

## EMPLOYEES

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## Policy Number Number 400

### ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES

This series of the board Policy Number 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 Dunkerton 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 Dunkerton 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, Dunkerton Community School District, Dunkerton, Iowa; or by telephoning 319-822-4295.

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 Equal Employment Opportunity Commissions, Milwaukee Area Office, Reuss Federal Plaza, 310 West Wisconsin Ave., Suite 800, Milwaukee, WI., 53203-2292, (800) 669-4000 or TTY (800) 669-6820. <http://www.eeoc.gov/field/milwaukee/index.cfm> or the Iowa Civil Rights Commission, 400 E. 14<sup>th</sup> Street, Des Moines, Iowa, 50319-1004, (515) 281-4121 or 1-800-457-4416, <http://www.state.ia.us/government/crc/index.html>. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

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

Legal Reference:

29 U.S.C. §§ 621-634.

42 U.S.C. §§ 2000e et seq.

42 U.S.C. §§ 12101 et seq.

Iowa Code §§ 19B; 20; 35C; 73; 216; 279.8;

281 I.A.C. 12.4; 95.

Cross Reference:

102 Equal Educational Opportunity

104 Bullying/Harassment

405.2 Licensed Employee Qualifications, Recruitment, Selection

411.2 Classified Employee Qualifications, Recruitment, Selection

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## Policy Number 401.2

### 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 will include, but not be limited to, any of the following:

- (1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge, uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.

(2) The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district.

(3) The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

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

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

When procurement is supported by Federal Child Nutrition funds, employees will not participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest in the contract. Contract, for purposes of this paragraph, includes a contract where the employee, employee's immediate family, partner, or a non-school district employer of these individuals is a party to the contract.

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:

7 C.F.R. 3016.36(3)

Iowa Code §§ 20.7; 68B; 279.8; 301.28.

Cross Reference:

203 Board of Directors' Conflict of Interest

402.4 Gifts to Employees

402.6 Employee Outside Employment

404 Employee Conduct and Appearance

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Policy Number 401.3

## NEPOTISM

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

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

Legal Reference:

Iowa Code §§ 20; 71; 277.27; 279.8.

Cross Reference:

405.2 Licensed Employee Qualifications, Recruitment Selection

411.2 Classified Employee Qualifications, Recruitment Selection

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## Policy 401.4

### EMPLOYEE COMPLAINTS

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

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

#### Legal Reference:

Iowa Code §§ 20; 279.8

#### Cross Reference:

307 Communication Channels

## Policy 401.5

### 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. Employees, however, 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.

#### 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

### 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 compensation;
  - 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 dates 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 only be released pursuant to the Family Educational Privacy Rights Act (FERPA.)

#### Applicant File Records Content

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

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

#### 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 one year after termination of employment with the district. Applicant records are maintained for a minimum of one year after the position was filled. Payroll and salary records are maintained for a minimum of three years after payment.

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Policy Number 401.5 R2

## LIMITATIONS TO EMPLOYMENT REFERENCES

The district believes in taking appropriate measures to promote the health and welfare of all students. Any school employee, contractor, or agent shall not assist another school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

This limitation does not apply if the matter has been properly reported to law enforcement and any other regulatory authorities required by law, and either:

- the matter has been officially closed by the law enforcement agency;
- the individual is acquitted or otherwise exonerated of the alleged misconduct; or
- more than four years has passed since the case was opened, and no charges or indictment have been filed.

Legal References:

20 U.S.C. §7926

281 I.A.C. 12.3(14)

Cross References:

401.5 Employee Records

402.2 Child Abuse Reporting

402.3 Abuse of Students by School District Employees

405.2 Licensed Employee Qualifications, Recruitment, Selection

411.2 Classified Employee Qualifications, Recruitment, Selection

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Policy Number 401.6

## TRANSPORTING OF STUDENTS BY EMPLOYEES

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

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

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

Legal Reference: Iowa Code chs. 285; 321 (1995).

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

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## Policy Number 401.7

### EMPLOYEE TRAVEL COMPENSATION

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

#### Travel Outside the School District

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

Reimbursement for actual and necessary expenses may be allowed for travel outside the school district if the employee received pre-approval for the travel. Prior to reimbursement of actual and necessary expenses, the employee must provide the school district with a detailed, itemized 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, itemized 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 mileage at the Internal Revenue Service standard mileage rate. Travel to/from home and work is never a reimbursable travel expense. Pre-approved expenses

for transportation outside of three-hundred miles of the school district administrative office may be by public carrier. Reimbursement for air travel will be at the tourist class fares. Should an employee choose to travel by automobile, reimbursement will be limited to the public carrier amount. Pre-approved expenses for transportation in a rental car 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. Travel costs for a spouse or anyone other than the district employee shall be a personal expense not reimbursed by the district.

Pre-approved expenses for meals within the state are limited to \$ 20 for a day. Pre-approved expenses for meals outside the state may be pre-approved for a larger amount by the Superintendent or designee.

#### Travel Within the School District

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

Travel allowances within the district will be provided only after board approval. Employees who are allowed a within district travel allowance will have the amount of the allowance actually received during each calendar year included on the employee's W-2 form as taxable income according to the Internal Revenue Code.

#### Use of District-Owned Vehicles

Certain district employment positions may require regular and extensive travel. Due to the required duties of these positions, the district may provide certain positions with use of district-owned vehicles. Employees who utilize district-owned vehicles during the course of their job duties are fulfilling the public purpose of meeting the needs of the educational community in an efficient, and time-sensitive manner. District-owned vehicles are purchased and maintained with public money and must be used strictly in accordance with fulfilling a public purpose. These vehicles represent the district in carrying out its educational mission. Therefore, district-owned vehicles will be clearly marked at all times to identify the district.

The superintendent is responsible for developing administrative regulations regarding actual and necessary expenses, in-school district travel allowances and assignment and proper use of school district vehicles. The administrative regulations will include the appropriate forms to be filed for

reimbursement to the employee from the school district and the procedures for obtaining approval for travel outside of and within the school district.

Legal Reference:

Iowa Constitution, Art. III, § 31.

Iowa Code §§ 70A.9-.11.

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

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Policy Number 401.8

## RECOGNITION FOR SERVICE OF EMPLOYEES

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

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

Legal Reference:

Iowa Const. Art. III, § 31.

Iowa Code § 279.8.

Cross Reference:

407 Licensed Employee Termination of Employment

413 Classified Employee Termination of Employment

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## Policy Number 401.9

### EMPLOYEE POLITICAL ACTIVITY

Employees will not engage in political activity upon property under the jurisdiction of the board including the use of school district email accounts. 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, general information regarding elections or ballot issues 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.

#### Cross Reference:

409.5 Licensed Employee Political Leave

414.5 Classified Employee Political Leave

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## CREDIT AND PROCUREMENT CARDS

Employees may use school district credit cards and/or procurement cards (p-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 travel expenses related to professional development or fulfillment of required job duties, fuel for school district transportation vehicles used for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and employees, and other expenses required by employees and the board in the performance of their duties.

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

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

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

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

Legal Reference:

Iowa Constitution, Art. III, § 31.

Iowa Code §§ 279.8, 29, 30.

281 I.A.C. 12.3(1).

Cross Reference:

216.3 Board of Directors' Member Compensation and Expenses

401.7 Employee Travel Compensation

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Policy Number 401.11

## 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 School Business Official . 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.

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: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 401.12

### EMPLOYEE USE OF CELL PHONES

The use of cell phones and other communication devices may be appropriate to provide for the effective and efficient operation of the school district and to help ensure safety and security of people and property while on school district property or engaged in school-sponsored activities.

Employees may possess and use cell phones during the school day as outlined in this policy and as provided in the administrative regulation developed by the superintendent. Employees should not use cell phones for personal business while on-duty, including staff development times, parent-teacher conferences, etc., except in the case of an emergency or during prep time or break/lunch times. Employees, except for bus drivers, see below, are prohibited from using cell phones while driving except in the case of an emergency and any such use must comply with applicable state and federal law and district policies and regulations.

School bus drivers are prohibited from using any communication device while operating the bus except in the case of an emergency, or to call for assistance, after the vehicle has been stopped. Any such use must comply with applicable state and federal law and district policies and regulations.

#### Legal References:

Internal Revenue Comment Notice, 2009-46,  
[http://www.irs.gov/irb/2009-23\\_IRB/ar07.html](http://www.irs.gov/irb/2009-23_IRB/ar07.html)

Iowa Code §§ 279.8; 321.276.

#### Cross References:

406 Licensed Employee Compensation and Benefits

412 Classified Employee Compensation and Benefits

707.5 Internal Controls

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## EMPLOYEE USE OF CELL PHONES REGULATION

### Cell phone Usage

1. Cell phones shall be used in a manner that does not disrupt instruction and should not be used during school-sponsored programs, meetings, in-services, or other events where there exists a reasonable expectation of quiet attentiveness unless there is a reason of personal health or safety involved.
2. Cell phones should not be used to transmit confidential student or personal information either verbally or written.
3. Employees are prohibited from using a cell phone while driving as part of their work duties, unless in the case of an emergency, unless the vehicle has come to a complete stop and the gear is in park.

### Cell Phone Business Procedures

School district employees may be reimbursed for use of privately owned cell phones to conduct school district business in accordance with board policy and this regulation, with prior approval of the superintendent.

1. Requests for reimbursement for authorized use of employee owned cell phones are to be submitted on school district provided forms accompanied by a copy of the billing statement with the school district business related calls highlighted. A notation for each highlighted entry, indicating the nature of the call is required. The employee's immediate supervisor must sign-off on the billing statement verifying the calls were school district business related. School district reimbursement for authorized use of employee owned cell phones will be made in conformance with school district payment procedures. Requests for reimbursement, including the highlighted billing statement must be submitted within thirty (30) days of the end of the time period for which reimbursement is requested. Requests submitted after the reimbursement deadline has passed will be denied.

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## STAFF TECHNOLOGY USE/SOCIAL NETWORKING

Computers, electronic devices and other technology are powerful and valuable education and research tools and, as such, are an important part of the instructional program. In addition, the school district depends upon technology as an integral part of administering and managing the schools' resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the board's expectations in regard to these different aspects of the school district's computer resources. Employees must conduct themselves in a manner that does not disrupt or disrupt the educational process and failure to do so will result in discipline, up to and including, discharge.

### General Provisions

The superintendent is responsible for designating a computer network coordinator – who will oversee the use of school district technology resources. The Superintendent or designee will prepare in-service programs for the training and development of school district staff in technology skills, appropriate use of district technology and for the incorporation of technology use in subject areas.

The superintendent, working with appropriate staff, shall establish regulations governing the use and security of the school district's technology resources. The school district will make every reasonable effort to maintain the security of the district networks and devices. All users of the school district's technology resources, including students, staff and volunteers, shall comply with this policy and regulation, as well as others impacting the use of school equipment and facilities. Failure to comply may result in disciplinary action, up to and including discharge, as well as suspension and/or revocation of technology access privileges.

Usage of the school district's technology resources is a privilege, not a right, and that use entails responsibility. District-owned technology and district maintained social media and e-mail accounts are the property of the school district. Therefore, users of the school district's network must not expect, nor does the school district guarantee, privacy for e-mail or use of the school district's network including web sites visited. The school district reserves the right to access and view any material stored on school district equipment or any material used in conjunction with the school district's network.



The superintendent, working with the appropriate staff, shall establish procedures governing management of technology records in order to exercise appropriate control over technology records, including financial, personnel and student information. The procedures will address at a minimum:

- passwords,
- system administration,
- separation of duties,
- remote access,
- data back-up (including archiving of email),
- record retention, and
- disaster recovery plans.

#### Social Networking or Other External Web Sites

For purposes of this policy any website, other than the school district web site or school-school district sanctioned web sites, are considered external web sites. Employees shall not post confidential or proprietary information, including photographic images, about the school district, its employees, students, agents or others on any external web site without consent of the superintendent. The employee shall adhere to all applicable privacy and confidentiality policies adopted by the school district when on external web sites. Employees shall not use the school district logos, images, iconography, etc. on external web sites. Employees shall not use school district time or property on external sites that are not in direct relation to the employee's job. Employees, students and volunteers need to realize that the internet is not a closed system and anything posted on an external site may be viewed by others, all over the world. Employees, students and volunteers who don't want school administrators to know their personal information, should refrain from exposing it on the internet. Employees should not connect with students via external web sites without consent of the principal. Employees, who would like to start a social media site for school district sanctioned activities, should contact the superintendent.

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

Legal Reference:

Iowa Code § 279.8.

282 I.A.C. 25, 26.

Cross Reference:

104 Anti-Bullying/Harassment

306 Administrator Code of Ethics

401.11 Employee Orientation

407 Licensed Employee Termination of Employment

413 Classified Employee Termination of Employment

605 Instructional Materials

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Regulation 401.13R1

### STAFF TECHNOLOGY USE/SOCIAL NETWORKING

#### General

The following rules and regulations govern the use of the school district's network systems, employee access to the internet, and management of digital records:

- Employees will be issued a school district email account. Passwords must be changed periodically.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- Employees are expected to review their email regularly throughout the day, and shall reply promptly to inquiries with information that the employee can reasonably be expected to provide.
- Communications with parents and/or students must be made on a school district computer, unless in the case of an emergency.
- Employees may access the internet for education-related and/or work-related activities.
- Employees shall refrain from using technology resources for personal use, including access to social networking sites.
- Use of the school district technology and school e-mail address is a public record. Employees cannot have an expectation of privacy in the use of the school district's computers.
- Use of technology resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline, up to and including discharge.
- Use of the school district's network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Off-site access to the school district network will be determined by the superintendent in conjunction with appropriate personnel.
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the school district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of school district computer use guidelines may be denied access to the school district's network.

- Employees are representatives of the district at all times and must model appropriate character, both on and off the worksite. This applies to material posted with personal devices and on personal websites and/or social media accounts. Posted messages or pictures which diminish the professionalism or discredit the capacity to maintain respect of students and parents may result in disciplinary action up to and including termination if the content posted is found to be disruptive to the educational environment and adversely impacts the employee's ability to effectively serve as a role model or perform his/her job duties for the district. The type of material that would affect an employee's ability to serve as an appropriate role model includes, but is not limited to, text or depictions involving hate speech, nudity, obscenity, vulgarity or sexually explicit content. Employee communications with students should be limited as appropriate. If there is any uncertainty, employees should consult their building administrator.

### Prohibited Activity and Uses

The following is a list of prohibited activity for all employees concerning use of the school district's network. Any violation of these prohibitions may result in discipline, up to and including discharge, or other appropriate penalty, including suspension or revocation of a user's access to the network.

- Using the network for commercial activity, including advertising, or personal gain.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the school district computer network. *See Policy 605.7, Use of Information Resources* for more information.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material
- Using the network to receive, transmit or make available to others messages that are racist, sexist, and abusive or harassing to others.
- Use of another's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy school district equipment or materials, data of another user of the school district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a virus on the network.
- Using the network to send anonymous messages or files.

- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Using the network for sending and/or receiving personal messages.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal technology on the school district's technology and/or network without the permission of the technology coordinator.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

### Other Technology Issues

Employees with personal cell phones should avoid using their phones for school district business. Employees should contact students and their parents through school district's technology or phone system unless in the case of an emergency or with prior consent of the principal. Employees should not release their cell phone number, personal email address, etc. to students or their parents. Employees, who are coaches or sponsors of activities, may create a text list of students and parents in order to communicate more effectively as long as the texts go to all students and the principal is included in the text address list.

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## 402 EMPLOYEES AND OUTSIDE RELATIONS

### Policy Number 402.1

#### 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.

#### Cross Reference:

401.5 Employee Records

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 402.2

### 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. All licensed school employees, teachers, coaches and paraeducators are mandatory reporters as provided by law and are to report alleged incidents of child abuse they become aware of within the scope of their professional duties.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter shall make an oral report of the suspected child abuse to the Iowa Department of Human Services within 24 hours of becoming aware of the abusive incident and shall make a written report to the Iowa Department of Human Services within 48 hours following the oral report. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency will also be notified.

Within six months of their initial employment, mandatory reporters will take a two-hour training course involving the identification and reporting of child abuse, or submit evidence they've taken the course within the previous three years. After July 1, 2019, employees who have previously taken mandatory reporter training will be required to take the two-hour training course before the expiration of their current training certificate. Once the training course has been taken, the certificate will remain valid for three years. Employees who have taken the post-July 1, 2019 two-hour training course will take the one-hour follow up training course every three years and prior to the expiration of their certificate.

#### Legal Reference:

Iowa Code §§ 232.67-.77; 232A; 235A; 280.17.

