

## EMPLOYEES

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## ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES

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

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

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## EQUAL EMPLOYMENT OPPORTUNITY

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

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

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

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

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

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Paton-Churdan Community School District, Box 488, Glidden, Iowa 51443; or by telephoning 712-659-3411.

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## EQUAL EMPLOYMENT OPPORTUNITY

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

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

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

## EMPLOYEE CONFLICT OF INTEREST

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

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

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

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

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

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## EMPLOYEE CONFLICT OF INTEREST

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

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

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

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

NEPOTISM

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

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

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

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## EMPLOYEE COMPLAINTS

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

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

Cross Reference: 307 Communication Channels

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**Policy 401.05: Employee Records**

**Status: ADOPTED**

**Original Adopted Date:** 12/17/2021 | **Last Reviewed Date:** 04/20/2023

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

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

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

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

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

**Cross References**

<b>Code</b>	<b>Description</b>
401.06	<a href="#"><u>Limitations to Employment References</u></a>
402.01	<a href="#"><u>Release of Credit Information</u></a>
403.03	<a href="#"><u>Communicable Diseases - Employees</u></a>
403.03-R(1)	<a href="#"><u>Communicable Diseases - Employees - Regulation</u></a>
403.03-E(1)	<a href="#"><u>Communicable Diseases - Employees - Hepatitis B</u></a>
708	<a href="#"><u>Vaccine Information and Record</u></a> <a href="#"><u>Care, Maintenance and Disposal of School District</u></a> <a href="#"><u>Records</u></a>
901	<a href="#"><u>Public Examination of School District Records</u></a>

## EMPLOYEE RECORDS REGULATION

### Employee Personnel Records Content

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

### Applicant File Records Content

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

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## EMPLOYEE RECORDS REGULATION

### Record Access

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

### Employee Record Retention

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

## LIMITATIONS TO EMPLOYMENT REFERENCES

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

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

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

Cross References: 401.5 Employee Records  
402.2 Child Abuse Reporting  
402.3 Abuse of Students by School District Employees  
405.2 Licensed Employee Qualifications, Recruitment, Selection  
411.2 Classified Employee Qualifications, Recruitment, Selection

Approved Nov. 2019 Reviewed September 2021 Revised Nov. 2019



## EMPLOYEE TRAVEL COMPENSATION

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

### Travel Outside the School District

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

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

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

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

Pre-approved expenses for transportation within three-hundred miles of the school district administrative office will be by automobile. If a school district vehicle is not available, the employee will be reimbursed mileage at the Internal Revenue Service standard mileage rate. Travel to/from home and work is never a reimbursable travel expense. Travel costs for a spouse or anyone other than the district employee shall be a personal expense not reimbursed by the district.

## EMPLOYEE TRAVEL COMPENSATION

### Travel Within the School District

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

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

### Use of District-Owned Vehicles

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

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

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

Approved December, 1995      Reviewed September 2021      Revised \_\_\_\_\_

RECOGNITION FOR SERVICE OF EMPLOYEES

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

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

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

Approved December, 1995 Reviewed September 2021 Revised

EMPLOYEE POLITICAL ACTIVITY

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

Violation of this policy may be grounds for disciplinary action.

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## CREDIT AND PROICUREMENT CARDS

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

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

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

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

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

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

Approved December, 1995       Reviewed September 2021       Revised

## EMPLOYEE ORIENTATION

Employees must know their role and duties. New employees may be required to participate in an orientation program for new employees. The employee's immediate supervisor should provide the new employee with a review of the employee's responsibilities and duties. Payroll procedures and employee benefit programs and accompanying forms will be explained to the employee by the business manager.

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

Approved July, 2010

Reviewed September 2021

Revised \_\_\_\_\_

## EMPLOYEE USE OF CELL PHONES

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

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

Cell phones are not to be used for conversations involving confidential student or employee information.

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

Employees violating the policy will be subject to discipline, up to and including, discharge. It is the responsibility of the superintendent to develop administrative regulations regarding this policy.

Cross References:      406      Licensed Employee Compensation and Benefits  
                                 412      Classified Employee Compensation and Benefits  
                                 707.5      Internal Controls

Approved July, 2010

Reviewed September 2021

Revised \_\_\_\_\_

## EMPLOYEE USE OF CELL PHONES REGULATION

### Cell phone Usage

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



## EMPLOYEE EXPRESSION

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

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

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

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

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

Cross Reference: 502.3 Student Expression  
504.3 Student Publications

Approved October 2021 Reviewed September 2021

Revised \_\_\_\_\_

## RELEASE OF CREDIT INFORMATION

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

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

*NOTE: This policy lists the information the school district will release to a credit agency without prior notice to the employee. The items listed are all public records and can be disclosed without prior notice. Prior to releasing other information, a school district must get consent from the employee. It is recommended that this consent be written.*

Cross Reference: 401.5 Employee Records

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

**Policy 402.02: Child Abuse Reporting**

**Status: Adopted**

**Original Adopted Date:** 03/2022 | **Last Revised Date:** 08/2023 | **Last Reviewed Date:** 08/2023

In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. All licensed school employees, teachers, coaches and paraeducators and all school employees 18 years of age or older are mandatory reporters as provided by law and are to report alleged incidents of child abuse they become aware of within the scope of their professional duties.

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

Within six months of their initial employment, mandatory reporters will take a two-hour training course involving the identification and reporting of child abuse and dependent adult abuse, or submit evidence they've taken the course within the previous three years. Once the training course has been taken, the certificate will remain valid for three years. Employees who have taken the two-hour training course will take the one-hour follow-up training course every three years and prior to the expiration of their certificate.

**Cross References**

<b>Code</b>	<b>Description</b>
401.06	Limitations to Employment References
402.03	Abuse of Students by School District Employees
502.09	Interviews of Students by Outside Agencies
507.01	Student Health and Immunization Certificates

## CHILD ABUSE REPORTING REGULATION

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

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

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

### Child Abuse Defined

"Child abuse" is defined as:

- Any non-accidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
- The commission of a sexual offense with or to a child . . . as a result of the acts or omissions of the person responsible for the child. . . . Sexual offense includes sexual abuse, incest, and sexual exploitation of a minor.
- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's welfare when financially able to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child . . . .
- The acts or omissions of a person responsible for the care of a child which allow, permit or encourage the child to engage in acts prohibited pursuant to Iowa Code, section 725.1 which deals with prostitution.

