

## 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 11/1/2004Reviewed 07/18/2011

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 payroll clerk. Regular employees ineligible for the school district's group health plan will be given information regarding where they can obtain health care or health care insurance.

Legal Reference: Iowa Code §§ 20; 279.8 (2003).  
191 I.A.C. 74.

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

Approved 11/1/2004

Reviewed 08/20/2007  
07/18/2011

Revised \_\_\_\_\_

## EQUAL EMPLOYMENT OPPORTUNITY

The Independence 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 annually.

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, socio-economic status, sexual orientation, gender identity or disability. In keeping with the law, the board will consider the veteran status of applicants.

Advertisements and notices for vacancies within the district will contain the following statement: "The Independence Community School District is an equal employment opportunity/affirmative action (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, Independence Community School District, 1207 – 1<sup>st</sup> Street West, Independence, Iowa 50644; or by (319) 334-7400.

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

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

Legal Reference:      29 U.S.C. §§ 621-634 (1994).  
                              42 U.S.C. §§ 2000e *et seq.* (1994).  
                              42 U.S.C. §§ 12101 *et seq.* (1994).  
                              Iowa Code §§ 19B; 20; 35C; 73; 216; 279.8; 692.2; 692.2A; 692.2C(5); 235A.15;  
                              235A.6e(9) (2001).  
                              281 I.A.C. 12.4; 95.  
                              28 I.A.C. 14.1; 2000.

Cross Reference:      102      Equal Educational Opportunity  
                              106      Anti-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 shall be 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 shall not act as an agent or dealer for the sale of textbooks or other school supply companies doing business with the school district. Employees shall 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 shall 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 shall 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 shall be deemed to exist shall 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.

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Reviewed 08/20/2007  
07/18/2011

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11/21/2011

## EMPLOYEE CONFLICT OF INTEREST

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

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

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

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

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

Legal Reference: Iowa Code §§ 20.7; 68B; 279.8; 301.28 (2009).

Cross Reference: 203 Board of Directors' Conflict of Interest  
402.4 Gifts to Employees  
402.7 Employee Outside Employment  
402.9 Solicitations from Outside

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

Legal Reference: Iowa Code §§ 20; 71; 277.27; 279.8 (2003).

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

Approved 11/1/2004

Reviewed 08/20/2007  
07/18/2011

Revised \_\_\_\_\_

## 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. The order of process:

1. Notify Supervisor
2. Complete form
3. Assigned to an Investigator
4. Investigator reports to Superintendent
5. Superintendent files decision by report.

This policy shall not apply to a complaint that has been or could be filed at the employee's discretion under that formal grievance procedure.

Legal Reference: Iowa Code §§ 20.7, .9; 279.8 (2003).

Cross Reference: 217.2 Board of Directors and Employees  
309 Communication Channels

Approved 11/1/2004

Reviewed 08/20/2007  
07/18/2011

Revised \_\_\_\_\_

## EMPLOYEE RECORDS

The school district shall 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 shall 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. However, employees will not be allowed access to the employment references written on behalf of the employee. Board members will generally only have access to an employee's file when it is necessary because of an employee related matter before the board.

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

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

Legal Reference: Iowa Code chs. 20; 21; 22; 91B (2003).  
Clymer v. City of Cedar Rapids, No. 209/97-1705 (Iowa 1999).  
Des Moines Independent Community School District v. Des Moines Register and Tribune Company, 487 N.W. 2d 666 (Iowa 1992).  
City of Dubuque v. Telegraph Herald, Inc., 297 N.W. 2d 523 (Iowa 1980).

Cross Reference: 402.1 Release of Credit Information  
 403 Employees' Health and Well-Being  
 708 Care, Maintenance and Disposal of School District Records

Approved 11/1/2004

Reviewed 08/20/2007

Revised 03/21/2011

## 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 may 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.

## 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.

Confidential records include, but are not necessarily limited to, birth dates, addresses, gender, employment applications, performance evaluations and individual test scores.

### 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 one year after the position was filled. Payroll and salary records shall be maintained for a minimum of three years after payment.

## EMPLOYEE RELATIONS TO THE ADMINISTRATION AND TO THE BOARD

Employees are encouraged to attend school board meetings. Upon request by the board or administration, employees shall be available to provide information and assist in providing recommendations to the board. Employees shall keep the board informed, through the administration, about educational trends and issues. It shall be the responsibility of the employees to keep the administration informed about the day-to-day occurrences in their work areas.

It shall be the responsibility of the superintendent to develop avenues for communication between the board and employees. These avenues of communication will not be construed as denying the right of any employee to appeal an action or decision of the superintendent to the board.

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

Cross Reference: 217.2 Board of Directors and Employees  
401.5 Employee Complaints  
401.8 Employee Involvement in Decision Making

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Revised \_\_\_\_\_



## EMPLOYEE INVOLVEMENT IN DECISION MAKING

Input from employees regarding students, the education program or other school district operations will be considered by the administration and the board. Employees may be requested to make a presentation to the board. The administration, in its discretion, may consult with employees about proposed changes in the education program and operations of the school district.

Employees having suggestions for changes or improvements in administrative procedure or policy should take such suggestions directly to the principal or superintendent. The principal or superintendent will discuss the suggestion with the teacher. After a final decision is made on any policy or procedure, teachers will be expected to accept and support the decision in their subsequent actions, discussions and relations.

Legal Reference: Iowa Code § 279.8 (2003).

Cross Reference: 302.2 Administration and Employees  
401.7 Employee Relations to the Administration and to the Board

Approved 11/1/2004

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07/18/2011

Revised \_\_\_\_\_

## USE OF SCHOOL DISTRICT FACILITIES & EQUIPMENT BY EMPLOYEES

The primary purpose of the school district facilities and equipment is to deliver a quality education program. Resources for school district equipment are limited; therefore each user must operate the equipment with the utmost care. Employees may use school district equipment for any school purpose or activity held during the school day or for a school-sponsored event.

Employees may use the school district facilities for nonschool-sponsored events, when it does not interfere with the delivery of the education program, with the permission of the principal. An employee's request will not supersede a prior request. The employee will be responsible for ensuring the building and equipment are in the condition they were found. For non-educational business, the employee will be responsible to meet the requirements set out by the principal when the request is granted.

Legal Reference: Iowa Code §§ 256.12; 279.8; 297.9 (2003).

Cross Reference: 401.10 Use of School District Materials for Internal Communications  
906 Use of School District Facilities & Equipment

Approved 11/1/2004

Reviewed 09/17/2007  
08/15/2011

Revised \_\_\_\_\_

## USE OF SCHOOL DISTRICT MATERIALS FOR INTERNAL COMMUNICATIONS

School district materials are purchased and used for the delivery of the education program. Employees may use school district materials and equipment for internal communication among themselves when the communication is directly related to the education program.

