

## EMPLOYEES

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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. To the extent a group of employees has a recognized collective bargaining unit, the provisions of the master contract regarding such topics shall prevail.

Board policies in this series relating to general employees will apply to employees regardless of their position as a licensed employee, classified employee, substitute or administrator. Board policies relating to licensed employees will 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 or a more specific policy is in the 300 series, Administration. Classified employees' policies included in this series will apply to positions that do not fall within the definition of licensed employee.

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## EQUAL EMPLOYMENT OPPORTUNITY

The Louisa-Muscatine 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.

Advertisements and notices for vacancies within the district will contain the following statement. "The Louisa-Muscatine 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, Louisa-Muscatine Community School District, 14478 170<sup>th</sup> Street, Letts Iowa 52754; or by telephoning 319-726-3541.

## 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 ReferenceL 29 U.S.C. §§ 621-634 (1994).  
 42 U.S.C. §§ 2000e *et seq.* (1994)  
 42 U.S.C. §§ 12101 *et seq.* (1994)  
 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  
 403.5 Harassment  
 405.2 Licensed Employee Qualifications, Recruitment,  
 Selection  
 411.2 Classified Employee Qualifications, Recruitment,  
 Selection

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## **Iowa Laws Addressing Background Checks**

### **BOEE Licenses – Iowa Code 272.2(17)**

The board of educational examiners is created to exercise the exclusive authority to:

17. Adopt rules to require that a background investigation be conducted by the division of criminal investigation of the department of public safety on all initial applicants for licensure. The board shall also require all initial applicants to submit a completed fingerprint packet and shall use the packet to facilitate a national criminal history background check. The board shall have access to, and shall review the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under chapter 235A and the dependent adult abuse records maintained under chapter 235B for information regarding applicants for license renewal.

### **Applicants for a 279.13 Contract (Teaching) Position – Iowa Code 279.13(1)(b)**

b.(1) Prior to entering into an initial contract with a teacher who holds a license other than an initial license issued by the board of educational examiners under chapter 272, the school district shall initiate a state criminal history record check of the applicant through the division of criminal investigation of the department of public safety, submit the applicant's fingerprints to the division for submission to the federal bureau of investigation for a national criminal history record check and review the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant for employment as a teacher.

(2) The school district may charge the applicant a fee not to exceed the actual cost charged the school district for the state and national criminal history checks and registry checks conducted pursuant to subparagraph (1).

### **BOEE Renewals for all Licensees – 282 IAC 20.3(3)**

Background check. Every renewal applicant is required to submit a completed application form with the applicant's signature to facilitate a check of the sex offender registry information under Iowa Code section 692A.121, the central registry for child abuse information established under Iowa Code chapter 235A, and the dependent adult abuse records maintained under Iowa Code chapter 235B. The board may assess the applicant a fee no greater than the costs associated with obtaining and evaluating the background check.

## **School Bus Drivers – Iowa Code 321.375(2)**

2. Prior to hiring an applicant for a school bus driver position, including a contract position, an employer shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. An employer shall follow the same procedure every five years upon the renewal of an employee's or contract employee's school bus driver's license issued by the department of transportation valid for the operation of a school bus. An employer shall pay for the cost of the registry checks conducted pursuant to this subsection. An employer shall maintain documentation demonstrating compliance with this subsection.

## **All Remaining Applicants and Employees – 279.69 (SF 452, Sec. 137, 2013 Session)**

1. Prior to hiring an applicant for a school employee position, a school district shall have access to and shall review the information in the Iowa court information system available to the general public, the sex offender registry information under section 692A.121 available to the general public, the central registry for child abuse information established under section 235A.14, and the central registry for dependent adult abuse information established under section 235B.5 for information regarding the applicant. A school district shall follow the same procedure by June 30, 2014, for each school employee employed by the school district as of July 1, 2013. A school district shall implement a consistent policy to follow the same procedure for each school employee employed by the school district on or after July 1, 2013, at least every five years after the school employee's initial date of hire. A school district shall not charge an employee for the cost of the registry checks conducted pursuant to this subsection. A school district shall maintain documentation demonstrating compliance with this subsection.
2. Being listed in the sex offender registry established under chapter 692A, the central registry for child abuse information established under section 235A.14, or the central registry for dependent adult abuse information established under section 235B.5 shall constitute grounds for the immediate suspension from duties of a school employee, pending a termination hearing by the board of directors of a school district. A termination hearing conducted pursuant to this subsection shall be limited to the question of whether the school employee was incorrectly listed in the registry.
3. For purposes of this section, "school employee" means an individual employed by a school district, including a part-time, substitute, or contract employee, "School employee" does not include an individual subject to a background investigation pursuant to section 272.2, subsection 17, section 279.13, subsection 1, paragraph "b", or section 321.375, subsection 2.



## 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 supply companies doing business with the school district. 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 includes but is not 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.

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

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## EMPLOYEE CONFLICT OF INTEREST

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 (2009).

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.

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 (2003).

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.

Legal Reference: Iowa Code §§ 279.8

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 (2003).

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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## 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.
3. The following are considered public personnel records available for inspection:
  - The name and compensation of the individual, including any written agreement establishing compensation or any other terms of employment, except for that information that is otherwise protected, "Compensation" includes the value of benefits conferred including, but not limited to: casualty, disability, life or health insurance, other health or wellness benefits, vacation, holiday and sick leave, severance payments, retirement benefits and deferred compensations:
  - The dates the individual was employed by the government body:
  - The positions the individual holds or has held with the government body:
  - The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held and date of previous employment:
  - The fact that the individual was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal and statutory remedies; and,
  - Personal information in confidential personnel records of government bodies relating to student employees shall be only released pursuant to the Family Educational Privacy Rights Act (FERPA).

## 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 minimum of seven 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 or building principal.

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 (2003).

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. Employees traveling for purposes related to grants applied for and received by the district will be reimbursed for travel expenses in accordance with the limitations of the grant.

### 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 will 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, other than a credit card 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.

Reimbursement for actual and necessary expenses for travel outside the school district will be limited to the pre-approved expenses. Pre-approved expenses for registration are limited to the actual cost of the registration.

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 at a rate of .345 cents per mile. [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 shall be at the tourist class fares. Should an employee choose to travel by automobile, reimbursement shall be limited to the public carrier amount. Pre-approved expenses for transportation in a rental car is 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.]

### Mileage

The District shall reimburse all employees at a rate of .345 cents per mile for actual miles traveled while in the performance of assigned duties. Travel within district equals total miles driven during the day between district sites or on approved district job related responsibilities. Mileage reimbursement for personal vehicles will only be paid when approved by an immediate supervisor. Do not transport students in your personal vehicle unless you have prior approval from the superintendent or principal. If two or more people travel together, reimbursement will be paid only to the owner of the vehicle. Reimbursement cannot be split among the people. Mileage reimbursement will be submitted monthly.

The District prefers that employees drive district-owned vehicles while in the performance of assigned duties. Mileage will only be paid in the event that no vehicle is available and must be documented by attaching the "Request for Transportation" form, clearly showing that no vehicle was available.

Employees who wish to drive their own vehicles may request a fuel-only reimbursement. The amount will be based on the miles driven in the performance of the assignment, divided by 25 miles per gallon and multiplied by the cost per gallon. A receipt showing the amount paid for fuel within 1 day of travel must be submitted.

### Meals

Employees will be reimbursed for the actual cost of meals while attending overnight events and/or conferences outside the district boundaries. The following limits apply to travel: breakfast, \$12.50; lunch, \$15.00; dinner, \$20.00. Meal receipts must accompany the employee's expense reimbursement form. No reimbursement will be made for alcoholic beverages. Gratuities will be reimbursed if the total amount stays below the listed limits. If an individual attends a banquet meal as part of an event, the full cost of the

banquet will be paid. Reimbursement will not be made for meal expenses incurred within the District boundaries except when the meal time is spent performing District business which is generally authorized by a principal or the superintendent of schools.

Code No. 401.7

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## EMPLOYEE TRAVEL COMPENSATION

### Motel/Hotel

The District will reimburse for lodging while attending events outside the district boundaries. The reimbursement will be limited to the cost of the room for the employee or board member plus the applicable taxes. Charges for phone calls, restaurant charges, movies, and other charges must be deducted from motel/hotel bills before check-out when using District purchase orders or direct billing. Every effort should be made to secure the most reasonably priced room.

