

Policy 405.01: Licensed Employee Defined**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

Legal Reference: Clay v. Independent School District of Cedar Falls, 187 Iowa 89, 174 N.W. 47 (1919).
 Iowa Code §§ 256.7(3); 272; 279.8.
 281 I.A.C. 12.4
 282 I.A.C. 14.

I.C. Iowa Code

Iowa Code § 256.7

Iowa Code § 272

Iowa Code § 279.8

I.A.C. Iowa Administrative Code

281 I.A.C. 12.4

282 I.A.C. 14

DescriptionDE - Duties of State BoardBoEEDirectors - General Rules - Bonds of Employees**Description**School PersonnelEducational Examiners - Special Education Endorsements**Cross References****Code**

405.02

406.05

410.01

411.01

DescriptionLicensed Employee Qualifications, Recruitment, SelectionLicensed Employee Group Insurance Benefits (I, II)Substitute TeachersClassified Employee Defined

Policy 405.02: Licensed Employee Qualifications, Recruitment, Selection **Status: ADOPTED**

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Persons interested in a licensed position, other than administrative positions which will be employed in accordance with board policies in Series 300, "Administration," will have an opportunity to apply and qualify for licensed positions in the school district in accordance with applicable laws and school district policies regarding equal employment. Job applicants for licensed positions will be considered on the basis of the following:

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

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

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

Legal Reference: 29 U.S.C. §§ 621-634
 42 U.S.C. §§ 2000e, 12101 *et seq.*
 Iowa Code §§ 20; 35C; 216; 256.27; 279.13.
 281 I.A.C. 12.
 282 I.A.C. 14.

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 216

Iowa Code § 256.27

Iowa Code § 279.13

Iowa Code § 35C

Description

Collective Bargaining

Civil Rights Commission

Online State Job Posting

Directors - Powers and Duties - Contracts with Teachers

Veterans Preference

I.A.C. Iowa Administrative Code

Description

281 I.A.C. 12

282 I.A.C. 14

U.S.C - United States Code

29 U.S.C. §§ 621

42 U.S.C. § 12101

42 U.S.C. § 2000e

Cross References

Code

401.01

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General Accreditation Standards

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Description

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Public Health - Equal Opportunity - Disabilities

Public Health - EEO Civil Rights - Definitions

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Limitations to Employment References

Licensed Employee Defined

Licensed Employee Individual Contracts

Licensed Employee Transfers

Licensed Employee Evaluation

Substitute Teachers

Policy 405.03: Licensed Employee Individual Contracts**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 279

DescriptionCollective BargainingDirectors - Powers and Duties**Cross References****Code**

405.02

405.04

407.01

407.02

DescriptionLicensed Employee Qualifications, Recruitment, SelectionLicensed Employee Continuing ContractsLicensed Employee ResignationLicensed Employee Contract Release

Policy 405.04: Licensed Employee Continuing Contracts**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

Licensed employees whose contracts will be recommended for termination by the board will receive due process as required by law. The superintendent will make a recommendation to the board for the termination of the licensed employee's contract.

Licensed employees who wish to resign, to be released from a contract, or to retire must comply with applicable law and board policies.

Legal Reference: *Ar-We-Va Community School District v. Long and Henkenius*, 292 N.W.2d 402 (Iowa 1980).
Bruton v. Ames Community School District, 291 N.W.2d 351 (Iowa 1980).
Hartman v. Merged Area VI Community College, 270 N.W.2d 822 (Iowa 1978).
Keith v. Community School District of Wilton in the Counties of Cedar and Muscatine, 262 N.W.2d 249 (Iowa 1978).
Iowa Code §§ 272; 279.

I.C. Iowa Code

Iowa Code § 272

DescriptionBoEE

Iowa Code § 279

Directors - Powers and Duties**Cross References****Code**

405.03

DescriptionLicensed Employee Individual Contracts

405.09

Licensed Employee Probationary Status

407.01

Licensed Employee Resignation

407.02

Licensed Employee Contract Release

Policy 405.05: Licensed Employee Work Day**Status: ADOPTED****Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

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

Legal Reference: Iowa Code §§ 20; 279.8.

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 279.8

DescriptionCollective BargainingDirectors - General Rules - Bonds of Employees**Cross References****Code**

200.02

DescriptionPowers of the Board of Directors

Policy 405.06: Licensed Employee Assignment

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

Legal Reference: Iowa Code § 279.8.

I.C. Iowa Code

Iowa Code § 279.8

Description

Directors - General Rules - Bonds of Employees

Cross References

Code

200.02

405.07

Description

Powers of the Board of Directors

Licensed Employee Transfers

Policy 405.07: Licensed Employee Transfers**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

Legal Reference: Iowa Code §§ 216.14; 279.8.

I.C. Iowa Code

Iowa Code § 279.8

Iowa Code § 216.14

DescriptionDirectors - General Rules - Bonds of EmployeesPromotion or Transfer**Cross References****Code**

405.02

405.06

DescriptionLicensed Employee Qualifications, Recruitment, SelectionLicensed Employee Assignment

Policy 405.08: Licensed Employee Evaluation**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Evaluation of licensed employees on their skills, abilities, and competence is an ongoing process supervised by the building principals and conducted by approved evaluators. The goal of the formal evaluation of licensed employees, other than administrators, but including extracurricular employees, is to improve the education program, to maintain licensed employees who meet or exceed the board's standards of performance, to clarify the licensed employee's role, to ascertain the areas in need of improvement, to clarify the immediate priorities of the board, and to develop a working relationship between the administrators and other employees.

The formal evaluation criteria is in writing and approved by the board. The formal evaluation will provide an opportunity for the evaluator and the licensed employee to discuss performance and the future areas of growth. The formal evaluation is completed by the evaluator, signed by the licensed employee and filed in the licensed employee's personnel file. This policy supports, and does not preclude, the ongoing informal evaluation of the licensed employee's skills, abilities and competence.

Licensed employees will be required to:

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

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

Legal Reference: Iowa Code §§ 20.9; 279, 284, 294.

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

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

281 I.A.C. 83; 12.3

I.C. Iowa Code

Iowa Code § 20.9

DescriptionCollective Bargaining - Scope of Negotiations

Iowa Code § 279

Iowa Code § 284

Iowa Code § 294

I.A.C. Iowa Administrative Code

281 I.A.C. 12.3

281 I.A.C. 83

Cross References

Code

405.02

405.09

Directors - Powers and Duties

Teacher Performance, Compensation Development

Teachers

Description

Administration

Teacher/Administrator Quality Programs

Description

Licensed Employee Qualifications, Recruitment, Selection

Licensed Employee Probationary Status

Policy 405.09: Licensed Employee Probationary Status**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

Only the board, in its discretion, may waive the probationary period. The board may extend the probationary period for one additional year with the consent of the licensed employee. The board will make the decision to extend or waive a licensed employee's probationary status based upon the superintendent's recommendation. During this probationary period the board may terminate the licensed employee's contract at the end of the year without cause or immediately discharge the employee consistent with applicable law and board policies.