When the communication will involve unusual expense or use of materials, the employee must first have permission of the principal.

Legal Reference: Iowa Code § 279.8 (2003).

Cross Reference: 401.9 Use of School District Facilities & Equipment by Employees

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Reviewed 09/17/2007  
08/15/2011

Revised \_\_\_\_\_

## TRANSPORTING OF STUDENTS BY EMPLOYEES

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

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

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

Legal Reference: Iowa Code chs. 285; 321 (2003).

Cross Reference: 401.12 Employee Travel Compensation  
711 Transportation  
905.1 Transporting Students in Private Vehicles

Approved 11/1/2004

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08/15/2011

Revised \_\_\_\_\_

## TRAVEL FOR THE BOARD OF EDUCATION, ADMINISTRATORS AND EMPLOYEES

Approved travel expenses for official school business shall be reimbursed at the rate approved by the Board of Education.

**TRAVEL REQUESTS** – Requests for approval to attend meetings/conferences offered at multiple sites shall be to the closest site in proximity to the Independence Community School District. Any requests to attend alternate sites from the closest site shall require written rationale prior to submittal and must have the approval of the principal/supervisor and the Superintendent for in-state travel and the Board of Education for out-of-state travel. Requests to attend a meeting with discounted registration fees for early registration shall be timely submitted for approval to allow the discount.

Travel within a 200-mile radius of Independence or within the State of Iowa requires the approval of the principal/supervisor and the Superintendent if overnight. Travel outside the 200-mile radius and outside the State of Iowa also required the approval of the Board of Education.

**OVERNIGHT LODGING** – (Lodging for overnight travel should be limited to medium priced hotels/motels for the location of the meeting.) Request for travel to national meetings/conferences shall have a copy of the available hotels/motels attached for cost comparison. If the request is made to stay at a higher than medium-priced hotel, then it shall be accompanied by a written rationale for that necessity. Additional costs for non-employees or employee's spouse/dependents not on school business shall be paid by the employee.

**EMPLOYEES OUT OF DISTRICT** – Employee travel to all day meetings/conferences may be allowed up to five days during the fiscal year with approval by the appropriate supervisor/principal and the Superintendent if overnight. Requests to attend all day meetings/conferences beyond five days during the fiscal year shall additionally require the approval of the Board of Education.

**REIMBURSEMENT OF EXPENSES** – Employees or board members shall be reimbursed for expenses for registration fees, meals, mileage, and lodging expenses incurred while on field trips, conventions, conferences, or other school business approved by the supervisor/administrator and/or board. An itemized account of all expenses, accompanied by receipts, shall be presented for payment. Meals will not be reimbursed for one-day meetings unless they require overnight travel or in-district meetings unless they are for a board or board committee meeting.

**SCHOOL/PERSONAL VEHICLE USE** - If a school vehicle is available and the employee chooses to drive their own vehicle, one-way mileage will be paid from the first assigned work site. Employee is required to check availability of school vehicle as soon as travel is known. In order to receive two-way mileage, employee must submit a signed transportation request form verifying lack of availability of school vehicle. If travel is not short notice and employee waits until the last minute to check availability and none is available, employee will only be paid one-way mileage.

Employees will be reimbursed for assigned travel between varying work sites. Travel to the first assigned site and from the last assigned site will not be reimbursed.

Legal Reference: Iowa Code §§ 68B; 277.27; 279.7A, .8, .32 (2003).  
Cross Reference: 219.3 Board of Directors' Member Compensation and Expenses  
401.16 Credit Cards

Approved 11/1/2004

Reviewed \_\_\_\_\_

Revised 02/18/2008  
08/15/2011

## EMPLOYEE ACTIVITY PASSES

Employee passes to school sponsored activities may be made available to employees who choose to participate in the pass program offered by the Independence Community School District. The pass program provides employees an activity pass for working a set number of events. The number of events a staff person must work depends annually based on the number of staff that chooses to participate.

Legal Reference: Iowa Code § 279.8 (2003).

Cross Reference: 219.5 Activity Passes for Board Members

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Revised 10/15/2007

## RECOGNITION FOR SERVICE OF EMPLOYEES

The board recognizes and appreciates the service of its employees. Employees who retire or resign with 15 or more years of continuous service in the district 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.

Legal Reference: Iowa Const. Art. III, § 31.  
Iowa Code § 279.8 (2003).  
1980 Op. Att'y Gen. 102.

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

Approved 11/1/2004

Reviewed 09/17/2007  
08/15/2011

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.

Legal Reference: Iowa Code §§ 55; 279.8 (2003).

Cross Reference: 402.9 Solicitations from Outside  
409.4 Licensed Employee Political Leave  
414.5 Classified Employee Political Leave

Approved 11/1/2004

Reviewed 09/17/2007  
08/15/2011

Revised \_\_\_\_\_



## CREDIT CARDS

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

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

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

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

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

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

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

Approved 11/1/2004

Reviewed 09/17/2007  
08/15/2011

Revised \_\_\_\_\_

## INTERNET ACCEPTABLE USE POLICY FOR STAFF

The Independence Community School District offers its staff access to Internet services in order to enhance our educational resources. Our goal in providing this service is to promote educational excellence in our District by facilitating sharing and communication, and improving access to educational information. The use of the District's networking infrastructure is limited to educational development activities. This Acceptable Use Policy (AUP) applies to all ICSD staff (including substitutes) and visitors of this district and to those using the ICSD IT resources. For the purposes of this document, the term 'Internet' includes, but is not limited to, web services, chat rooms, bulletin boards, newsgroups, peer-to-peer file sharing and instant messaging software. Anything on the District's networking infrastructure, whether from the Internet or e-mail or otherwise, is considered a public record and may be accessed by anyone who asks for access. While there may be a specific exception that would provide for confidentiality of information, this will be rare unless personal information about a student or staff member is being disclosed. Employees should exercise care, caution and discretion when using technology. Employees should not expect that any use of the District's networking infrastructure or the information contained therein is considered private.

### General Principles

- Use of the Internet by ICSD staff is permitted and encouraged where such use supports the goals and objectives of ICSD. Limited personal use is considered acceptable.
- Use of Internet is monitored for security and/network management reasons. Users may also be subject to limitations on their use of such resources.
- The distribution of any information through the ICSD network is subject to the scrutiny of the ICSD. The ICSD reserves the right to determine the suitability of this information.
- The use of computing resources is subject to ICSD regulations and any illegal use or violation of any board policy, regulation or law will be dealt with appropriately.
- Any costs associated with the employee's inappropriate use of technology will be borne by the employee.