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## CHILD ABUSE REPORTING REGULATION

### Reporting Procedures

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

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

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

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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

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

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

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

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

Cross Reference: 106 Bullying/Harassment  
402.2 Child Abuse Reporting  
503.5 Corporal Punishment

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REPORT FORM

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

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

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

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

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

Name and place of employment of employee accused of abusing student: \_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

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

Yes  No Telephone Number \_\_\_\_\_

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REPORT FORM

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

Has any professional person examined or treated the student as a result of the incident?  
\_\_yes \_\_no \_\_\_unknown

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

Has anyone contacted law enforcement about this incident? \_\_yes \_\_no

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

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

Your name, address and telephone number:

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

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name(Print)

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

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

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



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
Report of Level I Investigation

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

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

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Date report of abuse was filed: \_\_\_\_\_ \_\_ physical \_\_sexual\*

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Yes  No Was the right exercised?  Yes  No

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ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
Report of Level I Investigation

Were audio tapes made of any interviews?  yes  no

Were video tapes made of any interviews?  yes  no

Was any action taken to protect the student during or as a result of the investigation?  
 yes  no

If yes, describe:

student excused from school

school employee placed on administrative or other leave

student assigned to different class

other (please specify)

Level I investigator's conclusions:

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

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

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

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

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

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

Alleged incident did not occur on school grounds, on school time, at a school-sponsored activity, nor in a school-related context.

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

Complaint was withdrawn.

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

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ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES  
Report of Level I Investigation

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

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

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

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

Current status of investigation:

Closed. No further investigation is warranted.

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

Deferred to law enforcement officials.

Turned over to Level II investigator.

Other comments: \_\_\_\_\_

\_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

Signature of investigator

Date

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## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

### Physical Abuse Allegations

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

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

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

The written investigative report shall include:

1. The name, age, address and attendance center of the student named in the report.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

In determining the reasonableness of the contact or force used, the following factors shall be considered:

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



## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

### Sexual Abuse

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

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

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

determination is made that jurisdiction exists, the alleged victim has been interviewed and a determination made that the investigation will not be deferred.

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## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

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

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

1. The name, age, address and attendance center of the student named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

In cases involving founded physical or sexual abuse by a licensed employee, the board shall notify the Board of Educational Examiners. Information of unfounded abuse at Level I or Level II shall not be kept in the employee's personnel file. If the Level I investigative report is founded but Level II is unfounded, then the Level I report shall be removed from the employee's permanent file.

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

## GIFTS TO EMPLOYEES

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

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

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

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

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## GIFTS TO EMPLOYEES

- Actual expenses of an employee for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service;
- Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;
- Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar or other meeting;
- Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
- Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or
- Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee.

## GIFTS TO EMPLOYEES

- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

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

- Actual expenses of an employee for registration, food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization or the Iowa department of general services; or
- A payment made to an employee for services rendered as part of a private business, trade or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an employee of the district, but, rather, because of some special expertise or other qualification.

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

Cross Reference:   217   Gifts to Board of Directors  
                          401.2   Employee Conflict of Interest



## 704.4 Gifts-Grants-Bequests

### **Policy 402.05: Required Professional Development for Employees**      **Status: Adopted**

**Original Adopted Date:** 08/2023 | **Last Reviewed Date:** 08/2023

Appropriate training and professional development of all employees is crucial to the success of all students. The district will provide professional development opportunities appropriate to the duties of school employees.

For all professional development programs the district requires employees to take, the district will provide to the employee notice indicating the section of the law, or rules adopted by the state board of education or board of educational examiners that the district determines requires the employee to participate in the professional development program.

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#### **Cross References**

<b>Code</b>	<b>Description</b>
302.06	Superintendent Professional Development
303.07	Administrator Professional Development
408.01	Licensed Employee Professional Development

## EMPLOYEE OUTSIDE EMPLOYMENT

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

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

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

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

Code No. 403.1

## EMPLOYEE PHYSICAL EXAMINATIONS

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

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

The cost of the initial examination will be paid by the district, up to a maximum of \$80.00. 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 \$80.00. The school district will provide the standard examination form to be completed by the personal physician of the employee. Employees identified as having reasonably anticipated contact with blood or infectious materials will receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine.

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

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

Cross Reference: 403 Employees' Health and Well-Being

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

Code No. 403.2

## EMPLOYEE INJURY ON THE JOB

When an employee becomes seriously injured on the job, the building principal shall notify a member of the family, or an individual of close relationship, as soon as the building principal becomes aware of the injury.

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

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

It shall be the responsibility of the employee to file claims, such as workers' compensation, through the board secretary.

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

Approved December, 1995      Reviewed September 2021      Revised \_\_\_\_\_

## COMMUNICABLE DISEASES - EMPLOYEES

Employees with a communicable disease will be allowed to perform their customary employment duties provided they are able to perform the essential functions of their position and their presence does not create a substantial risk of illness or transmission to students or other employees. The term "communicable disease" shall 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 shall be included in the school district's bloodborne pathogens exposure control plan. The procedures shall 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 shall be reviewed annually by the superintendent and school nurse.

The health risk to immunodepressed employees shall be 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 shall be 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 shall notify the superintendent or the school nurse when the employee learns a communicable disease exists. It shall be the responsibility of the superintendent, when the superintendent or school nurse, upon investigation, has knowledge that a reportable communicable disease is present, to notify the Iowa Department of Public Health.

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

It shall be 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.

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

## HEPATITIS B VACCINE INFORMATION AND RECORD

### The Disease

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

### The Vaccine

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

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

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

### Dosage and Administration

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

### Possible Vaccine Side Effects

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

## HEPATITIS B VACCINE INFORMATION AND RECORD

### CONSENT OF HEPATITIS B VACCINATION

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

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

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

### REFUSAL OF HEPATITIS B VACCINATION

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

\_\_\_\_\_  
Signature of Employee (refusal for Hepatitis B vaccination) Date

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

I refuse because I believe I have (check one)

started the series  completed the series

HEPATITIS B VACCINE INFORMATION AND RECORD

RELEASE FOR HEPATITIS B MEDICAL INFORMATION

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

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

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

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



HEPATITIS B VACCINE INFORMATION AND RECORD

**CONFIDENTIAL RECORD**

\_\_\_\_\_  
Employee Name (last, first, middle)                      Social Security No.

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

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

Additional Hepatitis B status information:

\_\_\_\_\_

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

\_\_\_\_\_

Identification and documentation of source individual:

\_\_\_\_\_

\_\_\_\_\_

Source blood testing consent:

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

\_\_\_\_\_



## UNIVERSAL PRECAUTIONS REGULATION

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

### **Hand Washing**

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

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## UNIVERSAL PRECAUTIONS REGULATION

### **Barriers**

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

### **Disposal of Waste**

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

### **Clean up**

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

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

### **Laundry**

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

## UNIVERSAL PRECAUTIONS REGULATION

### **Exposure**

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

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

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

## HAZARDOUS CHEMICAL DISCLOSURE

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

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

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

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

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## SUBSTANCE-FREE WORKPLACE

The board expects the school district and its employees to remain substance free. No employee shall unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, 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 non-school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

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

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

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

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

Cross Reference: 404 Employee Conduct and Appearance

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_



**SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES**

EMPLOYEES ARE HEREBY NOTIFIED it is a violation of the Substance-Free Workplace policy for an employee to unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbituate, marijuana or any other controlled substance or alcohol, as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 C.F.R. 1300.11 through 1300.15 and Iowa Code Chapter 124.