Legal Reference: Iowa Code § 279

I.C. Iowa Code

Iowa Code § 279

DescriptionDirectors - Powers and Duties**Cross References****Code**

405.04

405.08

DescriptionLicensed Employee Continuing ContractsLicensed Employee Evaluation

Policy 406.01: Licensed Employee Compensation

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

I.C. Iowa Code

Iowa Code § 20

Description

Collective Bargaining

Iowa Code § 279.8

Directors - General Rules - Bonds of Employees

Cross References

Code

406.02

Description

Licensed Employee Compensation Advancement

Policy 406.02: Licensed Employee Compensation Advancement

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 279.8

Description

Collective Bargaining

Directors - General Rules - Bonds of Employees

Cross References

Code

406.01

Description

Licensed Employee Compensation

Policy 406.03: Licensed Employee Continued Education Credit**Status: ADOPTED****Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

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

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 279.8

DescriptionCollective BargainingDirectors - General Rules - Bonds of Employees

Policy 406.04: Licensed Employee Compensation for Extra Duty

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

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

I.C. Iowa Code

Iowa Code § 279

Description

Directors - Powers and Duties

Policy 406.05: Licensed Employee Group Insurance Benefits**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

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

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

I.C. Iowa Code

Iowa Code § 20.9

Iowa Code § 279.12

Iowa Code § 279.27

Iowa Code § 509

Iowa Code § 509A

Iowa Code § 509B

DescriptionCollective Bargaining - Scope of NegotiationsDirectors - Powers and Duties - teachers-insurance-leaveDirectors - Powers and Duties - Discharge of TeacherGroup InsuranceGroup Insurance - Public EmployeesGroup Health Insurance - Continuation

Iowa Code § 85

Workers Comp

Iowa Code § 85B

Occupational Hearing Loss

C.F.R. - Code of Federal Regulations

Description

26 C.F.R Pt. 301

I.R.S. - Procedure and Administration

26 C.F.R. Pt. 1

I.R.S. Code

26 C.F.R. Pt. 54

I.R.S. - Pension Excise Tax

Cross References

Code

Description

405.01

Licensed Employee Defined

706.02

Payroll Deductions

Policy 406.06: Licensed Employee Tax Shelter Program**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

Legal Reference: Iowa Code §§ 260C; 273; 294.16.

I.C. Iowa Code

Iowa Code § 260C

DescriptionCommunity Colleges

Iowa Code § 273

AEAs

Iowa Code § 294.16

Teachers - Investment Contracts**Cross References****Code**

706.02

DescriptionPayroll Deductions

Policy 407.01: Licensed Employee Resignation**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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.

I.C. Iowa Code

Iowa Code § 279.13

Iowa Code § 279.19A

Iowa Code § 91A.2

Iowa Code § 91A.3

Iowa Code § 91A.5

DescriptionDirectors - Powers and Duties - Contracts with TeachersDirectors - Powers and Duties - Extracurricular ContractsWage Payment Collection - DefinitionsWage Payment Collection - Mode of PaymentWage Payment Collection - Deductions**Cross References****Code**

405.03

405.04

DescriptionLicensed Employee Individual ContractsLicensed Employee Continuing Contracts

Policy 407.02: Licensed Employee Contract Release**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

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

I.C. Iowa Code

Iowa Code § 216

DescriptionCivil Rights Commission

Iowa Code § 272

BoEE

Iowa Code § 279.13

Directors - Powers and Duties - Contracts with Teachers

Iowa Code § 279.19A

Directors - Powers and Duties - Extracurricular Contracts

Iowa Code § 279.46

Directors - Powers and Duties-Retirement Incentives**Cross References****Code**

405.03

DescriptionLicensed Employee Individual Contracts

405.04

Licensed Employee Continuing Contracts

407.03

Licensed Employee Retirement

Policy 407.03: Licensed Employee Retirement**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

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

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

Legal Reference: Iowa Code §§ 97B; 216; 279.46.
281 I.A.C. 21.

I.C. Iowa Code

Iowa Code § 216

Iowa Code § 279.46

Iowa Code § 97B

I.A.C. Iowa Administrative Code

281 I.A.C. 21

DescriptionCivil Rights CommissionDirectors - Powers and Duties-Retirement IncentivesIPERS**Description**Community Colleges**Cross References****Code****Description**

407.02

Licensed Employee Contract Release

407.06

Licensed Employee Early Retirement

407.06-E(1)

Licensed Employee Early Retirement - Acknowledgement of Receipt

407.06-E(2)

Licensed Employee Early Retirement - Insurance Options

407.06-E(3)

Licensed Employee Early Retirement - Application

Policy 407.04: Licensed Employee Suspension**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765, 769 (Iowa 1987).
McFarland v. Board of Education of Norwalk Community School District, 277 N.W.2d 901 (Iowa 1979).
 Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27.

I.C. Iowa Code

Iowa Code § 20.24

Iowa Code § 20.7

Iowa Code § 279

DescriptionCollective Bargaining - Electronic Filing ServiceCollective Bargaining - Public Employer RightsDirectors - Powers and Duties**Cross References****Code**

404

404-R(1)

404-R(2)

407.05

DescriptionEmployee Conduct and AppearanceEmployee Conduct and Appearance - Code of Professional Conduct and Ethics RegulationEmployee Conduct and Appearance - Code of Rights and Responsibilities RegulationLicensed Employee Reduction in Force

Policy 407.05: Licensed Employee Reduction in Force

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

It is the responsibility of the superintendent to make a recommendation for termination to the board. The process for reduction in force shall be as follows:

The superintendent shall consider the following criteria in making recommendations:

- Endorsements and educational preparation within the grade level and subject area in which the employee is now performing;
- Relative skills, ability and demonstrated performance;
- Qualifications for co-curricular programs; and,
- Number of continuous years of service to the school district. This will be considered only when the foregoing factors are relatively equal between licensed employees.
- Due process for terminations due to a reduction in force will be followed.

Legal Reference: Iowa Code §§ 20; 279

I.C. Iowa Code	
Iowa Code § 20	<u>Collective Bargaining</u>
Iowa Code § 279	<u>Directors - Powers and Duties</u>
Cross References	
Code	Description
407.04	<u>Licensed Employee Suspension</u>
413.05	<u>Classified Employee Reduction in Force</u>

Policy 408.01: Licensed Employee Professional Development**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

The board encourages licensed employees to attend and participate in professional development activities to maintain, develop, and extend their skills. The board will maintain and support an in-service program for licensed employees. Professional development activities will include activities that promote and/or teach about compliance with applicable Iowa laws.

