

## STAFF PERSONNEL

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## ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES

This series of the board policy manual is devoted to the board's goals and objectives for employees in the performance of their jobs. Employees provide a variety of important services for the children of the school district community. They may be teaching or assisting in the classroom, working in the office, maintaining the facilities, driving or repairing the school buses, or cooking lunches. Each employee plays a vital role in providing an equal opportunity for a quality education for students commensurate with the students' individual needs. While the teachers have the most direct impact on the formal instruction of students, all employees have an impact on the school environment by their dedication to their work and their actions. As role models for the students, employees shall promote a cooperative, enthusiastic, and supportive learning environment for the students.

In striving to achieve a quality education program, the board's goal is to obtain and retain qualified and effective employees. The board shall have complete discretion to determine the number, the qualifications, and the duties of the positions and the school district's standards of acceptable performance. It shall be the responsibility of the superintendent to make recommendations to the board in these areas prior to board action. The board recognizes its duty to bargain collectively with duly certified collective bargaining units.

Board policies in this series relating to general employees shall apply to employees regardless of their position as a licensed employee, classified employee, substitute or administrator. Board policies relating to licensed employees shall apply to positions that require a teaching license or administrator's certificate or other professional license, certificate or endorsement, unless administrative positions are specifically excluded from the policy. Classified employees' policies included in this series shall apply to positions that do not fall within the definition of licensed employee.

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## EQUAL EMPLOYMENT OPPORTUNITY

The Martensdale-St. Marys Community School District will provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district will take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees will be given notice of this policy annually.

The board will appoint an affirmative action coordinator. The affirmative action coordinator will have the responsibility for drafting the affirmative action plan. The affirmative action plan will be reviewed by the board at least every two years.

Individuals who file an application with the school district will be given consideration for employment if they meet or exceed the qualifications set by the board, administration, and Iowa Department of Education for the position for which they apply. In employing individuals, the board will consider the qualifications, credentials, and records of the applicants without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity or disability. In keeping with the law, the board will consider the veteran status of applicants.

Prior to a final offer of employment for any teaching position the school district will perform the background checks required by law. The district may determine on a case-by-case basis that, based on the duties, other positions within the district will also require background checks. Based upon the results of the background checks, the school district will determine whether an offer will be extended. If the candidate is a teacher who has an initial license from the BOEE, then the requirement for a background check is waived.

Advertisements and notices for vacancies with the district will contain the following statement: "The Martensdale-St. Marys Community School District is an EEO/AA employer." The statement will also appear on application forms.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Martensdale-St. Marys Community School District, P.O. Box 350, Martensdale, Iowa 50240; or by telephoning 641-764-2486.

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## EQUAL EMPLOYMENT OPPORTUNITY

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Director of the Region VII office of Civil Rights, U.S. Department of Education, 310 W. Wisconsin Ave., Ste. 800, Milwaukee, Wisconsin, 53203-2292, (414)291-1111 or the Iowa Civil Rights Commission, 400 E. 14<sup>th</sup> Street, Des Moines, Iowa 50319-1004, (515)281-4121 or 1-800-457-4416, <http://www.state.ia.us/government/crc/index.html>. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

Further information and copies of the procedures for filing a complaint are available in the school district's central administrative office and the administrative office in each attendance center.

Legal Reference:       29 U.S.C. §§ 621-634 (2004).  
                              42 U.S.C. §§ 2000e et seq. (2004).  
                              42 U.S.C. §§ 12101 et seq. (2004).  
                              Iowa Code §§ 19B; 20; 35C; 73; 216; 279.8; 692.2; 692.2A; 692.2C(5);  
                                      235A.15; 235A.6e(9) (2007).  
                              281 I.A.C. 12.4; 95.  
                              28 I.A.C. 14.1.

Cross Reference:       102    Equal Educational Opportunity  
                              106    Bullying/Harassment  
                              405.2  Licensed Employee Qualifications, Recruitment, Selection  
                              411.2  Classified Employee Qualifications, Recruitment, Selection

## EMPLOYEE CONFLICT OF INTEREST

Employees' use of their position with the school district for financial gain is considered a conflict of interest with their position as employees and may subject employees to disciplinary action.

Employees have access to information and a captive audience that could award the employee personal or financial gain. No employee may solicit other employees or students for personal or financial gain to the employee without the approval of the superintendent. If the approval of the superintendent is given, the employee must conduct the solicitations within the conditions set by the superintendent. Further, the superintendent may, upon five days notice, require the employee to cease such solicitations as a condition of continued employment.

Employees will not act as an agent or dealer for the sale of textbooks or other school supplies. Employees will not participate for personal financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to students or to parents. Employees will not engage in outside work or activities where the source of information concerning the customer, client or employer originates from information obtained because of the employee's position in the school district.

It will also be a conflict of interest for an employee to engage in any outside employment or activity which is in conflict with the employee's official duties and responsibilities. In determining whether outside employment or activity of an employee creates a conflict of interest, situations in which an unacceptable conflict of interest is deemed to exist will include, but not be limited to, any of the following:

- 1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge, uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.
- 2) The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district.
- 3) The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

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## EMPLOYEE CONFLICT OF INTEREST

If the outside employment or activity is employment or activity in (1) or (2) above, the employee must cease the employment or activity. If the activity or employment falls under (3), then the employee must:

- Cease the outside employment or activity; or
- Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

It is the responsibility of each employee to be aware of and take the necessary action to eliminate a potential conflict of interest should it arise.

Legal Reference: Iowa Code §§ 20.7; 68B; 279.8; 301.28 (2007).

Cross Reference: 203 Board of Directors' Conflict of Interest  
402.4 Gifts to Employees  
402.7 Employee Outside Employment  
404 Employee Conduct and Appearance

NEPOTISM

More than one family member may be an employee of the school district. It is within the discretion of the superintendent to allow one family member employed by the school district to supervise another family member employed by the school district [*subject to the approval of the board*].

The employment of more than one individual in a family is on the basis of their qualifications, credentials and records.

Legal Reference: Iowa Code §§ 20; 71; 277.27; 279.8 (2007)

Cross Reference: 405.2 Licensed Employee Qualifications, Recruitment Selection  
411.2 Classified Employee Qualifications, Recruitment Selection

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## EMPLOYEE COMPLAINTS

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints will be brought directly to the immediate supervisor, principal or superintendent and will be made in a constructive and professional manner. Complaints will never be made in the presence of other employees, students or outside persons.

A formal grievance procedure is contained in the master contract between the employee's licensed bargaining unit and the board. This policy will not apply to a complaint that has been or could be filed at the employee's discretion under that formal grievance procedure.

Legal Reference: Iowa Code §§ 20.7, .9; 279.8 (2007).

Cross Reference: 307 Communication Channels

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## EMPLOYEE RECORDS

The school district will maintain personnel records on employees. The records are important for the daily administration of the educational program, for implementing board policy, for budget and financial planning, and for meeting state and federal requirements.

The records will include, but not be limited to, records necessary for the daily administration of the school district, salary records, evaluations, application for employment, references, and other items needed to carry out board policy. Employee personnel files are school district records and are considered confidential records and therefore are not generally open to public inspection or accessibility. Only in certain limited instances, when the employee has given a signed consent, will employee personnel records be accessible to individuals other than the employee or authorized school officials.

Employees may have access to their personnel files, with the exception of letters of reference, and copy items from their personnel files at a time mutually agreed upon between the superintendent and the employee. The school district may charge a reasonable fee for each copy made. However, employees will not be allowed access to the employment references written on behalf of the employee. Board members will generally only have access to an employee's file when it is necessary because of an employee related matter before the board.

It is the responsibility of the superintendent to keep employees' personnel files current. The board secretary is the custodian of employee records.

It is the responsibility of the superintendent to develop administrative regulations for the implementation of this policy.

Legal Reference: Iowa Code chs. 20; 21; 22; 91B (2007).

Cross Reference: 402.1 Release of Credit Information  
403 Employees' Health and Well-Being  
708 Care, Maintenance and Disposal of School District Records

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Revised \_\_\_\_\_

## EMPLOYEE RECORDS REGULATION

### Employee Personnel Records Content

1. Employee personnel records may contain the following information:
  - Personal information including, but not limited to, name, address, telephone number, emergency numbers, birth date and spouse.
  - Individual employment contract.
  - Evaluations.
  - Application, resume and references.
  - Salary information.
  - Copy of the employee's license or certificate, if needed for the position.
  - Educational transcripts.
  - Assignment.
  - Records of disciplinary matters.
  
2. Employee health and medical records are kept in a file separate from the employee's personnel records. Health and medical records may contain, but are not limited to:
  - Medical professional signed physical form.
  - Sick or long-term disability leave days.
  - Worker's compensation claims.
  - Reasonable accommodation made by the school district to accommodate the employee's disability.
  - Employee's medical history.
  - Employee emergency names and numbers.
  - Family and medical leave request forms.

### Applicant File Records Content

Records on applicants for positions with the school district are maintained in the central administration office. The records will include, but not be limited to:

- Application for employment.
- Resume.
- References.
- Evidence of appropriate license or certificate, if necessary for the position for which the individual applied.
- Affirmative action form, if submitted.

## EMPLOYEE RECORDS REGULATION

### Record Access

Only authorized school officials will have access to an employee's records without the written consent of the employee. Authorized school officials may include, but not be limited to, the superintendent, building principal, or board secretary. In the case of a medical emergency, the school nurse or other first aid or safety personnel may have access to the employee's health or medical file without the consent of the employee. Board members will generally only have access to an employee's personnel file without the consent of the employee when necessary for the conducting of board business.

### Employee Record Retention

All employee records, except payroll and salary records, are maintained for a minimum of seven years after termination of employment with the district. Applicant records are maintained for a minimum of three years after the position was filled. Payroll and salary records are maintained for a minimum of three years after payment.

## TRANSPORTING OF STUDENTS BY EMPLOYEES

Generally, transportation of students is in a motor vehicle owned by the school district and driven by an employee. In some cases, it may be more economical or efficient for the school district to allow an employee of the school district to transport the students in the employee's motor vehicle.

Employees who transport students for school purposes must have the permission of the superintendent.

This policy statement applies to transportation of students for school purposes in addition to the regular bus route transporting students to and from their designated attendance center.

Legal Reference: Iowa Code chs. 285; 321 (2007).

Cross Reference: 401.7 Employee Travel Compensation  
711 Transportation  
904.1 Transporting Students in Private Vehicles

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## EMPLOYEE TRAVEL COMPENSATION

Employees traveling on behalf of the school district and performing approved school district business will be reimbursed for their actual and necessary expenses. Actual and necessary travel expenses will include, but not be limited to, transportation and/or mileage costs, lodging expenses, meal expenses and registration costs.

## Travel Outside the School District

Travel outside of the school district must be pre-approved. Pre-approval will include an evaluation of the necessity of the travel, the reason for the travel and an estimate of the cost of the travel to qualify as approved school district business. Travel outside the school district by employees, other than the superintendent, is approved by the superintendent.

Reimbursement for actual and necessary expenses may be allowed for travel outside the school district if the employee received pre-approval for the travel. Prior to reimbursement of actual and necessary expenses, the employee must provide the school district with a detailed receipt, indicating the date, purpose and nature of the expense for each claim item. In exceptional circumstances, the superintendent may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances is maintained as part of the school district's record of the claim.

Failure to have a detailed receipt will make the expense a personal expense. Personal expenses, including mileage, in excess of that required for the trip are reimbursed by the employee to the school district no later than 10 working days following the date of the expense.

Pre-approved expenses for transportation within three-hundred miles of the school district administrative office will be by automobile. If a school district vehicle is not available, the employee will be reimbursed the IRS standard mileage rate. *[Pre-approved expenses for transportation outside of three-hundred miles of the school district administrative office may be by public carrier. Reimbursement for air travel will be at the tourist class fares. Should an employee choose to travel by automobile, reimbursement will be limited to the public carrier amount. Pre-approved expenses for transportation in a rental car are limited to the cost of a Class "C" rental car at a medium priced agency unless the number of people traveling on behalf of the school district warrants a larger vehicle.]*

*[Pre-approved expense for lodging within the state is limited to the actual cost per night. Pre-approved expense for lodging outside the state is limited to the rate of a medium priced hotel in the area. Lodging may be pre-approved for a larger amount if special circumstances require the employee to stay at a particular hotel.] [Pre-approved expenses for meals with the state are limited to the actual cost for breakfast, lunch, and dinner. Pre-approved expenses for meals outside the state are limited to the actual cost for breakfast, lunch, and dinner. Meals may be pre-approved for a larger amount by the board.]*

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## EMPLOYEE TRAVEL COMPENSATION

### Travel Within the School District

Employees required to travel in their personal vehicle between school district buildings to carry out the duties of their position may be reimbursed at the IRS standard mileage rate. It is the responsibility of the superintendent to approve travel within the school district by employees. It is the responsibility of the board to review the travel within the school district by the superintendent through the board's audit and approval process.

Employees who are allowed an in-school district travel allowance will have the amount of the allowance actually received during each calendar year included on the employee's W-2 form as taxable income according to the Internal Revenue Code.

The superintendent is responsible for developing administrative regulations regarding actual and necessary expenses, in-school district travel allowances and assignment of school district vehicles. The administrative regulations will include the appropriate forms to be filed for reimbursement to the employee from the school district and the procedures for obtaining approval for travel outside of and within the school district.

Legal Reference: Iowa Constitution, Art. III, § 31.  
Iowa Code §§ 70A.9-.11 (2007).  
1980 Op. Att'y Gen. 512.

Cross Reference: 216.3 Board of Directors' Member Compensation and Expenses  
401.6 Transporting of Students by Employees  
401.10 Credit Cards  
904.1 Transporting Students in Private Vehicles

RECOGNITION FOR SERVICE OF EMPLOYEES

The board recognizes and appreciates the service of its employees. Employees who retire or resign may be honored by the board, administration and staff in an appropriate manner.

If the form of honor thought appropriate by the administration and employees involves unusual expense to the school district, the superintendent will seek prior approval from the board.

Legal Reference: Iowa Const. Art. III, § 31.  
Iowa Code § 279.8 (2007)  
1980 Op. Att’y Gen. 102.

Cross Reference: 407 Licensed Employee Termination of Employment  
413 Classified Employee Termination of Employment

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EMPLOYEE POLITICAL ACTIVITY

Employees will not engage in political activity upon property under the jurisdiction of the board. Activities including, but not limited to, posting of political circulars or petitions, the distribution of political circulars or petitions, the collection of or solicitation for campaign funds, solicitation for campaign workers, and the use of students for writing or addressing political materials, or the distribution of such materials to or by students are specifically prohibited.

Violation of this policy may be grounds for disciplinary action.

Legal Reference: Iowa Code §§ 55; 279.8 (2007).

Cross Reference: 409.5 Licensed Employee Political Leave  
414.5 Classified Employee Political Leave

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## CREDIT CARDS

Employees may use school district credit cards for the actual and necessary expenses incurred in the performance of work-related duties. Actual and necessary expenses incurred in the performance of work-related duties include, but are not limited to, fuel for school district transportation vehicles used for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and employees, and other expenses required by employees and the board in the performance of their duties.

Employees and officers using a school district credit card must submit a detailed receipt in addition to a credit card receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a proper receipt will make the employee responsible for expenses incurred. Those expenses are reimbursed to the school district no later than ten working days following use of the school district's credit card. In exceptional circumstances, the superintendent or board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances is maintained as part of the school district's record of the claim.

The school district may maintain a school district credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties. The superintendent may maintain a school district credit card for actual and necessary expenses incurred in the performance of the superintendent's duties. The transportation director may maintain a school district credit card for fueling school district transportation vehicles in accordance with board policy.

It is the responsibility of the superintendent to determine whether the school district credit card use is for appropriate school business. It is the responsibility of the board to determine through the audit and approval process of the board whether the school district credit card used by the superintendent and the board is for appropriate school business.

The superintendent is responsible for developing administrative regulations regarding actual and necessary expenses and use of a school district credit card. The administrative regulations will include the appropriate forms to be filed for obtaining a credit card.

Legal Reference: Iowa Constitution, Art. III, § 31.  
Iowa Code §§ 279.8, .29, .30 (2007).  
281 I.A.C. 12.3(1).

Cross Reference: 216.3 Board of Directors' Member Compensation and Expenses  
401.7 Employee Travel Compensation

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## EMPLOYEE ORIENTATION

Employees must know their role and duties. New employees may be required to participate in an orientation program for new employees. The employee's immediate supervisor should provide the new employee with a review of the employee's responsibilities and duties. Payroll procedures and employee benefit programs and accompanying forms will be explained to the employee by the business manager. Regular employees ineligible for the school district's group health plan will be given information regarding where they can obtain health care or health care insurance.

Legal Reference: Iowa Code §§ 20; 279.8 (2007).  
191 I.A.C. 74.

Cross Reference: 404 Employee Conduct and appearance  
406 Licensed Employee Compensation and Benefits  
412 Classified Employee Compensation and Benefits

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## DISTRICT LANDLINE AND CELLULAR TELEPHONE USAGE

The District provides telephones to employees because communication is essential for the performance of their duties, especially in times of emergency or when addressing safety issues. In addition, the district provides a voice mail system which permits employees to receive and retrieve messages from locations outside of their offices.

The landline telephones provided by the district to employees are to be used primarily for school business. Employees may use land line telephones for personal business, provided such personal use is limited in frequency and duration and does not interfere with the performance of an employee's job. Landline telephones are provided at district expense. Employees are not charged for local calls but are charged for all personal long distance toll calls.

Certain employees are required to perform work outside of their offices or assigned work spaces, outside of the Martensdale-St. Marys Community School District, or outside of the district's regular business hours. It is important to the mission of the district to provide for communication with these employees when they are not in their offices. Telephone communication is greatly enhanced by the use of cellular telephones. With a cellular telephone, an employee may receive and respond to calls regardless of the time of day or the employee's location and retrieve and respond to messages in the district's voice mail system.

The billing for cellular telephone service includes a charge for all calls that are transmitted or received by the cellular telephone, including unsolicited and misdirected calls, and local and long distance calls. Itemized bills are prepared for all cellular telephones listing all calls made or received by a cellular telephone within a billing cycle by date, time, location, and duration. Roaming charges are listed by date, time, location, duration, and roaming service provider. The district's policy concerning cellular telephones is as follows:

The district will issue cellular telephones for personal calls subject to the same restrictions that are imposed on landline telephones.

If the number of minutes charged to a cellular telephone exceeds the monthly time allotted for the service plan, the employee must reimburse the district for personal calls that exceed the monthly time allotted. The accounting department will send every cellular telephone user a monthly statement. Cellular telephone users must send a check to the Business Office made payable to the Martensdale-St. Marys Community School District for the monthly fee and any additional personal charges (roaming and excess time). Payment is due upon receipt of the cellular telephone statement.