"Workplace" is defined as the site for the performance of work done in the capacity as 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 shall be subject to discipline up to and including termination.

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

**SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM**

I, \_\_\_\_\_, have read and understand the Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination. 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)

## SUBSTANCE-FREE WORKPLACE REGULATION

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

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## DRUG AND ALCOHOL TESTING PROGRAM

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

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing. Employees operating school vehicles shall not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy shall be 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 either the superintendent or the school nurse.

Employees who violate the terms of this policy may be subject to discipline up to and including termination. Employees who violate this policy may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

It is the responsibility of the superintendent to develop administrative regulations to implement this policy. The superintendent shall also inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment, in the application form and personally at the first interview with the applicant.

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## DRUG AND ALCOHOL TESTING PROGRAM

Iowa law does not allow a school district to discipline and/or terminate a driver for their first positive test result on a drug or alcohol test if the driver undergoes a substance abuse evaluation and if the driver successfully completes the treatment, if any, recommended by the substance abuse professional. Drivers who fail to undergo the evaluation or fail to successfully complete the treatment, if any, recommended by the substance abuse professional may be disciplined up to and including termination.

Iowa law also requires the school district to provide substance abuse evaluation and treatment if recommended by the substance abuse professional. The school district must pay the costs of the evaluation and treatment, if any.

Under Iowa law, the school district must inform applicants/drivers of the requirement for drug and alcohol testing in any notice or advertisement soliciting applicants/drivers for employment, in the application form and personally at the first interview with the applicant/driver.

Cross Reference:                   403.6 Substance-Free Workplace  
  409.2 Licensed Employee Personal Illness Leave  
  414.2 Classified Employee Personal Illness Leave

## DRUG AND ALCOHOL TESTING PROGRAM REGULATION

A. Questions regarding the drug and alcohol testing program policy, its supporting administrative regulations or the drug and alcohol testing program may be directed to either the superintendent or school nurse.

NOTE: The school district is required to designate a school district contact person for the drug and alcohol testing program. This person will answer questions from employees and others about the program, receive the test results, receive the identification numbers of the drivers and notify those drivers selected for random testing. If different persons will be doing these jobs, the drug and alcohol testing program policy and its supporting regulations must clearly explain which person handles which part of the drug and alcohol testing program.

B. Covered Drivers.

1. The following requirements apply for a driver to be covered by the drug and alcohol testing program:
  - a) Drive a vehicle transporting sixteen or more persons, including the driver, OR drive a vehicle weighing over twenty-six thousand pounds; and
  - b) Require a commercial driver's license to hold the driver position
2. Covered drivers include:
  - a) Applicants seeking a position as a driver.
  - b) Full time, regularly employed drivers.
  - c) Casual, intermittent, occasional or substitute drivers.
  - d) Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of a school district.

C. Prohibited Driver Conduct.

1. Drivers shall not report to duty or remain on duty with a 0.04 breath alcohol concentration of greater.
2. Drivers shall not report for duty or remain on duty when using any drug except when a physician has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle and the school district is informed in writing of the medication and doctor's opinion
3. Drivers shall not use alcohol at least four hours prior to, or during the performance of a safety-sensitive function.

Approved December, 1995 Reviewed September 2021 Revised

## DRUG AND ALCOHOL TESTING PROGRAM REGULATION

4. Drivers shall not possess alcohol while on duty. This includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken.
5. Drivers required to take a post-accident alcohol test shall not use alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
6. Drivers shall not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test result requiring the driver to undergo a substance abuse evaluation and subjecting the driver to discipline up to and including termination.
7. Drivers shall not report for duty or remain on duty performing a safety-sensitive function if the driver has a positive drug test result.

## D. Alcohol Breath Testing Procedures.

1. Driver's breath is tested for alcohol.
2. Evidentiary breath testing devices are used to conduct the screening test and, if necessary, the confirmation alcohol test.
  - a. The screening alcohol breath test determines whether the driver's breath alcohol concentration is less than 0.02.
    - (1) A screening alcohol test result of less than 0.02 breath alcohol concentration allows the driver to continue to perform a safety-sensitive function.
    - (2) An initial alcohol test result of 0.02 breath alcohol concentration or greater requires a confirmation test.
  - b. The confirmation alcohol breath test determines whether the driver can continue to perform a safety-sensitive function.
    - (1) A confirmation alcohol test result of less than 0.02 breath alcohol concentration allows the driver to continue to perform a safety-sensitive function.
    - (2) A confirmation alcohol test result of 0.02 breath alcohol concentration but less than 0.04 breath alcohol concentration requires the driver to cease performing a safety-sensitive function for 24 hours.
    - (3) A confirmation alcohol test result of 0.04 breath alcohol concentration or greater requires the driver to cease performing a

safety-sensitive function and undergo a substance abuse evaluation.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

3. Alcohol testing is conducted at collection sites which provide privacy to the driver and contain the necessary equipment, personnel and materials.
  - a. Alcohol testing is conducted at a designated nonschool district facility unless the situation requires another location.
  - b. In the event privacy cannot be assured, privacy will be provided to the extent practical.
  
4. Screening alcohol testing steps.
  - a. Once the driver is notified to submit to an alcohol test, the driver must complete the Alcohol/Drug Test Notification Form and proceed immediately to the collection site. Collection site personnel contact the school nurse immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.
  - b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test.
  - c. The testing procedure is explained to the driver by the collection site person.
  - d. The collection site person, the breath alcohol technician (BAT) and the driver complete and sign the appropriate sections of the alcohol testing form.
    - (1) Refusal of the driver to sign the form prior to the screening alcohol test is considered a refusal to test.
    - (2) The school district is notified immediately of the driver's refusal to sign.
  - e. The driver forcefully blows into the evidentiary breath testing device mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
  - f. The initial test results are shared with the driver.
  - g. The driver and breath alcohol technician must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the breath alcohol technician notes the driver's refusal to sign.
  - h. Screening alcohol test results.



- (1) An alcohol test result of less than 0.02 breath alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive function.
- (2) An alcohol test result of 0.02 breath alcohol concentration or more requires a confirmation alcohol test between 15 and 20 minutes of the screening test.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- (3) The breath alcohol technician provides the (school district contact person) with a copy of the breath alcohol testing form if written communication was not used to report the test results.