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, are made to the superintendent. Approval by the superintendent must be obtained prior to attendance by a licensed employee in a professional development program when the attendance would result in the licensed employee being excused from their duties or when the school district pays the expenses for the program.

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

Legal Reference: Iowa Code § 279.8; .74
281 I.A.C. 12.7; 83.6

I.C. Iowa Code

Iowa Code § 279.8

Iowa Code 279.74

DescriptionDirectors - General Rules - Bonds of EmployeesPowers and Duties - Specific Defined Concepts**I.A.C. Iowa Administrative Code**

281 I.A.C. 12.7

281 I.A.C. 83.6

DescriptionProfessional DevelopmentGeneral Accreditation Standards - Teacher Professional Development**Cross References****Code**

414

DescriptionClassified Employee Professional Purposes Leave

Policy 408.02: Licensed Employee Publication or Creation of Materials **Status: ADOPTED****Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Materials created by licensed employees and the financial gain there from are the property of the school district if school materials and time were used in their creation and/or such materials were created in the scope of the licensed employee's employment. The licensed employee must seek prior written approval of the superintendent concerning such activities.

Legal Reference: 17 U.S.C. § 101 *et al.*
 Iowa Code § 279.8

I.C. Iowa Code

Iowa Code § 279.8

DescriptionDirectors - General Rules - Bonds of Employees**U.S.C - United States Code**

17 U.S.C. § 101 et al

DescriptionCopyrights**Cross References****Code**

401.02

DescriptionEmployee Conflict of Interest

606.04

Student Production of Materials and Services

Policy 401.14: Employee Expression**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

Employees will comply with Iowa law to the extent that compliance does not infringe on employees' free speech rights.

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

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

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

Legal Reference: U.S. Const. Amend. I
 Kennedy v. Bremerton School District, 597 U.S. (2022)
 Iowa Code §§ 279.73; 280.22

I.C. Iowa Code

Iowa Code § 279.73

Iowa Code § 280.22

DescriptionDirectors - Powers and Duties - Intellectual FreedomStudent Exercise of Free Expression**U.S. Supreme Court**

597

Description*Kennedy v. Bremerton School District*, 2022

U.S. Constitution

U.S. Constitution

Description

Amend. 1

Cross References**Code**

401.13

401.13-R(1)

502.03

502.03-R(1)

Description

Staff Technology Use/Social Networking

Staff Technology Use/Social Networking - Regulation

Student Expression and Student Publications Code

Student Expression and Student Publications Code -
Regulation

Policy 408.03: Licensed Employee Tutoring**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

Legal Reference: Iowa Code §§ 20.7; 279.8.

I.C. Iowa Code

Iowa Code § 20.7

Iowa Code § 279.8

DescriptionCollective Bargaining - Public Employer RightsDirectors - General Rules - Bonds of Employees**Cross References****Code**

401.02

402.06

DescriptionEmployee Conflict of InterestEmployee Outside Employment

Policy 409.01: Employee Vacation - Holidays

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

The board will determine the amount of vacation and holidays that will be allowed on an annual basis for employees.

It is the responsibility of the superintendent to make a recommendation to the board annually on vacations and holidays for employees.

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

I.C. Iowa Code

Iowa Code § 1C

Iowa Code § 20.9

Iowa Code § 4.1

Description

Public Holidays/Recognition Days

Collective Bargaining - Scope of Negotiations

Construction of Statutes

Cross References

Code

601.01

Description

School Calendar

Policy 409.02: Employee Leaves of Absence

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

The board will offer the following leave to full-time regular licensed employees:

- Personal Illness (Sick) Leave – Leave for medically-related disability or illness
- Jury Duty Leave – Leave to be excused for jury duty
- Military Leave – Leave for military service, including the national guard
- Political Leave – Leave to run for elective public office
- Unpaid Leave - To excuse an involuntary absence not provided for in other leave policies of the board.

The board will offer the following leave to full-time regular classified employees:

- Personal Illness (Sick) Leave – Leave for medically-related disability or illness
- Jury Duty Leave – Leave to be excused for jury duty
- Military Leave – Leave for military service, including the national guard
- Political Leave – Leave to run for elective public office
- Unpaid Leave - To excuse an involuntary absence not provided for in other leave policies of the board.

The provisions of each leave offering will be detailed in Master Contract and/or Employee Handbook.

Leave offered by the district will not be less than what is required by law. In the event of an emergency or unforeseen circumstance, the superintendent may authorize additional paid leave.

Legal Reference: 29 U.S.C. §§ 2601 *et seq.*
Pub.L. 116–127
29 C.F.R. §§ 825; 826.
Iowa Code §§ 20; 29A; 55; 85; 216; 279.40; 607A.
Whitney v. Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394 (1942).
Bewley v. Villisca Community School District, 299 N.W. 2d 904 (Iowa 1980).

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 216

Description

Collective Bargaining

Civil Rights Commission

Iowa Code § 279.40

Iowa Code § 29A

Iowa Code § 55

Iowa Code § 607A

Iowa Code § 85

U.S.C. - United States Code

29 U.S.C. §§ 2601

C.F.R. - Code of Federal Regulations

29 C.F.R. §§ 825

Directors - Powers and Duties-Sick Leave

Military Code

Leaves for Public Service

Juries

Workers Comp

Description

Labor - FMLA

Description

Labor - FMLA

Cross References

Code

401.09

403.02

403.06

403.06-E(1)

403.06-E(2)

403.06-E(3)

409.03

409.03-R(1)

409.03-R(2)

409.03-E(1)

409.03-E(2)

706.03

706.03-R(1)

Description

Employee Political Activity

Employee Injury on the Job

Drug and Alcohol Testing Program

Drug and Alcohol Testing Program - Notice to Employees

Drug and Alcohol Testing Program - Pre-Employment
Testing Acknowledgment Form

Drug and Alcohol Testing Program - Written Consent to
Share Information

Employee Family and Medical Leave

Employee Family and Medical Leave - Regulation

Employee Family and Medical Leave - Definitions

Employee Family and Medical Leave - Notice to Employees

Employee Family and Medical Leave - Request Form

Pay Deductions

Pay Deductions - Regulation

Policy 409.03: Employee Family and Medical Leave**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined as a calendar year which is January 1st thru December 31st. Requests for family and medical leave will be made to the superintendent.

Employees may be allowed to substitute paid leave for unpaid family and medical leave by meeting the requirements set out in the family and medical leave administrative rules. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules prior to starting family and medical leave. It is the responsibility of the superintendent to develop administrative rules to implement this policy.

