



Private Lessons and Tutors Procedure

5.608.1p

LAST REVISED: March 2021

Standard Operating Procedure Outline

<i>Category:</i>	Personnel	<i>Department:</i>	Human Resources & Operations		
<i>Procedure:</i>	Private Lessons and Tutors				
<i>Policy Reference #:</i>	5.608	<i>Version:</i>		<i>Date Revised:</i>	March 26, 2021

Operational Objective(s)

To explain the process for utilizing MNPS facilities and property for private tutoring and other programs that are supported by grant funds administered by MNPS and are extensions of the learning process and experience.

Private/group lesson instructors refer to individuals providing instruction in the visual or performing arts. Tutors refer to individuals providing private academic tutoring.

Procedure

Private or group instructors or tutors, including MNPS teachers, may provide services consistent with their profession and pursuant to this procedure.

Visual and Performing Arts instructors may include those who provide instruction in voice, wind, percussion, string, dance, acting, or eurhythmics. This is also inclusive of those instructors hired for marching band camps, concert band, orchestra, and choreographers for musicals, vocal coaches or anyone that serves as an instructor with MNPS performing arts students who are not employees of MNPS.

Appropriate paperwork, including a facility use form, should be completed and on file, and the Principal or designee should be aware of all practitioners/providers in the building or on the grounds.

A. Insurance

1. Organizations that provide private/group lesson instructors or tutors must have a current contract with MNPS and provide a current, satisfactory certificate of insurance indicating coverage for commercial general liability, including sexual abuse/molestation, and automobile liability with limits not less than one million dollars (\$1,000,000.00) for each occurrence. Such insurance shall name MNPS as an additional insured. Those organizations shall maintain worker's compensation insurance of at least the statutory limits as required by the State of Tennessee or other applicable laws and employer's liability insurance with limits of not less than one hundred thousand dollars (\$100,000.00).
2. Coverage of MNPS employees is set forth at Metropolitan Code of Laws § 2.40.130 and § 2.40.140.
3. Private/group lesson instructors or tutors that are not affiliated with an organization whose pay is being supplemented by grant funds administered by MNPS are not required to have insurance, but it is strongly encouraged. Such individuals are not employees, volunteers, or independent contractors of MNPS.

B. Criminal Background Check

1. In accordance with [MNPS Procedure 5.118.1p](#), MNPS will conduct a thorough Criminal Background Clearance (CBC) for any private/group lesson instructor or tutor.
2. All private/group lesson instructors or tutors, unless already employed by MNPS, must complete the CBC process and have favorable results before teaching in a MNPS school.
3. Private/group lesson instructors or tutors must complete the CBC process yearly.
4. The fingerprinting fee is the sole responsibility of the private/group lesson instructors or tutors.
5. Each private/group lesson instructor or tutor must present the principal of each school with proof that the background check and fingerprinting have been completed with positive results.

C. MNPS Employees as Tutors

1. MNPS employees may provide tutoring in MNPS schools before or after school hours, with the provision that it does not conflict with their professional responsibilities (i.e., bus duty, faculty meetings, etc.). At no time may a MNPS employee provide instruction – that is paid by the student(s) – during school hours.
2. It is a conflict of interest for a teacher to be paid to tutor students for academic remediation or acceleration who are currently enrolled in his/her class. Teachers may provide tutoring for pay before or after school hours provided those students are not enrolled in any of the teacher's classes.

D. MNPS Employees as Private/Group Lesson Teachers

1. MNPS employees may provide private/group lessons in MNPS schools before or after school hours, with the provision that it does not conflict with their professional responsibilities (i.e., bus duty, faculty meetings, etc.). At no time may a MNPS employee teach a private lesson or group lesson – that is paid by the student(s) – during school hours.
2. MNPS employees may provide private or group lessons in the visual and performing arts for students who are enrolled in their classes with the provision that the lessons that they provide are advanced studies in a visual or performing arts area that are unique and distinct from what is taught during the school day.

E. Prior to Beginning Private/Group Lessons

1. Each private or group instructor must sign a Release of Liability form before teaching in any MNPS school.
 - a. The original Release of Liability Form signed and dated by the outside private or group lesson instructor and by the school principal is to be kept on file in the school office.
 - b. A copy of the signed Release of Liability Form is to be kept on file by the MNPS teacher to whom the private or group instruction is connected.
2. The parent/guardian must sign a Private Instruction Permission Form before a student can take private instruction at a MNPS school site.
 - a. The original Private Instruction Permission Form must be kept on file in the school office.
 - b. The MNPS teacher to whom the private or group instruction is connected must also keep a copy of each signed Private Instruction Permission Form on file.