NOTE: A variety of methods are available for confidentially communicating alcohol test results. The breath alcohol technician may communicate the results in person to the school district contact person. The BAT may inform the school district contact person by telephone, but the school district contact person should verify that the BAT is the person on the telephone through a password identification system. The BAT may inform the school district contact person by fax. The fax must be a secure fax to which only the school district contact person has access or the BAT must telephone the school district contact person prior to the results being faxed so only the school district contact person receives the fax. The BAT may inform the school district contact person by electronic mail. A personal identification number or other security method should be used by the school district contact person to retrieve the results. No matter which method is used, it is important the results remain confidential as required by the federal regulations.

- i. Potentially incomplete or invalid breath alcohol tests are repeated with corrected procedures.
  - j. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
    - (1) A physician analyzes the driver's inability to provide adequate breath.
    - (2) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
    - (3) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.
5. Confirmation alcohol testing steps.
- a. The confirmation alcohol test is done between fifteen and twenty minutes of the screening alcohol test whether or not the driver followed the requirements to not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during the fifteen-minute

waiting period to avoid accumulation of mouth alcohol leading to an artificially high reading.

- b. If a different collection site is used, the driver must be under the observation of the collection site person or school district person while in transit to the confirmation alcohol testing site or while waiting for the confirmation alcohol test.
- c. If a different collection site person is used for the confirmation alcohol test, the driver must again provide photo identification.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- d. The testing procedure is explained to the driver by the collection site person.
- e. The collection site person, a breath alcohol technician and the driver complete and sign the appropriate sections of the alcohol testing form.
  - (1) Refusal of the driver to sign the form prior to the confirmation alcohol test is considered a refusal to test.
  - (2) The school district is notified immediately of the refusal to sign.
- f. The driver forcefully blows into the evidentiary breath testing device mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
- g. The confirmation alcohol test results, which are the final and official test results, are shared with the driver.
- h. The driver and breath alcohol technician must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the breath alcohol technician notes the driver's refusal to sign.
- i. The breath alcohol technician informs the school nurse of the results of the test in a confidential manner.
  - (1) An alcohol test result of less than 0.02 breath alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive function.
  - (2) The breath alcohol technician notifies the school nurse immediately of confirmation alcohol test results of 0.02 breath alcohol concentration or more.
  - (3) The collection site person provides the school nurse with a copy of the breath alcohol testing form if written communication was not used to report the test results.
- j. Potentially incomplete or invalid breath alcohol tests are repeated with corrected procedures.
- k. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:

- (1) A physician analyzes the driver's inability to provide adequate breath.
- (2) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
- (3) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.

E. Drug Testing Procedures.

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### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
2. A split specimen urine drug test, often called "split sample test," is used to conduct the drug test.
  - a. A negative drug test result allows the driver to continue to perform a safety-sensitive function.
  - b. A positive drug test result on the primary sample requires the driver to be removed from performing a safety-sensitive function.
  - c. A positive drug test result on the primary sample allows the driver an opportunity to request the split sample be tested by another certified laboratory for the specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result.
  - d. A positive drug test result requires the driver to undergo a substance abuse evaluation.
3. Drivers taking medication at a doctor's direction may perform a safety-sensitive function if the doctor determines there is not an adverse affect on performing a safety-sensitive function and the school district is informed in writing of the medication and doctor's opinion.
4. Drug testing is conducted at collection sites which provide privacy to the driver and where the necessary equipment, personnel and materials are located.
  - a. Drug testing is conducted at a designated nonschool district facility unless the situation requires another location. Public restrooms can be used as collection sites in exceptional circumstances.
  - b. In the event privacy cannot be assured, privacy is provided to the extent practical. However, direct observation is allowed if:
    - (1) Reasons exist to believe the driver may alter or substitute the specimen.

- (2) The driver presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided.
- (3) The last specimen provided by the driver was determined by the laboratory to not meet specific gravity and urine creatinine concentration criteria.
- (4) The collection site person observes conduct of the driver to substitute or adulterate the specimen.
- (5) The driver has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty

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### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- c. Direct observation is approved by the supervisor of the collection site person or the designated school district representative. Non-medical personnel performing direct observation must be of the same gender as the driver.
5. Drug testing steps.
- a. Once the driver is notified to submit to a drug test, the driver must complete the Alcohol/Drug Test notification Form and proceed immediately to the collection site. The collection site person contacts the school nurse immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in timely manner is considered a refusal to test.
  - b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test. The driver may require the collection site person to provide proof of identification.
  - c. The driver may keep his or her wallet but must remove any unnecessary outer garments, purses, briefcases and similar items at the request of the collection site person.
  - d. Immediately prior to providing a urine sample, the driver must wash his or her hands.
  - e. The driver must then provide forty-five milliliters of urine and deliver it immediately to the collection site person.
    - (1) Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and trying again.
    - (2) The drug test is stopped when the driver fails twice to provide an adequate amount of urine.

- (3) Failure to provide adequate urine is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate urine.
- f. The specimen is kept in view of the driver and the collection site person.
- g. Upon receipt of the specimen, the collection site person immediately, and in no event later than four minutes from the time of urination, measures the temperature of the specimen.
- h. The driver may volunteer to have his or her oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.
- i. The collection site person inspects the specimen for color and other signs of contaminants and notes any unusual findings.
- j. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- k. The specimen is divided into the primary and the split specimen, sealed and labeled. The label is initialed by the driver.
  - l. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
  - m. The collection site person is required to note on the chain of custody form any unusual behavior or appearance of the driver and any failure to cooperate.
  - n. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete.
  - o. The specimens are packaged for shipping to the laboratory and are shipped immediately or placed in secure storage until they can be shipped.
6. Laboratory.
- a. The laboratory used by the school district's drug and alcohol testing program is certified by the U.S. Department of Health and Human Services (DHHS). Certified laboratories meet the testing procedures, personnel and record keeping requirements of the law.
  - b. Upon arrival of the specimen at the laboratory, the split specimen is stored and the primary specimen is tested.
    - (1) A positive drug test result on the initial test of the primary specimen requires a confirmation drug test of the primary specimen.
    - (2) The split specimen is discarded if the primary specimen has a negative drug test result.
7. Medical Review Officer (MRO) reviews drug test results.

- a. The MRO may release drug testing records of a driver to unauthorized individuals only with the written consent of the driver.
- b. The MRO keeps a record of negative drug test results and reports negative drug test results to the school district, usually within two working days.
- c. The primary role of the MRO is to review and interpret positive drug test results to determine whether a legitimate explanation exists for the positive drug test result.
  - (1) After reviewing the chain of custody form and the laboratory drug test results, the MRO contacts the driver to discuss the positive drug test result prior to notifying the school district and to ask whether the driver requests a drug test of the split sample. The driver's request for a drug test of the split sample must be made within seventy-two hours of talking with the MRO.
  - (2) Upon request of the driver, the split specimen is sent to a second certified laboratory for drug testing.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

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

F. Substance Abuse Professional.

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

G. Pre-employment Testing.

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DRUG AND ALCOHOL TESTING PROGRAM REGULATION

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

H. Random Testing.

1. Annually, twenty-five percent of the average number of drivers for random alcohol tests and fifty percent of the average number of drivers for random drug tests are selected.
2. The drivers' identification numbers are selected by a scientific method giving each driver an equal chance to be selected.