If a cellular telephone assigned to an employee is lost, damaged or is malfunctioning, the Business Office must be notified immediately. Employees who fail to notify the Business Office immediately of a lost telephone may be responsible for all unauthorized calls made from their assigned cellular telephone.

The district will not reimburse employees for business use of their own cellular telephone. Employees are encouraged to use their office telephone for business telephone calls. Employees who have a personal cellular telephone are not expected to use that telephone for district business.

The Superintendent or his/her designee is authorized to review the use of district-issued cellular telephones by employees and to revoke the privilege of using a district-issued cellular telephone if it is determined that the cellular telephone is being used primarily for personal business or is being used in any other manner which is contrary to district policy.

RELEASE OF CREDIT INFORMATION

The following information will be released to an entity with whom an employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information will be released without prior written notice to the employee. Confidential information about the employee will be released to an inquiring creditor with a written authorization from the employee.

It is the responsibility of the board secretary or superintendent to respond to inquiries from creditors.

Legal Reference: Iowa code §§ 22.7; 279.8 (2007).

Cross Reference: 401.5 Employee Records

Approved 1/21/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CHILD ABUSE REPORTING

In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. Employees are encouraged, and licensed employees are required as mandatory reporters, to report alleged incidents of child abuse they become aware of within the scope of their professional duties. The definition of child abuse is in the accompanying regulation.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter will orally or in writing notify the Iowa Department of Human Services. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency will also be notified. Within forty-eight hours of the oral report, the mandatory reporter will file a written report with the Iowa Department of Human Services.

Within six months of their initial employment, mandatory reporters will take a two-hour training course involving the identification and reporting of child abuse, or submit evidence they've taken the course with the previous five years. The course will be re-taken every five years.

Legal Reference: Iowa Code §§ 232.67-.77; 232A; 235A; 280.17 (2007).  
441 I.A.C. 9.2; 155; 175.  
1982 Op. Att'y Gen. 390, 417.  
1980 Op. Att'y Gen. 275.

Cross Reference: 402.3 Abuse of Students by School District Employees  
502.9 Interviews of Students by Outside Agencies  
507 Student Health and Well-Being

Approved 1/21/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CHILD ABUSE REPORTING REGULATION

Iowa law requires licensed employees to report to the Iowa Department of Human Services (DHS) instances of suspected child abuse which they become aware of within the scope of their professional duties.

The law further specifies that a licensed employee who knowingly or willfully fails to report a suspected case of child abuse is guilty of a simple misdemeanor and that the licensed employee may be subject to civil liability for damages caused by the failure to report.

Employees participating in good faith in the making of a report or in a judicial proceeding that may result from the report are immune from liability.

### Child Abuse Defined

“Child abuse” is defined as:

- Any nonaccidental physical injury, or injury which is a variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
- The commission of a sexual offense with or to a child ...as a result of the acts or omissions of the person responsible for the child... Sexual offense includes sexual abuse, incest, and sexual exploitation of a minor.
- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child’s welfare when financially able to do so or when offered financial or other reasonable means to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone will not be considered abusing the child.
- The acts or omissions of a person responsible for the care of a child which allow, permit or encourage the child to engage in acts prohibited pursuant to *Iowa Code*, section 725.1 which deals with prostitution.
- Any mental injury to a child’s intellectual or psychological capacities evidenced by an observable and substantial impairment in the child’s ability to function within the child’s normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed by a licensed physician or qualified mental health professional.
- An illegal drug is present in a child’s body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child.
- The person responsible for the care of a child has, in the presence of the child, as defined in section 232.2, subsection 6, paragraph “p”, manufactured a dangerous substance, as defined in section 232, subsection 6, paragraph “p”, or in the presence of the child possesses a product containing ephedrine or its salts, optical isomers or its salts, pseudoephedrine or its salts, with the intent to use the product as a precursor or an intermediary to a dangerous substance.

## CHILD ABUSE REPORTING REGULATION

- The commission of bestiality in the presence of a minor under section 717C.1 by a person who resides in a home with a child, as a result of the acts or omissions of a person responsible for the care of the child.

Teachers in public schools are not “persons responsible for the care of the child” under this definition.

### Reporting Procedures

Licensed employees, including teachers and school nurses, are required to report orally, within twenty-four hours to the Iowa Department of Human Services (DHS) when the employee reasonably believes a child has suffered from abuse within the scope of employment. Within forty-eight hours of an oral report, a written report must be filed with DHS.

Each report should contain as much of the following information as can be obtained within the time limit. However, the law specifies a report will be considered valid even if it does not contain all of the following information:

- name, age, and home address of the child;
- name and home address of the parents, guardians or other persons believed to be responsible for the care of the child;
- the child’s present whereabouts if not the same as the parent’s or other person’s home address;
- description of injuries, including evidence of previous injuries;
- name, age, and condition of other children in the same home;
- any other information considered helpful; and,
- name and address of the person making the report.

Board policy states it is not the responsibility of employees to prove that a child has been abused or neglected. Employees should not take it upon themselves to investigate the case or contact the family of the child. DHS is responsible for investigating the incident of alleged abuse.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by employees will not be tolerated. The definition of employees for the purpose of this policy includes not only those who work for pay but also those who are volunteers of the school district under the direction and control of the school district. Employees found in violation of this policy will be subject to disciplinary action up to and including discharge.

The school district will respond promptly to allegations of abuse of students by school district employees by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible. Employees are required to assist in the investigation when requested to provide information and to maintain the confidentiality of the reporting and investigation process.

The school district has appointed a Level I investigator and alternate Level I investigator. The school district has also arranged for a trained, experienced professional to serve as the Level II investigator. The Level I investigator and alternate will be provided training in the conducting of an investigation at the expense of the school district. The names of the investigators are listed in the student handbook published annually in the local newspaper and posted in all school facilities.

The superintendent is responsible for drafting administrative regulations to implement this policy.

***NOTE: This policy and its accompanying regulation and exhibits are a reflection of current Iowa law regarding abuse of students by school district employees. The last sentence of the third paragraph is mandatory in the law and is an item in the DE accreditation report.***

Legal Reference: Iowa Code §§ 232.67, .70, .73, .75; 235A; 272A; 280.17; 709; 728.12(1) (2007).  
281 I.A.C. 12.3(6), 102; 103.  
441 I.A.C. 155; 175.  
1980 Op. Att’y Gen. 275.

Cross Reference: 402.2 Child Abuse Reporting  
403.5 Harassment  
503.5 Corporal Punishment

Approved 1/21/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Complaint of Injury to or Abuse of a Student by a School District Employee

Please complete the following as fully as possible. If you need assistance, contact the Level I investigator in your school.

Student's name and address: \_\_\_\_\_

\_\_\_\_\_

Student's telephone no.: \_\_\_\_\_

Student's school: \_\_\_\_\_

Accused employee's name and place of employment:

\_\_\_\_\_

\_\_\_\_\_

Allegation is of \_\_\_\_\_ physical abuse \_\_\_\_\_ sexual abuse.\*

Please describe what happened. Include the date, time and where the incident took place, if known. If physical abuse is alleged, also state the nature of the student's injury:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Were there any witnesses to the incident or are there students or persons who may have information about this incident? \_\_\_\_\_yes \_\_\_\_\_no

If yes, please list by name, if known, or classification (for example "third grade class," "fourth period geometry class"):

\_\_\_\_\_

\*Parents of children who are in pre-kindergarten through sixth grade and whose children are the alleged victims of or witnesses to sexual abuse have the right to see and hear any interviews of their children in this investigation./ Please indicate "yes" if the parent/guardian wishes to exercise this right:

\_\_\_\_\_Yes \_\_\_\_\_No Telephone Number \_\_\_\_\_

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Complaint of Injury to or Abuse of a Student by a School District Employee

Has any professional person examined or treated the student as a result of the incident?

\_\_\_\_\_ yes \_\_\_\_\_ no \_\_\_\_\_ unknown

If yes, please provide the name and address of the professional(s) and the date(s) of examination or treatment, if know:

\_\_\_\_\_  
\_\_\_\_\_

Has anyone contacted law enforcement about this incident? \_\_\_\_\_ yes \_\_\_\_\_ no

Please provide any additional information you have which would be helpful to the investigator. Attach additional pages if needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your name, address and telephone number:

\_\_\_\_\_  
\_\_\_\_\_

Relationship to student: \_\_\_\_\_

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name (please print)

\_\_\_\_\_  
Witness Address

Be advised that you have the right to contact the police or sheriff's office, the county attorney, a private attorney, or the Iowa Board of Educational Examiners (if the accused is a licensed employee) for investigation of this incident. The filing of this report does not deny you that opportunity.

You will receive a copy of this report (if you are the named student's parent or guardian) and a copy of the Investigator's Report within fifteen calendar days of filing this report unless the investigation is turned over to law enforcement.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

REPORT OF LEVEL I INVESTIGATION

Student's name: \_\_\_\_\_

Student's age: \_\_\_\_\_ Student's grade: \_\_\_\_\_

Student's address: \_\_\_\_\_

Student's school: \_\_\_\_\_

Name of accused school employee: \_\_\_\_\_ Building: \_\_\_\_\_

Name and address of person filing report:  
\_\_\_\_\_

Name and address of student's parent or guardian, if different from person filing report: \_\_\_\_\_  
\_\_\_\_\_

Date report of abuse was filed: \_\_\_\_\_

Allegation is of \_\_\_\_\_ physical abuse \_\_\_\_\_ sexual abuse.\*

Describe the nature, extent and cause of the student's injury, if any and if known: (Attach additional pages if needed).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe your investigation: Attach additional pages if needed. (Please do not use student witnesses' full names.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*Were parent(s) or guardian(s) advised of their right to see and hear any interview of their pre-kindergarten through sixth grade children who are alleged victims of or a witness in a sexual abuse investigation?

\_\_\_\_\_ Yes \_\_\_\_\_ No Was the right exercised? \_\_\_\_\_ Yes \_\_\_\_\_ No

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

LEVEL I INVESTIGATOR'S REPORT FORM

Were audiotapes made of any interviews? \_\_\_\_\_ yes \_\_\_\_\_ no

Were videotapes made of any interviews? \_\_\_\_\_ yes \_\_\_\_\_ no

Was any action taken to protect the student during or as a result of the investigation?

\_\_\_\_\_ yes \_\_\_\_\_ no

If yes, describe:

\_\_\_\_\_ student excused from school                      \_\_\_\_\_ school employee placed on leave  
\_\_\_\_\_ student assigned to different class                      \_\_\_\_\_ other (please specify)

Level I investigator's conclusions:

\_\_\_\_\_ **The complaint is being dismissed for lack of jurisdiction.**

\_\_\_\_\_ Physical abuse was alleged, but no allegation of injury was made.

\_\_\_\_\_ Physical abuse was alleged, but no evidence of physical injury exists and the nature of the alleged incident makes it unlikely an injury, as defined in the rules, occurred.

\_\_\_\_\_ Sexual abuse was alleged, but the alleged actions of the school employee, even if true, would not meet the definition of sexual abuse in the rules.

\_\_\_\_\_ Alleged victim was not a student at the time of the incident.

\_\_\_\_\_ Alleged school employee is not currently employed by this school district.

\_\_\_\_\_ Alleged incident did not occur on school grounds, on school time, at a school-sponsored activity, or in a school-related context.

\_\_\_\_\_ **The complaint has been investigated and concluded at Level I as unfounded.**

\_\_\_\_\_ Complaint was withdrawn

\_\_\_\_\_ Insufficient evidence exists that an incident of abuse, as defined in the rules, took place.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

LEVEL I INVESTIGATOR'S REPORT FORM

**The complaint has been investigated at Level I and is founded.**

The investigation is founded at Level I and is being turned over to Level II for further investigation.

Investigation of the complaint was deferred at Level I and referred to law enforcement at this time.

The investigation is concluded at Level I because the accused school employee has admitted the violation, has resigned, or has agreed to relinquish any teaching license held.

Current status of investigation:

Closed. No further investigation is warranted.

Closed and referred to school officials for further investigation as a personnel matter.

Deferred to law enforcement officials.

Turned over to Level II investigator.

Other comments:

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I have given a copy of the report of abuse and of this investigative report to the employee named in the report, the employee's supervisor, and the student's parent or guardian and informed the person filing the report of the options of contacting law enforcement, private counsel, or the Iowa Board of Educational Examiners, if the accused school employee holds an Iowa teacher's certificate or license.

\_\_\_\_\_  
Name of investigator (please print)

\_\_\_\_\_  
Investigator's place of employment

\_\_\_\_\_  
Signature of investigator

\_\_\_\_\_  
Date

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

An individual who has knowledge an employee has physically or sexually abused a student may immediately report it to the Level I investigator. "Employee" means one who works for pay or as a volunteer under the direction and control of the school district. The report is written, signed and witnessed by a person of majority age. The witness may be the Level I investigator. The reporter is the individual filing the report. The report will contain the following:

- The full name, address, and telephone number of the person filing.
- The full name, age, address, and telephone number, and attendance center of the student.
- The name and place of employment of the employee who allegedly committed the abuse.
- A concise statement of the facts surrounding the incident, including date, time, and place of occurrence, if known.
- A list of possible witnesses by name, if known.
- Names and locations of persons who examined, counseled or treated the student for the alleged abuse, including the dates on which those services were provided, if known.

Upon request, the Level I investigator may assist the reporter in completing the report. An incomplete report will not be rejected unless the missing information would render the investigation futile or impossible. An employee receiving a report of alleged abuse of a student by an employee will pass the report to the investigator and will keep the report confidential to the maximum extent possible. In performing the investigation, the investigator will have access to the educational records of the alleged student victim as well as access to the student for interviewing purposes.

In order for the school district to have jurisdiction over the acts and to constitute a violation of the law, acts of the employee must be alleged to have occurred on school grounds, on school time, at a school-sponsored activity, or in a school-related context. However, the student need not be a student in the school district. The student can be from another school district. To be investigable, the written report must include basic information showing that the victim of the alleged abuse is or was a student at the time of the incident, that the alleged act of the employee resulted in injury or otherwise meets the definition of abuse in these rules, and that the person responsible for the act is currently an employee. If the report is not investigable due to lack of jurisdiction, the investigator will dismiss the complaint and inform the reporter of other options available. Other options available to the reporter include contacting law enforcement authorities, private counsel, or the Iowa Board of Educational Examiners in the case of a licensed employee.

If the Level I investigator believes the student is in imminent danger if continued contact is permitted between the employee and the student, the Level I investigator may:

- temporarily remove the student from contact with the employee;
- temporarily remove the employee from service; or,
- take other appropriate action to ensure the student's safety.

The Level I investigator will have access to the educational records of the student and access to the student for purposes of interviewing the student about the report.

### Physical Abuse Allegations

When physical abuse is reported, the Level I investigator will make copies of the report and give a copy to the person filing the report, the students' parents and the immediate supervisor of the employee named in the report. The employee named in the report will not receive a copy of the report until the employee is initially interviewed.

The Level I investigator will use discretion in handling the information received regarding an investigation of abuse by an employee, and those persons involved in the investigation will not discuss information regarding the complaint outside the investigation. The entire investigative procedure will be thoroughly explained, including the confidential nature of the proceedings, to the student and other persons involved in the investigation.

Within five days of receipt of an investigable report, the Level I investigator will complete an informal investigation. The informal investigation will consist of interviews with the student, the employee and others who may have knowledge of the alleged incident. If the Level I investigator determines that the allegations in the report are founded and that immediate and professional investigation is necessary, the Level I investigator may defer further investigation and contact appropriate law enforcement officials, the student's parents and the person filing the report. Within fifteen days of receipt of the report, the Level I investigator will complete a written investigative report, unless the investigation was temporarily deferred.

The written investigative report will include:

1. The name, age, address and attendance center of the student named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.
3. The name and work address of the employee named in the report as allegedly responsible for the abuse of the student.
4. An identification of the nature, extent and cause, if known, of any injuries or abuse to the student named in the report.
5. A general review of the investigation.
6. Any actions taken for the protection and safety of the student.
7. A statement that, in the investigator's opinion, the allegations in the report are either:
  - Unfounded. (*It is not likely that an incident, as defined in these rules, took place*), or
  - Founded. (*It is likely that an incident took place.*)
8. The disposition or current status of the investigation.

9. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
  - Contacting law enforcement officials.
  - Contacting private counsel for the purpose of filing a civil suit or complaint.
  - Filing a complaint with the Iowa Board of Educational Examiners if the employee is a licensed employee.

The investigator will retain the original and provide a copy of the written investigative report to the school employee named in the report, the employee's supervisor and the student's parent or guardian. The person filing the report, if not the student's parent or guardian, is notified only that the Level I investigation has been concluded and of the disposition or anticipated disposition of the case.

It is the responsibility of the Level I investigator to determine whether it is more likely than not that an incident of abuse as defined in the rules took place between the student and employee. The Level I investigator does not make the determination of whether the use of physical contact was appropriate or whether any of the exceptions apply. That is the responsibility of the Level II investigator. Upon completion of the report, if the Level I investigator determines the allegations of physical abuse are founded and serious, the Level I investigator will notify law enforcement authorities. If the allegations are founded but the physical abuse is not of a serious nature, the Level I investigator will refer the case on to the Level II investigator.

The Level II investigator will review the Level I investigator's final investigative report and conduct further investigation. The Level II investigative report will state the conclusion as to the occurrence of the alleged incident, the applicability of exceptions, the reason for the contact or force used, and recommendations regarding the need for further investigation. In determining the applicability of the exceptions or the reasonableness of the contact or force used, the Level II investigator will use the following definitions:

Physical abuse is non-accidental physical injury to the student as a result of the action of an employee. Injury occurs when evidence of it is still apparent at least twenty-four hours after its occurrence. The following do not constitute physical abuse, and no employee is prohibited from:

- a. Using reasonable and necessary force, not designed or intended to cause pain:
  - (1) To quell a disturbance or prevent an act that threatens physical harm to any person.
  - (2) To obtain possession of a weapon or other dangerous object within a pupil's control.
  - (3) For the purposes of self-defense or defense of others as provided for in *Iowa Code* § 704.3.
  - (4) For the protection of property as provided for in *Iowa Code* §§ 704.4, .5.
  - (5) To remove a disruptive pupil from class, or any area of school premises or from school-sponsored activities off school premises.
  - (6) To prevent a student from the self-inflection of harm.
  - (7) To protect the safety of others.

- b. Using incidental, minor, or reasonable physical contact to maintain order and control. In determining the reasonableness of the contact or force used, the following factors are considered:
- (1) The nature of the misconduct of the student, if any, precipitating the physical contact by the school employee.
  - (2) The size and physical condition of the student.
  - (3) The instrumentality used in making the physical contact.
  - (4) The motivation of the school employee in initiating the physical contact.
  - (5) The extent of injury to the student resulting from the physical contact.

