



ROLE OF AND GUIDING PRINCIPLES FOR PERSONNEL

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

In striving to achieve a quality education program, the board's goal will be to obtain and retain qualified and effective school district personnel. The board shall have complete discretion to determine the number, the qualifications, and the duties of the positions and the school district's standards of acceptable performance. It shall be the responsibility of the superintendent to make recommendations to the board in these areas prior to board action.

Board policies in this series relating to general personnel shall apply to school district personnel regardless of the position as licensed or support personnel. Board policies relating to licensed personnel shall apply to positions that require a teaching or administrative certificate unless administrative positions are specifically excluded from the policy. Support personnel policies included in this series shall apply to positions that do not require a teaching or administrative certificate.

The board recognizes the right of employee groups to organize under Chapter 20 Code of Iowa for the purposes of collective bargaining. Except when a specific provision governing the employment relationship has been negotiated or is a result of a meet and confer session, all employees will be governed by the policies of the board and the administrative procedures, rules and practices.

Approved: October 22, 1990
Reviewed: October 28, 2019
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GENERAL PERSONNEL ORIENTATION

An employee must know the role and the duties as a school district employee. School district personnel shall be required to participate in an orientation program for new employees. It shall be the responsibility of the direct supervisor to provide the new employee with a review of the employee's responsibilities, duties and appropriate procedures. Payroll procedures and employee benefit programs on accompanying forms will be explained to the employee by the superintendent. Regular employees ineligible for the school district's group health plan will be given information regarding where they can obtain health care or health care insurance.

Legal Reference: Iowa Code §§ 20, 279.8 (2015).

Cross Reference: 401.7 General Personnel Relations to Administration and to the Board
 402.6 General Personnel Relations to the Public
 404 General Personnel Conduct and Appearance

Approved: October 22, 1990

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Revised: November 27, 1995



EMPLOYEE ANTI-HARASSMENT POLICY

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

Harassment includes, but is not limited to, sex, race and color, national origin, religion and creed, age, marital/parental status, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, or socioeconomic status or familial status. Harassment by board members, administrators, employees, parents, students, vendors, and others doing business with the school district is prohibited. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

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

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

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

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

All members of the district, including, but not necessarily limited to, the board, the administration, the faculty, the staff, and the students, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting as a member of the school community will be in violation of this policy and subject to the procedures outlined below.

It shall be the responsibility of the superintendent, in conjunction with the investigator, to develop administrative rules regarding this policy.

Approved: January 28, 2013
Reviewed: October 28, 2019
Revised:



EMPLOYEE ANTI-HARASSMENT INVESTIGATION PROCEDURES

I. General Procedures

Individuals who feel that they have been harassed should:

- Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the harasser, the individual should ask a teacher, counselor or principal to help.
- If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, the individual should:
 - tell a teacher, counselor or principal; and
 - write down exactly what happened, keep a copy and give another copy to the teacher, counselor or principal or another appropriate school employee including:
 - what, when and where it happened;
 - who was involved;
 - exactly what was said or what the harasser did;
 - witnesses to the harassment;
 - what the student said or did, either at the time or later;
 - how the student felt; and
 - how the harasser responded.

II. Complaint Procedure

An employee who believes that the individual has been harassed shall notify Bernadette Brustkern, the Level I investigator. The alternate investigator is Erin Paysen. The investigator may request that the individual complete the Harassment/Bullying Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. The complainant shall be given a copy of the completed complaint form. Information received during the investigation is kept confidential to the extent possible.

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

III. Investigation Procedure

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

Upon completion of the investigation, the investigator will make written findings and conclusions as to each allegation of harassment and report the findings and conclusions to the superintendent. The investigator will provide a copy of the findings of the investigation to the superintendent.



EMPLOYEE ANTI-HARASSMENT INVESTIGATION PROCEDURES

IV. Resolution of Complaint

Following receipt of the investigator's report, the principal may investigate further, if deemed necessary, and make a determination of any appropriate additional steps which may include discipline.

Prior to the determination of the appropriate remedial action, the superintendent may, at the superintendent's discretion, interview the complainant and the alleged harasser. The superintendent will file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation. The superintendent will maintain a log of information necessary to comply with Iowa Department of Education reporting procedures.

POINTS TO REMEMBER IN THE INVESTIGATION

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

V. Conflicts with Investigation

If the investigator is a witness to the incident, the alternate investigator shall investigate.

Approved: January 28, 2013
Reviewed: October 28, 2019
Revised: November 9, 2020



EQUAL EMPLOYMENT OPPORTUNITY

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

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

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

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

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Erin Paysen - North Scott Community School District, 308 North Main Street, Donahue, Iowa or by telephoning 563-285-9862.

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: February 28, 2021



EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION COMPLIANCE PROGRAM

The North Scott Community School District has an established policy of Equal Employment Opportunity with respect to race, color, creed, gender, gender identity, sexual orientation, marital status, national origin, socioeconomic status, religion, age (except for student) or disability. . All employment decisions will be made in accordance with these principles. All employment related programs will be administered in a manner consistent with these principles. No employee or applicant shall suffer any form of discrimination because of age (except for students), gender, sexual orientation, gender identity, marital status, socioeconomic status, disability, race, national origin, color, religion, and creed. In order to effectively communicate and interpret the district's policies to all levels of the administration and to all other employees, community and educational agencies, and the public in general, the following will be undertaken:

A. Dissemination of Policy

1. Employees will be reminded annually of the district's Equal Employment Opportunity Policy ("EEO Policy") by:
 - a. Description of EEO Policy by publication or reference in all issues or re-issues of personnel handbooks.
 - b. Annual notification in newspaper or newsletter that goes to all community folks.
 - c. Where applicable detailed discussions at administrative conferences and staff meetings.
 - d. Posting of the EEO Policy on the District's website.
2. Employment advertisements will contain assurance of equal employment opportunity.
3. All employment and recruiting sources where jobs are posted and/or listed by the district will be notified of the District's EEO Policy, both verbally and in writing.
4. Notices will be posted on the bulletin boards and in locations where applicants are interviewed.
These will inform employees and applicants of their rights under federal and state civil rights laws.

B. Responsibility for Implementing the Affirmative Action Program

1. Responsibility to implement the Affirmative Action Program is assigned to the Affirmative Action Coordinator, who will render full assistance and support for those seeking help and assistance in taking affirmative action.

C. Recruiting

1. Additional emphasis will be given to seeking and encouraging applicants from minority groups, women's groups, and the disabled, where such applicants with the necessary qualifications or potentials are available.

D. Training

1. All training and in-service programs supported or sponsored by the district will continue to be equally open to all employees on the basis of qualifications.



EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION
COMPLIANCE PROGRAM

E. Hiring, Placement, Transfer, Lay-Off and Recall

1. The district recognizes that to accomplish the long-range objectives of its Equal Employment Opportunity policy, continued affirmative action must be taken to ensure that job opportunities of all kinds are called to the specific attention of members of minority groups, women and the disabled, and that qualified members of such groups should be offered positions on the same basis as all other applicants or employees. To assure achievement of the objectives, the district will periodically review its practices in hiring job applicants.

F. Compensation

1. All employees will receive compensation in accordance with the same standards. Opportunities for performing overtime work or otherwise earning increased compensation will be afforded to all qualified employees without discrimination based on race, color, creed, gender, gender identity, sexual orientation, marital status, socioeconomic status, national origin, religion, age (except for students) or disability.

This Affirmative Action Program will be reviewed and updated biannually.

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

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: January 28, 2013



GRIEVANCE PROCEDURE

Students, parents of students, employees, and applicants for employment in the school district shall have the right to file a formal complaint alleging discrimination under federal or state regulations requiring nondiscrimination in programs and employment.

Level One - Principal, Immediate Supervisor or
Personnel Contact Person
(Informal and Optional - may be bypassed by the grievant)

Employees with a complaint of discrimination based upon their gender, race, national origin, religion, age, sexual orientation, gender identity, or disability are encouraged to first discuss it with their immediate supervisor, with the objective of resolving the matter informally. An applicant for employment with a complaint of discrimination based upon their gender, race, national origin, religion, age, sexual orientation, gender identity, or disability is encouraged to first discuss it with the personnel contact person.

A student, or a parent of a student, with a complaint of discrimination based upon their gender, race, national origin, religion, marital status, sexual orientation, gender identity, or disability is encouraged to discuss it with the instructor, counselor, supervisor, building administrator, program administrator or personnel contact person directly involved.

Level Two - Equity Coordinator

If the grievance is not resolved at Level One and the grievant wishes to pursue the grievance, the grievant may formalize it by filing a complaint in writing on a Grievance Filing Form, which may be obtained from the Equity Coordinator. The complaint shall state the nature of the grievance and the remedy requested. The filing of the formal, written complaint at Level Two must be within 15 working days from the date of the event giving rise to the grievance, or from the date the grievant could reasonably become aware of such occurrence. The grievant may request that a meeting concerning the complaint be held with the Equity Coordinator. A minor student may be accompanied at that meeting by a parent or guardian. The Equity Coordinator shall investigate the complaint and attempt to resolve it. A written report from the Equity Coordinator regarding action taken will be sent to the involved parties within a reasonable time after receipt of the complaint.

Level Three – Superintendent / Administrator

If the complaint is not resolved at Level Two, the grievant may appeal it to Level Three by presenting a written appeal to the superintendent within five working days after the grievant receives the report from the Equity Coordinator, the grievant may request a meeting with the superintendent. The superintendent may request a meeting with the grievant to discuss the appeal. A decision will be rendered by the superintendent within a reasonable time after the receipt of the written appeal. If, in cases of disability grievances at the elementary and secondary level, the issue is not resolved through the grievance process, the parents have a right to an impartial hearing to resolve the issue.



GRIEVANCE PROCEDURE

This procedure in no way denies the right of the grievant to file formal complaints with the Director of the Iowa Civil Rights Commission, 400 East 14th Street, Des Moines, IA 50319-1004, 1-800-457-4416; to the Office for Civil Rights Chicago Office, United States Department of Education, John C. Kluczynski, Federal Building 230 S. Dearborn Street, 37th Floor Chicago, IL 60604, (312) 730-1560; or to the Equal Employment Opportunity Commission Chicago Office, 500 W. Madison Street, Suite 2000, Chicago, IL 60661, 1-800-669-4000. Inquiries may also be directed to the Director, Iowa Department of Education, Grimes State Office Building, 400 E 14th Street, Des Moines, IA 50319-0146

Level Four - Appeal to Board

If the grievant is not satisfied with the superintendent's decision, the grievant can file an appeal with the board within five working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal.

The Equity Coordinators are:

Bernadette Brustkern
North Scott Administration Office
251 East Iowa Street
Eldridge, IA 52748-1910
(563) 285-3428
Office Hours: 7:45 a.m. - 4:30 p.m.

Erin Paysen
John Glenn Elementary School
308 N Main St.
Donahue, IA 52746
(563) 282-9862
Office Hours: 7:45 a.m. - 4:15 p.m.

Approved: January 28, 2013
Reviewed: October 28, 2019
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GENERAL PERSONNEL CONFLICT OF INTEREST

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

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

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

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

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



GENERAL PERSONNEL CONFLICT OF INTEREST

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

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

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

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

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

Legal Reference: 7 C.F.R. 3016.36(3)
Iowa Code §§ 20.7; 68B; 279.8; 301.28 ~~(2015)~~.

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

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: October 28, 2019



NEPOTISM

More than one family member may be an employee of the school district. It shall not be allowed, however, for one family member employed by the school district to supervise another family member employed by the school district.

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

Legal Reference: Iowa Code §§20, 71, 277.27, 279.8 (2015).

Cross Reference:	203	Board of Directors Conflict of Interest
	405.2	Licensed Personnel Qualifications, Recruitment, Selection
	411.2	Support Personnel Qualifications, Recruitment, Selection

Approved: October 22, 1990

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GENERAL PERSONNEL COMPLAINTS

Complaints of employees against fellow employees should be discussed directly between employees as appropriate for the nature of the complaint. Complaints should be made in a constructive and professional manner. Complaints should generally not be made in the presence of other employees, students or outside persons.

If the complaint cannot be resolved, the employee may discuss the matter with their immediate supervisor. If the matter cannot be resolved within 5 days of speaking with the immediate supervisor, the employee may discuss it with the principal within 5 days of the supervisor's decision. If the matter cannot be resolved by the principal, the employee may discuss it with the superintendent within 5 days after speaking with the principal.

If the matter is not satisfactorily resolved by the superintendent, the employee may ask to have the matter placed on the board agenda of a regularly scheduled board meeting in compliance with board policy. The board retains discretion as to whether to consider or take action on any complaint.

This policy is designed to create an appropriate process for pursuing general employee complaints. However, employees wishing to address a complaint on a topic with a more specialized procedure such as master contract grievances, or bullying or harassment claims should follow the appropriate process set forth in the master contract, employee handbook or other board policies specific to that topic.

Legal Reference: Iowa Code §§20, 279.8

Cross Reference: 309 Authority and Communication Channels
402.5 Public Complaints about General Personnel

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: February 28, 2022



GENERAL PERSONNEL RECORDS

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

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

Employees may have access to their personnel files at a time mutually agreed upon between the superintendent and the employee. However, employees will not be allowed access to the employment references written on behalf of the employee.

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

Legal Reference: Iowa Code chs. 20, 21, 22, 91B (2015).
Clymer v. City of Cedar Rapids, No. 209/97-1705 (Iowa 1999).
Des Moines Independent Community School District v. Des Moines Register and Tribune Company, 487 N.W.2d 666 (Iowa 1992).
City of Dubuque v. Telegraph Herald, Inc., 297 N.W.2d 523 (Iowa 1980).

Cross Reference: 213 Closed Sessions
218 Board of Directors, Records
402.1 Release of Credit Information
403 General Personnel Health and Well-Being
708 Care, Maintenance and Disposal of School District Records
901.1 Public Examination of School District Records

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: October 28, 2019



GENERAL PERSONNEL RECORDS - REGULATION

Employee Personnel Records

1. Employee personnel records may contain, but are not limited to, the following information:
 - Personal information such as: name, address, telephone number, emergency numbers, birth date and spouse
 - Individual employment contract
 - Evaluations
 - Application, resume and references
 - Salary information
 - Copy of the employee's license or certificate, if needed for the position
 - Educational transcripts
 - Assignment
 - Records of disciplinary matters
2. Employee health and medical records shall be kept in a file separate from the employee's personnel records. Health and medical records may contain, but are not limited to:
 - Medical/physical form (with physician's signature)
 - 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).



GENERAL PERSONNEL RECORDS - REGULATION

Applicant File Records

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

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

Records Access

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

Employee Record Retention

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

Approved: January 24, 1994
Reviewed: October 28, 2019
Revised: April 9, 2012



GENERAL PERSONNEL RELATIONS TO ADMINISTRATION AND TO THE BOARD

School district personnel are encouraged to attend school board meetings. School district personnel shall be available to provide information and assist in providing recommendations to the board upon request. The employees shall keep the board informed through the administration about educational trends and issues that may assist the board. It shall be the responsibility of the employees to keep the administration informed about the day-to-day occurrences in their work areas.

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

Legal Reference: Iowa Code §§20, 279.8 (2015).

Cross Reference: 401.5 General Personnel Complaints
401.8 General Personnel Involvement in Decision Making

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



GENERAL PERSONNEL INVOLVEMENT IN DECISION MAKING

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

Employees having suggestions for changes or improvements in administrative procedure or policy should take such suggestions directly to the administrator and/or the superintendent. The administrator or superintendent will give the employee a fair and courteous hearing regarding the same. After a final decision is made on any policy or procedure, employees will be expected to accept the decision in their subsequent actions, discussions and relations.

Legal Reference: Iowa Code §§279.8 (2015).

Cross Reference: 302.2 Administration and District Personnel
401.7 General Personnel Relations to Administration and to the Board

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Revised: July 27, 1992



USE OF SCHOOL DISTRICT FACILITIES & EQUIPMENT BY GENERAL PERSONNEL

The primary purpose of the school district facilities and equipment is the delivery of the education program. Resources for school equipment are limited. Each user must operate the equipment with the utmost care. School district employees may use school equipment for any school purpose or activity held during the school day or for a school-sponsored event. School district personnel may not use school equipment for nonschool-sponsored events.

A request by an employee to use the facilities for nonschool-related business must be approved by the principal. Such a request will not supersede any prior request made by another individual or organization. The employee will be responsible to meet the same requirements as other individuals or organizations using the facilities.

Legal Reference: Iowa Code §§256.12, 279.8, 297.9 (2015).

Cross Reference: 906 Use of School District Facilities & Equipment

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GENERAL PERSONNEL TRAVEL COMPENSATION

School district personnel traveling on behalf of the school district and performing approved school business will be reimbursed for the actual and necessary expenses. Reimbursement for expenses will be allowed only if the employee received authorization for the expenses from the building principal and superintendent.

It shall be the responsibility of the building principal and superintendent to determine whether the requested trip is appropriate school business for which actual and necessary expenses should be reimbursed to the employee.

Transportation costs for travel between school buildings in the district for the purpose of meeting classes as scheduled and/or assigned and which requires the teacher to leave the teacher's regularly assigned teaching station to which the teacher reports at the beginning of the teaching day, shall be reimbursed at an amount determined by the board.

Legal Reference: Iowa Constitution, Art. III, §31.
Iowa Code §§70A.9-.11 (2015).
1980 Op. Att'y Gen. 512.
1989 Op. Att'y Gen. 47.

Cross Reference: 219.3 Board of Directors Member Compensation and Expenses
401.16 Credit Cards
712 Transportation

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GENERAL PERSONNEL TRAVEL COMPENSATION REGULATION

Travel Within the School District

Employees required to travel in their personal vehicle between school district buildings to carry out the duties of their position shall be reimbursed at an amount per mile as determined by the board.

Employees who are allowed a district travel allowance shall have the amount of the allowance actually received during each calendar year included on the employee's W-2 form as taxable income according to the Internal Revenue Code.

Travel Outside the District

1. TRANSPORTATION

When traveling outside of the district, a request will be submitted for use of a school district vehicle. Assignment will depend upon availability. Mileage reimbursement will only be approved when a district vehicle is not available. When traveling with other district employees, consideration should be made to minimize cost. Community or personal use of school vehicles is prohibited. If the employee utilizes their personal vehicle, the employee shall be reimbursed at an amount per mile as determined by the board.

2. MEALS

- a. Employees will be reimbursed the actual cost of meals while attending any approved event up to the allowance established by the U.S. General Services Administration. Detailed receipts must be submitted for reimbursement.
- b. If a meal or meals are included in the conference registration fee, three-fourths of the federal meal allowance rate will be allowed for the balance of meals.
- c. Banquets - Employees who attend a banquet meal as part of the event will be reimbursed the full cost of the banquet.

3. MOTEL/HOTEL

The district will pay for lodging for employees attending approved events outside the district. Charges for spouses, phone calls, movies, and other non-reimbursable charges must be paid by the employee at the time of checkout.

4. TAXI/LIMOUSINES

The district will reimburse for fares on public transportation while attending out-of-area events provided that the fares are for travel to and from airports, train stations, etc.; to and from motels/hotels; and to and from meeting places. If possible, the employee or board member should get receipts for



GENERAL PERSONNEL TRAVEL COMPENSATION REGULATION

these fares. No reimbursement will be made for personal trips, sightseeing, etc.

5. CAR RENTAL

The district will reimburse for rental of a car while attending out-of-area events, if the car rental is approved by the superintendent. This reimbursement will be limited to charges for travel to and from airports, train stations, etc.; to and from motels/hotels; and to and from meeting places. No reimbursement will be made for personal trips, sightseeing, etc. A receipt must be turned in before reimbursement is made. Charges that would normally be reimbursed may be paid for with a district credit card.

6. TOLLS

The district will reimburse for tolls paid on roads and bridges while attending out-of-area events. If possible, the employee should get a receipt.

