



Newport-Mesa Unified School District

Difference between School District Programs & Outside Programs

Criteria that define an activity as a district program:

1. Personnel who lead the program are paid by the district through the district personnel system.
2. The program uses equipment or material that is owned by the district.
3. Students may receive academic credit for participation in the activity.
4. Communication with students and parents is done through the district resources (e-mail, regular district mail, telephone system, school bulletin boards, school announcement system(s), during classroom contact time, contact by staff during working hours, etc.)
5. There may be a link from the district website to the organization website and vice versa.
6. The school name, logo, colors, and uniforms are used.
7. Participation is at no cost to the student or family ... no fees may be charged, no pay-to-play, no pressure may be applied to students or parents, no public disclosure of those who do not contribute financially, all laws associated with AB 165 are followed precisely.
8. Specific time-of-day schedule is *not* a criterion that is used to determine whether or not a program or activity is actually a district program.

District programs are controlled and supported by:

1. District payroll system pays personnel who lead the program.
2. Donations are accepted by the district, but may not be earmarked by the donor for any specific purpose.
3. District accounting and financial processes; full disclosure on all financial records upon request.
4. Transferrable academic credit for student participants.
5. Full access to district communication systems.
6. Liability insurance coverage provided by the district for both staff members and students.
7. Access to district facilities at no cost for use.
8. Board of Trustees approval required for all activities (including trips and transportation).
9. District administrative oversight, personnel system, and employment authorization.
10. Booster groups and foundations are assumed to be agents of the district and must follow all the criteria above and all education code sections resulting from the passage of AB 165.

Criteria that define a program run by an outside agency that is not connected with the district:

1. Personnel are paid directly by the outside organization. (*Caution ... there are employment laws and liabilities that apply ... any outside organization should be California certified as an employer before hiring and/or compensating any personnel.*)
2. Equipment and materiel are owned by the organization or rented for a fee from the district.
3. Use of facilities is scheduled by district contract and appropriate fees are paid to the district.
4. There is no academic credit associated with the activity.
5. No district resources (as defined above) are used to recruit students or for any communication. (*Note: students may communicate freely with each other during their free time and pass out to each other printed materials that are not district created or disruptive to the school environment.*)
6. There may be **no** links from the district website to the organization website or vice versa.
7. Program identification must be clearly distinct as not part of a school or the school district.
8. The organization must provide appropriate liability insurance for use of district facilities.
9. Fees may be charged to the individual by the outside organization for participation in their program.
10. The school district has no authority over and exerts no influence over the outside program.