“Reasonable force” is that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one’s life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.

Upon completion of the Level II investigation, the Level I investigator will forward copies of the Level II investigative report to the employee, the employee’s immediate supervisor and the student’s parent. The Level I investigator will notify the person filing the report of the current status of the case.

If the Level II investigator’s report or law enforcement officials conclude abuse occurred, or the employee admits the violation, or the employee has surrendered the employee’s certificate or license, the Level I investigator will file a complaint with the Iowa Board of Educational Examiners. The Level I investigator will also arrange for counseling services for the student if the student or student’s parents request counseling services.

### Sexual Abuse

Sexual abuse is defined as including sexual acts involving a student, acts that encourage the student to engage in prostitution, as well as inappropriate, intentional sexual behavior or sexual harassment by the employee toward a student. “Sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a term or condition of the student’s education or benefits.
2. Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or
3. The conduct has the purpose or effect of substantially interfering with a student’s academic performance by creating an intimidating, hostile or offensive educational environment.

When sexual abuse is reported, the Level I investigator will make copies of the report and give a copy to the person filing the report, the students’ parents and the immediate supervisor of the employee named in the report. The employee named in the report will not receive a copy of the report until the employee is initially interviewed. The designated investigator will not interview the

school employee named in a report of sexual abuse until after a determination is made that jurisdiction exists, the alleged victim has been interviewed and a determination made that the investigation will not be deferred.

The investigator will notify the parent, guardian or legal custodian of a student in prekindergarten through grade six, of the date and time of the interview and of the right to be present or to see and hear the interview or send a representative in the parent's place. The Level I investigator will interview the student as soon as possible, but in no case later than five days from the receipt of a report or notice of the allegation of sexual abuse. The Level I investigator may record the interview electronically.

The Level I investigator will exercise discretion in the investigative process to preserve the privacy interests of the individuals involved. To the maximum extent possible, the investigator will maintain the confidentiality of the report.

It is the responsibility of the Level I investigator to determine whether it is more likely than not that an incident took place between the employee and the student. If the Level I investigator believes the employee committed a sex act with a student or sexually exploited a student, the Level I investigator will defer the Level I investigation and immediately notify law enforcement officials, the student's parents and the person filing the report.

If the Level I investigator determines an incident occurred, while not an illegal sex act with a student or sexual exploitation of a student, but where the employee engaged in inappropriate, intentional sexual behavior, further investigation is warranted. If further investigation is warranted, the Level I investigator may proceed to interview the employee and other individuals who may have knowledge of the circumstances contained in the report. Prior to interviewing other individuals who may have knowledge of the circumstance contained in the report, the Level I investigator will provide notice of the impending interview of student witnesses or the student who is in prekindergarten through grade six, to their parent, guardian, or legal custodian, and may provide notice to the parent or guardian of older students, prior to interviewing those students. The Level I investigator shall, if founded, arrange for the Level II investigator to further investigate the allegations.

Within fifteen days of receipt of the report or notice of alleged sexual abuse, the Level I investigator will complete a written investigative report unless the investigation was temporarily deferred. The written investigative report will include:

1. The name, age, address and attendance center of the student named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.
3. The name and work address of the school employee named in the report as allegedly responsible for the abuse of the student.
4. An identification of the nature, extent and cause, if known, of any injuries or abuse to the student named in the report.
5. A general review of the investigation.
6. Any actions taken for the protection and safety of the student.

7. A statement that, in the investigator's opinion, the allegations in the report are either:
  - Unfounded. (*It is not likely that an incident, as defined in these rules, took place*), or
  - Founded. (*It is likely that an incident took place.*)
8. The disposition or current status of the investigation.
9. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
  - Contacting law enforcement officials.
  - Contacting private counsel for the purpose of filing a civil suit or complaint.
  - Filing a complaint with the Iowa Board of Educational Examiners if the school employee is certificated.

The investigator will retain the original and provide a copy of the investigative report to the school employee named in the report, the school employee's supervisor and the named student's parent or guardian. The person filing the report, if not the student's parent or guardian, is notified only that the Level I investigation has been concluded and of the disposition or anticipated disposition of the case.

If the allegations are founded, the Level I investigator will refer the case to the Level II investigator. The Level II investigator will review the Level I investigator's final investigative report and conduct further investigation if necessary. The Level II investigative report will state conclusively as to the occurrence of the alleged incident, conclusively as to the nature of the sexual abuse and recommendations regarding the need for further investigation. Upon completion of the Level II investigation, the Level I investigator will forward copies of the Level II investigative report to the employee, the employee's immediate supervisor and the student's parent. The Level I investigator will notify the person filing the report of the current status of the case.

If the Level II investigator's report or law enforcement officials conclude sexual abuse occurred, or the employee admits the violation, or the employee has surrendered the employee's certificate or license, the Level I investigator will file a complaint on behalf of the district after obtaining the superintendent's signature with the Iowa Board of Educational Examiners. The Level I investigator will also arrange for counseling services for the student if the student or student's parents request counseling services.

In cases involving founded physical or sexual abuse by a licensed employee, the board will notify the Iowa Board of Educational Examiners. Information of unfounded abuse at Level I or Level II will not be kept in the employee's personnel file. If the Level I investigative report is founded but Level II is unfounded, then the Level I report is removed from the employee's permanent file. Notes, tapes, memorandums and related materials compiled in the investigations must be kept for two years.

It is the responsibility of the board to annually identify a Level I and Level II investigator. The board will also designate annually an alternate Level I investigator, preferably of the opposite sex of the designated Level I investigator, to whom reports may also be made. The names and telephone numbers of the Level I investigator and the alternate Level I investigator are included in employee handbooks, student handbooks, annually published in the local newspaper, and prominently displayed in all school buildings.

## GIFTS TO EMPLOYEES

Employees may receive a gift on behalf of the school district. Employees will not, either directly or indirectly, solicit, accept or receive any gift, series of gifts or an honorarium unless the donor does not meet the definition of “restricted donor” stated below or the gift or honorarium does not meet the definition of gift or honorarium stated below.

A “restricted donor” is defined as a person or other entity which:

- Is seeking to be, or is a party to, any one or any combination of sales, purchases, leases or contracts to, from or with the school district;
- Will be directly and substantially affected financially by the performance or nonperformance of the employee’s official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region; or
- Is a lobbyist or a client of a lobbyist with respect to matters within the school district’s jurisdiction.

A “gift” is the giving of anything of value in return for which something of equal or greater value is not given or received. However, “gift” does not include any of the following:

- Contributions to a candidate or a candidate’s committee;
- Information material relevant to an employee’s official function, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the employee;
- Items received from a charitable, professional, educational or business organization to which the employee belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member’s status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Actual expenses of an employee for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service.
- Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;

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- Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar or other meeting;
- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee.
- Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
- Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or memberships and officers are primarily composed of state or local government officials or employees;
- Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not performance of the person's official functions" under this paragraph.

An "honorarium" is anything of value that is accepted by, or on behalf of, an employee as consideration for an appearance, speech or article. An honorarium does not include any of the following:

- Actual expenses of an employee for registration, food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization or the Iowa department of general services; or

- A payment made to an employee for services rendered as part of a private business, trade or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an employee of the district, but rather, because of some special expertise or other qualification.

It is the responsibility of each employee to know when it is appropriate to accept or reject gifts or an honorarium.

Legal References: Iowa Code ch. 68B (2007).  
1972 Op. Att'y Gen. 276.  
1970 Op. Att'y Gen. 319.

Cross Reference: 217 Gifts to Board of Directors  
401.2 Employee Conflict of Interest  
704.4 Gifts-Grants-Bequests

## PUBLIC COMPLAINTS ABOUT EMPLOYEES

The board recognizes situations may arise in the operation of the school district which are of concern to parents and other members of the school district community. While constructive criticism is welcomed, the board desires to support its employees and their actions to free them from unnecessary, spiteful, or negative criticism and complaints that do not offer advice for improvement or change.

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board, it will be referred to the administration to be resolved. Prior to board action, however, the following should be completed:

- (a) Matters should first be addressed to the teacher or employee.
- (b) Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for licensed employees and the superintendent for classified employees.
- (c) Unsettled matters regarding licensed employees from (b) above or problems and questions concerning the school district should be directed to the superintendent.
- (d) If a matter cannot be settle satisfactorily by the superintendent, it may then be brought to the board. To bring a concern regarding an employee, the individual may notify the board president in writing, who may bring it to the attention of the entire board, or the item may be placed on the board agenda of a regularly scheduled board meeting in accordance with board policy 214.1.

It is within the discretion of the board to address complaints from the members of the school district community, and the board will only do so if they are in writing, signed, and the complainant has complied with this policy.

Legal Reference: Iowa Code § 279.8 (2007)

Cross Reference: 210.8 Board Meeting Agenda  
213 Public Participation in Board Meetings  
307 Communication Channels

Approved 1/21/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## EMPLOYEE OUTSIDE EMPLOYMENT

The board believes the primary responsibility of employees is to the duties of their position within the school district as outlined in their job description. The board considers an employee's duties as part of a regular, full-time position as full-time employment. The board expects such employees to give the responsibilities of their positions in the school district precedence over any other employment.

It is the responsibility of the superintendent to counsel employees, whether full-time or part-time, if in the judgment of the superintendent and the employee's immediate supervisor, the employee's outside employment interferes with the performance of the employee's duties required in the employee's position within the school district.

The board may request the employee to cease the outside employment as a condition of continued employment with the school district.

Legal Reference: Iowa Code §§ 20.7; 279.8 (2007).

Cross Reference: 401.2 Employee Conflict of Interest  
408.3 Licensed Employee Tutoring

Approved 1/21/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## EMPLOYEE PHYSICAL EXAMINATIONS

Good health is important to job performance. Employees will present evidence of good health, in the form of a physical examination report, prior to their employment with the school district.

School bus drivers will present evidence of good health every other year in the form of a physical examination report unless otherwise required by law or medical opinion. Employees whose physical or mental health, in the judgment of the administration, may be in doubt will submit to additional examinations, when requested to do so, at the expense of the school district.

The cost of the initial examination will be paid by the employee. The form indicating the employee is able to perform the duties for which the employee was hired must be returned prior to payment of salary. The school district will provide the standard examination form to be completed by the personal physician of the employee. Employees identified as having reasonably anticipated contact with blood or infectious materials will receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine.

It is the responsibility of the superintendent to write an exposure control plan to eliminate or minimize district occupational exposure to blood-borne pathogens. The plan for designated employees will include, but not be limited to, scope and application, definitions, exposure control, methods of compliance, Hepatitis B vaccination and post-exposure evaluation and follow-up, communication of hazards to employees, and record keeping.

The requirements stated in the master contract between employees in that certified collective bargaining unit and the board regarding physical examinations of such employees are followed.

Legal Reference: 29 C.F.R. Pt. 1910.1030 (2004).  
Iowa Code §§ 20.9; 279.8, 321.376 (2007).  
281 I.A.C. 12.4(14); 43.15 -.20.

Cross Reference: 403 Employees' Health and Well-Being

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## EMPLOYEE INJURY ON THE JOB

When an employee becomes seriously injured on the job, the employee's supervisor will attempt to notify a member of the family, or an individual of close relationship, as soon as the employee's supervisor becomes aware of the injury.

If possible, an employee may administer emergency or minor first aid. An injured employee will be turned over to the care of the employee's family or qualified medical employees as quickly as possible. The school district is not responsible for medical treatment of an injured employee.

It is the responsibility of the employee injured on the job to inform the superintendent within twenty-four hours of the occurrence. It is the responsibility of the employee's immediate supervisor to file an accident report within twenty-four hours after the employee reported the injury.

It is the responsibility of the board secretary to file worker's comp claims.

Legal Reference: Iowa Code §§ 85; 279.40; 613.17 (2007).  
1972 Op. Att'y Gen. 177.

Cross Reference: 403 Employees' Health and Well-Being  
409.2 Licensed Employee Personal Illness Leave  
414.2 Classified Employee Personal Illness Leave

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## COMMUNICABLE DISEASES – EMPLOYEES

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk of illness or transmission to students or other employees. The term “communicable disease” will mean an infectious or contagious disease spread from person to person, or animal to person, or as defined by law.

Prevention and control of communicable diseases is included in the school district’s bloodborne pathogens exposure control plan. The procedures will include scope and application, definitions, exposure control, methods of compliance, universal precautions, vaccination, post-exposure evaluation, follow-up, communication of hazards to employees and record keeping. This plan is reviewed annually by the superintendent and school nurse.

The health risk to immunodepressed employees is determined by their personal physician. The health risk to others in the school district environment from the presence of an employee with a communicable disease is determined on a case-by-case basis by the employee’s personal physician, a physician chosen by the school district or public health officials.

Health data of an employee is confidential and it will not be disclosed to third parties. Employee medical records are kept in a file separate from their personal file.

It is the responsibility of the superintendent, in conjunction with the school nurse, to develop administrative regulations stating the procedures for dealing with employees with a communicable disease.

Legal Reference:     School Board of Nassau County v. Arline, 480 U.S. 273 (1987).  
                              29 U.S.C. §§ 794, 1910 (2004).  
                              42 U.S.C. §§ 12101 *et seq.* ((2004).  
                              45 C.F.R. Pt. 84.3 (2004).  
                              Iowa Code chs. 139; 141 (2007).  
                              641 I.A.C. 1.2-.7.

Cross Reference:     401.5 Employee Records  
                              403.1 Employee Physical Examinations  
                              507.3 Communicable Diseases – Students

Approved   3/10/2008  

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## HEPATITIS B VACCINE INFORMATION AND RECORD

### The Disease

Hepatitis B is a viral infection caused by the Hepatitis B virus (HBV) which causes death in 1-2% of those infected. Most people with HBV recover completely, but approximately 5-10% become chronic carriers of the virus. Most of these people have no symptoms, but can continue to transmit the disease to others. Some may develop chronic active hepatitis and cirrhosis. HBV may be a causative factor in the development of liver cancer. Immunization against HBV can prevent acute hepatitis and its complications.

### The Vaccine

The HBV vaccine is produced from yeast cells. It has been extensively tested for safety and effectiveness in large scale clinical trials.

Approximately 90 percent of healthy people who receive two doses of the vaccine and a third dose as a booster achieve high levels of surface antibody (anti-HBs) and protection against the virus. The HBV vaccine is recommended for workers with potential for contact with blood or body fluids. Full immunization requires three doses of the vaccine over a six-month period, although some persons may not develop immunity even after three doses.

There is no evidence that the vaccine has ever caused Hepatitis B. However, persons who have been infected with HBV prior to receiving the vaccine may go on to develop clinical hepatitis in spite of immunization.

### Dosage and Administration

The vaccine is given in three intramuscular doses in the deltoid muscle. Two initial doses are given one month apart and the third dose is given six months after the first.

### Possible Vaccine Side Effects

The incidence of side effects is very low. No serious side effects have been reported with the vaccine. Ten to 20 percent of persons experience tenderness and redness at the side of injection and low-grade fever. Rash, nausea, joint pain, and mild fatigue have also been reported. The possibility exists that other side effects may be identified with more extensive use.

**HEPATITIS B VACCINE INFORMATION AND RECORD**

**CONSENT FORM OF HEPATITIS B VACCINATION**

I have knowledge of Hepatitis B and the Hepatitis B vaccination. I have had an opportunity to ask questions of a qualified nurse or physician and understand the benefits and risks of Hepatitis B vaccination. I understand that I must have three doses of the vaccine to obtain immunity. However, as with all medical treatment, there is no guarantee that I will become immune or that I will not experience side effects from the vaccine. I give my consent to be vaccinated for Hepatitis B.

\_\_\_\_\_  
Signature of Employee (consent for Hepatitis B vaccination)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

---

**REFUSAL FORM OF HEPATITIS B VACCINATION**

I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring the Hepatitis B virus infection. I have been given the opportunity to be vaccinated with Hepatitis B vaccine at no charge to myself. However, I decline the Hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring Hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with the Hepatitis B vaccine, I can receive the vaccination series at no charge to me.

\_\_\_\_\_  
Signature of Employee (consent for Hepatitis B vaccination)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

I refuse because I believe I have (check one)

\_\_\_\_\_ started the series

\_\_\_\_\_ completed the series

HEPATITIS B VACCINE INFORMATION AND RECORD

**RELEASE FORM FOR HEPATITIS B MEDICAL INFORMATION**

I hereby authorize \_\_\_\_\_ (individual or organization holding Hepatitis B records and address) to release to the \_\_\_\_\_ Community School District, my Hepatitis B vaccination records for required employee records.

I hereby authorize release of my Hepatitis B status to a health care provider, in the event of an exposure incident.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

HEPATITIS B VACCINE INFORMATION AND RECORD

**CONFIDENTIAL RECORD**

\_\_\_\_\_  
Employee Name (last, first, middle)

\_\_\_\_\_  
Social Security No.

Job Title: \_\_\_\_\_

	Hepatitis B Vaccination Date	Lot Number	Site	Administered by
1	_____	_____	_____	_____
2	_____	_____	_____	_____
3	_____	_____	_____	_____

Additional hepatitis B status information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Post-exposure incident: (Date, time, circumstances, route under which exposure occurred)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Identification and documentation of source individual:

\_\_\_\_\_

Source blood testing consent:

\_\_\_\_\_

Description of employee's duties as related to the exposure incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Copy of information provided to health care professional evaluating an employee after an exposure incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a copy of all results of examinations, medical testing, follow-up procedures, and health care professional's written opinion.

Training Record: (date, time, instructor, location of training summary)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## UNIVERSAL PRECAUTIONS REGULATION

Universal precautions (UP) are intended to prevent transmission of infection, as well as decrease the risk of exposure for employees and students. It is not currently possible to identify all infected individuals, thus precautions must be used with every individual. UP pertain to blood and other potentially infectious materials (OPIM) containing blood. These precautions do not apply to other body fluids and wastes (OBFW) such as saliva, sputum, feces, tears, nasal secretions, vomitus and urine unless blood is visible in the material. However, these OBFW can be sources of other infections and should be handled as if they are infectious. The single most important step in preventing exposure to and transmission of any infection is anticipating potential contact with infectious materials in routine as well as emergency situations. Based on the type of possible contact, employees and students should be prepared to use the appropriate precautions prior to the contact. Diligent and proper hand washing, the use of barriers, appropriate disposal of waste products and needles, and proper decontamination of spills are essential techniques of infection control. All individuals should respond to situations practicing UP followed by the activation of the school response team plan. Using common sense in the application of these measures will enhance protection of employees and students.

