

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. The course will re-taken at least every five years.

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 non-accidental physical injury, or injury which is at 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. 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

CHILD ABUSE REPORTING

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.

Teachers in public schools are not "persons responsible for the care of the child" under this definition. However, a teacher who abuses a child is subject to civil, criminal, and professional sanctions.

Reporting Procedures

Licensed employees, including teachers and school nurses, are required to report, either orally or in writing, 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.

Legal Reference: Iowa Code §§ 232.67-.77; 232A; 235A; 280.17 (2003).
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 03/17/03
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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 up to \$65 by the school district. 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 cost of bus driver renewal physicals will be paid by the school district up to a maximum of \$65. ~~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 bloodborne pathogens. The plan for designated employees includes but is not 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 the certified collective bargaining unit and the board regarding physical examinations of such employees will be followed.

(Physical exam requirement for school staff rescinded 3/28/12 except for bus drivers)

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

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WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

Any employee reporting a work-related injury or illness will receive immediate and appropriate medical treatment. All applicable federal, state, and local laws or regulations pertaining to occupational injuries or illnesses will be followed and complied with at all times.

Reporting

It is the responsibility of all employees to report immediately in writing to their supervisor all work-related injuries or illnesses regardless of how insignificant or minor the injury or illness may appear at the time. Employee Work Injury Report forms are provided for this purpose and may be obtained from building supervisors or Human Resources. The supervisor will then complete a Supervisor's Investigation Report within 48 hours of the injury. Failure to report an injury or illness as required by state law and District policy could result in loss or delay of compensation benefits, and possibly lead to corrective action up to and including termination.

An approved physician from a ***designated treatment center*** must treat the injured employee. Specialists will be assigned by the District in certain cases. Any treatment other than that approved by the District may not be compensable.

Injuries occurring in the course of employment are paid for by workers' compensation insurance. Worker's compensation insurance pays all medical costs, without a deductible provision, and is paid for exclusively by the District. There are well-defined provisions that must be met to ensure that employees qualify for worker's compensation benefits.

Work-related injuries or illnesses must be immediately reported in writing to the employee's supervisor. The worker's compensation insurer will investigate all late reported claims. Where facts cannot be verified, the claim will be denied. Any claim for an injury or illness caused by an employee's willful misconduct, alcohol or drug usage, or that occurs during the employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the District, will not be compensable. Worker's compensation fraud is a felony punishable by fines and/or jail time. The District will prosecute any individual found to be claiming a work-related illness or injury fraudulently.

Benefits

There are two types of workers' compensation benefits paid to an employee with a work-related injury or illness. These are medical and wage replacement benefits. Medical benefits include the following:

- Physician's fees or health care provider fees – the approved physician or health care provider who provides treatment is paid through the workers' compensation insurer.
- Hospital fees – paid in full.
- Pharmacy costs – paid in full if prescribed by an approved physician.
- Special costs – any other medical costs including, but not limited to braces, crutches, physical therapy, and rehabilitation therapy, if deemed necessary by an approved physician or health care provider will be paid in full according to state law.

The insurance company will not pay for the first three days of absence until after the employee's absence exceeds fourteen days.

WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

Worker's compensation laws provide for a waiting period of three days before injured employees become eligible for wage replacement benefits. Employees will be covered for the period of disability to the limit allowed under the state worker's compensation law.

Wage replacement benefits are paid by the workers compensation carrier during the time employees are temporarily disabled because of a work-related injury or illness. Employees receive a percentage of their salary as set by state law.

A public employer shall not supplement an employee's workers' compensation benefits by reducing the employee's sick leave unless the employer first notifies the employee of the employee's options to supplement. A signed document indicating the employee's option is required by the District.

Employees who decline temporary modified duty in order to return to work from a leave of absence due to a workers' compensation injury will be considered to have resigned and will be terminated. Any employee refusing temporary modified duty for which they are qualified will not be eligible for benefits under worker's compensation regardless of their family and medical or District extended leave status.

An employee who fails to return to work after being released by an approved physician will be considered to have resigned and will be terminated.

Legal Reference: Iowa Admin Code 876; 85; 279.4; 613.17

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

Approved: _____	Reviewed _____	Revised 10/2014
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WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

Louisa-Muscatine Community School District
WORKERS' COMPENSATION BENEFIT ELECTION

Name (please print) _____ Phone _____

Position _____

As the result of an injury on _____, assuming this injury arose out of and in the course of my employment with the Louisa-Muscatine CSD, I am entitled to Workers' Compensation benefits. I choose to:

1. **Supplement my Workers' Compensation benefits with my accrued benefits. The benefit(s) to supplement your workers' compensation benefits will be used in this order:**
 1. Sick Leave
 2. Personal Leave
 3. Vacation Time (if applicable)

2. **Receive only Workers' Compensation benefits (do not use the accrued leaves listed above to supplement my Workers' Compensation benefits)**

I understand that any supplemental pay over and above my Workers' Compensation Benefit will be subject to all withholding taxes (FWT, SWT, FICA and Retirement). I further understand that my accrued leave will be reduced by a proportionate amount in direct proportion to the amount of supplemental pay I receive. My total compensation will not exceed my regular salary.