7. PARKING

The district will reimburse for parking fees paid while attending events. Whenever possible, long-term parking costs should be avoided. Receipts should be obtained, when available, and submitted with the request for reimbursement.

8. RECEIPTS

School district personnel and officers shall be reimbursed for expenses incurred as listed above for approved travel. Reimbursement for these expenses will occur upon submittal of a detailed receipt indicating the date, purpose and nature of the expenses incurred. Failure to provide a written receipt shall make the expense a personal expense. In exceptional circumstances, the superintendent may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances shall be maintained as part of the school district's record of the claim.

Approved: March 23, 1998
Reviewed: October 28, 2019
Revised: May 11, 2015



GENERAL PERSONNEL ACTIVITY PASSES

A non-transferable employee pass to school-sponsored activities will be available to school district personnel. It shall be the responsibility of the employee to obtain the school activity pass.

Legal Reference: Iowa Code §§279.8 (2015).

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: July 27, 1992



RECOGNITION FOR SERVICE OF GENERAL PERSONNEL

The board recognizes and appreciates the service of its employees. An employee who retires or resigns may be honored by the administration and staff in a manner fitting to the retiring or resigning employee.

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

Legal Reference: Iowa Constitution, Art. III, §31.
Iowa Code §§279.8 (2015).
1980 Op. Att’y Gen. 102.

Cross Reference: 407.2 Licensed Personnel Release from Contract and Retirement
413.1 Support Personnel Resignation and Retirement

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: July 27, 1992



STAFF TECHNOLOGY USE/SOCIAL NETWORKING REGULATION

General

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

- Employees will be issued a school district e-mail account. Passwords must be changed periodically.
- Each individual in whose name an access account is issued is responsible at all times for its proper use.
- Employees are expected to review their e-mail regularly throughout the day, and shall reply promptly to inquiries with information that the employee can reasonably be expected to provide.
- Communications with parents and/or students must be made on a school district computer, unless in the case of an emergency.
- Employees may access the internet for education-related and/or work-related activities.
- Employees shall refrain from using technology resources for personal use, including access to social networking sites.
- Use of the school district technology and school e-mail address is a public record. Employees cannot have an expectation of privacy in the use of the school district's computers.
- Use of technology resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline, up to and including discharge.
- Use of the school district's network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- Off-site access to the school district network will be determined by the superintendent in conjunction with appropriate personnel.
- All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- Network users identifying a security problem on the school district's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of school district computer use guidelines may be denied access to the school district's network.
- Employees are representatives of the district at all times and must model appropriate character, both on and off the worksite. This applies to material posted with personal devices and on personal websites and/or social media accounts. Posted messages or pictures which diminish the professionalism or discredit the capacity to maintain respect of students and parents may result in disciplinary action up to and including termination if the content posted is found to be disruptive to the educational environment and adversely impacts the employee's ability to effectively serve as a role model or perform his/her job duties for the district. The type of material that would affect an employee's ability to serve as an appropriate role model includes, but is not limited to, text or depictions involving hate speech, nudity, obscenity, vulgarity or sexually explicit content. Employee communications with students should be limited as appropriate. If there is any uncertainty, employees should consult their building administrator.

Commented [SS1]: This statement was added to the regulation in order to provide advance notice and additional clarity to employees about content posted to social media outside of the school environment. This is not a legal requirement but is a recommended update to this regulation.

Prohibited Activity and Uses

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



- Using the network for commercial activity, including advertising, or personal gain.

STAFF TECHNOLOGY USE/SOCIAL NETWORKING REGULATION

- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the school district computer network. *See Policy 605.7, Use of Information Resources* for more information.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material
- Using the network to receive, transmit or make available to others messages that are racist, sexist, and abusive or harassing to others.
- Use of another's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy school district equipment or materials, data of another user of the school district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a virus on the network.
- Using the network to send anonymous messages or files.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- *[Using the network for sending and/or receiving personal messages.]*
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Installing personal software or using personal technology on the school district's technology and/or network without the permission of the *[insert title.]*
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

Other Technology Issues

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



GENERAL PERSONNEL POLITICAL ACTIVITY

No employee shall engage in political activity upon property under the jurisdiction of the board. Activities including, but not limited to, posting of political circulars or petitions, the distribution of political circulars or petitions, the collection of and/or solicitation for campaign funds, solicitation for campaign workers, and the use of students for writing or addressing political materials, or the distribution of such materials to or by students, are specifically prohibited.

Legal Reference: Iowa Code §§ 55; 279.8 (2015).

Cross Reference: 401.3 General Personnel Conflict of Interest

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: July 27, 1992



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

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

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

The school district has appointed a Level I investigator and alternate Level I investigator. The school district has also arranged for a trained, experienced professional to serve as the Level II investigator. At the expense of the school district, the Level I investigators and alternates will be provided training in the conducting of an investigation and will be referred to and provided with copies of the DEPARTMENT OF EDUCATION, Office of Civil Rights; Sexual Harassment Guidance, Harassment of Students by School Employees, Other Students or Third Parties, Notice, 62 Fed. Reg. 12034. The names of the investigators shall be listed in the employee handbook, student handbook, published annually in the local newspaper and posted in all school facilities.

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

Legal Reference: Iowa Code §§232.67, .70, .73, .75, 235A, 272A, 280.17; 709; 728.12(1) (2015).
281 Iowa Admin. Code Chapter 102; 103.
441 Iowa Admin. Code 155, 175.
1980 Op. Att'y Gen. 275.

Cross Reference: 402.2 Reporting Child Abuse by Caretakers
503.5 Corporal Punishment
507 Student Health and Well-Being

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: April 9, 2012 (Cross Reference)



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

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

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

Student's name and address: _____

Student's telephone no.: _____

Student's school: _____

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

Allegation is of ____ physical ____ sexual abuse*

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

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

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

*Parents of children who are in pre-kindergarten through sixth grade and whose children are the alleged victims of or witnesses to sexual abuse have the right to see and hear any interviews of their children in this investigation. Please indicate "yes" if the parent/guardian wishes to exercise this right: ____ Yes ____ No
Telephone Number _____



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

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

Has any professional person examined or treated the student as a result of the incident?

____ yes ____ no ____ unknown

If yes, please provide the name and address of the professionals) and the dates(s) of examination or treatment, if known: _____

Has anyone contacted law enforcement about this incident? ____ yes ____ no

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

Your name, address and telephone number: _____

Relationship to student: _____

Complainant Signature

Witness Signature

Date

Witness Name (please print)

Witness Address

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

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

Approved: February 26, 1996

Reviewed: October 28, 2019

Revised:



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

Student's name: _____

Student's age: _____ Student's grade: _____

Student's address: _____

Student's school: _____

Name of accused school employee: _____ Building: _____

Name and address of person filing report:

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

Date report of abuse was filed: _____ ☐ physical ☐ sexual*

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

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

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

☐ Yes ☐ No

Was the right exercised? ☐ Yes ☐ No



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

Were audio tapes made of any interviews? ☐ yes ☐ no

Were video tapes made of any interviews? ☐ yes ☐ no

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

If yes, describe:

☐ student excused from school

☐ school employee placed on
administrative or other leave

☐ student assigned to different class

☐ other (please specify)

Level I investigator's conclusions:

☐ The complaint is being dismissed for lack of jurisdiction.

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

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

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

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

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

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

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

☐ Complaint was withdrawn.

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

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



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

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

Current status of investigation:

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

Other comments: _____

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

Name of investigator (please print)

Investigator's place of employment

Signature of investigator

Date

Approved: February 26, 1996
Reviewed: October 28, 2019
Revised:



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

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

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

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



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

Physical Abuse Allegations

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

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

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

The written investigative report shall include:

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



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

These options include, but are not limited to:

- Contacting law enforcement officials.
- Contacting private counsel for the purpose of filing a civil suit or complaint.
- Filing a complaint with the board of educational examiners if the employee is a licensed employee.

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

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

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

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

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



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

- b. Using incidental, minor, or reasonable physical contact to maintain order and control.

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

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

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

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

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

Sexual Abuse

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

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



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

When sexual abuse is reported, the Level I investigator shall make copies of the report and give a copy to the person filing the report, the student's parents or guardian and the immediate supervisor of the employee named in the report. The employee named in the report shall not receive a copy of the report until the employee is initially interviewed. The designated investigator shall not interview the school employee named in a report of sexual abuse until after a determination is made that jurisdiction exists, the alleged victim has been interviewed and a determination made that the investigation will not be deferred.

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

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

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

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

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

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



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

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

Information of unfounded abuse at Level I or Level II shall not be kept in the employee's personnel file. If the Level I investigative report is founded but Level II is unfounded, then the Level I report shall be removed from the employee's permanent file.



ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: February 26, 1996



CREDIT CARDS/PURCHASING CARDS

School district personnel may use school district credit cards/purchasing cards (p-cards) for the actual and necessary expenses incurred in the performance of work-related duties. Actual and necessary expenses incurred in the performance of work-related duties include, but are not limited to, fuel for school district transportation vehicles for transporting students to and from school and for school-sponsored events, payment of claims related to professional development of the board and school district personnel, internet purchases for books, supplies, conference registrations, and other expenses required by school district personnel and the board in the performance of their duties. The use of school district credit cards/purchasing cards (p-cards) for personal expenses is prohibited.

School district personnel and officers using a school district credit card/purchasing card (p-card) must submit a detailed receipt in addition to a credit card receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a proper receipt shall make the expense a personal expense. In exceptional circumstances, the superintendent may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances shall be maintained as part of the school district's record of the claim.

Legal Reference: Iowa Constitution, Art. III, § 31.
Iowa Code §§ 279.8, .29, .30 (2015).
281 Iowa Admin. Code 12.3(1).
1984 Op. Att’y Gen. 47.

Cross Reference: 219.3 Board of Directors Member Compensation and Expenses
705.4 Receiving Goods and Services
705.5 Payment for Goods and Services

Approved: October 26, 1992
Reviewed: October 28, 2019
Revised & Renamed: May 9, 2011



PURCHASING CARD PROGRAM

INTRODUCTION

Welcome to the North Scott Community School District Purchasing Card program!

On behalf of the Business Office, I welcome you to participate in the North Scott Community School District Purchasing Card program ("P-Card"). We believe that each team member's time is valuable and we believe the P-Card program contributes directly to enabling you to help streamline the district's purchasing needs.

This manual is designed to acquaint you with information about the P-Card program's policies and procedures. You should read, understand, and comply with all provisions of the manual. It describes many of your responsibilities as a team member and outlines the processes and procedures to facilitate secure, timely, and accurate purchasing transactions. One of our objectives is to provide purchasing channels that empower our employees to make sure our resource needs are met to deliver quality services to our patrons while at the same time providing the necessary financial controls to safeguard our district's assets.

The P-Card manual cannot anticipate every circumstance or question. As our organization usage continues to grow, we may revise, supplement, or rescind any policies or portion of the manual from time to time, as the organization deems appropriate.

Again, welcome to the P-Card program!



PURCHASING CARD PROGRAM

CODE OF CONDUCT

The Code of Conduct for the North Scott Community School District Purchasing Card Program is designed to provide the participant a set of guidelines and philosophy to follow regarding the use of the card.

- **P-Card Agreement**

The issuance of a P-card is strictly prohibited prior to receipt of a signed agreement from the employee. An employee must sign the P-Card agreement prior to receiving a P-Card.

- **Purchases**

P-Card purchases should be made so that the organization gains the maximum value and quality for each purchase.

- **Supplier Gifts**

Decline all personal supplier gifts offered.

- **Personal Use of P-Card**

P-card usage is for authorized business purchases only. **Personal purchases are strictly prohibited.**

- **P-Card Security**

The P-card is the property of the North Scott Community School District. Unless an employee is traveling or making a purchase for the district, the P-card must be retained in a secure location and not kept in the employee's purse or billfold. This practice reduces the possibility of the P-card being lost or stolen.

- **Authorization**

Only the employee to whom the card is issued is authorized to use it. **Delegating the use of the P-card to another employee is strictly prohibited.**



PURCHASING CARD PROGRAM

CODE OF CONDUCT

- **Supplier Bids**

Where required in accordance with district policy, all suppliers should be offered an equal opportunity to participate in the district's purchasing programs within federal and state statutory regulation.

- **Supplier Disagreements**

If a disagreement occurs with a supplier, the employee should make every effort to reach a reasonable and equitable settlement to the dispute. If it is not possible to settle the disagreement under reasonable circumstances, submit the dispute and all documentation to the Business Office.

- **Negotiations**

Employees are required to conduct themselves in a good faith manner when negotiating with suppliers. Any intentional misrepresentation is strictly prohibited.

- **Organization Policies**

Adhere to district policy as it relates to the P-Card program.

- **Documentation**

All purchases using the P-Card program must be properly documented for business purposes. Any altered or forged documentation is strictly prohibited.

- **Purchase Restrictions**

The purchase of products, services, or commodities on the restricted list in the Purchasing Card Policy is strictly prohibited. Check with the Business Office if you have any questions whether a charge is valid under the P-card program.

- **Purchase Limits**

All dollar value purchase limits will be adhered to under the program and any splitting of transactions to avoid authorized limits is strictly prohibited.

- **Business Practices**

The Board of Education strongly supports business transactions with local vendors if the goods/services are of acceptable quality and price competitive. Iowa law stipulates preference to Iowa suppliers. Local suppliers are even more important because their tax and overall economic contributions are vital to our region and our schools. The Common Vendor List is a sample, but not exclusive, list of vendors and requirements.



PURCHASING CARD PROGRAM

ACKNOWLEDGMENT FORM

The P-Card manual describes important information about the North Scott Community School District purchasing card program controls and processes required to manage the day-to-day operations of this purchasing option. The manual is intended to inform cardholders handling P-Card transactions about the formal policy guidelines, processes and responsibilities of the various participants. These policies ensure that P-card purchasing is consistent with the North Scott Community School District fiscal and internal control goals.

Since the information, policies, and procedures described in the manual are subject to change, I acknowledge that revisions to the P-Card manual may occur. All policy changes require the appropriate authorized approvals before they are implemented. I understand that revised information may supersede, modify, or eliminate existing policies.

I acknowledge that I have received the P-Card manual, and I understand that it is my responsibility to read and comply with the policies and the Code of Conduct contained in the manual and any revisions and updates made to it.

CARDHOLDER'S SIGNATURE

DATE

CARDHOLDER'S NAME (TYPED OR PRINTED)

Cardholder Setup and Activation



PURCHASING CARD PROGRAM

Overview

The purchasing card program is designed to assist the organization in reducing its reliance on requisitions, purchase orders, petty cash funds, paper checks, and reduce the need to use personal funds for business purposes. The program should help increase your turn-around time in the fulfillment of orders, provide greater flexibility, and reduce paperwork. The Business Office is responsible for the implementation, maintenance, program compliance, auditing, payment processing, issuance of the P-Card, and bank relations to solve customer service issues. Only employees of the district are allowed to participate in the program. Each cardholder has the responsibility to review, reconcile, and submit their monthly account statement and purchasing card expense report with the appropriate receipts and signatures for processing and payment by the due date.

All employees must adhere to the policies outlined in this manual and the district's financial and operational policies. Failure to comply can result in suspension from the P-Card program and include disciplinary actions that may include termination of employment. The P-Cards issued are the property of the North Scott Community School District and can be canceled at any time. Periodic audits will be performed to ensure the cardholder complies with the policies and procedures.

1. Cardholder Setup

All P-Cards will be issued through the Business Office.

New participants will receive a P-Card manual. The new participant must sign the P-Card Use Agreement that outlines the responsibility of the cardholder while in possession of the P-Card. In addition, the participant is required to read the Code of Conduct for the program and adhere to the principles in the policy. Both of these documents must be completed and signed prior to the release of the P-Card to the cardholder from the Business Office.

2. Activation of Account

The Business Office will activate all P-Cards prior to issuance.



PURCHASING CARD PROGRAM

Purchasing Guidelines and Limits

Overview

The North Scott Community School District only allows certain purchases to be made using the P-Card. All purchases must be made in compliance with our Purchasing policies and the guidelines set forth in this manual. **Any violation will result in disciplinary action that may include termination of employment.** It is the responsibility of the authorized cardholder to ensure all purchases are sales tax exempt (excluding lodging and meals during travel). Only the authorized cardholder may use the P-Card and no authority is permitted or conferred to the cardholder for the delegation of its use. Each cardholder has a designated single transaction credit limit and a monthly credit limit. Intentional circumvention of these limits is strictly prohibited. This includes splitting a transaction amount with the same vendor or multiple vendors for purchases that would otherwise exceed the cardholder's limits. The District will perform periodic audits electronically and manually to verify adherence to this policy.

1. Allowable Purchases

- General and Instructional Supplies including software
- Travel (as permitted and pre-approved by the District's travel policy)
- Pre-Approved meeting/convention expenses including registrations & hotels
- Internet purchases for books and supplies

2. Prohibited Purchases

- Cash advances, wire transfers or money orders
- Independent contractors or other personal services
- Maintenance contracts
- Personal purchases
- Telephone expenses
- Alcohol purchases
- Donations
- Employment ads
- Parking tickets
- Gift Cards
- Prepaid Cards (iTunes etc.)



PURCHASING CARD PROGRAM

Recordkeeping & Reconciliation

Overview

The cardholder must maintain a transaction log of purchases made using Microsoft Excel to assist the Business Office in reconciling the account statement each month. **The cardholder is responsible for maintaining adequate receipts for goods and services purchased with the P-Card. The documentation retained should include sales receipts, packing lists (if applicable) and credit card transaction receipts.** Examples of receipt documentation include the following:

- Cash register receipt
- Car rental original receipt showing date in and out
- Airline itinerary and sales receipt (if an electronic “e-ticket”, attach the on-line confirmation or boarding pass document).
- Itemized hotel and restaurant bills
- On-line invoices or confirmations for supplies, registrations, etc.

At least once per month, the Business Office will send an account statement to each cardholder to verify all charges are accounted for on their transaction log. The cardholder must contact the vendor directly to resolve any discrepancies or incomplete orders, incorrect charges, duplicate transactions, or missing credits. Upon completion of the transaction log, the cardholder must sign the transaction log documenting their agreement with the transactions appearing on their account statement.

1. Missing Receipts

If the cardholder is missing receipts, the cardholder must request a duplicate from the vendor. If a duplicate is not available and under exceptional circumstances the Superintendent may allow a claim without proper receipt. The cardholder must submit a Missing Receipt Form documenting the pertinent transaction information. This documentation must be reviewed by the cardholder’s supervisor, initialed, and submitted with the cardholder’s account statement, transaction log, and receipt documentation.

Billing & Payment

Overview

The District receives account statements from its P-Card bank administrator on the 5th of each month. Each cardholder will then receive a copy of their P-Card account statement from the Business Office. The Business Office must receive your reconciled transaction log, account statement, and receipt documentation



PURCHASING CARD PROGRAM

within 5 business days of the receipt of this statement. Any account statements deficient of the proper approvals and documentation will be returned to the cardholder's supervisor to be resubmitted appropriately. If a cardholder is consistently delinquent in submitting their reconciled account statement to the Business Office, the P-Card administrator and the cardholder's supervisor may review their status as a participant in the program and suspend their privileges until an adequate resolution is achieved.

Disputed Transactions

Overview

At times there might be disputed transactions appearing on a cardholder's account statement. The dispute may arise due to non-delivery of the goods or services, incorrect billing, duplicate billing, missing a valid credit not processed to the account for a return, altered charges or defective merchandise. When this occurs the cardholder must complete a Disputed Statement Form documenting the reason for the disputed item and other transaction details. The cardholder must submit the form directly to the bank, and notify the vendor of the discrepancy. The cardholder is responsible for resolving the disputed item with the vendor.

If a vendor does not issue a credit for a returned item within 15 days of the return, cardholder must also complete the Dispute Statement Form as notification to both the bank and the vendor. Any disputes that cannot be resolved by the cardholder directly with the vendor may contact the bank for assistance.