### Hand Washing

Proper hand washing is crucial to preventing the spread of infection. Textured jewelry on the hands or wrists should be removed prior to washing and kept off until completion of the procedure and the hands are rewashed. Use of running water, lathering with soap and using friction to clean all hand surfaces is key. Rinse well with running water and dry hands with paper towels.

- Hands should be washed before physical contact with individuals and after contact is completed.
- Hands should be washed after contact with any used equipment.
- If hands (or other skin) come into contact with blood or body fluids, hands should be washed immediately before touching anything else.
- Hands should be washed whether gloves are worn or not and, if gloves are worn, after the gloves are removed.

### Barriers

Barriers anticipated to be used at school include disposable gloves, absorbent materials and resuscitation devices. Their use is intended to reduce the risk of contact with blood and body fluids as well as to control the spread of infectious agents from individual to individual. Gloves should be worn when in contact with blood, OPIM or OBFW. Gloves should be removed without touching the outside and disposed of after each use.

## UNIVERSAL PRECAUTIONS REGULATION

### Disposal of Waste

Blood, OPIM, OBFW, used gloves, barriers and absorbent materials should be placed in a plastic bag and disposed of in the usual procedure. When the blood or OPIM is liquid, semi-liquid or caked with dried blood, it is not absorbed in materials, and is capable of releasing the substance if compressed, special disposal as regulated waste is required. A band-aid, towel, sanitary napkin or other absorbed waste that does not have the potential of releasing the waste if compressed would not be considered regulated waste. It is anticipated schools would only have regulated waste in the case of a severe incident. Needles, syringes and other sharp disposable objects should be placed in special puncture-proof containers and disposed of as regulated waste. Bodily wastes such as urine, vomitus or feces should be disposed of in the sanitary sewer system.

### Clean up

Spills of blood and OPIM should be cleaned up immediately. The employee should:

- Wear gloves.
- Clean up the spill with paper towels or other absorbent material.
- Use a solution of one part household bleach to one hundred parts of water (1:100) or other EPA-approved disinfectant and use it to wash the area well.
- Dispose of gloves, soiled towels and other waste in a plastic bag.
- Clean and disinfect reusable supplies and equipment.

### Laundry

Laundry with blood or OPIM should be handled as little as possible with a minimum of agitation. It should be bagged at the location. If it has the potential of releasing the substance when compacted, regulated waste guidelines should be followed. Employees who have contact with this laundry should wear protective barriers.

### Exposure

An exposure to blood or OPIM through contact with broken skin, mucous membrane or by needle or sharp stick requires immediate washing, reporting and follow-up.

- Always wash the exposed area immediately with soap and water.
- If a mucous membrane splash (eye or mouth) or exposure of broken skin occurs, irrigate or wash the area thoroughly.
- If a cut or needle stick injury occurs, wash the area thoroughly with soap and water.

The exposure should be reported immediately, the parent or guardian is notified, and the person exposed contacts a physician for further health care.

## HAZARDOUS CHEMICAL DISCLOSURE

The board authorizes the development of a comprehensive hazardous chemical communication program for the school district to disseminate information about hazardous chemicals in the workplace.

Each employee will annually review information about hazardous substances in the workplace. When a new employee is hired or transferred to a new position or work site, the information and training, if necessary, is included in the employee's orientation. When an additional hazardous substance enters the workplace, information about it is distributed to all employees, and training is conducted for the appropriate employees. The superintendent will maintain a file indicating which hazardous substances are present in the workplace and when training and information sessions take place.

Employees who will be instructing or otherwise working with students will disseminate information about the hazardous chemicals with which they will be working as part of the instructional program.

It is the responsibility of the superintendent to develop administrative regulations regarding this program.

Legal Reference: 29 C.F.R. Pt. 1910; 1200 *et seq.* (2004).  
Iowa Code chs. 88; 89B (2007).  
347 I.A.C. 120.

Cross Reference: 403 Employees' Health and Well-Being  
804 Safety Program

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## SUBSTANCE-FREE WORKPLACE

The board expects the school district and its employees to remain substance free. No employee will unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of, in the workplace, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. "Workplace" includes school district facilities, school district premises or school district vehicle, also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee will notify the employee's supervisor of the conviction within five days of the conviction.

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. An employee who violates the terms of this policy may be subject to discipline up to and including termination. *[An employee who violates this policy may be required to successfully participate in a substance abuse treatment program approved by the board.]* If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

The superintendent is responsible for publication and dissemination of this policy to each employee. In addition, the superintendent will oversee the establishment of a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment programs.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy.

Legal Reference: 41 U.S.C. §§ 701-707 (2004).  
42 U.S.C. §§ 12101 *et seq.* (2004).  
34 C.F.R. Pt. 85 (2004).  
Iowa Code §§ 123.46; 124; 279.8 (2007).

Cross Reference: 404 Employee Conduct and Appearance

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

EMPLOYEES ARE HEREBY NOTIFIED it is a violation of the Substance-Free Workplace policy for an employee to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcohol, as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15 and IOWA CODE Chapter 204.

“Workplace” is defined as the site for the performance of work done in the capacity as an employee. This includes school district facilities, other school premises or school district vehicles. Workplace also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

*[Employees who violate the terms of the Substance-Free Workplace policy may be required to successfully participate in a substance abuse treatment program approved by the board.]* The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy. If the employee fails to successfully participate in such a program, the employee is subject to discipline up to and including termination.

EMPLOYEES ARE FURTHER NOTIFIED it is a condition of their continued employment that they comply with the above policy of the school district and will notify their supervisor of their conviction of any criminal drug statute for a violation committed in the workplace, no later than five days after the conviction.

-----  
SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, have read and understand the Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination *[or I may be required to participate in a substance abuse treatment program]*. If I fail to successfully participate in a substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I understand that if I am required to participate in a substance abuse treatment program and I refuse to participate, I may be subject to discipline up to and including termination. I also understand that if I am convicted of a criminal drug offense committed in the workplace, I must report that conviction to my supervisor within five days of the conviction.

\_\_\_\_\_  
(Signature of Employee)

## SUBSTANCE-FREE WORKPLACE REGULATION

A superintendent who suspects an employee has a substance abuse problem will follow these procedures:

1. **Identification** – the superintendent will document the evidence the superintendent has which leads the superintendent to conclude the employee has violated the Substance-Free Workplace policy. After the superintendent has determined there has been a violation of the Substance-Free Workplace policy, the superintendent will discuss the problem with the employee.
2. **Discipline** – if, after the discussion with the employee, the superintendent determines there has been a violation of the Substance-Free Workplace policy, the superintendent may recommend discipline up to and including termination *[or may recommend the employee seek substance abuse treatment]*. Participation in a substance abuse treatment program is voluntary.
3. *[Failure to participate in referral – if the employee refuses to participate in a substance abuse treatment program or if the employee does not successfully complete a substance abuse treatment program, the employee may be subject to discipline up to and including termination.]*
4. **Conviction** – if an employee is convicted of a criminal drug offense committed in the workplace, the employee must notify the employer of the conviction within five days of the conviction.

## DRUG AND ALCOHOL TESTING PROGRAM

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs twenty-six thousand one pounds or more. For purposes of the drug and alcohol testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district contact person, Jill Gavin at 390 Burlington Ave., Martensdale, Iowa.

Employees who violate the terms of this policy are subject to discipline, up to and, including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent will inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment.

The superintendent will also be responsible for publication and dissemination of this policy and supporting administrative regulations and forms to employees operating school vehicles. The superintendent will also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

*NOTE: It is important for the school district to read this policy and its supporting documents and the notes very carefully. This policy and its supporting documents assume the school district employs its drivers and owns the school vehicles rather than contracts with a private service provider with its own drug and alcohol testing program. School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program complying with the federal regulations.*

*Compliance with the regulations is the responsibility of the school district even if the school district uses a service provider. Boards need to determine who will be responsible for administering the drug and alcohol testing program in the second paragraph and makes that determination throughout the policies and regulations.*

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

*This policy and its supporting documents also assume private contractors and nonpublic schools participating in the Iowa Drug and Alcohol Testing Program (IDATP) have chosen to test only under the federal regulations and not to test under state law.*

*This policy and its supporting documents terminate a driver for violation of the policy and its supporting documents. Such a violation includes a positive drug test result. Should a school district, after careful consideration, choose to retain the option not to terminate for violation of this policy, consideration should be given to making the following changes:*

*School districts choosing to pay for OR to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:*

*First sentence of paragraph two: The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing.*

*School districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:*

*Paragraph three: Employees who violate the terms of this policy may be subject to discipline up to and including termination at the discretion of the school district. Employees who violate this policy, as a condition of continued employment, will be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program, recommended by the substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.*

*School districts choosing to make the employee bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:*

*Paragraph three: Employees who violate the terms of this policy may be subject to discipline up to and including termination. Employees who violate this policy bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and a substance abuse treatment program recommended by the substance abuse professional. Employees who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.*

*This policy and the supporting documents require the school district to designate a school district contact person for the drug and alcohol testing program. The title of the person(s) designated should be entered in Paragraph two. This person will answer questions from employees and others about the program, receive the test results and receive the identification numbers of the drivers who were selected for random testing and notify those drivers. If these responsibilities are divided among different persons, the policy and supporting documents must clearly explain which person handles which part of the drug and alcohol testing program.*

*Information about resources for a substance-free awareness program and related services may be obtained from the school district's employee assistance program, the Department of Education at (515) 281-3021 or Department of Health, Substance Abuse Division at (515) 281-3541.*

Legal Reference: American trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup> 405 (4<sup>th</sup> Cir. 1995)  
49 U.S.C. §§ 5331 et seq. (2004).  
42 U.S.C. §§ 12101 (2004).  
41 U.S.C. §§ 701-707 (2004).  
49 C.F.R. Pt. 40; 382; 391.81-123 (2004).  
34 C.F.R. Pt. 85 (2002).  
Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91).  
Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2007).

Cross Reference: 403.5 Substance-Free Workplace  
409.2 Licensed Employee Personal Illness Leave  
414.2 Classified Employee Personal Illness Leave

## DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE HEREBY NOTIFIED they are subject to the school district's drug and alcohol testing program for pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing as outlined in the Drug and Alcohol Testing Program policy, its supporting documents and the law.

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs twenty-six thousand, one pounds or more. For purposes of the drug and alcohol testing program, "employees" also includes applicants who have been offered a position to operate a school vehicle. The employees operating a school vehicle are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate a school vehicle and continue to be subject to the drug and alcohol testing program.

It is the responsibility of the superintendent to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements will contact the school district contact person.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED it is a condition of their continued employment to comply with the Drug and Alcohol Testing Program policy, its supporting documents and the law. It is a condition of continued employment for employees operating a school vehicle to notify their supervisor of any prescription medication they are using. Drug and alcohol testing records about a driver are confidential and are released in accordance with this policy, its supporting documents or the law.

*NOTE: This form also assumes the school district will terminate the driver upon violation of this policy and its supporting documents. Should a school district, after careful consideration, choose to retain the option not to terminate for violation of this policy, consideration should be given to changing the first and third paragraph to read:*

*EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE HEREBY NOTIFIED they are subject to the school district's drug and alcohol testing program for pre-employment drug testing and random, reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing as outlined in the Drug and Alcohol Testing Program policy, its supporting documents and the law.*

*For school districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:*

## DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

*EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination at the discretion of the school district. As a condition of continued employment, employees violating this policy, its supporting documents or the law will be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program recommended by a substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.*

*For school districts choosing to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:*

*EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination. As a condition of continued employment, employees violating this policy, its supporting documents or the law bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and, a substance abuse treatment program recommended by the substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.*

*The format of this notice is not specifically required by the federal regulations. It is designed to provide a starting point for school districts to develop their own form. However, the federal regulations do require the drivers have notice of the drug and alcohol testing program. Under the federal regulations, school districts may require their drivers to notify them of any prescription medications they are using. School districts which do not want to be informed may delete this language from this notice.*

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

I (\_\_\_\_\_), have received a copy, read and understand the Drug and Alcohol Testing Program policy and its supporting documents. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting documents, regulations and the law.

I understand that if I violate the Drug and Alcohol Testing Program policy, its supporting documents, regulations or the law, I may be subject to discipline up to and including termination.

I also understand that I must inform my supervisor of any prescription medication I use. I further understand that drug and alcohol testing records about me are confidential and may be released in accordance with this policy, its supporting documents, regulations or the law.

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Date)

*NOTE: Under the federal regulations, school districts may require their drivers to notify them of any prescription medications they are using. School districts which do not want to be informed may delete this language from this notice*

*NOTE: This form assumes the school district will terminate the driver upon violation of this policy and its supporting documents. Should a school district, after careful consideration, choose to retain the option not to terminate for violation of this policy, consideration should be given to changing the second paragraph to read:*

*I understand that if I violate the Drug and Alcohol Testing Program policy, its supporting document, regulations or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse treatment program, if recommended by the substance abuse professional. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I will be subject to discipline up to and including termination.*

## EMPLOYEE CONDUCT AND APPEARANCE

Employees are role models for the students who come in contact with them during and after school hours. The board recognizes the positive effect employees can have on students in this capacity. To this end, the board strongly suggests and encourages employees to dress themselves, groom themselves and conduct themselves in a manner appropriate to the educational environment.

Employees will conduct themselves in a professional manner. Employees will dress in attire appropriate for their position. Clothing should be neat, clean, and in good taste. Discretion and common sense call for an avoidance of extremes which would interfere with or have an effect on the educational process.

Licensed employees of the school district, including administrators, will follow the code of ethics for their profession as established by the Iowa Board of educational Examiners.

Legal Reference: Iowa Code § 279.8 (2007).  
282 I.A.C. 13.

Cross Reference: 307 Administrator Code of Ethics  
401.1 Employee Orientation  
403.6 Harassment  
403.7 Substance-Free Workplace  
407 Licensed Employee Termination of Employment  
413 Classified Employee Termination of Employment

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

## CHAPTER 25

**282 – 25.1(272) Scope of standards.**

This code of professional conduct and ethics constitutes mandatory minimum standards of practice for all licensed practitioners as defined in IOWA CODE chapter 272. The adherence to certain professional and ethical standards is essential to maintaining the integrity of the educational profession.

**282 – 25.2(272) Definitions.**

Except where otherwise specifically defined by law:

“*Administrative and supervisory personnel*” means any licensed employee such as superintendent, associate superintendent, assistant superintendent, principal, associate principal, assistant principal, or other person who does not have as a primary duty the instruction of pupils in the schools.

“*Board*” means the Iowa board of educational examiners.

“*Discipline*” means the process of sanctioning a license, certificate or authorization issued by the board.

“*Ethics*” means a set of principles governing the conduct of all persons governed by these rules.

“*Fraud*” means knowingly providing false information or representations on an application for licensure or employment, or knowingly providing false information or representations made in connection with the discharge of duties.

“*License*” means any license, certificate, or authorization granted by the board.

“*Licensee*” means any person holding a license, certificate, or authorization granted by the board.

“*Practitioner*” means an administrator, teacher, or other school personnel, who provides educational assistance to students and who holds a license, certificate, or other authorization issued by the board.

“*Responsibility*” means a duty for which a person is accountable by virtue of licensure.

“*Right*” means a power, privilege, or immunity secured to a person by law.

“*Student*” means a person, regardless of age, enrolled in a prekindergarten through grade 12 school, who is receiving direct or indirect assistance from a person licensed by the board.

“*Teacher*” means any person engaged in the instructional program for prekindergarten through grade 12 children, including a person engaged in teaching, administration, and supervision, and who is required by law to be licensed for the position held.

**282 – 25.3(272) Standard of professional conduct and ethics.**

Licensees are required to abide by all federal, state, and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

**25.3(1) Standard I – conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse.** Violation of this standard includes:

- a. *Fraud.* Fraud in the procurement or renewal of a practitioner’s license.
- b. *Criminal convictions.* The commission of or conviction for a criminal offense as defined by Iowa law or the laws of any other state or of the United States, provided that the offense is relevant to or affects teaching or administrative performance.

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

- (1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:
1. Any of the following forcible felonies included in IOWA CODE § 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
  2. Any of the following criminal sexual offenses, as provided in IOWA CODE Ch. 709, involving a child:
    - First -, second – or third-degree sexual abuse committed on or with a person who is under the age of 18;
    - Lascivious acts with a child;
    - Detention in a brothel;
    - Assault with intent to commit sexual abuse;
    - Indecent contact with a child;
    - Sexual exploitation by a counselor;
    - Lascivious conduct with a minor; or
    - Sexual exploitation by a school employee;
  3. Incest involving a child as prohibited by IOWA CODE § 726.2;
  4. Dissemination and exhibition of obscene material to minors as prohibited by IOWA CODE § 728.2; or
  5. Telephone dissemination of obscene material to minors as prohibited by IOWA CODE § 728.15
- (2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)"b"(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:
1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
  2. The time elapsed since the crime or founded abuse was committed;
  3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
  4. The likelihood that the person will commit the same crime or abuse again;
  5. The number of criminal convictions or founded abuses committed; and
  6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.
- c. *Sexual involvement or indecent contact with a student.* Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or breasts of a student; permitting or causing to fondle or touch the practitioner's inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in IOWA CODE § 702.17.
- d. *Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by IOWA CODE § 728.12, IOWA CODE Ch. 709 or 18 U.S.C. § 2252A(a)(5)(B).

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

- e. Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:
- (1) Committing any act of physical abuse of a student.
  - (2) Committing any act of dependent adult abuse on a dependent adult student;
  - (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
  - (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
  - (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee; or
  - (6) Failing to report any suspected act of child or dependent adult abuse as required by state law.
- 25.3(2)** *Standard II – alcohol or drug abuse.* Violation of this standard includes:
- a.* Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs.
  - b.* Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol.
- 25.3(3)** *Standard III – misrepresentation, falsification of information.* Violation of this standard includes:
- a.* Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
  - b.* Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.
  - c.* Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
  - d.* Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282 – Chapter 17.
  - e.* Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.
- 25.3(4)** *Standard IV – misuse of public funds and property.* Violation of this standard includes:
- a.* Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.
  - b.* Converting public property or funds to the personal use of the practitioner.
  - c.* Submitting fraudulent requests for reimbursement of expenses or for pay.
  - d.* Combining public or school-related funds with personal funds.
  - e.* Failing to use time or funds granted for the purpose for which they were intended.

