

## EMPLOYEE PHYSICAL EXAMINATIONS

School bus drivers will present evidence of good health every other year in the form of a physical examination report unless otherwise required by law or medical opinion.

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

The cost of the initial examination will be paid up to \$65 by the school district. The form indicating the employee is able to perform the duties for which the employee was hired must be returned prior to payment of salary. The cost of bus driver renewal physicals will be paid by the school district up to a maximum of \$65.

Employees identified as having reasonably anticipated contact with blood or infectious materials will receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine. It is the responsibility of the superintendent to write an exposure control plan to eliminate or minimize district occupational exposure to bloodborne pathogens. The plan for designated employees includes but is not limited to, scope and application, definitions, exposure control, methods of compliance, Hepatitis B vaccination and post exposure evaluation and follow-up, communication of hazards to employees, and record keeping.

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

(Physical exam requirement for school staff rescinded 3/28/12 except for bus drivers)

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

Cross Reference: 403 Employees' Health and Well-Being

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## WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

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

### Reporting

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

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

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

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

### Benefits

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

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

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

## WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

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

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

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

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

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

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

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

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WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

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**Louisa-Muscatine Community School District**  
**WORKERS' COMPENSATION BENEFIT ELECTION**

Name (please print) \_\_\_\_\_ Phone \_\_\_\_\_

Position \_\_\_\_\_

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

1.     \_\_\_\_\_ Supplement my Workers' Compensation benefits with my accrued benefits.  
The benefit(s) to supplement your workers' compensation benefits will be used in this order:
  1. Sick Leave
  2. Personal Leave
  3. Vacation Time (if applicable)
  
2.     \_\_\_\_\_ Receive only Workers' Compensation benefits  
(do not use the accrued leaves listed above to supplement my Workers' Compensation benefits)

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

<p>Complete this form immediately and return it to: Administration Office 14478 170<sup>th</sup> St. Letts, IA 52754</p>
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## WORKERS' COMPENSATION - INJURY/ILLNESS ON THE JOB

### **Payment Amount**

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

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

### **Supplementing Personal Leave**

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

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

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

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

## COMMUNICABLE DISEASES - EMPLOYEES

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

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

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

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

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

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

Legal Reference:     School Board of Nassau County v. Arline, 480 U.S. 273 (1987).  
                              29 U.S.C. §§ 794, 1910 (1994).  
                              42 U.S.C. §§ 12101 *et seq.* (1994).  
                              45 C.F.R. Pt. 84.3 (2002).  
                              Iowa Code chs. 139; 141 (2003).  
                              641 I.A.C. 1.2-.7.

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

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## HAZARDOUS CHEMICAL DISCLOSURE

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

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

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

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

Legal Reference: 29 C.F.R. Pt. 1910; 1200 *et seq.* (2002).  
Iowa Code chs. 88; 89B (2003).  
347 I.A.C. 120.

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

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## HARASSMENT

Harassment of employees and students will not be tolerated in the school district. School district includes school district facilities, school district premises, and nonschool property if the employee or student is at any school sponsored, school approved or school related activity or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

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

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

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

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

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

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

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## HARASSMENT

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

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

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

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

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

HARASSMENT COMPLAINT FORM

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

# WITNESS DISCLOSURE FORM

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

## HARASSMENT INVESTIGATION PROCEDURES

Harassment of employees and students will not be tolerated in the school district. School district includes school district facilities, school district premises, and nonschool property if the employee or student is at any school sponsored, school approved or school related activity or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

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

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

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

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

## COMPLAINT PROCEDURE

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

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

## HARASSMENT INVESTIGATION PROCEDURES

### INVESTIGATION PROCEDURE

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

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

### RESOLUTION OF THE COMPLAINT

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

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

### POINTS TO REMEMBER IN THE INVESTIGATION

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

### CONFLICTS

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

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

## SUBSTANCE-FREE WORKPLACE

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

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

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

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

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

Legal Reference:      41 U.S.C. §§ 701-707 (1994).  
                             42 U.S.C. §§ 12101 *et seq.* (1994).  
                             34 C.F.R. Pt. 85 (2002).  
                             Iowa Code §§ 123.46; 124; 279.8 (2003).