Contact Information

Telephone 1-800-263-2263

The bank must be notified of all disputed transactions within 30 days of the statement date.

NOTE ON RETURNED ITEMS: Items should be returned directly to the vendor by whichever means the vendor requires. It is the cardholder's responsibility to determine that proper credit is posted for any returned item.

Key Dates

- Cardholder has 30 days from statement date to notify the Bank of the dispute
- Cardholder has 15 days from the date of the returned merchandise to begin the dispute process



PURCHASING CARD PROGRAM

Travel using the P-Card

Overview

A cardholder must have the travel purchase option enabled in their account profile in order to use their P-Card for such expenses. All travel must be pre-approved by the district's administration and the appropriate documentation attached to each account statement submitted to the Business Office for payment. The cardholder must adhere to the organization's Travel Policy guidelines and procedures. All travel must be for business purposes only and any personal use is strictly prohibited.

1. Travel Tips

The P-Card **should not** be used for gasoline for your personal vehicle when it is used for business purposes. Business travel incurred when using your personal vehicle will be reimbursed by claiming mileage on your expense report. If you are traveling with a rental car, then gasoline may be purchased using the P-Card.

The P-Card may be used to pay itemized hotel bills.

The District does not provide ATM privileges with its P-Card program. Any cash needed while traveling must be from personal funds that are reimbursed upon submitting an expense report.

Audits

Overview

All cardholder accounts are subject to periodic audits to ensure compliance with the organization's overall policies and the policies outlined in this manual. The P-Card administrator and Business Office may review transaction activity reports as deemed necessary to ensure adherence to the P-Card policies. If an audit reveals a policy violation, the cardholder and their manager will be contacted and disciplinary action assessed based on the type of violation. Violations include:

- Intentional splitting of transactions to circumvent the credit limit including single transaction limits.
- Consistently delinquent accounts submitted for processing and payment.
- Personal use of the P-Card.
- Allowing an unauthorized user to use the P-Card.
- Purchase of prohibited products, service or merchandise outlined in the organization's policies and in this manual.



PURCHASING CARD PROGRAM

- Failure to pay inadvertent personal charges on the P-Card.
- Fraudulent transactions with a vendor.
- Violation of the District's Purchasing Policy

Lost or Stolen Cards

Overview

If your card is lost or stolen, the cardholder must immediately contact the Bank and the P-Card Administrator/Business Office Director. The cardholder should also complete the Account Maintenance Form documenting the card was lost or stolen and the date that it was noticed missing. Upon notification, the card will be suspended immediately and any charges posted to the account after the "missing date" will be denied. A new card will be issued upon completion of an application and indicate that the card is a replacement. After the P-Card Administrator receives the application, it will take approximately two (2) days to reissue a replacement card.

Card Security Tips

When you are not traveling on District business, the card should be retained in a secure location other than your personal billfold or purse.

A canceled card should be returned to the Business Office immediately.

When presenting your card for purchases, provide your school identification to identify you as the authorized user of the card.

Sign the back of the card and write "See ID" next to the signature to remind the vendor to look at your personal identification to authenticate the transaction.

Do not provide your card account number to unsolicited marketing calls.

North Scott Community School District Purchasing Card Procedures

When utilizing the Purchasing Card Program on behalf of the North Scott Community School District, adhere to the following rules and procedures:

1. Employees that check out a building or department procurement card (p-Card) must return the p-Card and receipts to the card custodian immediately after use. The



PURCHASING CARD PROGRAM

- employee's school identification card is needed as a form of identification when using the p-Card.
2. The school principal/department supervisor and the cardholder are accountable and responsible for the Purchasing Card Program within their respective building/department.
 3. Building cards are checked out and returned after each use. Building secretaries/principals are responsible for keeping the building cards stored in a secure area when not in use. Individual cardholders are responsible for keeping their p-Card secure at all times.
 4. Only the individual whose name appears on the card, or the individual who has checked out the building card may use the p-Card. **Never lend your p-Card to someone else or allow someone to provide your card number to make a purchase.**
 5. The vendor receives payment at the time a p-Card is used. The building or individual cardholder will complete the p-Card log form after a purchase is made and include all applicable receipts, invoices, packing slips, etc. The p-card log form includes information such as date of purchase, reason for purchase, and general ledger code for accounting purposes. Send the completed p-Card log form and receipts to the Business Office by approximately the 10th of each month.
 6. The district does not pay state sales and local option taxes. It is the responsibility of the employee to ensure purchases are sales tax exempt. If needed, contact the Business Office for a vendor specific Iowa Sales Tax Exemption Certificate.
 7. Do not use p-Cards for any of the following: personal uses, cash advances, money orders, gift cards, narcotics, dangerous drugs, firearms, alcohol, explosives, professional services, fixed assets, salaries/wages/benefits, cell phone/pagers, etc.
 8. Use the p-Card for **current year** expenses only. No prepaids are allowed for the next fiscal year. Contact the p-Card Administrator with questions regarding specific situations.
 9. For local purchases, keep a copy of the charge slip, itemized sales receipt, and/or any other information related to the purchase. When ordering on-line, print the final confirmation page for documentation.
 10. **NEVER** fax a copy of your card or card number unless the recipient is receiving this information directly.
 11. The billing address for all invoices/charges is North Scott Community School District, 251 E. Iowa Street, Eldridge, IA 52748 (**not the district employee**).



PURCHASING CARD PROGRAM

12. Follow all district and building purchasing policies and procedures when utilizing the Purchasing Card Program.
13. When using a p-card for meals or lodging, ask for an **itemized** receipt.
14. Report lost or stolen cards immediately to the Purchasing Card Administrator, the school principal/supervisor, and MasterCard 1-800-361-3361.
15. The Purchasing Card Administrator is responsible for the administration and monitoring of the Purchasing Card Program within the district.
16. An individual p-Card is surrendered to the Purchasing Card Administrator in the event of the employee's transfer or separation from the district.



PURCHASING CARD PROGRAM

Statement of Authority
North Scott Community School District

NAME _____

POSITION _____

LOCATION _____

Credit/Charge limit of \$ _____ per month.

\$ _____ single transaction limit

Employee Signature Date

Supervisor Signature Date

North Scott Community School District, 251 E. Iowa St. Eldridge, IA
Individual Purchasing Card Use Agreement

WITNESSETH:

AGREEMENT made this _____ day of _____, 20____, between the North Scott Community School District, Eldridge, IA (hereinafter the “District”), and

_____, residing at _____ (hereinafter the “Employee”).



PURCHASING CARD PROGRAM

WHEREAS, by this Agreement the Employee has been entrusted with a procurement credit card ("P-Card") for use in the purchase of goods and services solely and exclusively for the authorized business purposes of the District; and

WHEREAS, the Employee agrees to abide by the terms and conditions of the P-Card as herein, it is agreed by the District and the Employee as follows:

1. The Employee hereby agrees to immediately return the P-Card to the District upon request.
2. The Employee shall not use the P-Card for the purchase of any goods or services not authorized by the terms of this Agreement or by the direct written approval of the Director of Business Operations or designated procurement card administrator.
3. Employee shall process a P-Card Log and submit receipts and such other reasonable documentation of goods or services purchased as requested by the P-Card administrator.
4. Employee shall immediately notify the Bank of Montreal ("Bank") in the event of a possible loss, theft, or unauthorized use of the Card by calling the Bank at (800) 361-3361 or by fax notice to the Bank at (888) 224-5394. Employee shall also immediately notify the P-Card Administrator of possible loss, theft, or unauthorized use of the Card.
5. Attached herewith and incorporated by reference herein is a Statement of Authority of P-Card use that sets forth the authority and express limits of authority of Employee's use of the P-Card.
6. Utilization of the P-Card must be within annual budget parameters and consistent with applicable Board policies and procedures.
7. The P-Card may not be utilized to circumvent State and District competitive bid laws and policies.
8. Any unauthorized charges (including sales tax) will be paid by said employee by check, cash, or salary deduction.
9. I will surrender the card to the Procurement Card Administrator upon my transfer or separation from the District.
10. This Agreement may not be modified in anyway without the approval of the District.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement the day and year first above written.

NORTH SCOTT COMMUNITY SCHOOL DISTRICT

By:

Signature of Employee

Printed Name of Employee

Director of Business Affairs

Approved: May 9, 2011
Reviewed: October 28, 2019
Revised: October 28, 2019



ADMINISTRATIVE REGULATIONS

CREDIT CARDS/PURCHASING CARDS

PURCHASING CARDS (P-CARDS)

The North Scott Community School District only allows certain purchases to be made using the P-Card. All purchases must be made in compliance with our Purchasing policies and the guidelines set forth in the P-Card manual. **Any violation will result in disciplinary action that may include termination of employment.** It is the responsibility of the authorized cardholder to ensure all purchases are sales tax exempt (excluding lodging and meals during travel). Only the authorized cardholder may use the P-Card and no authority is permitted or conferred to the cardholder for the delegation of its use. Each cardholder has a designated single transaction credit limit and a monthly credit limit. Intentional circumvention of these limits is strictly prohibited. This includes splitting a transaction amount with the same vendor or multiple vendors for purchases that would otherwise exceed the cardholder's limits. The District will perform periodic audits electronically and manually to verify adherence to this policy.

1. Allowable Purchases

- General and Instructional Supplies including software
- Travel (as permitted and pre-approved by the District's travel policy)
- Pre-Approved meeting/convention expenses including registrations & hotels
- Internet purchases for books and supplies

2. Prohibited Purchases

- Cash advances, wire transfers or money orders
- Independent contractors or other personal services
- Maintenance contracts
- Personal purchases
- Telephone expenses
- Alcohol purchases
- Donations
- Employment ads
- Parking tickets
- Gift Cards
- Prepaid Cards (iTunes etc.)

Additional information regarding P-Card regulations may be found in exhibit 401.16E1.



ADMINISTRATIVE REGULATIONS

CREDIT CARDS/PURCHASING CARDS

GASOLINE CREDIT CARDS (Out of District)

Temporary gasoline credit cards, such as Amoco, are issued to pay gasoline charges incurred while conducting school business. These cards are controlled centrally, according to the following procedure:

- 1 - Cards may be issued to district employees or board members.
- 2 - Cards are issued by the transportation secretary at the direction of the director of operations.
- 3 - The employee or board member must sign for card at time of issue.
- 4 - The card must be returned to the transportation secretary within 24 hours of return from trip.

GASOLINE CREDIT CARDS (In District)

Gasoline charge cards, such as S/M cards, are issued to pay for in-district gasoline charges. These cards are controlled centrally, according to the following procedure:

- 1 - A card is issued with every bus, and should be kept in the bus.
- 2 - Cards are issued by the transportation secretary at the direction of the director of operations.
- 3 - When issued, the card is signed for by the regular bus driver.
- 4 - Driver is informed of PIN number by transportation secretary. The PIN number must be committed to memory, and under no circumstances should the PIN number be written down and kept with the card.
- 5 - Two S/M cards, controlled by the transportation secretary, are available for use by grounds, maintenance, small vehicles, etc.
- 6 - S/M cards are also issued to the superintendent and the director of operations.

Approved: November 23, 1992
Reviewed: October 28, 2019
Revised: May 9, 2011



VERIFICATION OF CRIMINAL CONVICTION RECORDS

In the interest of safety and security of students, employees and the property of the district, it shall be the district's policy to require applicants, provisionally selected for employment, to authorize a criminal history "records check" from any law enforcement agency or any other appropriate state agency or judicial authority where such records might be kept. In addition, authorization will be required to conduct an appropriate Child Abuse Registry (or other state record) check for all such persons.

Data received as the result of such a "records check" will be reviewed and used to amplify and verify employment application information, prior to selected individuals beginning employment when possible and afterwards, in the event such information is not timely received.

The district also retains the right to withdraw an offer of employment to any individual whose child abuse or criminal history record check reveals conduct that the district in its sole discretion determines might jeopardize the safety and security of students, employees and/or the property of the district.

It is the intent of the district to verify application materials involving criminal history and Child Abuse Registry records, if any, of successful applicants prior to their beginning employment, or as soon as the "records check" can be completed.

The law enforcement agency or judicial agency may provide the district a written criminal history records report under the following conditions:

1. The district provides a signed release from the prospective employee authorizing the law enforcement agency to provide a criminal history "records check" to the district.
2. The superintendent shall designate one district official to work with law enforcement agencies to obtain records information and maintain appropriate district records.
3. The written criminal history and child abuse documentation will be maintained in a file other than the person's personnel file. Such a file and/or the information maintained therein shall be held in strictest confidence, accessible only to the district official designated by the superintendent.

Approved: June 10, 1996
Reviewed: October 28, 2019
Revised:



VERIFICATION OF CRIMINAL CONVICTION RECORDS
LETTER TO APPLICANT

Dear Prospective Employee:

Prior to beginning of employment with our district we require a criminal history "records check" from any law enforcement agency or judicial record agency that we consider appropriate.

Attached for your review is a copy of our district's policy and regulation requiring that all prospective employees provide the district with a criminal history "records check".

The district's offer of employment will be automatically withdrawn and/or you will be terminated should either of the following be verified:

- 1. Information discovered in the course of such a check conflicts with statements you make on your employment application.**
- 2. This check reveals you have been convicted of any offense involving sexual molestation, physical or sexual abuse of a child or any other violent felony.**

Note: Conviction of a drug or alcohol offense may result in withdrawal of any offer.

In addition, employees who will be working with children are required by the North Scott Community School District to give written permission for a Child Abuse Registry Check (Department of Human Services Form No. SS- 470-3301). This check must also be satisfactory in order to be employed by the district.

.....

STATEMENT OF RELEASE

I hereby give permission for the North Scott Community School District to have a Child Abuse Registry check conducted by the Iowa Department of Human Services in connection with my application for employment. I understand that any information obtained will be held in strict confidence.

Signed _____ Date _____

Approved: June 19, 1996
Reviewed: October 28, 2019
Revised: December 16, 2019



VERIFICATION OF CRIMINAL CONVICTION RECORDS

1. All offers of employment will be conditional on the district receiving written criminal history records check and Child Abuse Registry documentation from the law enforcement agency or other appropriate state agency or judicial authority where such records might be kept.
2. Applicants provisionally selected for hire will be given notice by the district that obtaining a written criminal history "records check" is a condition of employment for employees hired after the date of the adoption of the board policy. (See exhibit 401.17El.)
3. The "records check" will be used to verify the applicable information found on the application form. The district's offer of employment will be automatically withdrawn and/or the employee may be terminated if:
 - a. Information from this "records check" is inconsistent with the information supplied on the application;
 - b. Information obtained indicates conviction of an offense involving the sexual molestation, physical or sexual abuse of a child or other violent felony;
4. The nature of the applicant's past criminal conduct, as revealed by law enforcement or other state records will be assessed and may be grounds for withdrawal of the offer of employment. Conviction of a drug offense or alcohol related offense will be closely scrutinized and in most cases result in withdrawal of the employment offer or termination.
5. The district may at its discretion require successful applicants to provide a criminal history "records check" from more than one law enforcement agency or jurisdiction.
6. Applicant/Employee files containing criminal history/conviction records documentation will be retained in separate, confidential files to which access is restricted to the district official designated by the superintendent.

Approved: June 10, 1996
Reviewed: October 28, 2019
Revised:



**DISTRICT STAFF ACCEPTABLE USE POLICY FOR
ACCESSING COMPUTERS AND ELECTRONIC COMMUNICATIONS SYSTEMS**

I understand and will abide by the NSCSD Acceptable Use Policy for Internet and Computer Systems. I have also read and understand the Student Acceptable Use Policy (instructional staff only). I further understand noncompliance with applicable rules and regulations may result in suspension or termination of privileges and other disciplinary action consistent with district policies. Violations of law may result in criminal prosecution as well as disciplinary action by the district.

Name: _____
Please print

Signature _____ Date: ____/____/____

Building/Location: _____ Position: _____

Release Form for Display of Employee Photograph on the Internet

The purpose of displaying employee photographs on the district web site or a building web site is to inform others of NSCSD professional staffing, learning activities, and programs. Please indicate your preference by checking the appropriate space below. (Employee names and e-mail addresses are considered directory information and are available to the public.)

____ I give my permission for my photograph to be published on a building or district web page.

____ I do not give my permission for my photograph to be published on a building or district web page.

Signature: _____



DISTRICT STAFF ACCEPTABLE USE POLICY FOR ACCESSING COMPUTERS AND ELECTRONIC COMMUNICATIONS SYSTEMS

Internet access is a privilege available to employees and other designated individuals of North Scott School District (NSCSD). The goal in providing this service is to promote educational excellence at NSCSD by facilitating communications for resource sharing, collaborative work, and innovation. Access to internet resources also brings the possibility of encountering material that may not be considered to be of educational value in the context of the school setting. The district has taken precautions to restrict access to controversial materials; however, on a global network it is impossible to control all materials. Although an industrious user may discover controversial information, the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with district educational goals.

The successful operation of the network relies upon the proper conduct of the users who must adhere to strict guidelines. The following rules of acceptable use are provided so that users are aware of the ethical and legal responsibilities associated with the use of network resources.

Rules of Acceptable Use:

A. General Use:

- Access to the district's electronic communications system is a privilege, not a right. Noncompliance with applicable regulations may result in suspension or termination of privileges and other disciplinary action consistent with district policies.
- System users shall keep their passwords confidential. System users may not use another person's system account or e-mail account without written permission.
- Attempts to log in to any computer network beyond the user's authorized level of access may result in immediate cancellation of user privileges or other disciplinary action.
- Staff may not allow students to access the network through a staff account.
- Any infraction or suspicion of an infraction of the Student Acceptable Use Policy by a student under your supervision shall be reported to the building media specialist, building principal or the building administration.
- The district, in its sole discretion, has the right to determine who is, or is not given access to the NSCSD electronic communications systems.

B. Internet/Electronic Communications Use:

- Access to the district's electronic communications system, including the internet, shall be made available to employees exclusively for instructional and administrative purposes and in accordance with administrative regulations.
- Use of the NSCSD electronic communications systems shall not be considered confidential and is monitored 24 hours a day. There is no expectation of privacy. All internet activity of bypass accounts is recorded.
- Use for commercial activities or political lobbying is prohibited.
- The use of NSCSD computers is for administrative, classroom, educational, and research uses only. Computers and all attached peripherals and installed software are not the personal property of the staff member they are assigned to. The district and the district designated staff have the right to review what is on any computer or network server at any time.
- Users are expected to abide by the generally accepted rules of network etiquette (netiquette). These include



DISTRICT STAFF ACCEPTABLE USE POLICY FOR ACCESSING COMPUTERS AND ELECTRONIC COMMUNICATIONS SYSTEMS

(but are not limited to) the following:

- Be polite; messages typed in capital letters are the computer equivalent of shouting and are considered rude. Use appropriate language; swearing, vulgarity, ethnic or racial slurs, and any other inflammatory language is prohibited.
- Revealing personal addresses or phone numbers of others is prohibited.
- Using the network in such a way that would disrupt the use of the network by other users (such as, but not limited to, chain letters, animated emails, or accessing real audio for extended periods of time) is prohibited.

C. Computer Ethics:

- Access, copying, or transmission of any material in violation of any U.S. or state regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, pornography, or material protected by trade secret.
- Vandalism – any malicious attempt to harm, modify, or destroy district equipment or materials, data of another user of the district's system, or any of the agencies or other networks that are connected to the internet is prohibited. Deliberate attempts to degrade or disrupt system performance may be viewed as violations of district policy and administrative procedures, and possibly as criminal activity under applicable state and federal laws.
- This includes, but is not limited to, the uploading or creating ~~a of computer~~ viruses. Vandalism as defined above will result in the cancellation of system use privileges and will require restitution for costs associated with system restoration, hardware, or software costs.
- When using NSCSD computer labs, the media specialist will provide or arrange for proper supervision of students.