3. Random tests are unannounced and spread throughout the year.
  4. Drivers selected for random alcohol testing are notified just before, during or just after performing a safety-sensitive function. The school district documents why some, if any, drivers were selected but not notified.
  5. Drivers selected for random drug testing are notified at any time. The school district must document why some, if any, drivers were selected but not notified.
  6. Once the driver is notified of being selected for a random test, the driver must proceed immediately to the collection site. However, drivers performing a safety-sensitive function must safely stop and proceed to the collection site as soon as possible.
- I. Reasonable Suspicion Testing.
1. A driver may be required to submit to a reasonable suspicion drug test at any time.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

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



- a. The driver received a citation and;
    - (1) Bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or
    - (2) One or more motor vehicles incurred disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle; or
  - b. A fatality occurred.
2. Drivers must remain readily available for post-accident testing.
    - a. Drivers who leave the scene or who do not remain readily available are deemed to have refused to test.
    - b. Necessary medical treatment cannot and should not be denied to a driver waiting to complete post-accident drug and alcohol tests.
  3. Alcohol testing requirements.
    - a. The alcohol test is administered within two hours and no later than eight hours of the accident.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- b. The reasons for administering the test later than two hours after the accident must be documented.
  - c. The reasons for not administering the test within eight hours of the accident must be documented.
  - d. Drivers are prohibited from consuming alcohol for eight hours after the accident or until the alcohol test is completed.
4. Drug testing requirements.
    - a. The drug test is administered as soon as possible and no later than 32 hours after the accident.
    - b. The reasons for not administering the test must be documented.
  5. Results of drug or alcohol testing conducted by law enforcement officers or other officials on the scene with independent authority to conduct such tests are presumed valid if the testing conforms with the law. The school district must receive a copy of the results to use them.
- K. Return-to-duty/Follow-up Testing.
1. Prior to returning to duty after a positive drug test, a positive alcohol test of 0.04 breath alcohol concentration or greater, or otherwise violating the drug and alcohol testing program policy, its supporting regulations or the law:

- a. The driver must be re-evaluated by a substance abuse professional to determine that the driver has properly followed any treatment program prescribed.
  - b. The driver must submit to the tests required by the substance abuse professional. The substance abuse professional may require a return-to-duty test for drugs, alcohol or both.
  - c. The return-to-duty test must have a negative drug test result and/or an alcohol test result of less than 0.02 breath alcohol concentration before the driver can return to duty and perform a safety-sensitive function.
2. After returning to duty, the driver is subject to a minimum of six unannounced follow-up tests within 12 months for alcohol, drugs or both, as determined by the substance abuse professional.
    - a. The substance abuse professional can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to 60 months from the date of the driver's return to duty.
    - b. Alcohol follow-up testing is done just before, during or just after performing a safety-sensitive function.

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## DRUG AND ALCOHOL TESTING PROGRAM REGULATION

### L. School district responsibilities.

1. Provide drivers with information on the drug and alcohol testing requirements of the drug and alcohol testing program policy, its supporting administrative regulations and the law, including the driver's obligations.
2. Supervisors of drivers or employees designated to determine reasonable suspicion must receive sixty minutes of training on alcohol misuse and sixty minutes of training on drug use. The training must address the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use.
3. Provide drivers with instructions prior to the driver operating a school vehicle to enable the driver to comply with the drug and alcohol testing requirements.
4. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver's drug use whether or not a drug test was conducted.

5. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver with 0.02 breath alcohol concentration or greater whether or not an alcohol test was conducted.
  6. Ensure, through the school district's drug and alcohol testing program service provider, that the quality assurance plan, developed by the manufacturer and approved by the National Highway Traffic Safety Administration (NHTSA) for the evidentiary breath testing device used for alcohol testing of its drivers, describes the inspection, maintenance and calibration requirements and intervals for the device.
  7. Ensure, through the school district's drug and alcohol testing program service provider, that the collection site person using an evidentiary breath testing device is a certified breath alcohol technician.
- M. Consequences of violating the drug and alcohol testing program policy, its supporting administrative regulations or the law.
1. Each violation is dealt with based on the circumstances surrounding the violation. The following consequences may result from a violation.
    - a. Drivers may be disciplined up to and including termination.
    - b. Drivers may not be permitted to perform safety-sensitive functions.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- c. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.
- d. Drivers may be required to undergo a substance abuse evaluation to determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any recommended substance abuse treatment program.
- e. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding the incident.
- f. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.
- g. Drivers/applicants who refuse to submit to or cooperate with the drug and/or alcohol testing process and requirements shall be disqualified from further consideration.

2. Nothing in the drug and alcohol testing program policy, its supporting administrative regulations or the law relating to drug and alcohol testing limits or restricts the right of the board or superintendent to discipline, up to and including termination, a driver for conduct which violates the school district's policies, supporting administrative regulations and procedures.

N. Drug and alcohol testing records.

1. Drug and alcohol testing records are stored in locked files at limited access locations separate and apart from the driver's general personnel records.
2. The records are released only with the written consent of the driver. Only those records specifically authorized for release may be released. However:
  - a. Records may be released to appropriate government agencies without a written consent.
  - b. Records may be released to appropriate school district employees without written consent.
  - c. School districts may, without written consent, make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver and arising from the result of an alcohol or drug test under the drug and alcohol testing program policy, its supporting regulations or the law or from the school district's determination that the driver violated the drug and alcohol testing program, its supporting regulations, or the law.

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#### DRUG AND ALCOHOL TESTING PROGRAM REGULATION

3. With a written request, drivers may access and copy their drug and alcohol test records in accordance with the board policy related to employee records. A driver is not denied access to these records for failure to pay fees associated with other records.
4. The following records of the school district's drug and alcohol testing programs are maintained for the time period indicated.
  - a. One year:
    - (1) Records of negative and canceled drug test results and alcohol test results of less than 0.02 breath alcohol concentration.
    - (2) Records related to the drug and alcohol testing process.
    - (3) Records related to a driver's test results.
    - (4) Records related to other violations of the law.
    - (5) Records related to substance abuse evaluations.
    - (6) Records related to education and training.
  - b. Two years:

Records related to the alcohol and drug collection process, except calibration of evidentiary breath testing devices, and training.

c. Five years:

- (1) Alcohol test results of 0.02 breath alcohol concentration and greater;
- (2) Verified positive drug test results;
- (3) Documentation of refusals to take required alcohol and/or drug tests;
- (4) Evidentiary breath testing device calibration documentation;
- (5) Driver substance abuse evaluations and referrals; and
- (6) Annual calendar year summary.