441 I.A.C. 9.2; 155; 175.

#### 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: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020



Policy Number 402.3

## 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).

281 I.A.C. 12.3(6), 102; 103.

441 I.A.C. 155; 175.

### Cross Reference:

104 Bullying/Harassment

402.2 Child Abuse Reporting

503.5 Corporal Punishment

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Review May 2020

Policy Number 402.3E1

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REPORT FORM

### 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 1 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                      sexual abuse\*

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

Were there any witnesses to the incident or are there students or persons who may have information about this incident? ☐ yes ☐ no

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

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

☐ Yes              ☐ No              Telephone Number

Policy Number 402.3E1 (continued)

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REPORT FORM

### 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.

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

Report of Level 1 Investigation

Student's name:

Student's age:              Student's grade:

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:        \_ physical        \_sexual\*

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

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

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

\_Yes \_No

Was the right exercised? \_ Yes \_ No

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

### Report of Level I Investigation

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

☐student assigned to different class

☐school employee placed on administrative or other leave

☐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 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

Report of Level I Investigation

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

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

An individual who has knowledge an employee has physically or sexually abused a student may immediately report it to the school district's Level I investigator or Level I alternate investigator. "Employee" means one who works for pay-or as a volunteer under the direction and control of the school district. The report shall be written, signed and witnessed by a person of majority age. The witness may be the Level I investigator or alternate investigator. The reporter is the individual filing the report. The report shall 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 or alternate investigator may assist the reporter in completing the report. An incomplete report shall 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 shall pass the report to the investigator and shall keep the report confidential to the maximum extent possible. In performing the investigation, the investigator shall 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 shall 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.



## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

The Level I investigator or alternate investigator shall 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 or alternate investigator shall 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 shall not receive a copy of the report until the employee is initially interviewed.

The Level I investigator or alternate investigator shall use discretion in handling the information received regarding an investigation of abuse by an employee, and those persons involved in the investigation shall 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 or alternate investigator shall complete an informal investigation. The informal investigation shall consist of interviews with the student, the employee and others who may have knowledge of the alleged incident. If the Level I investigator or alternate investigator determines that the allegations in the report are founded and that immediate and professional investigation is necessary, the Level I investigator or alternate 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 or alternate investigator shall complete a written investigative report, unless the investigation was temporarily deferred.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

The written investigative report shall include:

1. The name, age, address and attendance center of the student named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.
3. The name and work address of the employee named in the report as allegedly responsible for the abuse of the student.
4. An identification of the nature, extent and cause, if known, of any injuries or abuse to the student named in the report.
5. A general review of the investigation.
6. Any actions taken for the protection and safety of the student.
7. A statement that, in the investigator's opinion, the allegations in the report are either:
  - Unfounded. (It is not likely that an incident, as defined in these rules, took place), or
  - Founded. (It is likely that an incident took place.)
8. The disposition or current status of the investigation.
9. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
  - Contacting law enforcement officials.
  - Contacting private counsel for the purpose of filing a civil suit or complaint.
  - Filing a complaint with the board of educational examiners if the employee is a licensed employee.

The investigator shall 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, shall be notified only that the Level I investigation has been concluded and of the disposition or anticipated disposition of the case.

The Level I investigator or alternate investigator shall be responsible for determining 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 or alternate 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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

Investigator or alternate investigator determines the allegations of physical abuse are founded and serious, the Level I investigator or alternate investigator shall notify law enforcement authorities. If the allegations are founded but the physical abuse is not of a serious nature, the Level I investigator or alternate investigator shall refer the case on to the Level II investigator.

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

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

- a. Using reasonable and necessary force, not designed or intended to cause pain:
  - (1) To quell a disturbance or prevent an act that threatens physical harm to any person.
  - (2) To obtain possession of a weapon or other dangerous object within a pupil's control.
  - (3) For the purposes of self-defense or defense of others as provided for in IowaCode § 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.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

In determining the reasonableness of the contact or force used, the following factors shall be 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 alike force or threat.

Upon completion of the Level II investigation, the Level II investigator or alternate investigator shall 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 or alternate investigator shall 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 or alternate investigator shall file a complaint with the State Board of Educational Examiners. The Level I investigator or alternate investigator shall also arrange for counseling services for the student if the student or student's parents request counseling services.

### Sexual Abuse

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

- 1 . Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or benefits;

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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 or alternate investigator shall 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 shall not receive a copy of the report until the employee is initially interviewed. The designated investigator shall 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 shall notify the parent, guardian or legal custodian of a student in pre-kindergarten 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 or alternate investigator shall 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 or alternate investigator may record the interview electronically.

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

The Level I investigator or alternate investigator shall be responsible for determining 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 or alternate investigator shall defer the Level I investigation and immediately notify law enforcement officials, the student's parents and the person filing the report.

If the Level I investigator or alternate 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,

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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 circumstances contained in the report, the Level I investigator or alternate investigator shall provide notice of the impending interview of student witnesses or the student who is in pre-kindergarten 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 or alternate investigator shall, if founded, arrange for the Level I investigator to further investigate the allegations.

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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

The investigator shall 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, shall be notified only that the Level I investigation has been concluded and of the disposition or anticipated disposition of the case.

If the allegations are founded, the Level I investigation shall refer the case to the Level II investigator. The Level II investigator shall review the Level I investigator or alternate investigator's final investigative report and conduct further investigation if necessary. The Level II investigative report shall 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 II investigator or alternate investigator shall 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 or alternate investigator shall 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 or alternate investigator shall 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 or alternate investigator shall 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 shall notify the Board of Educational Examiners. Information of unfounded abuse at Level I or Level II shall 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 shall be removed from the employee's permanent file.

The board shall annually identify a Level I and Level II investigator. The board shall 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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

telephone numbers of the Level I investigator and the alternate Level I investigator shall be included in employee handbooks, student handbooks, annually published in the local newspaper, and prominently displayed in all school buildings.

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020



## Policy Number 402.4

### GIFTS TO EMPLOYEES

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

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

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

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

- Contributions to a candidate or a candidate's committee;
- Information material relevant to an employee's official function, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the employee;
- Items received from a charitable, professional, educational or business organization to which the employee belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;

- Actual expenses of an employee for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service;
- Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;
- 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 other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee
- Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
- Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or 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;
- Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "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;
- A non monetary 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.

Cross References:

217 Gifts to Board of Directors

401.2 Employee Conflict of Interest

704.4 Gifts-Grants-Bequests

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy Number 402.5

### 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 210.8.

Policy Number 402.5 (continued)

## PUBLIC COMPLAINTS ABOUT EMPLOYEES

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 (1995).

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

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 402.6

### 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.

#### Cross Reference:

401.2 Employee Conflict of Interest

408.3 Licensed Employee Tutoring

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## 403 EMPLOYEES' HEALTH AND WELL-BEING

### Policy Number 403.1

#### EMPLOYEE PHYSICAL EXAMINATIONS

The Dunkerton Community 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 employee. 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 up to a maximum of \$120. 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

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Policy Number 403.2

## EMPLOYEE INJURY ON THE JOB

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

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

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

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

Legal Reference:

Iowa Code §§ 85; 279.40; 613.17.

Cross Reference:

403 Employees' Health and Well-Being

409.2 Licensed Employee Personal Illness Leave

414.2 Classified Employee Personal Illness Leave

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020



## Policy Number 403.3

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

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

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

#### Legal Reference:

29 U.S.C. §§ 794, 1910.

42 U.S.C. §§ 12101 et seq.

45 C.F.R. Pt. 84.3.

Iowa Code chs. 139A; 141A.

641 I.A.C. .1, .2, .7.

Cross Reference:

401.5 Employee Records

403.1 Employee Physical Examinations

507.3 Communicable Diseases - Students

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Regulation 403.3R1

### UNIVERSAL PRECAUTIONS

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.

### 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.

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## 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.

\*\*\*\*\*

## CONSENT OF HEPATITIS B VACCINATION

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

\_\_\_\_\_

\_\_\_\_\_

Signature of Employee (consent for Hepatitis B vaccination)

Date

\_\_\_\_\_

\_\_\_\_\_

Signature of Witness

Date

\*\*\*\*\*

## REFUSAL OF HEPATITIS B VACCINATION

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

\_\_\_\_\_

\_\_\_\_\_

Signature of Employee (refusal for Hepatitis B vaccination)

Date

\_\_\_\_\_

\_\_\_\_\_

Signature of Witness

Date

I refuse because I believe I have (check one)

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

\*\*\*\*\*

#### RELEASE 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

\*\*\*\*\*

#### CONFIDENTIAL RECORD

Employee Name (last, first, middle)

Social Security No.

Job Title:



	Hepatitis B Vaccination Date	Lot Number	Site	Admini stered 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:

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

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

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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)

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Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 403.4

### HAZARDOUS CHEMICAL DISCLOSURE

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

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

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

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

#### Legal Reference:

29 C.F.R. Pt. 1910; 1200 et seq.

Iowa Code chs. 88; 89B.

#### Cross Reference:

403 Employees' Health and Well-Being

804 Safety Program

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020



Policy Number 403.41

## SUBSTANCE-FREE WORKPLACE

The board expects the school district and its employees to remain substance free. No employee will unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of, in the workplace, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law.

"Workplace" includes school district facilities, school district premises or school district vehicles. A "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. An employee who violates this policy may be required to successfully participate in a substance abuse treatment program approved by the board. If the employee fails to successfully participate in a program, the employee may be subject to discipline up to and including termination.

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

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

Legal Reference:

41 U.S.C. §§ 81.

42 U.S.C. §§ 12101 et seq.

34 C.F.R. Pt. 85.

Iowa Code §§ 123.46; 124; 279.8.

Cross Reference:

404 Employee Conduct and Appearance

Approved: May 2020

## SUBSTANCE-FREE WORKPLACE

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

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



## 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 124.

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

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

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

\*\*\*\*\*

## SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, have read and understand the Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination *or I may be required to participate in a substance abuse treatment program*. If I fail to successfully participate in a substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I understand that if I am required to participate in a substance abuse treatment program and I

refuse to participate, I may be subject to discipline up to and including termination. I also understand that if I am convicted of a criminal drug offense committed in the workplace, I must report that conviction to my supervisor within five days of the conviction.

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(Signature of Employee)

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(Date)

Approved: May 2020

## HARASSMENT

Harassment of employees and students will not be tolerated in the school district.

School district includes school district facilities, school district premises, and non-school 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, creed, religion, sex, national origin, sexual orientation, gender identity, disability, and marital status. 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 shall 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 protected individuals and groups.

Employees and students who believe they have suffered harassment shall 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 shall confer with the complainant to obtain an understanding and a statement of the facts. It shall be the responsibility of the investigator to promptly and reasonably investigate claims of harassment and to pass the findings on to the superintendent who shall complete such further investigation as deemed necessary and take such final action as deemed appropriate.

Information regarding an investigation of harassment shall be Policy Number 403.5 (continued)

confidential to the extent possible, and those individuals who are involved in the investigation shall not discuss information regarding the complaint outside the investigation process.

No one shall 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.

Board members, administrators, licensed and classified employees, students, and others having business or other contact with the school district are responsible for acting appropriately under this policy. The superintendent and investigator shall be responsible for informing and educating 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 shall only apply when an employee is the victim of an alleged harasser or an employee is the alleged harasser. It shall be 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. (1988).  
                          29 C.F.R. Pt. 1604.11 (1993).  
                          Iowa Code ch. 216 (1995).

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

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review  
May 2020

Policy Number 403.5E1

## 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, Le., 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:

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Policy Number 403.5E2

## 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:

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## 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 non school 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, racial, religious, national origin, age, disability and sexual harassment. 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 shall 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.

## HARASSMENT INVESTIGATION PROCEDURES

### COMPLAINT PROCEDURE

An employee or student who believes that they have been harassed shall notify the designated investigator or alternate investigator. 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 shall be kept confidential to the extent possible.

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

### INVESTIGATION PROCEDURE

The investigator shall reasonably and promptly commence the investigation upon receipt of the complaint. The investigator shall 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 shall 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 shall file a written report closing the case. The complainant, the alleged harasser and the investigator shall receive notice as to the conclusion of the investigation.



## HARASSMENT INVESTIGATION PROCEDURES

### 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 shall be the investigator.

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

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## SUBSTANCE-FREE WORKPLACE

The board expects the school district and its employees to remain substance free.

No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. "Workplace" includes school district facilities, school district premises or school district 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 shall notify the employee's supervisor of the conviction within five days of the conviction.

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

The superintendent shall be responsible for publication and dissemination of this policy to each employee. In addition, the superintendent shall 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. The superintendent shall be responsible for developing administrative regulations to implement this policy.

Legal Reference:     41 U.S.C. §§ 701-707 (1988).  
                          42 U.S.C. §§ 12101 et seq. (Supp. 1990).  
                          34 C.F.R. Pt. 85 (1993).  
                          Iowa Code §§ 124; 279.8 (1995).

Cross Reference:     404     Employee Conduct and Appearance

## 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, barbiturates, 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 non-school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

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

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

## SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

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

my supervisor within five days of the conviction.

Signature of Employee:

Date:

Policy Number 403.6R1

## SUBSTANCE-FREE WORKPLACE REGULATION

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

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

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## EMPLOYEE VACCINATION/TESTING FOR COVID-19

In an effort to comply with federal Occupational Safety and Health Administration requirements, the district is requiring all employees to become fully vaccinated against COVID-19, or in the alternative to produce weekly evidence of negative COVID-19 testing and utilize face coverings at work sites.

### Vaccination

All employees are required to become fully vaccinated against COVID-19. Full vaccination occurs when an employee has received both primary COVID-19 vaccination doses, or one single dose if the vaccine only requires one dose, and have waited two weeks following the last dose administered. This requirement will become effective no later than January 10, 2021. Employees who have received full vaccination against COVID-19 must submit proof of vaccination no later than January 10, 2022. Employees who have not received both (if a vaccine requires a 2 dose regimen) primary doses of a COVID-19 vaccine will be required to comply with the testing and face covering requirements of the section below. Employees who have received both primary doses of the COVID-19 vaccine on or before January 10, 2022, but who have not yet passed the two week waiting period for full vaccination efficacy are not required to comply with the testing and face covering requirements of the section below.

### Face Coverings and Testing

Beginning January 10, 2022, employees who do not wish to obtain vaccination against COVID-19 must wear face coverings at all times while indoors, in a vehicle, or in another enclosed space as described in detail in procedure 403.7R1. Beginning February 9, 2022, employees who are not fully vaccinated must also provide proof of negative COVID-19 test results every 7 days.

### Reasonable Accommodations

The vaccine requirement does not apply to employees for whom a vaccine is medically contraindicated; for whom medical necessity requires a delay in vaccination; or who are legally entitled to a reasonable accommodation due to a disability or sincerely held religious beliefs, practices or observances. If an employee requires accommodation from any other part of the policy for medical or religious reasons, the employee may request one. Qualifying employees

will be expected to submit verification of one of these exemptions in order to receive an accommodation.

Employees who fail to abide by the requirements of this policy may face disciplinary action up to and including termination. It is the obligation of the Superintendent to establish appropriate procedures necessary to enforce this policy.

In the event the US Supreme Court intervenes with an opinion that is in conflict with these aforementioned policies, said policies will immediately be suspended in accordance with Board Policy 209.4.

Legal Reference:

[29 C.F.R Part 1910.501](#)

[42 U.S.C. 12101](#)

[42 U.S.C. 2000e](#)

[34 C.F.R. pt. 100](#)

[34 C.F.R. pt. 104](#)

[Iowa Code ch. 216](#)

Cross Reference:

[403.3](#) Communicable Diseases

Approved 1/6/22

Regulation 403.7R1

## EMPLOYEE VACCINATION/TESTING FOR COVID-19 REGULATION

### Acceptable Proof of Vaccination Status

To satisfy the vaccination requirement within this policy, employees must submit to the Superintendent or Superintendent's designee acceptable proof of vaccination status no later than January 10, 2021. Acceptable proof of vaccination status includes:

1. Immunization records from a healthcare provider or pharmacy;
2. A copy of a COVID-19 Vaccination Record Card;
3. A copy of medical records documenting immunization;
4. A copy of immunization records from a public health, state or tribal immunization information system;
5. Any other official documentation that contains the type of vaccine administered, dates of administration, and the name of the administering health provider or clinic;
6. If any other records are unavailable a signed and dated personal attestation statement.

Any employee who fails to provide acceptable proof of vaccination status may face disciplinary action up to and including termination.

### Record Keeping

The district is required by law to keep a roster of the vaccination status of all employees. Employees will be considered unvaccinated until their vaccination status can be determined.

Any records showing proof of employee vaccination status the district maintained prior to November 5, 2021 will be considered sufficient proof of the employee's vaccination status.

Any records related to an employee's vaccination status, including the employee vaccination status roster, will be considered confidential employee medical records not subject to public disclosure and stored as employee medical records consistent with law. These records will be maintained by the district for as long as [29 C.F.R. 1910.501](#) remains in effect.