### Unacceptable Use or Behavior

It is unacceptable to:

- Visit Internet sites that contain obscene, pornographic, hateful or other objectionable materials (unless this has been approved by the district administration).
- Make or post indecent remarks, proposals or materials on the Internet including racist or sexist jokes and defamatory comments.
- Upload, download or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the ICSD, or the ICSD itself, unless this download is covered or permitted under a commercial agreement or other such license.
- Download any software or electronic files without implementing virus protection measures that have been approved by the ICSD.
- Intentionally interfere with the normal operation of the network, including the propagation of computer viruses and sustained high volume network traffic that substantially hinders others in their use of the network.
- Monitor network traffic content or scan devices connected to the network.
- Use ICSD network for purposes unrelated to educational activities or for personal gain.
- Disclose on any social networking site any student or other employee personal information or image, which are protected, without the consent of the student's parent or the employee.

Approved 07/18/2005

Reviewed 09/17/2007

Revised 06/15/2009

09/21/2009

03/21/2011

## INTERNET ACCEPTABLE USE POLICY FOR STAFF

### Users should:

- If you become aware that there has been unauthorized access to your computer, you must raise it immediately with a Media Specialist or the Technology Director because of the implications for the security of the ICSD network and personal data.
- Record any instances where you have accessed inappropriate sites by accident. For example, this may be through mistyping an address or spam email link.
- Log out of the computer when you have finished.

### Monitoring

The ICSD accepts that the use of the Internet is an extremely valuable business, research and learning tool. However, misuse of such a facility can have a detrimental effect on other users and potentially the district's public profile. As a result, ICSD monitors:

- The volume of Internet and network traffic, as well as the Internet sites visited by users.
- ICSD maintains the right to access user Internet accounts at anytime without prior notice in the pursuit of an appropriately authorized investigation or internal/external audit.
- Disciplinary action as deemed appropriate by the ICSD Administration may be taken up to and including termination of employment for violation/misuse of Internet services.

Legal References: Iowa Code

Cross References: 605.5 Media Centers  
605.6 Internet – Appropriate Use

## EMAIL ACCEPTABLE USE POLICY FOR STAFF

The Independence Community School District offers its staff access to electronic mail services in order to enhance our educational resources. Our goal in providing this service is to promote educational excellence in our District by facilitating sharing and communication, and improving access to educational information. The use of the District's networking infrastructure is limited to educational development activities. This Email Acceptable Use Policy (AUP) applies to all ICSD staff (including substitutes) and visitors of this district and to those using the ICSD IT resources. Employees should not expect that any use of email is considered private.

### General Principles

- Use of email by ICSD employees is permitted and encouraged where such use is suitable for district purposes and supports the goals and objectives of ICSD. Email is to be used in a manner that is consistent with the district's standards of professional conduct and as part of the normal execution of an employee's job responsibility.
- ICSD email accounts are to be used for school business. Limited personal use is considered acceptable.
- ICSD will directly access staff email accounts in the pursuit of an appropriately authorized legal or disciplinary investigation.
- Use of email may be subject to monitoring for security and/or network management reasons. Users may also be subject to limitations on their use of such resources.
- The distribution of any information through the ICSD network is subject to the scrutiny of ICSD. The Technology Director reserves the right to determine the suitability of this information.
- The use of computing resources is subject to ICSD regulations and any illegal use will be dealt with appropriately.

### Unacceptable Use or Behavior

It is unacceptable to:

- Solicit emails that are unrelated to business activities or for personal gain.
- Send any material that is obscene or defamatory or which is intended to annoy, harass or intimidate another person.
- Represent personal opinions as those of ICSD.
- Upload, download or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of ICSD, or ICSD itself.
- Reveal or publicize confidential or proprietary information that includes, but is not limited to, financial information, databases and the information contained therein, and computer network access codes.

Approved 07/18/2005

Reviewed 09/17/2007

Revised 06/15/2009  
03/21/2011

## EMAIL ACCEPTABLE USE POLICY FOR STAFF

### Users should:

- Keep emails brief and use meaningful subject lines.
- Re-read messages before sending to check for clarity and to make sure that they contain nothing that will embarrass the organization or make it liable.
- Understand how to use - and don't mismanage - CC and BCC: (only CC people that really need to receive the email).
- Use file compression techniques for large documents or send them using an alternative method.
- Archive effectively - use folders and delete any messages you no longer need.
- Never reply to spam.
- Avoid using email for sensitive or emotional messages or offensive content.
- Take care in drafting emails, taking into account any form of discrimination, harassment, and ICSD representation.
- Staff emails are a form of district communication and therefore should be drafted with the same care as letters.
- Users should be careful when replying to emails previously sent to a group.
- Ensure your terminal is locked or logged out when you leave your desk; a malicious user could send messages in your name.
- Avoid 'Mail Storms' - long discussions sent to a distribution list - consider verbal communication or use a bulletin board.

### Monitoring

The ICSD accepts that the use of email is an extremely valuable business, research and learning tool. However, misuse of such a facility can have a detrimental effect on other users and potentially the ICSD public profile. As a result:

- ICSD maintains the right to access user email accounts in the pursuit of an appropriately authorized investigation.
- The specific content of any transactions will not be monitored unless there is a suspicion of improper use; however, all mail content will be archived for future retrieval if necessary.
- Disciplinary action as deemed appropriate by the ICSD Administration may be taken up to and including termination for violation/misuse of email accounts.

Legal Reference:       Iowa Code

Cross References:     605.5       Media Center  
                               605.6       Internet – Appropriate Use  
                               401.17     Internet Acceptable Use Policy

## MEETING EXPENSES

The Independence Board of Education will cover the cost of meeting expenses for its employees, teachers, administrators, members of the Board, and some others not in the direct employ of the Independence School District, when conducting official school business, under the conditions outlined below. The Board of Education expects that district personnel exercise good judgment in making arrangements that strike a balance between the expenses incurred and the business conducted. The policy applies to expenses charged to all funds administered by the Board of Education.

While it is understood that absolute adherence to specifics may not be possible in each case, significant departures from the policy must be approved by the Board of Education before reimbursement is made. In all cases, reimbursement for expenses is limited to actual reasonable and necessary business-related expenses.

Legal Reference: Iowa Code §§ 68B; 277.27; 279.7A, .8, .32 (2003).

Cross Reference: 219.3 Board of Directors' Member Compensation and Expenses  
401.12 Travel for the Board of Education, Administrators and Certified Employees  
401.16 Credit Cards

Approved 02/18/2008

Reviewed 08/15/2011

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.