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

- 25.3(5)** *Standard V – violations of contractual obligations.*
- a. Violation of this standard includes:
    - (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
    - (2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.
    - (3) Abandoning a written professional employment contract without prior unconditional release by the employer.
    - (4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.
    - (5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.
  - b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner's control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:
    - (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or
    - (2) The practitioner provided notice to the employing board no later than the latest of the following dates:
      - 1. The practitioner's last work day of the school year;
      - 2. The date set for return of the contract as specified in statute; or
      - 3. June 30.
- 25.3(6)** *Standard VI – unethical practice toward other members of the profession, parents, students, and the community.* Violation of this standard includes:
- a. Denying the student, without just cause, access to varying points of view.
  - b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
  - c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
  - d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
  - e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, color, religion, age, sex, disability, marital status, national origin, or membership in a definable minority.
  - f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
  - g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
  - h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
  - i. Refusing to participate in a professional inquiry when requested by the board.

CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

- j.* Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.
  - k.* Failing to self-report to the board within 60 days any founded child abuse report, or any conviction for a criminal offense listed in 25.3(1)"b"(1) which requires revocation of the practitioner's license.
  - l.* Delegating tasks to unqualified personnel.
  - m.* Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
  - n.* Allowing another person to use one's practitioner license for any purpose.
  - o.* Performing services beyond the authorized scope of practice for which the individual is licensed or prepared.
- 25.3(7)** *Standard VII – compliance with state law governing student loan obligations and child support obligations.* Violation of this standard includes:
- a.* Willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa.
  - b.* Willfully or repeatedly failing to practice with reasonable skill and safety.
- 25.3(8)** *Standard VIII – incompetence.* Violation of this standard includes, but is not limited to:
- a.* Willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa.
  - b.* Willfully or repeatedly failing to practice with reasonable skill and safety.

These rules are intended to implement IOWA CODE § 272(1)"a."

## CODE OF RIGHTS AND RESPONSIBILITIES REGULATION

## CHAPTER 26

**282 – 26.1(272) Purpose.** The code of professional conduct and ethics in 282 – Chapter 25 defines unprofessional and unethical conduct justifying disciplinary sanction. The board acknowledges that the discharge of professional obligations should occur in recognition of certain fundamental rights and responsibilities. Accordingly, the board recognizes the following rights and responsibilities of all educators licensed under IOWA CODE Ch. 272 and agrees that the exercise of these rights and responsibilities may present mitigating facts and circumstances in the board’s evaluation of allegations of unprofessional or unethical conduct.

**282 – 26.2(272) Rights.** Educators licensed under IOWA CODE Ch. 272 have the following rights:

1. The educator has a right to be licensed and endorsed under professional standards established and enforced by the board.
2. The educator has a right to refuse assignments for which the educator is not legally authorized, in terms of holding a valid Iowa license with the appropriate endorsement(s) or approval(s).
3. The educator has a right, subject to board and administrator authority, to exercise professional judgment in the evaluation, selection, and use of teaching methods and instructional materials appropriate to the needs, abilities, and background of each student.

**282 – 26.3(272) Responsibilities.** Educators licensed under IOWA CODE Ch. 272 have the following responsibilities:

1. The educator has a responsibility to maintain and improve the educator’s professional competence.
2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.
3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.
4. The educator shall protect students from conditions harmful to learning or to health or safety.
5. The educator shall not, without just cause, restrain a student from independent action in the pursuit of learning and shall not, without just cause, deny a student access to varying points of view.
6. The educator shall not use professional relationships with students for personal advantage.
7. The educator shall not discriminate against any student on the grounds of national or ethnic origin, religion, age, sex, disability, membership in a definable minority, or marital status, nor grant any discriminatory consideration or advantage.
8. The educator shall accord just and equitable treatment to all members of the profession.
9. The educator shall keep in confidence personally identifiable information regarding a student or the student’s family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.

10. The educator who has reasonable basis to believe that a student has been abused, as defined by law, shall make all reports required by law and the IOWA ADMINISTRATIVE CODE and which are necessary to ensure the safety and well-being of the student.
11. In the administration of discipline, the educator shall treat all students with respect and in compliance with all policies of the school district served by the educator.
12. The educator shall provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.
13. The educator shall not refuse to participate in a professional inquiry, when requested by the board.
14. The educator shall not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.
15. The educator shall not delegate assigned tasks to unqualified personnel.

These rules are intended to implement IOWA CODE § 272.2(1) "a."

LICENSED EMPLOYEE DEFINED

Licensed employees, including administrators, are those employees required to hold an appropriate license from the Iowa Department of Education for their position as required by the Board of Educational Examiners or others with professional licenses. Licenses required for a position will be considered met if the employee meets the requirements established by the Iowa Department of Education.

It is the responsibility of the superintendent to establish job specifications and job descriptions for licensed employees' positions, other than the position of the superintendent. Job descriptions may be approved by the board.

Licensed employees must present evidence of current license to the board secretary prior to payment of salary each year.

Legal reference:     Clay v Independent School District of Cedar Falls, 187 Iowa 89, 174 N.W. 47 (1919)  
Iowa Code §§ 256.7(3); 272.6; 272A; 279.8; 294.1 (2007).  
282 I.A.C. 14  
281 I.A.C. 12.4; 41.25.  
1940 Op. Att'y Gen. 375.

Cross Reference:    405.2 Licensed Employee Qualifications, Recruitment Selection  
410.1 Substitute Teachers  
411.1 Classified Employee Defined

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a licensed position, other than administrative positions which will be employed in accordance with board policies in Series 300, "Administration," will have an opportunity to apply and qualify for licensed positions in the school district without regard to age, race, creed, color, sex, national origin, religion, sexual orientation, gender identity or disability. Job applicants for licensed positions will be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state license if required for the position.

Announcement of the position is in a manner which the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed applications are returned to the school district administrative office. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who will be directly supervising and overseeing the person being hired.

The board will employ licensed employees after receiving a recommendation from the superintendent [*except the superintendent may hire teachers without approval of the board*]. However, the superintendent will have the authority to employ a licensed employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding qualifications, recruitment and selections of such employees are followed.

Legal Reference: 29 U.S.C. §§ 621-634 (2004)  
42 U.S.C. §§ 2000e *et seq.* (2004).  
42 U.S.C. §§ 12101 *et seq.* (2004).  
Iowa Code §§ 20; 35C; 216; 279.13; 294.1 (2007).  
281 I.A.C. 12.  
282 I.A.C. 14.  
1980 Op. Atty Gen. 367.

Cross Reference 401.2 Equal Employment Opportunity  
405 Licensed Employees – General  
410.1 Substitute Teachers

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE INDIVIDUAL CONTRACTS

The board will enter into a written contract with licensed employees, other than administrators, employed on a regular basis. Each contract will be for a period of one year.

It is the responsibility of the superintendent to complete the contracts for licensed employees and present them to the board for approval. The contracts, after being signed by the board president, are returned to the superintendent. The superintendent will obtain the employee's signature. After being signed, the contract is filed with the board secretary.

Legal Reference:     Harris v. Manning Independent School District of Manning, 245 Iowa 1295, 66 N.W.2d 438 (1954).  
                          Shackelford v District Township of Beaver, Polk County, 203 Iowa 243, 212 N.W. 467 (1927).  
                          Burkhead v Independent School District of Independence, 107 Iowa 29, 77 N.W. 491 (1898).  
                          Iowa Code chs. 20; 279 (2007).

Cross Reference:    405.2 Licensed Employee Qualifications, Recruitment, Selection  
                          405.4 Licensed Employee Continuing Contracts  
                          407    Licensed Employee Termination of Employment

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE CONTINUING CONTRACTS

Contracts entered into with licensed employees, other than an administrator, will continue from year to year unless the contract states otherwise, is modified by mutual agreement between the board and the employee, or the contract is terminated by the board.

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the three-year probationary period in an Iowa school district. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a one-year probationary period. In the event of termination of the employee's contract during this period, the board will afford the licensed employee appropriate due process. The action of the board will be final.

Licensed employees whose contracts will be recommended for termination by the board will receive notice prior to April 30. The superintendent will make a recommendation to the board for the termination of the licensed employee's contract.

Licensed employees who wish to resign, to be released from a contract, or to retire must comply with board policies in those areas.

Legal Reference:     Ar-We-Va Community School District v. Long and Henkenius, 292 N.W.2d 402 (Iowa 1980).  
                          Bruton v Ames Community School District, 291 N.W.2d 351 (Iowa 1980).  
                          Hartman v. Merged Area VI Community College, 270 N.W.2d 822 (Iowa 1978).  
                          Keith v. Community School District of Wilton in the Counties of Cedar and Muscatine, 262 N.W.2d 249 (Iowa 1978).  
                          Iowa Code §§ 20; 272; 279.12-.19B, .27; 294.1 (2007).

Cross Reference:     405.3 Licensed Employee Individual Contracts  
                          405.9 Licensed Employee Probationary Status  
                          407    Licensed Employee Termination of Employment

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE WORK DAY

The work day for licensed employees will begin each day of the school year at a time established by the superintendent. Licensed employees who are employed only during the academic year will have the same work day as other licensed employees. "Day" is defined as one work day regardless of full-time or part-time status of an employee.

Licensed employees are to be in their assigned school building during the work day. Advance approval to be absent from the school building must be obtained from the principal whenever the licensed employees must leave the school building during the work day.

The building principal is authorized to make changes in the work day in order to facilitate the education program. These changes are reported to the superintendent.

The work day outlined in this policy is a minimum work day. Nothing in this policy prohibits licensed employees from working additional hours outside the work day.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding work day of such employees will be followed.

Legal Reference: Iowa Code §§ 20; 279.8 (2007).

Cross Reference: 200.3 Powers of the Board of Directors

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE ASSIGNMENT

Determining the assignment of each licensed employee is the responsibility of and within the sole discretion of the board. In making such assignments the board will consider the qualifications of each licensed employee and the needs of the school district.

It is the responsibility of the superintendent to make recommendations to the board regarding the assignment of licensed employees.

The requirements state in the Master Contract between employees in that certified collective bargaining unit and the board regarding assignment of such employees will be followed.

Legal Reference: Iowa Code §§ 20.9; 279.8 (2007).

Cross Reference: 200.3 Powers of the Board of Directors

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE TRANSFERS

Determining the location where an employee's assignment will be carried out is the responsibility and within the sole discretion of the board. In making such assignments the board will consider the qualifications of each licensed employee and the needs of the school district.

A transfer may be initiated by the employee, the principal, or the superintendent.

It is the responsibility of the superintendent to make recommendations to the board regarding the transfer of licensed employees.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding transfers of employees will be followed.

Legal Reference: Iowa Code §§ 20.9; 216.14; 279.8 (2007).

Cross Reference: 405.2 Licensed Employee Qualifications, Recruitment, Selection  
405.6 Licensed Employee Assignment

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE EVALUATION

Evaluation of licensed employees on their skills, abilities, and competence is an ongoing process supervised by the building principals and conducted by approved evaluators. The goal of the formal evaluation of licensed employees, other than administrators, but including extracurricular employees, is to improve the education program, to maintain licensed employees who meet or exceed the board's standards of performance, to clarify the licensed employee's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

The formal evaluation criteria is in writing and approved by the board. The formal evaluation will provide an opportunity for the evaluator and the licensed employee to discuss the past year's performance and the future areas of growth. The formal evaluation is completed by the evaluator, signed by the licensed employee and filed in the licensed employee's personnel file. This policy supports, and does not preclude, the ongoing informal evaluation of the licensed employee's skills, abilities and competence.

It is the responsibility of the superintendent to ensure licensed employees are evaluated. New and probationary licensed employees are evaluated at least twice each year.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding evaluation of such employees will be followed.

Legal Reference: Aplington Community School District v. PERB, 392 N.W.2d 495 (Iowa 1986).  
Saydel Education Association v. PERB, 333 N.W.2d 486 (Iowa 1983).  
Iowa Code §§ 20.9; 279.14, .19, .27 (2007).  
281 I.A.C. 12.3(4).

Cross Reference: 405.2 Licensed Employee Qualifications, Recruitment, Selection  
405.9 Licensed Employee Probationary Status

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE PROBATIONARY STATUS

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the probationary period in an Iowa school district. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a one year probationary period. For purposes of this policy, an employee will have met the requirements for successfully completing a probationary period in another Iowa school district if, at the teacher's most recent performance evaluation, the teacher received at least a satisfactory or better evaluation and the individual has not engaged in conduct which would disqualify the teacher for a continuing contract.

Only the board, in its discretion, may waive the probationary period. The board may extend the probationary period for one additional year with the consent of the licensed employee. The board will make the decision to extend or waive a licensed employee's probationary status based upon the superintendent's recommendation. During this probationary period the board may terminate the licensed employee's contract at year-end or discharge the employee in concert with corresponding board policies.

Licensed employees may also serve a probationary period based upon their performance. Such probationary period is determined on a case-by-case basis in light of the circumstances surrounding the employee's performance as documented in the employee's evaluations and personnel file.

Legal Reference: Iowa Code §§ 279.12-.19B (2007).

Cross Reference: 405.4 Licensed Employee Continuing Contracts  
405.8 Licensed Employee Evaluation

Approved 3/10/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE SALARY SCHEDULE

The board will establish salary schedules for licensed employees' positions keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other factors deemed relevant by the board.

It is the responsibility of the superintendent to make a recommendation to the board annually regarding the salary schedule. The salary schedule is subject to review and modification through the collective bargaining process.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding wages and salaries of such employees will be followed.

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2007).

Cross Reference: 405 Licensed Employees – General  
406.2 Licensed Employee Salary Schedule Advancement

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE SALARY SCHEDULE ADVANCEMENT

The board will determine which licensed employees will advance on the salary schedule for the licensed employees' positions, keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other considerations as determined by the board.

It is the responsibility of the superintendent to make a recommendation to the board for the advancement of licensed employees on the salary schedule.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding salary schedule advancement of such employees will be followed.

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2007).

Cross Reference: 405 Licensed Employees – General  
406 Licensed Employee Compensation and Benefits

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

Continued education on the part of licensed employees may entitle them to advancement on the salary schedule. Licensed employees who have completed additional hours will be considered for advancement on the salary schedule. The board will determine which licensed employees will advance on the salary schedule for continued education keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and any other items deemed relevant by the board.

Licensed employees who wish to obtain additional education for advancement on the salary schedule must notify their supervisor by September 20 of the school year preceding the actual year when advancement occurs. This additional education must be in a program approved by the State of Iowa.

It is the responsibility of the superintendent to make a recommendation to the board for the advancement of a licensed employee on the salary schedule.

The requirements stated in the Master Contract between licensed employees in a certified collective bargaining unit and the board regarding continued education credit of such employees will be followed.

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2007).

Cross Reference: 405 Licensed Employees – General  
406 Licensed Employee Compensation and Benefits

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY

A licensed employee may volunteer or be required to take on extra duty, with the extra duty being secondary to the major responsibility of the licensed employee. The board will establish a salary schedule for extra duty licensed employee positions, keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other considerations as determined by the board.

Vacant extra duty positions, for which extra compensation will be earned, will be posted to allow qualified licensed employees to volunteer for the extra duty. If no licensed employee volunteers for extra duty, the superintendent will assign the extra duty positions to qualified licensed employees. The licensed employee will receive compensation for the extra duty required to be performed.

It is the responsibility of the superintendent to make a recommendation to the board annually as to which licensed employees will have the extra duty, and the salary schedule for extra duty, for the board's review.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the compensation for extra duties of such employees will be followed.

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8, .13-.15, .19A-B (2007).

Cross Reference: 405 Licensed Employees – General  
406 Licensed Employee Compensation and Benefits

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE GROUP INSURANCE BENEFITS

Licensed employees are eligible for group insurance and health benefits. The board will select the group insurance program and the insurance company which will provide the program.

This policy statement does not guarantee a certain level of benefits. The board will have the authority and right to change group insurance programs for its licensed employees.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the group insurance benefits of such employees will be followed.

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12, .27; 509; 509A; 509B (2007).

Cross Reference: 405.1 Licensed Employee Defined

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE TAX SHELTER PROGRAMS

The board authorizes the administration to make a payroll deduction for licensed employees' tax sheltered annuity premiums purchased from any company the employee chooses or through an Iowa-licensed salesperson selected by the employee.

Licensed employees wishing to have payroll deductions for tax sheltered annuities will make a written request to the superintendent.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the tax sheltered annuities of such employees will be followed.

Legal Reference:     Small Business Job Protection Act of 1996, Section 1450(a), repealing portions of IRS REG § 1.403(b)-1(b)(3).  
Iowa Code §§ 20.9; 260C; 273; 294.16 (2007).  
1988 Op. Att'y Gen. 38.  
1976 Op. Att'y Gen. 462, 602.  
1966 Op. Att'y Gen. 211, 220.

Cross Reference:     706     Payroll Procedures

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE RESIGNATION

A licensed employee who wishes to resign must notify the superintendent in writing within the time period set by the board for return of the contract. This applies to regular contracts for the licensed employee's regular duties and for an extracurricular contract for extra duty. Resignations of this nature will be accepted by the board.

The board may require an individual who has resigned from an extracurricular contract to accept the resigned position for only the subsequent school year when the board has made a good faith effort to find a replacement and the licensed employee is continuing to be employed by the school district.

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.13, .19A (2007).

Cross Reference: 405.3 Licensed Employee Individual Contracts  
405.4 Licensed Employee Continuing Contracts  
407 Licensed Employee Termination of Employment

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE CONTRACT RELEASE

Licensed employees who wish to be released from an executed contract must give at least twenty-one days notice to the superintendent. Licensed employees may be released at the discretion of the board. Only in unusual and extreme circumstances will the board release a licensed employee from a contract. The board will have sole discretion to determine what constitutes unusual and extreme circumstances.

Release from a contract will be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay the board the cost of advertising incurred to locate and hire a suitable replacement. Upon written mutual agreement between the employee and the superintendent, the costs may be deducted from the employee's salary. Payment of these costs is a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

The superintendent is required to file a complaint with the Iowa Board of Educational Examiners against a licensed employee who leaves without proper release from the board.

Legal Reference: Iowa Code §§ 216; 272; 279.13, .19A, .46 (2007).  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 405.3 Licensed Employee Individual Contracts  
405.4 Licensed Employee Continuing Contracts  
407.3 Licensed Employee Retirement

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE RETIREMENT

Licensed employees who will complete their current contract with the board may apply for retirement. No licensed employee will be required to retire at a specific age.

Application for retirement will be considered made when the licensed employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board, the intent of the employee to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent. Applications made after the date set by the board for the return of the employee's contract to the board may be considered by the board if special circumstances exist. It is within the discretion of the board to determine whether special circumstances exist.

Board action to approve a licensed employee's application for retirement is final and such action constitutes nonrenewal of the employee's contract for the next school year.

Licensed employees who retire under this policy may qualify for retirement benefits through the Iowa Public Employees Retirement System.

Licensed employees and their spouse and dependents are allowed to continue coverage in the school district's group health insurance program at their own expense by meeting the requirements of the insurer.