### Testing

Beginning February 9, 2022, employees who are not fully vaccinated must submit proof of negative COVID-19 test results every 7 days. Documentation of negative test results must be provided to the district no later than every 7 days. Employees who are not fully vaccinated and

do not report to work for longer than 7 days (ex. an employee on vacation or on leave) must provide documentation of a negative test result upon their return to work. If the employee fails to provide proof of a negative test result, the district must keep the employee removed from the workplace until the negative test result documentation is provided.

Employees who receive a positive COVID-19 test result or have been diagnosed with COVID-19 by a licensed healthcare provider; are not required to produce another test result for 90 days from the date of their positive result.

### Positive Test Results

Regardless of vaccination status, employees must report any positive COVID-19 test results or a diagnosis of COVID-19 by a licensed healthcare provider to the district. Any employee so reporting will be immediately removed from the workplace and will stay removed from the workplace until any of the following occur:

- The employee receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employees chooses to seek the confirmatory test
- The employee meets the return to work criteria in the CDC's "Isolation Guidance" listed here: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>
- The employee receives a recommendation to return to work from a licensed healthcare provider.

### New Employees

New employees will be subject to the provisions of this policy upon hire as soon as practicable. Within 7 days of hire, new employees will provide proof of their vaccination status to the district in accordance with the requirements of this policy. Unless fully vaccinated, new employees will abide by the testing and face covering requirements of this policy within 7 days of hire.

### Leave

As required by [29 C.F.R. 1910.501](#), the district will provide up to 4 hours of paid leave to cover the time required to travel to and obtain each dose of the primary vaccination for COVID-19. If additional time is required, the employee may use other accrued leave available. The district will also provide reasonable paid sick leave to employees to recover from any effects of each primary dose of COVID-19 vaccine. The district may require employees to use previously accrued paid sick leave first.

### Employees Excluded



Employees who work fully remote from the job site; employees working from home; and employees who work exclusively outdoors are excluded from the vaccination, testing and face covering requirements of this policy. Employees fully remote from the job site does not include employees whose work requires them to work off site from the district but in the presence of students or employees of the district. Employees who work exclusively outdoors means those individuals who do not spend any part of their work time indoors.

### Face Coverings

Beginning January 10, 2021, face coverings must be worn by all employees who have not provided proof of full vaccination status to the district. Face coverings will be worn when employees are working indoors, in vehicles or other enclosed spaces. Face coverings are not required to be worn when employees are: working alone in a room with floor to ceiling walls and a closed door; verifying identity for security purposes or eating/drinking; when an employee is wearing a respirator or facemask; or where the district can show that the use of a face covering is infeasible or creates a greater hazard. The face covering must fully cover the employee's nose and mouth; and be replaced when wet, soiled or damaged.

### Reporting Requirements of the District

The district will report to OSHA:

- Each work-related COVID-19 fatality within 8 hours of the employer learning about the fatality;
- Each work-related COVID-19 inpatient hospitalization within 24 hours of the employer learning about the inpatient hospitalization.

The district will report to individual employees or anyone having written authorized consent of the employee by the end of the next business day after the request is made:

- Documentation of any COVID-19 test results for that employee;
- The aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace.

The district will provide to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or their designee:

- A copy of this policy, and the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace, to be provided within 4 business hours of the request being made; and

- All other records and supporting documents related to this policy by the end of the next business day of the request being made.

## REQUIRED NOTICES TO EMPLOYEES

For additional information on COVID-19 vaccine efficacy, safety, and the benefits of being vaccinated, please consult the following document “Key Things to Know About COVID-19 Vaccines” <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>

[29 C.F.R. 1904.34](#)(b)(1)(iv) prohibits the employer from discharging or in any manner discriminating against an employee for reporting a work-related injury or illness.

11(c) of the Occupational Safety and Health Act prohibits the employer from discriminating against an employee for exercising rights under, or as a result of actions that are required by, this policy. 11(c) also protects employees from retaliation by the employer for filing an occupational safety or health complaint, reporting a work-related injury or illness, or otherwise exercising any rights provided by the OSH Act.

[18 U.S.C. 1001](#) and section 17(g) of the OSH Act provide for criminal penalties associated with knowingly supplying false statements or documentation in accordance with this policy.

EMPLOYEE PERSONAL ATTESTATION OF VACCINATION STATUS

I, \_\_\_\_\_ as an employee of the District do personally attest to the following:

1. My vaccination status for COVID-19 is \_\_\_\_\_ [*fully vaccinated or partially vaccinated*].
2. To the best of my recollection, I can provide the following information about my vaccination status: \_\_\_\_\_ [*type of vaccine administered, date(s) of administration, name of health care providers and clinic site*]
3. I have lost proof of my vaccination status and am otherwise unable to provide proof of my vaccination status.
4. I declare that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me to criminal penalties.

_____	_____
Employee	Date

MEDICAL ACCOMMODATION REQUEST FORM

Date:	
Employee Name:	
Email Address:	
Position/Job Title:	
Employee Telephone Number:	
Employment Location:	

(1) What is the basis for the medical accommodation that you are requesting?

(2) What are you requesting an accommodation from?

Item	Yes/No
Vaccination for COVID-19	
Testing for COVID-19	
Use of Face Coverings	

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Employee Signature

---

Date

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Office Use

This request has been:

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Approved

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Denied

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Administrator

---

Date

## RELIGIOUS ACCOMMODATION REQUEST FORM

Date:	
Employee Name:	
Email Address:	
Position/Job Title:	
Employee Telephone Number:	
Employment Location:	

(1) Please identify the policy requirement or practice that conflicts with your sincerely held religious observance, practice or belief:

(2) Please describe the nature of your sincerely held religious beliefs or religious practice or observance that conflict with the policy or practice you have identified above:

(3) What are you requesting an accommodation from?

Item	Yes/No
Vaccination for COVID-19	
Testing for COVID-19	
Use of Face Coverings	

Employee Signature	Date
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Office Use

This request has been:

Approved	Denied
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Administrator
Date



Policy Number 403.7

## DRUG AND ALCOHOL TESTING PROGRAM

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

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district contact person, superintendent at 509 South Canfield, Dunkerton, Iowa.

Employees who violate the terms of this policy are subject to discipline, up to and, including termination. The district is required to keep a record of all drug or alcohol violations by employees for a minimum of five years. Employees are put on notice that information related to drug or alcohol violations will be reported to the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse. Additionally, the district will conduct FMCSA Clearinghouse queries for employees annually. Employees must provide written consent for the district to conduct FMCSA Clearinghouse queries; however, employees who choose to withhold consent will be prohibited from performing any safety sensitive functions

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

The superintendent will also be responsible for publication and dissemination of this policy and supporting administrative regulations and forms to employees operating school vehicles. The superintendent will also oversee a substance-free awareness program to educate employees about

the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

IASB Drug and Alcohol Testing Program (IDATP) Web site:

[https://www.ia-sb.org/Main/Affiliated\\_Programs/Iowa\\_Drug\\_Alcohol\\_Testing\\_Program.aspx](https://www.ia-sb.org/Main/Affiliated_Programs/Iowa_Drug_Alcohol_Testing_Program.aspx).

*Information about the Federal Motor Carrier Safety Administration Clearinghouse is located at: [clearinghouse.fmcsa.dot.gov](http://clearinghouse.fmcsa.dot.gov).*

*Information about resources for a substance-free awareness program and related services may be obtained from the school district's employee assistance program, the Department of Education at (515) 281-3021 or Department of Health, Substance Abuse Division at (515) 281-3641. For regulations and forms, <http://www.fmcsa.dot.gov/rules-regulations/topics/drug/drug.htm?>*

Legal Reference:

*American Trucking Association, Inc., v. Federal Highway Administration*, 51 Fed. 3<sup>rd</sup> 405 Cir. (4<sup>th</sup> 1995).

49 U.S.C. §§ 5331 et seq.

42 U.S.C. §§ 12101.

41 U.S.C. §§ 81.

49 C.F.R. Pt. 40; 382; 39.

34 C.F.R. Pt. 85.

*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.

Cross Reference:

403.5 Substance-Free Workplace

409.2 Licensed Employee Personal Illness Leave

414.2 Classified Employee Personal Illness Leave

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

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

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

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

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

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that information related to drug or alcohol violations will be reported to the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse.

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

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

Approved: February 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

POLICY NUMBER 403.7-E2

## DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

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

I understand that if I violate the Drug and Alcohol Testing Program policy, its supporting administrative regulations or the law, I may be subject to discipline up to and including termination or I may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination. I also understand that I must inform my supervisor of any prescription medication I use. I further understand that drug and alcohol testing records about me are confidential and may be released in accordance with this policy, its supporting administrative regulations or the law.

(Signature of Employee)

(Date)

Approved: November 1995      Reviewed: January 2017      Reviewed: May 2020

POLICY NUMBER 403.7-E3

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CONSENT FOR RELEASE OF INFORMATION

Name (print)

Social Security Number

The following records should be on file prior to, and must be no later than 14 days of, your performing a safety-sensitive function for the school district. Without these records from your prior employers you will be unable to perform a safety-sensitive function for the school district and will no longer be employed by the school district at the expiration of the 14-day period.

I authorize release of the following records related to my participation in a U.S. DOT approved and/or other drug and alcohol testing program for the prior two years:

- Alcohol test results of 0.04 breath alcohol concentration or greater;
- Positive drug test results;
- Refusals to be tested for drugs or alcohol;
- Substance abuse evaluations;
- Recommended treatment by a substance abuse professional;
- Completion of treatment recommended by a substance abuse professional; and
- Other information related to violations of U.S. DOT drug and alcohol regulations.

Signature

Date

RECORDS TO BE RELEASED FROM:

Company Name:

Address:

Telephone/other:

RECORDS TO BE RELEASED TO:

School District Contact Person:

Address:

\_ Requested information enclosed

POLICY NUMBER 403.7-E3

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#### CONSENT FOR RELEASE OF INFORMATION

I certify, to the best of my knowledge, the company named above has a U.S. DOT drug and alcohol testing program conforming to U.S. DOT requirements in place and the above named individual participated in such program from (date) to (date) and, within the two years preceding this request, had no alcohol test results of 0.04 breath alcohol concentration or greater, no positive drug test results, no refusals to be tested for drugs or alcohol, no substance abuse professional evaluations, no recommended treatment for substance abuse, or other violations related to the U.S. DOT drug and alcohol regulations.

Named/Signature/Title

Date

Approved: November 1995      Reviewed: January 2017      Reviewed: May 2020



POLICY NUMBER 403.7-E4

DRUG/ALCOHOL TEST NOTIFICATION FORM

Date

Name (print)

Social Security Number

The above named employee is to have the following test done:

☐ Drug Type of Test:

☐ Alcohol

☐ Both Drug and Alcohol

Time Sent by District School District Contact Person (Phone)

Time Arrived at Collection Site

Collection Site Person

Time Test Was Completed

Collection Site Person

I understand I am to go directly to the collection site located at:

\_\_\_\_\_ (address of collection site)

Employee's Signature

Date

Approved: November 1995      Reviewed: January 2017      Reviewed: May 2020

POLICY NUMBER 403.7-E5

CERTIFICATION OF PREVIOUS EMPLOYERS REQUIRING A COMMERCIAL DRIVER'S  
LICENSE

Name

Social Security Number

I certify that I have been employed by the following employers during the two years prior to the date stated below and that I was required to possess a commercial driver's license (CDL) during the term of my employment.

Company

Address

City/State/Zip

Company

Address

City/State/Zip

Company

Address

City/State/Zip

Approved: November 1995      Reviewed: January 2017      Reviewed: May 2020

POLICY NUMBER 403.7-E6

DRUG AND ALCOHOL REASONABLE SUSPICION OBSERVATION

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  
                                 ☐ Slurred            ☐ Whispering   ☐ Silent

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

Other observed behavior/odor:

Reasonable suspicion 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 24 hours or the determination of reasonable suspicion or prior to receiving the test results. The observations must be specific, contemporaneous and articulate concerning the appearance,

behavior, speech and body odor of the driver.

POLICY NUMBER 403.7-E7

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 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 administrative regulations 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)

Approved: November 1995      Reviewed: January 2017      Reviewed: May 2020

POLICY NUMBER 403.7-E8

RANDOM TESTING DRIVER CHANGE LIST FORM IOWA DRUG AND ALCOHOL  
TESTING PROGRAM

School District Contact Person:

Date:

School District:

Phone:

Address:

Social Security Number and Name (first and last).

Example 111-22-3333, John Doe.

Additions

Deletions

SSN \_\_\_\_\_ Name

SSN \_\_\_\_\_ Name

Please list all qualified drivers who must be tested under the federal regulations. Make copies of this form if you need additional space. Changes must be made in writing. Telephone changes cannot be accepted.

Changes for a month must be received the last business day of the prior month to be effective for the month. Random list updates cannot be data entered for a new month if this form is received on or after the first of the new month.

Please fax or mail to: (Need to replace with new address)

Approved: November 1995

Reviewed: January 2017

Reviewed: May 2020

POLICY NUMBER 403.7-E9

DRUG AND ALCOHOL TESTING PROGRAM REFERRAL TO SUBSTANCE ABUSE  
PROFESSIONAL ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, understand I have violated the Drug and Alcohol Testing Program  
policy, its supporting administrative regulations and the law by having a

\_ Positive drug test result

Alcohol test result of  
0.04 alcohol breath  
concentration or greater.

I understand in order to continue my employment, I must be evaluated by a substance abuse  
professional who shall determine what assistance, if any, I need in resolving problems associated  
with drug use and/or alcohol misuse. I consent to submit to an evaluation by a substance abuse  
professional and I understand that my failure to cooperate with and complete the substance abuse  
evaluation may subject me to discipline up to and including termination.

I also understand that in order to continue my employment, I must successfully complete the  
substance abuse professional's recommended substance abuse treatment program, if any. I  
consent to successfully complete any recommended substance abuse treatment program, and I  
understand that my failure to successfully participate and complete the recommended substance  
abuse treatment program, if any, may subject me to discipline up to and including termination.

I further understand that in order to continue my employment, I must authorize the release to the  
school district any records related to my substance abuse evaluation and recommended substance  
abuse treatment program in the possession of or accessible by the substance abuse professional. I  
consent to authorize the release of the substance abuse professional's records related to my  
substance abuse evaluation and recommended substance abuse treatment program, if any, to the  
school district and I understand that my failure to release these records may subject me to  
discipline up to and including termination.

(Signature of Employee)

(Date)

Approved: November 1995      Reviewed: January 2017      Reviewed: May 2020

## POST-ACCIDENT DRUG AND ALCOHOL TESTING INSTRUCTIONS TO DRIVERS

The following instructions have been reviewed by the drivers subject to the drug and alcohol testing program. These instructions must be kept in the school vehicle for reference in the event of an accident. The driver operating the school vehicle is responsible to carry out the instructions.

1. Take action to maintain the safety and health of the persons being transported in the school vehicle.
2. Report the accident to the following person as soon as practicable following the accident and follow any directions given to the driver.

Mr. Jim Stanton Dunkerton Community School  
District 319 822-4295 319 822 7011 (home phone)  
Back-up school district contact person: Beth Weepie  
(319 939 – 3828 home phone)

3. Determine whether any of the following have occurred, and if so, post-accident drug and alcohol testing must be done.
  - a. The driver was cited and bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident.
  - b. The driver was cited and one or more motor vehicles incurred disabling damage as a result of the accident, requiring a vehicle to be transported away from the scene by a tow truck or other vehicle.
  - c. A fatality, other than the driver, occurred.
4. Consume no alcohol for eight hours or prior to submitting to a post-accident alcohol test, whichever occurs first, following an accident meeting the criteria in "3 Above.
5. Remain available to submit to a post-accident alcohol test within two hours and no later than eight hours after the accident.

POST-ACCIDENT DRUG AND ALCOHOL TESTING INSTRUCTIONS TO DRIVERS

6. Remain available to submit to a post-accident drug test as soon as possible after the accident and no later than 32 hours after the accident.
7. Failure to remain available for post-accident drug and alcohol testing is considered a refusal to test and may subject the driver to discipline up to and including Termination.
8. Seek appropriate medical attention despite the need to remain available to submit to a post-accident drug and alcohol tests.
9. Using the Transportation Emergency Assistance Program developed by the Iowa Pupil Transportation Association, contact the nearest school district transportation director for assistance.
10. Obtain the name, badge number and telephone number of the law enforcement officer if the law enforcement officer conducts a post-accident drug and/or alcohol test. If possible, obtain copies of any alcohol and drug test results conducted by the law enforcement officer. Since these test results are generally unacceptable to meet the school district's requirements for post-accident drug and alcohol testing, the driver must remain available for post-accident drug and alcohol testing by a trained collection site person.
- 11 . Complete the School Bus Accident Report form issued by the Iowa Department of Education as soon as possible.
12. Document failure to submit to a post-accident alcohol test:
  - a. Document why the driver was not alcohol tested within two hours after the accident.
  - b. Document why the driver was not alcohol tested within eight hours after the accident.
  - c. A copy of the documentation must be submitted to the superintendent's secretary upon return to the school district.