### Taxi/Limousines/Bus/Etc.

The District will reimburse for fares on public transportation while attending out-of-District events provided that the fares are for travel to and from airports, train stations, etc., to and from motel/ hotels, and to and from meeting places. If possible, the employee should get receipts for these fares. No reimbursement will be made for personal trips, sightseeing, etc.

### Car Rental

The District will reimburse for rental of a car while attending out-of-district events, if the car rental is approved by the Superintendent prior to the event. This reimbursement will be limited to charges for travel to and from airports, train stations, etc., to and from motel/hotels, and to and from meeting places. No reimbursement will be made for personal trips, sightseeing, etc. A receipt must be turned in before reimbursement is made. Every effort should be made to secure the most reasonably priced car.

### Tolls

The District will reimburse for tolls paid on roads and bridges while attending out-of-District events. Whenever possible, the employee should get a receipt.

### Parking

The District will reimburse for parking fees paid while attending events. Whenever possible, long-term parking costs should be avoided. Receipts should be obtained and submitted with the request for reimbursement.

### Registration

The District will reimburse for registration fees charged for events either within or outside the District. When requested, the District will issue purchase orders for registration fees. A receipt or proof of the amount of the registration must be turned in before reimbursement is made. Acceptable proof of the amount of the registration will be a copy of the registration form along with a copy of the canceled check, or a charge card receipt.

### General

The administration may limit the total amount reimbursed for out-of-District events. In this case the total reimbursement will be limited to the amount approved by the principal or superintendent of schools prior to the event.

Legal Reference: Iowa Constitution, Art. III, § 31.  
Iowa Code §§ 70A.9-.11 (2003).  
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

Approved: 07/30/07

Approved: 09/21/09

Approved 12/15/14

Reviewed: 06/18/07

Reviewed: 08/31/09

Reviewed 11/17/14

Revised: 06/18/07

Revised: 08/31/09

Revised \_\_\_\_\_

## 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. The expenses to honor retirees and staff shall be reasonable. The Board shall consider such expenses as meeting the public purpose of public funds.

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 (2003).  
1980 Op. Att'y Gen. 102.

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

Approved 03/21/05  
Approved: 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed: 08/31/09  
Reviewed 11/17/14

Revised: 08/31/09  
Revised \_\_\_\_\_

## 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 (2003).

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

Approved 03/21/05  
Approved: 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed: 08/31/09  
Reviewed 11/17/14

Revised: 08/31/09  
Revised \_\_\_\_\_

## PROCUREMENT/CREDIT CARDS

Employees may use school district procurement/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 procurement/credit card must submit a detailed receipt in addition to a procurement/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 procurement/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 procurement/credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties.

It is the responsibility of the superintendent to determine whether the school district procurement/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 procurement/credit card use 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 procurement/credit card. The administrative regulations will include the appropriate forms to be filed for obtaining a procurement/credit card.

Legal Reference: Iowa Constitution, Art. III, § 31.  
Iowa Code §§ 279.8, .29, .30 (2003).  
281 I.A.C. 12.3(1).

Cross Reference: 219.3 Board of Directors' Member Compensation and Expenses  
401.7 Employee Travel Compensation

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised \_\_\_\_\_

## 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 Administration/Board Secretary. 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 (2003).  
191 I.A.C. 74.

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

Approved 03/21/05  
Approved: 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed: 08/31/09  
Reviewed 11/17/14

Revised: 08/31/09  
Revised \_\_\_\_\_

## EMPLOYEE ACTIVITY PASSES

All certified Louisa-Muscatine employees will be given a family activity pass to all Louisa-Muscatine home activities for participating in ticket-taking duties that equal 4 hours.

All classified employees must sign up for ticket-taking duties if they wish to be given a family activity pass to all Louisa-Muscatine home activities. These ticket-taking duties must equal 4 hours.

The activity director will provide a sign up sheet for ticket-taking duties at the beginning of each school year.

Approved: 09/21/09  
Approved 12/15/14  
Approved 9/18/2017

Reviewed: 08/31/09  
Reviewed 11/17/14  
Reviewed 9/06/2017

Revised: 08/31/09  
Revised \_\_\_\_\_  
Revised 9/06/2017



## TECHNOLOGY/ELECTRONIC DEVICE POLICY

The Louisa-Muscatine Community School District issues technology devices to its faculty members to use inside and outside of school in order to enhance, enrich, and facilitate teaching and administrative duties as well as school communications. All technology devices and related equipment are school district property. The use of the District's technology devices and related equipment shall be subject to all of the terms and conditions set out in the District's policy on appropriate use of computers, computer network systems, and the internet.

Prior to using the District's technology devices and related equipment, faculty members will sign a Technology Devices Acceptance Form and agree to all outlined policies before being issued technology devices. Faculty members shall not attempt to install software or hardware or change the system configuration, including any network settings, on any District technology devices without prior consultation with the District's administration. Faculty members shall not attempt to change or modify in any way any related equipment that they are issued with the District's technology devices.

Faculty members shall protect District technology devices and related equipment from damage and theft. Each faculty member shall be responsible for any damage to the technology devices and related equipment they have been issued from the time it is issued to them until the time it is turned back in to the District, including damage to the computer, related equipment or the computer's hardware and/or software (including labor costs), unless damage reflects normal wear and tear determined by the district. When a device is damaged, an Incident Report must be filed with the Technology Supervisor. A determination of who will be held responsible for the repair/replacement of the device will be made by the Superintendent. Faculty members who choose to store school data, such as grades; tests or exams, on District technology devices are required to follow FERPA guidelines.

### Technology Devices Acceptance Form

I understand that the technology devices and related equipment I am being issued is the property of the Louisa-Muscatine Community School District. I agree to all of the terms and conditions in the Louisa-Muscatine Community School District Technology/Electronic Devices Policy and the Louisa-Muscatine Community School District policy on appropriate use of technology including computers, computer network systems, and the internet. I will return the technology devices and any related equipment I am issued in the same condition in which I receive it.

I understand that I am responsible for any damage or loss of any component of the technology devices and/or related equipment I am issued unless damage reflects normal wear and tear as determined by the district. In case of damage or loss, I agree that I will replace any damaged or lost component and/or equipment with components and/or equipment of equal value and functionality as approved by the District's administration.

Name \_\_\_\_\_ Date \_\_\_\_\_

Computer Serial # \_\_\_\_\_

Computer/Equipment Description and Serial # \_\_\_\_\_

Approved: 09/21/09

Approved: 02/16/15

Approved: 02/12/20

Reviewed: 08/31/09

Reviewed: 01/19/15

Reviewed: 12/11/19

Revised: 08/31/09

Revised: 01/19/15

Revised 12/11/19

**Policy 401.14: Employee Expression****Status:** ADOPTED**Approved Date:** 06/20/2022 | **Last Reviewed Date:** 06/14/2022

The board believes the district has an interest in maintaining an orderly and effective work environment while balancing employees First Amendment rights to freedom of expression and diverse viewpoints and beliefs. When employees speak within their official capacity, their expression represents the district and may be regulated. The First Amendment protects a public employee's speech when the employee is speaking as an individual citizen on a matter of public concern. Even so, employee expression that has an adverse impact on district operations and/or negatively impacts an employee's ability to perform their job for the district may still result in disciplinary action up to and including termination.

Employees who use social media platforms are encouraged to remember that the school community may not be able to separate employees as private citizens, from their role within the district. Employee expression on social media platforms that interferes with the district's operations or prevents the district from functioning efficiently and effectively may be subject to discipline up to and including termination.

A district employee who acts to protect a student for engaging in free expression or who refuses to infringe on students engaging in free expression; and who is acting within the scope of their professional ethics will not be retaliated against or face any adverse employment action based on their behavior provided that expression is otherwise permitted by law and board policy.

If the board or court finds an employee that is subject to licensure, certification or authorization by the Board of Educational Examiners discriminated against a student or other co-employee, the board will refer the employee to the Board of Educational Examiners for additional proceedings as required by law and which may result in discipline up to and including termination.