Legal Reference: Iowa Code §§ 97B; 216; 279.46 (2007).  
581 I.A.C. 21.  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 407.6 Licensed Employee Early Retirement

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE SUSPENSION

Licensed employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a licensed employee pending board action on a discharge, for investigation of charges against the employee, and for disciplinary purposes. It is within the discretion of the superintendent to suspend a licensed employee with or without pay.

In the event of a suspension, appropriate due process will be followed.

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765 (Iowa 1987).  
McFarland v Board of Education of Norwalk Community School District, 277 N.W.2d 901 (Iowa ).  
Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2007).

Cross Reference: 404 Employee Conduct and Appearance  
407 Licensed Employee Termination of Employment

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE REDUCTION IN FORCE

The board has the exclusive authority to determine the appropriate number of licensed employees. A reduction of licensed employees may occur as a result of, but not be limited to, changes in the education program, staff realignment, changes in the size or nature of the student population, financial situation considerations, and other reasons deemed relevant by the board.

The reduction in licensed employees, other than administrators, will be done through normal attrition if possible. If normal attrition does not meet the necessary reduction in force required, the board may terminate licensed employees.

It is the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent shall consider the following criteria in making the recommendations:

- Endorsements and educational preparation within the grade level and subject areas in which the employee is now performing;
- Relative skills, ability and demonstrated performance;
- Qualifications for co-curricular programs; and
- Number of continuous years of service to the school district. This will be considered only when the foregoing factors are relatively equal between licensed employees.

Due process for terminations due to a reduction in force will be followed.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the reduction in force of such employees will be followed.

Legal Reference: Iowa Code §§ 20.7, .24; 279.13, .15-19, .27 (2007).

Cross Reference: 407.5 Licensed Employee Suspension  
413.6 Classified Employee Reduction in Force  
703 Budget

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE EARLY RETIREMENT

The school district offers an early retirement plan for full-time licensed employees. Full-time licensed employees are licensed employees who work 40 hours per week and who are currently performing their assigned duties within the school district. A licensed employee is eligible under the early retirement plan when the licensed employee:

- Is 55 years of age on or before June 30 of the year in which the licensed employee wishes to retire;
- Completes a total of 15 years of service as a full-time licensed employee to the school district;
- Submits an application to the superintendent for participation in the plan on or before March 1 of the year in which the licensed employee wishes to retire. Applications submitted after March 1 may be considered at the discretion of the board depending on the circumstances for the late application;
- Submits a written resignation. The resignation may be contingent upon approval by the board of participation in the voluntary early retirement plan; and,
- Receives board approval of the licensed employee's application for participation in the early retirement plan, of the licensed employee's resignation and of the disbursement of early retirement incentive to the licensed employee.

Approval by the board of the licensed employee's early retirement application shall constitute a voluntary resignation. Approval by the board of the licensed employee's early retirement application will also make the licensed employee eligible for disbursement of the early retirement incentive the sooner of July 1 following the licensed employee's approval for early retirement or a date mutually agreed upon by the school district and the licensed employee. Failure of the board to approve the licensed employee's early retirement application will make the licensed employee's current contract with the board continue in full force and effect.

Approved 4/14/08

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE EARLY RETIREMENT

### **At School District and employee's Expense**

*Upon retirement, the licensed employee is eligible to continue participation in the school district's group insurance plan by meeting the requirements of the insurer. The school district will pay the cost of the single premium at the level it was when the employee retired. The employee is responsible for paying any increase in premium costs. The employee must pay the employee's share of the premium by paying the monthly premium amount in full to the board secretary prior to the due date of the school district's premium payment to the insurance carrier.*

The board has complete discretion to offer or not to offer an early retirement plan for licensed employees. The board may discontinue the school district's early retirement plan at any time. Upon adoption of this early retirement plan, licensed employees age fifty-five or older will have five years or until age sixty, whichever is longer, to utilize this early retirement plan.

Legal Reference: 29 U.S.C. §§ 621 *et seq.* 2004).  
Senate file 2366, 77<sup>th</sup> General Assembly, 2<sup>nd</sup> Reg. Sess. (1998).  
Iowa Code §§ 97B; 216; 279.46; 509A.13 (2007).  
581 I.A.C. 21.  
1978 Op. Att'y Gen. 247  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 407.3 Licensed Employee Retirement

LICENSED EMPLOYEE EARLY RETIREMENT ACKNOWLEDGEMENT OF RECEIPT

The undersigned licensed employee acknowledges receipt of the early retirement plan document stated below, for the licensed employee's consideration:

- early retirement policy.

The undersigned licensed employee acknowledges that the application and participation in the early retirement plan is entirely voluntary.

The undersigned licensed employee acknowledges that the school district recommends the licensed employee contact legal counsel and the employee's personal accountant regarding participation in the early retirement plan.

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Licensed Employee

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Date

LICENSED EMPLOYEE EARLY RETIREMENT INSURANCE OPTIONS

Board policy 407.6, Licensed Employee Early Retirement, allows the employee to continue to participate in the school district's group health insurance plan until age 65 by meeting the requirements of the insurer.

*The school district and the licensed employee will both be responsible for the cost of the health insurance premium. The expense of the school district will not exceed the premium amount paid by the school district for a single health insurance premium at the date of early retirement of the licensed employee. The licensed employee is responsible for any increase in premium costs and for dependent insurance and must pay the employee's share of the monthly premium amount in full to the board secretary prior to the due date of the school district's premium payment to the insurance carrier.*

The undersigned licensed employee \_\_\_\_\_ (does, does not) wish to continue to participate in the school district's group health insurance plan.

\_\_\_\_\_  
Licensed Employee

\_\_\_\_\_  
Date

LICENSED EMPLOYEE EARLY RETIREMENT APPLICATION

The undersigned licensed employee is applying for early retirement pursuant to board policy 407.6, Licensed Employee Early Retirement. Please complete the following information:

\_\_\_\_\_  
(Full Legal Name of Licensed Employee)                      (Social Security Number)

\_\_\_\_\_  
(Current Job Title)                      (Date of Birth)                      (Years of Service)

Please specify the date desired for payment of the early retirement benefit and the reason for the date if a date other than \_\_\_\_\_ of the year in which the undersigned licensed employee retires is desired.

\_\_\_\_\_  
(Date)                      (Reason for date other than \_\_\_\_\_)

Please attach a letter of resignation effective June thirtieth of the year in which the undersigned licensed employee intends to retire.

The undersigned licensed employee acknowledges that application and participation in the early retirement plan is entirely voluntary.

The undersigned licensed employee acknowledges that the school district recommends that the licensed employee contact legal counsel and the employee's own personal accountant regarding participation in the early retirement plan.

\_\_\_\_\_  
Licensed Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

LICENSED EMPLOYEE PROFESSIONAL DEVELOPMENT

The board encourages licensed employees to attend and participate in professional development activities to maintain, develop, and extend their skills. The board will maintain and support an in-service program for licensed employees.

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, are made to the superintendent. Approval of the superintendent must be obtained prior to attendance by a licensed employee in a professional development program when the attendance would result in the licensed employee being excused from their duties or when the school district pays the expenses for the program.

The superintendent will have sole discretion to allow or disallow licensed employees to attend or participate in the requested event. When making this determination, the superintendent will consider the value of the program for the licensed employee and the school district, the effect of the licensed employee's absence on the education program and school district operations and the school district's financial situation as well as other factors deemed relevant in the judgment of the superintendent. Requests that involve unusual expenses or overnight travel must also be approved by the board.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding professional development of such employees will be followed.

Legal Reference: Iowa Code § 279.8 (2007).  
281 I.A.C. 12.7.

Cross Reference: 414.9 Classified Employee Professional Purposes Leave

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE PUBLICATION OR CREATION OF MATERIALS

Materials created by licensed employees and the financial gain there from are the property of the school district if school materials and time were used in their creation and/or such materials were created in the scope of the licensed employee's employment. The licensed employee must seek prior written approval of the superintendent concerning such activities.

Legal Reference: Iowa Code § 279.8 (2007).

Cross Reference: 401.3 Employee Conflict of Interest  
606.6 Student Production of Materials and Services

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE TUTORING

Every effort will be made by the licensed employees to help students with learning problems before recommending that the parents engage a tutor. Since there are exceptional cases when tutoring will help students overcome learning deficiencies, tutoring by licensed employees may be approved by the superintendent.

Licensed employees may only tutor students other than those for whom the teacher is currently exercising teaching, administrative or supervisory responsibility unless approved by the superintendent.

Tutoring for a fee may not take place within school facilities or during regular school hours unless approved by the superintendent.

Legal Reference: Iowa Code §§ 20.7; 279.8 (2007).

Cross Reference: 401.3 Employee Conflict of Interest  
402.7 Employee Outside Employment

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE PERSONAL LEAVE

The board will determine the amount of personal leave that will be allowed on an annual basis for licensed employees.

It is the responsibility of the superintendent to make a recommendation to the board annually on personal leave for licensed employees.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding personal leave of such employees will be followed.

Legal Reference: Iowa Code §§ 1C.1-.2; 4.1(34); 20.9 (2007).

Cross Reference: 414.1 Classified Employee Vacations – Holidays – Personal Leave  
601.1 School Calendar

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## LICENSED EMPLOYEE PERSONAL ILLNESS LEAVE

Licensed employees will be granted ten days of sick leave in their first year of employment. Each year thereafter, one additional day of sick leave will be granted to the licensed employees up to a maximum of fifteen days. "Day" is defined as one work day regardless of full-time or part-time status of the employee. A new employee will report for work at least one full work day prior to receiving sick leave benefits. A returning employee will be granted the appropriate number of days at the beginning of each fiscal year.

Sick leave may be accumulated up to a maximum of 90 days for licensed employees.

*[Should the personal illness occur after or extend beyond the sick leave accumulated allowance, the employee may apply for disability benefits under the group insurance plan. If the employee does not qualify for disability benefits, the employee may request a leave of absence without pay.]*

Evidence may be required regarding the mental or physical health of the employee when the administration has a concern about the employee's health. Evidence may also be required to confirm the employee's illness, the need for the illness leave, the employee's ability to return to work, and the employee's capability to perform the duties of the employee's position. It is within the discretion of the board or the superintendent to determine the type and amount of evidence necessary. When an illness leave will be greater than three consecutive days, the employee will comply with the board policy regarding family and medical leave.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the personal illness leave of such employees will be followed.

Legal Reference:     Whitney v Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394 (1942).  
26 U.S.C. §§ 2601 *et seq.* (2004).  
29 C.F.R. Pt. 825 (2004).  
Iowa Code §§ 20; 85.33, .34, .38(3); 216; 279.40 (2007).  
1980 Op. Att'y Gen. 605.  
1972 Op. Att'y Gen. 177, 353.  
1952 Op. Att'y Gen. 91.

Cross Reference:     403.2 Employee Injury on the Job  
409.3 Licensed Employee Family and Medical Leave  
409.8 Licensed Employee Unpaid Leave

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined as August - May. Requests for family and medical leave will be made to the superintendent.

Employees may be allowed to substitute paid leave for unpaid family and medical leave by meeting the requirements set out in the family and medical leave administrative rules. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. It is the responsibility of the superintendent to develop administrative rules to implement this policy.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding family and medical leave of such employees will be followed.

Legal Reference: Whitney v Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394 (1942).  
26 U.S.C. §§ 2601 *et seq.* (2004).  
29 C.F.R. Pt. 825 (2004).  
Iowa Code §§ 20; 85.33, .34, .38(3); 216; 279.40 (2007).  
1980 Op. Att’y Gen. 605.  
1972 Op. Att’y Gen. 177, 353.  
1952 Op. Att’y Gen. 91.

Cross Reference: 409.2 Licensed Employee Personal Illness Leave  
409.8 Licensed Employee Unpaid leave  
414.3 Classified Employee Family and Medical Leave

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

Date: \_\_\_\_\_

I, \_\_\_\_\_, request family and medical leave for the following reason:  
(check all that apply)

- for the birth of my child;
- for the placement of a child for adoption or foster care;
- to care for my child who has a serious health condition;
- to care for my parent who has a serious health condition;
- to care for my spouse who has a serious health condition; or
- because I am seriously ill and unable to perform the essential functions of my position.

I acknowledge my obligation to provide medical certification of my serious health condition or that of a family member in order to be eligible for family and medical leave within 15 days of the request for certification.

I acknowledge receipt of information regarding my obligations under the family and medical leave policy of the school district.

I request that my family and medical leave begin on \_\_\_\_\_ and I request leave as follows: (check one)

- continuous

I anticipate that I will be able to return to work on \_\_\_\_\_.

- intermittent leave for the:

- birth of my child or adoption or foster care placement subject to agreement by the district.
- serious health condition of myself, parent, or child when medically necessary.

Details of the needed intermittent leave:

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I anticipate returning to work at my regular schedule on \_\_\_\_\_.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

\_\_\_\_ reduced work schedule for the:

\_\_\_\_ birth of my child or adoption or foster care placement subject to agreement by the school district.

\_\_\_\_ serious health condition of myself, parent, or child when medically necessary.

Details of needed reduction in work schedule as follows:

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I anticipate returning to work at my regular schedule on \_\_\_\_\_.

I realize I may be moved to an alternative position during the period of the family and medical intermittent or reduced work schedule leave. I also realize that with foreseeable intermittent or reduced work schedule leave, subject to the requirements of my health care provider, I may be required to schedule the leave to minimize interruptions to school district operations.

While on family and medical leave, I agree to pay my regular contributions to employer sponsored benefit plans. My contributions will be deducted from moneys owed me during the leave period. If no monies are owed me, I will reimburse the school district by personal check or cash for my contributions. I understand that I may be dropped from the employer-sponsored benefit plans for failure to pay my contribution.

I agree to reimburse the school district for any payment of my contributions with deductions from future monies owed to me or the school district may seek reimbursement of payments of my contributions in court.

I acknowledge that the above information is true to the best of my knowledge.

Signed \_\_\_\_\_

Date \_\_\_\_\_

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

1. Employee's Name \_\_\_\_\_

2. Patient's Name (if different from employee) \_\_\_\_\_

3. The attached sheet describes what is meant by a "serious health condition" under the Family and Medical Leave Act. Does the patient's condition, for which the employee is taking FMLA leave, qualify under any of the categories described? If so, please check the applicable category.

(1) \_\_\_ (2) \_\_\_ (3) \_\_\_ (4) \_\_\_ (5) \_\_\_ (6) \_\_\_

or \_\_\_ None of the above

4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5. a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present incapacity, i.e. inability to work, attend school or perform other regular activities due to the serious health condition, treatment therefore, or recovery therefrom, if different):

b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)?

If yes, give the probable duration:

c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity:

6. a. If additional treatments will be required for the condition, provide an estimate of the number of such treatments:

If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

- b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:
  
  - c. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g. prescription drugs, physical therapy requiring special equipment):
7. a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?
- b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee or the employer should supply you with information about the essential job functions)?
- If yes, please list the essential functions the employee is unable to perform.
- c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment?
8. a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?
- b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery?
- c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

\_\_\_\_\_  
(Signature of Health Care Provider)

\_\_\_\_\_  
(Type of Practice)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

To be completed by the employee needing family leave to care for a family member.

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

A serious health condition means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care – In patient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. Absence Plus Treatment – A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
3. Pregnancy – Any period of incapacity due to pregnancy or for prenatal care.
4. Chronic Conditions Requiring Treatments – A chronic condition which:
  - a. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - b. continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - c. may cause episodic rather than a period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
5. Permanent/Long-term Conditions Requiring Supervision – A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. Multiple Treatments (Non-chronic Conditions) – Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy) and kidney disease (dialysis).

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

### A. School district notice.

1. The school district will post the notice in Exhibit 409.3E1 regarding family and medical leave.
2. Information on the Family and Medical Leave Act and the board policy on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be in the teachers lounge.
3. When an employee requests family and medical leave, the school district will provide the employee with information listing the employee's obligations and requirements. Such information will include:
  - a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement;
  - b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so;
  - c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution; and
  - d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.

### B. Eligible employees.

Employees are eligible for family and medical leave if three criteria are met.

1. The school district has more than 50 employees on the payroll at the time leave is requested;
2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and
3. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

If the employee requesting leave is unable to meet the above criteria, the employee is not eligible for family and medical leave.

### C. Employee requesting leave – two type of leave.

1. Foreseeable family and medical leave
  - a. Definition – leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

- b. Employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received.
  - c. Employees must consult with the school district prior to scheduling planned medical treatment leave to minimize disruption to the school district. The scheduling is subject to the approval of the health care provider.
2. Unforeseeable family and medical leave.
- a. Definition – leave is unforeseeable in such situations as emergency medical treatment or premature birth.
  - b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
  - c. A spouse or family member may give the notice if the employee is unable to personally give notice.
- D. Eligible family and medical leave determination. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.
1. Four purposes.
- a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child's birth;
  - b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child's placement;
  - c. To care for the spouse, son, or daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or
  - d. Employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.
2. Medical certification.
- When required:
- (1) Employees shall be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.
  - (2) Employees shall be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
- a. Employee's medical certification responsibilities:
- (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
  - (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

- (3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.
- b. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.
- c. Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification will be denied until such certification is provided.

## E. Entitlement.

1. Employees are entitled to twelve weeks unpaid family and medical leave per year.
2. Year is defined as school year.
3. If insufficient leave is available, the school district may:
  - a. Deny the leave if entitlement is exhausted
  - b. Award leave available

## F. Type of Leave Requested.

1. Continuous – employee will not report to work for set number of days or weeks.
2. Intermittent – employee requests family and medical leave for separate periods of time.
  - a. Intermittent leave is available for:
    - (1) Birth, adoption or foster care placement of child only with the school district's agreement.
    - (2) Serious health condition of the employee, spouse, parent, or child when medically necessary without the school district's agreement.
  - b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits. (*For instructional employees, see G below*).
3. Reduced work schedule – employee requests a reduction in the employee's regular work schedule.
  - a. Reduced work schedule family and medical leave is available for:
    - (1) Birth, adoption or foster care placement and subject to the school district's agreement.
    - (2) Serious health condition of the employee, spouse, parent, or child when medically necessary without the school district's agreement.

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

- b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.
- c. During the period of foreseeable reduced work schedule leave, the school district may move the employee to an alternative position with equivalent pay and benefits. (*For instructional employees, see G below.*)

### G. Special Rules for Instructional Employees.

1. Definition – an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors and special education assistants.
2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent of the work days in the leave period may be required to:
  - a. Take leave for the entire period or periods of the planned medical treatment; or
  - b. Move to an available alternative position, with equivalent pay and benefits, but not necessarily equivalent duties, for which the employee is qualified.
3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter or spring break.
  - a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three weeks of the semester if the leave was not continued.
  - b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.
  - c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.

