



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

J

SECTION: G - Personnel
POLICY TITLE: Coaches and Advisors
FILE No.: GF
DATED: March 14, 2018

TABLE OF CONTENTS

1. PURPOSE AND PHILOSOPHY
 2. EMPLOYMENT
 3. ELIGIBILITY FOR EMPLOYMENT
 4. STAFFING AND COMPENSATION
 5. COMPLIANCE WITH DISTRICT POLICIES
-

1. PURPOSE AND PHILOSOPHY

- 1.1. The Board of Education recognizes the many benefits athletic and other extracurricular activities afford to students. The Board supports these programs and encourages students to participate in a variety of such activities, with the understanding that participation is a privilege and not a right.
- 1.2. The existence of extracurricular programs is dependent on the dedicated service of coaches and advisors who lead, instruct, and serve as role models for students. Coaching and advising in extracurricular programs carries numerous responsibilities, including student safety; appropriate instruction; fiscal accountability; and compliance with state and federal laws, District policies, and the rules of various organizations such as the Utah High School Activities Association.
- 1.3. Because of the important role coaches and advisors play and the many responsibilities they hold, the Board hereby adopts this policy to provide necessary guidance, instruction, and requirements for those in coaching and advising positions.

2. EMPLOYMENT

- 2.1. Prohibition on Unpaid Coaches and Advisors
 - 2.1.1. Because unpaid volunteers are not public employees subject to the Utah Public Officers' and Employees' Ethics Act, and to avoid potential violations of law such as noncompliance with Title IX of the Education Amendments of 1972, the use of unpaid volunteer coaches, advisors, and assistants is prohibited. All coaches and advisors, including their assistants, must be hired pursuant to Nebo School District Policy GCD, *Hiring Practices* and paid a stipend as outlined in Section 4 below. Notwithstanding the foregoing, coaches, advisors, and their assistants are designated as volunteers under the Fair Labor Standards Act (FLSA), which permits volunteers to receive stipends. As such, coaches, advisors, and their assistants are exempt employees under the FLSA and are not subject to minimum wage or overtime requirements.
 - 2.1.2. Parents and others volunteering their time for the benefit of an extracurricular program may do so only in accordance with Nebo School District Policy KB, *Volunteers*. Parents and others who serve as volunteers may not hold themselves out as coaches, advisors,

assistants, or representatives of the school in any way and may not exert authority over students or programs.

- 2.1.3. Volunteers, including parents and guardians, may not travel with a team/group unless they are doing so as supervisors pursuant to Nebo School District Policy IICA, *Student Educational Travel*. Supervisors may travel with a team or group only when necessary to comply with the required adult-to-student ratio as directed in that policy and only when there is an insufficient number of coaches, advisors, and assistants to satisfy the required ratio.

2.2. Positions are At-Will

- 2.2.1. Consistent with UTAH CODE ANN. § 53G-11-503, all coaching and advising positions are at-will. Coaches and advisors may not obtain career status in the coaching or advising position, even if they have attained career status as an educator or employee under the terms of either the Classified Employee Handbook or the Certified Employee Handbook.

- 2.2.2. Coaches and advisors may be terminated from the coaching or advising position at any time for any or no reason, except for a reason prohibited by law.

3. ELIGIBILITY FOR EMPLOYMENT

- 3.1. District employees are eligible to apply for and be hired as coaches, advisors, and assistants under the following conditions.

- 3.1.1. Classified and certified employees who are hired as coaches, advisors, or assistants must fulfill all aspects of their classified or certified employment responsibilities. The coaching/advising may not interfere with their classified or certified job duties.

- 3.1.2. Management team employees may not be hired as coaches, advisors, or assistants.

- 3.2. Members of the community may be eligible to apply for and be hired as coaches, advisors, and assistants consistent with Nebo School District Policy GCD, *Hiring Practices*.

4. STAFFING AND COMPENSATION

- 4.1. Consistent with Nebo School District Policy GCD, *Hiring Practices*, school administrators may recommend the hiring of coaches, advisors, and assistants for their extracurricular programs as outlined in this policy and the exhibits and forms listed in this section.

- 4.2. Coaches, advisors, and assistants must be paid in accordance with this policy and the exhibits and forms listed in this section.

- 4.3. Coaches, advisors, and assistants may not receive compensation from donations, fundraising revenues, booster clubs, alumni associations, or other third parties. Any employee who knowingly authorizes or accepts compensation not in accordance with this policy may face disciplinary action.

- 4.4. Compensation to coaches, advisors, and assistants may not result in disparate or inequitable educational opportunities for students, especially, but not limited to, gender inequity as prohibited by Title IX of the Education Amendments of 1972. Schools must ensure that the quantity and compensation of staffing for women's and men's programs is equitable. Likewise, compensation must comply with the Equal Pay Act of 1963, 29 U.S.C. 206(d).