**Note:** *This is a mandatory policy required by Iowa Code ch. 279.73.*

Legal Reference: U.S. Const. Amend. I  
Iowa Code §§ 279.73; 280.22

**I.C. Iowa Code**

Iowa Code § 279.73

Iowa Code § 280.22

**Description**[Directors - Powers and Duties - Intellectual Freedom](#)[Student Exercise of Free Expression](#)**U.S. Constitution**

U.S. Constitution

**Description**[Amend. 1](#)**Cross References****Code****Description**

502.03

[Student Expression and Student Publications Code](#)

502.03-R(1)

[Student Expression and Student Publications Code - Regulation](#)

## 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 (2003).

Cross Reference: 401.5 Employee Records

Approved 03/21/05

Approved: 09/21/09

Approved 12/15/14

Reviewed 03/14/05

Reviewed: 08/31/09

Reviewed 11/17/14

Revised: 08/31/09

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. 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

- 0. 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
- 0. An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts of 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 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed: 08/31/09  
Reviewed: 11/17/14

Revised: 08/31/09  
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 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 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.
- 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.



## CHILD ABUSE REPORTING REGULATION

### 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.

Legal Reference: Iowa Code §§ 232.67, .70, .73, .75; 235A; 272A; 280.17; 709; 728.12(1) (2003).  
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 03/21/05  
Approved: 09/21/09  
Approved 12/15/14

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Reviewed: 08/31/09  
Reviewed 11/17/14

Revised: 08/31/09  
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:			
Name and place of employment of employee accused of abusing student:			
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 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 known


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 State 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 address:	
Student's school:	
Name of accused school employee:	
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	
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 gr	
_____ Yes _____ No      Was the right exercised? _____ Yes _____ No	

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
LEVEL I INVESTIGATOR'S REPORT FORM

Were audio tapes made of any interviews?    ☐yes    ☐no

Were video tapes 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, nor 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:	

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 State 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 School Nurse who is the school district's 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 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.



## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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.*)

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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 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 Building Principals, 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.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

- (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-infliction 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:

- a. The nature of the misconduct of the student, if any, precipitating the physical contact by the school employee.
- b. The size and physical condition of the student.
- c. The instrumentality used in making the physical contact.
- d. The motivation of the school employee in initiating the physical contact.
- e. 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 State 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.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

### 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 education 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.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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 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.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

If the allegations are founded, the Level I investigation 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 State 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 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.

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 is 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;

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Reviewed: 08/31/09

Reviewed 11/17/14

Revised: 08/31/09

Revised \_\_\_\_\_

## GIFTS TO EMPLOYEES

Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;

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;

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 representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;

Funeral flowers or memorials to a church or nonprofit organization;

Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;

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

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.

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 "informational meetings or sessions which assist a public official or public employee in the 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;



## GIFTS TO EMPLOYEES

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 (2003).  
1972 Op. Att'y Gen. 276.  
1970 Op. Att'y Gen. 319.

Cross References: 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 concerning an individual student, teacher, or other employee 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 settled 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 (2003).

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

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 Reviewed: 08/31/09  
 Reviewed 11/17/14

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 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 (2003).

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

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Revised \_\_\_\_\_

## EMPLOYEE PHYSICAL EXAMINATIONS

The school district believes good health is important to job performance. School bus drivers will present evidence of good health upon initial hire and every other year in the form of a physical examination report, unless otherwise required by law or medical opinion.

The cost of the initial examination will be paid by the school district. The form indicating the employee is able to perform the duties, with or without reasonable accommodation, for which the employee was hired, must be returned prior to the performance of duties. The cost of bus driver renewal physicals will be paid by the school district. The school district will provide the standard examination form to be completed by the personal physician of the employee or a certified medical examiner for bus drivers.

Employees whose physical or mental health, in the judgment of the administration, may be in doubt will submit to additional examinations to the extent job-related and consistent with business necessity, when requested to do so, at the expense of the school district.

The district will comply with occupational safety and health requirements as applicable to its employees in accordance with law.

Legal Reference: 29 C.F.R. § 1910.1030.  
49 C.F.R. §§ 391.41 – 391.49.  
Iowa Code §§ 20; 279.8; 321.376.  
281 I.A.C. 43.15; 43.17.

Cross Reference: 403 Employees' Health and Well-Being

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Approved 12/15/14  
Approved 02/12/20

Reviewed 06/19/17  
Reviewed 11/17/14  
Reviewed 12/11/19

Revised 06/19/17  
Revised 11/17/14  
Revised 12/11/19

## 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

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WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

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**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

<p><b>Complete this form immediately and return it to:</b> <b>Administration Office 14478 170<sup>th</sup> St. Letts, IA 52754</b></p>
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## 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 to 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 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 (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 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.

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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## HARASSMENT

Harassment of employees and students will not be tolerated in the school district. School district includes school district facilities, school district premises, and nonschool property if the employee or student is at any school sponsored, school approved or school related activity 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.

Harassment includes, but is not limited to, race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity or disability. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Other types of harassment may include, but are not limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups.

Employees and students who believe they have suffered harassment will report such matters to the investigator for harassment complaints. However, claims regarding harassment may also be reported to the alternate investigator for harassment complaints.

Upon receiving a complaint, the investigator will confer with the complainant to obtain an understanding and a statement of the facts. It is the responsibility of the investigator to promptly and reasonably investigate claims of harassment and to pass the findings on to the superintendent who will complete such further investigation as deemed necessary and take such final action as deemed appropriate. Information regarding an investigation of harassment is confidential to the extent possible, and those individuals who are involved in the investigation will not discuss information regarding the complaint outside the investigation process.

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Revised \_\_\_\_\_

## HARASSMENT

No one will retaliate against an employee or student because they have filed a harassment complaint, assisted or participated in a harassment investigation, proceeding, or hearing regarding a harassment charge or because they have opposed language or conduct that violates this policy.

It is the responsibility of the board members, administrators, licensed and classified employees, students, and others having business or other contact with the school district to act appropriately under this policy. It is the responsibility of the superintendent and investigator to inform and educate employees or students and others involved with the school district about harassment and the school district's policy prohibiting harassment.

This policy and accompanying regulations will only apply when an employee is the victim of an alleged harasser or an employee is the alleged harasser. It is the responsibility of the superintendent, in conjunction with the investigator, to develop administrative rules regarding this policy.

Legal Reference:     Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).  
                              Hall v. Gus Const. Co., 842 F.2d 1010 (8th Cir. 1988).  
                              Lynch v. City of Des Moines, 454 N.W.2d 827 (Iowa 1990).  
                              42 U.S.C. §§ 2000e *et seq.* (1994).  
                              29 C.F.R. Pt. 1604.11 (2002).  
                              Iowa Code ch. 216 (2003).  
                              281 I.A.C. 12.3(6).

Cross Reference:     102     Equal Educational Opportunity  
                              401.1   Equal Employment Opportunity  
                              401.4   Employee Complaints  
                              402.3   Abuse of Students by School District Employees  
                              404     Employee Conduct and Appearance  
                              502.10 Student-to-Student Harassment  
                              503     Student Discipline

## HARASSMENT COMPLAINT FORM

Name of complainant:	
Position of complainant:	
Date of complaint:	
Name of alleged harasser:	
Date and place of incident or incidents:	
Description of misconduct:	
Name of witnesses (if any):	
Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible):	
Any other information:	
I agree that all of the information on this form is accurate and true to the best of my knowledge.	
Signature:	
Date:	

WITNESS DISCLOSURE FORM

Name of witness:	
Position of witness:	
Date of testimony, interview:	
Description of instance witnessed:	
Any other information:	
I agree that all of the information on this form is accurate and true to the best of my knowledge.	
Signature:	
Date:	

## HARASSMENT INVESTIGATION PROCEDURES

Harassment of employees and students will not be tolerated in the school district. School district includes school district facilities, school district premises, and nonschool property if the employee or student is at any school sponsored, school approved or school related activity 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.

Harassment includes, but is not limited to, race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity or disability. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Sexual harassment will include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- 
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Other types of harassment may include, but not be limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain individuals and groups.

## COMPLAINT PROCEDURE

An employee or student who believes that they have been harassed will notify the Building Principal, the designated investigator. The alternate investigator is the Superintendent/School Nurse. The investigator may request that the employee or student complete the Harassment Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. Information received during the investigation is kept confidential to the extent possible.