Legal Reference: Iowa Code §§ 22.7; 279.8 (2003).

Cross Reference: 401.6 Employee Records

Approved 11/1/2004

Reviewed 09/17/2007  
09/19/2011

Revised \_\_\_\_\_

## CHILD ABUSE REPORTING

In compliance with state law and to provide protection to victims of child abuse, the board believes incidents of alleged child abuse should be reported to the proper authorities. Employees are encouraged, and licensed employees are required as mandatory reporters, to report alleged incidents of child abuse they become aware of within the scope of their professional duties. The definition of child abuse is in the accompanying regulation.

When a mandatory reporter suspects a student is the victim of child abuse, the mandatory reporter shall orally or in writing notify the Iowa Department of Human Services. If the mandatory reporter believes the child is in immediate danger, the local law enforcement agency shall also be notified. Within forty-eight hours of the oral report, the mandatory reporter shall file a written report with the Iowa Department of Human Services.

Within six months of their initial employment, all employees of the Independence Community School District are required to take a two-hour training course involving the identification and reporting of child abuse. The course shall be re-taken at least every five years.

Legal Reference: Iowa Code §§ 232.67-.77; 232A; 235A; 280.17 (2003).  
441 I.A.C. 9.2; 155; 175.  
1982 Op. Att'y Gen. 390, 417.  
1980 Op. Att'y Gen. 275.

Cross Reference: 402.3 Abuse of Students by School District Employees  
502.11 Interviews of Students by Outside Agencies  
507 Student Health and Well-Being

Approved 11/1/2004

Reviewed 10/15/2007

Revised 09/19/2011



## CHILD ABUSE REPORTING REGULATION

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

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

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

### Child Abuse Defined

"Child abuse" is defined as:

- Any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
- The commission of a sexual offense with or to a child as a result of the acts or omissions of the person responsible for the child. Sexual offense includes sexual abuse, incest, and sexual exploitation of a minor.
- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's welfare when financially able to do so. 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.
- Any mental injury to a child's intellectual or psychological capacities evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed by a licensed physician or qualified mental health professional.
- An illegal drug is present in a child's body as a direct and foreseeable consequence of the acts or omissions of the person responsible for the care of the child.

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

### Reporting Procedures

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

## CHILD ABUSE REPORTING REGULATION

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

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

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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

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

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

The school district has appointed a Level I investigator and alternate Level I investigator. The school district has also arranged for a trained, experienced professional to serve as the Level II investigator. The Level I investigator and alternate will be provided training in the conducting of an investigation at the expense of the school district. The names of the investigators 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.

Legal Reference: Iowa Code §§ 232.67, .70, .73, .75; 235A; 272A; 280.17; 709; 728.12(1) (2003).  
281 I.A.C. 12.3(6), 102; 103.  
441 I.A.C. 155; 175.  
1980 Op. Att'y Gen. 275.

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

Approved 11/1/2004

Reviewed 10/15/2007

Revised 09/19/2011

**ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES**  
**Complaint of Injury to or Abuse of a Student by a School District Employee**

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

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

\_\_\_\_\_

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

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

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

\_\_\_\_\_

\_\_\_\_\_

Allegation is of \_\_\_\_\_ Physical abuse \_\_\_\_\_ Sexual abuse\*

Please describe what happened. Include the date, time and where the incident took place, if known. If physical abuse is 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  
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

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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.

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Your name, address and telephone number:

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name (please print)

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

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

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

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

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

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

Allegation is of \_\_\_\_\_ Physical abuse \_\_\_\_\_ Sexual abuse\* \_\_\_\_\_

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

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

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

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

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

\_\_\_\_ Yes \_\_\_\_ No      Was the right exercised? \_\_\_\_ Yes \_\_\_\_ No

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

Were audio tapes made of any interviews? \_\_\_\_yes \_\_\_\_no

Were video tapes made of any interviews? \_\_\_\_yes \_\_\_\_no

Was any action taken to protect the student during or as a result of the investigation? \_\_\_\_yes \_\_\_\_no

If yes, describe:

\_\_\_\_student excused from school

\_\_\_\_school employee placed on leave

\_\_\_\_student assigned to different class

\_\_\_\_other (please specify)

Level I investigator's conclusions:

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

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

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

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

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

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

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

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

\_\_\_\_ Complaint was withdrawn.

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

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

- \_\_\_\_\_ **The complaint has been investigated at Level I and is founded.**
- \_\_\_\_\_ The investigation is founded at Level I and is being turned over to Level II for further investigation.
- \_\_\_\_\_ Investigation of the complaint was deferred at Level I and referred to law enforcement at this time.
- \_\_\_\_\_ The investigation is concluded at Level I because the accused school employee has admitted the violation, has resigned, or has agreed to relinquish any teaching license held.

Current status of investigation:

- \_\_\_\_\_ Closed. No further investigation is warranted.
- \_\_\_\_\_ Closed and referred to school officials for further investigation as a personnel matter.
- \_\_\_\_\_ Deferred to law enforcement officials.
- \_\_\_\_\_ Turned over to Level II investigator.

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

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

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

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

\_\_\_\_\_  
Signature of investigator

\_\_\_\_\_  
Date



## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

An individual who has knowledge an employee has physically or sexually abused a student may immediately report it to the Secondary Principal, 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.

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

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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

The Level I investigator 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 student's 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.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian.
3. The name and work address of the employee named in the report as allegedly responsible for the abuse of the student.
4. An identification of the nature, extent and cause, if known, of any injuries or abuse to the student named in the report.
5. A general review of the investigation.
6. Any actions taken for the protection and safety of the student.
7. A statement that, in the investigator's opinion, the allegations in the report are either:
  - Unfounded. (*It is not likely that an incident, as defined in these rules, took place*), or
  - Founded. (*It is likely that an incident took place.*)

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

8. The disposition or current status of the investigation.
9. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
  - Contacting law enforcement officials.
  - Contacting private counsel for the purpose of filing a civil suit or complaint.
  - Filing a complaint with the board of educational examiners if the employee is a licensed employee.

The investigator 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 Sheriff/Police, the Level II investigator.

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.

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

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

## ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

If the allegations are founded, the Level I investigation shall refer the case to the Level II investigator. The Level II investigator shall review the Level I investigator'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.

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;
- 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; 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;

Approved 11/1/2004

Reviewed 10/15/2007  
09/19/2011

Revised \_\_\_\_\_

## GIFTS TO EMPLOYEES

- 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;
- 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;
- Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee;
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

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

- Actual expenses of an employee for registration, food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- 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.

Legal References: Iowa Code ch. 68B (2003).  
1972 Op. Att'y Gen. 276.  
1970 Op. Att'y Gen. 319.