Links:

<https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>

[WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition \(PDF\)](#)

[WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition \(PDF\)](#)

[WH-381 Notice of Eligibility and Rights & Responsibilities \(PDF\)](#)

[WH-382 Designation Notice \(PDF\)](#)

[WH-384 Certification of Qualifying Exigency For Military Family Leave \(PDF\)](#)

[WH-385 Certification for Serious Injury or Illness of Covered Servicemember -- for Military Family Leave \(PDF\)](#)

Legal Reference: 29 U.S.C. §§ 2601 *et seq.*

29 C.F.R. § 825

Iowa Code §§ 20; 85; 216; 279.40.

Whitney v. Rural Ind. School. District, 232 Iowa 61, 4 N.W.2d 394 (1942).

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 216

Description

[Collective Bargaining](#)

[Civil Rights Commission](#)

Iowa Code § 279.40

Directors - Powers and Duties-Sick Leave

Iowa Code § 85

Workers Comp

U.S.C - United States Code

Description

29 U.S.C. §§ 2601

Labor - FMLA

C.F.R. - Code of Federal Regulations

Description

29 C.F.R. §§ 825

Labor - FMLA

Cross References

Code

Description

409.02

Employee Leaves of Absence

Regulation 409.03-R(1): Employee Family and Medical Leave - Regulation Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

A. School district notice.

1. The school district will post the notice in Exhibit 409.3E1 regarding family and medical leave.
2. Information on the Family and Medical Leave Act and the board policy on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be in the [employee handbook].
3. When an employee requests family and medical leave, the school district will provide the employee with information listing the employee's obligations and requirements. Such information will include:
 - a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement or 26 week entitlement depending on the purpose of the leave;
 - b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so or proof of call to active duty in the case of military family and medical leave;
 - c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution; and
 - d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.

B. Eligible employees. (choose one)

Employees are eligible for family and medical leave if the following criteria is met.

1. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and,
2. The employee has worked at least 1,250 hours during the 12 months immediately before the date FMLA leave is to begin. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

C. Employee requesting leave -- two types of leave.

1. Foreseeable family and medical leave.

a. Definition - leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.

b. Employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received. For those taking leave due to military family and medical leave, notice should be given as soon as possible.

c. Employees must consult with the school district prior to scheduling planned medical treatment leave to minimize disruption to the school district. The scheduling is subject to the approval of the health care provider.

2. Unforeseeable family and medical leave.

a. Definition - leave is unforeseeable in such situations as emergency medical treatment or premature birth.

b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.

c. A spouse or family member may give the notice if the employee is unable to personally give notice.

D. Eligible family and medical leave determination. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.

1. Six purposes.

a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child's birth;

b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child's placement;

c. To care for the spouse, son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or

d. Employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.

e. because of a qualifying exigency arising out of the fact that an employee's ___ spouse; ___ son or daughter; ___ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.

f. because the employee is the spouse; ___ son or daughter; ___ parent; ___ next of kin of a covered service member with a serious injury or illness.

2. Medical certification.

a. When required:

(1) Employees [may/shall] be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.

(2) Employees [may/shall] be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.

(3) Employees [may/shall] be required to present certification of the call to active duty when taking military family and medical leave.

b. Employee's medical certification responsibilities:

(1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.

(2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.

(3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.

c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.

d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.

e. [Boards who adopt other requirements or have collective bargaining agreements with provisions regarding certification should add them here.]

Family and medical leave requested for the serious health condition of the employee or to care for a family member with a serious health condition which is not supported by medical certification will be denied until such certification is provided.

E. Entitlement.

1. Employees are entitled to twelve weeks unpaid family and medical leave per year. Employees taking military caregiver family and medical leave to care for a family service member are entitled to 26 weeks of unpaid family and medical leave but only in a single 12 month period.

2. Year is defined as Calendar year.

3. If insufficient leave is available, the school district may:

- a. Deny the leave if entitlement is exhausted
- b. Award leave available
- c. [Award leave in accordance with other provisions of board policy or the collective bargaining agreement.]

F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.

2. Intermittent - employee requests family and medical leave for separate periods of time.

a. Intermittent leave is available for:

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

serious health condition of myself, spouse, parent, or child when medically necessary;
_____ because of a qualifying exigency arising out of the fact that my _____ spouse; _____ son or daughter; _____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;

_____ because I am the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered service member with a serious injury or illness.

b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.

c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits. (For instructional employees, see G below.)

3. Reduced work schedule - employee requests a reduction in the employee's regular work schedule.

a. Reduced work schedule family and medical leave is available for:

birth of my child or adoption or foster care placement subject to agreement by the district;
serious health condition of myself, spouse, parent, or child when medically necessary;
_____ because of a qualifying exigency arising out of the fact that my _____ spouse; _____ son or daughter; _____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;

_____ because I am the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered service member with a serious injury or illness.

b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.

c. During the period of foreseeable reduced work schedule leave, the school district may move the employee to an alternative position with equivalent pay and benefits. (For instructional employees, see G below.)

G. Special Rules for Instructional Employees.

1. Definition - an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors and special education assistants.

2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent of the work days in the leave period may be required to:

- a. Take leave for the entire period or periods of the planned medical treatment; or,
- b. Move to an available alternative position, with equivalent pay and benefits, but not

necessarily equivalent duties, for which the employee is qualified.

3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter or spring break.

a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three weeks of the semester if the leave was not continued.

b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.

c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.

4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.

H. Employee responsibilities while on family and medical leave.

1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.

2. The employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the school district at a time set by the superintendent.

3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.

4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.

5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.

6. If an employee intends not to return to work, the employee must immediately notify the

school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.

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

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

I.C. Iowa Code

Iowa Code § 20

Description

Collective Bargaining

Iowa Code § 216

Civil Rights Commission

Iowa Code § 279.40

Directors - Powers and Duties-Sick Leave

Iowa Code § 85

Workers Comp

U.S.C - United States Code

29 U.S.C. §§ 2601

Description

Labor - FMLA

C.F.R. - Code of Federal Regulations

29 C.F.R. §§ 825

Description

Labor - FMLA

Cross References

Code

409.02

Description

Employee Leaves of Absence

Regulation 409.03-R(2): Employee Family and Medical Leave - Definitions Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

Common Law Marriage - according to Iowa law, common law marriages exist when there is a present intent by the two parties to be married, continuous cohabitation, and a public declaration that the parties are husband and wife. There is no time factor that needs to be met in order for there to be a common law marriage.

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

Continuing Treatment - a serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - -- treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or
 - -- treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - -- requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
 - -- Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - -- May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- Any period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke or the terminal stages of a disease.
- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such

as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

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

Eligible Employee - The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

Essential Functions of the Job - those functions which are fundamental to the performance of the job. It does not include marginal functions.

Employment Benefits - all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan."

Family Member - individuals who meet the definition of son, daughter, spouse or parent.

Group Health Plan - any plan of, or contributed to by, an employer (including a self-insured plan) to provide health care (directly or otherwise) to the employer's employees, former employees, or the families of such employees or former employees.