- 4.5. Extracurricular Stipend Exhibits and Forms

- 4.5.1.** Staffing and compensation of coaches, advisors, and assistants is governed by the exhibits listed and described here.
- 4.5.1.1.** Exhibit 1 – High School Extracurricular Positions and Funding. This exhibit identifies the extracurricular activities permitted in the high schools and the amount of District funding allotted to each. It also indicates the position titles, maximum number of positions, and the lane on the High School Extracurricular Stipend Schedule at which each position is paid.
 - 4.5.1.2.** Exhibit 2 – Junior High School Extracurricular Positions and Funding. This exhibit identifies the extracurricular activities permitted in the junior high schools and the amount of District funding allotted to each. It also indicates the position titles and maximum number of positions allowed.
 - 4.5.1.3.** Exhibit 3 – High School Extracurricular Stipend Schedule. This exhibit contains the base salary as found on the Certified Employee Salary Schedule currently in effect and shows the percentage of the base for each step and lane. The amount listed in a given cell is the maximum that can be paid to any employee filling that step and lane.
 - 4.5.1.4.** Form 1 – High School Extracurricular Stipend Payment Request. This form must be completed for each extracurricular activity by the school athletic director and submitted to the District Finance Department before the program’s season start date. The form should be completed and submitted electronically. It must be signed by the athletic director and principal, whose signatures may be electronic.
 - 4.5.1.5.** Form 2 – Junior High School Extracurricular Stipend Payment Request. This form must be completed for each extracurricular activity by the school athletic director and submitted to the District Finance Department before the program’s season start date. The form should be completed and submitted electronically. It must be signed by the athletic director and principal, whose signatures may be electronic.
- 4.5.2.** The District will provide high schools with funds up to the amounts listed in the Maximum District Funding column of Exhibit 1 for each extracurricular program for the purpose of compensating coaches, advisors, and assistants.
- 4.5.3.** The District will provide junior high schools with funds up to the amounts listed in the Maximum District Funding column of Exhibit 2 for each extracurricular position for the purpose of compensating coaches, advisors, and assistants.
- 4.5.4.** The number of individuals hired for each position must be equal to or less than the number listed for that position in the Maximum Number of Positions column on Exhibits 1 and 2, regardless of the source or availability of funds.
- 4.5.5.** No high school coach, advisor, or assistant may be paid an amount greater than the corresponding amount listed for that employee’s step and lane as indicated in and calculated using Exhibits 1 and 3. The actual stipend amount paid under this policy may be less than the amount permitted and is determined by the school principal within the limits of the exhibits.
- 4.5.6.** No junior high school coach, advisor, or assistant may be paid an amount greater than the corresponding amount listed for that employee’s position as indicated in Exhibit 2.
- 4.5.7.** High schools, at the discretion of the school principal, may divide the Maximum District Funding amount listed on Exhibit 1 among the coaches, advisors, and assistants within the corresponding program but must ensure that no coach, advisor, or assistant receives an amount greater than the amount listed for that employee’s step and lane.

Schools may allocate the District funds so that coaches, advisors, and assistants receive amounts less than their corresponding step and lane but not more.

- 4.5.8.** If the sum of the stipend amounts of a high school program’s coaches, advisors, and assistants is less than the Maximum District Funding shown on Exhibit 1, the District will provide only the amount of the combined stipends. If the sum of the stipend amounts of a high school program’s coaches, advisors, and assistants is greater than the Maximum District Funding, the school principal may allocate school funds to compensate the program’s coaches, advisors, and assistants, not to exceed the amount listed for an employee’s step and lane, and not to exceed the number of positions indicated in the Maximum Number of Positions column of Exhibit 1.
- 4.5.9.** The Board delegates to the Superintendent or his/her designee the authority to amend, revise, and update the exhibits and forms as necessary.
- 4.6.** Each school athletic director must submit a completed High School Extracurricular Stipend Payment Request form (Form 1) or Junior High School Extracurricular Stipend Payment Request form (Form 2), as applicable, before the program’s season start date.
 - 4.6.1.** Schools and programs must calculate and submit to the District amounts to cover school-funded stipends along with applicable taxes and other required withholdings as indicated on the corresponding form.
 - 4.6.2.** No individual may act as a coach, advisor, or assistant, including participating in meetings, practices, rehearsals, performances, or competitions, unless and until the individual is properly identified on Form 1 or Form 2 and the form has been submitted to the District Finance Department. If an individual is hired after a program’s season start date, an updated Form 1 or Form 2 must be completed and submitted.
- 4.7.** All stipends must be paid in the contract year in which the work is completed, with June 10th as the final deadline for submission of information to the District payroll office.

5. COMPLIANCE WITH DISTRICT POLICIES

As employees of Nebo School District, all coaches, advisors, and assistants must read, understand, and abide by District policies, administrative directives, and other direction from school and District administration.

EXHIBITS

Exhibit 1 - High School Extracurricular Positions and Funding (AdmAprv)
Exhibit 2 - Junior High School Extracurricular Positions and Funding (AdmAprv)
Exhibit 3 - High School Extracurricular Stipend Schedule (AdmAprv)

REFERENCES

Education Amendments of 1972 (Title IX) 20 U.S.C. § 1681.
Equal Pay Act of 1963, 29 U.S.C. § 206
Fair Labor Standards Act of 1938, 29 U.S.C. § 201, et seq.
Wage and Hour Opinion Letter FLSA2018-6, U.S. Dep’t of Labor, Jan 5, 2018.
UTAH CODE ANN., § 53G-11-503.
Utah Public Officers’ and Employees’ Ethics Act, UTAH CODE ANN. § 67-16-1 et seq.
Nebo School District Policy GCD, *Hiring Practices*.
Nebo School District Policy IICA, *Student Educational Travel*.
Nebo School District Policy KB, *Volunteers*.

FORMS

High School Extracurricular Stipend Payment Request
Junior High School Extracurricular Stipend Payment Request

HISTORY

Revised – March 14, 2018. Designated coaches, advisors, and assistants as exempt under FLSA; updated statutory references; made technical changes.

Revised – January 11, 2017. Modified provisions on staffing and compensation; created exhibits and forms; made technical changes.

Adopted – August 13, 2014.