The investigator, with the approval of the superintendent, has the authority to initiate a harassment investigation in the absence of a written complaint.

## HARASSMENT INVESTIGATION PROCEDURES

### INVESTIGATION PROCEDURE

The investigator will reasonably and promptly commence the investigation upon receipt of the complaint. The investigator will interview the complainant and the alleged harasser. The alleged harasser may file a written statement refuting or explaining the behavior outlined in the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator will report to the superintendent. The investigator will outline the findings of the investigation to the superintendent.

### RESOLUTION OF THE COMPLAINT

The superintendent will complete the next step in the investigation reasonably and promptly upon receipt of the investigator's report. Following the investigator's report, the superintendent may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline up to and including discharge.

Prior to the determination of the appropriate remedial action, the superintendent may, at the superintendent's discretion, interview the complainant and the alleged harasser. The superintendent will file a written report closing the case. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation.

### POINTS TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including discharge.

### CONFLICTS

If the investigator is the alleged harasser or a witness to the incident, the alternate investigator is the investigator.

If the alleged harasser is the superintendent, the alternate investigator will take the superintendent's place in the investigation process. The alternate investigator will report the findings to the board.

## 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, barbituate, 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 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.

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. 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 (1994).  
                              42 U.S.C. §§ 12101 *et seq.* (1994).  
                              34 C.F.R. Pt. 85 (2002).  
                              Iowa Code §§ 123.46; 124; 279.8 (2003).

Cross Reference:       404     Employee Conduct and Appearance

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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 a 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.

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. 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)	(Date)
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## 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. 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 classified as “commercial motor vehicles” by the U.S. Department of Transportation, and are required to possess a commercial driver’s license (CDL) to operate those vehicles, are subject to drug and alcohol testing. A “commercial motor vehicle” is a vehicle that transports sixteen or more persons including the driver or has a gross vehicle weight rating (GVWR) of 26,001 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 commercial motor vehicle owned by the school.

Employees that will operate a school vehicle as described above are subject to pre-employment drug testing prior to being allowed to perform a safety sensitive function using the school vehicle. In addition, employees will be subject to 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 Superintendent or persons responsible for drug testing at the Administration Building.

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 of advertisements for employment.

The superintendent will also be responsible for publication and dissemination of this policy and it's supporting administrative regulations and forms to employees who operate 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 substance abuse treatment resources and programs.

Legal Reference:	American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3 <sup>rd</sup> (Cir. 1995).
	49 U.S.C. §§ 5331 et seq. (1994).
	42 U.S.C. §§ 12101 (1994).
	41 U.S.C. §§ 701-707 (1996).
	49 C.F.R. Pt. 40; 382; 391.81-123 (2002).
	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 (2005).
Cross Reference:	403.6 Substance-Free Workplace
	409.2 Licensed Employee Personal Illness Leave
	414.2 Classified Employee Personal Illness Leave

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Revised 03/10/03  
 Revised 08/31/09  
 Revised \_\_\_\_\_

## 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 in addition are subject to 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 classified as “commercial motor vehicles” by the U.S. Department of Transportation are subject to drug and alcohol testing. A “commercial motor vehicle” is a vehicle that transports sixteen or more persons including the driver or has a gross vehicle weight rating (GVWR) of 26,001 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 commercial motor vehicle owned by the school. Employees that will operate a school-owned commercial motor vehicle are subject to the drug and alcohol testing program regulations beginning the first day they are offered a position to operate a school vehicle and continue to be subject to the drug and alcohol testing program until such time employment is terminated or the employee will no longer operate, at any time, a commercial motor vehicle for the school.

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’s contact person.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or regulations will 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, regulations and the law. Drug and alcohol testing records about a driver are confidential and are released in accordance with this policy, its supporting documents, regulations or the law.

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 in addition are subject to 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, regulations and the law.

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

I, (\_\_\_\_\_), have received a copy, read and understand the Drug and Alcohol Testing  
Name of Employee

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 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)

# DRUG AND ALCOHOL REASONABLE SUSPICION OBSERVATION FORM

Employee's Name \_\_\_\_\_ Date of Observation \_\_\_\_\_

Time of Observation From \_\_\_\_\_ a.m/p.m. to \_\_\_\_\_ a.m/p.m.

Location: \_\_\_\_\_

Observed personal behavior: (check all appropriate items)

**Speech:** \_\_\_\_\_ Normal \_\_\_\_\_ Incoherent \_\_\_\_\_ Confused \_\_\_\_\_ Loud  
 \_\_\_\_\_ Slurred \_\_\_\_\_ Whispering \_\_\_\_\_ Silent \_\_\_\_\_ Disruptive

**Balance:** \_\_\_\_\_ Normal \_\_\_\_\_ Swaying \_\_\_\_\_ Staggering \_\_\_\_\_ Falling

**Walking and Turning:** \_\_\_\_\_ Normal \_\_\_\_\_ Stumbling \_\_\_\_\_ Swaying \_\_\_\_\_ Falling  
 \_\_\_\_\_ Arms raised for balance \_\_\_\_\_ Reaching for support

**Awareness:** \_\_\_\_\_ Normal \_\_\_\_\_ Confused \_\_\_\_\_ Paranoid \_\_\_\_\_ Sleepy or Stupor  
 \_\_\_\_\_ Lack of coordination

**Odor:** \_\_\_\_\_ Normal \_\_\_\_\_ Alcohol \_\_\_\_\_ Burned rope

**Appearance:** \_\_\_\_\_ Red Eyes \_\_\_\_\_ Vomiting \_\_\_\_\_ Half closed eyes

Comments:

Reasonable suspicions of current use, or impaired by \_\_\_\_\_ alcohol \_\_\_\_\_ drugs.

Above behavior witnessed by:

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed (optional)

\_\_\_\_\_  
Date

This form must be completed by each trained employee observing the driver suspected of drug use and/or alcohol misuse by behavior, speech and/or odor while on duty, the earlier of within twenty-four hours of the determination of reasonable suspicion or prior to receiving the test results. The observations must be specific, contemporaneous and articulable concerning the appearance, behavior, speech and body odor of the driver.

**DRUG AND ALCOHOL TESTING PROGRAM  
PRE-EMPLOYMENT DRUG TEST ACKNOWLEDGMENT FORM**

I, \_\_\_\_\_, have been informed of the requirement to submit to a drug test prior to being  
(Name of Applicant),  
employed by the school district to perform a safety-sensitive function. I consent to submit to the drug and alcohol  
testing program as required by the Drug and Alcohol Testing Program policy, its supporting documents and the law.

I understand that the results of my drug test will be shared with the school district. I also understand that if I have a  
positive drug test result, I will not be considered further for employment with the school district.

I further understand that the drug and alcohol testing records and information about me is confidential, and may be  
released at my request or in accordance with the law.

\_\_\_\_\_  
(Signature of Applicant)

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

## VOLUNTARY PERSONAL DAY TRANSFER

The Board will allow licensed employees to voluntarily donate an equal amount of personal days to be converted to an equal amount of sick days for situational emergency purposes. Emergency medical reasons would include, but not be limited to, the diagnosis of a serious or terminal illness, or the care of a seriously or terminally ill spouse or child/stepchild. Only Licensed employees who have exhausted their sick leave and are in need of additional days, due to an emergency medical reason, will use this voluntary leave transfer.

Once a licensed employee donates a personal day for such purposes it cannot be given back to the employee who donated the personal day if it is unused by the recipient.

Authority will be given to the Superintendent to approve voluntary personal day transfer and leave request.

Legal Reference:

Cross Reference:

Approved 05/16/05

Approved: 09/21/09

Approved 12/15/14

Reviewed 04/18/05

Reviewed: 08/31/09

Reviewed 11/17/14

Revised: 08/31/09

Revised \_\_\_\_\_

## 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 have 120 days of unused sick leave on the last day of the school year in the year they are retiring.
- 3) Must submit a written request for the payment.