H. Employee responsibilities while on family and medical leave.

1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.
2. The employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the school district at a time set by the superintendent.
3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.
4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.
5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.
6. If an employee intends not to return to work, the employee must immediately notify the school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.

I. Use of paid leave for family and medical leave.

1. An employee may substitute unpaid family and medical leave for the serious health condition of the employee with paid sick, family sick and personal leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of the employee is unpaid.
2. An employee may substitute unpaid family and medical leave for the serious health condition of an employee's family member with paid sick and personal leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of an employee's family member is unpaid.
3. An employee may substitute unpaid family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth with sick and personal leave. Upon the expiration of paid leave, the family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth is unpaid.
4. An employee may substitute unpaid family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for that child prior to the first anniversary of the child's placement or adoption with sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for the child prior to the first anniversary of the child's placement or adoption is unpaid.
5. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Common law marriage – according to Iowa law, common law marriages exist when there is a present intent by the two parties to be married, continuous cohabitation, and a public declaration that the parties are husband and wife. There is no time factor that needs to be met in order for there to be a common law marriage.

Continuing treatment - A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or
  - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
  - continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Eligible employee – the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

Essential functions of the job – those functions which are fundamental to the performance of the job. It does not include marginal functions.

Employment benefits – all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an “employee benefit plan.”

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Family Member – individuals who meet the definition of son, daughter, spouse or parent.

Group health plan – any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer’s employees, former employees, or the families of such employees or former employees.

Health care provider –

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law; and
- Nurse practitioners and nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law; and
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;
- Any health care provider from whom an employer or a group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;
- A health care provider as defined above who practices in a country other than the United States who is licensed to practice in accordance with the laws and regulations of that country.

In loco parentis-individuals who had or have day-to-day responsibilities for the care and financial support of a child not their biological child or who had the responsibility for an employee when the employee was a child.

Incapable of self-care-that the individual requires active assistance or supervision to provide daily self-care in several of the “activities of daily living” or “ADLs.” Activities of daily living include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee-an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

Intermittent leave-leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave or periods from an hour or more to several weeks.

Medically necessary-certification for medical necessity is the same as certification for serious health condition.

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

“Needed to Care For”-the medical certification that an employee is “needed to care for” a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Parent-a biological parent or an individual who stands in loco parentis to a child or stood in loco parentis to an employee when the employee was a child. Parent does not include parent-in-law.

Physical or mental disability-a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Reduced leave schedule-a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Serious health condition

- An illness, injury, impairment, or physical or mental condition that involves:
- Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or
  - Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
    - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
      - Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
      - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - Requires periodic visits for treatment by a health care provider or by a nurse or physician’s assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

- A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examination, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Son or daughter-a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis. The child must be under age 18 or, if over 18, incapable of self-care because of a mental or physical disability.

Spouse-a husband or wife recognized by Iowa law including common law marriages.

LICENSED EMPLOYEE BEREAVEMENT LEAVE

In the event of a death of a member of a licensed employee's immediate family, bereavement leave may be granted. Bereavement leave may be granted to a licensed employee for no more than five (5) days, with "day" being defined as one work day regardless of full-time or part-time status of the employee, per occurrence, for the death of a member of the immediate family. The immediate family includes child, spouse, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren, grandparents of the employee, or any member of the immediate household or personal friend or relative not listed above or time for attendance at the funeral for any other relative.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the bereavement leave of such employees is followed.

Legal Reference: Iowa Code §§ 20.9; 279.8 (2007).

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE POLITICAL LEAVE

The board will provide a leave of absence to licensed employees to run for elective public office. The superintendent will grant a licensed employee a leave of absence to campaign as a candidate for an elective public office as unpaid leave.

The licensed employee will be entitled to one period of leave not to exceed two years to run for the elective public office, and the leave may commence within thirty days of a contested primary, special, or general election and continue until the day following the election.

The request for leave must be in writing to the superintendent of schools at least thirty days prior to the starting date of the requested leave.

Legal Reference: Iowa Code ch. 55 (2007).

Cross Reference: 401.9 Employee Political Activity  
409 Licensed Employee Vacations and Leaves of Absence

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE JURY DUTY LEAVE

The board will allow licensed employees to be excused for jury duty.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district.

Licensed employees will receive their regular salary. Any payment for jury duty will be paid to the school district.

Legal Reference: Iowa Code §§ 20.9; 607A (2007).

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

LICENSED EMPLOYEE MILITARY SERVICE LEAVE

The board recognizes licensed employees may be called to participate in the armed forces, including the National Guard. If a licensed employee is called on to serve in the armed forces, the employee will have a leave of absence for military service until the military service is completed.

The leave is without loss of status or efficiency rating and without loss of pay during the first thirty calendar days of the leave.

Legal Reference: Bewley v. Villisca Community School District, 299 N.W. 2d 904 (Iowa).1980).  
Iowa Code §§ 20; 29A.28 (2007).

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved 7/14/2008

Reviewed\_\_\_\_\_

Revised\_\_\_\_\_

LICENSED EMPLOYEE UNPAID LEAVE

Unpaid leave may be used to excuse an involuntary absence not provided for in other leave policies of the board. Unpaid leave for licensed employees must be authorized by the superintendent.

The superintendent will have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent will consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

If unpaid leave is granted, the duration of the leave period will be coordinated with the scheduling of the education program whenever possible to minimize the disruption to the education program and school district operations.

Whenever possible, licensed employees will make a written request for unpaid leave five (5) days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

The requirements stated in the Master Contract between employees in that certified collective bargaining unit and the board regarding the unpaid leave of such employees will be followed.

Legal Reference: Iowa Code §§ 20; 85; 85A; 85B; 279.12; 509; 509A; 509B (2007).

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

SUBSTITUTE TEACHERS

The board recognizes the need for substitute teachers. Substitute teachers shall be licensed to teach in Iowa.

It shall be the responsibility of the building principal to maintain a list of substitute teachers who may be called upon to replace regular contract licensed employees. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent. It shall be the responsibility of the building principal to fill absences with substitute teachers immediately.

Substitute teachers will be paid a per diem rate. Substitutes employed for more than 10 consecutive days in the same position shall be paid according to the prevailing salary schedule. Substitute licensed employees are expected to perform the same duties as the licensed employees.

Legal Reference: Iowa Association of School Boards v. PERB, 400 N.W.2d 571 (Iowa 1987).  
Iowa Code §§ 20.1, .4(5), .9; Ch.272 (2007).  
281 I.A.C. 12.4.

Cross Reference: 405.1 Licensed Employee Defined  
405.2 Licensed Employee Qualifications, Recruitment, Selection

Approved 7/14/2008 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

## SUBSTITUTE TEACHERS

The board recognizes the need for substitute teachers. Substitute teachers shall be licensed to teach in Iowa.

It shall be the responsibility of the building principal to maintain a list of substitute teachers who may be called upon to replace regular contract licensed employees. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent. It shall be the responsibility of the building principal to fill absences with substitute teachers immediately.

Substitute teachers will be paid a per diem rate. Substitutes employed for 10 or more consecutive days in the same position shall be paid according to the prevailing salary schedule based upon qualifications and experience.

Legal Reference: Iowa Association of School Boards v. PERB, 400 N.W.2d 571 (Iowa 1987).  
Iowa Code §§ 20.1, .4(5), .9 (2007).  
281 I.A.C. 12.4.

Cross Reference: 405.1 Licensed Employee Defined  
405.2 Licensed Employee Qualifications, Recruitment, Selection

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## SUMMER SCHOOL LICENSED EMPLOYEES

It is within the discretion of the board to offer an education program during the summer recess. Licensed employees who volunteer or who are appointed to deliver the summer education program as compensated in addition to their regular duties during the school academic year, unless such arrangements are made prior to determining the employee's compensation for the year.

Should the board determine a summer education program is necessary, licensed employees will be given the opportunity to volunteer for the positions available. If the board determines a course must be offered and no licensed employee volunteers for the position, the board will make the necessary arrangements to fill the position. The board will consider applications from volunteers of current licensed employees in conjunction with other applications.

It is the responsibility of the superintendent to make a recommendation to the board regarding the need for and the delivery of the summer education program.

Legal Reference: Iowa Code §§ 279.8; 280.14 (2007).

Cross Reference: 603.2 Summer School Instruction

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## TRUANCY OFFICER

The board will appoint a licensed employee from each school building to serve as the building's truancy officer.

The principal will notify the truancy officer when a student is truant. The truancy officer will investigate the cause of a student's truancy and attempt to ensure the student's attendance. The truancy officer may take the student into custody. A student taken into custody will be placed in the custody of the principal. The truancy officer will attempt to contact the student's parents when the student is taken into custody.

Legal Reference: Iowa Code §§ 299.10-.11, .15 (2007).

Cross Reference: 501.10 Truancy – Unexcused absences

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

EDUCATION ASSOCIATE

The board may employ education associates or other instructional support personnel to assist licensed personnel in nonteaching duties, including, but not limited to:

- managing and maintaining records, materials and equipment;
- attending to the physical needs of children; and
- performing other limited services to support teaching duties when such duties are determined and directed by the teacher.

Education associates who hold a teaching certificate are compensated at the rate of pay established for their position as an education associate. It is the responsibility of the principal to supervise education associates.

Legal Reference: Iowa Code §§279.8; 280.3, .14 (2007).  
281 I.A.C. 12.4(9); .5(9).

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE DEFINED

Classified employees are employees who are not administrators or employees in positions which require an Iowa Department of Education teaching license and who are employed to fulfill the duties listed on their job description on a monthly or hourly basis. Classified employees will include, but not be limited to, teacher and classroom aides, custodial and maintenance employees, clerical employees, food service employees, bus drivers, and temporary help for summer or other maintenance. The position may be full-time or part-time.

It is the responsibility of the superintendent to establish job specifications and job descriptions for classified employee positions. Job descriptions may be approved by the board.

Classified employees required to hold a license for their position must present evidence of their current license to the board secretary prior to payment of wages each year.

Legal Reference: Iowa Code §§ 20; 279.8 (2007).

Cross Reference: 405.1 Licensed Employee Defined  
411.2 Classified Employee Qualifications, Recruitment, Selection  
412.3 Classified Employee Group Insurance Benefits

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE – QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a classified employee position will have an opportunity to apply and qualify for classified employee positions in the school district without regard to age, race, creed, color, sex, national origin, religion, sexual orientation, gender identity or disability. Job applicants for classified employee positions will be considered on the basis of the following:

- Training, experience, and skill;
- Nature of the occupation;
- Demonstrated competence; and
- Possession of, or ability to obtain, state or other license or certificate, if required, for the position.

Announcement of the position will be through means the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed applications will be returned to the central administration office. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who directly supervises and oversees the position.

Legal Reference: 29 U.S.C. §§ 621-634 (2004).  
42 U.S.C. §§2000e *et seq.* (2004).  
42 U.S.C. §§ 12101 *et seq.* (2004).  
Iowa Code §§ 35C; 216; 279.8; 294.1 (2007).

Cross Reference: 401.1 Equal Employment Opportunity  
411 Classified Employees – General

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE CONTRACTS

The board may enter into written contracts with classified employees employed on a regular basis. The contract will state the terms of employment.

Each contract will include a 14 day cancellation clause. Either the employee or the board must give notice of the intent to cancel the contract at the end of 14 days. This notice will not be required when the employee is terminated during a probationary period or for cause.

Classified employees will receive a job description stating the specific performance responsibilities of their position.

It is the responsibility of the superintendent to draw up and process the classified employee contracts and present them to the board for approval. The contracts, after being signed by the board president, are filed with the board secretary.

Legal Reference: Iowa Code §§ 20; 279.7A; 285.5(9) (2007).

Cross Reference: 411 Classified Employees – General  
412.1 Classified Employee Compensation  
412.2 Classified Employee Wage and Overtime Compensation  
413 Classified Employee Termination of Employment

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE LICENSING/CERTIFICATION

Classified employees who require a special license or other certification will keep them current at their own expense. Licensing requirements needed for a position will be considered met if the employee meets the requirements established by law and by the Iowa Department of Education for the position.

Legal Reference: Iowa Code §§ 272.6; 285.5(9) (2007).  
281 I.A.C. 12.4(10); 36; 43.12-.24.

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE ASSIGNMENT

Determining the assignment of each classified employee is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent will consider the qualifications of each classified employee and the needs of the school district.

It is the responsibility of the superintendent to assign classified employees and report such assignments to the board.

Legal Reference: Iowa Code §§ 20; 279.8 (2007).

Cross Reference: 200.2 Powers of the Board of Directors  
411.6 Classified Employee Transfers

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE TRANSFERS

Determining the location where a classified employee's assignment will be performed is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent will consider the qualifications of each classified employee and the needs of the school district.

A transfer may be initiated by the employee, the principal or the superintendent.

It is the responsibility of the superintendent to transfer classified employees and report such transfers to the board.

Legal Reference: 29 U.S.C. §§ 621-634 (2004).  
42 U.S.C. §§ 2000e et seq. (2004).  
42 U.S.C. §§ 12101 et seq. (2004).  
Iowa Code §§ 20.9; 35C; 216; 279.8; 294.1 (2007).

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection  
411.5 Classified Employment Assignment

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE EVALUATION

Evaluation of classified employees on their skills, abilities, and competence is an ongoing process supervised by the superintendent. The goal of the formal evaluation of classified employees is to maintain classified employees who meet or exceed the board's standards of performance, to clarify each classified employee's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

It is the responsibility of the superintendent to ensure classified employees are formally evaluated annually. New and probationary classified employees are formally evaluated at least twice a year.

Legal Reference:      Aplington Community School District v PERB, 392 N.W.2d 496 (Iowa 1986).  
                             Saydel Education Association v PERB, 333 N.W.2d 486 (Iowa 1983).  
                             Iowa Code §§ 20.9; 279.14 (2007).  
                             281 I.A.C. 12.3(4).

Cross Reference:    411.2 Classified Employee Qualifications, Recruitment, Selection  
                             411.8 Classified Employee Probationary Status

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE PROBATIONARY STATUS

The first six (6) months of a newly employed classified employee's contract is a probationary period. "Day" is defined as one work day regardless of full-time or part-time status of the employee. New employees, regardless of experience, are subject to this probationary period.

"New" employees includes individuals who are being hired for the first time by the school district and those who may have been employed by the school district in the past, but have not been employed by the board during the school year prior to the one for which contracts are being issued.

Only the board, in its discretion, may waive the probationary period.

Legal Reference: Iowa Code §§ 20; 279.8 (2007).

Cross Reference: 411.3 Classified Employee Contracts  
411.7 Classified Employee Evaluation

Approved 7/14/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE COMPENSATION

The Board will determine the compensation to be paid for the classified employees' positions, keeping in mind the education and experience of the classified employee, the educational philosophy of the school district, the financial condition of the school district and any other considerations as deemed relevant by the board.

It is the responsibility of the superintendent to make a recommendation to the board annually regarding the compensation of classified employees.

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2007).

Cross Reference: 411.3 Classified Employee Contracts  
412.2 Classified Employee Wage and Overtime Compensation

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE WAGE AND OVERTIME COMPENSATION

Each non-exempt employee compensated on an hour-by-hour basis, whether full or part-time, permanent or temporary, will be paid no less than the prevailing minimum wage. Whenever a non-exempt employee must work more than forty hours in a given work week, the employee is compensated at one and one-half times their regular hourly wage rate. This compensation is in the form of overtime pay or compensatory time. Overtime will not be permitted without prior authorization of the superintendent.

Each non-exempt employee paid on an hour-by-hour basis must complete, sign, and turn in a daily time record showing the actual number of hours worked. Failure of the employee to maintain, or falsification of, a daily time record will be grounds for disciplinary action.

It is the responsibility of the board secretary to maintain wage records.

Legal Reference: Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985).  
29 U.S.C. §§ 206 *et seq.* (2004).  
29 C.F.R. Pt. 511-800 (2004).

Cross Reference: 411.3 Classified Employee Contracts  
412.1 Classified Employee Compensation

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE GROUP INSURANCE BENEFITS

Classified employees may be eligible for group insurance benefits as determined by the board and required by law. The board will select the group insurance program and the insurance company which will provide the program.

Classified employees who work 30 hours per week are eligible to participate in the group health insurance plan. Regular part-time classified employees who wish to purchase insurance coverage may participate in group insurance programs by meeting the requirements of the insurer. Regular classified employees who wish to purchase insurance coverage for their spouse or dependents may do so by meeting the requirements of the insurer.

This policy statement does not guarantee a certain level of benefits. The board will have the authority and right to change or eliminate group insurance programs for its classified employees.

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12; 509; 509A; 509B (2007).

Cross Reference: 411.1 Classified Employee Defined

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE TAX SHELTER PROGRAMS

The board authorizes the administration to make a payroll deduction for classified employees' tax sheltered annuity premiums purchased from any company the employee chooses that is part of the State of Iowa's Retirement Investors' Club 403(b) Plan (RIC 403b).

Classified employees wishing to have payroll deductions for tax sheltered annuities will make a written request to the superintendent.

Legal Reference: Small Business Job Protection Act of 1996, Section 1450(a), repealing portions of IRS REG § 1.403(b)-1(b)(3).  
Iowa Code §§ 20.9; 260C; 273; 294.16 (2007).  
1988 Op. Att'y Gen. 38.  
1976 Op. Att'y Gen. 462, 602.  
1966 Op. Att'y Gen. 211, 220.

Cross Reference: 706 Payroll Procedures

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE RESIGNATION

Classified employees who wish to resign during the school year will give the board notice of their intent to resign and final date of employment and cancel their contract 14 days prior to their last working day.

Notice of the intent to resign will be in writing to the superintendent.

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.19A; 285.5(9) (2007).

Cross Reference: 411.3 Classified Employee Contracts  
413 Classified Employee Termination of Employment

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE RETIREMENT

Classified employees who will complete their current contract with the board may apply for retirement. No classified employee will be required to retire at any specific age.

Application for retirement will be considered made when the classified employee states in writing to the superintendent, no later than the date set by the board for the return of the employee's contract to the board if applicable, the employee's intent to retire. The letter must state the employee's desire to retire and be witnessed by another party other than the principal or the superintendent.

Board action to approve a classified employee's application for retirement is final, and such action constitutes termination of the employee's contract effective the day of the employee's retirement.

Classified employees and their spouses and dependents who have group insurance coverage through the school district may be allowed to continue coverage of the school district's group health insurance program, at their own expense, by meeting the requirements of the insurer.