D. Restrictions:

- Building faculty members may not move computer equipment or peripheral devices such as printers, or make modifications to computer hardware or configurations unless discussed with a member of the district technology staff. Request for moving equipment or making modifications should be submitted in a service request to the building media specialist.
- Installation of software, both new and revised, should be submitted in a service request to the building media specialist who will enter this on the district's help desk.
- All web pages created for the NSCSD web site or individual or school pages / blogs must comply with the NSCSD internet and web standards, and must be approved by the building administration and posted via the district web team and or district technology staff.
- The enclosure of student information in electronic communications or web pages viewed outside of the district is forbidden by COPPA (Children's Online Privacy Protection Act).
- Non-district equipment may not be used in school buildings or on the district network unless approved and set up by a member of the technology department.



**DISTRICT STAFF ACCEPTABLE USE POLICY FOR
ACCESSING COMPUTERS AND ELECTRONIC COMMUNICATIONS SYSTEMS**

Consequences:

Violation of any of the policies described above may result in employee disciplinary action, which could include:

- Reprimand, verbal and written
- Loss of network privileges
- Financial responsibility for all costs associated with system restoration including labor, hardware or software repair/replacement, and restoring the integrity of data.
- Termination
- Criminal charges

Disclaimer of Liability:

The district technology staff or the district internet provider shall not be liable for users' inappropriate use of electronic communication resources or violations of copyright restrictions, users' mistakes or negligence, or costs incurred by the user. The district or technology staff shall not be responsible for ensuring the accuracy or usability of any information found on the internet.

The district or technology staff does not warrant that the functions or services performed by, or that the information or software contained on, the system will meet the system users' requirements or that the system will be uninterrupted or error-free.

I understand and will abide by the NSCSD Acceptable Use Policy for Internet and Computer Systems. I have also read and understand the Student Acceptable Use Policy (instructional staff only). I further understand noncompliance with applicable rules and regulations may result in suspension or termination of privileges and other disciplinary action consistent with district policies. Violations of law may result in criminal prosecution as well as disciplinary action by the district.

Name: _____
Please print

Signature _____ Date: ____/____/____

Building/Location: _____ Position: _____



DISTRICT STAFF ACCEPTABLE USE POLICY FOR
ACCESSING COMPUTERS AND ELECTRONIC COMMUNICATIONS SYSTEMS

Release Form for Display of Employee Photograph on the Internet

The purpose of displaying employee photographs on the district web site or a building web site is to inform others of NSCSD professional staffing, learning activities, and programs. Please indicate your preference by checking the appropriate space below. (Employee names and e-mail addresses are considered directory information and are available to the public.)

_____ I give my permission for my photograph to be published on a building or district web page.

_____ I do not give my permission for my photograph to be published on a building or district web page.

Signature: _____

Approved: May 10, 2010
Reviewed: October 28, 2019
Revised:

STAFF TECHNOLOGY USE/SOCIAL NETWORKING

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

General Provisions

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

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

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

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

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

STAFF TECHNOLOGY USE/SOCIAL NETWORKING

Social Networking or Other External Web Sites

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

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

Legal Reference: Iowa Code § 279.8.
282 I.A.C. 25, 26.

Cross Reference: 104 Anti-Bullying/Harassment
306 Administrator Code of Ethics
401.11 Employee Orientation
407 Licensed Employee Termination of Employment
413 Classified Employee Termination of Employment
605 Instructional Materials

Approved:
Reviewed:
Revised:



EMPLOYEE EXPRESSION

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

Employees who use social media platforms are encouraged to remember that the school community may not be able to separate employees as private citizens, from their role within the district. Employee expression on social media platforms that interfere 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 employees 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. 1
Iowa Code §§279.73; 280.22

Cross Reference: 502.5 Freedom of Expression
504.3 Student Publications

Approved: September 27, 2021
Reviewed:
Revised:



RELEASE OF CREDIT INFORMATION

The following information will be released to any entity with whom a school district employee has applied for credit or has obtained credit: title of position, income, and number of years employed. This information will be released without prior written notice to the employee. Confidential information about the employee will not be released to an inquiring creditor without a written authorization from the employee.

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

Legal Reference: Iowa Code §§22.7, 279.8 (2015).

Cross Reference: 401.6 General Personnel Records
 901.1 Public Examination of School District Records

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



REPORTING CHILD SEXUAL ABUSE BY NON-CARETAKERS

It is the policy of the North Scott Community School District that any licensed employee who has a reasonable belief that a student under the age of 12 has been sexually abused by a non-caretaker as defined by law, shall report the suspected sexual abuse verbally to the Department of Human Services (DHS) within twenty-four hours, and follow the verbal report with a written report within 48 hours on appropriate forms. The failure on the part of an employee who is a mandatory reporter to make a report as required by law may subject the employee to disciplinary sanctions up to and including discharge.

It is also the policy of the district that reports of child sexual abuse remain confidential, as required by law.

The district shall provide the training required by law in the identification and reporting of child abuse, to all mandatory reporters employed by the school district within six months of initial employment. The school shall, within one month of initial employment, also provide each new employee, who is a mandatory reporter, with the legal requirements of child abuse reporting. The district will provide, every five years, two hours of training to all mandatory reporters on identifying and reporting child abuse.

The district administration and staff will cooperate fully with DHS personnel in conducting an investigation of a child sexual abuse report, and permitting access to the alleged victim and to other children alleged to have relevant information, for the purpose of interviews. The district recognizes no obligation to contact the parents or guardians of a child suspected to be a victim of sexual abuse.

Legal Reference: Iowa Code §§232.67-.77; 232A; 235A; 280.17 (2015).
441 I.A.C. 9.2; 155; 175.
1982 Op. Att’y Gen. 390, 417.
1980 Op. Att’y Gen. 275.

Approved: March 9, 1998
Reviewed: October 28, 2019
Revised:



ADMINISTRATIVE REGULATIONS FOR
REPORTING CHILD SEXUAL ABUSE BY NON-CARETAKERS
(RESPONSIBILITY OF LICENSED STAFF)

Current licensed staff shall be notified of their responsibility for reporting child sexual abuse and receive a copy of this reporting procedure. New employees shall be notified of their reporting responsibility and receive a copy of this procedure within one month of initial employment.

Any licensed staff member who has a reasonable belief that a child under 12 years of age enrolled in the North Scott Community School District has suffered sexual abuse by a non-caretaker shall observe the following procedures:

1. Contact the Department of Human Services (DHS) by telephone or in person to make an oral report of suspected abuse within twenty-four hours of the suspected abuse. The local office number is 1-800-362-2178.
2. Follow the oral report with a written report, on forms provided by the DHS, within forty-eight hours of the oral report. The address is:

Human Services of Scott County
428 Western Avenue
Davenport, Iowa 52801
3. Cooperate with DHS personnel in conducting their investigation.
4. Maintain a copy of the school employee's written report in the employee's personal file at home, for the sole purpose of documenting the fact that the employee reported the suspected abuse. If a written report is received by the employee from the DHS following the investigation, such report shall also be filed with the employee's copy of the suspected abuse report, or destroyed.
5. The employee shall maintain the confidentiality of the report at all stages following the oral report of suspected sexual abuse.

Approved: April 13, 1998
Reviewed: October 28, 2019
Revised:



CHILD ABUSE REPORTING

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

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

Within six months of their initial employment, mandatory reporters will take a two-hour training course involving the identification and reporting of child abuse, or submit evidence they've taken the course within the previous five years. The course will be re-taken at least every five years.

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

Cross Reference: 401.15 Abuse of Students by School District Employees
502.11 Interrogation of Students by Outside Agencies
507 Student Health and Well-Being

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: April 24, 2017
Name Changed: April 24, 2017



Iowa Department of Human Services
SUSPECTED CHILD ABUSE REPORTING FORM

This form may be used as the written report which the law requires all mandated reporters to file with the Department of Human Services, following an oral report of suspected child abuse. Fill in as much information under each category as is known. Submit the completed form to the local office of the Department of Human Services.

FAMILY INFORMATION

Name of Child _____ Age: _____ Date of Birth: _____

Address: _____

Phone: _____ School: _____ Grade Level: _____

Name of Parent _____ Phone (if different
Or Guardian: _____ from child's): _____

Address (if different from child's): _____

Other Children in the Home:

NAME	BIRTHDATE	CONDITION

INFORMATION ABOUT SUSPECTED ABUSE: In this section, indicate the date of suspected abuse; the nature, extent and cause of the suspected abuse; the person(s) thought to be responsible for the suspected abuse; evidence of previous abuse; and other pertinent information needed to conduct the investigation. Use the back of this form if necessary to complete the information requested above and to identify individuals who have been informed of the child abuse report, such as building administrator, supervisor, etc.

REPORTER INFORMATION

Name and Title or Position: _____

Office Address: _____

Phone: _____ Relationship to Child: _____

Name(s) of other mandatory reporter(s) who has/have knowledge of the abuse:

Signature of Reporter_____
Date

Approved: September 14, 1992
Reviewed: October 28, 2019
Revised: April 13, 1998



ADMINISTRATIVE REGULATIONS FOR
REPORTING CHILD ABUSE BY CARETAKERS

(RESPONSIBILITY OF LICENSED STAFF)

Current licensed staff shall be notified of their responsibility for reporting child abuse and receive a copy of this reporting procedure. New employees shall be notified of their reporting responsibility and receive a copy of this procedure within one month of initial employment.

Any licensed staff member who has a reasonable belief that a child enrolled in the North Scott Community School District has suffered abuse by a person responsible for the care of that child shall observe the following procedures:

1. Contact the Department of Human Services (DHS) by telephone or in person to make an oral report of suspected abuse within twenty-four hours of the suspected abuse. The local office number is 1-800-362-2178.
2. Follow the oral report with a written report, on forms provided by the DHS, within forty-eight hours of the oral report. The address is:

Human Services of Scott County
428 Western Avenue
Davenport, Iowa 52801

3. Cooperate with DHS personnel in conducting their investigation.
4. Maintain a copy of the school employee's written report in the employee's personal file at home, for the sole purpose of documenting the fact that the employee reported the suspected abuse. If a written report is received by the employee from the DHS following the investigation, such report shall also be filed with the employee's copy of the suspected abuse report, or destroyed.
5. The employee shall maintain the confidentiality of the report at all stages following the oral report of suspected abuse.

Approved: September 14, 1992
Reviewed: October 28, 2019
Revised: April 13, 1998



SOLICITATIONS FROM OUTSIDE

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

No employee shall be made responsible, or assume responsibility, for the collection of money or the distribution of fund drive literature within the schools unless such activity has received prior approval from the building principal and superintendent.

Legal Reference: Iowa Code §§279.8 (2015).

Cross Reference: 504.6 Student Fund-Raising
905 Community Activities Involving Students

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: June 27, 1992



GIFTS TO EMPLOYEES

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

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

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

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

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



GIFTS TO EMPLOYEES

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



GIFTS TO EMPLOYEES

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

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

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

Legal Reference: Iowa Code ch. 68B (2015).
1972 Op. Att'y Gen. 276.
1970 Op. Att'y Gen. 319.

Cross Reference: 221 Gifts to Board of Directors Members
401.3 General Personnel Conflict of Interest
704.4 Gifts - Grants - Bequests

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: April 10, 1995



PUBLIC COMPLAINTS ABOUT GENERAL PERSONNEL

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

The board firmly believes concerns should be resolved at the lowest organizational level by those individuals closest to the concern. Whenever a complaint or concern is brought to the attention of the board it will be referred to the administration to be resolved if the following has not been completed:

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

The board will address complaints from the members of the school district community if they are in writing, signed, and the complainant has complied with this policy.

Legal Reference: Iowa Code §§279.8 (2015).

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

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised:



GENERAL PERSONNEL RELATIONS TO THE PUBLIC

Members of the school district community shall be treated with respect by school district personnel. The board encourages active participation by school district employees in community activities and events as a means to show respect for the district community.

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

Legal Reference: Iowa Code §§279.8 (2015).

Cross Reference: 303.7 Superintendent Civic Activities
304.8 Administrative Civic Activities
904 Public Participation in the School District
905 Community Activities Involving Students

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised:



GENERAL PERSONNEL OUTSIDE EMPLOYMENT

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

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

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

Legal Reference: Iowa Code §§20.7, 279.8 (2015).

Cross Reference: 401.3 General Personnel Conflict of Interest
407.4 Licensed Personnel Suspension
413.2 Support Personnel Suspension and Dismissal

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: March 9, 1992



GENERAL PERSONNEL TELEPHONE CALLS

The board recognizes the need of its employees to receive and make telephone calls during working hours. Long distance telephone calls related to education program business shall be made in the administrative office and will be paid for by the school district.

Employees may receive and make personal telephone calls during lunches and breaks. Employees may receive an emergency telephone call at any time.

Telephones are available for personal telephone calls. All personal long distance calls must be paid for by the employee.

It shall be the responsibility of the employee to exercise discretion in making and receiving telephone calls during working hours. It shall be the responsibility of the building secretary to keep a log of all personal long distance calls and the amount to be paid by the employee.

Legal Reference: Iowa Code §§20.9, 279.8 (2015).

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

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: April 23, 2007



EXPENDITURES FOR PUBLIC PURPOSE

The board of directors recognizes and supports the principle that district funds are to be expended only for legitimate public purposes and not for private personal gain for which services of comparable value have not been rendered to the district. The board of directors, therefore, believes it is important to designate those expenditures for officers, directors, employees, and volunteers, which are, in addition to salaries and benefits, authorized and legitimate expenses which serve a legitimate public purpose.

The board of directors authorizes, upon the approval of the Director of Business Affairs, the moderate expenditure of district funds for district officers, directors, employees, and volunteers for the following purposes, as these are commonly-granted benefits for employees and volunteers in public and private organizations which aid in recruitment of personnel, promote improvement of staff morale and cooperation, and assist in building a commitment to the district, thus assisting in creating a more productive learning environment:

1. Expenditures for mementos for employees for recognition of every five years of service to the district,
2. Expenditures for a retirement appreciation function once per year to recognize retiring employees,
3. Expenditures for a recognition item upon the retirement of an employee with at least 15 years of service with the district,
4. Expenditures for a recognition item upon the end of service by a board member,
5. Expenditures for volunteer appreciation,
6. Expenditures for food items and refreshments for board members, staff, or students during board meetings, work sessions, working meetings, conferences, or student meals,
7. Expenditures for food items and refreshments for board committees or superintendent committees during meetings,
8. Expenditures for food items and refreshments for staff development (inservice) meetings, late start meetings, and committee meetings.
9. Expenditures for flowers or a memorial to be sent by the board/administration/staff, in the event of the death of a student, employee, spouse of employee, child of employee, board member, parent of board member, spouse of board member, child of board member, former employee, and former board member.

Cross Reference: 402.4 Gifts to Employees

Approved: December 9, 2002
Reviewed: October 28, 2019
Revised: April 24, 2017



GENERAL PERSONNEL USE OF CELL PHONES

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

The superintendent is directed to develop administrative regulations for the implementation of this policy, including a uniform and controlled system for identifying employee cell phone needs, monitoring use and reimbursement. Provisions may also be included for staff use of privately owned cell phones for authorized school district business.

Employees may possess and use cell phones during the school day as outlined in this policy. Employees should not use cell phones for personal business while on-duty, including staff development times, parent-teacher conferences, etc., except in the case of an emergency. Employees, except for bus drivers, see below, are prohibited from using cell phones while driving except in the case of an emergency.

School bus drivers are prohibited from using any communication device while operating the bus except in the case of an emergency.

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

Legal References: Internal Revenue Comment Notice, 2009-46, http://www.irs.gov/irb/2009-23_IRB/ar07.html
Iowa Code § 279.8, 321.276 (2015)

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

Approved: June 27, 2011
Reviewed: October 28, 2019
Revised:



GENERAL PERSONNEL USE OF CELL PHONES ADMINISTRATIVE REGULATION

Cell Phone Usage

Cell phones shall be used in a manner that does not disrupt instruction and should not be used during school-sponsored programs, meetings, in-services, or other events where there exists a reasonable expectation of quiet attentiveness unless there is a reason of personal health or safety involved.

Cell Phone Business Procedures

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

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

Approved: June 27, 2011
Reviewed: October 28, 2019
Revised:



EMPLOYEE PHYSICAL EXAMINATIONS

The North Scott Community School District believes good health is important to job performance. School bus drivers will present evidence of good health upon initial hire and every other year in the form of a physical examination report, unless otherwise required by law or medical opinion.

The cost of the initial bus driver examination will be paid by the school district. The form indicating the employee is able to perform the duties, with or without reasonable accommodation, for which the employee was hired, must be returned prior to the performance of duties. The cost of bus driver renewal physicals will be paid by the school district. The school district will provide the standard examination form to be completed by the personal physician of the employee or a certified medical examiner for bus drivers.

Employees whose physical or mental health, in the judgment of the administration, may be in doubt will submit to additional examinations to the extent job-related and consistent with business necessity, when requested to do so, at the expense of the school district.

The district will comply with occupational safety and health requirements as applicable to its employees in accordance with law.

Legal Reference: 29 C.F.R. § 1910.1030.
 49 C.F.R. §§ 391.41 – 391.49.
 Iowa Code §§ 20.9; 279.8; 321.376.
 281 I.A.C. 43.15; 43.17.

Cross Reference: 403 Employees' Health and Well-Being

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: April 24, 2017
Name Changed: April 24, 2017



GENERAL PERSONNEL INJURY ON THE JOB

When an employee becomes injured on the job, the immediate supervisor shall notify the person to contact in case of an emergency, as designated by the employee, as soon as the immediate supervisor becomes aware of the injury.

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

It shall be the responsibility of the employee injured on the job to inform the immediate supervisor within twenty-four hours of the occurrence. It shall be the responsibility of the immediate supervisor to file an accident report with the central office within twenty-four hours after the employee reported the injury. The director of business affairs will forward the report to the insurance company.

It shall be the responsibility of the employee to file any claims, such as workers' compensation, through the director of business affairs.

Legal Reference: Iowa Code §85, 613.17 (2015).
1972 Op. Att'y Gen. 177.

Cross Reference: 403 General Personnel Health and Well-Being
406.2 Licensed Personnel Group Insurance Benefits
409.1 Licensed Personnel Illness/Disability Leave
412 Support Personnel Group Insurance Benefits

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:

EMPLOYEE'S WORK INJURY REPORT

Personal	Name _____	Social Security Number _____
	Address _____	Birth Date _____ Sex M <input type="checkbox"/> F <input type="checkbox"/>
	City, State _____	Zip _____ Telephone (____) ____ - _____
	Married <input type="checkbox"/> Single <input type="checkbox"/>	Number of Dependents _____
Employment	Job Title _____	Employment Date _____
	Salary/Hourly Rate _____	Hours Worked Per Day _____
	Building Location _____	Time Work Day Begins _____
Injury/Illness	Date of Injury _____	Time of Accident? _____
	Where did this injury occur? _____	
	What were you doing when injured? _____	
	How did the injury occur? _____	
	Describe the injury or illness in detail and indicate the part of the body affected. (Designate right or left if appropriate.) _____	
	Any previous similar injury? If yes, explain _____	
	Was this injury witnessed? If so, by whom? _____	
Treatment	Designated Medical Treatment Center _____	
	Diagnosis/Care Prescribed _____	
	Family Physician _____	Telephone Number _____
	Did you lose time from work? Yes <input type="checkbox"/> No <input type="checkbox"/> How long? _____	
Contact	Have you returned? _____ If yes, what was the date? _____	
	<p>You must contact Pam at the Central Office, 285-3102, upon your return to work.</p> <p style="text-align: center;">Return completed form within <u>24</u> hours of the accident to Pam at the Central Office or Fax 285-6075.</p>	

Employee Signature _____

Date _____

Approved: January 22, 2001
 Reviewed: October 28, 2019
 Revised:



COMMUNICABLE DISEASES - GENERAL PERSONNEL

A booklet entitled "Bloodborne Pathogens Standards and Prevention and Control of Communicable Diseases" is available in every nurse's office throughout the district. This booklet includes guidelines and forms relating to Policy No. 403.3.