Legal Reference:

Cross Reference:

Approved: 04/16/12

Approved: 04/21/14

Approved: 12/15/14

Reviewed: 05/21/12

Reviewed: 03/13/2014

Reviewed: 11/17/14

Revised: 05/21/12

Revised: 11/17/14



## 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 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

Approved 03/21/05  
Approved: 09/21/09  
Approved: 12/15/14

Reviewed 03/14/05  
Reviewed: 08/31/09  
Reviewed: 11/17/14

Revised: 08/31/09  
Revised: 11/17/14

## 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.**

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.

b. a. *Fraud.* Fraud in the procurement or renewal of a practitioner’s license.

## 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. (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.

## 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. (2) Committing any act of dependent adult abuse on a dependent adult student;
  - 3. (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
  - 4. (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
  - 5. (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. (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. *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.
- a. *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. *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.
- a. *b.* Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.
- a. *c.* Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
- d. *d.* Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—

Chapter 17.

- e. *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.

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## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

**25.3(4)** *Standard IV—misuse of public funds and property.* Violation of this standard includes:

- a. *a.* Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.
- a. *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. *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. (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
  - 2. (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. (3) Abandoning a written professional employment contract without prior unconditional release by the employer.
  - 4. (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. (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. (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or
  - 2. (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
    - 2. 3. June 30.

## 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. *a.* Denying the student, without just cause, access to varying points of view.
- a. *b.* Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- a. *c.* Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. *d.* Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. *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. *f.* Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. *g.* Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. *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. *i.* Refusing to participate in a professional inquiry when requested by the board.
- j. *j.* Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.
- k. *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. *m.* Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
- n. *n.* Allowing another person to use one's practitioner license for any purpose.
- o. *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. *a.* Failing to comply with 282—Chapter 9 concerning repayment of student loans.
- a. *b.* Failing to comply with 282—Chapter 10 concerning child support

obligations.

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## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

**25.3(8)** *Standard VIII—incompetence.* Violation of this standard includes, but is not limited to:

- a. *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.
- a. *b.* Willfully or repeatedly failing to practice with reasonable skill and safety. These rules are intended to implement *Iowa Code* § 272.2(1) “a.”

## 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 licensed professional, including an individual who holds a statement of professional recognition, who provides educational assistance to students.

*“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.

[ARC 7979B, IAB 7/29/09, effective 9/2/09]

**282—25.3(272) Standards 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 means the same as defined in rule 282—25.2(272).

b. *Criminal convictions.* The commission of or conviction for a criminal offense as defined by Iowa law 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 section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;

2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 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;
- Assault with intent to commit sexual abuse;
- Indecent contact with a child;
- Sexual exploitation by a counselor;
- Lascivious conduct with a minor;
- Sexual exploitation by a school employee;
- Enticing a minor under Iowa Code section 710.10; or
- Human trafficking under Iowa Code section 710A.2;

3. Incest involving a child as prohibited by Iowa Code section 726.2;

4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2;

5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;

6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1) “b”(1); or

7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1) “b”(1).

(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 section 702.17.

d. *Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by Iowa Code section 728.12, Iowa Code chapter 709 or 18 U.S.C. Section 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;
- (6) Failing to report any suspected act of child or dependent adult abuse as required by state law; or
- (7) Committing or soliciting any sexual conduct as defined in Iowa Code section 709.15(3) "b" or soliciting, encouraging, or consummating a romantic relationship with any person who was a student within 90 days prior to any conduct alleged in the complaint, if that person was taught by the practitioner or was supervised by the practitioner in any school activity when that person was a student.

**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 20.
- 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) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract, unless the practitioner provided notice to the practitioner's employing board as set forth in subparagraph 25.3(5) "b"(2).
  - (2) Abandoning a written professional employment contract without prior unconditional release by the employer.
  - (3) 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.

(4) 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, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
- 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 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 or performing services without holding a valid license.
- p. Falsifying, forging, or altering a license issued by the board.
- q. Failure of the practitioner holding a contract under Iowa Code section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.
- r. Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

**25.3(7)** *Standard VII—compliance with state law governing obligations to state or local governments, child support obligations, and board orders.* Violation of this standard includes:

*a.* Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.

*b.* Failing to comply with 282—Chapter 10 concerning child support obligations.

*c.* Failing to comply with a board order.

**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.

## 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 (2003).  
                              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 03/21/05  
Approved: 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed: 08/31/09  
Reviewed 11/17/14

Revised: 08/31/09  
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, 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 that 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 in time sensitive situations when a contract can be offered by the Superintendent with approval of the Board President and Vice-President. 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 (1994).  
42 U.S.C. §§ 2000e *et seq.* (1994).  
42 U.S.C. §§ 12101 *et seq.* (1994).  
Iowa Code §§ 20; 35C; 216; 294.1 (2003).  
281 I.A.C. 12.  
282 I.A.C. 14.  
1980 Op. Att'y Gen. 367.

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

Approved 03/21/05  
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Reviewed 03/14/05  
Reviewed: 08/31/09  
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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 (2003).

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

Approved 03/21/05  
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Reviewed 03/14/05  
Reviewed: 08/31/09  
Reviewed 11/17/14

Revised: 08/31/09  
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. 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 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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.

Legal Reference: Iowa Code §§ 20; 279.8.

Cross Reference: 200.2 Powers of the Board of Directors

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17

## 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.

Legal Reference: Iowa Code §§ 279.8

Cross Reference: 200.2 Powers of the Board of Directors

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17

## 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.

Legal Reference: Iowa Code §§ 216.14; 279.8.

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

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17

## 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 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.

Licensed employees will be required to:

- Demonstrate the ability to enhance academic performance and support for and implementation of the school district's student achievement goals.
- Demonstrate competency in content knowledge appropriate to the teaching position.
- Demonstrate competency in planning and preparation for instruction.
- Use strategies to deliver instruction that meets the multiple learning needs of students.
- Use a variety of methods to monitor student learning.
- Demonstrate competence in classroom management.
- Engage in professional growth.
- Fulfill professional responsibilities established by the school district.

It is the responsibility of the superintendent to ensure licensed employees are evaluated

Legal Reference: Iowa Code §§ 20.9; 279, 284, 294.  
*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).  
 281 I.A.C. 83; 12.3

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

Approved 07/17/17  
 Approved 03/16/15

Reviewed 06/19/17  
 Reviewed 02/16/15

Revised 06/19/17  
 Revised 02/16/15

## 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 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised \_\_\_\_\_

## LICENSED EMPLOYEE GROUP BENEFITS

Licensed employees may be eligible for group benefits as determined by the board and required by law. The board will select the group benefit program(s) and the insurance company or third party administrator which will provide or administer the program.

In accordance with the Patient Protection and Affordable Care Act (ACA), the board will offer licensed employees who work an average of at least thirty (30) hours per week, as based on the ACA Look-back Measurement Method of calculating full-time status, with minimum essential coverage that is both affordable and provides minimum value.

Licensed employees who work an average of at least thirty (30) hours per week, as based on the ACA Look-back Measurement Method of calculating full-time status, are eligible to participate in the group health plan. Employers should maintain documents regarding eligible employees' acceptance and rejection of coverage.

Regular part-time employees (i.e., employees who work less than 30 hours per week as based on the ACA Look-back Measurement Method of calculating full-time status for health benefit purposes) who wish to purchase coverage may participate in group benefit programs by meeting the requirements of the applicable plan. Full-time and regular part-time licensed employees who wish to purchase coverage for their spouse or dependents may do so by meeting the requirements of the applicable plan.

Licensed employees and their spouse and dependents may be allowed to continue coverage of the school district's group health program if they cease employment with the school district by meeting the requirements of the plan and applicable Federal and/or State continuation laws.

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

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12, .27; 509; 509A; 509B.  
Internal Revenue Code § 4980H(c)(4); Treas. Reg. § 54.4980H-1(a)(21)(ii).  
Shared Responsibility for Employers Regarding Health Coverage, 26 CFR Parts 1, 54 and 301, 78 Fed. Reg. 217, (Jan 2, 2013).  
Shared Responsibility for Employers Regarding Health Coverage, 26 CFR Parts 1, 54 and 301, 79 Fed. Reg. 8543 (Feb. 12, 2014).