Health Care Provider-

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law; and
- Nurse practitioners and nurse-midwives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law; and
- Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts;
- Any health care provider from whom an employer or a group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits;
- A health care provider as defined above who practices in a country other than the United States who is licensed to practice in accordance with the laws and regulations of that country.

In Loco Parentis - individuals who had or have day-to-day responsibilities for the care and financial support of a child not their biological child or who had the responsibility for an employee when the employee was a child.

Incapable of Self-Care - that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "ADLs." Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional Employee - an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

Intermittent Leave - leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave or periods from an hour or more to several weeks.

Medically Necessary - certification for medical necessity is the same as certification for serious health condition.

"Needed to Care For" - the medical certification that an employee is "needed to care for" a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Next of Kin - an individual's nearest blood relative

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

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

Parent - a biological parent or an individual who stands in loco parentis to a child or stood in loco parentis to an employee when the employee was a child. Parent does not include parent-in-law.

Physical or Mental Disability - a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Reduced Leave Schedule - a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Serious Health Condition -

- An illness, injury, impairment, or physical or mental condition that involves:
- Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
 - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, or on referral by, a health care provider; or
 - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - Any period of incapacity due to pregnancy or for prenatal care.
 - Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
 - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's a severe stroke or the terminal stages of a disease.
 - Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

- Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

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

Son or daughter - a biological child, adopted child, foster child, stepchild, legal ward, or a child of a person standing in loco parentis. The child must be under age 18 or, if over 18, incapable of self-care because of a mental or physical disability.

Spouse - a husband or wife recognized by Iowa law including common law marriages.

I.C. Iowa Code	Description
Iowa Code § 20	<u>Collective Bargaining</u>
Iowa Code § 216	<u>Civil Rights Commission</u>
Iowa Code § 279.40	<u>Directors - Powers and Duties-Sick Leave</u>
Iowa Code § 85	<u>Workers Comp</u>
U.S.C - United States Code	Description
29 U.S.C. §§ 2601	<u>Labor - FMLA</u>

C.F.R. - Code of Federal Regulations	Description
29 C.F.R. §§ 825	<u>Labor - FMLA</u>

Cross References

Code	Description
409.02	<u>Employee Leaves of Absence</u>

Code No. 409.3E1

EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

This document is available at <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>

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

EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

Date: _____

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

(check all that apply)

- ☐ for the birth of my child;
☐ for the placement of a child for adoption or foster care;
☐ to care for my child who has a serious health condition;
☐ to care for my parent who has a serious health condition;
☐ to care for my spouse who has a serious health condition; or
☐ because I am seriously ill and unable to perform the essential functions of my position.
☐ because of a qualifying exigency arising out of the fact that my ___ spouse; ___ son or daughter; ___ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
☐ because I am the ___ spouse; ___ son or daughter; ___ parent; ___ next of kin of a covered service member with a serious injury or illness.

I acknowledge my obligation to provide medical certification of my serious health condition or that of a family member in order to be eligible for family and medical leave within 15 days of the request for certification.

I acknowledge receipt of information regarding my obligations under the family and medical leave policy of the school district.

I request that my family and medical leave begin on _____ and I request leave as follows:
(check one)

- ☐ continuous
☐ I anticipate that I will be able to return to work on _____.
☐ intermittent leave for the:
- ☐ birth of my child or adoption or foster care placement subject to agreement by the district;
 - ☐ serious health condition of myself, spouse, parent, or child when medically necessary;
 - ☐ because of a qualifying exigency arising out of the fact that my ___ spouse; ___ son or daughter; ___ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
 - ☐ because I am the ___ spouse; ___ son or daughter; ___ parent; ___ next of kin of a covered service member with a serious injury or illness.

Details of the needed intermittent leave:

I anticipate returning to work at my regular schedule on _____.

EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

- _____ reduced work schedule for the:
- _____ birth of my child or adoption or foster care placement subject to agreement by the district;
 - _____ serious health condition of myself, spouse, parent, or child when medically necessary;
 - _____ because of a qualifying exigency arising out of the fact that my _____ spouse; _____ son or daughter; _____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
 - _____ because I am the _____ spouse; _____ son or daughter; _____ parent; _____ next of kin of a covered service member with a serious injury or illness.

Details of needed reduction in work schedule as follows:

I anticipate returning to work at my regular schedule on _____.

I realize I may be moved to an alternative position during the period of the family and medical intermittent or reduced work schedule leave. I also realize that with foreseeable intermittent or reduced work schedule leave, subject to the requirements of my health care provider, I may be required to schedule the leave to minimize interruptions to school district operations.

While on family and medical leave, I agree to pay my regular contributions to employer sponsored benefit plans. My contributions will be deducted from moneys owed me during the leave period. If no monies are owed me, I will reimburse the school district by personal check or cash for my contributions. I understand that I may be dropped from the employer-sponsored benefit plans for failure to pay my contribution.

I agree to reimburse the school district for any payment of my contributions with deductions from future monies owed to me or the school district may seek reimbursement of payments of my contributions in court.

I acknowledge that the above information is true to the best of my knowledge.

Signed _____

Date _____

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

Policy 410.01: Substitute Teachers**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

Substitute teachers will be paid a per diem rate. Substitutes employed for 30 consecutive days or more in the same position shall be paid based upon qualifications and experience. Substitute licensed employees are expected to perform the same duties as the licensed employees.

Legal Reference: Iowa Association of School Boards v. PERB, 400 N.W.2d 571 (Iowa 1987).
Iowa Code §§ 20.1, .4(5), .9; Ch.272.
281 I.A.C. 12.4.

I.C. Iowa Code

Iowa Code § 20

DescriptionCollective Bargaining

Iowa Code § 272

BoEE**I.A.C. Iowa Administrative Code**

281 I.A.C. 12.4

DescriptionSchool Personnel**Cross References****Code**

405.01

DescriptionLicensed Employee Defined

405.02

Licensed Employee Qualifications, Recruitment, Selection

Policy 410.02: Summer School Licensed Employees**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

The Essex Community School District shall offer summer school options in accordance with law and may, in its discretion offer additional programming during the summer recess. Licensed employees who volunteer or who are appointed to deliver the summer education program are compensated in addition to their regular duties during the school academic year, unless such arrangements are made prior to determining the employee's compensation for the year.

Licensed employees will be given the opportunity to volunteer for the positions available. If the board determines a course must be offered and no licensed employee volunteers for the position, the board will make the necessary arrangements to fill the position. The board will consider applications from volunteers of current licensed employees in conjunction with other applications.

It is the responsibility of the superintendent to make a recommendation to the board regarding the need for and the delivery of the summer education program.

Legal Reference: Iowa Code §§ 279.8; 280.14.