I HAVE BEEN INFORMED OF MY RIGHTS TO WORKERS' COMPENSATION AND UNDERSTAND THAT ONCE A DECISION TO SUPPLEMENT HAS BEEN MADE, I MUST SUPPLEMENT UNTIL THE SELECTED PAID LEAVE(S) IS EXHAUSTED OR I AM NO LONGER ELIGIBLE FOR WORKERS' COMPENSATION BENEFITS, WHICHEVER COMES FIRST.

Date

Signature

Complete this form immediately and return it to:
Administration Office 14478 170th St. Letts, IA 52754

WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

Payment Amount

Injured employees who are unable to work in any capacity (full or partial days of work), are entitled to approximately 2/3 of their normal gross salary based on rates set forth by the workers' compensation commission. However, employees may elect to "supplement" with their previously earned benefits (sick leave, vacation time, compensatory time) in order to receive a full paycheck. Payment for the waiting period (employee's first three calendar days away from work) is not paid unless the employee is off 14 or more calendar days.

Workers compensation benefits are not taxed by the Federal or State governments. At the end of the year, the employee will be responsible for paying taxes on reported income from the district. This income does not include any workers compensation payments.

Supplementing Personal Leave

Workers compensation benefits provide employees with a percentage of their normal wages while on approved medical leave. If approved for workers compensation, employees may elect to supplement their worker compensation benefits with their own vacation or sick leave in order to continue receiving full wages. However, employees can elect not to supplement the workers compensation benefit and go on medical leave without pay. Employees choosing medical leave without supplemental pay receive no payment from the district. The attached form must be completed indicating which choice the employee wants to utilize.

Supplementing is using accrued leaves to add to the workers compensation missed time benefits to bring the employee's income during the healing period up to as close to his/her normal salary as possible.

If the injured employee chooses to supplement personal leave, they must supplement until benefits that were elected to use are exhausted. If an employee elects workers compensation pay/benefits only, they may choose to supplement later. Employees choosing not supplement personal leave will be placed in Leave Without Pay status.

When an employee elects to supplement, Workers' Compensation will calculate the adjusted rate of vacation, personal or sick leave to be used per day.

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.

An employee who is at work and who has a communicable disease which creates a substantial risk of harm to a student, coworkers, or others at the workplace will report the condition to the Superintendent any time the employee is aware that the disease actively creates such risk.

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 (1994).
42 U.S.C. §§ 12101 *et seq.* (1994).
45 C.F.R. Pt. 84.3 (2002).
Iowa Code chs. 139; 141 (2003).
641 I.A.C. 1.2-.7.

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

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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 site 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 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 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 (refusal 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 FOR HEPATITIS B MEDICAL INFORMATION~~

~~I hereby authorize _____ (individual or organization holding Hepatitis B records and address) to release to the Louisa Muscatine 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 re-washed. 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.* (2002).
Iowa Code chs. 88; 89B (2003).
347 I.A.C. 120.

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

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EMPLOYEE ACCUMULATED PAID SICK LEAVE

Employees will be paid \$20 per day for unused sick leave when meeting all of the following conditions:

- 1) Must be retiring from the district *and must meet the qualifications of the district's early retirement plan.*
- ~~2) Must be eligible for IPERS.~~
- 3) Must have 120 days of unused sick leave on the last day of the school year in the year they are retiring.
- 4) Must submit a written request for the payment ~~with retirement request.~~

~~The board will review this policy on an annual basis.~~

Legal Reference:

Cross Reference:

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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. For Certified employees denim blue jeans, sweatshirts, t-shirts and cut-offs are not considered appropriate professional dress and will not be acceptable unless certain conditions exist, i.e. – field trips, special ~~call~~ **cause** projects, etc. 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 will follow the code of ethics for their profession as established by the Iowa Board of Educational Examiners.

Legal Reference: Iowa Code § 279.8 (2003).
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

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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 education 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) Standards of professional conduct and ethics.

Licenseses 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.

Code No. 404.R1

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CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

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.

(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.

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CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

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).

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.

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- 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.

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.

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CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

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.
- 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 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. Failing to comply with 282—Chapter 9 concerning repayment of student loans.
- b. Failing to comply with 282—Chapter 10 concerning child support obligations.

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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* § 272.2(1) “a.”

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 ~~February 1st March 1st~~ of the school year preceding the actual year when advancement occurs. ~~This additional education must be in the same area as the education that was required of the employee to hold the employee's current position with the school district. For purposes of illustration only, a math teacher would advance on the salary schedule only if the additional education was in math courses.~~ The superintendent has the discretion to approve credit outside the employee's area of endorsement or responsibility.

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 (2003).

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

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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 up to \$1,500.00 for expenses 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 authorized to file a complaint with the 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 (2003).
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

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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, **is are** made to the superintendent, **or designee**. Approval of the superintendent, **or designee**, 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 pays the expensed for the program.

The superintendent, **or designee**, will have sole discretion to allow or disallow licensed employees to attend or participate in the requested event. When making this determination, the superintendent, **or designee**, 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.