Cross Reference: 405.1 Licensed Employee Defined  
706.2 Payroll Deductions

Approved 06/06/18  
Approved 07/17/17  
Approved 12/15/14

Reviewed 05/21/18  
Reviewed 06/19/17  
Reviewed 11/17/14

Revised 05/21/18  
Revised 06/19/17

Code No. 406.6E1 LETTER TO COLLECTIVE BARGAINING REPRESENTATIVE

Dear Collective Bargaining Representative:

On (date) I will be recommending the implementation of the attached policy to the board. The policy will become effective immediately upon the final approval of the board and will apply to all school district employees. Should you have any questions or concerns regarding the attached policy, please contact me by (date).

Sincerely,

Superintendent/Negotiator  
Louisa-Muscatine Community School District  
cc: School Attorney/Negotiator

## 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 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
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Reviewed 11/17/14

Revised 08/31/09  
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.

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

Approved 03/21/05  
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Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised 11/17/14

## 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 (2003).  
581 I.A.C. 21.  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 401.14 Recognition for Service of Employees  
407.4 Licensed Employee Early Retirement

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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 1979).  
                              Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

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Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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 process for reduction in force shall be as follows:

*The board should detail the process that will be utilized by the superintendent for making recommendations for reduction in force.*

*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.

Legal Reference: Iowa Code §§ 279

Cross Reference: 407.4 Licensed Employee Suspension  
413.5 Classified Employee Reduction in Force  
703 Budget

Approved 07/17/17  
Approved 12/15/14

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Reviewed 11/17/14

Revised 06/19/17

STAFF PERSONNEL  
Series 400

Policy Title: Certified/Director Staff – Early Retirement Plan

Code No. 407.6

**1. PURPOSE**

It is the expressed intent of the Board, through this plan, to show the District's appreciation for the services a certified employee has rendered to the District, to aid the certified employee in their transition from public service to retirement, and to save the District money (For example, an employee leaving/retiring may be paid a salary of \$60,000 and his/her replacement may be paid a salary of \$30,000; saving the District \$30,000). Further, it is the expressed intent of the Board to provide this incentive, as an annual incentive on a Board approved basis only.

**2. STATEMENT OF NON-DISCRIMINATION**

The School District will not discriminate against any employee on the basis of age, gender, sexual orientation, gender identity, race, color, creed, religion, national origin, or disability through the application or administration of this plan.

**3. ELIGIBILITY**

A regular, certified employee **and/or contracted director** is eligible for this early retirement plan if the employee:

- a. has reached the age of 55 at the actual date of retirement;
- b. has completed a minimum of \_\_\_\_ years of contracted full-time service at the School District and is actively employed during the last fiscal year prior to early retirement;
- c. has not received a notice concerning termination of the employee's contract, unless the notice is based upon reasons which are related to staff reduction;
- d. has not previously received early retirement benefits from the School District
- e. submits a completed application, as specified in Section 5 below, to the Louisa-Muscatine Community School District Administrative Office on or before \_\_\_\_\_. on \_\_\_\_\_, addressed to the Board Secretary. (The Board of Directors reserves the right to waive strict compliance with the application deadline if there are extenuating circumstances unknown to the employee at the time and the Board in its sole discretion decides to waive strict compliance with the application deadline); and
- f. to be eligible for payment, the applicant can no longer be an employee of the school district.

**4. DEFINITION OF TERMS**

- a. Years of service - Years of service must be consecutive and all years used to establish eligibility must be years of service as a certified teaching employee **or a contracted director**.
- b. Regular employee - A regular employee is a certified employee **or contracted director** who works a minimum of nine months or more each fiscal year.
- c. Certified employee - An employee who is issued a teaching contract **or administrative contract** under Iowa Code Chapter 279.
- d. **Contracted Director – Any employee who has a formal contract, serves in a defined director's position and has administrative responsibilities within the district.**

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**5. APPLICATION**

- a. The date of retirement for eligible employees will ordinarily be the end of the individual's contract year or the end of a school term. However, another date may be requested and approved by the Board.
- b. Application materials will be determined by District Administration and shall be consistent with this policy. Interested employees may obtain application materials by contacting the Board Secretary, Louisa-Muscatine Community School District Administrative Office.
- c. All completed application materials must be received by the Louisa-Muscatine Community School District Administrative Office, Board Secretary, on or before 4:00 p.m. on December 8 of the school year this plan is accepted by the Board and/or offered.
- d. An employee's application for early retirement benefits is not, in itself, a resignation of a contract with the School District nor does it require the Board to accept the application.

Any resignation will not be binding unless the employee is eligible and appropriately qualifies under the plan and the Board accepts the certified employee's written resignation. The Board's acceptance of the written resignation will be considered final action and shall mean that the certified employee's application is accepted and the certified employee's contract and employment duties will end after the last day of the current school year;

**6. LIMITATION ON NUMBER OF EMPLOYEES**

- a. The District reserves the right to limit the number of participants in one year. If the District places a limit on applications it wishes to accept in any one year, those approved will be in the order in which the application was received. The District will use the date the document was received by the Board Secretary. The earlier date prior to the due date will have top priority.
- b. Employees who are eligible may apply immediately following the Board's adoption of this plan.

**7. EARLY RETIREMENT BENEFITS**

- a. The School District shall pay to the retiring employee an amount based on \_\_\_\_\_ of the retiring employee's current placement on the salary schedule up to a maximum amount of \$ \_\_\_\_\_. This does not include extra duty increments, phase monies, or extended contracts.

The benefit shall be paid over three (3) fiscal years:

1/5 of the amount to be approved at the Nov 2015 board meeting  
1/5 of the amount to be approved at the April 2016 board meeting  
1/5 of the amount to be approved at the Nov 2016 board meeting  
1/5 of the amount to be approved at the April 2017 board meeting  
1/5 of the amount to be approved at the Nov 2017 board meeting

- b. Each retiring employee shall also receive, as a benefit under this plan, entitlement to participate to age sixty-five (65) or to the date at which Medicare provides coverage, whichever occurs first, in the employer health insurance plan at their own cost, so long as they are permitted to continue coverage by the insurer, under the following terms:

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- 1) Said employee is eligible for the same coverage he/she had prior to retirement;
- 2) Said employee must enroll with Employee Benefits Systems to ensure continual health insurance coverage
- 3) Once said employee discontinues his/her coverage under the District's health insurance plan and/or fails to comply with subsection (b) above, he/she is ineligible to rejoin and/or receive coverage.
- 4) 100% of the benefit shall be deposited into the Health Reimbursement Arrangement for those retirees electing to continue participation in the District's health insurance plan.
- 5) 100% of the benefit shall be deposited into the Special Pay Plan for those retirees electing to discontinue participation in the District's health insurance plan or who were not participating in the school's insurance plan at retirement.
- 6) In no event will the early retirement incentive be paid to the retiree in cash.

## 8. TERMINATION

This plan shall terminate on June 30 of the fiscal year it is adopted by the Board. Notwithstanding the termination of this plan, employees who are granted benefits pursuant to this plan will continue to receive such benefits as set forth herein.

The Board also reserves the right to waive any requirement or condition of this policy at its discretion and at any time. Any decision by the Board to waive a requirement or condition, which is a part of this policy, shall not establish any precedent within regard to future requests for a waiver.

## 9. RECISION OF PARTICIPATION

An employee whose application to early retire is accepted by the Board may, under limited circumstances, rescind the application and decline any early retirement benefits. Written notice to rescind an application for early retirement must be received by the Board Secretary at the Board Secretary's office before close of business within seven (7) days of the Board's approval of the application for early retirement. Such action will result in a continuation of the employee's current employment arrangement with the Board just as if no application for early retirement had been submitted.

## 10. Alterations of this retirement plan can be made at the direction of the board.

Approved:	<u>02/18/2013</u>	Reviewed:	<u>01/21/2013</u>	Revised	<u>01/21/2013</u>
Approved	<u>03/13/2014</u>	Reviewed	<u>03/13/2014</u>	Revised	<u>03/13/2014</u>
Approved	<u>10/30/2014</u>	Reviewed	<u>10/20/2014</u>	Revised	<u>10/20/2014</u>
Approved	<u>02/12/2020</u>	Reviewed	<u>01/22/2019</u>	Revised	<u>01/22/2019</u>

STAFF PERSONNEL  
Series 400

Policy Title: Certified/Director Staff – Early Retirement Plan

Code No. 407.6E1

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**RESIGNATION AND REQUEST FOR EARLY RETIREMENT**

I, \_\_\_\_\_, born on \_\_\_\_\_, hereby submit my resignation to the Board of Directors of the Louisa-Muscatine Community School District and elect the early retirement benefits available to certified teaching employees in the Louisa-Muscatine Community School District. This resignation is subject to the acceptance of my application for early retirement benefits.