Cross Reference:      404      Employee Conduct and Appearance

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## SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

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

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

The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy. If the employee fails to successfully participate in such a program the employee is subject to discipline up to and including termination.

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

## SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

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

(Signature of Employee)		(Date)
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## SUBSTANCE-FREE WORKPLACE REGULATION

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

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



## DRUG AND ALCOHOL TESTING PROGRAM

Employees who operate school vehicles classified as “commercial motor vehicles” by the U.S. Department of Transportation, and are required to possess a commercial driver’s license (CDL) to operate those vehicles, are subject to drug and alcohol testing. A “commercial motor vehicle” is a vehicle that transports sixteen or more persons including the driver or has a gross vehicle weight rating (GVWR) of 26,001 pounds or more. For purposes of the drug and alcohol-testing program, the term "employees" includes applicants who have been offered a position to operate a commercial motor vehicle owned by the school.

Employees that will operate a school vehicle as described above are subject to pre-employment drug testing prior to being allowed to perform a safety sensitive function using the school vehicle. In addition, employees will be subject to random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol-testing program may contact the Superintendent or persons responsible for drug testing at the Administration Building.

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

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

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

Legal Reference:	American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3 <sup>rd</sup> (Cir. 1995). 49 U.S.C. §§ 5331 et seq. (1994). 42 U.S.C. §§ 12101 (1994). 41 U.S.C. §§ 701-707 (1996). 49 C.F.R. Pt. 40; 382; 391.81-123 (2002). 34 C.F.R. Pt. 85 (2002). Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91). Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2005).
Cross Reference:	403.6 Substance-Free Workplace 409.2 Licensed Employee Personal Illness Leave 414.2 Classified Employee Personal Illness Leave

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## DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

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

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

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

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

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED it is a condition of their continued employment to comply with the Drug and Alcohol Testing Program policy, its supporting documents, regulations and the law. Drug and alcohol testing records about a driver are confidential and are released in accordance with this policy, its supporting documents, regulations or the law.

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

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

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

Program policy and its supporting documents. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting documents, regulations and the law.

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

I further understand that drug and alcohol testing records about me are confidential and may be released in accordance with this policy, its supporting documents, regulations or the law.

(Signature of Employee)		(Date)

# DRUG AND ALCOHOL REASONABLE SUSPICION OBSERVATION FORM

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

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

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

Observed personal behavior: (check all appropriate items)

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

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

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

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

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

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

Comments:

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

Above behavior witnessed by:

Signed \_\_\_\_\_

Date \_\_\_\_\_

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

Date \_\_\_\_\_

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

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

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

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

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

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

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

## VOLUNTARY PERSONAL DAY TRANSFER

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

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

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

Legal Reference:

Cross Reference:

Approved 05/16/05  
Approved: 09/21/09  
Approved 12/15/14

Reviewed 04/18/05  
Reviewed: 08/31/09  
Reviewed 11/17/14

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

EMPLOYEE ACCUMULATED PAID SICK LEAVE

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

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

Legal Reference:

Cross Reference:

Approved: 04/16/12  
Approved: 04/21/14  
Approved: 12/15/14

Reviewed: 05/21/12  
Reviewed: 03/13/2014  
Reviewed: 11/17/14

Revised: 05/21/12  
Revised: 11/17/14

## EMPLOYEE CONDUCT AND APPEARANCE

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

Employees will conduct themselves in a professional manner. Employees will dress in attire appropriate for their position. Clothing should be neat, clean, and in good taste. For Certified employees denim blue jeans, sweatshirts, t-shirts and cut-offs are not considered appropriate professional dress and will not be acceptable unless certain conditions exist, i.e. – field trips, special cause projects, etc. Discretion and common sense call for an avoidance of extremes which would interfere with or have an effect on the educational process.