Cross References: 221 Gifts to Board of Directors  
401.3 Employee Conflict of Interest  
704.4 Gifts-Grants-Bequests



## PUBLIC COMPLAINTS ABOUT EMPLOYEES

The board recognizes situations may arise in the operation of the school district which are of concern to parents and other members of the school district community. While constructive criticism is welcomed, the board desires to support its employees and their actions to free them from unnecessary, spiteful, or negative criticism and complaints that do not offer advice for improvement or change.

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved. Prior to board action however, the following should be completed:

- (a) Matters concerning an individual student, teacher, or other employee should first be addressed to the teacher or employee.
- (b) Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for licensed employees and the superintendent for classified employees.
- (c) Unsettled matters regarding licensed employees from (b) above or problems and questions concerning the school district should be directed to the superintendent.
- (d) If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board. To bring a concern regarding an employee, the individual may notify the board president in writing, who may bring it to the attention of the entire board, or the item may be placed on the board agenda of a regularly scheduled board meeting in accordance with board policy 214.1.

It is within the discretion of the board to address complaints from the members of the school district community, and the board will only do so if they are in writing, signed, and the complainant has complied with this policy.

Legal Reference: Iowa Code § 279.8 (2003).

Cross Reference: 214.1 Board Meeting Agenda  
215 Public Participation in Board Meetings

Approved 11/1/2004

Reviewed 10/15/2007  
09/19/2011

Revised \_\_\_\_\_

## EMPLOYEE RELATIONS TO THE PUBLIC

Members of the school district community shall be treated with respect by employees. The board encourages active participation by employees in community activities and events.

It shall be the responsibility of employees as they participate in various community groups and events, to make a conscientious effort to make the school district and its events a real part of the community. Employees shall take advantage of their participation in the community to look for opportunities in which the community and school district can join forces for the betterment of the school district and the community.

Legal Reference: Iowa Code § 279.8 (2003).

Cross Reference: 303.7 Superintendent Civic Activities  
304.8 Administrator Civic Activities  
904 Public Participation in the School District

Approved 11/1/2004

Reviewed 10/15/2007  
09/19/2011

Revised \_\_\_\_\_

## EMPLOYEE OUTSIDE EMPLOYMENT

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

It 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.

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

Cross Reference: 401.3 Employee Conflict of Interest  
408.3 Licensed Employee Tutoring

Approved 11/1/2004

Reviewed 10/15/2007  
09/19/2011

Revised \_\_\_\_\_

## EMPLOYEE TELEPHONE CALLS

The board recognizes the need of employees to receive and make telephone calls during working hours. Employees may receive and make personal telephone calls during lunches, breaks, or preparation periods. Employees may receive and make emergency telephone calls at any time.

The district telephones may only be used for local personal telephone calls; all other calls must be paid for by the employee. It shall be the responsibility of the employee to exercise discretion in making and receiving telephone calls during working hours.

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

Cross Reference: 401.9 Use of School District Facilities & Equipment by Employees

Approved 11/1/2004

Reviewed 10/15/2007  
09/19/2011

Revised \_\_\_\_\_

## SOLICITATIONS FROM OUTSIDE

Generally, employees should be free from solicitations at their place of employment. No organization or individuals, including employees, may solicit or distribute flyers or other materials within school district facilities or on school district grounds without the approval of the superintendent.

No employee shall be made responsible, or assume responsibility, for the collection of money or the distribution of fund drive literature within the school district unless such activity is voluntary and has been approved by the superintendent.

Legal Reference: Iowa Code § 279.8 (2003).

Cross Reference: 401.15 Employee Political Activity  
504.6 Student Fund-Raising  
905 Community Activities Involving Students

Approved 11/1/2004

Reviewed 10/15/2007  
09/19/2011

Revised \_\_\_\_\_

## DISTRICT LANDLINE AND CELLULAR TELEPHONE USAGE

The district provides telephones to employees because communication is essential for the performance of their duties, especially in times of emergency or when addressing safety issues. In addition, the district provides a voice mail system which permits employees to receive and retrieve messages from locations outside of their offices.

The landline and cellular telephones provided by the district to employees are to be used for school business.

Certain employees are required to perform work outside of their offices or assigned work spaces, outside of the Independence Community School District, or outside of the district's regular business hours. It is important to the mission of the district to provide for communication with these employees when they are not in their offices. Telephone communication is greatly enhanced by the use of cellular telephones. With a cellular telephone, an employee may receive and respond to calls regardless of the time of day or the employee's location and retrieve and respond to messages in the district's voice mail system.

If a cellular telephone assigned to an employee is lost, damaged or is malfunctioning, the Business Office must be notified immediately. Employees who fail to notify the Business Office immediately of a lost telephone may be responsible for all unauthorized calls made from their assigned cellular telephone and replacement costs.

The district will not reimburse employees for business use of their own cellular telephone. Employees are encouraged to use their office telephone for business telephone calls. Employees who have a personal cellular telephone are not expected to use that telephone for district business.

The Superintendent or his/her designee is authorized to review the use of district-issued cellular telephones by employees and to revoke the privilege of using a district-issued cellular telephone if it is determined that the cellular telephone is being used primarily for personal business or is being used in any other manner which is contrary to district policy.

Approved 10/26/2009

Reviewed 09/19/2011

Revised 07/19/2010

## 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. Although physical examinations cannot be mandated after the initial physical for employment, except school bus drivers, the district encourages employees to continue physical examinations to insure continued health.

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 school district up to \$60.00. 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 *the DOT* bus driver renewal physicals will be paid *in full* by the school district. ~~up to a maximum of \$120.00 every other year.~~ The school district will provide the standard examination form to be completed by the personal physician of the employee. Employees identified as having reasonably anticipated contact with blood or infectious materials will receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine.

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

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

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

Cross Reference: 403 Employees' Health and Well-Being

Approved 11/01/2004

Reviewed 03/28/2007  
11/21/2011

Revised \_\_\_\_\_

## EMPLOYEE INJURY ON THE JOB

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

If possible, an employee may administer emergency or minor first aid. An injured employee 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.

Legal Reference: Iowa Code §§ 85; 279.40; 613.17 (2003).  
1972 Op. Att'y Gen. 177.

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

Approved 11/1/2004

Reviewed 10/15/2007  
11/21/2011

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

Health data of an employee is confidential and it 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.