POST-ACCIDENT DRUG AND ALCOHOL TESTING INSTRUCTIONS TO DRIVERS

13. Document failure to submit to a post-accident drug test:
  - a. Document why the driver was not drug tested within 32 hours after the accident.
  - b. A copy of the documentation must be submitted to the superintendent's secretary upon return to the school district.

Approved: November 1995 Revised: April 2009 Reviewed: January 2017 Reviewed: May 2020

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Section I: General requirements:

Determine qualifying drivers in the drug and alcohol testing program. (Driver must meet first and third OR second and third).

- \_ Drive or may drive a vehicle transporting 16 or more persons, including the Driver;
- \_ Drive or may drive vehicles weighing over 26,001 pounds requiring a commercial driver's license; and
- \_ Drive full time, part-time, occasionally, under a lease or under a contract with an independent contractor or otherwise drive with the consent of the school district.

Total drivers meeting the qualifications above in the drug and alcohol testing program.

Regularly employed drivers

Substitute drivers

Others who are available to drive.

Determine delivery method of drug and alcohol testing program.

Iowa Drug and Alcohol Testing Program (IDATP).

(Contact IASS for information.)

Identify the school district contact person(s) and back-up school district contact person(s).

Draft board policy and supporting administrative regulations and forms.

Hold meeting to inform drivers about the federal regulations and board policy, its supporting administrative regulations and forms.

- \_ Inform drivers that time involved with drug and alcohol testing is on-duty time and they will be paid.
- \_ Inform drivers that their records related to drug and alcohol testing are confidential records and will only be released with appropriate authorization.

Adopt board policy, its supporting administrative regulations and forms.

Hold meeting or meet with drivers individually to inform them about the federal regulations, board policy and its supporting administrative regulations and forms.

drivers complete policy sign off sheet. (403.7-E2)

drivers take policy and sign off sheet with them to complete within a limited number of days. (403.7-E2)

POLICY NUMBER 403.7-E11 (continued)

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#### DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

File policy sign off sheet in each driver's drug and alcohol testing personnel file.

File unsigned policy sign off sheet in the driver's drug and alcohol testing personnel file with documentation why it is unsigned.

Instruct drivers on procedures to follow in the event of an accident. (403.7 E10)

Place summary of post-accident instructions in each school vehicle for reference by driver in the event of an accident. (403.7-E10)

Make arrangements with the Department of Education to have a minimum of two employees receive the reasonable suspicion training.

Confirm with the school district's employee assistance program the availability of a substance abuse professional or locate the nearest substance abuse professional.

The substance abuse professional is required to be a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

Compile a list of resources available to provide evaluation and assistance with drug use or alcohol misuse for the drivers.

Make arrangements with substance abuse professional to have drivers sign a release of the substance abuse professional's records related to the driver. (403.7-E9)

Ensure the substance abuse professional will refer drivers for treatment, if any, to a public agency, a person under contract with the school district, the sole source of appropriate treatment under the driver's health insurance program, or the sole source of appropriate treatment reasonably accessible to the driver and not to the substance abuse professional's personal practice or to a person or organization from which the substance abuse professional receives financial remuneration or has a financial interest.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- \_ Make arrangement for written documentation from substance abuse professional when a driver fails to cooperate and successfully complete the substance abuse evaluation and the recommended substance abuse treatment, if any.

Develop a training program or contract for training to educate drivers about the effects of drug use and alcohol misuse on their work and their personal lives.

Contact the collection site and arrange a meeting.

- \_ Decide the procedures for setting up appointments.
- \_ Decide the school district's collection site contact person.
- \_ Decide procedures when a driver has not photo identification
- \_ Decide procedures for receiving alcohol test results.
- \_ Decide the procedures for transporting drivers with an alcohol test result of 0.02 breath alcohol concentration or greater.

Section II. Record keeping

Obtain limited access secure storage files separate and apart from the drivers' general personnel records.

Create individual driver drug and alcohol testing file.

- \_ Policy sign off sheet. (403.7-E2)
- \_ Agreement to participate in the program. (403.7-E2)
- \_ Pre-employment drug and alcohol testing related information. (Applicable only to drivers hired after Jan.1, 1996). (403.7-E5)
- \_ Pre-employment release of prior employer drug and alcohol testing related Information. (Applicable only to drivers hired after Jan.1 ,1996). (403.7-E3)
- \_ Pre-employment drug test authorization. (Applicable only to drivers hired after Jan. 1, 1996. (403.7-E7)
- \_ Copy of Drug/Alcohol Test Notification form. (403.7-E4)
- \_ Copy of drug test chain of custody form.
- \_ Copy of alcohol test form.

- \_ Refusals to test.
- \_ Substance abuse professional evaluation and treatment records.

POLICY NUMBER 403.7-E11 (continued)

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#### DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- \_ Other information pertinent to the driver.
- \_ Supervisor and/or driver training sign-off sheets.

Create files for other drug and alcohol testing related information.

- \_ Accident information.
- \_ Random selection lists.
- \_ Positive drug test results.
- \_ Positive alcohol test results.
- \_ Negative drug tests results.
- \_ Negative alcohol tests results.
- \_ Change list of all driver adds/deletes from the drug and alcohol testing program.  
(403.7-E8)
- \_ Miscellaneous drug and alcohol testing related information. Records related to the calibration of the evidentiary breath testing devices, training of the collection site personnel and other related information kept by IDATP is available from IDATP provider within two working days.

#### Section III. Release of Drug and Alcohol Testing Related Records.

Generally, a drivers drug and alcohol testing records are released only with the permission of the driver.

Driver may have prompt access to and copies of their drug and alcohol testing records.

- \_ Request for access must be in writing.
- \_ Copying fees for the records must be in accordance with board policy.

Drug and alcohol testing records are available to subsequent employers with the driver's written authorization.

Without the driver's written permission, the driver's drug and alcohol test records are made available to a decisionmaker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver, and arising from the results of a drug or alcohol test under the federal regulations or from the school district's determination that the driver violated the federal regulations.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Include the requirement of a drug test in any advertising, posting or other notice of the driver position.

Inform the applicant at the first personal interview of the requirement for a drug test.

Applicant completes the Pre-employment Drug Test Acknowledgement form. (403.7-E7)

Applicant completes the Consent for Release of Information form. (403.7-E3)

Applicant completes Certification of Previous Employers Requiring a Commercial Driver's License. (403.7-E5)

Applicant completes the Drug/Alcohol Test Notification Form. (403.7-E4)

Obtain information required on the Consent for Release of Information form. (403.7-E3)

- \_ Received prior to the applicant performing a safety-sensitive function.
- \_ Received within fourteen days of the applicant performing a safety sensitive function. (Recommended only when absolutely necessary.)

Applicant obtains the pre-employment drug test.

Receive pre-employment drug test results.

- \_ Negative drug test allows the applicant to begin to perform a safety sensitive function.
- \_ Positive drug test removes the applicant from further consideration for the driver position.

Forward the pre-employment drug test results to the applicant upon the applicant's request.

File all documentation

If not hired, file with the applicant's application.

If hired, file with the applicant's drug and alcohol related personnel file.

Section V: Alcohol Test Results.

POLICY NUMBER 403.7-E11 (continued)

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DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Receive alcohol test results from collection site person.

- ☐ By telephone using a password system with written results to follow by mail (or other means).
- ☐ By a secure electronic means.
- ☐ By secure fax.

Alcohol test result is less than 0.02 breath alcohol concentration.

- ☐ Driver may continue to perform a safety-sensitive function.

Alcohol test result is 0.02 to 0.0399 breath alcohol concentration.

- ☐ School district transport driver to home or other location.
- ☐ Driver may not perform a safety-sensitive function for twenty-four hours.
- ☐ Make arrangements for substitute, if necessary.
- ☐ No action may be taken against the driver under the federal regulations.
- ☐ Repeated offenses must be reported to superintendent for disciplinary action up to and including termination.
- ☐ Document incident and file.

Alcohol test result is 0.04 or greater breath alcohol concentration.

- ☐ School district transport driver to home or other location.
- ☐ Driver may not perform a safety-sensitive function until evaluated by a substance abuse professional and completed the recommended substance abuse treatment program, if any.
- ☐ Make arrangements for substitute, if necessary.
- ☐ Place driver on leave pending the substance abuse professional's evaluation.
- ☐ Make arrangements with a (substance abuse professional/employee assistance program) including the requirement that the driver sign a release of the driver's records held by and accessible to the substance abuse professional.
- ☐ Driver signs the Drug and Alcohol Testing Program Referral to Substance Abuse Professional Acknowledgement form agreeing to release the driver's records held by and accessible to the substance abuse professional. (403.7-E9)
- ☐ Maintain contact with the substance abuse professional for updates on the driver's progress and cooperation.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- ☐ Driver returns to work after completing the substance abuse professionals recommended substance abuse treatment program, if any, and having an alcohol test result of less than 0.02 breath alcohol concentration.
- ☐ Reports of the driver's failure to cooperate and/or complete the treatment, if any must be reported to the superintendent for disciplinary action up to and including termination.
- ☐ No action may be taken against the driver under Iowa law the first positive alcohol test as long as the driver cooperates with the substance abuse professional and completes the recommended substance abuse treatment program, if any.
- ☐ Repeated offenses must be reported to the superintendent for discipline up to and including termination.
- ☐ Document the incident and driver's progress.

Section VI: Positive Drug Test Results.

Receive drug test results from the medical review officer.

- ☐ By telephone using a password system with written results to follow by mail (or other means).
- ☐ By secure electronic means to be printed for filing.
- ☐ By secure fax.

Drug test result is negative.

Driver may continue to perform a safety-sensitive function.

Drug test result is positive.

- ☐ Driver may not perform a safety-sensitive function until has been evaluated by a substance abuse professional and completed the treatment, if any.
- ☐ Make arrangements for substitute, if necessary.
- ☐ Place driver on leave pending the substance abuse professional's evaluation.
- ☐ Make arrangements with a (substance abuse professional/employee assistance program) including the requirement that the driver sign a release of the driver's records held by and accessible by the substance abuse



Professional.

POLICY NUMBER 403.7-E11 (continued)

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#### DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- \_ Driver signs the Drug and Alcohol Testing Program Referral to Substance Abuse Professional Acknowledgement form agreeing to release the driver's records held by and accessible to the substance abuse professional. (403.7-E9)
- \_ Maintain contact with the substance abuse professional for updates on the driver's progress and cooperation.
- \_ Driver returns to work after completing the substance abuse professional's recommended substance abuse treatment program, if any, and having a negative drug test result.
- \_ Reports of the driver's failure to cooperate and/or complete the recommended substance abuse treatment program, if any, must be reported to the superintendent for disciplinary action up to and including termination.
- \_ No action may be taken against the driver under Iowa law for the first positive drug test as long as the driver cooperates with the substance abuse professional and completes the recommended substance abuse treatment program, if any.
- \_ Repeated offenses must be reported to the superintendent for discipline up to and including termination.
- \_ Document the incident and driver's progress.

#### Section VII: Random Drug and Alcohol Testing.

Receive the random selection list from IDATP.

Determine the date and time a random selection driver will be notified and make appointments at the collection site.

Notify selected drivers or, if unavailable, selected alternate drivers.

- \_ Notify the required number of drivers on the random selection list prior to the end of the month.
- \_ Vary notification each month, including day, week and time of day to ensure drivers do not know the random testing is completed for the month and now they are free to misuse alcohol or use drugs until the next month.

Notified drivers sign the Drug/Alcohol Test Notification form. (403.7-E4)

#### DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Document, if necessary, reasons why any driver on the random selection list was not notified and attach documentation to the random selection list.

Go to Section V, Alcohol Test Results, or Section VI, Positive Test Results, for appropriate action based on test results.

#### Section VIII: Reasonable Suspicion Testing.

Reasonable suspicion trained employee documents specific, contemporaneous, articulable observations of the driver's behavior, speech or body odors on the Reasonable Suspicion Observation form. (403.7-E6)

A second reasonable suspicion trained employee, if at all possible, documents specific, contemporaneous, articulable observations of the driver's behavior, speech or body odors on the Reasonable Suspicion Observation form. (403.7-E6)

Driver is removed from performing a safety-sensitive function pending the drug and/or alcohol test results.

Driver completes Drug/Alcohol Testing Notification form. (403.7-E4)

Driver is transported to the collection site.

Complete and file documentation of Reasonable Suspicion Observation form immediately and no later than within twenty-four hours or prior to receiving the test results. (403.7-E6)

#### Section IX: Post-Accident Testing.

Instruct driver on procedures to follow in the event of an accident.

Place summary of instructions in each school vehicle with the Iowa Pupil Transportation Association's Transportation Assistance Manual for reference by driver in the event of an accident. (403.7-E9)

### DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Determine whether post-accident testing must be done. (If any of the following are present, post-accident testing must be done.)

- ☐ The driver was cited and bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident.
- ☐ The driver was cited and one or more motor vehicles incurred disabling damage as a result of the accident, requiring a vehicle to be transported away from the scene by a tow truck or other vehicle.
- ☐ A fatality, other than the driver, occurred.

Remind the driver of the requirement to remain available for drug and alcohol testing and to not consume alcohol for eight hours after the accident.

Contact the nearest school district transportation director for the location of their collection site using the Iowa Pupil Transportation Association's Transportation Emergency Assistance Manual.

Make arrangement for the driver to be tested for alcohol within two hours and no later than eight hours after the accident.

- ☐ The reason for failing to have an alcohol test after two hours but prior to eight hours after the accident must be documented and filed.
- ☐ The reason for failing to have an alcohol test prior to eight hours after the accident must be documented and filed.

Make arrangement for the driver to be drug tested as soon as possible and no later than thirty-two hours after the accident.

- ☐ The reason for failing to have a drug test after thirty-two hours after the accident must be documented and filed.

Medical attention to the driver is not denied in order to conduct the drug and alcohol tests.

Alcohol and drug test results conducted by law enforcement in accordance with the

federal regulations may be used to meet the post-accident drug and alcohol

POLICY NUMBER 403.7-E11 (continued)

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#### DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

testing requirements if the school district receives a copy of the test results.

Notify insurance company of all accidents whether post-accident drug and alcohol testing was required and ask insurance company to maintain a list of all accidents reported so a list of all accidents may be easily complied in the event of a U.S. DOT audit.

#### Section X: Return to Duty and Follow-up Testing.

Driver has completed the substance abuse professional's evaluation and recommended substance abuse treatment program, if any.

Driver must provide in accordance with the substance abuse professional's instructions a negative drug test result and/or alcohol test result of less than 0.02 breath alcohol Concentration.

- \_ Meeting this requirement allows the driver to return to work to perform a safety-sensitive function.
- \_ Failure of the driver to meet this requirement is reported to the superintendent for discipline up to and including termination.

In accordance with the substance abuse professional's instructions, the driver is subject to a minimum of six unannounced drug and/or alcohol tests during the next twelve months and may be subject to unannounced drug and/or alcohol tests during the next forty-eight months.

The substance abuse professional notifies the school district when the drug and/or alcohol testing is to take place.

Make an appointment at the collection site for the appropriate collection.

Notified driver signs the Drug/Alcohol Test Notification form. (403.7-E4)

Driver proceeds to collection site.

A positive drug test result or an alcohol test result of greater than 0.02 breath alcohol concentration is reported to the superintendent for disciplinary action up to and including

termination.

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

This administrative regulation supports the Drug and Alcohol Testing Program policy. It also establishes and explains the requirements of the school district's drug and alcohol testing program required for employees operating school vehicles. Note the Drug and Alcohol Testing Program Definitions, Code No. 403.7-R2.