I.C. Iowa Code

Iowa Code § 279.8

Iowa Code § 280.14

DescriptionDirectors - General Rules - Bonds of EmployeesUniform School Requirements - Administrators**Cross References****Code**

505.02

603.02

DescriptionStudent Promotion - Retention - AccelerationSummer School Instruction

Policy 410.03: Truancy Officer

Status: ADOPTED

Original Adopted Date: 9/6/2013 Review Date: 4/23/2025 Revised: 4/23/2025

The board will appoint a licensed employee from each school building to serve as the building's truancy officer.

The principal will notify the truancy officer when a student is truant. The truancy officer will investigate the cause of a student's truancy and attempt to ensure the student's attendance. The truancy officer may take the student into custody. A student taken into custody will be placed in the custody of the principal. The truancy officer will attempt to contact the student's parents when the student is taken into custody.

Legal Reference: Iowa Code §§ 299.10-.11, .15.

I.C. Iowa Code	Description
Iowa Code § 299	<u>Compulsory Education</u>
Cross References	
Code	Description
501.10	<u>Truancy - Unexcused Absences</u>
501.10-R(1)	<u>Truancy - Unexcused Absences - Regulation</u>

Policy 410.04: Education Associate

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

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

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

I.C. Iowa Code	Description
Iowa Code § 279.8	<u>Directors - General Rules - Bonds of Employees</u>
Iowa Code § 280.14	<u>Uniform School Requirements - Administrators</u>
Iowa Code § 280.3	<u>Education Program - Attendance Center Requirements</u>
I.A.C. Iowa Administrative Code	Description
281 I.A.C. 12.4	<u>School Personnel</u>
281 I.A.C. 12.5	<u>General Accreditation Standards - Education Program</u>

Cross References

Code	Description
411.02	<u>Classified Employee Qualifications, Recruitment, Selection</u>

Policy 411.01: Classified Employee Defined

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Classified employees are employees who are not administrators or employees in positions which require a teaching license issued by the Iowa Board of Educational Examiners and who are employed to fulfill the duties listed on their job description on a monthly or hourly basis. Classified employees will include, but not be limited to, teacher and classroom aides, custodial and maintenance employees, clerical employees, food service employees, bus drivers, and temporary help for summer or other maintenance. The position may be full-time or part-time.

It is the responsibility of the superintendent to establish job specifications and job descriptions for classified employee positions. Job descriptions may be approved by the board.

Classified employees required to hold a license for their position must present evidence of their current license to the board secretary prior to payment of wages each year.

I.C. Iowa Code		Description
Iowa Code § 20		<u>Collective Bargaining</u>
Iowa Code § 279.8		<u>Directors - General Rules - Bonds of Employees</u>
Cross References		
Code	Description	
405.01	<u>Licensed Employee Defined</u>	
411.02	<u>Classified Employee Qualifications, Recruitment, Selection</u>	
412.03	<u>Classified Employee Group Insurance Benefits (I, II)</u>	

Policy 411.02: Classified Employee Qualifications, Recruitment, Selection Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Persons interested in a classified employee position will have an opportunity to apply and qualify for classified employee positions in the school district in accordance with applicable laws and school district policies regarding equal employment. Job applicants for classified employee positions will be considered on the basis of the following:

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

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

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

Legal Reference: 29 U.S.C. §§ 621-634.
42 U.S.C. §§ 2000e; 12101 *et seq.*
Iowa Code §§ 20; 35C; 216; 256.27; 279.8; 279.20
281 I.A.C. 12

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 216

Iowa Code § 256.27

Iowa Code § 279.8

Iowa Code § 35C

Iowa Code § 279.20

Description

Collective Bargaining

Civil Rights Commission

Online State Job Posting

Directors - General Rules - Bonds of Employees

Veterans Preference

Superintendent - Term

I.A.C. Iowa Administrative Code

281 I.A.C. 12

U.S.C - United States Code

29 U.S.C. §§ 621

42 U.S.C. § 12101

42 U.S.C. § 2000e

DescriptionGeneral Accreditation Standards**Description**Labor - Age DiscriminationPublic Health - Equal Opportunity - DisabilitiesPublic Health - EEO Civil Rights - Definitions**Cross References****Code**

401.01

401.03

401.06

410.04

411.01

411.04

411.06

411.07

DescriptionEqual Employment OpportunityNepotismLimitations to Employment ReferencesEducation AssociateClassified Employee DefinedClassified Employee Licensing/CertificationClassified Employee TransfersClassified Employee Evaluation

Policy 411.03: Classified Employee Contracts**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

Each contract will include a 7 day cancellation clause. Either the employee or the board must give notice of the intent to cancel the contract at the end of 7 days. This notice will not be required when the employee is terminated during a probationary period or for cause.

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

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

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

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 279.7A

Iowa Code § 285.5

DescriptionCollective BargainingDirectors - Powers and Duties - Public Contracts/ExceptionsTransportation Aid - Contracts**Cross References****Code**

411.08

412.01

412.02

DescriptionClassified Employee Probationary StatusClassified Employee CompensationClassified Employee Wage and Overtime Compensation

Policy 411.04: Classified Employee Licensing/Certification**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Classified employees who require a special license or other certification will keep them current at their own expense. Licensing requirements needed for a position will be considered met if the employee meets the requirements established by law for the position.

Legal Reference: Iowa Code §§ 285.5(9); 272; 279.8.
281 I.A.C. 12.4(10); 36; 43.

I.C. Iowa Code

Iowa Code § 272

Iowa Code § 279.8

Iowa Code § 285.5

DescriptionBoEEDirectors - General Rules - Bonds of EmployeesTransportation Aid - Contracts**I.A.C. Iowa Administrative Code**

281 I.A.C. 43

281 I.A.C. 12.4

281 I.A.C. 36

DescriptionTransportationSchool PersonnelExtracurricular Interscholastic Competition**Cross References****Code**

411.02

DescriptionClassified Employee Qualifications, Recruitment, Selection

Policy 411.05: Classified Employee Assignment

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

It is the responsibility of the superintendent to assign classified employees and report such assignments to the board.

Legal Reference: Iowa Code §§ 20; 279.8.

I.C. Iowa Code

Iowa Code § 20

Description

Collective Bargaining

Iowa Code § 279.8

Directors - General Rules - Bonds of Employees

Cross References

Code

200.02

Description

Powers of the Board of Directors

411.06

Classified Employee Transfers

Policy 411.06: Classified Employee Transfers**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Determining the location where a classified employee's assignment will be performed is the responsibility of the superintendent and within the sole discretion of the board. In making such assignments each year the superintendent will consider the qualifications of each classified employee and the needs of the school district.

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

It is the responsibility of the superintendent to transfer classified employees and report such transfers to the board

Legal Reference: 29 U.S.C. §§ 621-634.
 42 U.S.C. §§ 2000e *et seq.*
 42 U.S.C. §§ 12101 *et seq.*
 Iowa Code §§ 20.9; 35C; 216; 279.8; 294.1.