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

Cross Reference:     401.6   Employee Records  
                               403.1   Employee Physical Examinations  
                               507.3   Communicable Diseases - Students

Approved 11/1/2004

Reviewed 11/21/2011

Revised 11/19/2007

## 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

\_\_\_\_\_ other, please describe: \_\_\_\_\_

HEPATITIS B VACCINE INFORMATION AND RECORD

RELEASE FOR HEPATITIS B MEDICAL INFORMATION

I hereby authorize \_\_\_\_\_  
(name and address of individual or organization holding Hepatitis B records)

to release to the Independence Community School District my Hepatitis B vaccination records for required employee records.

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## HEPATITIS B VACCINE INFORMATION AND RECORD

**CONFIDENTIAL RECORD**

Employee Name (last, first, middle)

Social Security No.

Job Title:

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

Additional Hepatitis B status information:

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

Identification and documentation of source individual:

Source blood testing consent:

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

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

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

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

## UNIVERSAL PRECAUTIONS REGULATION

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

### Hand Washing

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

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

### Barriers

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

### 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.

## UNIVERSAL PRECAUTIONS REGULATION

### Clean up

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

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

### Laundry

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

### Exposure

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

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

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

## HAZARDOUS CHEMICAL DISCLOSURE

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

Each employee 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 which hazardous substances are present in the workplace and when training and information sessions take place.

Employees who will be instructing or otherwise working with students 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.

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

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

Approved 11/1/2004

Reviewed 11/19/2007  
11/21/2011

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, barbiturate, marijuana or any other controlled substance or alcoholic beverage as defined by federal or state law. "Workplace" includes school district facilities, school district premises or school district vehicles. "Workplace" also includes nonschool property if the employee is at any school-sponsored, school-approved or school-related activity, event or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

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

The superintendent will make the determination whether to require the employee to undergo substance abuse treatment or to discipline the employee. An employee who violates the terms of this policy may be subject to discipline up to and including termination. 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.

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

Cross Reference:      404      Employee Conduct and Appearance

Approved 11/1/2004

Reviewed 11/19/2007  
11/21/2011

Revised \_\_\_\_\_

## SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

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

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

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.

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(Signature of Employee)

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(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. **Conviction** - if an employee is convicted of a criminal drug offense committed in the workplace, the employee must notify the employer of the conviction within five days of the conviction.

## DRUG AND ALCOHOL TESTING PROGRAM

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

Employees or employee applicants that will operate a school vehicle as described above are subject to pre-employment drug testing prior to being allowed to perform a safety sensitive function using the school vehicle. In addition, employees will be subject to random, reasonable suspicion and post-accident drug and alcohol testing at the expense of the employer. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district *superintendent, 1207 1<sup>st</sup> Street West (319) 334-7400, transportation director, 514 6<sup>th</sup> Ave. SE (319) 334-7435 and/or school nurse, 1103 1<sup>st</sup> Street West (319) 334-7415, Independence, IA 50644.*

Employees who violate the terms of this policy may be subject to discipline up to and including termination at the discretion of the school district. A violation of this policy is a positive result from testing as defined by the training handbook or a refusal to participate in testing.

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

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

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup> 405 (4<sup>th</sup> Cir. 1995).  
 49 U.S.C. §§ 5331 et seq. (1994).  
 42 U.S.C. §§ 12101 (1994).  
 41 U.S.C. §§ 701-707 (1996).  
 49 C.F.R. Pt. 40; 382; 391.81-123 (2002).  
 34 C.F.R. Pt. 85 (2002).  
 Local 301, Internat’l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91).  
 Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2003).

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

Approved 11/1/2004

Reviewed 11/19/2007  
11/21/2011

Revised 10/22/2005

## DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

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

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

It is the responsibility of the superintendent to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements will contact the *transportation director, 514 6<sup>th</sup> Ave. SE (319) 334-7435 and/or school nurse, 514 5<sup>th</sup> Ave. SE (319) 334-7405, Independence, IA 50644.*

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

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

**CERTIFICATION FROM CURRENT EMPLOYER PARTICIPATING  
IN DRUG & ALCOHOL PROGRAM**

I, \_\_\_\_\_ am currently employed by \_\_\_\_\_  
Name of Undersigned

\_\_\_\_\_  
Employer

Program through \_\_\_\_\_. I consent to have my records pertaining  
Drug & Alcohol Testing Provider

to drug and alcohol testing released to the Independence Community School District for the past 24 months of employment.

(Signature)

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(Date)

(Signature of Employer)

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(Date)

CERTIFICATION OF PREVIOUS EMPLOYERS REQUIRING A COMMERCIAL  
DRIVER'S LICENSE CONSENT TO RELEASE INFORMATION  
TO INDEPENDENCE COMMUNITY SCHOOL DISTRICT

\_\_\_\_\_  
Name

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

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

Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

I hereby release my records pertaining to my driving and drug and alcohol testing results.

\_\_\_\_\_  
(Signature )

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

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGEMENT FORM

I, ( \_\_\_\_\_ ), have received a copy, read and  
Name of Employee

understand the Drug and Alcohol Testing Program policy and its supporting documents. *I have also read and understand the “Drug and Alcohol Training Handbook” provided to me by the district.* I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting documents, regulations and the law.

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

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

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

\_\_\_\_\_  
(Signature of Employee)

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

\_\_\_\_\_  
(Witness/Transportation Director)

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



## DRUG AND ALCOHOL REASONABLE SUSPICION OBSERVATION FORM

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.

An example of an appropriate observation statement is, “The driver entered the bus barn slowly and held onto the bus until the driver reached the bus door,” rather than, “The driver came to work stoned and could not walk without holding onto the bus for support.”

## DRUG AND ALCOHOL REASONABLE SUSPICION OBSERVATION FORM

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Employee's Name

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Date of Observation

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

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

Observed personal behavior: (check all appropriate items)

Speech: \_\_\_\_\_Normal \_\_\_\_\_Incoherent \_\_\_\_\_Confused  
\_\_\_\_\_Slurred \_\_\_\_\_Whispering \_\_\_\_\_SilentBalance: \_\_\_\_\_Normal \_\_\_\_\_Swaying  
\_\_\_\_\_Staggering \_\_\_\_\_FallingWalking and Turning: \_\_\_\_\_Normal \_\_\_\_\_Stumbling \_\_\_\_\_Swaying  
\_\_\_\_\_Arms raised for balance \_\_\_\_\_Reaching for supportAwareness: \_\_\_\_\_Normal \_\_\_\_\_Confused \_\_\_\_\_Paranoid  
\_\_\_\_\_Sleepy or stupor \_\_\_\_\_Lack of coordination

Odor: \_\_\_\_\_Normal \_\_\_\_\_Alcohol \_\_\_\_\_Burned rope

Other observed behavior/odor:

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Reasonable suspicion of current use or impaired by: \_\_\_\_\_Alcohol \_\_\_\_\_Drugs

Above behavior witnessed by:

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(Signature)

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(Date)

---

(Signature) (optional)

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(Date)

## DRUG AND ALCOHOL TESTING PROGRAM

### PRE-EMPLOYMENT PROCEDURES FOR BUS DRIVERS

All advertisements must include a statement that explains the position of a driver in the Independence Community School District is subject to drug and alcohol testing to include pre-employment testing. Should the potential employee already be under a recognized or approved Department of Transportation (D.O.T.) testing program, the pre-employment testing may be waived at the discretion of the Superintendent/Designee. The potential employee must provide proof of participation in such a program (403.7E2). A potential employee that is not currently under another approved testing program must consent to release any and all drug and alcohol related information records (403.7E3) from any previous employer dating back 24 months as well as be subject to pre-employment testing.