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 (2003).
281 I.A.C. 12.7.

Cross Reference: 405.10 Licensed Employee Organization Affiliation
414.10 Classified Employee Professional Purposes Leave

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LICENSED EMPLOYEE TUTORING

Every effort will be made by licensed employees to help students with learning problems and skill development as appropriate to the student's age and capacity.

Employees shall not solicit students or parents of students to purchase equipment, supplies, or services for the employee's personal advantage. Employees shall not use professional relationships with students for private advantage. Public property or funds shall not be converted to personal use.

Employees shall not render services for reimbursement directly from students enrolled in his/her classroom or supervision for tutoring, lessons, personal coaching or similar services.

Tutoring, lessons, personal coaching or any other type of professional instructional and/or skill support for a fee by non-employees may not take place within school facilities.

The superintendent will be responsible for administrative regulations pertaining to this policy.

Legal Reference: Iowa Code §§ 20.7; 279.8 (2003).

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

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ADMINISTRATIVE REGULATIONS REGARDING TUTORING

Permitted

1. Employees may offer services to enhance student skills only if they are compensated by the school district as employees of the District and the services are delivered outside of the employees contracted and/or assigned work day and stipended responsibilities. Student participation must be voluntary. Inclusion on a team, performance group, production, game, match, etc., cannot be contingent on participation in or utilization of the service.
2. Employees may offer services such as tutoring, lessons or personal training to enhance student skills to students not enrolled in his/her class, team or group, or attending Louisa-Muscatine Community Schools.
3. Clinics, camps and workshops or activities for the purpose of skill development and enrichment experiences are permitted provided the following steps are completed:
 - a. The District fundraising form is completed and approved, if applicable.
 - b. The District facility reservation form is completed and approved.
 - c. The District activity/event form, including a schedule, is completed and approved.
4. Student participation must be voluntary. Inclusion on a team, performance group, production, game, match, etc., cannot be contingent on participation in the clinic, camp, workshop, etc.

Prohibited

1. Louisa-Muscatine CSD employees may not provide tutoring, lessons, personal coaching and the like to a student currently enrolled in his/her class/listed, on his/her class roster or directly under his/her supervision.
2. Louisa-Muscatine employees may not sell any product, equipment, or supply to students or parents for personal advantage.

Responsibility

1. It is the employee's responsibility to comply with the policy and its regulations.
2. If found to be in non-compliance with the policy and/or the regulations, the employee will be notified of non-compliance and disciplinary consequences.
3. Failure to comply following notification will result in disciplinary action up to and including termination and a notification to the Board of Educational Examiners.

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TRUANCY OFFICER

The board will appoint a licensed employee ~~from each school building~~ to serve as the **building's district'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 (2003).

Cross Reference: 501.10 Truancy - Unexcused Absences

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CLASSIFIED EMPLOYEE PROBATIONARY STATUS

~~The first 105 calendar days 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 (2003).

Cross Reference: 411.3 Classified Employee Contracts
411.7 Classified Employee Evaluation

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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 12 months per year and** have worked one **full** year, unless the classified employee's contract indicates otherwise, will receive ten days of vacation each year. Classified Employees who have worked five continuous years will receive 15 days of vacation each year. Classified Employees who have worked fifteen continuous years will receive 20 days of vacation each year. Classified employees who leave prior to the end of their contract will receive their pro rata share of vacation for the year. Vacation leave can carried over for a period of six months into the next vacation year. After the extended six months, if the days are not used they will be forfeited. The vacation may be taken any time during the school year when the vacation will not disrupt the school district operations. The employee must submit a vacation request to the superintendent, who is responsible for determining whether the request will disrupt the school district operation.

All classified employees will be allowed a maximum of two days of personal leave to accomplish personal business that cannot be conducted outside the workday. The employee must, whenever possible, submit a personal leave request, stating the reason for the leave, three days prior to the leave day. This leave may be denied if it falls on the day before or the day after a holiday or vacation, it falls on a special day when services would be necessary, it would cause undue interruption to the education program or to a program demanding the employee's services to the department, or other reasons deemed relevant by the superintendent. It is within the discretion of the superintendent to grant personal leave.

Classified employees who work twelve months a year will be allowed seven paid holidays. ~~if the holidays fall on a regular working day.~~ The seven holidays are New Year's Day, Good Friday, 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. **Full time central office staff employees also receive the day after Thanksgiving, Christmas Eve and New Year's Eve as paid holidays.**

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 (2001).

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

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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 ~~120~~ 105 days for classified employees.

An employee shall be allowed to use eight (8) sick days annually in the event of family illness. For purposes of this paragraph family members shall be defined as: spouse, children, dependents and parents and individuals residing in the household. In emergency cases where there is a serious illness requiring in-patient, overnight hospitalization, the definition is extended to include grandchildren and grandparents.

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.* (Supp. 1994)
29 C.F.R. Pt. 825 (2002).
Iowa Code §§ 20; 85.33, .34, .38(3); 279.40 (2003).
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
414.9 Classified Employee Unpaid Leave

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