I.C. Iowa Code

Iowa Code § 20.9

Iowa Code § 216

Iowa Code § 279.8

Iowa Code § 294.1

Iowa Code § 35C

DescriptionCollective Bargaining - Scope of NegotiationsCivil Rights CommissionDirectors - General Rules - Bonds of EmployeesTeachers - QualificationsVeterans Preference**U.S.C - United States Code**

29 U.S.C. §§ 621

42 U.S.C. § 12101

42 U.S.C. § 2000e

DescriptionLabor - Age DiscriminationPublic Health - Equal Opportunity - DisabilitiesPublic Health - EEO Civil Rights - Definitions**Cross References****Code**

411.02

411.05

DescriptionClassified Employee Qualifications, Recruitment, SelectionClassified Employee Assignment

Policy 411.07: Classified Employee Evaluation**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

Legal Reference: *Aplington Community School District v. PERB*, 392 N.W.2d 495 (Iowa 1986).
Saydel Education Association v. PERB, 333 N.W.2d 486 (Iowa 1983).
 Iowa Code §§ 20.9; 279.14.
 281 I.A.C. 12.3(3).

I.C. Iowa Code

Iowa Code § 20.9

DescriptionCollective Bargaining - Scope of Negotiations

Iowa Code §279.14

Evaluation Criteria and Procedures**I.A.C. Iowa Administrative Code**

281 I.A.C. 12.3

DescriptionAdministration**Cross References****Code**

411.02

DescriptionClassified Employee Qualifications, Recruitment, Selection

411.08

Classified Employee Probationary Status

Policy 411.08: Classified Employee Probationary Status**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

The first 30 days of a newly employed classified employee's contract is a probationary period. "Day" is defined as one work day regardless of full-time or part-time status of the employee. New employees, regardless of experience, are subject to this probationary period.

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

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

Legal Reference: Iowa Code §§ 20; 279.8.

I.C. Iowa Code

Iowa Code § 20

DescriptionCollective Bargaining

Iowa Code § 279.8

Directors - General Rules - Bonds of Employees**Cross References****Code**

411.03

DescriptionClassified Employee Contracts

411.07

Classified Employee Evaluation

Policy 412.01: Classified Employee Compensation

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

The board will determine the compensation to be paid for the classified employees' positions, keeping in mind the education and experience of the classified employee, the educational philosophy of the school district, the financial condition of the school district and any other considerations as deemed relevant by the board.

It is the responsibility of the superintendent to make a recommendation to the board annually regarding the compensation of classified employees.

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

I.C. Iowa Code

Iowa Code § 20

Description

Collective Bargaining

Iowa Code § 279.8

Directors - General Rules - Bonds of Employees

Cross References

Code

411.03

Description

Classified Employee Contracts

412.02

Classified Employee Wage and Overtime Compensation

Policy 412.03: Classified Employee Group Insurance Benefits

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Classified employees may be eligible for group insurance benefits as determined by the board and required by law. The board will select the group insurance program and the insurance company which will provide the program. Since the district employees less than an average of at least 50 full-time employees (including an equivalent for part-time employees), the district is not subject to the ACAs Employer Mandate.

Classified employees who are regularly scheduled to work at least 40 hours per week are eligible to participate in the group health insurance plan. Variable hourly employees are subject to the applicable measurement period as determined by the board. Regular part-time classified employees who wish to purchase insurance coverage may participate in group insurance programs by meeting the requirements of the insurer. Regular classified employees who wish to purchase insurance coverage for their spouse or dependents may do so by meeting the requirements of the insurer.

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

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

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

I.C. Iowa Code

Iowa Code § 20.9

Iowa Code § 279.12

Iowa Code § 509

Iowa Code § 509A

Iowa Code § 509B

Description

Collective Bargaining - Scope of Negotiations

Directors - Powers and Duties - teachers-insurance-leave

Group Insurance

Group Insurance - Public Employees

Group Health Insurance - Continuation

Iowa Code § 85

Workers Comp

Iowa Code § 85B

Occupational Hearing Loss

C.F.R. - Code of Federal Regulations

Description

26 C.F.R. Pt. 301

I.R.S. - Procedure and Administration

26 C.F.R. Pt. 1

I.R.S. Code

26 C.F.R. Pt. 54

I.R.S. - Pension Excise Tax

Cross References

Code

Description

411.01

Classified Employee Defined

Policy 412.04: Classified employee Tax Shelter Program

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

Legal Reference: Small Business Job Protection Act of 1996, Section 1450(a), repealing portions of IRS
 REG § 1.403(b)-1(b)(3).
 Iowa Code §§ 260C; 273; 294.16.

I.C. Iowa Code	Description
Iowa Code § 260C	<u>Community Colleges</u>
Iowa Code § 273	<u>AEAs</u>
Iowa Code § 294.16	<u>Teachers - Investment Contracts</u>
Cross References	
Code	Description
706.02	<u>Payroll Deductions</u>

Policy 413.01: Classified Employee Resignation

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Classified employees who wish to resign during the school year will give the board notice of their intent to resign and final date of employment and cancel their contract 14 days prior to their last working day. Failure to resign with a 14 day notice eliminates an employee from being hired at a future date in the district.

Notice of the intent to resign will be in writing to the superintendent.

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.19A; 285.5(9).

I.C. Iowa Code	Description
Iowa Code § 279.19A	<u>Directors - Powers and Duties - Extracurricular Contracts</u>
Iowa Code § 285.5	<u>Transportation Aid - Contracts</u>
Iowa Code § 91A.2	<u>Wage Payment Collection - Definitions</u>
Iowa Code § 91A.3	<u>Wage Payment Collection - Mode of Payment</u>
Iowa Code § 91A.5	<u>Wage Payment Collection - Deductions</u>

Policy 413.03: Classified Employee Suspension**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

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

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

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765, 769 (Iowa 1987).
McFarland v. Board of Education of Norwalk Community School District, 277 N.W.2d 901 (Iowa 1979).
 Iowa Code §§ 20.7, .24.

I.C. Iowa Code

Iowa Code § 20.24

Iowa Code § 20.7

DescriptionCollective Bargaining - Electronic Filing ServiceCollective Bargaining - Public Employer Rights**Cross References****Code**

404

404-R(1)

404-R(2)

413.04

413.05

DescriptionEmployee Conduct and AppearanceEmployee Conduct and Appearance - Code of Professional Conduct and Ethics RegulationEmployee Conduct and Appearance - Code of Rights and Responsibilities RegulationClassified Employee DismissalClassified Employee Reduction in Force

Policy 413.04: Classified Employee Dismissal**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

The board believes classified employees should perform their jobs, respect board policy and obey the law. A classified employee may be dismissed upon thirty days notice or immediately for cause. Due process procedures will be followed.