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

Legal Reference: Iowa Code § 279.8 (2003).  
282 I.A.C. 13.

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

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Reviewed: 11/17/14

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Revised: 11/17/14



## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

chapter 25

**282—25.1(272) Scope of standards.**

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

**282—25.2(272) Definitions.**

Except where otherwise specifically defined by law:

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

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

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

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

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

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

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

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

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

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

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

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

**282—25.3(272) Standards of professional conduct and ethics.**

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

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

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

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

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

(1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

1. Any of the following forcible felonies included in *Iowa Code* § 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
2. Any of the following criminal sexual offenses, as provided in *Iowa Code* Ch. 709, involving a child:
  - First, second or third degree sexual abuse committed on or with a person who is under the age of 18;
  - Lascivious acts with a child;
  - Detention in a brothel;
  - Assault with intent to commit sexual abuse;
  - Indecent contact with a child;
  - Sexual exploitation by a counselor;
  - Lascivious conduct with a minor; or
  - Sexual exploitation by a school employee;
3. Incest involving a child as prohibited by *Iowa Code* § 726.2;
4. Dissemination and exhibition of obscene material to minors as prohibited by *Iowa Code* § 728.2; or
5. Telephone dissemination of obscene material to minors as prohibited by *Iowa Code* § 728.15.

(2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)“b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:

1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
2. The time elapsed since the crime or founded abuse was committed;
3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
4. The likelihood that the person will commit the same crime or abuse again;
5. The number of criminal convictions or founded abuses committed; and
6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

- c. Sexual involvement or indecent contact with a student.*  
Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or breasts of a student; permitting or causing to fondle or touch the practitioner's inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in *Iowa Code* § 702.17.
- d. Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by *Iowa Code* § 728.12, *Iowa Code* Ch. 709 or 18 U.S.C. § 2252A(a)(5)(B).
- e. Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:
  - (1) Committing any act of physical abuse of a student;
  - (2) Committing any act of dependent adult abuse on a dependent adult student;
  - (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
  - (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
  - (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee; or
  - (6) Failing to report any suspected act of child or dependent adult abuse as required by state law.

**25.3(2) Standard II—alcohol or drug abuse.** Violation of this standard includes:

- a.* Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs.
- b.* Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol.

**25.3(3) Standard III—misrepresentation, falsification of information.** Violation of this standard includes:

- a.* Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
- b.* Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.
- c.* Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
- d.* Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—Chapter 17.
- e.* Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

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

- a. Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.
- b. Converting public property or funds to the personal use of the practitioner.
- c. Submitting fraudulent requests for reimbursement of expenses or for pay.
- d. Combining public or school-related funds with personal funds.
- e. Failing to use time or funds granted for the purpose for which they were intended.

**25.3(5)** *Standard V—violations of contractual obligations.*

- a. Violation of this standard includes:
  - (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
  - (2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.
  - (3) Abandoning a written professional employment contract without prior unconditional release by the employer.
  - (4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.
  - (5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.
- b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner's control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:
  - (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or
  - (2) The practitioner provided notice to the employing board no later than the latest of the following dates:
    1. The practitioner's last work day of the school year;
    2. The date set for return of the contract as specified in statute; or
    3. June 30.

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

**25.3(6)** *Standard VI—unethical practice toward other members of the profession, parents, students, and the community.* Violation of this standard includes:

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, color, religion, age, sex, disability, marital status, national origin, or membership in a definable minority.
- f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
- i. Refusing to participate in a professional inquiry when requested by the board.
- j. Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.
- k. Failing to self-report to the board within 60 days any founded child abuse report, or any conviction for a criminal offense listed 25.3(1) "b"(1) which requires revocation of the practitioner's license.
- l. Delegating tasks to unqualified personnel.
- m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
- n. Allowing another person to use one's practitioner license for any purpose.
- o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared.

