern, control, or monitor concealed firearm permit holders on school property. This applies to both employees and patrons. Except as provided in Subsection 7.2, Nebo School District maintains a neutral position with regards to concealed firearm permit holders.
- 7.2** Under Utah law, no person under the age of 21, regardless of permit, may carry a firearm on or about school premises, concealed or otherwise. Employees found to be in violation of this provision are subject to disciplinary action up to and including termination.
- 7.3** Employees who carry a concealed firearm on school property do so in their personal capacity, and as such, are acting outside the scope of their employment. This means that if any damages or liabilities occur as a result of the employee carrying a concealed firearm, the employee is personally liable. There is no coverage or indemnification by Nebo School District or Utah State Risk Management for any such damages or liabilities.
- 7.4** Concealed firearm permit holders are bound by the parameters of Utah law in regards to carrying a concealed firearm. Any employee or patron who carries a concealed firearm on school property must strictly comply with the law, which includes keeping the firearm "covered, hidden, or secreted in a manner that the public would not be aware of its presence, and readily accessible for immediate use." UTAH CODE ANN. § 76-10-501(3). Failure to do so may subject the

employee to disciplinary action up to and including termination.

- 7.5** District property, including but not limited to desks, file cabinets, drawers, cupboards, or other furniture or containers, may not be used to store, hold, or conceal an employee's firearm. Employees who place a firearm in District property may be subject to disciplinary action up to and including termination.
- 7.6** Employees may not notify others that they are carrying a firearm while acting in their official capacity or during school hours or activities when students are present. Such discussion may subject the employee to disciplinary action. The foregoing notwithstanding, an employee may respond in an appropriate and restrained manner to questions regarding whether or not the employee holds a permit.

EXHIBITS

None

REFERENCES

UTAH CODE ANN. § 53-5-704
UTAH CODE ANN. § 53-5-710
UTAH CODE ANN. § 67-16-1, et seq.
UTAH CODE ANN. § 76-10-501(2)(a)
UTAH ADMIN. CODE, R277-107-1, et seq.
UTAH ADMIN. CODE R277-515-1, et seq.
Nebo School District Policy GBEF *Employee/Student Standards of Conduct*
Nebo School District Policy GBHB *Information and Communication Technology / Social Networking*
Nebo School District Policy GCPD *Employee Discipline, Administrative Leave, and Orderly Termination*
Nebo School District Policy JDA *Safe School Environment*
Nebo School District Policy KA *School Facility Use*
Nebo School District Administrative Directive No. 5.1, *Private, but Public Education-Related Activities*

FORMS

None

HISTORY

Revised 8 November 2017 – added prohibition of concealed carry firearm for anyone under 21 per HB 198 (2017).
Revised 11 January 2017 – substantially rewritten.
Revised or adopted 10 January 2007.