All potential drivers will be given training on controlled substances and alcohol use by the transportation director prior to being eligible for driving duties. This training will consist of a self study of the "Drug and Alcohol Training Handbook" developed by the D.O.T. Upon completion of this self study, the potential employee will sign off on the Drug and Alcohol Acknowledgement Form (403.7E4) in the presence of the Transportation Director that they have read and understand the contents of the handbook. The School Nurse Coordinator will receive all acknowledgement forms and maintain a confidential file on the drug and alcohol testing program for each employee under this program. Records will be maintained for a minimum of five years.

The school nurse coordinator will coordinate all testing with an approved D.O.T. provider. Should a potential employee test positive or they have refused to any part of the above mentioned procedures, they will not be considered for employment.

### EMPLOYMENT PROCEDURES FOR BUS DRIVERS

All bus drivers are subject to random testing at any time throughout the calendar year. Quarterly random testing will be done. Should a bus driver be involved in an accident while operating a school vehicle (CMV), the school district will test each surviving driver for alcohol and controlled substances when either:

- The accident involved a FATALITY; or
- The driver RECEIVED A CITATION under state or local law for a moving traffic violation arising from the accident, and either ONE or BOTH of the following OCCURRED in the accident:
  1. Bodily injury requiring immediate medical treatment away from the scene.
  2. One or more of the motor vehicles incurred disabling damage requiring it to be towed from the scene by another motor vehicle or tow truck.

## DRUG AND ALCOHOL TESTING PROGRAM

### REASONABLE SUSPICION

Should a bus driver's behavior be questioned as potentially being under the influence, it is recommended that there be two witnesses to the behavior, but it is not required. When considering reasonable suspicion, only the transportation director/designee is authorized to request the test be administered. It is important to note that only those who have received the U.S. D.O.T. training may request this test. A driver can be notified for a reasonable suspicion test only just before, during, or just after performing a safety sensitive function (within 30 minutes). When it is believed reasonable suspicion exists, it is important to meet with the driver in private and document the observations leading to the reasonable suspicion test (403.7E5). Upon completion of the meeting, the Transportation Director may notify the program provider for a test to be administered. Failure by the employee to submit to the test will be considered grounds for termination with the Independence Community School District.

## EMPLOYEE CONDUCT AND APPEARANCE

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

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

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

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

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

Approved 11/1/2004

Reviewed 11/21/2011

Revised 11/19/2007

## EMPLOYEE CONDUCT REGULATION

### I. Commitment to the student.

The educator measures success by the progress of each student toward realization of potential as a worthy and effective citizen. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals. In fulfilling obligations to the student, the educator:

- a. Shall not without just cause restrain the student from independent action in a pursuit of learning and shall not without just cause deny the student access to varying points of view.
- b. Shall not deliberately suppress or distort subject matter for which the educator bears responsibility.
- c. Shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
- d. Shall conduct professional business in such a way that the educator does not expose the student to unnecessary embarrassment or disparagement.
- e. Shall not on the ground of race, color, creed, age, sex, physical or mental handicap, marital status, or national origin exclude any student from participation in or deny the student benefits under any program nor grant any discriminatory consideration or advantage.
- f. Shall not use professional relationships with students for private advantage.
- g. Shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
- h. Shall not tutor for remuneration students assigned to the educator's classes, unless no other qualified teacher is reasonably available.

### II. Commitment to the public.

The educator believes that patriotism in its highest form requires dedication to the principles of our democratic heritage. The educator shares with all other citizens the responsibility for the development of sound public policy and assumes full political and citizenship responsibilities. The educator bears particular responsibility for the development of policy relating to the extension of educational opportunities for all and for interpreting educational programs and policies to the public. In fulfilling an obligation to the public, the educator:

- a. Shall not misrepresent an institution or organization with which the educator is affiliated and shall take adequate precautions to distinguish between personal and institutional or organizational views.
- b. Shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions.
- c. Shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
- d. Shall not use institutional privileges for monetary private gain or to promote political candidates or partisan political activities.
- e. Shall accept no gratuities, gifts, or favors that might impair or appear to impair professional judgment, nor offer any favor, service, or thing of value to obtain special advantage.

## EMPLOYEE CONDUCT REGULATION

### III. Commitment to the profession.

The educator believes that the quality of the services of the education profession directly influences the nation and its citizens. The educator therefore exerts every effort to raise professional standards, to improve service, to promote a climate in which the exercise of professional judgment is encouraged, and to achieve conditions which attract persons worthy of the trust to careers in education. In fulfilling an obligation to the profession, the educator:

- a. Shall not discriminate on the ground of race, sex, age, physical handicap, marital status, color, creed or national origin for membership in the profession, nor interfere with the participation or nonparticipation of colleagues in the affairs of their professional association.
- b. Shall accord just and equitable treatment to all members of the profession in the exercise of their professional rights and responsibilities.
- c. Shall not use coercive means or promise special treatment in order to influence professional decisions of colleagues.
- d. Shall withhold and safeguard information acquired about colleagues in the course of employment, unless disclosure serves professional purposes.
- e. Shall not refuse to participate in a professional inquiry when requested by the commission board.
- f. Shall provide upon the request of the aggrieved party a written statement of specific reason for recommendations that lead to the denial of increments, significant change in employment or termination of employment.
- g. Shall not misrepresent professional qualifications.
- h. Shall not knowingly distort evaluations of colleagues.

### IV. Commitment to professional employment practices.

The educator regards the employment agreement as a pledge to be executed both in spirit and in fact in a manner consistent with the highest ideals of professional service. The educator believes that sound professional personnel relationships with governing boards are built upon personal integrity, dignity and mutual respect. The administrator discourages the practice of the profession by unqualified persons. In fulfilling the obligation to professional employment practices, the educator:

- a. Shall apply for, accept, offer, or assign a position or responsibility on the basis of professional preparation and legal qualifications.
- b. Should recognize salary schedules and the salary clause of an individual teacher's contract as a binding document on both parties. The educator should not in any way violate the terms of the contract.
- c. Shall not knowingly withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.
- d. Shall give prompt notice to the employing agency of any change in availability of service, and the employing agent shall give prompt notice of change in availability or nature of a position.
- e. Shall adhere to the terms of a contract or appointment unless these terms have been legally terminated, falsely represented, or substantially altered by unilateral action of the employing agency.
- f. Shall not delegate assigned tasks to unqualified personnel.