Approved: May 8, 1995
Reviewed: October 28, 2019
Revised:



HAZARDOUS CHEMICAL DISCLOSURE

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

Each school district employee shall review this information about hazardous substances periodically. Further, when a new school district employee is hired, the information and training, if necessary, shall be included in the orientation of the employee. When an additional hazardous substance enters the workplace, information about it shall be distributed and training shall be conducted for the appropriate employees. The superintendent shall maintain a file indicating when training and informing takes place.

School district personnel who will be instructing or otherwise working with students shall disseminate information about the hazardous chemicals they will be working with as part of the instructional program. School district personnel are required to disseminate the information when the materials are used in the instructional program.

The superintendent shall report periodically to the board about the program.

Legal Reference: 29 C.F.R. 1910, 1200 et seq. (1993).
Iowa Code chs. §§88, 89B (2015).
347 I.A.C. 120.

Cross Reference: 403 General Personnel Health and Well-Being
802 Maintenance, Operation and Management

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: February 12, 2001



SMOKE FREE FACILITIES, VEHICLES, AND GROUNDS

School district buildings, vehicles, and grounds shall be off limits for smoking and use of other tobacco products. School district personnel who violate this policy may be subject to disciplinary action.

It shall be the responsibility of all school district personnel to enforce this policy.

Legal Reference: Iowa Code §§142B, 279.9, 297 (2015).

Cross Reference:	403	General Personnel Health and Well-Being
	502.9	Smoking - Drinking – Drugs
	906.3	Smoking on School District Premises

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: June 8, 1998



GENERAL PERSONNEL CHEMICAL DEPENDENCY

The board is genuinely concerned about the instructional program for students and, as a result of that concern, wishes to express a real regard for each employee as a person and as a worker. Should the job performance of any worker drop below expected standards for any reason, the concern of the board shall be noted. This would be especially true in the case of chemical dependency. The board recognizes chemical dependency as a health problem and believes dependency on any chemical is a treatable disease which, in most cases, can be arrested. In view of this, and with the hope people so afflicted can return to a healthy and productive lifestyle, administrative guidelines have been developed. The superintendent shall be responsible to write an appropriate administrative regulation.

Legal Reference: Iowa Code §279.8 (2015).

Cross Reference: 502.9 Smoking - Drinking – Drugs

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised:



GENERAL PERSONNEL CHEMICAL DEPENDENCY

The following are the administrative regulations for the General Personnel Chemical Dependency policy.

1. Identification: Early identification is of benefit to the employee, to the students, and to the school district. Those responsible for identification should do whatever is necessary to document the problem and, when satisfied a chemical dependency problem exists, bring it to the attention of the employee involved.
2. Referral: Once the employer determines the need for requesting referral, the employee will be encouraged to seek professional assistance. Participating in the corrective program is completely voluntary, and self-referral is considered the first positive step toward a good recovery program.

Referral for treatment will be based upon unsatisfactory job performance, performing duties while under the influence of a chemical, and/or other significant indications of chemical dependency.

3. It should be noted that the use of a chemical, as referred to in this policy, on school property is prohibited.
4. Should the employee
 - a. choose not to seek help,
 - b. not respond to treatment or fail to carry out the treatment plan,
 - c. continue to use a chemical while on duty,
 - d. continue to demonstrate poor job performance,
 - e. and/or not work cooperatively with others for the good of students and/or the district,the case will be treated as any other employee discipline case.
5. In all cases, the safety and welfare of the students is paramount.

It is incumbent upon the administration to act responsibly in all cases dealing with chemical dependency. It is important that the best interests of the employee and the students be protected.

It is also important that fellow employees become involved in procedures of identification, referral and follow-up. It is imperative that fellow employees cooperate with the administration for the same reason -- the best interest of the employee and the students.

There are many behavioral problems and identification may or may not be an easy task. However, there are some identifiable signs either occurring alone or in groups of two or more. Some of the signs to look for are as follows:

- Unauthorized absences from the job,
- Excessive sick leave,



GENERAL PERSONNEL CHEMICAL DEPENDENCY

- Monday, Friday absences,
- Repeated absences of two to four days or more,
- Repeated tardiness,
- Not feeling well and leaving work early,
- Improbable excuses for absences and/or tardiness,
- Away from the job during the day for short periods of time,
- Missing deadlines,
- Forgetting,
- Making bad decisions,
- Overreacting to real or imagined criticism,
- Continued complaints from co-workers, parents and students,
- Avoiding association with fellow workers and people in general,
- Spasmodic work patterns, and
- Being critical of any type of supervision.

These patterns of behavior will vary from person to person, and in some cases will not indicate a chemical problem but possibly some other problem. Also, the patterns listed above in no way exhaust the possible patterns which might occur.

In view of the above, and in view of the fact that chemical dependency is considered a health problem, the following steps should be taken in the identification of a problem and the recommendation of solutions.

1. Observe.
2. Document. Be specific – be positive – stick to facts which are observed.
3. Confront. Do not delay or beat around the bush – present facts – be consistent – insist upon improvement – follow through.
 - a. Set performance standards and document reactions of the employee. Establish follow-up procedure with the employee.
 - b. Request the employee seek professional assistance. Do not try to treat problems you know little about. Recommend professional help centers if necessary.
 - c. If the situation does not change, then ultimatums must be issued; document the reactions of the employee. Set the time-span within which corrections must take place and set the time for a follow-up conference with the employee.
 - d. If problems persist, consult the employee's counselor, if there is one who is known to the administrator.
 - e. As a last resort, consider termination.
 - f. Throughout, observe as much confidentiality as possible.

Once the employee has returned to the job:



GENERAL PERSONNEL CHEMICAL DEPENDENCY

1. Both the employee and employer might feel apprehensive.
2. Expect improvement from previous conditions, be it immediate or slow.
3. Work toward an "out front" relationship, do not pass over poor performance because of sympathy; encourage and reinforce.
4. If old problems return, this does not necessarily mean failure. Discuss the problem openly, act to get the problem resolved, and follow up to assure the employee seeks guidance again. Encourage long-term supportive help.
5. Determine prospects for improvement:
 - a. Is the employee following the prescribed treatment program?
 - b. Are the actions which attributed to loss of job effectiveness no longer evident?
 - c. Consult with the counselor if loss of effectiveness is still evident.
 - d. Involve other staff members in follow-up procedures, perhaps one-on-one or with a peer helper group.
 - e. If no cooperation on the part of the employee is evident, treat as any other case for termination.

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



SUBSTANCE-FREE WORKPLACE

The Board of Directors expects the school district and its employees to remain substance free. In the workplace, no employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage, fortified wine or other intoxicating liquor; or to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance as defined by federal or state law. This prohibition includes prescription drugs when the employee's use is not authorized.

"Under the influence of" includes conduct by the employee and/or any physical appearance of the employee that leads a school official to believe the employee has used a prohibited substance, which also may include having the odor of alcohol on the employee's breath.

"Workplace" includes school district facilities, school district premises or school district vehicles whether owned, rented, leased or otherwise acquired for school district use. "Workplace" also includes non-school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function where students are under the control of the school district or where the employee is engaged in school business.

If an employee is convicted of a violation of any criminal drug offense committed in the workplace, the employee shall notify the employee's supervisor of the conviction within five (5) days of the conviction.

If an employee is found to have violated this policy, the superintendent will make the determination whether to require the employee to undergo a board-approved substance abuse treatment program or to discipline the employee up to and including termination. If the employee is required to enter a treatment program and fails to successfully participate in such a program, the employee shall be subject to discipline, up to and including termination.

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



SUBSTANCE-FREE WORKPLACE

Legal Reference: 41 U.S.C. §§701-707 (1988).
42 U.S.C. §§12101 et.seq. (Supp. 1990).
34 C.F.R. Pt. 85 (1993).
Iowa Code §§123.46, 124, 279.8 (2015).

Cross Reference: 403.7 General Personnel Chemical Dependency
502.9 Smoking - Drinking – Drugs

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: April 5, 2004



NORTH SCOTT COMMUNITY SCHOOL DISTRICT
SUBSTANCE-FREE WORKPLACE
NOTICE TO EMPLOYEES

EMPLOYEES ARE HEREBY NOTIFIED it is a violation of the Substance-Free Workplace policy for an employee to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage, fortified wine or other intoxicating liquor; or to unlawfully manufacture, distribute, dispense, possess, use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance as defined by federal or state law in the workplace.

“Workplace” includes school district facilities, school district premises or school district vehicles whether owned, rented, leased or otherwise acquired for school district use. “Workplace” also includes non-school property if the employee is at any school-sponsored, school-approved or school-related activity, event or function where students are under the control of the school district or where the employee is engaged in school business.

EMPLOYEES ARE FURTHER NOTIFIED it is a condition of their continued employment that they comply with the District’s Substance-Free Workplace Policy and that they will notify their supervisor of their conviction of any criminal drug statute for a violation committed in the workplace no later than five (5) days after the conviction.

SUBSTANCE-FREE WORKPLACE ACKNOWLEDGEMENT FORM

I, _____, have read and understand the Substance-Free Workplace policy. I understand that if I violate the Substance-Free Workplace policy, I may be subject to discipline up to and including termination. I also understand that if I am convicted of a criminal drug offense committed in the workplace, I must report that conviction to my supervisor within five (5) days of the conviction.

Signature of Employee

Date

Printed Name

Legal Reference: 21 U.S.C. Section 812
 21 C.F.R. Section 1300
 Iowa Code Sections 123, 124, 124A

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: April 5, 2004



SUBSTANCE-FREE WORKPLACE REGULATION

If the superintendent and/or the superintendent's designee suspects an employee has a substance abuse problem, the following procedures shall be followed:

1. Identification – The superintendent or the superintendent's designee shall document the evidence which leads the superintendent or the superintendent's designee to conclude the employee has violated the Substance-Free Workplace policy. After the superintendent has determined that there has been a violation of the Substance-Free Workplace policy, the superintendent shall discuss the problem with the employee.
2. Discipline – If, after the discussion with the employee, the superintendent determines there has been a violation of the Substance-Free Workplace policy, the superintendent may recommend discipline up to and including termination or may recommend the employee seek substance abuse treatment. If the employee refuses to participate in a substance abuse treatment program or if the employee does not successfully complete a substance abuse treatment program, the employee may be subject to discipline up to and including termination.
3. Conviction – If an employee is convicted of a criminal drug offense committed in the workplace, the employee must notify the employer of the conviction within five (5) days of the conviction.

Approved: April 5, 2004
Reviewed: October 28, 2019
Revised:



EMPLOYEE ASSISTANCE PROGRAM

The district recognizes that a wide range of problems not directly associated with one's job function can have a negative impact on an employee's job performance. The district also recognizes that most human problems can be successfully resolved provided they are identified in the early stages and referral is made to an appropriate caregiver whether the problem is one of physical illness, mental or emotional illness, finances, marital or family distress, alcoholism, drug abuse, legal problems, or other concerns. In most cases, employees can overcome such personal problems independently and the effect on job performance is negligible. However, in some cases, assistance for an employee can serve either as motivation or guidance by which such problems can be resolved so the employee's job performance will return to a satisfactory level. Employees who have a problem which they think may affect work performance are encouraged to voluntarily seek counseling.

The district believes it is in the best interest of an employee and the employee's family that the district provides an employee service which deals with persistent problems. Employees will receive careful consideration and an offer of assistance to help resolve such problems in an effective and confidential manner. Because employee work performance can be affected by the problems of an employee's spouse or other dependents, the program will be available to the families of school district employees as well.

Legal References: Iowa Code §279.8 (2015).

Cross References: 403 General Personnel Health & Well-Being

Approved: May 26, 1992

Reviewed: October 28, 2019

Revised:



EVIDENCE OF PERSONNEL ILLNESS AND EXTENDED ILLNESS

The employer may require evidence to verify proof of an employee's illness. Such proof shall be from a licensed medical, osteopathic or chiropractic physician. The employer reserves the right to send the employee to another physician, in which case the employer shall pay for the cost of the examination.

An employee who exhausts his or her paid leave and medical leave under the Family Medical Leave Act, may request additional unpaid leave. Except in highly exceptional circumstances, the total medical leave shall not exceed twelve months. Exceptional circumstances and a reasonable date for return to work must be verified by the employee's physician, and the employer may, at its own expense, send the employee to another physician.

Legal Reference: Iowa Code §§20, 85.33, .34, .38(3), 279.40 (2015).

Cross Reference: 409.1 Licensed Personnel Illness/Disability Leave

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: April 24, 2000



OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

The intent of this policy is to insure proper implementation of the Occupational Safety and Health Administration (OSHA) standard to eliminate or minimize occupational exposure to Hepatitis B virus (HBV), which causes Hepatitis B, a serious liver disease; Human Immunodeficiency Virus (HIV), which causes Acquired Immunodeficiency Syndrome (AIDS) and other bloodborne pathogens. Based on a review of information in the rulemaking record, OSHA has made a determination that employees face a significant health risk as the result of occupational exposure to blood and other potentially infectious materials because they may contain pathogens. OSHA further concludes that this exposure can be minimized or eliminated using a combination of engineering and work practice controls, personal protective clothing and equipment, training, medical surveillance, Hepatitis B vaccination, signs and labels, and other provisions.

It shall be the responsibility of the superintendent to develop and implement an exposure control plan to eliminate or minimize district occupational exposure to bloodborne pathogens. The plan for designated employees shall include, but not be limited to, scope and application, definitions, exposure control, methods of compliance, Hepatitis B vaccination and post-exposure evaluation and follow-up, communication of hazards to employees, and recordkeeping.

Employees identified as having reasonably anticipated contact with blood or infectious materials shall receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine.

Legal Reference: 29 C.F.R. Pt. 1910.1030 (1993).
Iowa Code §§20.9; 279.8 (2015).
281 I.A.C. 12.4(14); 43.15-.20.

Cross Reference: 403 General Personnel Health and Well-Being
403.3 Communicable Diseases - General Personnel

Approved: July 27, 1992
Reviewed: October 28, 2019
Revised: September 28, 1992



TRANSPORTATION EMPLOYEES DRUG AND ALCOHOL TESTING

It is the policy of the North Scott Community School District to fully comply with U.S. Department of Transportation regulations implementing the Omnibus Transportation Employee Testing Act of 1991 (including subsequent revisions or additions) and the laws of the State of Iowa as they may pertain to this area.

Legal Reference: Omnibus Transportation Employee Testing Act of 1991

Approved: December 11, 1995

Reviewed: October 28, 2019

Revised:



DRUG AND ALCOHOL TESTING PROGRAM
ACKNOWLEDGMENT FORM

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

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

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

Signature of Employee

Date

Approved: April 5, 2004
Reviewed: October 28, 2019
Revised:



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

Name (print)

Social Security Number

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

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

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

Signature

Date

RECORDS TO BE RELEASED FROM:

Company Name: _____

Address: _____

Telephone/other: _____

RECORDS TO BE RELEASED TO:

North Scott Community School District
Director of Operations
251 East Iowa Street, Eldridge, IA 52748

_____ Requested information enclosed

COMPANY CONSENT FOR RELEASE OF INFORMATION

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

Name/Signature/Title

Date



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

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

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

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

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

Employee Signature

Date

Approved: April 5, 2004
Reviewed: May 11, 2015
Revised: December 16, 2019



TRANSPORTATION EMPLOYEES DRUG AND ALCOHOL TESTING

Background Information

Each employee of the North Scott Community School District who performs a safety sensitive function such as Bus Driver is required to comply with the regulations promulgated by the Department of Transportation (DOT) and Federal Transportation Administration (FTA) 49 (CFR) Parts 40, 653, 654.

This rule requires employers to test employees who operate or control the movement of a vehicle requiring a CDL, for the use of alcohol and illegal controlled substances. All full-time, part-time and seasonal employees of the school district are required to fulfill these testing requirements. Questions on any of the information contained in this material should be directed to the Transportation Supervisor or Superintendent.

Prohibited Conduct

Under this act, employees are prohibited from being on duty or operating a motor vehicle while in possession of any alcohol, using alcohol while performing a safety sensitive function, using alcohol within eight hours following an accident (or until undergoing a post-accident alcohol test), refusing to submit to a drug or alcohol test, performing a safety sensitive function while using a controlled substance, reporting to duty within four hours of using alcohol, or remaining on duty or performing a safety sensitive function if tested positive for a controlled substance.

Pre-Employment Testing

All new employees or current employees who transfer to a classification that requires a commercial driver's license (CDL) will be required to submit to both a drug and alcohol test prior to performing any safety sensitive function. (For example, a safety sensitive function is bus driver or operation or control of a maintenance vehicle requiring a CDL license.)

Post-Accident Testing

Post-accident tests will be required after any accident involving a loss of life or any accident where the driver of the vehicle is a covered employee and is issued a moving traffic violation. As soon as practicable, following such an accident, a covered employee will be required to submit to drug and alcohol testing. An employee is prohibited from drinking alcohol for eight hours following an accident or until undergoing a post-accident alcohol test. Any employee who unnecessarily leaves the scene of an accident before the required tests are administered or fails to remain readily available for testing will be deemed as having refused to submit to the testing and will be subject to disciplinary action up to and including discharge. An accident is defined as any incident involving a fatality, an injury requiring treatment away from the scene, or the need to tow a vehicle from the scene.



TRANSPORTATION EMPLOYEES DRUG AND ALCOHOL TESTING

Random Testing

The North Scott Community School District will be conducting random drug and alcohol testing. Therefore, all of our covered employees will be placed in a testing pool that includes numerous employers from our bi-state region.

During each twelve-month period not less than ten percent of the average number of employees in this testing pool will be tested at various times for unannounced alcohol testing. Such testing for alcohol may occur at any time immediately before, immediately after, or during the time the employee is performing the safety sensitive function.

During each twelve-month period, not less than twenty-five percent of the average number of employees in this testing pool will be tested at various times for unannounced drug testing. Such testing for drugs may occur at any time an employee is on duty.

Reasonable Suspicion Testing

If there is reasonable suspicion to believe that an employee is under the influence of drugs or alcohol while on duty, such employee will be instructed to submit to a drug or alcohol test. Reasonable suspicion will be based on specific observation made by a supervisor or district employee trained in detection of the symptoms of drug and alcohol abuse. Observations will identify the appearance, behavior, speech or body odor of the employee that indicates a reasonable suspicion and must be reported within twenty four hours of the incident to the Transportation Supervisor or Superintendent.

Return-to-Duty Testing

Once the substance abuse professional (SAP) confirms that the employee has successfully completed all requirements, he/she will recommend that the employee may take a return-to-duty test. Once a negative test result is received, the employee may resume safety-sensitive functions.

Follow-Up Testing

Any employee who had been identified by a substance abuse professional (SAP) as needing assistance in resolving a drug or alcohol problem will be required to submit to a minimum of six follow-up tests during the first twelve months following their return to work. If required by the Substance Abuse Professional, such employee may be required to undergo additional drug and alcohol testing for up to sixty months.

In all cases, a refusal to submit to an alcohol or controlled substance test will lead to disciplinary action up to and including discharge.



TRANSPORTATION EMPLOYEES DRUG AND ALCOHOL TESTING

Testing Procedures

Prior to administering a required drug or alcohol test, the employee will be informed that such test is required by the DOT rules and will be provided either the Breath Alcohol Testing Form or the Controlled Substances Testing Custody and Control Form.

Alcohol Testing

Upon arrival at the designated testing site, the breath alcohol technician (BAT) will require the employee to provide positive identification via a picture ID, or identification by an employer representative. At the request of the employee, the BAT is required to provide a similar form of identification to the employee.

Following proof of identification, the BAT is required to explain the testing procedures to the individual to be tested. The BAT may provide this information verbally and/or in writing.