It is the responsibility of the superintendent to make a recommendation for dismissal to the board. A classified employee may be dismissed for any reason, including, but not limited to, incompetence, willful neglect of duty, reduction in force, willful violation of board policy or administrative regulations, or a violation of the law.

Legal Reference: Iowa Code §§ 20.7, .24.

I.C. Iowa Code

Iowa Code § 20.24

DescriptionCollective Bargaining - Electronic Filing Service

Iowa Code § 20.7

Collective Bargaining - Public Employer Rights**Cross References****Code**

404

DescriptionEmployee Conduct and Appearance

404-R(1)

Employee Conduct and Appearance - Code of Professional
Conduct and Ethics Regulation

404-R(2)

Employee Conduct and Appearance - Code of Rights and
Responsibilities Regulation

413.03

Classified Employee Suspension

413.05

Classified Employee Reduction in Force

Policy 413.05: Classified Employee Reduction in Force**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

It is the exclusive power of the board to determine when a reduction in classified employees is necessary. Employees who are terminated due to a reduction in force will be given thirty days notice. Due process will be followed for terminations due to a reduction in force.

It is the responsibility of the superintendent to make a recommendation for termination to the board. The superintendent will consider the relative qualifications, skills, ability and demonstrated performance through evaluation procedures in making the recommendations.

Legal Reference: Iowa Code §§ 20.7, .24.

I.C. Iowa Code

Iowa Code § 20.24

DescriptionCollective Bargaining - Electronic Filing Service

Iowa Code § 20.7

Collective Bargaining - Public Employer Rights**Cross References****Code**

407.05

DescriptionLicensed Employee Reduction in Force

413.03

Classified Employee Suspension

413.04

Classified Employee Dismissal

Policy 405.02: Licensed Employee Qualifications, Recruitment, Selection **Status:** ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Persons interested in a licensed position, other than administrative positions which will be employed in accordance with board policies in Series 300, "Administration," will have an opportunity to apply and qualify for licensed positions in the school district in accordance with applicable laws and school district policies regarding equal employment. Job applicants for licensed positions will be considered on the basis of the following:

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

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

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

Legal Reference: 29 U.S.C. §§ 621-634
 42 U.S.C. §§ 2000e, 12101 *et seq.*
 Iowa Code §§ 20; 35C; 216; 256.27; 279.13.
 281 I.A.C. 12.
 282 I.A.C. 14.

I.C. Iowa Code

Iowa Code § 20

Iowa Code § 216

Iowa Code § 256.27

Iowa Code § 279.13

Iowa Code § 35C

Description

Collective Bargaining

Civil Rights Commission

Online State Job Posting

Directors - Powers and Duties - Contracts with Teachers

Veterans Preference

I.A.C. Iowa Administrative Code

Description

281 I.A.C. 12

282 I.A.C. 14

U.S.C - United States Code

29 U.S.C. §§ 621

42 U.S.C. § 12101

42 U.S.C. § 2000e

Cross References

Code

401.01

401.03

401.06

405.01

405.03

405.07

405.08

410.01

General Accreditation Standards

Educational Examiners - Special Education Endorsements

Description

Labor - Age Discrimination

Public Health - Equal Opportunity - Disabilities

Public Health - EEO Civil Rights - Definitions

Description

Equal Employment Opportunity

Nepotism

Limitations to Employment References

Licensed Employee Defined

Licensed Employee Individual Contracts

Licensed Employee Transfers

Licensed Employee Evaluation

Substitute Teachers

Policy 414: Classified Employee Professional Purposes Leave**Status:** ADOPTED**Original Adopted Date:** 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Professional purposes leave may be granted to classified employees for the purpose of attending meetings and conferences directly related to their assignments. Application for the leave must be presented to the superintendent 7 days prior to the meeting or conference.

It is within the discretion of the superintendent to grant professional purposes leave. The leave may be denied on the day before or after a vacation or holiday, on special days when services are needed, when it would cause undue interruption of the education program and school district operations, or for other reasons deemed relevant by the superintendent.

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

I.C. Iowa Code

Iowa Code § 279.8

DescriptionDirectors - General Rules - Bonds of Employees**I.A.C. Iowa Administrative Code**

281 I.A.C. 12.7

DescriptionProfessional Development**Cross References****Code**

408.01

DescriptionLicensed Employee Professional Development

Regulation 401.05-R(1): Employee Records - Regulation

Status: ADOPTED

Original Adopted Date: 9/6/2013 **Review Date:** 4/23/2025 **Revised:** 4/23/2025

Employee Personnel Records Content

1. Employee personnel records may contain the following information:
 - Personal information including, but not limited to, name, address, telephone number, emergency numbers, birth date and spouse.
 - Individual employment contract.
 - Evaluations.
 - Application, resume and references.
 - Salary information.
 - Copy of the employee's license or certificate, if needed for the position.
 - Educational transcripts.
 - Assignment.
 - Records of disciplinary matters.
2. Employee health and medical records are kept in a file separate from the employee's personnel records. Health and medical records may contain, but are not limited to:
 - Medical professional signed physical form.
 - Sick or long-term disability leave days.
 - Worker's compensation claims.
 - Reasonable accommodation made by the school district to accommodate the employee's disability.
 - Employee's medical history.
 - Employee emergency names and numbers.
 - Family and medical leave request forms.
3. The following are considered public personnel records available for inspection:
 - The name and compensation of the individual, including any written agreement establishing compensation or any other terms of employment, except for that information that is otherwise protected. "Compensation" includes the value of benefits conferred including, but not limited to: casualty, disability, life or health insurance, other health or wellness benefits, vacation, holiday and sick leave, severance payments, retirement benefits and deferred compensation;
 - The dates the individual was employed by the government body;
 - The positions the individual holds or has held with the government body;
 - The educational institutions attended by the individual, including any diplomas and degrees earned, and the names of the individual's previous employers, positions previously held and dates of previous employment;
 - The fact that the individual was discharged as the result of a final disciplinary action upon the exhaustion of all applicable contractual, legal and statutory remedies; and,

- Personal information in confidential personnel records of government bodies relating to student employees shall only be released pursuant to the Family Educational Privacy Rights Act (FERPA.)

Applicant File Records Content

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

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

Record Access

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

Employee Record Retention

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

I.C. Iowa Code

Iowa Code § 20

Description

Collective Bargaining

Iowa Code § 21

Open Meetings

Iowa Code § 22

Open Records

Iowa Code § 91B

Personnel Information

Cross References

Code**Description**

401.06

Limitations to Employment References

402.01

Release of Credit Information

403.03

Communicable Diseases - Employees

403.03-R(1)

Communicable Diseases - Employees - Regulation

403.03-E(1)

Communicable Diseases - Employees - Hepatitis B Vaccine
Information and Record

708

Care, Maintenance and Disposal of School District Records

901

Public Examination of School District Records