## EMPLOYEE CONDUCT REGULATION

g. Shall use time or funds granted for the purpose for which they were intended.

### V. Commitment of board members and staff.

The board members and staff will be independent and impartial and not use the public office for private gain. In fulfilling their obligation, the board employees will not:

- a. Receive any remuneration for services, other than that payable by law.
- b. Solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitalities or services from anyone with vested interests in board matters.
- c. Disclose confidential information garnered from official duties.
- d. Solicit, accept or agree to accept compensation contingent upon board actions.
- e. Hold positions, perform duties, or engage in activities not compatible with official capacity.

These rules are intended to implement Iowa Code, chapter 272.



## 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.

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

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

Approved 11/1/2004

Reviewed 11/19/2007  
              12/19/2011

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.

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

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

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

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

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

Approved 06/19/2007

Reviewed 12/19/2011

Revised 06/19/2007

## 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.

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

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

Approved 11/1/2004

Reviewed 11/19/2007  
              12/19/2011

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

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

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

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

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

Approved 11/1/2004

Reviewed 11/19/2007  
                   12/19/2011

Revised \_\_\_\_\_

## LICENSED EMPLOYEE WORK DAY

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

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

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

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

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

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

Cross Reference: 200.3 Powers of the Board of Directors

Approved 11/1/2004

Reviewed 11/19/2007  
12/19/2011

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.

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

Cross Reference: 200.3 Powers of the Board of Directors

Approved 11/1/2004

Reviewed 11/19/2007  
12/19/2011

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.

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

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

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

Approved 11/1/2004

Reviewed 11/19/2007  
12/19/2011

Revised \_\_\_\_\_

## LICENSED EMPLOYEE EVALUATION

Evaluation of licensed employees on their skills, abilities, and competence shall be 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, shall be 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 shall be in writing and approved by the board. The formal evaluation shall provide an opportunity for the evaluator and the licensed employee to discuss the past year's performance and the future areas of growth. The formal evaluation shall be 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.

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

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

Legal Reference:     Aplington Community School District v. PERB, 392 N.W.2d 495 (Iowa 1986).  
                               Saydel Education Association v. PERB, 333 N.W.2d 486 (Iowa 1983).  
                               Iowa Code §§ 20.9; 279.14, .19, .27 (2003).  
                               281 I.A.C. 12.3(4).

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

Approved 11/1/2004

Reviewed 11/19/2007  
                   12/19/2011

Revised \_\_\_\_\_



## LICENSED EMPLOYEE PROBATIONARY STATUS

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

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

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

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

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

Approved 11/1/2004

Reviewed 11/19/2007  
12/19/2011

Revised \_\_\_\_\_

## LICENSED EMPLOYEE ORGANIZATION AFFILIATION

Licensed employees who qualify may join the ITA, Independence Teachers Association, and participate in its activities as long as the participation does not, in any way, interfere with the delivery of and the provision of the education program and school district operations.

The superintendent shall have sole discretion to determine whether association activities interfere with the education program and school district operations. Association members must follow the board policy on public use of school property.

The board shall not interfere with the rights of an employee to organize or form, join or assist any employee organization.

Legal Reference: Iowa Code §§ 20.1, .8, .10; 279.8 (2003).

Cross Reference: 408 Licensed Employee Professional Growth

Approved 11/1/2004

Reviewed 11/19/2007  
12/19/2011

Revised \_\_\_\_\_

## LICENSED EMPLOYEE SALARY SCHEDULE

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

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

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

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

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

Approved 11/1/2004

Reviewed 12/17/2007  
01/16/2012

Revised \_\_\_\_\_

## LICENSED EMPLOYEE SALARY SCHEDULE ADVANCEMENT

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

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

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

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

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

Approved 11/1/2004

Reviewed 12/17/2007  
01/16/2012

Revised \_\_\_\_\_

## LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

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

Licensed employees who wish to obtain additional education for advancement on the salary schedule must notify their supervisor by September 1<sup>st</sup> of that year of the school year preceding the actual year when advancement occurs. This additional education must be in the same area as the education that was required of the employee to hold the employee's current position with the school district. For purposes of illustration only, a math teacher would advance on the salary schedule only if the additional education was in math courses. The superintendent has the discretion to approve credit outside the employee's area of endorsement or responsibility.

It 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.

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

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

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

Approved 11/1/2004

Reviewed 12/17/2007  
01/16/2012

Revised \_\_\_\_\_

## 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 shall establish a salary schedule for extra duty licensed employee positions keeping in mind the financial condition of the school district, the education and experience of the licensed employee, the educational philosophy of the school district, and other considerations as determined by the board.

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

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

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

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

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

Approved 11/1/2004

Reviewed 12/17/2007  
01/16/2012

Revised \_\_\_\_\_

## LICENSED EMPLOYEE GROUP INSURANCE BENEFITS

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

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

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

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12, .27; 509; 509A; 509B (2003).

Cross Reference: 405.1 Licensed Employee Defined

Approved 11/1/2004

Reviewed 12/17/2007  
01/16/2012

Revised \_\_\_\_\_

## LICENSED EMPLOYEE TAX SHELTER PROGRAMS

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

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

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

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

Cross Reference:     706     Payroll Procedures

Approved 11/1/2004

Reviewed 12/17/2007  
01/16/2012

Revised 01/19/2009



LETTER TO COLLECTIVE BARGAINING REPRESENTATIVE

Dear Collective Bargaining Representative:

Option I

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

OR

Option II

Pursuant to Iowa Code § 20.9, I am notifying you, as the (local association president/UniServ director), of our intent to adopt the attached policy. If you elect to bargain over the subject matter addressed in the attached policy on behalf of the (name of the association/union), please contact me by (date).

Sincerely,

Superintendent/Negotiator  
Independence Community School District

cc: School Attorney/Negotiator

## LICENSED EMPLOYEE RESIGNATION

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

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

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

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

Approved 11/1/2004

Reviewed 12/17/2007  
01/16/2012

Revised \_\_\_\_\_

## LICENSED EMPLOYEE CONTRACT RELEASE

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

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

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

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

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

Approved 11/1/2004

Reviewed 01/16/2012

Revised 11/19/2007