The BAT completes Step 1 on the Breath Alcohol Testing Form, including employee's name; social security number or employee ID number; address and telephone number; and reason for test (i.e. pre-employment, random, reasonable suspicion/cause, post-accident, return-to-duty, or follow-up test). The employee must then complete Step 2 of the form by signing the certification. Failure to sign the certification is regarded as a refusal to take the test.

In view of the employee, the BAT will open an individual sealed mouthpiece and attach it to the evidential breath testing device (EBT) in accordance with the manufacturer's instructions.

The BAT will instruct the employee that he or she is to blow forcefully in the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained. The BAT will show the employee the test result.

If the results of the screening test indicate positive, a confirmation test is required. The confirmation test will be conducted no less than fifteen and no more than twenty minutes following the initial screening test. Such confirmation testing will be performed using the same method as the initial test. The BAT will discuss with the employee the reason for the waiting period and acceptable behavior during the period. The BAT will also conduct an "air blank" test on the EBT to assure proper calibration of the EBT unit.

The results of the confirmation test will be sent confidentially to the Transportation Supervisor or Superintendent.

Refusal to Take the Test

If an employee refuses to sign the confirmation test certification or takes any action intended to circumvent any requirement, provides an inadequate amount of breath, or otherwise refuses to cooperate in the testing



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process, the BAT will inform the district representative and document such non-cooperation. Refusal or non-cooperation with the process will be considered refusal to take the test and will lead to disciplinary action up to and including discharge.

Drug Testing

Employees will be asked to provide a urine specimen that will be tested by a laboratory certified by the Department of Health and Human Service (DHHS).

Upon arrival at the collection site, the employee will be required to provide a positive identification via a picture ID or identification by an employer representative. At the request of the employee, the collection site individual performing the test must present positive identification to the employee.

The employee will be instructed to remove any unnecessary clothing and leave all other belongings with test site personnel. The employee may request a receipt for personal belongings and may retain his/her wallet.

The employee will be instructed to wash their hands, then will be instructed to provide at least forty five ml. of urine into a specimen bottle. In most cases, the employee will provide the urine sample in the privacy of a stall or partitioned area. In the event such an area is unavailable, a collection site person of the same sex will observe the employee during the collection.

In the presence of the employee, collection site personnel will pour the urine into two specimen bottles. Both bottles will be placed in a shipping container and the employee will be instructed to sign a certification statement on the chain of custody form and initial the identification label on the specimen bottle certifying that such specimen was collected from him or her.

In the event the results of the test are confirmed as positive after a second independent analytical procedure (GC/MS), the medical review officer (MRO) will notify the employee of the findings and determine if the employee wishes to discuss the test results. The MRO will also notify the employee that he or she may request analysis of the split specimen by another DHHS certified laboratory within seventy two hours from notification to verify the initial test results. (If such testing also results in a positive finding, the employee will be responsible for all costs associated with the testing of the split sample.)

All test results will be reported confidentially to the Transportation Supervisor or Superintendent by the MRO. The employee will be notified of any positive test results.

Refusal to Take the Test

If an employee fails or refuses to cooperate with the collection process, the collection site personnel will inform the district representative and document such non-cooperation. Refusal or non-cooperation with the



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process may lead to disciplinary action up to and including discharge.

Consequences of a Positive Test Result

A positive Evidential Breath Test (EBT) will result in the employee's immediate removal from the safety sensitive position. Such employee will be sent home for a period of at least eight hours. During the eight-hour period, the employee will be deemed temporarily unqualified for his position and will be placed in a no-pay status. Such time will be considered an unjustifiable absence from work, and appropriate disciplinary action will be taken up to and including immediate dismissal.

If the administration determines an employee may come back to work, prior to returning to work, such employee must successfully complete a return-to-duty alcohol test.

EBT Test Result and/or a Positive Drug Test

An employee who tests positive for drugs or who has an EBT test result indicating a positive result will be provided an opportunity for treatment through a referral to a substance abuse professional (SAP). If it is determined by the SAP that the employee requires assistance in resolving problems associated with alcohol misuse and/or substance abuse, the employee must follow the prescribed rehabilitation program and may be subject to unannounced follow-up testing for up to sixty months following their return to work. In all cases, an employee must submit to a return-to-duty drug and/or alcohol test. All costs incurred for rehabilitation are the responsibility of the employee.

Any employee who has a second positive finding for drugs and/or alcohol concentration or who fails to follow the treatment program prescribed by the SAP, will be subject to disciplinary action up to and including discharge.

Additionally, the following personal information will be reported to the Clearinghouse: a verified positive, adulterated, or substituted drug test result; an alcohol confirmation test with a concentration of 0.04 or higher; a refusal to submit to a drug or alcohol test; an employer's report of actual knowledge, as defined at 49 CFR § 382.107; on duty alcohol use pursuant to 49 CFR § 382.205; pre-duty alcohol use following an accident pursuant to 49 CFR § 382.207; alcohol use following an accident pursuant to 49 CFR § 382.209; Drug use pursuant to 49 CFR § 382.213; a SAP's report of the successful completion of the return-to-duty process; a negative return-to-duty test; and, an employer's report of completion of follow-up testing.

Legal Reference: Omnibus Transportation Employee Testing Act of 1991

Approved: December 11, 1995

Reviewed: May 11, 2015

Revised: December 16, 2019



WORKPLACE VIOLENCE

The district does not tolerate workplace violence. The district is committed to providing a safe, professional work environment that is free of violence.

Workplace violence is defined as actions or communication from employees, students or others, that endanger or harm an employee or result in an employee having a reasonable belief they are in danger when such actions or communications occur on district property; on property within the jurisdiction of the district; while on district owned and/or operated vehicles; and/or at district activities or events.

Workplace violence includes, but is not limited to, the following:

- The use of physical force which causes physical injury and/or harm.
- Engaging in threatening actions or communications which intimidate, cause fear or cause harm.
- The offensive and/or unlawful touching by one person against another.
- Any other actions or communications that cause others to feel unsafe, including bullying and/or harassment.
- The use of abusive, threatening or intimidating communications.
- The possession of unauthorized firearms or weapons while on district property.
- Conduct which may cause undue disruption of the workplace or endanger the safety of persons or property in the workplace.
- Intentionally damaging district property or property of others.
- Encouraging or causing others to engage in actions or communications which constitute workplace violence.

Employees who believe they have been subjected to violence in the workplace as defined in this policy should immediately terminate all contact and communication with the offending party, seek assistance from appropriate district personnel, and file a written complaint with the employee's immediate supervisor or other appropriate administrator. Allegations of workplace violence shall be investigated and, if substantiated, will result in appropriate discipline for employees up to and including termination of employment and/or other legal action; will result in appropriate discipline for students up to and including expulsion and/or other legal action; for others will result in appropriate measures up to and including exclusion from district grounds and/or other legal action. Retaliation is prohibited against anyone who, in good faith, reports a possible violation of this policy or cooperates in a district led investigation into a possible violation of this policy.

Approved: August 11, 2014
Reviewed: October 28, 2019
Revised:



GENERAL PERSONNEL CONDUCT AND APPEARANCE

School district personnel shall strive to set the kind of example in actions and appearance that not only reflects credit to the school system, but sets forth a model worthy of emulation by the students. Enthusiasm, positive attitude, loyalty, and professionalism shall be the key words describing the goals of school district personnel conduct and appearance.

The conduct of school district personnel shall be professional. School district personnel shall dress in attire appropriate for the position. Clothing should be neat, clean, and in good taste.

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

It shall be the responsibility of the immediate supervisor to counsel employees assigned to the facility on appearance and conduct when the individual appearance may have a negative impact on the learning environment.

Legal Reference: Iowa Code §§273.1, 279.8 (2015).
282 I.A.C. 13.

Cross Reference: 307 Administrative Code of Ethics
402.6 General Personnel Relations to the Public

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: July 27, 1992
Renumbered: January 28, 2013



CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

CHAPTER 25

282—25.1(272) Scope of standards. This code of professional conduct and ethics constitutes mandatory minimum standards of practice for all licensed practitioners as defined in Iowa Code chapter 272. The adherence to certain professional and ethical standards is essential to maintaining the integrity of the education profession.

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

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

“Board” means the Iowa board of educational examiners.

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

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

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

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

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

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

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

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

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

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

[ARC 7979B, IAB 7/29/09, effective 9/2/09]

282—25.3(272) Standards of professional conduct and ethics. Licensees are required to abide by all federal, state, and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

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

a. *Fraud.* Fraud means the same as defined in rule 282—25.2(272).

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

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



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1. Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
 2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:
 - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
 - Lascivious acts with a child;
 - Assault with intent to commit sexual abuse;
 - Indecent contact with a child;
 - Sexual exploitation by a counselor;
 - Lascivious conduct with a minor;
 - Sexual exploitation by a school employee;
 - Enticing a minor under Iowa Code section 710.10; or
 - Human trafficking under Iowa Code section 710A.2;
 3. Incest involving a child as prohibited by Iowa Code section 726.2;
 4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2;
 5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;
 6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1) “b”(1); or
 7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1) “b”(1).
- (2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1) “b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:
1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
 2. The time elapsed since the crime or founded abuse was committed;
 3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
 4. The likelihood that the person will commit the same crime or abuse again;
 5. The number of criminal convictions or founded abuses committed; and
 6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.
- c. Sexual involvement or indecent contact with a student.* Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or breasts of a student; permitting or causing to fondle or touch the practitioner’s inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in Iowa Code section 702.17.
- d. Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by Iowa Code section 728.12, Iowa Code chapter 709 or 18 U.S.C. Section 2252A(a)(5)(B).
- e. Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:
- (1) Committing any act of physical abuse of a student;



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

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

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

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

- a. Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
- b. Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.
- c. Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
- d. Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—Chapter 20.
- e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

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

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

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

A. Violation of this standard includes:

- (1) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract, unless the practitioner provided notice to the practitioner’s employing board as set forth in subparagraph 25.3(5) “b”(2).
- (3) Abandoning a written professional employment contract without prior unconditional release by the employer.



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(4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.

(5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.

b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner's control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:

(1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or

(2) The practitioner provided notice to the employing board no later than the latest of the following dates:

1. The practitioner's last work day of the school year;
2. The date set for return of the contract as specified in statute; or
3. June 30.

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

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



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q. Failure of the practitioner holding a contract under Iowa Code section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.

r. Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

25.3(7) *Standard VII—compliance with state law governing obligations to state or local governments, child support obligations, and board orders.* Violation of this standard includes:

- a.* Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.
- b.* Failing to comply with 282—Chapter 10 concerning child support obligations. *D.*
Failing to comply with a board order.

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

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

Approved: May 9, 2016
Reviewed: May 11, 2015
Revised: October 28, 2019



EMPLOYEE CODE OF CONDUCT AND PROGRESSIVE DISCIPLINE

The purpose and intent of the Employee Code of Conduct and Progressive Discipline Policy is to ensure that each employee is aware of his or her responsibility in accordance with supporting the mission, vision and beliefs of the district.

Professional Responsibilities:

Employees fulfill their professional responsibilities when they:

1. Report to work fit for duty and remain fit while on duty.
2. Prepare for and diligently carry out all assigned duties as directed.
3. Comply with justifiable directives issued by duly recognized sources of authority.
4. Identify and control unsafe conditions and/or safety hazards and maintain safe and secure working and/or learning environments.
5. Demonstrate respect, fairness and dignity when interacting with students, staff, community members or others.
6. Comply with federal laws, state statutes and North Scott Community School District policies that prohibit conduct that could reasonably be construed as coercive, retaliating, harassing, intimidating, bullying, discriminating or threatening.
7. Communicate truthfully and honestly with regard to any matter of interest to North Scott Community School District and ensure that all records, disclosures or other written communications are full, fair, accurate, timely and understandable.
8. Acquire, use, maintain and dispose of North Scott Community School District assets in an ethical and responsible manner.
9. Maintain the confidentiality of information as required under federal laws, state statutes and North Scott Community School District policies.
10. Use established protocols to intervene against and/or report actions or behaviors that may represent one or more violations of federal law, state statutes or North Scott Community School District policy.
11. Refrain from activities outside of the contract day that may reasonably interfere with his or her ability to effectively perform duties as assigned or the legitimate operational interests of North Scott Community School District.
12. Comply with all established federal laws, state statutes and North Scott Community School District policies as well as established operational routines or procedures.

Employee Discipline Process

It is essential that prompt, corrective action is taken whenever professional responsibilities are not being met by an employee. In situations where employee actions or behaviors are found to represent one or more violations, disciplinary action must be considered.

An overview of the employee discipline process is as follows:



EMPLOYEE CODE OF CONDUCT AND PROGRESSIVE DISCIPLINE

- A. Establishing grounds. The grounds for employee discipline must be determined. Where required, “just cause” must be established.
- B. Verifying grounds. The grounds for employee discipline must be verified by an informal inquiry or a formal investigation conducted under presumption of innocence. If these grounds are substantiated, the specifics of a charge will be described in as much detail as possible supported by all relevant evidence. Where applicable, a connection may be made for the employee between the charge and the mission, vision and beliefs of the district.
- C. Determining a course of action. Only after the grounds for employee discipline have been substantiated will one of the following two general courses of disciplinary action be taken based on the specific ECOC violation involved and the presence or absence of the same or substantially similar disciplinary events in the past (where applicable): (1) informal action (verbal warning and written warning), and (2) formal action (official reprimand, suspension and discharge).
- D. Assessing the case facts. Prior to initiating or recommending a specific type of discipline to accomplish either course of action, both the aggravating and mitigating factors in the case must be considered.
- E. Selecting or recommending a specific action. Each ECOC violation is classified into one of five “relative severity” “tracks” and incidents within the same classification are processed along the same track from a progressive employee discipline standpoint. For each violation-interval pairing within the ECOC, a range of permitted disciplinary options is provided based on the relative severity of the misconduct involved (i.e. minor, moderate, major, non-disqualifying, and disqualifying). The specific action taken or recommended should reflect whether case facts involved were predominantly aggravating, predominantly mitigating, or roughly equal for the case in question.
- F. Considering the need for progressive discipline. A single occurrence of some actions and behaviors may be as grave as to warrant immediate formal action up to and including discharge; however, repetitive misconduct of a lesser nature may require progressive more serious sanctions. In such cases of chronic employee conduct, progressive action should be taken when it is evident that either: (1) non-disciplinary strategies, where used, did not result in a modification or suppression of the employee’s action(s); or (2) previous disciplinary actions failed to correct a chronic ECOC violation.
- G. Documenting the action. It is important that accurate documentation is maintained before, during and after each disciplinary action to protect both the interests of North Scott Community School District and the rights of the employee involved.

Delegation of Authority and Disciplinary Options

Authority to issue verbal warnings and written warnings is delegated to those administrators and supervisors directly responsible for planning, directing and supervising the work of others. Authority to



EMPLOYEE CODE OF CONDUCT AND PROGRESSIVE DISCIPLINE

issue official reprimands, suspensions and discharges will remain with the superintendent/superintendent designee (director of human resources) and/or the board of directors. The disciplinary options are defined as follows:

- A. Verbal warning. A verbal warning is defined as an informal disciplinary conference between an administrator or supervisor and an employee. A verbal warning is the least severe type of informal employee discipline and is meant to alert the employee to the fact that a deficiency has been noted.
- B. Written warning. A written warning is defined as an informal notice given to an employee when the grounds for employee discipline involved warrant an action that is more severe than a verbal warning but less severe than an official reprimand. A written warning is the most severe type of informal employee discipline and is meant to put the employee on notice for the action(s) or behavior(s) involved.
- C. Official reprimand. An official reprimand is defined as a formal disciplinary notice that is given to an employee when the grounds for employee discipline involved warrant an action that is more severe than a written warning but less severe than a suspension. An official reprimand is the least severe type of formal employee discipline and is meant to serve as a statement of censure for misconduct of such concern that a permanent record of the incident(s) needs to be established.
- D. Suspension. A suspension is defined as a formal disciplinary action whereby an employee is involuntarily separated from service on a temporary basis without pay for a finite time period when the grounds for employee discipline involved warrant action that is more severe than an official reprimand but less severe than a discharge. It is the most severe type of formal employee discipline that is still compatible with continued employment and is meant to serve as a significant consequence for either a serious lapse of judgment or for misconduct of such concern that the district must ensure that the employee understands that a repeat incident is likely to result in discharge.
- E. Discharge. A discharge is defined as a formal disciplinary action whereby an employee is involuntarily separated from service on a permanent basis when the grounds for employee discipline involved warrant action that is more severe than a suspension. It is the most severe type of formal employee discipline and is typically taken when (1) the issue of employee remediation is either no longer valid or is otherwise irrelevant; (2) the misconduct involved is incompatible with initial or continued employment by the district.

Approved: January 28, 2013
Reviewed: October 28, 2019
Revised:



REQUIRED NOTIFICATION OF ARREST, CRIMINAL CHARGES OR
CHILD ABUSE COMPLAINTS REGULATION

Employees of the district must notify their supervisor of any arrests, the filing of any criminal charges, and the disposition of any criminal charges pending against them. Notification should occur within three (3) business days of notification to the employee. Except for employees whose duties require possession of a Commercial Driver's License (CDL), simple misdemeanors do not need to be reported by employees.

Employees must notify their supervisor of any child abuse complaints filed against them. Employees must notify their supervisor regarding the findings in any complaint against them alleging child abuse. Notification of any complaints and findings should occur within three (3) business days of notification to employee.

Current employees shall report any felony convictions or founded complaints of child abuse that occurred within five years of the date this policy was adopted.

Information relating to arrests, criminal charges and child abuse complaints shall be treated and maintained as part of the employee's confidential official personnel file.

Employees who do not notify the district as required under this policy may be subject to disciplinary action up to and including termination.

Legal Reference: Iowa Code §§ 232.68-69; 279.8; and 280.17 (2015)
441 I.A.C. § 152, 155 and 175

Approved: January 28, 2013
Reviewed: October 28, 2019
Revised:



LICENSED PERSONNEL DEFINED

Licensed personnel, including administrators, are those school district employees required to hold appropriate certification from the State Department of Education for their position as required by the State Board of Educational Examiners. Certification required for a position will be considered met if the employee meets the requirements established by the State Department of Education.

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

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

Up-to-date transcripts including most recent under-graduate and graduate work completed, along with teaching certificates and approval statements, must be kept on file in the superintendent's office.

Legal Reference: PERB v. Iowa State Board of Public Instruction, 216 N.W.2d 339 (Iowa 1974).
 Clay v. Independent School District of Cedar Falls, 187 Iowa 89, 174 N.W. 47
 (1919).
 Slone v. Berlin, 88 Iowa 205, 55 N.W. 341 (1893).
 Iowa Code §§256.7(3), 272.6, 272A, 279.8, 294.1, .2 (2015).
 281 Iowa Admin. Code 12.4, 41.25.
 1940 Op. Att'y Gen. 375.
 282 I.A.C. 14.

Cross Reference: 405.2 Licensed Personnel Qualifications, Recruitment, Selection
 411.2 Support Personnel Qualifications, Recruitment, Selection

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



LICENSED PERSONNEL QUALIFICATIONS, RECRUITMENT, SELECTION

Announcement of the open position shall be in a manner which the superintendent believes will inform potential applicants about the position. All vacancies will be posted on TeachIowa, the online state job posting system, through the Applitrak system. Applications for employment may be completed online through the North Scott website, or obtained from the school district administrative office. Completed applications shall be returned to the school district administrative office. Whenever possible, the preliminary screening of applicants shall be conducted by the school district employee who will be directly supervising and overseeing the person being hired.

The board shall employ licensed personnel after receiving a recommendation from the superintendent (except the superintendent may hire teachers without approval of the board). However, the superintendent shall 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.

Positions will be filled in accordance with applicable laws and school district policies regarding equal employment. Job applicants for licensed positions shall 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.