- A. Questions regarding the drug and alcohol testing program policy, its supporting administrative regulations or the drug and alcohol testing program may be directed to the school district contact person(s), superintendent or superintendent's secretary.
- B. Covered Drivers.
  - 1. The following requirements apply for a driver to be covered by the drug and alcohol testing program:
    - a. Drive a vehicle transporting sixteen or more persons, including the driver, or drive a vehicle weighing over twenty-six thousand one pounds; and
    - b. Require a commercial driver's license to hold the driver position.
  - 2. Covered drivers include:
    - a. Applicants seeking a position as a driver.
    - b. Full time, regularly employed drivers;
    - c. Casual, intermittent, occasional or substitute drivers;
    - d. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of a school district.
  - 3. Drivers are subject to the drug and alcohol testing program and its requirements throughout the year, including the times when school is not in session or when the driver is on leave.
- C. Prohibited Driver Conduct.
  - 1. Drivers shall not report to duty or remain on duty with a 0.04 breath alcohol concentration or greater.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

2. Drivers shall not report for duty or remain on duty when using any drug except when a physician has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle and the school district is informed in writing of the medication and doctor's opinion.
3. Drivers shall not use alcohol at least four hours prior to, or during the performance of a safety-sensitive function.
4. Drivers shall not possess alcohol while on duty. This includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken.
5. Drivers required to take a post-accident alcohol test shall not use alcohol within eight hours following the accident or prior to undergoing a post accident alcohol test, whichever comes first.
6. Drivers shall not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test result requiring the driver to undergo a substance abuse evaluation and subjecting the driver to discipline up to and including termination.
7. Drivers shall not report for duty or remain on duty performing a safety sensitive function if the driver has a positive drug test result.

D. Alcohol Breath Testing Procedures.

1. Driver's breath is tested for alcohol.
2. Evidentiary breath testing devices are used to conduct the screening test and, if necessary, the confirmation alcohol test.
  - a. The screening alcohol breath test determines whether the driver's breath alcohol concentration is less than 0.02.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- (1) A screening alcohol test result of less than 0.02 breath alcohol concentration allows the driver to continue to perform a safety sensitive function.
    - (2) An initial alcohol test result of 0.02 breath alcohol concentration or greater requires a confirmation test.
  - b. The confirmation alcohol breath test determines whether the driver can continue to perform a safety-sensitive function.
    - (1) A confirmation alcohol test result of less than 0.02 breath alcohol concentration allows the driver to continue to perform a safety-sensitive function.
    - (2) A confirmation alcohol test result of 0.02 breath alcohol concentration but less than 0.04 breath alcohol concentration requires the driver to cease performing a safety-sensitive function for 24 hours.
    - (3) A confirmation alcohol test result of 0.04 breath alcohol concentration or greater requires the driver to cease performing a safety-sensitive function and undergo a substance abuse evaluation.
3. Alcohol testing is conducted at collection sites which provide privacy to the driver and contain the necessary equipment, personnel and materials.
  - a. Alcohol testing is conducted at a designated nonschool district facility unless the situation requires another location.
  - b. In the event privacy cannot be assured, privacy will be provided to the extent practical.
4. Screening alcohol testing steps.
  - a. Once the driver is notified to submit to an alcohol test, the driver must complete the Alcohol/Drug Test Notification Form and proceed immediately to the collection site. Collection site personnel contact the superintendent's secretary immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.



DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test.
- c. The testing procedure is explained to the driver by the collection site person.
- d. The collection site person, the breath alcohol technician (SAT) and the driver complete and sign the appropriate sections of the alcohol testing form.
  - (1) Refusal of the driver to sign the form prior to the screening alcohol test is considered a refusal to test.
  - (2) The school district is notified immediately of the driver's refusal to sign.
- e. The driver forcefully blows into the evidentiary breath testing device mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
- f. The initial test results are shared with the driver.
- g. The driver and breath alcohol technician must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the breath alcohol technician notes the driver's refusal to sign.
- h. Screening alcohol test results.
  - (1) An alcohol test result of less than 0.02 breath alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety sensitive function.
  - (2) An alcohol test result of 0.02 breath alcohol concentration or more requires a confirmation alcohol test between 15 and 20 minutes of the screening test.
  - (3) The breath alcohol technician provides the superintendent's secretary with a copy of the breath alcohol testing form if written communication was not used to report the test results.
- i. Potentially incomplete or invalid breath alcohol tests are repeated with corrected procedures.
- j. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
  - (1) A physician analyzes the driver's inability to provide adequate breath.
  - (2) Failure to provide adequate breath is considered a refusal to test unless

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

the physician determines a medical condition caused the failure to provide adequate breath.

(3) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.

5. Confirmation alcohol testing steps.

- a. The confirmation alcohol test is done between fifteen and twenty minutes of the screening alcohol test whether or not the driver followed the requirements to not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during the fifteen-minute waiting period to avoid accumulation of mouth alcohol leading to an artificially high reading.
- b. If a different collection site is used, the driver must be under the observation of the collection site person or school district person while in transit to the confirmation alcohol testing site or while waiting for the confirmation alcohol test.
- c. If a different collection site person is used for the confirmation alcohol test, the driver must again provide photo identification.
- d. The testing procedure is explained to the driver by the collection site person.
- e. The collection site person, a breath alcohol technician and the driver complete and sign the appropriate sections of the alcohol testing form.
  - (1) Refusal of the driver to sign the form prior to the confirmation alcohol test is considered a refusal to test.
  - (2) The school district is notified immediately of the refusal to sign.
- f. The driver forcefully blows into the evidentiary breath testing device mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
- g. The confirmation alcohol test results, which are the final and official test results, are shared with the driver.
- h. The driver and breath alcohol technician must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the breath alcohol technician notes the driver's refusal to sign.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- i. The breath alcohol technician informs the superintendent's secretary of the results of the test in a confidential manner.
  - (1) An alcohol test result of less than 0.02 breath alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety sensitive function.
  - (2) The breath alcohol technician notifies the superintendent's secretary immediately of confirmation alcohol test results of 0.02 breath alcohol concentration or more.
  - (3) The collection site person provides the superintendent's secretary with a copy of the breath alcohol testing form if written communication was not used to report the test results.
- j. Potentially incomplete or invalid breath alcohol tests are repeated with corrected procedures.
- k. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
  - (1) A physician analyzes the driver's inability to provide adequate breath.
  - (2) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
  - (3) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.

E. Drug Testing Procedures.

- 1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
- 2. A split specimen urine drug test, often called "split sample test," is used to conduct the drug test.
  - a. A negative drug test result allows the driver to continue to perform a safety-sensitive functions.
  - b. A positive drug test result on the primary sample requires the driver to be removed from performing a safety-sensitive function.
  - c. A positive drug test result on the primary sample allows the driver an opportunity to request the split sample be tested by another certified laboratory for the specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- e. A positive drug test result requires the driver to undergo a substance abuse Evaluation.
3. Drivers taking medication at a doctor's direction may perform a safety-sensitive function if the doctor determines there is not an adverse effect on performing a safety-sensitive function and the school district is informed in writing of the medication and doctor's opinion.
4. Drug testing is conducted at collection sites which provide privacy to the driver and where the necessary equipment, personnel and materials are located.
- a. Drug testing is conducted at a designated nonschool district facility unless the situation requires another location. Public restrooms can be used as collection sites in exceptional circumstances.
  - b. In the event privacy cannot be assured, privacy is provided to the extent practical. However, direct observation is allowed if:
    - (1) Reasons exist to believe the driver may alter or substitute the Specimen.
    - (2) The driver presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided.
    - (3) The last specimen provided by the driver was determined by the laboratory to not meet specific gravity and urine creatinine concentration criteria.
    - (4) The collection site person observes conduct of the driver to substitute or adulterate the specimen.
    - (5) The driver has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty.
  - c. Direct observation is approved by the supervisor of the collection site person or the designated school district representative. Non medical personnel performing direct observation must be of the same gender as the driver.

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5. Drug testing steps.

- a. Once the driver is notified to submit to a drug test, the driver must complete the Alcohol/Drug Test notification Form and proceed immediately to the collection site. The collection site person contacts the superintendent's secretary immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.
- b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test. The driver may require the collection site person to provide proof of identification.
- c. The driver may keep his or her wallet but must remove any unnecessary outer garments, purses, briefcases and similar items at the request of the collection site person.
- d. Immediately prior to providing a urine sample, the driver must wash his or her hands.
- e. The driver must then provide forty-five milliliters of urine and deliver it immediately to the collection site person.
  - (1) Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and trying again.
  - (2) The drug test is stopped when the driver fails twice to provide an adequate amount of urine.
  - (3) Failure to provide adequate urine is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate urine.
- f. The specimen is kept in view of the driver and the collection site person.
- g. Upon receipt of the specimen, the collection site person immediately, and in no event later than four minutes from the time of urination, measures the temperature of the specimen.
- h. The driver may volunteer to have his or her oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.
- i. The collection site person inspects the specimen for color and other signs of contaminants and notes any unusual findings.
- j. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.
- k. The specimen is divided into the primary and the split specimen, sealed and labeled. The label is initiated by the driver.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- l. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
  - m. The collection site person is required to note on the chain of custody form any unusual behavior or appearance of the driver and any failure to cooperate.
  - n. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete.
  - o. The specimens are packaged for shipping to the laboratory and are shipped immediately or placed in secure storage until they can be shipped.
6. Laboratory.
  - a. The laboratory used by the school district's drug and alcohol testing program is certified by the U.S. Department of Health and Human Services (DHHS). Certified laboratories meet the testing procedures, personnel and record keeping requirements of the law.
  - b. Upon arrival of the specimen at the laboratory, the split specimen is stored and the primary specimen is tested.
    - (1) A positive drug test result on the initial test of the primary specimen requires a confirmation drug test of the primary specimen.
    - (2) The split specimen is discarded if the primary specimen has a negative drug test result.
7. Medical Review Officer (MRO) reviews drug test results.
  - a. The MRO may release drug testing records of a driver to unauthorized individuals only with the written consent of the driver.
  - b. The MRO keeps a record of negative drug test results and reports negative drug test results to the school district, usually within two working days.
  - c. The primary role of the MRO is to review and interpret positive drug test results to determine whether a legitimate explanation exists for the positive drug test result.
    - (1) After reviewing the chain of custody form and the laboratory drug test results, the MRO contacts the driver to discuss the positive drug test result prior to notifying the school district and to ask whether the driver requests a drug test of the split sample. The driver's request for a drug test of the split sample must be made within seventy-two hours of talking with the MRO.
    - (2) Upon request of the driver, the split specimen is sent to a second certified laboratory for drug testing.

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- (3) The MRO contacts the superintendent's secretary for assistance if the driver cannot be reached.
- (4) The superintendent's secretary must confidentially inform the driver to contact the MRO.
- (5) Upon contacting the driver, the superintendent's secretary must inform the MRO that the driver was contacted.
- (6) Drivers who cannot be contacted are placed on temporary medically unqualified status or medical leave.
- d. The MRO may verify a positive drug test without talking to the driver if:
  - (1) The driver declines the opportunity to discuss the positive drug test.
  - (2) The driver fails to contact the MRO within five days after the superintendent's secretary has contacted the driver.
  - (3) MRO verification of positive drug test results under these circumstances can be challenged by the driver if the driver presents the MRO with information documenting a serious illness, injury or other circumstances unavoidably preventing the driver from timely contacting the MRO. The MRO, based on this additional information, may find a legitimate explanation for the positive drug test result and declare the drug test negative.
- e. The driver is notified of the drugs found in a positive drug test result by the MRO, the superintendent's secretary or by certified mail to the driver's last known address.
- f. The school district receives a written report of the negative and positive drug test results from the MRO.

F. Substance Abuse Professional.

- 1. A substance abuse evaluation by a substance abuse professional is required when a driver has:
  - (1) A positive drug test;
  - (2) A positive alcohol test of 0.04 breath alcohol concentration or greater; or
  - (3) Otherwise violated the drug and alcohol testing program policy, its supporting regulations or the law.
- 2. The substance abuse evaluation determines what assistance, if any, the driver needs in resolving problems with alcohol misuse and/or drug use.
- 3. A list of available substance abuse professionals to provide assistance to bus drivers is available through the superintendent's secretary.

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G. Pre-employment Testing.

1. Drivers shall submit to a drug test if a job offer is made. The job offer is contingent upon:
  - a. A negative drug test result; and
  - b. A signed written statement authorizing former employers to release all information on the driver related to drugs and alcohol.
2. Prior to allowing a driver to perform a safety-sensitive function, and no later than 14 days after performing a safety-sensitive function, the following information must be obtained about the driver during the preceding two years from the date of the application:
  - a. An alcohol test results of 0.04 breath alcohol concentration or greater;
  - b. Positive drug test results; and
  - c. Refusals to be tested.

H. Random Testing

1. Annually, twenty-five percent of the average number of drivers for random alcohol tests and fifty percent of the average number of drivers for random drug tests are selected.
2. The drivers' identification numbers are selected by a scientific method giving each driver an equal chance to be selected.
3. Random tests are unannounced and spread throughout the year.
4. Drivers selected for random alcohol testing are notified just before, during or just after performing a safety-sensitive function. The school district documents why some, if any, drivers were selected but not notified.
5. Drivers selected for random drug testing are notified at any time. The school district must document why some, if any, drivers were selected but not notified.
6. Once the driver is notified of being selected for a random test, the driver must proceed immediately to the collection site. However, drivers performing a safety-sensitive function must safely stop and proceed to the collection site as soon as possible.



DRUG AND ALCOHOL TESTING PROGRAM REGULATION

I. Reasonable Suspicion Testing.

1. A driver may be required to submit to a reasonable suspicion drug test at any time.
2. A driver may be required to submit to a reasonable suspicion alcohol test just before, during or just after the driver performs a safety-sensitive function or just before, during or just after the time the driver is required to be in compliance with the drug and alcohol testing program policy, its supporting administrative regulations or the law.
  - a. A reasonable suspicion alcohol test is performed within two hours and no later than eight hours of determining reasonable suspicion.
  - b. If the alcohol test is not given within two hours, the reasons for the delay must be documented.
  - c. If the alcohol test is not given within eight hours, attempts to test are stopped and the reason for not testing must be documented.
3. A reasonable suspicion test request is made by an employee who received training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observes the driver, that employee must also document their reasons.

J. Post-accident Testing.

1. Drivers are subject to both post-accident drug and alcohol testing as soon as possible after an accident in which:
  - a. The driver received a citation and;
    - (1) Bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or
    - (2) One or more motor vehicles incurred disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle; or
  - b. A fatality occurred.
2. Drivers must remain readily available for post-accident testing.
  - a. Drivers who leave the scene or who do not remain readily available are deemed to have refused to test.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- b. Necessary medical treatment cannot and should not be denied to a driver waiting to complete post-accident drug and alcohol tests.
- 3. Alcohol testing requirements.
  - a. The alcohol test is administered within two hours and no later than eight hours of the accident.
  - b. The reasons for administering the test later than two hours after the accident must be documented.
  - c. The reasons for not administering the test within eight hours of the accident must be documented.
  - d. Drivers are prohibited from consuming alcohol for eight hours after the accident or until the alcohol test is completed.
- 4. Drug testing requirements.
  - a. The drug test is administered as soon as possible and no later than 32 hours after the accident.
  - b. The reasons for not administering the test must be documented.
- 5. Results of drug or alcohol testing conducted by law enforcement officers or other officials on the scene with independent authority to conduct such tests are presumed valid if the testing conforms with the law. The school district must receive a copy of the results to use them.

K. Return-to-duty/Follow-up Testing.

- 1. Prior to returning to duty after a positive drug test, a positive alcohol test of 0.04 breath alcohol concentration or greater, or otherwise violating the drug and alcohol testing program policy, its supporting regulations or the law:
  - a. The driver must be re-evaluated by a substance abuse professional to determine that the driver has properly followed any treatment program prescribed.
  - b. The driver must submit to the tests required by the substance abuse professional. The substance abuse professional may require a return-to-duty test for drugs, alcohol or both.
  - c. The return-to-duty test must have a negative drug test result and/or an alcohol test result of less than 0.02 breath alcohol concentration before the driver can return to duty and perform a safety-sensitive function.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

2. After returning to duty, the driver is subject to a minimum of six unannounced follow-up tests within 12 months for alcohol, drugs or both, as determined by the substance abuse professional.
  - a. The substance abuse professional can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to 60 months from the date of the driver's return to duty.
  - b. Alcohol follow-up testing is done just before, during or just after performing a safety-sensitive function.

L. School district responsibilities.

- 1 . Provide drivers with information on the drug and alcohol testing requirements of the drug and alcohol testing program policy, its supporting administrative regulations and the law, including the driver's obligations.
2. Supervisors of drivers or employees designated to determine reasonable suspicion must receive sixty minutes of training on alcohol misuse and sixty minutes of training on drug use. The training must address the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use.
3. Provide drivers with instructions prior to the driver operating a school vehicle to enable the driver to comply with the drug and alcohol testing requirements.
4. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver's drug use whether or not a drug test was conducted.
5. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver with 0.02 breath alcohol concentration or greater whether or not an alcohol test was conducted.
6. Ensure, through the school district's drug and alcohol testing program service provider, that the quality assurance plan, developed by the manufacturer and approved by the National Highway Traffic Safety Administration (NHTSA) for the evidentiary breath testing device used for alcohol testing of its drivers, describes the inspection, maintenance and calibration requirements and intervals for the device.
7. Ensure, through the school district's drug and alcohol testing program service provider, that the collection site person using an evidential breath testing device is a certified breath alcohol technician.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

M. Consequences of violating the drug and alcohol testing program policy, its supporting administrative regulations or the law.