I commenced service in the Louisa-Muscatine Community School District, or one of its predecessor school districts, on \_\_\_\_\_.

I have reviewed and understand the Louisa-Muscatine Community School District's early retirement plan.

Print Full Name \_\_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_\_

The resignation and request for early retirement was accepted by the Board of Directors on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by action as noted in the minutes of the Board.

\_\_\_\_\_  
Secretary of Board of Directors

Louisa-Muscatine Community School District



STAFF PERSONNEL

Series 400Policy Title: Certified/Director Staff – Early Retirement PlanCode No. 407.6E2**RELEASE**

Louisa-Muscatine Community School District (the School District) and \_\_\_\_\_ (the employee) agree as follows:

In consideration of the benefits to be provided to him/her in accordance with the Early Retirement Plan, \_\_\_\_\_ (the employee) agrees to immediately sign and submit a letter of resignation to be effective on \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ (the employee) is advised that he/she has the right to consult with an attorney prior to signing this Agreement.

\_\_\_\_\_ (the employee) hereby releases and discharges the School District, the Board of Directors of the School District, and any and all officers, employees, representatives or agents of the School District from any and all liability whatsoever including all claims, demands, or causes of action which he/she has or may ever claim to have by reason of his/her employment with the School District and the termination of his/her employment relationship with the School District.

\_\_\_\_\_ (the employee) agrees that this Agreement is entered into freely and voluntarily and solely in reliance upon his/her own knowledge, belief and judgment and not upon representations made by the School District or others on its behalf.

Louisa-Muscatine Comm. School District

\_\_\_\_\_  
District Employee

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

\_\_\_\_\_  
Witness Witness

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

STAFF PERSONNEL  
Series 400

Policy Title: Certified/Director Staff – Early Retirement Plan

Code No. 407.6E3

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**AGREEMENT NOT TO SEEK RE-EMPLOYMENT**

In consideration of the benefits that will be provided to me by Louisa-Muscatine Community School District through its Early Retirement Plan, I hereby agree not to apply for or seek employment with Louisa-Muscatine Community School District at any time in the future. It is understood that this Agreement does not apply to substitute teaching or coaching assignments.

Print Full Name \_\_\_\_\_

Signed \_\_\_\_\_ 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, is 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 district pays the expenses 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.

Legal Reference: Iowa Code § 279.8.  
281 I.A.C. 12.7; 83.6

Cross Reference: 414.9 Classified Employee Professional Purposes Leave

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17  
Revised 11/17/14

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 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised \_\_\_\_\_.

## 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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised 11/17/14

## 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.

Approved 12/15/14

Reviewed 11/17/14

Revised 11/17/14

LICENSED EMPLOYEE VACATION - HOLIDAYS - PERSONAL LEAVE

The board will determine the amount of vacation, holidays, and 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 vacations, holidays, and personal leave for licensed employees.

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

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

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17  
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 105 days for licensed employees.

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.

Legal Reference: 29 U.S.C. §§ 2601 *et seq.*  
29 C.F.R. § 825.  
Iowa Code §§ 20; 85; 216; 279.40.  
Whitney v. Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394 (1942).

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

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17



## 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 12 months. 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.

Links: <https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>  
[WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition \(PDF\)](#)  
[WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition \(PDF\)](#)  
[WH-381 Notice of Eligibility and Rights & Responsibilities \(PDF\)](#)  
[WH-382 Designation Notice \(PDF\)](#)  
[WH-384 Certification of Qualifying Exigency For Military Family Leave \(PDF\)](#)  
[WH-385 Certification for Serious Injury or Illness of Covered Service Member -- for Military Family Leave \(PDF\)](#)

Legal Reference: 29 U.S.C. §§ 2601 *et seq.*  
29 C.F.R. § 825  
Iowa Code §§ 20; 85; 216; 279.40.  
*Whitney v. Rural Ind. School. District*, 232 Iowa 61, 4 N.W.2d 394 (1942).

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

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17

## 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. Funeral leave may be granted at a rate not to exceed five (5) days per occurrence for the death of immediate family members. Immediate family members are: spouse, son, daughter, stepchildren, parents, stepparents, parents-in-law, siblings, grandparents, step-grandparents, grandchild, son/daughter-in-law and an individual residing in household. Employee is allowed 1 day per year for close family member.

Requests for bereavement leave shall be made in advance with as much notice to the District as possible under the circumstances. If requested by the Superintendent or his/her designee, the employee shall furnish evidence of death and of the employee's relationship to the deceased. The employee will have the option of using one day of their bereavement leave at a later date in the same school year for business related to the death that cannot be handled outside the school day.

It is within the discretion of the superintendent to determine the number of bereavement leave days to be granted.

Legal Reference: Iowa Code §§ 279.8.

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17

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 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 (2003).

Cross Reference: 401.15 Employee Political Activity  
409 Licensed Employee Vacations and Leaves of Absence

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised \_\_\_\_\_

## LICENSED EMPLOYEE JURY DUTY LEAVE

The board will allow licensed 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.

Licensed employees will receive their regular salary.

Legal Reference: Iowa Code §§ 20.9; 607A (2003).

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

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Approved 09/21/09  
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Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 03/14/05  
Revised 08/31/09  
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 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 (2003).

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

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Approved 09/21/09

Approved 12/15/14

Reviewed 03/14/05

Reviewed 08/31/09

Reviewed 11/17/14

Revised 08/31/09

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 of the education program and school district operations.

Whenever possible, licensed employees will make a written request for unpaid leave *[insert number]* 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.

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

Cross Reference: 409 Licensed Employee Vacations and Leaves of Absence

Approved 07/17/17  
Approved 12/15/14

Reviewed 06/19/17  
Reviewed 11/17/14

Revised 06/19/17

## 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.

Regular Sub: shall be paid 75% of the per diem salary rate at the B.A.+0 rate of the current contract schedule.

Long Term Sub: after 10 or more consecutive days shall be paid on a per diem salary rate at the B.A.+0 rate of the current contract schedule, this will be retroactive to the first day of the substitute period.

Legal Reference: Iowa Association of School Boards v. PERB, 400 N.W.2d 571 (Iowa 1987).  
Iowa Code §§ 20.1, .4(5), .9 (2003).  
281 I.A.C. 12.4.

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 03/14/0  
Revised 08/31/09  
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 are 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 (2003).

Cross Reference: 603.2 Summer School Instruction

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised \_\_\_\_\_



## TRUANCY OFFICER

The board will appoint a licensed employee to serve as the 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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised 11/17/14

## PARAEDUCATORS

The board may employ paraeducators 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.

Paraeducators who hold a teaching certificate are compensated at the rate of pay established for their position as a paraeducator. It is the responsibility of the principal to supervise paraeducators. Paraeducators are required to obtain paraeducator certification or equivalent.

Legal Reference: Iowa Code §§ 279.8; 280.3, .14 (2003).  
281 I.A.C. 12.4(9); .5(9).

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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, paraeducators, 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 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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 race, color, creed, sex, national origin, religion, age, 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.

The superintendent will recommend employment of classified employees to the board for approval.

Legal Reference: 29 U.S.C. §§ 621-634 (1994).  
42 U.S.C. §§ 2000e *et seq.* (1994)  
42 U.S.C. §§ 12101 *et seq.* (1994).  
Iowa Code §§ 35C; 216; 279.8; 294.1 (2003).

Cross Reference: 401.2 Equal Employment Opportunity  
411 Classified Employees - General

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE CONTRACTS/ASSIGNMENTS

The board may enter into written contracts for bus drivers and letters of assignment with classified employees employed on a regular basis. The contract will state the terms of employment.

Each contract or assignment letter will include a thirty-day cancellation clause. Either the employee or the board must give notice of the intent to cancel the contract at the end of thirty 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 letters of assignment and present them to the board for approval and after being signed by the board president are filed with the board secretary.