Legal Reference: 29 U.S.C. §§621-634
42 U.S.C. §§2000e, 12101 et seq.
Iowa Code §§20, 35C, 216, 279.13
House File 643, 2001 General Assembly
281 Iowa Admin. Code 12.
282 Iowa Admin. Code 14.
1980 Op. Att'y Gen. 367.

Cross Reference: 401.2 Equal Employment Opportunity
405.1 Licensed Personnel Defined
405.3 Licensed Personnel Individual Contracts
410.1 Substitute Teachers

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: January 22, 2018



LICENSED PERSONNEL INDIVIDUAL CONTRACTS

The board will enter into a written contract with licensed employees employed on a regular basis.

It shall be the responsibility of the superintendent to complete the contracts for licensed personnel. The contracts, after being signed by the board president, shall be filed with the board secretary.

This policy applies to licensed personnel other than administrators.

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 (1899).
 Iowa Code §§20, 279, (2015).

Cross Reference: 203 Board of Directors Conflict of Interest
 405.2 Licensed Personnel Qualifications, Recruitment, Selection
 407 Licensed Personnel Termination of Employment
 411.2 Support Personnel Qualifications, Recruitment, Selection

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: July 27, 1992



LICENSED PERSONNEL CONTINUING CONTRACTS

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

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

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

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

Cross Reference: 405.3 Licensed Personnel Individual Contracts
 405.6 Licensed Personnel Probationary Status
 407 Licensed Personnel Termination of Employment

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: January 22, 2018



LICENSED PERSONNEL EVALUATION

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

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

Licensed employees will be required to:

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

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

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; 284; 294
 281 I.A.C. 12.3, 83

Cross Reference: 405.2 Licensed Personnel Qualifications, Recruitment, Selection
 405.6 Licensed Personnel Probationary Status

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: January 22, 2018



LICENSED PERSONNEL PROBATIONARY STATUS

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

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

Legal Reference: Iowa Code §279

Cross Reference: 405.3 Licensed Personnel Individual Contracts
 405.4 Licensed Personnel Continuing Contracts
 405.5 Licensed Personnel Evaluation

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: January 22, 2018



LICENSED PERSONNEL EXTRA DUTY ASSIGNMENTS

The superintendent and the administration shall be responsible for recommending the most qualified personnel to perform extra duty assignments for the North Scott Community School District. The Board of Directors shall review all recommendations for final approval.

Personnel hired for extra duty to coach interscholastic athletic sports shall receive a separate extracurricular contract for each sport. The contract shall state the number of contract days, annual compensation, and other matters mutually agreed upon. The separate extra duty contract shall be for a single year. Extra duty contracts shall be continued automatically for equivalent periods pursuant to the provisions of Chapter 279.19A.

Personnel hired for interscholastic athletic sports must possess a teaching license with coaching endorsement or meet the provisions of Chapter 279.19B.

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

Approved: October 22, 1990

Reviewed: October 11, 2021

Revised:



LICENSED PERSONNEL RESIGNATION

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

The board may, however, require an individual who has resigned from an extracurricular coaching contract to accept the resigned position for 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 (2015).

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

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



LICENSED PERSONNEL EARLY RELEASE FROM CONTRACT

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

Release from a contract shall be contingent upon finding a suitable replacement. Upon written mutual agreement between the employee and the superintendent, the cost of finding a suitable replacement (minimum \$2,000) shall be deducted from the employee's salary. The deduction from a part-time employee's salary shall be in proportion to the employee's full-time equivalency. Payment of the above-mentioned costs shall be a condition for release from the contract. An exemption to the payment of the cost of finding a suitable replacement due to the certified staff member's desire to terminate all stipulations under the contract and employment with the district will be made if the employee's contract was reduced, and if the resignation is received prior to July 15.

The superintendent is authorized to file a complaint with the Iowa Board of Educational Examiners against any licensed employee who leaves without proper release from the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

Legal Reference: Iowa Code §§216, 272, 279.13, .19A, .46 (2015).
1974 Op. Att'y Gen. 11, 322.
1978 Op. Att'y Gen. 247.

Cross Reference: 405.3 Licensed Personnel Individual Contracts
405.4 Licensed Personnel Continuing Contracts
413.1 Support Personnel Resignation and Retirement

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: October 28, 2019



LICENSED PERSONNEL RELEASE FROM CONTRACT DUE TO
RESIGNATION OR RETIREMENT

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

Application for resignation or 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.

Board action to approve a licensed employee's application for resignation or retirement shall be final and such action constitutes non-renewal of the employee's contract for the next school year.

Legal Reference: Iowa Code §§216, 272, 279.46 13, .19A, (2015).
1974 Op. Att'y Gen. 11, 322.
1978 Op. Att'y Gen. 247.

Cross Reference: 405.3 Licensed Personnel Individual Contracts
405.4 Licensed Personnel Continuing Contracts
413.1 Support Personnel Resignation and Retirement

Approved: February 10, 1992
Reviewed: October 28, 2019
Renumbered: November 27, 1995



LICENSED PERSONNEL SUSPENSION

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

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765 (Iowa 1987).
 McFarland v. Board of Education of Norwalk Community School District, 277 N.W.2d 901 (Iowa 1979).
 Iowa Code §§20.7, .24, 279.13, .15-.19, .27 (2015).

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



LICENSED PERSONNEL PROFESSIONAL DEVELOPMENT

The board encourages licensed personnel to attend and participate in professional development activities to maintain, develop, and extend their skills. The board shall maintain and support an in-service program for licensed personnel.

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, shall be made to the superintendent. Approval of the superintendent must be obtained prior to attendance by a licensed employee in a professional development program.

The superintendent and the immediate supervisor shall have 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 employee and the school district, the effect of the employee's absence on the education program, the school district operations and the school district's budget, as well as other factors deemed relevant in the judgment of the superintendent. Requests that involve unusual expenses or overnight travel must be approved by the superintendent.

Legal Reference: Iowa Code §279.8; 294
281 Iowa Admin. Code 12.7; 83.6

Cross Reference: 303.6 Superintendent Professional Development
304.7 Administrative Professional Development

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:

NORTH SCOTT COMMUNITY SCHOOL DISTRICT
PROFESSIONAL LEAVE

(If students are involved in a leave request, a "Field Trip/Leave with Student Request" form must be completed and not a "professional leave" form.)

Employee Name

Building Name

Requests leave on the following date(s): _____

Destination of this leave: _____

Purpose of this leave: _____

Anticipated expenses include the following: (Please submit upon return to bldg principal, your receipts and complete reimbursement form along with a P.O.) THIS IS NOT YOUR REGISTRATION! For registrations, this should be attached to a check-off list, registration form and a signed purchase order if necessary.

BUDGET CODE # _____

Registration _____ Meals _____ Lodging _____ Misc _____

Vehicle needed: *Personal Car* _____ *Van* _____ *Car Pool:* _____ (Specify Names :) _____

Credit Card Needed: _____ *Yes* _____ *No*

Number of Passengers: (Adults) _____ Anticipated Mileage: _____

Leaving Date: _____ **Time:** _____ **Date Back:** _____ **Time Back:** _____

TO BE COMPLETED BY IMMEDIATE SUPERVISOR/PRINCIPAL:

Substitute Needed: _____ *Yes* _____ *No* **If yes:** _____ *Full Day* **or** _____ *Half Day* (_____ *AM* **or** _____ *PM*)

Leave is: Approved _____ Disapproved _____ *Bldg Sub is to Report to:* _____

(Immediate Supervisor/Principal) Date _____

Substitute Budget

Code # _____

FEEDBACK:

Please bring back some written materials (schedules, worksheets, etc.) explaining your observations. Please report to the individual(s) in our system who can best benefit from your observations and findings.

TO BE FILLED OUT BY CENTRAL OFFICE ADMINISTRATOR:

_____ Vehicle approved is: _____

(Final arrangements are to be made one week in advance – submit mileage report after professional leave.)

_____ Vehicle NOT Available

Central Office – *White Original* Transportation – *Yellow* Employee – *Pink* Immediate Supv/Principal – *Gold*

Approved: February 12, 2001

Reviewed: May 10, 2010

Revised: June 14, 2004



LICENSED PERSONNEL PUBLICATION OR CREATION OF MATERIALS

Materials created by licensed personnel and the financial gain therefrom shall be 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 personnel's employment. If the work or activity may interfere with the licensed employee's primary responsibility, the licensed employee must seek prior written approval of the superintendent.

Legal Reference: Iowa Code §279.8 (2015).

Cross Reference: 401.3 General Personnel Conflict of Interest
 408.3 Licensed Personnel Tutoring

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised:



LICENSED PERSONNEL TUTORING

Professional personnel shall not render paid tutorial services for students currently enrolled in any class taught by the tutor. No one, professional staff members or members of the community, shall use any facilities or equipment of the school district for paid tutorial services.

Legal Reference: Iowa Code §§20.7, 279.8 (2015).

Cross Reference: 408.3R1 Tutoring
401.3 General Personnel Conflict of Interest

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



TUTORING

Licensed personnel may provide paid tutorial services provided the rendering of such services does not constitute an impropriety or breach of regular services which are the licensed personnel's professional responsibility.

The superintendent will confer with the principal of the staff member performing paid tutorial services to students taught by the tutor to insure compliance with the policy and administrative procedures.

The principal or superintendent may require other licensed personnel who serve as paid tutors to submit a list of North Scott students who are tutored.

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



LICENSED PERSONNEL ILLNESS/DISABILITY LEAVE

A new employee shall report for work at least one full work day prior to receiving sick leave benefits. A returning employee will be granted the appropriate number of days at the beginning of each fiscal year.

Evidence may be required regarding the mental or physical health of the employee when the administration has a concern about the employee's health. Evidence may also be required to confirm the employee's illness, the need for the illness leave, the employee's ability to return to work, and the employee's capability to perform the duties of the employee's position. It shall be within the discretion of the board and the superintendent to determine the type and amount of evidence necessary.

If an employee is eligible to receive disability benefits, the employee shall contact the business office to implement these benefits.

Legal Reference: 29 U.S.C. §§ 2601 *et seq.*
 29 C.F.R. § 825
 Whitney v. Rural Ind. Sch. Dist., 232 Iowa 61, 4 N.W.2d 394 (1942).
 Iowa Code §§20; 85; 216; 279.40

Cross Reference: 403.2 General Personnel Injury on the Job
 409.4 Licensed Personnel Family and Medical Leave

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



LICENSED PERSONNEL ILLNESS/DISABILITY LEAVE

A new employee shall report for work at least one full work day prior to receiving sick leave benefits. A returning employee will be granted the appropriate number of days at the beginning of each fiscal year.

Evidence may be required regarding the mental or physical health of the employee when the administration has a concern about the employee's health. Evidence may also be required to confirm the employee's illness, the need for the illness leave, the employee's ability to return to work, and the employee's capability to perform the duties of the employee's position. It shall be within the discretion of the board and the superintendent to determine the type and amount of evidence necessary.

If an employee is eligible to receive disability benefits, the employee shall contact the business office to implement these benefits.

Legal Reference: 29 U.S.C. §§ 2601 *et seq.*
 29 C.F.R. § 825
 Whitney v. Rural Ind. Sch. Dist., 232 Iowa 61, 4 N.W.2d 394 (1942).
 Iowa Code §§20; 85; 216; 279.40

Cross Reference: 403.2 General Personnel Injury on the Job
 409.4 Licensed Personnel Family and Medical Leave

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: October 28, 2019

**EXPANDED FAMILY AND MEDICAL LEAVE REQUEST FOR UNDER THE FAMILIES
FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

Name: _____

Anticipated Begin Date: _____

Expected Return to Work Date: _____

Employees may be entitled to expanded family medical leave in accordance with the Families First Coronavirus Response Act (FFCRA) if the employee satisfies eligibility standards.

Reason for Leave

Employees satisfying the standards below are eligible for 12 weeks* of leave. The first two weeks of the leave are unpaid unless the employee selects available options in the next box. The remaining 10 weeks of leave are paid at 2/3 of the employee's regular compensation rate unless other options are selected on this form. Please select the applicable reason and follow the related instructions.

I, _____, request family and medical leave because I am unable to work or telework because I need to care for my child(ren) under 18 because my child(ren)'s elementary or secondary school, childcare provider, or child's place of care has been closed or is unavailable due to COVID-19. During this period of unavailability or closure, I represent that no other person will be providing care for my child during the period for which I am receiving expanded family medical leave benefits.

If the age of one or more of the children is between 14 and 18, the following special circumstances exist requiring me to care for the child during daylight hours:

Please attach notice or documentation related to the unavailability of the school, daycare, place of care or person providing care to the child. The District reserves the right to request confirmation regarding the nature of the closure or unavailability.

** An employee who qualifies for and utilizes the Emergency Paid Sick Leave provisions of the FFCRA, is entitled to an additional 10 weeks of Emergency FMLA.*

Substitution of Paid Leave for the First Ten Days of Expanded Family Medical Leave

In accordance with the FFCRA, the first ten days of expanded family medical leave is unpaid, however you may be eligible to use Emergency Paid Sick Leave provided through the FFCRA to cover this period at 2/3 of full pay. In the event you have already used Emergency Paid Sick Leave, you are permitted to use available District-provided paid leave to cover this period at full pay. Please indicate if you would like to use paid leave during the first 10 days of your absence and how many hours you plan to use. Requested leave is subject to availability based on confirmation by the School District. If requesting Emergency Paid Sick Leave, please complete and submit an "Emergency Paid Sick Leave Request Form."

Emergency Sick Leave _____

Sick Leave _____

Personal Leave _____

Supplement 2/3 Pay with Accrued District Leave

Employees may choose to supplement the 2/3 pay provided through expanded family medical leave with accrued District leave to earn full compensation. Please indicate if you would like to use paid leave during your expanded family medical leave to supplement your 2/3 expanded family medical leave compensation. Requested leave is subject to availability based on confirmation by the District.

☐ Emergency Sick Leave ☐ Sick Leave ☐ Personal Leave

After completing the first ten days of expanded family medical leave, an employee may choose to take 10 weeks of continuous leave under expanded family medical leave for the reason indicated above. Continuous leave means the employee will not complete any District duties during this period but will be compensated based on the options selected above.

An employee may also choose to take 10 weeks of intermittent leave only with the District's permission. Intermittent leave means an employee will complete some District duties on a modified schedule as approved by the employee's supervisor. When using intermittent leave, the employee will receive full regular pay for hours worked and 2/3 of regular pay during periods on expanded family medical leave unless supplemented in a manner noted above.

I am requesting (choose one):

☐ continuous leave

☐ intermittent leave

If your need for leave is intermittent, please describe the requested schedule for your intermittent leave:

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

Signed _____

Date _____

Note: This type of emergency paid sick leave is only available through passage of the federal Families First Coronavirus Response Act and will expire on December 31, 2020. After that date, this exhibit should be removed from policy 409.2, as the benefit will no longer be available to employees.

Approved: July 28, 2020

Reviewed:

Revised:



LICENSED PERSONNEL VACATIONS AND TRIPS

The school calendar, as adopted by the board, establishes the school recess periods and holidays for licensed staff members employed on a school-year basis. The board of directors expects that staff members will schedule personal vacations and trips to coincide with the adopted school calendar and to not interfere with their contracted obligations.

The board does recognize that unforeseen circumstances merit special consideration. The board will consider granting leave for personal vacations and trips by licensed employees during the school contract year as governed by the Administrative Rules and Regulations affecting this policy providing that the leaves do not handicap the operation of the schools.

Legal Reference: Iowa Code § 1C; 4.1(34); 20

Cross Reference: 409 Licensed Employees Vacations & Leaves of Absence
601.1 School Calendar

Approved: October 22, 1990

Reviewed: October 11, 2021

Revised:



LICENSED PERSONNEL VACATIONS AND TRIPS

1. Leaves not to exceed five school days may be granted.
2. The employee will agree not to use personal leave to extend the leave beyond five days.
3. Such leaves will be without pay unless personal leave is used.
4. Such leaves shall be granted only after the employee has completed two consecutive years of service to the district.
5. Such leave will not be granted at the beginning or ending of the school year, just prior or following scheduled school vacations, and during periods in which parent conferences are scheduled.
6. Such leave shall be granted to an employee only once during a four year period.

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined as a twelve month period measured backward from the date an employee uses any family and medical leave. 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.

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

Legal Reference: Whitney v. Rural Ind. School. District, 232 Iowa 61, 4 N.W.2d 394 (1942).
 26 U.S.C. §§ 2601 *et seq.* (2006)
 29 C.F.R. Pt. 825 (2006).
 Iowa Code §§ 20; 85.33, .34, .38(3); 216; 279.40 (2015).
 1980 Op. Att'y Gen. 605.
 1972 Op. Att'y Gen. 177, 353.
 1952 Op. Att'y Gen. 91.

Cross Reference: 409.2 Licensed Employee Personal Illness Leave
 409.8 Licensed Employee Unpaid Leave
 414.3 Support Personnel Family and Medical Leave

Approved: November 27, 1995
Reviewed: October 28, 2019
Revised: May 11, 2015
Revised/Renamed/Renumbered: May 10, 2010

LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

BENEFITS AND PROTECTION

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

JOB ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

USE OF LEAVE

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule

LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken.

SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

EMPLOYEE RESPONSIBILITIES

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

EMPLOYER RESPONSIBILITIES

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Revised/Renamed/Renumbered: May 10, 2010

NORTH SCOTT COMMUNITY SCHOOL BOARD OF DIRECTORS

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

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

If you have access to the Internet visit FLMA's website: <http://www.dol.gov/whd/fmla>.

To locate your nearest Wage-Hour Office, phone our toll-free information at 1-866-487-9243 or to the Web site at: <http://www.wagehour.dol.gov>.

For a listing of records that must be kept by employers to comply with FMLA visit the U.S. Dept. of Labor's website: <https://www.dol.gov/whd/regs/compliance/whdfs21.pdf>

US Dept. of Labor – Revised July, 2009

Reviewed: October 28, 2019

Page 2 of 2



LICENSED PERSONNEL 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, 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:



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE REQUEST FORM

I anticipate returning to work at my regular schedule on _____.
____ reduced work schedule for the:

- _____ birth of my child or adoption or foster care placement subject to agreement by the district;
- _____ serious health condition of myself, 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 _____

Approved: June 24, 1996
Reviewed: October 28, 2019
Revised/Renamed/Renumbered: May 10, 2010



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

A. School district notice.

1. The school district will post the notice in Exhibit 403.13E1 regarding family and medical leave.
2. Information on the Family and Medical Leave Act and the board policy on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be in the employee handbook.
3. When an employee requests family and medical leave, the school district will provide the employee with information listing the employee's obligations and requirements. Such information will include:
 - a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement or 26 week entitlement depending on the purpose of the leave;
 - b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so or proof of call to active duty in the case of military family and medical leave;
 - c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution; and
 - d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.

B. Eligible employees.

Employees are eligible for family and medical leave if three criteria are met.

1. The school district has more than 50 employees on the payroll at the time leave is requested;
2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and
3. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

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



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

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.



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

- a. When required:
 - (1) Employees shall be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.
 - (2) Employees shall be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
 - (3) Employees shall be required to present certification of the call to active duty when taking military family and medical leave.
- b. Employee's medical certification responsibilities:
 - (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
 - (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.
 - (3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.
- c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.
- d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.

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

E. Entitlement.

- 1. Employees are entitled to twelve weeks unpaid family and medical leave per year. Employees taking military caregiver family and medical leave to care for a family service member are entitled to 26 weeks of unpaid family and medical leave but only in a single 12 month period.
- 2. Year is defined as rolling: measured forward from the first day leave is used, or measured backward from the date leave is used.
- 3. If insufficient leave is available, the school district may:



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

- a. Deny the leave if entitlement is exhausted
- b. Award leave available

F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.
2. Intermittent - employee requests family and medical leave for separate periods of time.
 - a. Intermittent leave is available for:
 - _____ birth of my child or adoption or foster care placement subject to agreement by the district;
 - _____ serious health condition of myself, 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, 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.



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

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.