**25.3(7)** *Standard VII—compliance with state law governing student loan obligations and child support obligations.* Violation of this standard includes:

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

CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

- 25.3(8)** *Standard VIII—incompetence.* Violation of this standard includes, but is not limited to:
- a.* Willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa.
  - b.* Willfully or repeatedly failing to practice with reasonable skill and safety. These rules are intended to implement *Iowa Code* § 272.2(1) “*a.*”

## LICENSED EMPLOYEE DEFINED

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

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

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

Legal Reference:     Clay v. Independent School District of Cedar Falls, 187 Iowa  
                              89, 174 N.W. 47 (1919).  
                              Iowa Code §§ 256.7(3); 272.6; 272A; 279.8; 294.1 (2003).  
                              282 I.A.C. 14.  
                              281 I.A.C. 12.4; 41.25.  
                              1940 Op. Att'y Gen. 375.

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

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

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

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

## LICENSED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION

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

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

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

The board will employ licensed employees after receiving a recommendation from the superintendent, except in time sensitive situations when a contract can be offered by the Superintendent with approval of the Board President and Vice-President. However, the superintendent will have the authority to employ a licensed employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

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

Legal Reference:      29 U.S.C. §§ 621-634 (1994).  
                             42 U.S.C. §§ 2000e *et seq.* (1994).  
                             42 U.S.C. §§ 12101 *et seq.* (1994).  
                             Iowa Code §§ 20; 35C; 216; 294.1 (2003).  
                             281 I.A.C. 12.  
                             282 I.A.C. 14.  
                             1980 Op. Att'y Gen. 367.

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

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

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



## LICENSED EMPLOYEE INDIVIDUAL CONTRACTS

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

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

Legal Reference:     Harris v. Manning Independent School District of Manning, 245 Iowa 1295, 66 N.W.2d 438 (1954).  
                          Shackelford v. District Township of Beaver, Polk County, 203 Iowa 243, 212 N.W. 467 (1927).  
                          Burkhead v. Independent School District of Independence, 107 Iowa 29, 77 N.W. 491 (1898).  
                          Iowa Code chs. 20; 279 (2003).

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

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

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

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

## LICENSED EMPLOYEE CONTINUING CONTRACTS

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

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

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

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

Legal Reference:     Ar-We-Va Community School District v. Long and Henkenius, 292 N.W.2d 402 (Iowa 1980).  
                          Bruton v. Ames Community School District, 291 N.W.2d 351 (Iowa 1980).  
                          Hartman v. Merged Area VI Community College, 270 N.W.2d 822 (Iowa 1978).  
                          Keith v. Community School District of Wilton in the Counties of Cedar and Muscatine, 262 N.W.2d 249 (Iowa 1978).  
                          Iowa Code §§ 20; 272; 279.12-.19B, .27; 294.1 (2003).

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

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

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

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

## LICENSED EMPLOYEE WORK DAY

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

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

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

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

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

Legal Reference: Iowa Code §§ 20; 279.8 (2003).

Cross Reference: 200.3 Powers of the Board of Directors

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

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

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

## LICENSED EMPLOYEE ASSIGNMENT

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

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

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

Legal Reference: Iowa Code §§ 20.9; 279.8 (2003).

Cross Reference: 200.3 Powers of the Board of Directors

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

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

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

## LICENSED EMPLOYEE TRANSFERS

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

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

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

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

Legal Reference: Iowa Code §§ 20.9; 216.14; 279.8 (2003).

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

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

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

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

## 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.

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

Legal Reference:     Aplington Community School District v. PERB, 392 N.W.2d 495 (Iowa 1986).  
                           Saydel Education Association v. PERB, 333 N.W.2d 486 (Iowa 1983).  
                           Iowa Code §§ 20.9; 279.14, .19, .27 (2007).  
                           281 I.A.C. Ch 83; 12.3(4).

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

Approved 09/21/09  
 Approved 12/15/14  
 Approved 03/16/15

Reviewed 08/31/09  
 Reviewed 11/17/14  
 Reviewed 02/16/15

Revised 08/31/09  
 Revised \_\_\_\_\_  
 Revised 02/16/15

## LICENSED EMPLOYEE PROBATIONARY STATUS

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

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

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

Legal Reference: Iowa Code §§ 279.12-.19B (2003).

