



Scope of Employment Policy Guideline

I. Board Directive

The Board of Education holds the expectation that all interactions between employees and students are professional and appropriate. Therefore, the Board directs the LEA Administration to develop a scope of employment policy regarding interactions between students and staff members which stem from school relationships. In addition, the Board directs the Administration to designate that certain activities pertaining to dangerous weapons are outside the scope of an employee's employment.

II. Administrative Policy

The scope of employment policy shall be administered according to the following administrative policy provisions and applies to all employees, and volunteers.

- A. Instruction, counseling, and administrative tasks and all other planned school contact with students shall be accomplished at the school during regular school hours.
 - 1. If special circumstances make it necessary for a LEA employee to meet with one or more students outside the regular school day or at a location other than the school, prior written approval from the principal is required.
 - 2. When a student requires staff assistance outside the regular school day because of an emergency or unanticipated occurrence, the employee shall notify the principal of the occurrence as soon as possible.
 - 3. All transportation of students in personal vehicles by LEA employees shall be avoided, unless the students are members of the employee's immediate family or a student must be transported by an employee due to an emergency situation where the health, safety or welfare of the student is at immediate risk. If such travel cannot be avoided and the transportation of a student is not life threatening, written permission must be obtained in advance from the parent and principal.
- B. All extracurricular activities outside regular school hours or off school property must be authorized in advance and in writing by the school principal in accordance with DaVinci Academy. After-hour activities involving students are to be held at the school whenever possible. If another location is necessary, prior written approval from the school principal is required.
- C. Employees shall not charge a fee for any tutoring services provided to students at the school within school hours. Employees may charge a fee for tutoring services outside of contract hours, only in accordance with DaVinci Academy policy.
- D. LEA employees have the responsibility to communicate with students and their parents or guardians in a professional manner. Text messages to students must be of a professional, not personal nature. All communication using social media must be in compliance with DaVinci Academy policies and guidelines. The message content, context and frequency will be used to determine if disciplinary action is taken by the DaVinci Academy.



- E. Unless otherwise provided for by law, possession, or use of a firearm, weapon, or other dangerous materials (as defined in section G, below) by any employee in a DaVinci building, in or on DaVinci property, in conjunction with any DaVinci activity, or while traveling in DaVinci funded or dispatched vehicles, is in violation of DaVinci Academy LEA Policy, and will be subject to disciplinary sanctions which may include termination. Possessing, using, selling, or attempting to possess, use or sell any such dangerous materials on DaVinci property or in DaVinci vehicles is prohibited regardless of intent. Exceptions to this prohibition are for employees that use tools or materials that are required as part of their job function (as defined in section H, below) and for current holders of a lawfully issued concealed firearm permit (as set forth in section I, below) applying only to firearms, not to any other prohibited weapon or other dangerous materials.
- F. Dangerous materials include, but are not necessarily limited to, the following: firearms (including antique firearms), weapons, knives, swords, explosive/incendiary devices, dangerous chemicals, noxious or flammable materials, martial arts weapons or other instruments including those which eject a projectile or substance of any kind, or any replica or facsimile of any of the above, whether functional or nonfunctional, whether designed for use as a weapon or when any object or substance is used as a weapon.
- G. Authorized use or possession of dangerous materials and tools when used in connection with a DaVinci approved activity or job function must be in the possession or under the control or supervision of the person authorized and responsible for the activity (e.g.: cooking, consumer science, CTE, chemistry classes, custodial, maintenance and repair).
- H. The law provides that a qualified person may receive a permit “to carry a concealed firearm for lawful self-defense” [UCA §§53-5-704\(1\),-705](#). A concealed dangerous weapon means “a dangerous weapon that is covered, hidden or secreted in a manner that the public would not be aware of its presence and is readily accessible for immediate use.” [UCA §76-10-501\(3\)\(a\)\(i\)](#). Therefore, any lawfully concealed firearm on DaVinci property or in DaVinci vehicles must remain concealed such that the public is not aware of its presence.
- I. DaVinci property may not be used to hide, cover or secret a firearm. A lawfully concealed firearm must be within the employee’s immediate control at all times. Employees must recognize that students could gain access to a firearm that is not properly concealed, or controlled. Therefore, employees must use good judgment and strictly follow the law and this policy.
- J. An employee of DaVinci Academy who obtains a concealed weapons permit does so in his or her own individual capacity. Any use of such weapons is outside the scope of employment, is contrary to the purposes of employment by DaVinci Academy and is done solely in the employee’s personal capacity, not as an employee of DaVinci Academy. Any and all liabilities, damages, demands, claims, actions or proceedings in law or equity, including attorney’s fees and costs to suit, relating to or arising out of an employee decision to carry, threaten use, or use of a weapon will be the sole responsibility of that employee without recourse to, or liability protection from or through DaVinci Academy.