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

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, and personal leave. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

Approved: June 24, 1996
Reviewed: October 28, 2019
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LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE DEFINITIONS

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

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

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

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

- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or
 - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a 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).



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE DEFINITIONS

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

Eligible Employee - the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

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

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

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

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

Health Care Provider-

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



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE DEFINITIONS

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.



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE DEFINITIONS

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 of, 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



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE DEFINITIONS

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.



LICENSED PERSONNEL FAMILY AND MEDICAL LEAVE DEFINITIONS

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

Approved: June 24, 1996
Reviewed: October 28, 2019
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**EMERGENCY PAID SICK LEAVE REQUEST FORM UNDER THE FAMILIES FIRST
CORONAVIRUS RESPONSE ACT (FFCRA)**

Name: _____

Anticipated Begin Date: _____

Expected Return to Work Date: _____

Employee Request for Leave at Full Pay

Employees satisfying one of the three standards noted below are eligible for two weeks of leave capped at 80 hours paid at the employee's full regular compensation rate. For a part-time employee it is the number of hours equal to the average number of hours that the employee works over a typical two-week period. Please select the applicable reason and follow the related instructions.

I am unable to work or telework for the following reasons:

- ☐ I am quarantined pursuant to Federal, State, or local government order.
- ☐ I am quarantined on the advice of a health care provider due to COVID-19 concerns.
- ☐ I am experiencing COVID-19 symptoms and seeking a medical diagnosis.

Please attach the applicable government order or documentation from medical provider corresponding to the item(s) selected. If you are experiencing symptoms and seeking a medical diagnosis, please identify your symptoms and the date of your medical appointment.

Employee Request for Leave at 2/3 Pay

Employees satisfying one of the three standards noted below are eligible for two weeks of leave capped at 80 hours paid at the 2/3 of the employee's regular compensation rate. For a part-time employee it is the number of hours equal to the average number of hours that the employee works over a typical two-week period. Please select the applicable reason and follow the related instructions.

I am unable to work or telework for the following reasons:

- ☐ I need to care for an individual subject to quarantine pursuant to Federal, State, or local government order or advice of a health care provider due to COVID-19. I represent that no other person will be providing care for the individual during the period for which the I am receiving Emergency Paid Sick Leave.

Please attach the applicable government order or documentation from medical provider.

- ☐ I am experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

Please attach the applicable government order or documentation from medical provider.

____ I am unable to work or telework because I need to care for my child under age 18 because my child's elementary or secondary school, childcare provider, or child's place of care has been closed or is unavailable due to COVID-19. During this period of unavailability or closure, I represent that no other person will be providing care for my child during the period for which I am receiving Emergency Paid Sick Leave.

If the age of one or more of the children is between 14 and 18, the following special circumstances exist requiring me to care for the child during daylight hours:

Please attach notice or documentation related to the unavailability of the school, daycare, place of care or person providing care to the child. The District reserves the right to request confirmation regarding the nature of the closure or unavailability.

If you are requesting 2/3 paid leave in conjunction with Expanded Family Medical Leave to care for a child under the age of 18 affected by school or care closure due to COVID-19, please complete the "Expanded Family and Medical Leave Request Form" to submit with this form.

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

Signed: _____

Date: _____

Note: This type of emergency paid sick leave is only available through passage of the federal Families First Coronavirus Response Act and will expire on December 31, 2020. After that date, this exhibit should be removed from policy 409.2, as the benefit will no longer be available to employees.

Approved: July 28, 2020
Reviewed:
Revised:



SUBSTITUTE TEACHERS

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

It shall be the responsibility of central office personnel to maintain a list of substitute teachers who may be called upon to replace regular contract licensed personnel. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent.

Substitute teachers will be paid at a rate set by the board annually. Substitute teachers are expected to perform the same duties as the regular teachers.

Legal Reference: Iowa Association of School Boards and Iowa State Education Association v. PERB,
 400 N.W.2d 571 (Iowa 1989).
 Iowa Code §§20.1, .4(5), .9, (2015).
 281 Iowa Admin. Code 12.4.

Cross Reference:	405.1	Licensed Personnel Defined
	405.2	Licensed Personnel Qualifications, Recruitment, Selection
	405.6	Licensed Personnel Probationary Status
	406	Licensed Personnel Compensation and Benefits

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: July 27, 1992



SHARED LICENSED PERSONNEL

The board may make arrangements for sharing school district personnel with neighboring school districts in order to expand the opportunities available in the educational program and the operation of the school district. It shall be within the discretion of the board to determine when and with which school district sharing agreements will be made.

It shall be the responsibility of the superintendent to bring to the board's attention opportunities for sharing school district personnel with neighboring school districts.

Legal Reference: Iowa Code §§28E, 256.11-.12, 257.11, 280.15, 282.7(1), (2015).

Cross Reference: 606.1 Shared Students

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised:



SUMMER SCHOOL LICENSED PERSONNEL

The North Scott 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 educational 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 shall be the responsibility of the superintendent to make a recommendation to the board regarding the need for and the delivery of the summer educational program.

Legal Reference: Iowa Code §§279.8, 280.14

Cross Reference: 505.3 Student Promotion – Retention – Acceleration
 603.2 Summer School Instruction
 907 Other Interdistrict Relations

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: January 22, 2018

STUDENT TEACHERS - INTERNSHIPS

The board will cooperate with post-secondary educational institutions to assist in the practical preparation of teachers and other licensed personnel positions. Student teachers and other student internships may be accepted for duties in the school district.

Licensed personnel shall not be required to accept student teachers or student interns. Teachers may be allowed to have student teachers or student interns upon approval of the superintendent.

It shall be the responsibility of the superintendent to make arrangements with the post-secondary educational institutions for student teachers and student internships. Such arrangements shall safeguard the interest of the student teachers and student interns, the post-secondary educational institution, and the school district.

It shall be the responsibility of the post-secondary educational institution to provide sufficient supervision over the work of these student teachers to make their presence profitable.

Legal Reference: Iowa Code §272.27 (2015).
281 Iowa Admin. Code 77.
1936 Op. Att’y Gen. 462.
1974 Op. Att’y Gen. 6, 7415.

Cross Reference: 907 Other Interdistrict Relations

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:

SUPPORT PERSONNEL DEFINED

Support personnel are those school district employees who are not administrators or personnel in positions which require teaching certification. Support personnel shall include, but not be limited to, teacher and classroom aides, custodial and maintenance employees, clerical employees, food service employees, bus drivers, and extra help for summer or other maintenance. Support personnel may be hired on a full-time or part-time basis.

It shall be the responsibility of the superintendent to establish job specifications and job descriptions for support personnel positions. Job descriptions shall be approved by the board.

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

Legal Reference: Iowa Code §§20, 279.8

Cross Reference: 405.1 Licensed Personnel Defined
411.2 Support Personnel Qualifications, Recruitment, Selection

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: June 12, 2006

SUPPORT PERSONNEL QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a support personnel position will have an opportunity to apply and qualify for support personnel positions in the school district without regard to age, race, color, sex, national origin, religion, sexual orientation, gender identity, marital status, or disability. Job applicants for support personnel positions shall 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, a state or other license or certificate, if required, for the position.

Announcement of the position will be through means the superintendent believes will inform potential applicants about the position. Applications for employment may be completed online at https://www.applitrack.com/bns/onlineapp/_application.aspx?starting=true or obtained from the school district administrative office. Completed applications shall be returned to the school district administrative office. Whenever possible, the preliminary screening of applicants will be conducted by the school district employee who directly supervises and oversees the position.

The superintendent has the authority to hire support personnel. Such employment shall be subject to the board's approval at its next meeting when the superintendent shall present the names and salaries of the employees to the board. The superintendent also has authority to sign individual contracts if applicable.

Legal Reference: 29 U.S.C. §§621-634 (2004).
42 U.S.C. §2000e et seq. (2004).
42 U.S.C. §§12101 et seq. (2004).
Iowa Code §§35C, 216, 279.8, 294.1

Cross Reference: 401.2 Equal Employment Opportunity
411.1 Support Personnel Defined
411.3 Support Personnel Contracts
411.4 Support Personnel Licensing/Certification

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: April 24, 2017

SUPPORT PERSONNEL EMPLOYMENT

Support personnel, with the exception of bus drivers, shall be employed on an “at will” basis, documented by a letter of assignment. Bus drivers who are employed on a regular basis will be employed pursuant to written contracts. The letter of assignment or the contract will state the terms of employment.

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

It shall be the responsibility of the superintendent to draw up and process the support personnel terms of employment. The contracts issued to bus drivers, after being signed by the board president, shall be filed with the board secretary.

The superintendent may employ substitute and temporary support personnel.

Legal Reference: Iowa Code §§20, 279.7A, 285.5(9) (2015).

Cross Reference:	203	Board of Directors Member Conflicts of Interest
	405.2	Licensed Personnel Qualifications, Recruitment, Selection
	411.2	Support Personnel Qualifications, Recruitment, Selection
	411.5	Support Personnel Assignment and Probationary Status

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: June 12, 2006

SUPPORT PERSONNEL LICENSING/CERTIFICATION

Support employees who require special license or other certification shall keep such licenses current at the employee's own expense. The requirements for a license needed for a position will be considered met if the employee meets the requirements established by law and by the State Department of Education for the position.

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

Cross Reference: 411.2 Support Personnel Qualifications, Recruitment, Selection

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: July 27, 1992

SUPPORT PERSONNEL ASSIGNMENT

The assignment of each support employee is the responsibility of the superintendent and within the superintendent's sole discretion. In making such assignments, the superintendent shall consider the qualifications of each support employee and the needs of the school district. It shall be the responsibility of the superintendent to assign support employees and report such assignments to the board.

Legal Reference: Iowa Code §§20, 279.8 (2015).

Cross Reference:	200.3	Powers of the Board of Directors
	200.4	Responsibilities of the Board of Directors
	405.6	Licensed Personnel Probationary Status
	411.3	Support Personnel Contracts

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised: June 12, 2006

SUPPORT PERSONNEL EVALUATION

In order to insure a high quality of performance and retention of support personnel and to advance the instructional programs of the North Scott Community School District, an ongoing program of evaluation shall be established. It shall be the responsibility of the superintendent and the administrative staff to evaluate all support personnel based on the following criteria:

1. Performance Responsibilities
2. Understanding Job Duties
3. Attendance
4. Attitude/Cooperation

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, (2015).
 281 Iowa Admin. Code 12.3(4).

Cross Reference: 411.2 Support Personnel Qualifications, Recruitment, Selection

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: February 9, 2009

SUPPORT PERSONNEL SUBSTITUTES

The superintendent may employ substitute and temporary support personnel.

Legal Reference: Iowa Code §§20.9, 279.8 (2015).

Cross Reference: 411 Support Personnel - General

Approved: October 22, 1990

Reviewed: October 28, 2019

Revised:

SUPPORT PERSONNEL RESIGNATION AND RETIREMENT

Support employees who wish to be released from employment must give two weeks written notice to the superintendent.

Support personnel may apply for retirement. No support employee will be required to retire at any specific age.

Application for retirement will be considered made when the support employee states in writing to the superintendent the intent of the employee to retire.

Legal Reference: Iowa Code §§91A.2, .3, .5, 97B, 216, 279, .19A, 285.5(9) (2015).
29 U.S.C. §§621 et seq. (1988).
581 I.A.C. 21.
1974 Op. Att’y Gen. 11.
1974 Op. Att’y Gen. 322.
1978 Op. Att’y Gen. 247.

Cross Reference: 405.3 Licensed Personnel Individual Contracts
405.4 Licensed Personnel Continuing Contracts
407.2 Licensed Personnel Resignation and Retirement
407.3 Licensed Personnel Early Retirement
413.1 Support Personnel Resignation and Retirement

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised:

SUPPORT PERSONNEL SUSPENSION

Support personnel shall perform their assigned job, respect and follow board policy, and obey the law. The superintendent is authorized to suspend a support employee with or without pay pending board action on a recommendation to terminate the employee's employment with the district or during an investigation of charges against the employee or for disciplinary purposes. It shall be within the discretion of the superintendent to suspend a support employee with or without pay.

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765 (Iowa 1989).
 McFarland v. Board of Education, 277 N.W.2d 901 (Iowa 1979).
 Iowa Code §§20.7, .24 (2015).

Cross Reference: 407.4 Licensed Personnel Suspension

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: June 12, 2006

SUPPORT PERSONNEL TERMINATION OF EMPLOYMENT

The board believes support personnel should perform their jobs, respect and follow board policy, and obey the law. A support employee may be dismissed upon fourteen days notice or immediately for proper cause.

It shall be the responsibility of the superintendent to make a recommendation for termination of the employee's employment with the district to the board. A support employee's employment with the district may be terminated for any reason, including, but not limited to, incompetence, neglect of duty, reduction in force, violation of board policy or administrative regulations, or a violation of the law.

Legal Reference: Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765 (Iowa 1989).
 McFarland v. Board of Education, 277 N.W.2d 901 (Iowa 1979).
 Iowa Code §§20.7, .24 (2015).

Cross Reference: 407.4 Licensed Personnel Suspension

Approved: June 12, 2006
Reviewed: October 28, 2019
Revised:

SUPPORT PERSONNEL PROFESSIONAL GROWTH

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

It shall be within the discretion of the superintendent to grant professional 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 school business, or for other reasons deemed relevant by the superintendent.

Legal Reference: Iowa Code §279.8 (2015).

Cross Reference: 414 Support Personnel Vacations and Leaves of Absence
414.1E1 Professional Leave Request

Approved: October 22, 1990
Reviewed: October 28, 2019
Revised: June 26, 1995

SUPPORT PERSONNEL VACATIONS AND TRIPS

The school calendar, as adopted by the board, establishes the school recess periods and holidays for support staff members employed on a school-year basis. The board of directors expects that full-time staff members, who are employed 30 hours or more per week and less than 260 days per year, will schedule personal vacations and trips to coincide with the adopted school calendar and to not interfere with their contracted obligations.

The board does recognize that unforeseen circumstances merit special consideration. The board will consider granting leave for personal vacations and trips by support personnel during the school contract year as governed by the Administrative Rules and Regulations affecting this policy providing that the leaves do not handicap the operation of the schools.

Legal Reference: Iowa Code §§ 1C; 4.1(34); 20

Cross Reference: 409 Licensed Personnel Vacations & Leaves of Absence

Approved: April 23, 2007

Reviewed: October 28, 2019

Revised:

SUPPORT PERSONNEL VACATIONS AND TRIPS REGULATION

1. Leaves not to exceed five school days may be granted.
2. If available, personal leave must be used prior to, or in conjunction with, such leaves.
3. The employee will agree not to use personal leave to extend the leave beyond five days.
4. Such leaves will be without pay unless personal leave is used.
5. Such leaves shall be granted only after the employee has completed two consecutive years of service to the district.
6. Such leave will not be granted at the beginning or ending of the school year, or just prior or following scheduled school vacations.
7. Such leave shall be granted to an employee only once during a four year period.

Approved: April 23, 2007
Reviewed: October 28, 2019
Revised:

SUPPORT PERSONNEL FAMILY AND MEDICAL LEAVE

Unpaid family and medical leave will be granted up to 12 weeks per year to assist employees in balancing family and work life. For purposes of this policy, year is defined as a twelve month period measured backward from the date an employee uses any family and medical leave. 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.

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

Legal Reference: Whitney v. Rural Ind. School. District, 232 Iowa 61, 4 N.W.2d 394 (1942).
 26 U.S.C. §§ 2601 *et seq.* (2006)
 29 C.F.R. Pt. 825 (2006).
 Iowa Code §§ 20; 85.33, .34, .38(3); 216; 279.40 (2015).
 1980 Op. Att'y Gen. 605.
 1972 Op. Att'y Gen. 177, 353.
 1952 Op. Att'y Gen. 91.

Cross Reference: 409.3 Licensed Employee Family and Medical Leave
 414.2 Classified Employee Personal Illness Leave
 414.8 Classified Employee Unpaid Leave

Approved: May 10, 2010
Reviewed: October 28, 2019
Revised: May 11, 2015

SUPPORT PERSONNEL FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

BENEFITS AND PROTECTION

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

JOB ELIGIBILITY REQUIREMENTS

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

DEFINITION OF SERIOUS HEALTH CONDITION

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

USE OF LEAVE

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule

SUPPORT PERSONNEL FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken.

SUBSTITUTION OF PAID LEAVE FOR UNPAID LEAVE

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

EMPLOYEE RESPONSIBILITIES

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

EMPLOYER RESPONSIBILITIES

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Revised/Renamed/Renumbered: May 10, 2010
NORTH SCOTT COMMUNITY SCHOOL BOARD OF DIRECTORS

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

UNLAWFUL ACTS BY EMPLOYERS

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

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

If you have access to the Internet visit FLMA's website: <http://www.dol.gov/whd/fmla>.

To locate your nearest Wage-Hour Office, phone our toll-free information at 1-866-487-9243 or to the Web site at: <http://www.wagehour.dol.gov>.

For a listing of records that must be kept by employers to comply with FMLA visit the U.S. Dept. of Labor's website:
<https://www.dol.gov/whd/regs/compliance/whdfs21.pdf>

US Dept. of Labor – Revised July, 2009

Reviewed: October 28, 2019
Page 2 of 2

SUPPORT PERSONNEL 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, 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 _____.

SUPPORT PERSONNEL 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, 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 _____

Approved: May 10, 2010
Reviewed: October 28, 2019
Revised:

SUPPORT PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

A. School district notice.

1. The school district will post the notice in Exhibit 414.13E1 regarding family and medical leave.
2. Information on the Family and Medical Leave Act and the board policy on family and medical leave, including leave provisions and employee obligations will be provided annually. The information will be in the employee handbook.
3. When an employee requests family and medical leave, the school district will provide the employee with information listing the employee's obligations and requirements. Such information will include:
 - a. a statement clarifying whether the leave qualifies as family and medical leave and will, therefore, be credited to the employee's annual 12-week entitlement or 26 week entitlement depending on the purpose of the leave;
 - b. a reminder that employees requesting family and medical leave for their serious health condition or for that of an immediate family member must furnish medical certification of the serious health condition and the consequences for failing to do so or proof of call to active duty in the case of military family and medical leave;
 - c. an explanation of the employee's right to substitute paid leave for family and medical leave including a description of when the school district requires substitution of paid leave and the conditions related to the substitution; and
 - d. a statement notifying employees that they must pay and must make arrangements for paying any premium or other payments to maintain health or other benefits.

B. Eligible employees.

Employees are eligible for family and medical leave if three criteria are met.

1. The school district has more than 50 employees on the payroll at the time leave is requested;
2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and
3. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

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

SUPPORT PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

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.

SUPPORT PERSONNEL FAMILY AND MEDICAL LEAVE REGULATION

2. Medical certification.

- a. When required:
 - (1) Employees shall be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.
 - (2) Employees shall be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
 - (3) Employees shall be required to present certification of the call to active duty when taking military family and medical leave.
- b. Employee's medical certification responsibilities:
 - (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
 - (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.
 - (3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.
- c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.
- d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.

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

E. Entitlement.

- 1. Employees are entitled to twelve weeks unpaid family and medical leave per year. Employees taking military caregiver family and medical leave to care for a family service member are entitled to 26 weeks of unpaid family and medical leave but only in a single 12 month period.
- 2. Year is defined as rolling: measured forward from the first day leave is used, or measured backward from the date leave is used.

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

F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.
2. Intermittent - employee requests family and medical leave for separate periods of time.
 - a. Intermittent leave is available for:
 - _____ birth of my child or adoption or foster care placement subject to agreement by the district;
 - _____ serious health condition of myself, 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, 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.*)

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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.

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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, and personal 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.

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

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

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

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

- A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves:
 - treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or in referral by, a health care provider; or
 - treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of a 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).

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

Eligible Employee - the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

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

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

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

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

Health Care Provider-

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

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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.

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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 of, 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

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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.

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

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