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## DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

- Air blank - a reading by an evidentiary breath testing device (EBT) of ambient air containing non alcohol.
- Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- Alcohol concentration (or content) - the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidentiary breath test under the law.
- Alcohol use - the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.
- BAC - breath alcohol concentration.

- Breath Alcohol Technician (BAT) - an individual who instructs and assists drivers in the alcohol testing process and operates an evidentiary breath testing device.
- Canceled or invalid test - in drug testing, it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. In alcohol testing it is a test that is deemed to be invalid under the law. A canceled drug test or alcohol test is neither a positive nor a negative test.
- Chain of Custody - procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.
- Collection site - a place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

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## DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

- Confirmation test - for alcohol testing, it is a second test following a screening test with a result of 0.02 breath alcohol concentration or greater that provides quantitative data of alcohol concentration. For drug testing, it is a second analytical procedure (GC/MS) to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.
- Controlled substances/Drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine.
- Driver - any person who operates a school vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the school district or who operate a school vehicle at the direction of or with the

consent of the school district. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for drivers of school vehicles positions.

- Initial test (or screening test) - in drug testing it is an immunoassay screen to eliminate "negative" urine specimens from further consideration. In alcohol testing it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath specimen.
- Medical review officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a driver's confirmed positive test result together with the driver's medical history and any other relevant bio-medical information.
- Non-suspicion-based post-accident testing - testing of a driver after an accident without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence of drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.
- Performing a safety-sensitive function - a driver is considered to be performing a safety-sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- Random Selection Process - when drug tests are unannounced and every driver has an equal chance of being selected for testing.

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#### DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

- Reasonable suspicion - when the school district believes the appearance, behavior, speech or body odors of the driver are indicative of the use of drugs or alcohol.
- Refusal to test - when a driver (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of the law, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the law, or (3) engages in conduct that clearly obstructs the testing process. A refusal to test is treated as a positive drug test result or an alcohol test result of 0.04 breath alcohol concentration or greater.
- Safety-sensitive function - all time from the time when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.

- School vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports sixteen or more persons, including the driver, or weighs over twenty-six thousand one pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.
- Split specimen/split sample - the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in second specimen bottle (the split sample).
- Substance abuse professional (SAP) - a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.



## DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

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

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

It is the responsibility of the superintendent to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements shall contact the superintendent or school nurse.

**EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED** that employees violating this policy, its supporting administrative regulations or the law may be subject to discipline up to and including termination. Employees violating this policy, its supporting administrative regulations or the law may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

**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 administrative regulations and the law. It is a condition of continued employment for employees operating a school vehicle to notify their supervisor of any prescription medication they are using. Drug and alcohol testing records about a driver are confidential and are released in accordance with this policy, its supporting administrative regulations or the law.

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

**EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED** that employees violating this policy, its supporting administrative regulations or the law may be subject to discipline up to and including termination. Employees violating this policy, its supporting administrative regulations or the law may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. Employees required to participate in and who fail to or refuse to successfully participate in a substance evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination. A second violation of this policy will result in termination.

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

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

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

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

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

\_\_\_\_\_  
Date

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

CONSENT FOR RELEASE OF INFORMATION

Name \_\_\_\_\_ Social Security Number \_\_\_\_\_  
(print)

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

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

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

\_\_\_\_\_  
Signature Date

RECORDS TO BE RELEASED FROM:

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone/other: \_\_\_\_\_

RECORDS TO BE RELEASED TO:

School District Contact Person: School Nurse  
Address: Paton-Churdan Community School  
606 ADRIAN BOX 157 CHURDAN, IA, 50050

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

\_\_\_\_\_  
Signature Title Date  
Approved December, 1995 Reviewed January 2016 Revised \_\_\_\_\_

Code No. 403.6-E4

### DRUG/ALCOHOL TEST NOTIFICATION FORM

Date \_\_\_\_\_

Name \_\_\_\_\_ Social Security Number \_\_\_\_\_

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

Drug Alcohol Both Drug and Alcohol

Type of Test: \_\_\_\_\_

Time Sent by School District Contact Person \_\_\_\_\_ (Phone) 712-659-3411

Time Arrived at Collection Site \_\_\_\_\_ Collection Site Person \_\_\_\_\_

Time Test Was Completed \_\_\_\_\_ Collection Site Person \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_  
Date Employee's Signature \_\_\_\_\_

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

Code No. 403.6- E6

DRUG AND ALCOHOL REASONABLE SUSPICION OBSERVATION

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

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

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

Observed personal behavior: (circle all appropriate items)

Speech: Normal    Incoherent    Confused                      Slurred    Whispering    Silent

Balance: Normal    Swaying    Staggering    Falling

Walking and Turning: Normal    Stumbling    Swaying    Falling

Arms raised for balance    Reaching for support

Awareness: Normal    Confused    Paranoid    Sleepy or Stupor    Lack of coordination

Odor: Normal    Alcohol    Burned rope

Other observed behavior/odor:

Reasonable suspicion of current use or impaired by: (circle)    alcohol    drugs

Above behavior witnessed by: \_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

This form must be completed by each trained employee observing the driver suspected of drug use and/or alcohol misuse by behavior, speech and/or odor while on duty, the earlier of within 24 hours or the determination of reasonable suspicion or prior to receiving the test results. The observations

must be specific, contemporaneous and articulable concerning the appearance, behavior, speech and body odor of the driver.

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_



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

School District Contact Person: \_\_\_\_\_ Date: \_\_\_\_\_

School District: Paton-Churdan Community School Phone: 515-389-3111

Address: 606 ADRIAN BOX 157

CHURDAN, IA, 50050

Social Security Number and Name (first and last)..

Additions		Deletions	
SSN	Name	SSN	Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

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

Please fax or mail to: Dan DiThomas  
United Inc.  
PO Box 1820  
Cranberry Twp, PA 16066-0820  
FAX: (412) 772-0811

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

I, \_\_\_\_\_, understand I have violated the Drug and Alcohol Testing Program policy, its supporting administrative regulations and the law by having a Positive drug test result Alcohol test result of 0.04 alcohol breath concentration or greater.

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

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

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

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

\_\_\_\_\_  
Date

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

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

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

Mary Ann Borkowski  
(School district contact person)

Paton-Churdan Community School District

515-389-3111  
School district telephone

712-792-5416  
School district contact person home telephone

712-830-7391  
Back-up school district contact person home telephone

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

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

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

- b. A copy of the documentation must be submitted to the school district contact person upon return to the school district.