Legal Reference: 29 U.S.C. §§ 621 *et seq.* (2004).  
Iowa Code §§ 91A.2, .3, .5; 97B; 216; 279.19A, .46 (2007).  
581 I.A.C. 21.  
1978 Op. Att'y Gen. 247  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 412 Classified Employee Compensation and Benefits  
413 Classified Employee Termination of Employment

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE SUSPENSION

Classified employees will perform their assigned job, respect and follow board policy and obey the law. The superintendent is authorized to suspend a classified employee with or without pay pending board action on a discharge or during investigation of charges against the employee or for disciplinary purposes. It is within the discretion of the superintendent to suspend a classified employee with or without pay.

In the event of a suspension, due process will be followed.

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765 (Iowa 1987).  
McFarland v. Board of Education of Norwalk Community School District, 277 N.W.2d 901 (Iowa 1979).  
Iowa Code §§ 20.7, .24 (2007).

Cross Reference: 404 Employee Conduct and Appearance  
413 Classified Employee Termination of Employment

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE DISMISSAL

The board believes classified employees should perform their jobs, respect board policy and obey the law. A classified employee may be dismissed upon thirty days notice or immediately for cause. Due process procedures will be followed.

It is the responsibility of the superintendent to make a recommendation for dismissal to the board. A classified employee may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, reduction in force, willful violation of board policy or administrative regulations, or a violation of the law.

Legal Reference: Iowa Code §§ 20.7, .24 (2007).

Cross Reference: 404 Employee Conduct and Appearance  
413.3 Classified Employee Suspension  
413.5 Classified Employee Reduction in Force

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE REDUCTION IN FORCE

It is the exclusive power of the board to determine when a reduction in classified employees is necessary. Employees who are terminated due to a reduction in force will be given thirty days notice. Due process will be followed for terminations due to a reduction in force.

It is the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent will consider the relative qualifications, skills, ability and demonstrated performance through evaluation procedures in making the recommendations.

Legal Reference: Iowa Code §§ 20.7, .24 (2007).

Cross Reference: 407.5 Licensed Employee Reduction in Force  
413.3 Classified Employee Suspension  
413.4 Classified Employee Dismissal  
703 Budget

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE VACATIONS – HOLIDAYS – PERSONAL LEAVE

The board will determine the amount of vacation, holidays and personal leave that will be allowed on an annual basis for classified employees.

Classified employees who work twelve months a year will be allowed six paid holidays if the holidays fall on a regular working day. The six holidays are New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day. Classified employees, whether full-time or part-time, will have time off in concert with the school calendar.

Classified employees will be paid only for the hours they would have been scheduled for the day. Vacation will not be accrued from year to year without a prior arrangement with the superintendent.

It is the responsibility of the superintendent to make a recommendation to the board annually on vacation and personal leave for classified employees.

Legal Reference: Iowa Code §§ 1C.1-.2; 4.1(34); 20.9 (2007).

Cross Reference: 409.1 Licensed Employee Vacations – Holidays – Personal Leave  
601.1 School Calendar

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE PERSONAL ILLNESS LEAVE

Classified employees are granted ten days of sick leave in their first year of employment. Each year thereafter, one additional day of sick leave will be granted to the employees up to a maximum of fifteen days. "Day" is defined as one work day regardless of full-time or part-time status of the employee. A new employee will report for work at least one full work day prior to receiving sick leave benefits. A returning employee will be granted the appropriate number of days at the beginning of each fiscal year. Sick leave may be accumulated up to a maximum of 90 days for classified employees.

*[Should the personal illness occur after or extend beyond the accumulated sick leave, the employee may apply for disability benefits under the group insurance plan. If the employee does not qualify for disability benefits, the employee may request a leave of absence without pay.]*

Evidence may be required regarding the mental or physical health of the employee including, but not limited to, confirmation of the following: the employee's illness, the need for the illness leave, the employee's ability to return to work, and the employee's capability to perform the duties of the employee's position. It is within the discretion of the board and the superintendent to determine the type and amount of evidence necessary. When an illness leave will be greater than three consecutive days, the employee will comply with board policy regarding family and medical leave.

If an employee is eligible to receive workers' compensation benefits, the employee will contact the board secretary to implement these benefits.

Legal Reference: Whitney v. Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394 (1942).  
26 U.S.C. §§ 2601 *et seq.* (2004)  
29 C.F.R. Pt. 825 (2004).  
Iowa Code §§ 20; 85.33, .34, .38(3); 279.40 (2007).  
1980 Op. Att'y Gen. 605  
1972 Op. Att'y Gen. 177, 353.  
1952 Op. Att'y Gen. 91.

Cross Reference: 403.2 Employee Injury on the Job  
414.3 Classified Employee Family and Medical Leave  
414.8 Classified Employee Unpaid Leave

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE

Requests for family and medical leave are made to the superintendent. [*Refer to Family and Medical Leave Act of 1993, Code No. 414.3E1.*]

Legal Reference: Whitney v. Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394 (1942).  
26 U.S.C. §§ 2601 *et seq.*(2004).  
29 C.F.R. Pt. 825 (2004)  
Iowa Code §§ 20; 85.33, .34, .38(3); 216; 279.40 (2007).  
1980 Op. Att’y Gen. 605.  
1972 Op. Att’y Gen. 177, 353.  
1952 Op. Att’y Gen. 91.

Cross Reference: 409.3 Licensed Employee Family and Medical Leave  
414.2 Classified Employee Personal Illness Leave  
414.8 Classified Employee Unpaid Leave

Approved 10/13/2008

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

Date: \_\_\_\_\_

I, \_\_\_\_\_, request family and medical leave for the following reason:  
(check all that apply)

- for the birth of my child;
- for the placement of a child for adoption or foster care;
- to care for my child who has a serious health condition;
- to care for my parent who has a serious health condition;
- to care for my spouse who has a serious health condition; or
- because I am seriously ill and unable to perform the essential functions of my position.

I acknowledge my obligation to provide medical certification of my serious health condition or that of a family member in order to be eligible for family and medical leave within 15 days of the request for certification.

I acknowledge receipt of information regarding my obligations under the family and medical leave policy of the school district.

I request that my family and medical leave begin on \_\_\_\_\_ and I request leave as follows: (check one)

continuous

I anticipate that I will be able to return to work on \_\_\_\_\_.

intermittent leave for the:

- birth of my child or adoption or foster care placement subject to agreement by the district;
- serious health condition of myself, parent, or child when medically necessary.

Details of the needed intermittent leave:

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I anticipate returning to my regular schedule on \_\_\_\_\_.

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

\_\_\_ reduced work schedule for the:

- \_\_\_ birth of my child or adoption or foster care placement subject to agreement by the school district
- \_\_\_ serious health condition of myself, parent, or child when medically necessary

Details of needed reduction in work schedule as follows:

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I anticipate returning to work at my regular schedule on \_\_\_\_\_.

I realize I may be moved to an alternative position during the period of the family and medical intermittent or reduced work schedule leave. I also realize that with foreseeable intermittent or reduced work schedule leave, subject to the requirements of my health care provider, I may be required to schedule the leave to minimize school district operations.

While on family and medical leave, I agree to pay my regular contributions to employer sponsored benefit plans. My contributions will be deducted from moneys owed me during the leave period. If no monies are owed me, I will reimburse the school district by personal check (cash) for my contributions. I understand that I may be dropped from the employer-sponsored benefit plans for failure to pay my contribution.

I agree to reimburse the school district for any payment of my contributions with deductions from future monies owed to me or the school district may seek reimbursement of payments of my contributions in court.

I acknowledge that the above information is true to the best of my knowledge.

Signed \_\_\_\_\_

Date \_\_\_\_\_

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

1. Employee's Name \_\_\_\_\_
2. Patient's Name (if different from employee) \_\_\_\_\_
3. The attached sheet describes what is meant by a "serious health condition" under the *Family and Medical Leave Act*. Does the patient's condition, for which the employee is taking FMLA leave, qualify under any of the categories described? If so, please check the applicable category.  
  
(1) \_\_\_\_ (2) \_\_\_\_ (3) \_\_\_\_ (4) \_\_\_\_ (5) \_\_\_\_ (6) \_\_\_\_  
  
or \_\_\_\_ None of the above
4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:  
  
  5. a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present incapacity, i.e. inability to work, attend school or perform other regular activities due to the serious health condition, treatment therefor, or recovery therefrom, if different):  
  
    - b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)?  
  
If yes, give the probable duration:
    - c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity:
6. a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments:  
  
If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such treatments if known, and period required for recovery if any:

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

- b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:
  
  - c. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g. prescription drugs, physical therapy requiring special equipment):
7. a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?
- b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee or the employer should supply you with information about the essential job functions)?
- If yes, please list the essential functions the employee is unable to perform.
- c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment?
8. a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?
- b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery?
- c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

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(Signature of Health Care Provider)

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(Type of Practice)

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(Address)

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(Telephone Number)

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

To be completed by the employee needing family leave to care for a family member.

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule.

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(Employee Signature)

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(Date)

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE CERTIFICATION FORM

A serious health condition means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care – In patient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care.
2. Absence Plus Treatment – A period of incapacity of more than three consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:
  - a. treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider or by a provider of health care services (e.g. physical therapist) under the orders of, or on referral by, a health care provider; or
  - b. treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
3. Pregnancy – Any period of incapacity due to pregnancy or for prenatal care.
4. Chronic Conditions Requiring Treatments – A chronic condition which:
  - a. requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - b. continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - c. may cause episodic rather than a period of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
5. Permanent/Long-term Conditions Requiring Supervision – A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
6. Multiple Treatments (Non-chronic Conditions) – Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy) and kidney disease (dialysis).

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATIONS

A. School district notice.

1. The school district will post the notice in Exhibit 414.3E1 regarding family and medical leave.
2. Information on the Family and Medical Leave Act and the board policy on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be in the Board Policies book.
3. When an employee requests family and medical leave, the school district will provide the employee with information listing the employee's obligations and requirements. Such information will include:
  - a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement;
  - b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so;
  - c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution; and
  - d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.

B. Eligible employees

Employees are eligible for family and medical leave if three criteria are met.

1. The school district has more than 50 employees on the payroll at the time leave is requested;
2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and
3. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

If the employee requesting leave is unable to meet the above criteria, the employee is not eligible for family and medical leave.

C. Employee requesting leave – two types of leave.

1. Foreseeable family and medical leave
  - a. Definition – leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.
  - b. Employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received.
  - c. Employees must consult with the school district prior to scheduling planned medical treatment leave to minimize disruption to the school district. The scheduling is subject to the approval of the health care provider

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATIONS

2. Unforeseeable family and medical leave.
  - a. Definition – leave is unforeseeable in such situations as emergency medical treatment or premature birth.
  - b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
  - c. A spouse or family member may give the notice if the employee is unable to personally give notice.
  
- D. Eligible family and medical leave determination. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.
  1. Four purposes.
    - a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child’s birth;
    - b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child’s placement;
    - c. To care for the spouse, son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or
    - d. Employee’s serious health condition that makes the employee unable to perform the essential functions of the employee’s position.
  
  2. Medical certification.
    - a. When required:
      - (1) Employees shall be required to present medical certification of the employee’s serious health condition and inability to perform the essential functions of the job.
      - (2) Employees shall be required to present medical certification of the family member’s serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
    - b. Employee’s medical certification responsibilities:
      - (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious condition.
      - (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.
      - (3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.
    - c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district’s request.

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATIONS

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification will be denied until such certification is provided.

## E. Entitlement.

1. Employees are entitled to twelve weeks unpaid family and medical leave per year.
2. Year is defined as:  
Fiscal year 7/1/ -- 6/30/
3. If insufficient leave is available, the school district may:
  - a. Deny the leave if entitlement is exhausted
  - b. Award leave available
  - c. *[Award leave in accordance with other provisions of board policy or the collective bargaining agreement.]*

## F. Type of Leave Requested.

1. Continuous – employee will not report to work for set number of days or weeks.
2. Intermittent – employee requests family and medical leave for separate periods of time.
  - a. Intermittent leave is available for:
    - (1) Birth, adoption or foster care placement of child only with the school district's agreement.
    - (2) Serious health condition of the employee, spouse, parent, or child when medically necessary without the school district's agreement.
  - b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits.
3. Reduced work schedule – employee requests a reduction in the employee's regular work schedule.
  - a. Reduced work schedule family and medical leave is available for:
    - (1) Birth, adoption or foster care placement and subject to the school district's agreement.
    - (2) Serious health condition of the employee, spouse, parent, or child when medically necessary without the school district's agreement.
  - b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable reduced work schedule leave, the school district may move the employee to an alternative position with equivalent pay and benefits.

## G. Employee responsibilities while on family and medical leave.

1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.
2. The Employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the school district at a time set by the superintendent.
3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATIONS

4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.
5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.
6. If an employee intends not to return to work, the employee must immediately notify the school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.

H. Use of paid leave for family and medical leave.

An employee may substitute unpaid family and medical leave with appropriate paid leave available to the employee under board policy, individual contracts or the collective bargaining agreement. Paid leave includes, but is not limited to, sick leave, family illness leave, vacation, personal leave, bereavement leave and professional leave. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Common law marriage – according to Iowa law, common law marriages exist when there is a present intent by the two parties to be married, continuous cohabitation, and a public declaration that the parties are husband and wife. There is no time factor that needs to be met in order for their to be a common law marriage.

Continuing treatment – a serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
  - treatment two or more time by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. physical therapist) under orders of, or in referral by, a health care provider; or:
  - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Eligible Employee – the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

Essential Functions of the Job – those functions which are fundamental to the performance of the job. It does not include marginal functions.

Employment benefits – all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan."

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

Family Member – individuals who meet the definition of son, daughter, spouse or parent.

Group health plan – any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer’s employees, former employees, or the families of such employees or former employees.

Health care provider –

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law; and
- Nurse practitioners and nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law; and
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;
- Any health care provider from whom an employer or a group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;
- A health care provider as defined above who practices in a country other than the United States who is *In* CLASSIFIED to practice in accordance with the laws and regulations of that country.

In loco parentis – individuals who had or have day-to-day responsibilities for the care and financial support of a child not their biological child or who had the responsibility for an employee when the employee was a child.

Incapable of self-care-- that the individual requires active assistance or supervision to provide daily self-care in several of the “activities of daily living” or “ADLS.” Activities of daily living include adaptive activities such as caring appropriately for one’s grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee—an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily non-instructional employees.

Intermittent leave—leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave or periods from an hour or more to several weeks.

Medically Necessary—certification for medical necessity is the same as certification for serious health condition.

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

“Needed to Care For”—the medical certification that an employee is “needed to care for” a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for other who are caring for the family member or to make arrangements for changes in care.

Parent—a biological parent or an individual who stands in loco parentis to a child or stood in loco parentis to an employee when the employee was a child. Parent does not include parent-in-law.

Physical or mental disability—a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Reduced leave schedule—a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Serious health condition

- An illness injury, impairment, or physical or mental condition that involves:
  - Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or
  - Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
    - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for a recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
      - Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, on referral by, a health care provider ; or
      - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
  - Any period of incapacity due to pregnancy or for prenatal care.
  - Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
    - Requires periodic visits for treatment by a health care provider or by a nurse or physician’s assistant under direct supervision of a health care provider;
    - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
    - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)
  - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of,

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's a severe stroke or the terminal stages of a disease.

- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other serious health conditions, but only if all the conditions of this section are met.
- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Son or daughter—a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis. The child must be under age 18 or, if over 18, incapable of self-care because of a mental or physical disability.

Spouse—a husband or wife recognized by Iowa law including common law marriages.

CLASSIFIED EMPLOYEE BEREAVEMENT LEAVE

In the event of a death of a member of a classified employee's immediate family, bereavement leave may be granted. Bereavement leave granted may be for a maximum of five (5) days, with "day" being defined as one work day regardless of full-time or part-time status of the employee, per occurrence, for the death of a member of the immediate family. The immediate family includes child, spouse, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandparent of the employee.

It is within the discretion of the superintendent to determine the number of bereavement leave days to be granted.

Legal Reference: Iowa Code §§ 20.9; 279.8 (2007).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

Approved 11/10/2008 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE POLITICAL LEAVE

The board will provide a leave of absence to classified employees to run for elective public office. The superintendent will grant a classified employee a leave of absence to campaign as a candidate for an elective public office as unpaid leave.

The classified employee will be entitled to one period of leave to run for the elective public office, and the leave may commence any time within thirty days of a contested primary, special, or general election and continue until the day following the election.

The request for leave must be in writing to the superintendent at least thirty days prior to the starting date of the requested leave.

Legal Reference: Iowa Code ch. 55 (2007).

Cross Reference: 401.9 Employee Political Activity  
414 Classified Employee Vacations and Leaves of Absence

Approved 11/10/2008 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE JURY DUTY LEAVE

The board will allow classified employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Classified employees will receive their regular salary. Any payment for jury duty is turned over to the school district.

Legal Reference: Iowa Code §§ 20.9; 607A (2007).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

Approved 11/10/2008 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE MILITARY SERVICE LEAVE

The board recognizes classified employees may be called to participate in the armed forces, including the national guard. If a classified employee is called to serve in the armed forces, the employee will have a leave of absence for military service until the military service is completed.

The leave is without loss of status or efficiency rating, and without loss of pay during the first thirty calendar days of the leave.

Legal Reference: Bewley v. Villisca Community School District, 299 N.W. 2d 904 (Iowa 1980).  
Iowa Code §§ 20; 29A.28 (2007).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

Approved 11/10/2008 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE UNPAID LEAVE

Unpaid leave may be used to excuse an involuntary absence not provided for in other leave policies. Unpaid leave for classified employees must be authorized by the superintendent. Whenever possible, classified employees will make a written request for unpaid leave ten days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

The superintendent will have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent will consider the effect of the employee's absence on the education program and school district operations, the financial condition of the school district, length of service, previous record of absence, the reason for the requested absence and other factors the superintendent believes are relevant in making this determination.

If unpaid leave is granted, the duration of the leave period is coordinated with the scheduling of the education program whenever possible, to minimize the disruption of the education program and school district operations.

Legal Reference: Iowa Code §§ 20.9; 279.8 (2007).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

Approved 11/10/2008 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_

CLASSIFIED EMPLOYEE PROFESSIONAL PURPOSES LEAVE

Professional purposes leave may be granted to classified employees for the purpose of attending meetings and conferences directly related to their assignments. Application for the leave must be presented to the superintendent five (5) days prior to the meeting or conference.

It is within the discretion of the superintendent to grant professional purposes leave. The leave may be denied on the day before or after a vacation or holiday, on special days when services are needed, when it would cause undue interruption of the education program and school district operations, or for other reasons deemed relevant by the superintendent.

Legal Reference: Iowa Code § 279.8 (2007).  
281 I.A.C. 12.7.

Cross Reference: 411 Classified Employees – General  
408.1 Classified Employee Professional Development

Approved 11/10/2008 Reviewed \_\_\_\_\_ Revised \_\_\_\_\_