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

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

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

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

## LICENSED EMPLOYEE SALARY SCHEDULE

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2003).

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

Approved 03/21/05  
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Reviewed 08/31/09  
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Revised \_\_\_\_\_



LICENSED EMPLOYEE SALARY SCHEDULE ADVANCEMENT

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2003).

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

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

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

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

## LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

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

Licensed employees who wish to obtain additional education for advancement on the salary schedule must notify their supervisor by March 1<sup>st</sup> 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 on the salary schedule.

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2003).

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

Approved 03/21/05  
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Revised 11/17/14

LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY

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

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8, .13-.15, .19A-B (2003).

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

Approved 03/21/05  
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Reviewed 08/31/09  
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Revised 08/31/09  
Revised \_\_\_\_\_

LICENSED EMPLOYEE GROUP INSURANCE BENEFITS

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

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

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

Legal Reference: Iowa Code // 20.9; 85; 85B; 279.12, .27; 509; 509A; 509B (2001).

Cross Reference: 405.1 Licensed Employee Defined

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Approved 09/21/09

Approved 12/15/14

Reviewed 03/14/05

Reviewed 08/31/09

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Revised 08/31/09

Revised \_\_\_\_\_

## LICENSED EMPLOYEE TAX SHELTER PROGRAMS

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

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

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

Legal Reference:     Small Business Job Protection Act of 1996, Section 1450(a), repealing portions of IRS REG § 1.403(b)-1(b)(3).  
Iowa Code §§ 20.9; 260C; 273; 294.16 (2003).  
1988 Op. Att'y Gen. 38.  
1976 Op. Att'y Gen. 462, 602.  
1966 Op. Att'y Gen. 211, 220.

Cross Reference:     706     Payroll Procedures

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

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

## LICENSED EMPLOYEE RESIGNATION

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

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

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.13, .19A (2003).

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

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

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

## LICENSED EMPLOYEE CONTRACT RELEASE

Licensed employees who wish to be released from an executed contract must give at least twenty-one days notice to the superintendent. Licensed employees may be released at the discretion of the board.

Release from a contract will be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay the board up to \$1,500.00 for expenses incurred to locate and hire a suitable replacement. Upon written mutual agreement between the employee and the superintendent, the costs may be deducted from the employee's salary. Payment of these costs is a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

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

Legal Reference: Iowa Code §§ 216; 272; 279.13, .19A, .46 (2003).  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

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

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## LICENSED EMPLOYEE RETIREMENT

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

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

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

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

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

Legal Reference: Iowa Code §§ 97B; 216; 279.46 (2003).  
581 I.A.C. 21.  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

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

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

Reviewed 03/14/05  
Reviewed 08/31/09  
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## LICENSED EMPLOYEE SUSPENSION

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

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

Legal Reference:     Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765 (Iowa 1987).  
                              McFarland v. Board of Education of Norwalk Community School District, 277 N.W.2d 901 (Iowa 1979).  
                              Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2003).

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

Approved 03/21/05  
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Revised \_\_\_\_\_

## LICENSED EMPLOYEE REDUCTION IN FORCE

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

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

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

Endorsements and educational preparation within the grade level and subject areas in which the employee is now performing;

Relative skills, ability and demonstrated performance;

Qualifications for co-curricular programs; and

Number of continuous years of service to the school district. This will be considered only when the foregoing factors are relatively equal between licensed employees.

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

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

Legal Reference: Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2003).