Code No. 404

## EMPLOYEE CONDUCT AND APPEARANCE

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

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

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

Cross Reference:	104	Anti-bullying/Harassment
	306	Administrator Code of Ethics
	401.11	Employee Orientation
	403.6	Substance-Free Workplace
	407	Licensed Employee Termination of Employment

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

Code No. 404.R1  
Page 1 of 5

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

### Chapter 25

#### **282—25.1(272) Scope of standards.**

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

#### **282—25.2 (272) Definitions. Except where otherwise specifically defined by law:**

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

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

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

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

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

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

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

*“Practitioner”* means an administrator, teacher, or other licensed personnel, including an individual who holds a statement of professional recognition, who provides educational assistance to students.

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

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

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

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

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

Licensees are required to abide by all federal, state, and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of

professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

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

- a. Fraud.* Fraud means the same as defined in rule 282-25.2(272).
- b. Criminal convictions.* The commission of or conviction for a criminal offense as defined by Iowa law provided that the offense is relevant to or affects teaching or administrative performance.
  - (1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

1. Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
  2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:
    - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
    - Lascivious acts with a child;
    - Assault with intent to commit sexual abuse;
    - Indecent contact with a child;
    - Sexual exploitation by a counselor;
    - Lascivious conduct with a minor;
    - Sexual exploitation by a school employee;
    - Enticing a minor under Iowa Code section 710.10: or
    - Human trafficking under Iowa Code section 710A.2:
  3. Incest involving a child as prohibited by Iowa Code section 726.2;
  4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2; or,
  5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15.
  6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)"b"(1); or
  7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)"b"(1).
- (2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)"b"(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:
1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
  2. The time elapsed since the crime or founded abuse was committed;
  3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
  4. The likelihood that the person will commit the same crime or



- abuse again;
  - 5. The number of criminal convictions or founded abuses committed; and,
  - 6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.
- c. *Sexual involvement or indecent contact with a student.* Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or breasts of a student;

CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

permitting or causing to fondle or touch the practitioner's inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in Iowa Code section 702.17.

*d. Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by Iowa Code section 728.12, Iowa Code chapter 709 or 18 U.S.C. Section 2252A(a)(5)(B).

*e. Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:

- (1) Committing any act of physical abuse of a student;
- (2) Committing any act of dependent adult abuse on a dependent adult student;
- (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
- (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
- (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee;
- (6) Failing to report any suspected act of child or dependent adult abuse as required by state law; or
- (7) Committing or soliciting any sexual conduct as defined in Iowa Code section 709.15(3)"b" or soliciting, encouraging, or consummating a romantic relationship with any person who was a student within 90 days prior to any conduct alleged in the complaint, if that person was taught by the practitioner or was supervised by the practitioner in any school activity when that person was a student.

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

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

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

- a.* Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
- b.* Falsifying or deliberately misrepresenting or omitting material information

regarding compliance reports submitted to federal, state, and other governmental agencies.

- c.* Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
- d.* Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—Chapter 17.
- e.* Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

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

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

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

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

3. June 30.

**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.

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

- 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, sexual orientation, gender identity, disability, marital status, or national origin.
  - f.* Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
  - g.* Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest
  - h.* Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
  - i.* Refusing to participate in a professional inquiry when requested by the board.
  - j.* Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.
  - k.* Failing to self-report to the board within 60 days any founded child abuse report, or any conviction for a criminal offense listed in 25.3(1) "b"(1) which requires revocation of the practitioner's license.
  - l.* Delegating tasks to unqualified personnel.
  - m.* Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
  - n.* Allowing another person to use one's practitioner license for any purpose.
  - o.* Performing services beyond the authorized scope of practice for which the individual is licensed or prepared or performing services without holding a valid license.
  - p.* Falsifying, forging, or altering a license issued by the board.
  - q.* Failure of the practitioner holding a contract under Iowa Code section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.
  - r.* Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.
- 25.3(7) Standard VII—compliance with state law governing obligations to state or local governments, student loan obligations, child support obligations, and board orders.** Violation of this standard includes:
- a.* Failing to comply with 282—Chapter 8 concerning repayment of debts to state or local governments..
  - b.* Failing to comply with 282—Chapter 9 concerning repayment of student loans. *C.*

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

Failing to comply with a board order

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

- a.* Willfully or repeatedly departing from or failing to conform to the minimum standards of acceptable and prevailing educational practice in the state of Iowa.

CODE OF RIGHTS AND RESPONSIBILITY REGULATION

Chapter 26

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

**282—26.2 (272) Rights.** Educators licensed under Iowa Code chapter 272 have the following rights:

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

**282—26.3 (272) Responsibilities.** Educators licensed under Iowa Code chapter 272 have the following responsibilities:

1. The educator has a responsibility to maintain and improve the educator's professional competence.
2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.
3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.
4. The educator shall protect students from conditions harmful to learning or to health or safety.
5. The educator shall not, without just cause, restrain a student from independent action in the pursuit of learning and shall not, without just cause, deny a student access to varying points of view.
6. The educator shall not use professional relationships with students for personal advantage.
7. The educator shall not discriminate against any student on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
8. The educator shall accord just and equitable treatment to all members of the profession.
9. The educator shall keep in confidence personally identifiable information regarding a student or the student's family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.
10. The educator who has reasonable basis to believe that a student has been abused,



as defined by law, shall make all reports required by law and the Iowa Administrative Code and which are necessary to ensure the safety and well-being of the student.

11. In the administration of discipline, the educator shall treat all students with respect and in compliance with all policies of the school district served by the educator.
12. The educator shall provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.
13. The educator shall not refuse to participate in a professional inquiry, when requested by the board.
14. The educator shall not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.
15. The educator shall not delegate assigned tasks to unqualified personnel.

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 shall be 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.

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

## LICENSED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION

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

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

All job openings shall be submitted to the Iowa Department of education for posting on Iowa Works, the online state job posting system. Additional announcements of the position may occur in a manner which the superintendent believes will inform potential applicants about the position. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who will be directly supervising and overseeing the person being hired.

The board will employ licensed employees after receiving a recommendation from the superintendent. The superintendent, however, will have the authority to employ a licensed employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

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

Cross Reference:   401.1 Equal Employment Opportunity  
                          405   Licensed Employees - General  
                          410.1 Substitute Teachers

Approved April, 1998   Reviewed August 2023 Revised August 2023

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, beginning on July 1 and ending on June 30.

It shall be 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, shall be returned to the superintendent. The superintendent shall obtain the employee's signature. After being signed, the contract shall be filed with the board secretary.

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

Approved December, 1995   Reviewed September 2021   Revised \_\_\_\_\_

## LICENSED EMPLOYEE CONTINUING CONTRACTS

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

The first three years of a new licensed employee's contract is a probationary period unless the employee has already successfully completed the three-year probationary period in an Iowa school district. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a two-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 March 31. 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.