1. Each violation is dealt with based on the circumstances surrounding the violation. The following consequences may result from a violation.
  - a. Drivers may be disciplined up to and including termination.
  - b. Drivers may not be permitted to perform safety-sensitive functions.
  - c. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.
  - d. Drivers may be required to undergo a substance abuse evaluation to determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any recommended substance abuse treatment program.
  - e. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding the incident.
  - f. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.
  - g. Drivers/applicants who refuse to submit to or cooperate with the drug and/or alcohol testing process and requirements shall be disqualified from further consideration.
2. Nothing in the drug and alcohol testing program policy, its supporting administrative regulations or the law relating to drug and alcohol testing limits or restricts the right of the board or superintendent to discipline, up to and including termination, a driver for conduct which violates the school district's policies, supporting administrative regulations and procedures.

N. Drug and alcohol testing records.

1. Drug and alcohol testing records are stored in locked files at limited access location separate and apart from the driver's general personnel records.
2. The records are released only with the written consent of the driver. Only those records specifically authorized for release may be released. However:
  - a. Records may be released to appropriate government agencies without a written Consent.
  - b. Records may be released to appropriate school district employees without written consent.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- c. School districts may, without written consent, make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver and arising from the result of an alcohol or drug test under the drug and alcohol testing program policy, its supporting regulations or the law or from the school district's determination that the driver violated the drug and alcohol testing program, its supporting regulations, or the law.
- 3. With a written request, drivers may access and copy their drug and alcohol test records in accordance with the board policy related to employee records. A driver is not denied access to these records for failure to pay fees associated with other records.
- 4. The following records of the school district's drug and alcohol testing programs are maintained for the time period indicated.
  - a. One year:
    - (1) Records of negative and canceled drug test results and alcohol test results of less than 0.02 breath alcohol concentration.
    - (2) Records related to drug and alcohol testing process.
    - (3) Records related to a driver's test results.
    - (4) Records related to other violations of the law.
    - (5) Records related to substance abuse evaluations.
    - (6) Records related to education and training.
  - b. Two years:

Records related to the alcohol and drug collection process, except calibration of evidentiary breath testing devices, and training.
  - c. Five years:
    - (1) Alcohol test results of 0.02 breath alcohol concentration and greater;
    - (2) Verified positive drug test results;
    - (3) Documentation of refusals to take required alcohol and/or drug tests;
    - (4) Evidentiary breath testing device calibration documentation;
    - (5) Driver substance abuse evaluations and referrals; and
    - (6) Annual calendar year summary.

Approved: November 1995      Reviewed: January 2017      Reviewed: May 2020

DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

Air blank - a reading by an evidential breath testing device (EBT) of ambient air containing non alcohol.

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) - the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidentiary breath test under the law.

Alcohol use - the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

BAC - breath alcohol concentration.

Breath Alcohol Technician (BAT) - an individual who instructs and assists drivers in the alcohol testing process and operates an evidential breath testing device.

Canceled or invalid test - in drug testing it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. In alcohol testing it is a test that is deemed to be invalid under the law. A canceled test drug or alcohol test is neither a positive nor a negative test.

Chain of Custody - procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

Collection site - a place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

Confirmation test - for alcohol testing it is a second test following a screening test with a result of 0.02 breath alcohol concentration or greater that provides quantitative data of alcohol concentration. For drug testing it is a second analytical procedure (GC/MS) to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

Controlled substances/Drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine.

Driver - any person who operates a school vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the school district or who operate a school vehicle at the direction of or with the consent of the school district. For the purposes of pre-employment/pre duty testing only, the term "driver" includes applicants for drivers of school vehicles positions.

Initial test (or screening test) - in drug testing it is an immunoassay screen to eliminate "negative" urine specimens from further consideration. In alcohol testing it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath specimen.

Medical review officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a driver's confirmed positive test result together with the driver's medical history and any other relevant bio-medical information.

Non-suspicion-based post-accident testing - testing of a driver after an accident without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence of drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.

Performing a safety-sensitive function - a driver is considered to be performing a safety-sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

NOTE: Alcohol tests may only be administered just before, during or just after the performance of a safety-sensitive function. At this time the U.S. Department of Transportation is interpreting this language to mean thirty minutes before or thirty minutes after the performance of a safety-sensitive function.

Random Selection Process - when drug tests are unannounced and every driver has an equal chance of being selected for testing.

Reasonable suspicion - when the school district believes the appearance, behavior, speech or body odors of the driver are indicative of the use of drugs or alcohol.

Refusal to test - when a driver

- (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of the law,
- (2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the law, or
- (3) engages in conduct that clearly obstructs the testing process. A refusal to test is treated as a positive drug test result or an alcohol test result of 0.04 breath alcohol concentration or greater.

Safety-sensitive function - all time from the time when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.

NOTE: Alcohol tests may only be administered just before, during or just after the performance of a safety-sensitive function. At this time the U.S. Department of Transportation is interpreting this language to mean thirty minutes before or thirty minutes after the performance of a safety-sensitive function.



DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

School vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports sixteen or more persons, including the driver, or weighs over twenty-six thousand one pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.

Split specimen/split sample - the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in second specimen bottle (the split sample).

Substance abuse professional (SAP) - a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

Approved: November 1995      Reviewed: January 2017      Reviewed: May 2020

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

I, ( Name of Employee ), have received a copy, read and understand the Drug and Alcohol Testing Program policy of the Dunkerton Community School District and its supporting documents.

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

I also understand that I must inform my supervisor of any prescription medication I use.

In addition, I have received a copy of the U.S. DOT publication, "What Employees Need to Know about DOT Drug & Alcohol Testing," and have read and understand its contents.

Furthermore, I know and understand that I am required to submit to a controlled substance (drug) test, the results of which must be received by this employer before being employed by the school district and before being allowed to perform a safety-sensitive function. I also understand that if the results of the pre-employment test are positive, that I will not be considered further for employment with the school district.

I further understand that drug and alcohol testing records and information about me are confidential, and may be released at my request or in accordance with the district's drug and alcohol testing program policy, its supporting documents or the law.

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(Signature of Employee)

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(Date)

DRUG & ALCOHOL PROGRAM AND PRE-EMPLOYMENT TESTING WRITTEN  
CONSENT TO SHARE INFORMATION

I, (  Name of Employee  ), understand that as part of my employment in a position that requires a commercial driver's license in the Dunkerton Community School District, I grant consent for the District to conduct queries of the Federal Motor Carrier Safety Administration ("FMCSA") Commercial Driver's License Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse. I further consent to the District sharing information related to my drug and alcohol testing results with prior, current and future employers, as well as the FMCSA Clearinghouse in accordance with state and federal laws.

I understand that the District will check and perform queries of my drug and alcohol testing results prior to my employment in any position which requires the use of a commercial driver's license. I further understand the District will check and perform queries of my testing results annually and is required to report any drug and alcohol violations of this policy to the FMCSA Clearinghouse.

I understand that I am not required to consent to the query of the FMCSA Clearinghouse or the District sharing of drug and alcohol testing information with past, present or future employers or the FMCSA Clearinghouse; but that without my consent I understand I will be prohibited from performing safety sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

I hereby give my consent to the District to perform queries of the FMCSA Clearinghouse and share my drug and alcohol testing results with past, present and future employers, as well as the FMCSA Clearinghouse.

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(Signature of Employee)

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(Date)

## Policy Number 404

### EMPLOYEE CONDUCT AND APPEARANCE

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

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

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

#### Legal Reference:

Iowa Code § 279.8.

282 I.A.C. 25; 26

#### Cross Reference:

104 Anti-bullying/Harassment

305 Administrator Code Of Ethics

401.11 Employee Orientation

403.5 Substance-Free Workplace

407 Licensed Employee Termination of Employment

413 Classified Employee Termination of Employment

## CODE OF PROFESSIONAL CONDUCT AND ETHICS

### 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.

## CODE OF RIGHTS AND RESPONSIBILITIES

### CHAPTER 26

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

282-26.2 (272) Rights. Educators licensed under IOWA CODE chapter 272 have the following rights:

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

282-26.3 (272) Responsibilities. Educators licensed under IOWA CODE chapter 272 have the following responsibilities:

1. The educator has a responsibility to maintain and improve the educator's professional competence.
2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.
3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.
4. The educator shall protect students from conditions harmful to learning or to health or safety.

5. The educator shall not, without just cause, restrain a student from independent action in the pursuit of learning and shall not, without just cause, deny a student access to varying points of view.
6. The educator shall not use professional relationships with students for personal advantage.
7. The educator shall not discriminate against any student on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
8. The educator shall accord just and equitable treatment to all members of the profession.
9. The educator shall keep in confidence personally identifiable information regarding a student or the student's family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.
10. The educator who has reasonable basis to believe that a student has been abused, as defined by law, shall make all reports required by law and the IOWA ADMINISTRATIVE CODE and which are necessary to ensure the safety and well-being of the student.
11. In the administration of discipline, the educator shall treat all students with respect and in compliance with all policies of the school district served by the educator.
12. The educator shall provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.
13. The educator shall not refuse to participate in a professional inquiry, when requested by the board.
14. The educator shall not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.
15. The educator shall not delegate assigned tasks to unqualified personnel.

## 405 LICENSED EMPLOYEES - GENERAL

Policy Number 405.1

### 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 Iowa 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; 279.8.

281 I.A.C. 12.4.

282 I.A.C. 14.

Cross Reference:

405.2 Licensed Employee Qualifications, Recruitment Selection

410.1 Substitute Teachers

411.1 Classified Employee Defined



## Policy Number 405.2

### 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 in accordance with applicable laws and school district policies regarding equal employment. 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.

All job openings shall be submitted to the Iowa Department of Education for posting on TeachIowa, the online state job posting system. Additional announcements of the position may occur in a manner which the superintendent believes will inform potential applicants about the position. 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. The superintendent, however, 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.

#### Legal Reference:

29 U.S.C. §§ 621-634

42 U.S.C. §§ 2000e, 12101 et seq.

Iowa Code §§ 20; 35C; 216; 279.13.

281 I.A.C. 12.

282 I.A.C. 14.

Cross Reference:

401.1 Equal Employment Opportunity

405 Licensed Employees - General

410.1 Substitute Teachers

Policy Number 405.3

## 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.

### Cross Reference:

405.2 Licensed Employee Qualifications, Recruitment, Selection

405.4 Licensed Employee Continuing Contracts

407 Licensed Employee Termination of Employment

Policy Number 405.4

## LICENSED EMPLOYEE CONTINUING CONTRACTS

Contracts entered into with licensed employees, other than an administrator, will continue from year to year except as modified or terminated as provided by law. The board may issue temporary and nonrenewable contracts in accordance with law.

Licensed employees whose contracts will be recommended for termination by the board will receive due process as required by law. 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 applicable law and board policies.

### 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 §§ 272; 279.

### Cross Reference:

405.3 Licensed Employee Individual Contracts

405.9 Licensed Employee Probationary Status

407 Licensed Employee Termination of Employment

## Policy Number 405.5

### 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

Policy Number 405.6

## 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

Policy Number 405.7

## 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

## 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. New and probationary licensed employees are evaluated at least twice each year.

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

## Policy Number 405.9

### LICENSED EMPLOYEE PROBATIONARY STATUS

The first three consecutive years of a 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 two 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 the end of the year without cause or immediately discharge the employee consistent with applicable law and board policies.

Legal Reference:

Iowa Code § 279.

Cross Reference:

405.4 Licensed Employee Continuing Contracts

405.8 Licensed Employee Evaluation

## 406 LICENSED EMPLOYEE - COMPENSATION AND BENEFITS

Policy Number 406.1

### LICENSED EMPLOYEE COMPENSATION

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

It is the responsibility of the superintendent to make a recommendation to the board annually regarding licensed employee compensation. The base wages of licensed employees are subject to review and modification through the collective bargaining process.

Legal Reference:

Iowa Code §§ 20.1, .4, .7, .9; 279.8.

Cross Reference:

405 Licensed Employees - General

406.2 Licensed Employee Compensation Advancement

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Policy Number 406.2

## LICENSED EMPLOYEE COMPENSATION ADVANCEMENT

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

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

### Legal Reference:

Iowa Code §§ 20.1, .4, .7, .9; 279.8.

### Cross Reference:

405 Licensed Employees - General

406 Licensed Employee Compensation and Benefits

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 406.3

### LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

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

Licensed employees who wish to obtain additional education for advancement must notify the school business official by August 1 of the school year preceding the actual year when advancement occurs. The superintendent has the discretion to approve credit outside the employee's area of endorsement or responsibility.

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

#### Legal Reference:

Iowa Code §§ 20.1, .4, .7, .9; 279.8.

#### Cross Reference:

405 Licensed Employees - General

406 Licensed Employee Compensation and Benefits

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 406.4

### LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY

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

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

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

#### Legal Reference:

Iowa Code §§ 279.8, .13-.15, .19A-B.

#### Cross Reference:

405 Licensed Employees - General

406 Licensed Employee Compensation and Benefits

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Policy Number 406.5

## LICENSED EMPLOYEE GROUP BENEFITS

Licensed employees are eligible for group insurance and health benefits. The board will select the group insurance program and the insurance company which will provide the program. Since the district employees less than an average of at least 50 full-time employees (including an equivalent for part-time employees), the district is not subject to the ACAs Employer Mandate.

Full-time licensed employees are eligible to participate in the health and major medical, life, and long-term disability group insurance plans. Regular part-time employees who wish to purchase insurance coverage may participate in group insurance programs by meeting the requirements of the insurer. Full-time and regular part-time licensed employees who wish to purchase insurance coverage for their spouse or dependents may do so by meeting the requirements of the insurer.

Licensed employees and their spouse and dependents may be allowed to continue coverage of the school district's group health insurance program if they cease employment with the school district by meeting the requirements of the insurer.

This policy statement does not guarantee a certain level of benefits. The board will have the authority and right to change or eliminate group insurance programs for its 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: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,

## Policy Number 406.6

The board authorizes the administration to make a payroll deduction for licensed employees' tax sheltered annuity premiums purchased from a company or program chosen by the board and collective bargaining unit.

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

Cross Reference: 706 Payroll Procedures

Approved: April 1996      Reviewed: January 2017      Review May 2020



## 407 LICENSED EMPLOYEE - TERMINATION OF EMPLOYMENT

Policy Number 407.1

### 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.

Cross Reference:

405.3 Licensed Employee Individual Contracts

405.4 Licensed Employee Continuing Contracts

407 Licensed Employee Termination of Employment

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Policy Number 407.2

## LICENSED EMPLOYEE CONTRACT RELEASE

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

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

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

Legal Reference:

Iowa Code §§ 216; 272; 279.13, .19A, .46.

Cross Reference:

405.3 Licensed Employee Individual Contracts

405.4 Licensed Employee Continuing Contracts

407.3 Licensed Employee Retirement

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Policy Number 407.3

## 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 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. 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 who retire and their spouse and dependents may be 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.](#)

[281 I.A.C. 21.](#)

Cross Reference:

**407.6** Licensed Employee Early Retirement

Approved: March 1996. Reviewed: , January 2011, January 2014, January 2017, Revised August 2006, August 2009, November 2105, November 2017, October 2018, May 2020, March 2021 and April 2021 AND March 2022

## EARLY RETIREMENT

The Board of education of the Dunkerton Community School District agrees to provide a supplemental separation benefit to encourage teachers, counselors, and media specialists to retire early.

- A. Determining Eligibility; An employee must meet the following criteria for eligibility:
  - a. Application for early retirement begins March 9<sup>h</sup> of the final contract year (year of retirement) and no later than March 31.
  - b. No more than 3 employee applications will be accepted in any given year. The board reserves the right to make an exception to this rule. In case there are more than 3 applicants for early retirement in the same year, seniority will be used to determine selecti
  - c. Applicant must be at least 55 years of age at the time of retirement.
  - d. Has completed a minimum of 9 years continuous service to the Dunkerton School District and is currently employed at the time the voluntary early retirement request is made. A leave of absence may interrupt continuous service without affecting the continuous years of service rule. Professional and military leave will qualify toward continuous service.
  - e. Has been actively employed during the school year in which the request is being made.
  - f. Has not been discharged for cause or notified that their contract is under consideration of termination or reduction.
  - g. Is not receiving payments from the district's long-term disability insurance program.
- B. Application for participation in the Early Retirement Program:
  - a. Application for participation in the Early Retirement Program must be made in writing, presented with a resignation of the employee's position beginning March 9 and no later than March 31 of the current contract year. The Board of Education reserves the right to waive strict compliance with the early retirement program, the application process, and the deadline. If there are extenuating circumstances the board has sole discretion and may decide to eliminate the early retirement program or waive strict compliance with the application process and deadline.
  - b. The employee's resignation will not be binding unless the employee also qualifies for the Retirement Program and has intended to participate in the Retirement Program.