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

Approved 03/21/05  
Approved 09/21/09  
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Revised \_\_\_\_\_

STAFF PERSONNEL  
Series 400

Policy Title: Certified Staff – Early Retirement PlanCode No. 407.6

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**1. PURPOSE**

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

**2. STATEMENT OF NON-DISCRIMINATION**

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

**3. ELIGIBILITY**

A regular, certified employee is eligible for this early retirement plan if the employee:

- a. has reached the age of 55 at the actual date of retirement;
- b. has completed a minimum of 20 years of contracted full-time service at the School District and is actively employed during the last fiscal year prior to early retirement;
- c. has not received a notice concerning termination of the employee's contract, unless the notice is based upon reasons which are related to staff reduction;
- d. has not previously received early retirement benefits from the School District
- e. submits a completed application, as specified in Section 5 below, to the Louisa-Muscatine Community School District Administrative Office on or before 4:00 p.m. on December 8, 2014, addressed to the Board Secretary. (The Board of Directors reserves the right to waive strict compliance with the application deadline if there are extenuating circumstances unknown to the employee at the time and the Board in its sole discretion decides to waive strict compliance with the application deadline); and
- f. to be eligible for payment, the applicant can no longer be an employee of the school district.

**4. DEFINITION OF TERMS**

- a. Years of service - Years of service must be consecutive and all years used to establish eligibility must be years of service as a certified teaching employee.
- b. Regular employee - A regular employee is a certified teaching employee who works a minimum of nine months or more each fiscal year.
- c. Certified employee - An employee who is issued a teaching contract under Iowa Code Chapter 279.

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Series 400

Policy Title: Certified Staff – Early Retirement PlanCode No. 407.6**5. APPLICATION**

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

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

**6. LIMITATION ON NUMBER OF EMPLOYEES**

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

**7. EARLY RETIREMENT BENEFITS**

- a. The School District shall pay to the retiring employee an amount based on one-half (1/2) of the retiring employee's current placement on the salary schedule up to a maximum amount of \$30,000. This does not include extra duty increments, phase monies, or extended contracts.

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

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

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

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Policy Title: Certified Staff – Early Retirement PlanCode No. 407.6

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

## 8. TERMINATION

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

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

## 9. RECISION OF PARTICIPATION

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

Legal Reference Code: \_\_\_\_\_

Related Administrative Rules and Regulations: \_\_\_\_\_

Approved:	<u>2/09</u>	Reviewed:	<u>1/09</u>	Revised:	<u>1/09</u>
Approved:	<u>09/21/09</u>	Reviewed:	<u>08/31/09</u>	Revised:	<u>08/31/09</u>
Approved:	<u>12/21/09</u>	Reviewed:	<u>11/16/09</u>	Revised:	<u>11/16/09</u>
Approved:	<u>02/18/2013</u>	Reviewed:	<u>01/21/2013</u>	Revised:	<u>01/21/2013</u>
Approved:	<u>03/13/2014</u>	Reviewed:	<u>03/13/2014</u>	Revised:	<u>03/13/2014</u>
Approved:	<u>10/30/14</u>	Reviewed:	<u>10/20/2014</u>	Revised:	<u>10/20/2014</u>

STAFF PERSONNEL  
Series 400

Policy Title: Certified Staff – Early Retirement Plan

Code No. 407.6E1

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**RESIGNATION AND REQUEST FOR EARLY RETIREMENT**

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

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

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

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

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

The resignation and request for early retirement was accepted by the Board of Directors on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by action as noted in the minutes of the Board.

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

Louisa-Muscatine Community School District

## STAFF PERSONNEL

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

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

In consideration of the benefits to be provided to him/her in accordance with the Early Retirement Plan, \_\_\_\_\_ (the employee) agrees to immediately sign and submit a letter of resignation to be effective on \_\_\_\_\_, 2015.

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

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

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

Louisa-Muscatine Comm. School District

_____	_____
District	Employee
Date: _____	Date: _____

_____	_____
Witness	Witness
Date: _____	Date: _____

STAFF PERSONNEL  
Series 400

Policy Title: Certified Staff – Early Retirement Plan

Code No. 407.6E3

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**AGREEMENT NOT TO SEEK RE-EMPLOYMENT**

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

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

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

Witness \_\_\_\_\_ Date \_\_\_\_\_