F. Private/Group Lessons

1. Each private or group instructor must sign in at the school office each time on a MNPS campus and wear a visitor's badge throughout the time spent on the campus.
2. Students may receive a private or group lesson during the day from approved outside instructors with the provision that they are only taken during the arts class to which the lessons are connected. At no time can a private or group lesson infringe upon other classes in a student's schedule.
3. All private and group lessons can only take place if a MNPS teacher, who is teaching the subject to which the lesson is connected, or a designee of the principal is on school grounds in the vicinity of where the instruction is taking place. Lessons will take place in an approved location, easily accessible by the teacher or principal designee, in a room that includes a window. If it is necessary to use other teacher/principal approved areas and there is no window, the door is to be propped open.
4. Unless grant or scholarship funded, payment arrangements for private lessons will not be the responsibility of the school. These arrangements are to be made between each student's parent/ guardian and the private instructor. At no time will the school be involved in the collection of payments and at no time may payments for private or group lessons be collected during school hours.
5. Payment arrangements for group instruction will be the responsibility of the teacher who is teaching the subject to which the instruction is connected. This must be done with the approval of the school's principal. Fees, taxes, withholding, or other financial obligations arising from payments are not the responsibility of MNPS.
6. The days and times for the private lessons and/or group instruction will be set by the MNPS teacher who is teaching the subject to which the lessons are connected.

It is encouraged that private lesson scholarships be established and awarded to those students that show an interest in studying privately, but cannot afford to do so.

Performance Measure/Accountability

Continuous evaluation of procedure to ensure safety, security, effective programs, and compliance with all regulations.

Release of Liability Form

I, _____, while serving as a private/group lesson instructor or Side by Side instructor at any Metropolitan Nashville Public School, release the Metropolitan Nashville Public School (“MNPS”) system, its employees and agents of any liability in the event of personal injury or the loss or damage of personal property. I further agree to indemnify the Metropolitan Government of Nashville and Davidson County and/or MNPS for any claims against either the Metropolitan Government of Nashville and Davidson County and/or MNPS arising out my service as a private/group lesson instructor or Side by Side Instructor. I further acknowledge that I am not an employee of MNPS or an independent contractor and am not entitled to be defended or indemnified by MNPS in the event that legal proceedings are instituted against me arising out of my service as a private lesson instructor. I acknowledge receipt of MNPS Administrative Policy 5.608.1p and all required documentation.

Signature _____

Date _____

Received by: _____ Date: _____
School Principal

The original form is to be kept on file in the school office.
A signed copy is to be kept on file by the MNPS teacher connected to the private or group instruction.

Private Instruction Permission Form

My child, _____, has permission to take private/group _____ instruction at _____ School. By granting permission, we (student and parent/guardian) understand that:

- The Metropolitan Nashville Public Schools will allow private instruction that is affiliated with MNPS to take place in its buildings for the convenience of the parents/guardians and students.
- Unless employed by MNPS as a teacher, private instructors are not employees or independent contractors of MNPS.
- The MNPS teacher to which the lesson is connected will set the schedule for the lessons or tutoring.
- If applicable, the student or parent/guardian will make payment for private instruction directly to the private instructor. Only if funding is provided through a grant or scholarship will the district become involved in payment. The district’s facilitation of payment does not establish an employment relationship.
- If the student takes private instruction before or after school, the responsibility of transportation falls upon the parent/guardian.
- Rescheduling decisions are to be worked out by the private instructor and parent/guardian or student. At no time will the school be part of these discussions.
- All private instruction or tutoring will follow MNPS Administrative Procedure 5.608.1p

I _____ (student)

I _____ (parent)

Fully understand and acknowledge that instruction will be provided by an instructor who is not a district employee. By signing this agreement, the parent/legal guardian understands and agrees that there are inherent risks associated with the named child participating in private or group lessons: including but not limited to private lessons, sectionals, and small group work, and hereby gives permission and waives all claims arising out of the private instruction for his/her child to participate in private and group lessons as a student.

Parent’s/Guardian’s Signature _____ Date _____

Student’s Signature _____ Date _____