## EARLY RETIREMENT

### PROGRAM BENEFITS

C. Benefits Formula: The benefits rate for eligible participants are as follows:

- a. The qualified employee will receive \$40,000.00 in a health reimbursement arrangement (HRA) to cover individual insurance costs provided the employee stays on the district's medical insurance.

AND

The qualified employee will receive an amount of \$50.00 per day for every sick day that is left over at the end of the school year of which he/she retires with a maximum of 135 days. This will be placed in trust to further cover individual insurance costs as described above.

OR

- b. The qualified employee will receive \$40,000.00 in the form of a TSA under the District's 403B plan if the retiree waives off the district's medical insurance.

AND

The qualified employee will receive an amount of \$50.00 per day for every sick day that is left over at the end of the school year of which he/she retires with a maximum of 135 days. This will be placed in the form of a TSA under the District's 403B plan.

D. Schedule of Payment Options:

- a. Payment of the early retirement benefit may be in installment. The payment will be made on or before September 30 of the year of retirement.

E. Continuation of Health Insurance; Conditions of employee eligibility, payment, and participation:

- a. Employee must have been covered by the District's major medical insurance plan during the contract year preceding retirement.
- b. Eligible employee may continue to participate in the District's major medical insurance plan until the age of 65 at their own expense; or they are no longer permitted to continue coverage by the insurer, whichever comes first. The District shall not be obligated to incur the cost of any part of the premium, or expenses, or additional coverage
- c. If the participating employee was receiving family coverage under the District's major medical insurance plan or a member of the employee's family was covered under an additional policy; that coverage may continue until the participant's age of 65 at their own expense; or they are no longer permitted to continue coverage

## EARLY RETIREMENT

by the insurer. The District shall not be obligated to pay any part of the premium or expenses of the family or additional coverage.

### EMPLOYEE RIGHTS

In the event this Early Retirement Program is altered or discontinued, persons who retire from employment with the District under its provisions will continue to receive the benefits in effect and authorized by the Board of Education at the time the employee's letter of resignation was accepted.

The adoption of this Early Retirement Program shall not vest any rights in any employee whether or not the employee is currently eligible for early retirement. The Board of Education shall have complete discretion to review, amend, or repeal this policy at the end of each fiscal year, when in the judgment of the Board of Education, the District no longer realizes economic benefits from this policy or otherwise determines that the policy is not in the best interests of the District. Furthermore, the District shall not be obligated to provide any benefits to any employee after the date of such amendment or repeal, except to those employees whose early retirement pursuant to this policy has commenced prior to the amendment or repeal.

### STATUS OF PARTICIPANTS

An employee who elects to participate in the District's Early Retirement Program will become a retired employee and will be entitled to all rights and privileges of retired employees under applicable law and the policies of the Dunkerton School District Board of Education. At the sole discretion of the Board of Education, the district may employ persons who elected to participate in the Early Separation Program as temporary substitute employees.

In the event the employee elects to participate in the District's Early Retirement Program has previously signed a contract for the next school year, said contract will be null and void.

### BENEFIT OPTIONS

Employees who have experienced a forced reduction from 1 FTE, but have served fifteen (15) years of continuous service at a 1 FTE rate are eligible for benefits based on a 1 FTE rate, and not the reduced FTE.

Policy Number 407.4E1

Licensed Employee Early Separation Program AGREEMENT/WAIVER AND RELEASE

In consideration for the benefits that are being provided under the Dunkerton Community School District's Early Retirement Policy the undersigned releases and waives all claims, whether known or unknown, arising out of or in the course of the employment relationship between the undersigned and the Dunkerton Community School District; and specifically releases and waives any and all claims whether known or unknown with regard to breach of contract, Title VII, Age Discrimination in Employment Act (ADEA) claims, Older Workers Benefit Protection Act (OWBPA) claims, or any other claim of discrimination whether based on age or otherwise that the employee could claim against the District at the time of signing.

The Dunkerton Community School District makes no representations regarding the legality or regulatory compliance of its plan. This release and waiver will apply to the Dunkerton Community School District, its agents, and others including its officers, directors, representatives, administrators, staff, and employees.

The undersigned agrees that this release and waiver in no way can be used against the Dunkerton Community School District as an admission of liability of any kind. Furthermore, the undersigned agrees to indemnify and hold the district harmless for any breach of this agreement to release and waive claims whether known or unknown against the Dunkerton Community School District.

The parties agree that if any clause of this agreement is found to be invalid it shall not affect the validity of other provisions. This document contains the entire agreement between the parties and can only be modified by a subsequent written agreement. The undersigned acknowledges that he/she has been given at least 45 days in which to consider the desirability of signing this waiver and release. The undersigned acknowledges that his/her signature is given voluntarily and without threat or promise of additional benefit in consideration for the signature other than the consideration listed in this agreement. The undersigned acknowledges that he/she was advised of the right to consult an attorney regarding the terms and conditions and the benefits that will be provided through the Early Retirement Policy and this Release and Waiver. Furthermore, the parties acknowledge that the undersigned has a right to revoke this agreement/waiver and release without recourse for a period of 7 days following the execution of this release and waiver. Any payments or benefits provided for in this agreement/waiver and release will not commence prior to the expiration of the seven (7) day waiting period.

IN WITNESSETH WHEREOF, the parties have set their respective hand this  
day of \_\_\_\_\_, 20\_\_\_\_  
Employee \_\_\_\_\_ Board President \_\_\_\_\_

Licensed Employee Early Separation Program

A meeting was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
with the following people present:

The following items were discussed: (Check if covered)

Benefits to be provided

Waiver and release terms

The employee has no obligation to accept early retirement

45 days to consider agreement/waiver and release ends as of

The employee's right to consult an attorney prior to signing or to answer questions

The employee has the right and ability to revoke signed agreement/waiver and release within 7  
Days

A copy of the agreement/waiver and release and this document was given to the employee.

The signatures below only acknowledge that the items were covered and can not be used to prove assent  
to any terms of the agreement/waiver and release.

Signature Date

Signature Date

Signature Date



Policy Number 407.4E3

### Licensed Employee Early Separation Program

A copy of the agreement/waiver and release was given to

on the day of

,20 and the 45 days in which to consider the Agreement expires on the

day of , 20 . The above-named employee was

given the full 45 days but voluntarily chose to sign the Agreement before that date. By his/her signature, the employee acknowledges that he/she could have taken the full 45 days, but voluntarily decided to sign the Agreement before that date.

Signature Date

Witness

Licensed Employee Early Separation Program  
AGREEMENT/WAIVER AND RELEASE PROCEDURES

1. Written agreement/waiver and release is intelligible and uses easy to understand language.
2. The individual must be given at least 45 days to consider signing the document. The individual does not need to use the whole 45 days, but when the employee uses less time; this should be documented that the decision was voluntary and knowing.
3. The individual should be told orally and in writing of the right to consult an attorney regarding the agreement.
4. The agreement/waiver and release should be read to the employee in a conference with the Superintendent, the employee, and one other administrator. The employee should be told the following:
  - a. Employee is under no obligation to retire early and may work until normal retirement.
  - b. He/she has 45 days to consider the agreement.
  - c. He/she has the right to consult an attorney prior to signing anything.
  - d. He/she has 7 days to revoke the agreement/waiver and release without reason after signing.
5. Employee should sign a form (attached) that acknowledges the items covered.
6. Employee should sign a form (attached) that indicated the willingness and reasoning for not using 45 days to consider the agreement/waiver and release.
7. The signatures on the document should be notarized.

Policy Number 407.4E5

Licensed Employee Early Separation Program Application to  
Participate in Early Separation Program and Contingent Resignation

I hereby submit my formal application to participate in the Dunkerton Community School District's Early Separation Program for Certificated Staff.

As part of my application, I also am submitting a contingent resignation from my contract to the Board which will be effective at the end of my current contract

(June 30<sup>th</sup> of the current contract year). It is my understanding that my application will only be effective if the Board accepts my resignation. It is also my understanding that my resignation will be void and of no effect if the Board does not accept my resignation.

I agree to provide written notice on or before June 1st of the current school year to the District of my election regarding how my early retirement incentive pay shall be distributed.

Employee Signature

Date

Witness Signature

Date

Accepted by the Board of Directors on \_\_\_\_\_ 20\_\_\_\_

Superintendent or Board Secretary

Policy Number 407.4E6

Licensed Employee Early Separation Program  
DESIGNATION OF BENEFICIARY

I, \_\_\_\_\_ hereby designate  
\_\_\_\_\_ as the beneficiary to receive the benefits I am entitled to  
pursuant to the Dunkerton Community School District's Early Retirement Program upon my death.

Signature Date

Witness

Policy Number 407.4E7

Licensed Employee Early Separation Program

ELECTION OF DISTRIBUTION OF EARLY RETIREMENT INCENTIVE PAY

I, \_\_\_\_\_, hereby elect to receive my early retirement incentive benefit in the following manner:

\_\_\_\_\_ Placed in the trust of the district to pay single insurance premiums until agreed upon amount is exhausted; at which time I will either continue payments at my own expense, or discontinue insurance coverage.

\_\_\_\_\_ Placed in the trust of district to continue to participate in the District's major medical insurance plan until Medicare eligible; or I am no longer permitted to continue coverage by the insurer, whichever comes first. The District shall not be obligated to incur the cost of any additional coverage.

If the participating employee was eligible for family coverage under the District's major medical insurance plan or a member of the employee's family was eligible under an additional policy; that eligibility may continue until the participant is Medicare eligible at their own expense; or they are no longer permitted to continue coverage by the insurer. The District shall not be obligated to pay any part of the premium or expenses of the family or additional coverage.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

Approved: March 1996. Reviewed: , January 2011, January 2014, January 2017, Revised August 2006, August 2009, November 2105, November 2017, October 2018, May 2020, March 2021 and April 2021 AND March 2022

Policy Number 407.8

## 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, 769 (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.

### Cross Reference:

404 Employee Conduct and Appearance

407 Licensed Employee Termination of Employment

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 407.5

### 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:

- 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 §§ 20; 279

Cross Reference:

407.4 Licensed Employee Suspension

413.5 Classified Employee Reduction in Force

703 Budget

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## 408 LICENSED EMPLOYEE - PROFESSIONAL GROWTH

Policy Number 408.1

### 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. Approval of the superintendent must be obtained prior to attendance by a licensed employee in a professional development program when the attendance would result in the licensed employee being excused from their duties or when the school district pays the expenses for the program.

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

Legal Reference:

Iowa Code § 279.8.

281 I.A.C. 12.7; 83.6

Cross Reference:

414.9 Classified Employee Professional Purposes Leave

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020





Policy Number 408.2

## LICENSED EMPLOYEE PUBLICATION OR CREATION OF MATERIALS

Materials created by licensed employees and the financial gain therefrom 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.

17 U.S.C. Sec. 101 *et. al.*

Cross Reference:

401.2 Employee Conflict of Interest

606.4 Student Production of Materials and Services

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Policy Number 408.3

## LICENSED EMPLOYEE TUTORING

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

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

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

Legal Reference:

Iowa Code §§ 20.7; 279.8.

Cross Reference:

401.12 Employee Conflict of Interest

402.6 Employee Outside Employment

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## 409 LICENSED EMPLOYEE - VACATIONS AND LEAVES OF ABSENCE

Policy Number 409.1

### 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: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 409.2

### 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 (rollover) up to a maximum of 120 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

Policy Number 409.3

## 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 the school's fiscal year from July 1-June 30.. 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 Servicemember -- 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: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Regulation 409.3R1

### LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE

#### 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.

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.
  - d. *[ Boards who adopt other requirements or additional collective bargaining provisions can add them here. ]*
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.
  - g. *[ Boards who adopt other purposes for which family and medical leave may be taken should add them here. ]*
2. Medical certification.
- a. When required:
    - 1. Employees *[ may/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 *[ may/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 *[ may/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 Fiscal year
3. If insufficient leave is available, the school district may:
  - a. Deny the leave if entitlement is exhausted
  - b. Award leave available

#### F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.
2. Intermittent - employee requests family and medical leave for separate periods of time.
  - a. Intermittent leave is available for:

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

\_\_\_ serious health condition of myself, spouse, 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, spouse, 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.

- 1. Definition - an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors and special education assistants.
- 2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent of the work days in the leave period may be required to:
  - a. Take leave for the entire period or periods of the planned medical treatment; or,

- b. Move to an available alternative position, with equivalent pay and benefits, but not necessarily equivalent duties, for which the employee is qualified.
- 3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter or spring break.
  - a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three weeks of the semester if the leave was not continued.
  - b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.
  - c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
- 4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.

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

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

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

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

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

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## LICENSED 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.

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.

"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.).
  - 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.

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Exhibit 409.3E1

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

This document is available at <https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>.

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

## Exhibit 409.3E2 LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

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

I, \_\_\_\_\_, request family and medical leave for the following reason:

(check all that apply)

- ☐ for the birth of my child;
- ☐ for the placement of a child for adoption or foster care;
- ☐ to care for my child who has a serious health condition;
- ☐ to care for my parent who has a serious health condition;
- ☐ to care for my spouse who has a serious health condition; or

\_\_\_ because I am seriously ill and unable to perform the essential functions of my position.

\_\_\_ 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, spouse, 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 \_\_\_\_\_.

\_\_\_\_\_ 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, spouse, 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 \_\_\_\_\_

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

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## Policy Number 409.4

### 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.

In case of the death of an employee's spouse, parent, step-parent, child, or step-child, the employee shall be entitled to a leave of absence of five (5) consecutive school days, with pay. Said leave may be taken within a reasonable time after the death, but if not taken within ten (10) calendar days after the death, shall be lost.

In case of the death of the employee's brother, sister, or grandparent, grandchild, step-grandchild, niece or nephew, the employee shall be entitled to a leave of absence of three (3) consecutive school days, with pay. Said leave days may be taken within a reasonable time after the death, but if not taken within ten (10) calendar days after the death, shall be lost.

In case of the death of the employee's spouse's brother, sister, parent, step-parent or grandparent, niece or nephew the employee shall be entitled to a leave of absence of three (3) consecutive school days, with pay. Said leave days may be taken within a reasonable time after the death, but if not taken within ten (10) calendar days after the death, shall be lost..

In case of the death of a person with whom the employee had an unusually close personal relationship, the employee shall be entitled to a leave of absence, with pay, for the time necessary to attend the funeral, but not to exceed one (1) day per occurrence..

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

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Policy Number 409.5

#### 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.

Cross Reference:

401.9 Employee Political Activity

409 Licensed Employee Vacations and Leaves of Absence

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

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## Policy Number 409.6

### 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. Any payment for jury duty will be paid to the school district.

#### Legal Reference:

Iowa Code §§ 20.9; 607A.

#### Cross Reference:

409 Licensed Employee Vacations and Leaves of Absence

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

Policy Number 409.7

## 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.

### Cross Reference:

409 Licensed Employee Vacations and Leaves of Absence

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy Number 409.8

### 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 5 days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

#### Legal Reference:

Iowa Code §§ 20; 85; 85A; 85B; 279.12; 509; 509A; 509B.

#### Cross Reference:

409 Licensed Employee Vacations and Leaves of Absence

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## 410 OTHER LICENSED EMPLOYEES

### Policy Number 410.1

#### SUBSTITUTE TEACHERS

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

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

Substitute teachers will be paid a per diem rate. Substitutes employed for 6 or more consecutive days in the same position shall be paid an additional \$15.00 per day. Substitutes employed for 11 or more consecutive days in the same position shall be paid at the BA base salary. Substitute licensed employees are expected to perform the same duties as the licensed employees.

#### Legal Reference:

*Iowa Association of School Boards v. PERB*, 400 N.W.2d 571 (Iowa 1987).

Iowa Code §§ 20.1, 4(5), 9; Ch.272.

281 I.A.C. 12.4.

#### Cross Reference:

405.1 Licensed Employee Defined

405.2 Licensed Employee Qualifications, Recruitment, Selection

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy Number 410.2

### SUMMER SCHOOL LICENSED EMPLOYEES

The Dunkerton Community School District may offer summer school options in accordance with law and may, in its discretion offer additional programming 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.

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.

#### Cross Reference:

505.2 Student Promotion - Retention - Acceleration

603.2 Summer School Instruction

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

Policy Number 410.3

## TRUANCY OFFICER

The building principals shall serve as the truancy officer for their respective buildings. The truancy officer shall 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. The truancy officer shall attempt to contact the student's parents when the student is taken into custody.