Legal Reference: Iowa Code §§ 20; 279.7A; 285.5(9) (2003).

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 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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) (2003).  
281 I.A.C. 12.4(10); 36; 43.12-.24.

Cross Reference: 411.2 Classified Employee Qualifications, Recruitment, Selection

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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 (2003).

Cross Reference: 200.3 Powers of the Board of Directors  
411.6 Classified Employee Transfers

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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 (1994).  
                             42 U.S.C. §§ 2000e *et seq.* (1994)  
                             42 U.S.C. §§ 12101 *et seq.* (1994).  
                             Iowa Code §§ 20.9; 35C; 216; 279.8; 294.1 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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.

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 (2003).  
281 I.A.C. 12.3(4).

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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.* (1994).  
29 C.F.R. Pt. 511-800 (2002).

Cross Reference: 411.3 Classified Employee Contracts  
412.1 Classified Employee Compensation

Approved 03/21/05  
Approved 09/21/09  
Approved 12/15/14

Reviewed 03/14/05  
Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
Revised \_\_\_\_\_

## CLASSIFIED EMPLOYEE GROUP INSURANCE BENEFITS

Classified employees may be eligible for group benefits as determined by the board and required by law. The board will select the group benefit program(s) and the insurance company or third party administrator which will provide or administer the program.

In accordance with the Patient Protection and Affordable Care Act (ACA), the board will offer classified employees who work an average of at least thirty (30) hours per week, as based on the ACA Look-back Measurement Method of calculating full-time status, with minimum essential coverage which provides minimum value.

Classified employees who work an average of at least thirty (30) hours per week, as based on the ACA Look-back Measurement Method of calculating full-time status, are eligible to participate in the group health plan. Employers should maintain documents regarding eligible employees' acceptance and rejection of coverage.

Regular part-time classified employees (i.e., employees who work less than 30 hours per week as based on the ACA Look-back Measurement Method of calculating full-time status) who wish to purchase insurance coverage may participate in group benefit programs by meeting the requirements of the applicable plan. Full-time and regular part-time classified employees who wish to purchase coverage for their spouse or dependents may do so by meeting the requirements of the applicable plan.

Classified employees and their spouse and dependents may be allowed to continue coverage of the school district's group health program if they cease employment with the school district by meeting the requirements of the plan and applicable Federal and/or State continuation laws.

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

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12; 509; 509A; 509B (2003).

Cross Reference: 411.1 Classified Employee Defined

Approved 06/06/18

Approved 03/21/05

Approved 09/21/09

Reviewed 05/21/18

Reviewed 03/14/05

Reviewed 08/31/09

Revised 05/21/18

Revised 08/31/09

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 thirty 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) (2003).

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

Approved 03/21/05  
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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 spouse 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.* (1994).  
Iowa Code §§ 91A.2, .3, .5; 97B; 216; 279.19A, .46 (2003).  
581 I.A.C. 21.  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 401.14 Recognition for Service of Employees  
413.3 Classified Employee Early Retirement

Approved 03/21/05  
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Reviewed 08/31/09  
Reviewed 11/17/14

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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 (2003).

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

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Reviewed 08/31/09  
Reviewed 11/17/14

Revised 08/31/09  
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 (2003).

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

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Reviewed 08/31/09  
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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 (2003).

Cross Reference: 407.6 Licensed Employee Reduction in Force  
413.3 Classified Employee Suspension  
413.4 Classified Employee Dismissal  
703 Budget

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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 be 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. 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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Revised 08/31/09  
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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 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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CLASSIFIED 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 12 months. 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. Paid leave is used concurrently with FMLA.

The requirements stated in the Master Contract between employees in the 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.* (2006)  
                              29 C.F.R. Pt. 825 (2006).  
                              Iowa Code §§ 20; 85.33, .34, .38(3); 216; 279.40 (2009).  
                              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

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## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

### **Benefits and Protection**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Job Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken.

### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

**NOTE: FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.**

If you have access to the Internet visit FLMA's website: <http://www.dol.gov/esa/whd/fmla>.

To locate your nearest Wage-Hour Office, phone our toll-free information at 1-866-487-9243 or to the Web site at: <http://www.wagehour.dol.gov>.

For a listing of records that must be kept by employers to comply with FMLA visit the U.S. Dept. of Labor's website: [http://www.dol.gov/dol/allcfr/ESA/Title\\_29/Part\\_825/29CFR825.500.htm](http://www.dol.gov/dol/allcfr/ESA/Title_29/Part_825/29CFR825.500.htm)

*US Dept. of Labor – Revised July, 2009*

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.
- ☐ because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- ☐ because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

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;
- ☐ because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- ☐ because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

Details of the needed intermittent leave:

I anticipate returning to work at 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 district;
- \_\_\_\_\_ serious health condition of myself, parent, or child when medically necessary;
- \_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- \_\_\_\_\_ because I am the \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; \_\_\_\_\_ next of kin of a covered service member with a serious injury or illness.

Details of needed reduction in work schedule as follows:

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	



## CLASSIFIED 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 *[employee handbook]*.
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 or 26 week entitlement depending on the purpose of the leave;
  - 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 or proof of call to active duty in the case of military family and medical leave;
  - 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.

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

## 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. For those taking leave due to military family and medical leave, notice should be given as soon as possible.
- 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. Six 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.
- e. because of a qualifying exigency arising out of the fact that an employee's \_\_\_\_ spouse; \_\_\_\_ son or daughter; \_\_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- f. because the employee is the spouse; \_\_\_\_ son or daughter; \_\_\_\_ parent; \_\_\_\_ next of kin of a covered service member with a serious injury or illness.

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

## 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.
  - (3) Employees shall be required to present certification of the call to active duty when taking military family and medical leave.
- 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 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.
  - (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.
- d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.

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. Employees taking military caregiver family and medical leave to care for a family service member are entitled to 26 weeks of unpaid family and medical leave but only in a single 12 month period.
- 2. Year is defined as: Rolling: measured forward from the first day leave is used, or measured backward from the date leave is used.

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

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:
      - \_\_\_\_\_ 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;
      - \_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;
      - \_\_\_\_\_ because I am the \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; \_\_\_\_\_ next of kin of a covered service member with a serious injury or illness.
    - 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:
      - \_\_\_\_\_ 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;
      - \_\_\_\_\_ because of a qualifying exigency arising out of the fact that my \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;
      - \_\_\_\_\_ because I am the \_\_\_\_\_ spouse; \_\_\_\_\_ son or daughter; \_\_\_\_\_ parent; \_\_\_\_\_ next of kin of a covered service member with a serious injury or illness.
    - 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.

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

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.

CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

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.

An employee shall 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

Active Duty - duty under a call or order to active duty under a provision of law referring to in section 101(a)(13) of title 10, U.S. Code.

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.

Contingency Operation - has the same meaning given such term in section 101(a)(13) of title 10, U.S. Code.

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 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.).

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).

Covered Servicemember - a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

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.

## CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

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."

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.



## 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 others who are caring for the family member or to make arrangements for changes in care.

Next of Kin - an individual's nearest blood relative

Outpatient Status - the status of a member of the Armed Forces assigned to –

- either a military medical treatment facility as an outpatient; or,
- a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

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 or, 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.).

## CLASSIFIED 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 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 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.

Serious Injury or Illness - an injury or illness incurred by a member of the Armed forces, including the National Guard or Reserves in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.

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 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, stepchild, spouse, parent, stepparent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchild, grandparent, or step-grandparent.

A maximum of one day of bereavement leave per year will be granted for the death of a close friend or other relative not listed above.

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 (2003).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

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Reviewed 11/17/14

Revised 07/18/05  
Revised 08/31/09  
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 (2003).

Cross Reference: 401.15 Employee Political Activity  
414 Classified Employee Vacations and Leaves of Absence

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CLASSIFIED EMPLOYEE JURY DUTY LEAVE

The board will allow classified 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. 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.

Legal Reference: Iowa Code §§ 20.9; 607A (2003).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

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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 (2003).

Cross Reference:     414     Classified Employee Vacations and Leaves of Absence

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## 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 (2003).

Cross Reference: 414 Classified Employee Vacations and Leaves of Absence

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

Cross Reference: 411 Classified Employees - General  
408.1 Classified Employee Professional Development

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