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

LICENSED EMPLOYEE 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 shall be followed.

Cross Reference: 200.2 Powers of the Board of Directors

Approved December, 1995 Reviewed September 2021 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 shall consider the qualifications of each licensed employee and the needs of the school district.

It shall be 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 shall be followed.

Cross Reference: 200.2 Powers of the Board of Directors

Approved December, 1995 Reviewed September 2021 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 shall 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 shall be the responsibility of the superintendent to make recommendations to the board regarding the transfer of licensed employees.

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

Approved December, 1995 Reviewed September 2021 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:

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

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

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

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

Approved September, 2008 Reviewed September 2021. Revised \_\_\_\_\_

## LICENSED EMPLOYEE PROBATIONARY STATUS

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

New employees, regardless of experience, shall be subject to a two-year probationary periods. "New" employees include individuals who are being hired for the first time by the school district.

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.

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

Approved December, 1995                      Reviewed September 2021 Revised January,  
2010

LICENSED EMPLOYEE COMPENSATION

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

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

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

Cross Reference: 405 Licensed Employees - General  
406.2 Licensed Employee Compensation Advancement

Approved December, 1995 Reviewed September 2021 Revised October 2021

LICENSED EMPLOYEE COMPENSATION ADVANCEMENT

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

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

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

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

Approved December, 1995 Reviewed September 2021 Revised October 2021

LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

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

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

Approved December, 1995 Reviewed September 2021 Revised October 2021

LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY  
LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY

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

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

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

Legal Reference: Iowa Code §§ 279.8, .13-.15, .19A-B.

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

Approved December, 1995 Reviewed September 2021 Revised October 2021

LICENSED EMPLOYEE GROUP INSURANCE BENEFITS

The requirements stated in the Employee Handbook and the board regarding the group insurance benefits of such employees shall be followed.

Cross Reference: 405.1 Licensed Employee Defined

Approved December, 1995 Reviewed September 2021 Revised October 2021



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 the certified collective bargaining unit and the board regarding the tax sheltered annuities of such employees will be followed.

Cross Reference:        706     Payroll Procedures

Approved December, 2008    Reviewed September 2021    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.

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

Approved December, 1995 Reviewed September 2021 Revised \_\_\_\_\_

**Policy 407.02: Licensed Employee Contract Release**

**Status: ADOPTED**

**Original Adopted Date:** 03/2022 | **Last Revised Date:** 08/2023 | **Last Reviewed Date:** 08/2023

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

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

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

**Cross References**

<b>Code</b>	<b>Description</b>
405.03	<a href="#">Licensed Employee Individual Contracts</a>
405.04	<a href="#">Licensed Employee Continuing Contracts</a>
407.03	<a href="#">Licensed Employee Retirement</a>

VOLUNTARY EARLY RETIREMENT BENEFITS FOR CERTIFIED AND CLASSIFIED STAFF

**PURPOSE:** The purpose of this Voluntary Early Retirement policy is to promote economy, efficiency and to enhance benefits in the school district by providing an orderly means whereby employees may, without hardship or prejudice, be replaced, and to provide a means of orderly attrition of employees. Provide an early retirement system which will reduce excessive personnel turnover and offer suitable attraction to high grade people to accept employment from the Employer.

**This benefit will be offered in the spring of 2021. The board does not intend to offer any retirement benefit in the spring of 2022 or 2023, but will revisit each year to consider.**

**I. Eligibility for early retirement benefits:**

- A. Available to all halftime or more employees who will reach age 55, on or before July 1 the year of the retirement request.
- B. Recipients shall have completed a total of 15 years of service to the District.
- C. Applicants shall submit a written resignation, resigning from their existing contract. The resignation will be contingent upon approval by the Board for participation in the voluntary early retirement program.
- D. Applicants may submit their application for the retirement program between July 1, 8:00 a.m. **April 1st** 4:00 p.m. during their last current school year of employment. Applicant must deliver the application to the Superintendents office.
- E. The Board will determine the maximum number of employees who may receive benefits for the year.
- F. Voluntary early retirement benefits shall not be granted to any employee who is discharged for cause by the district, received notice of staff reduction, or notice of termination prior to submitting the request for acceptance of resignation, nor be on extended unpaid leave or professional leave of absence.
- G. Employees are advised to seek independent advice with regard to legal, tax or financial consequences associated with any action taken by them under this policy.
- H. The District will not discriminate against any employee on the basis of age, gender, race, color, creed, religion, national origin, or disability through the application or administration of this policy.

**II. Voluntary early retirement benefits:**

- A. Benefits for certified staff will be figured on the base pay of the employee and will not include any extra duty pay, career increment pay or Teacher Salary Supplement pay.
- B. Benefits for classified staff will be figured on the base contractual pay and will not include overtime or any other type of pay.
- C. The early retirement incentive plan for **certified staff** is a cash payment in an amount to be determined by the board. An employee that elects to participate in this program will become a retired employee and will be entitled to all rights and privileges of such a retiree under

applicable law and policies of the District. The early retirement benefit for **non-certified staff** will be 50% of their current salary

D. The retiree will be eligible to continue participation in the district's group basic health and life insurance plan, including AD&D, and supplemental life insurance plan at his/her own expense as long as it is permitted by the insurer. The coverage will be limited to the basic and supplemental life insurance amounts that the retiree has in effect at the time of retirement.

### **III. Payment of Benefits:**

A. **The cash benefit shall be paid in one lump sum, or two lump sums paid in consecutive fiscal years.** determined by the employee. Payments will not begin until the month of July following the last year of employment and the entire balance must be paid by the following July. In the event of death, the unpaid balance will be paid to the employee's estate.

### VOLUNTARY EARLY RETIREMENT APPLICATION

The undersigned employee is applying for early retirement pursuant to Board Policy 407.3, Voluntary Early Retirement. Please complete the following information.

\_\_\_\_\_ Social Security \_\_\_\_\_  
Full Legal Name

\_\_\_\_\_ Years of Service \_\_\_\_\_  
Date of Birth  
Job Title

Please attach a letter of resignation effective June 30<sup>th</sup> of the year in which the undersigned employee intends to retire.

The undersigned employee acknowledges that application and participation in the early retirement plan is entirely voluntary. Early retirement forms will be accepted beginning July 1 of the last year of employment through April 3rd of the last year of employment.

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

\_\_\_\_\_ I wish to take the lump sum payment.

\_\_\_\_\_ I want the installment plan with 12 monthly payments.

\_\_\_\_\_ I wish to take the 2 lump sum payment in 2 fiscal (tax) years.

\_\_\_\_\_ Beneficiary's Address \_\_\_\_\_  
Beneficiary

\_\_\_\_\_ Date \_\_\_\_\_  
Employee

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

Approved February, 2017 Reviewed September 2021 Revised