Legal Reference:

Iowa Code §§ 299.10-.11, .15.

Cross Reference:

501.10 Truancy - Unexcused Absences

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020



## Policy 410.4

### EDUCATION ASSOCIATE

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

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

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

#### Legal Reference:

Iowa Code §§ 279.8; 280.3, 14.

281 I.A.C. 12.4(9); 5(9).

#### Cross Reference:

411.2 Classified Employee Qualifications, Recruitment, Selection

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy 411.1

### CLASSIFIED EMPLOYEE DEFINED

Classified employees are employees who are not administrators or employees in positions which require a teaching license issued by the Iowa Board of Educational Examiners and who are employed to fulfill the duties listed on their job description on a monthly or hourly basis.

Classified employees will include, but not be limited to, teacher and classroom aides, custodial and maintenance employees, clerical employees, food service employees, bus drivers, activity sponsor (non licensed 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.

#### Cross Reference:

405.1 Licensed Employee Defined

411.2 Classified Employee Qualifications, Recruitment, Selection

412.3 Classified Employee Group Insurance Benefits

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy 411.2

### 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 in accordance with applicable laws and school district policies regarding equal employment. 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.

All job openings shall be submitted to the Iowa Department of Education for posting on TeachIowa, the online state job posting system. Additional announcements of the position may occur through means the superintendent believes will inform potential applicants about the position. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who directly supervises and oversees the position.

The Board may pay for certifications and training needed for classified employee licensure, for example, the CDL training to get a license to be a bus driver.

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

Legal Reference:

29 U.S.C. §§ 621-634.

42 U.S.C. §§ 2000e; 12101 et seq.

Iowa Code §§ 20; 35C; 216; 279.8; 279.20

281 I.A.C. 12

Cross Reference:

401.1 Equal Employment Opportunity

411 Classified Employees -

General Approved: March 1996.

Reviewed: April 2009

January 2011

January 2014

January 2017

May 2020

Revised: June 2022

## Policy 411.3

### CLASSIFIED EMPLOYEE CONTRACTS

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

Each contract will include a 30-day cancellation clause. Either the employee or the board must give notice of the intent to cancel the contract at the end of 30-days. This notice will not be required when the employee is terminated during a probationary period or for cause.

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

It is the responsibility of the superintendent to draw up and process the classified employee contracts and present them to the board for approval.

Legal Reference:

Iowa Code §§ 20; 279.7A; 285.5(9).

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: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy 411.4

### 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 for the position.

#### Legal Reference:

Iowa Code §§ 285.5(9); 272; 279.8.

281 I.A.C. 12.4(10); 36; 43.

#### Cross Reference:

411.2 Classified Employee Qualifications, Recruitment, Selection

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy 411.5

### 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.

Cross Reference:

200.2 Powers of the Board of Directors

411.6 Classified Employee Transfers

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy 411.6

### 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.

42 U.S.C. §§ 2000e et seq.

42 U.S.C. §§ 12101 et seq.

Iowa Code §§ 20.9; 35C; 216; 279.8; 294.1.

#### Cross Reference:

411.2 Classified Employee Qualifications, Recruitment, Selection

411.5 Classified Employment Assignment

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020



## Policy 411.7

### CLASSIFIED EMPLOYEE EVALUATION

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

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

#### Legal Reference:

*Aplington Community School District v. PERB*, 392 N.W.2d 495 (Iowa 1986).

*Saydel Education Association v. PERB*, 333 N.W.2d 486 (Iowa 1983).

Iowa Code §§ 20.9; 279.14.

281 I.A.C. 12.3(3).

#### Cross Reference:

411.2 Classified Employee Qualifications, Recruitment, Selection

411.8 Classified Employee Probationary Status

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy 411.8

### CLASSIFIED EMPLOYEE PROBATIONARY STATUS

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

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

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

Legal Reference:

Iowa Code §§ 20; 279.8.

Cross Reference:

411.3 Classified Employee Contracts

411.7 Classified Employee Evaluation

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## CLASSIFIED EMPLOYEE PHYSICAL EXAMINATIONS

Good health is important to job performance. Employees shall present evidence of good health, in the form of a physical examination report, within thirty (30) days of their initial employment with the school district. A physical examination report is required every three years thereafter, except for bus drivers. School bus drivers shall present evidence of good health annually every other year, unless a doctor requires otherwise, in the form of a physical examination report.

Employees whose physical or mental health, in the judgment of the administration, may be in doubt shall submit to additional examinations, when requested to do so, at the expense of the school district.

The form indicating the employee is able to perform the duties for which the employee was hired, must be returned prior to the first paycheck for that year. The cost of an employee's physical renewals as required every three years will be paid by the school district up to a maximum of one hundred and twenty dollars (\$120.00). The school district shall provide the standard examination form to be completed by the personal physician of the employee. Employees identified as having reasonably anticipated contact with blood or infectious materials shall receive the Hepatitis B vaccine or sign a waiver stating that they will not take the vaccine.

The superintendent shall be responsible for writing an exposure control plan to eliminate or minimize the district occupational exposure to bloodborne pathogens. The plan for designated employees shall include, but not be limited to, scope and application, definitions, exposure control, methods of compliance,

Hepatitis B vaccination with post-exposure evaluation and follow-up, communication of hazards to employees, and recordkeeping.

Approved: April 1996   Reviewed: January 2017   Review May 2020

## Policy 412.1

### CLASSIFIED EMPLOYEE COMPENSATION

The board shall 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.

The superintendent shall be responsible for making a recommendation to the board annually regarding the compensation of classified employees.

Payday shall be the 20th of the month, or the nearest workday prior to the 20th if such day falls on a weekday or holiday. The pay period shall be from the sixth (6) of the previous month to the fifth (5) of the month. The work week will be from Sunday to Saturday for determining overtime pay.

The superintendent shall determine employee hours. Those work schedules shall be subject to board review. The employee work schedules shall be stated in the written contract. All employees who work a minimum of four hours per day and are scheduled to work over a meal period shall be provided a fifteen (15) minute paid break time. Meal time shall be defined as 11:45 - 12:30 or 5:30 - 6:00. Employees are considered on-call during that scheduled break time. The superintendent or designee shall establish a break time schedule for all employees that may not always correspond with the above meal time defined hours.

#### Legal Reference:

Iowa Code §§ 20.1, .4, .7, .9; 279.8.

#### Cross Reference:

411.3 Classified Employee Contracts

412.2 Classified Employee Wage and Overtime Compensation

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy 412.2

### 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.

Employees may check in up to fifteen (15) minutes before normal starting time and check out up to fifteen (15) minutes after the normal quitting time. Such time shall be construed as applying to the normal working day and shall not be counted for computing overtime pay. In the event the check-out time is later than ten (10) minutes after normal time, the entire extra time at the end of the day shall be counted toward the overtime payment.

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.

#### Cross Reference:

411.3 Classified Employee Contracts

412.1 Classified Employee Compensation

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy 412.3

### CLASSIFIED EMPLOYEE GROUP BENEFITS

A Preferred Provider Organization (PPO) health and major medical insurance program is offered to all full-time employees. Full-time is defined as working forty (40) hours per week and fifty-two (52) weeks per year. The cost of the insurance for the employee is paid by the school district. (A comprehensive health and major medical insurance plan shall be available with the employee paying the premium difference, providing carrier offers the plan.) Family coverage may be deducted from the employees check upon written approval from the employee. The board shall have the sole responsibility in determining the insurance carrier.

Workmen's compensation insurance is provided for all employees for personal injuries arising out of, and in the course of, the employment of such person. Compensation is made, within the limits of the State Law and Regulations, for time lost and payment of medical and hospital fees when a injury is suffered on the job. Because of strict State and Federal regulations, all accidents must be reported to the school office immediately. Failure to do so may result in the loss of this benefit.

The employee shall return to the school all payments for workmen's compensation so long as the employee is receiving sick leave benefits provided by the school.

Medical attention should be obtained as soon as possible after the injury, if such is necessary. The attending doctor should be instructed that the injury is covered by Workmen's Compensation.

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12; 509; 509A; 509B (1995).

Cross Reference: 411.1 Classified Employee Defined

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy 412.4

### CLASSIFIED EMPLOYEE TAX SHELTER PROGRAMS

Employees may elect to have amounts withheld from their pay for items authorized by law, subject to agreement of the district. The board may authorize the administration to make a payroll deduction for classified employees' tax-sheltered annuity premiums purchased from a company or program if chosen by the board.

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

#### Legal Reference:

*Small Business Job Protection Act of 1996*, Section 1450(a), repealing portions of IRS REG § 1.403(b)-1(b)(3).

Iowa Code §§ 260C; 273; 294.16.

#### Cross Reference:

706 Payroll Procedures

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy 413.1

### 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 30 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).

#### Cross Reference:

411.3 Classified Employee Contracts

413 Classified Employee Termination of Employment

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020



## Policy 413.2

### 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.

Iowa Code §§ 91A.2, 3, 5; 97B; 216; 279.19A, 46.

#### Cross Reference:

412 Classified Employee Compensation and Benefits

413 Classified Employee Termination of Employment

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020



## Policy 413.3

### 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, 769 (Iowa 1987).

*McFarland v. Board of Education of Norwalk Community School District*, 277 N.W.2d 901 (Iowa 1979).

Iowa Code §§ 20.7, 24.

#### Cross Reference:

404 Employee Conduct and Appearance

413 Classified Employee Termination of Employment

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy 413.4

### 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.

#### Cross Reference:

404 Employee Conduct and Appearance

413.3 Classified Employee Suspension

413.5 Classified Employee Reduction in Force

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy 413.5

### 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.

#### Cross Reference:

407.5 Licensed Employee Reduction in Force

413.3 Classified Employee Suspension

413.4 Classified Employee Dismissal

703 Budget

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy 414.1

### CLASSIFIED EMPLOYEE VACATIONS - HOLIDAYS - PERSONAL LEAVE

Full time employees are entitled to vacation with pay. Full-time is defined as working forty (40) hours per week and fifty-two (52) weeks per year. Vacation shall be earned according to the following schedule:

First year of employment	1 Weeks
Second-ten years of employment	2 Weeks
Tenth year to Nineteenth year of employment	3 Weeks
Twentieth and all subsequent years of employment	4 Weeks

Those who have been employed less than six months at the end of the fiscal year or terminate the employment before the end of a fiscal year shall not be entitled to any paid vacation.

The vacation time shall generally be scheduled during non-school time and may be taken in one-half day increments. The superintendent shall review and approve of all vacation requests.

Vacation time may not accumulate from one year to the next and shall be used by June 30th of the following fiscal year. Except in cases of emergency, employees may not be employed for extra wages during vacation periods.

Holidays - Employees shall be entitled to be absent from work on the below listed holiday: Labor Day, Thanksgiving, Christmas Day, New Years Day, Memorial Day, July 4th. Such holidays shall be with pay providing they occur during the employees' normal work year. Each employee will be paid for the normal contracted work hours as per individual contract.

Personal leave - At the beginning of every school year, each employee shall be credited with two (2) days, with pay, to be used for the employee's personal business, which shall mean business that cannot be conducted other than during working hours. An employee planning to use a personal day shall notify the superintendent at least three days in advance, except in the case of a bona fide emergency, in which case the superintendent shall be notified as soon as possible. Personal days shall not accumulate from year to year.

Legal Reference: Iowa Code §§ 1C.1-.2; 4.1(34); 20.9 (1995).

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

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020

## Policy 414.2

### CLASSIFIED EMPLOYEE PERSONAL ILLNESS LEAVE

A. Accumulative benefits - Employees shall be entitled to paid sick leave days each school year as of the first official day of said school year whether or not they report for duty on that day. Sick leave may be used for personal illness of the employee. The employee shall promptly notify the Superintendent of the employee's intention to use sick leave, as soon as the necessity therefore is known to the employee. Unused sick leave days shall be accumulated from year to year with a limit of 120 days so accumulated. Sick leave shall be according to the following schedule:

First year of employment	10 days
Second year of employment	11 days
Third year of employment	12 days
Fourth year of employment	13 days
Fifth year of employment	14 days
Sixth and all subsequent years of employment	15 days

B. Evidence of illness - The employee shall furnish the Superintendent with a written statement from a medical doctor, certifying to the existence, nature and duration of the illness and the employee's ability to return to work for all absences in which the employee is absent for five consecutive days or for five absences within a four-week time period.

C. Notification of accumulation - Employees shall be given a copy of a written accounting of accumulated sick leave days no later than October 1st of each school year.

D. Use of sick leave for family illness - Upon application by the employee, the employee shall be entitled to use up to a maximum of seven (7) days per year of the employee's paid sick leave, which is provided for in Paragraph A above, when a member of the employee's immediate family (defined as the employee's spouse, minor dependent children, and parents) is ill and it is necessary for the employee to personally care for said family member. The employee shall apply to the Superintendent or his designee for such sick leave as soon as the necessity for it is



E. If an employee's work hours change, the accumulated sick leave will be converted to the new work day schedule based upon the number of hours contracted during the time the leave was accumulated.

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

DUNKERTON COMMUNITY SCHOOL DISTRICT POLICY MANUAL

## Policy 414.3

### CLASSIFIED EMPLOYEE FAMILY AND MEDICAL LEAVE

#### 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.

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.
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 Fiscal year
3. If insufficient leave is available, the school district may:
  - a. Deny the leave if entitlement is exhausted
  - b. Award leave available

F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.
2. Intermittent - employee requests family and medical leave for separate periods of time.
  - a. Intermittent leave is available for:

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

\_\_\_ serious health condition of myself, spouse, 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, spouse, 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.

#### G. Special Rules for Instructional Employees.

- 1. Definition - an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors and special education assistants.
- 2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent of the work days in the leave period may be required to:
  - a. Take leave for the entire period or periods of the planned medical treatment; or,
  - b. Move to an available alternative position, with equivalent pay and benefits, but not necessarily equivalent duties, for which the employee is qualified.

3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter or spring break.
  - a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three weeks of the semester if the leave was not continued.
  - b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.
  - c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.

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

1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.
2. The employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the school district at a time set by the superintendent.
3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.
4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.

5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.
6. If an employee intends not to return to work, the employee must immediately notify the school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.

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

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

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020



## Policy 414.4

### CLASSIFIED EMPLOYEE BEREAVEMENT LEAVE

In case of the death of an employee's spouse, child, or step-child, the employee shall be entitled to a leave of absence of five (5) consecutive work days, with pay. Said leave days may be taken within a reasonable time after the death, but if not taken within ten (10) work days after the death, shall be lost. The employee shall promptly notify the Superintendent of the death, and when the leave days will be taken.

In the case of the death of the employee's brother, sister, parent or grandparent, the employee shall be entitled to a leave of absence of three (3) consecutive work days, with pay. Said leave days may be taken within a reasonable time after the death, but if not taken within ten (10) work days after the death, shall be lost. The employee shall promptly notify the Superintendent of the death, and when the leave days will be taken.

In the case of the death of the employee's spouse's brother, sister, parent or grandparent, the employee shall be entitled to a leave of absence of three (3) consecutive work days with pay. Said leave days may be taken within a reasonable time after the death, but if not taken within ten (10) work days after the death, shall be lost. The employee shall notify the Superintendent of this death, and when the leave days will be taken.

In case of the death of a person with whom the employee had an unusually close personal relationship, the employee shall be entitled to a leave of absence, without pay, for the time necessary to attend the funeral. The employee shall promptly notify the Superintendent of this death, and when the leave will be taken.

#### Legal Reference:

Iowa Code §§ 20; 279.8.

#### Cross Reference:

414 Classified Employee Vacations and Leaves of Absence

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017, Review May 2020

## Policy 414.5

### 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.

#### Cross Reference:

401.9 Employee Political Activity

414 Classified Employee Vacations and Leaves of Absence

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Review May 2020

## Policy 414.6

### CLASSIFIED EMPLOYEE JURY DUTY LEAVE

The board will allow classified employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Classified employees will receive their regular salary. Any payment for jury duty is turned over to the school district.

#### Legal Reference:

Iowa Code §§ 20.9; 607A.

#### Cross Reference:

414 Classified Employee Vacations and Leaves of Absence

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## Policy 414.7

### 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.

#### Cross Reference:

414 Classified Employee Vacations and Leaves of Absence

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Review May 2020

## Policy 414.8

### 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.

#### Cross Reference:

414 Classified Employee Vacations and Leaves of Absence

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Review May 2020

## Policy 414.9

### 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 14 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.

281 I.A.C. 12.7.

#### Cross Reference:

411 Classified Employees - General

408.1 Classified Employee Professional Development

Approved: March 1996. Reviewed: April 2009, January 2011, January 2014, January 2017,  
Review May 2020