

**ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES**

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

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

Board policies in this series relating to general employees will apply to employees regardless of their position as a licensed employee, classified employee, substitute or administrator. Board policies relating to licensed employees will apply to positions that require a teaching license or administrator's certificate or other professional license, certificate or endorsement, unless administrative positions are specifically excluded from the policy or a more specific policy is in the 300 Series, Administration. Classified employees' policies included in this series will apply to positions that do not fall within the definition of licensed employee.

Approved 6-21-18 Revised 5-10-18

## **CODE OF ETHICS**

### **Preamble**

The educator believes in the worth and dignity of man. He recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic citizenship. He regards as essential to these goals the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts his responsibility to practice his profession according to the highest ethical standards.

The educator recognizes the magnitude of the responsibility he has accepted in choosing a career in education, and engages himself, individually and collectively with other educators, to judge his/her colleagues, and to be judged by them, in accordance with the provisions of this code.

### **COMMITMENT TO THE STUDENT**

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

In fulfilling his/her obligation to the student, the educator . . . . .

1. shall not without just cause restrain the student from independent action in his pursuit of learning, and shall not without just cause deny the student access to varying points of view.
2. shall not deliberately suppress or distort subject matter for which he/she bears responsibility.
3. shall make reasonable effort to protect the student from conditions harmful to learning or to health and safety.
4. shall conduct professional business in such a way that he/she does not expose the student to unnecessary embarrassment or disparagement.
5. shall not on the ground of race, color, creed, or national origin exclude any student from participation in or deny him/her benefits under any program, not grant any discriminatory consideration or advantage.
6. shall not use professional relationships with students for private advantage.
7. shall keep in confidence information that has been obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
8. shall not tutor for remuneration students assigned to his/her classes, unless no other qualified teacher is reasonably available.

Approved 6-21-18 Revised 5-10-18

**CODE OF ETHICS**

**COMMITMENT TO THE PUBLIC**

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

In fulfilling his/her obligation to the public, the educator . . . . .

1. shall not misrepresent an institution or organization with which he/she is affiliated, and shall take adequate precautions to distinguish between his/her personal and institutional or organizational views.
2. shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions.
3. shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
4. shall not use institutional privileges for private gain or to promote political candidates or partisan political activities.
5. shall accept no gratuities, gifts or favors that might impair or appear to impair professional judgment, not offer any favor, service, or thing of value to obtain special advantage.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The Twin Rivers Community School District shall provide equal opportunity to employees and applicants for employment in accordance with applicable equal employment opportunity and affirmative action laws, directives and regulations of federal, state and local governing bodies. Opportunity to all employees and applicants for employment includes hiring, placement, promotion, transfer or demotion, recruitment, advertising or solicitation for employment, treatment during employment, rates of pay or other forms of compensation, and layoff or termination. The school district shall 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 shall be given notice of this policy annually.

The board shall appoint an affirmative action coordinator. The affirmative action coordinator shall have the responsibility for drafting the affirmative action plan. The affirmative action plan shall 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 shall consider the qualifications, credentials, and records of the applicants without regard to race, color, creed, sex, national origin, religion, age, sexual orientation, gender identity, marital status or disability. In keeping with the law, the board shall consider the veteran status of applicants.

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

Advertisements and notices for vacancies within the district shall contain the following statement: "The Twin Rivers Community School District is an equal employment opportunity/affirmative action employer." The statement shall 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, shall be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Assistant Finance Manager, Humboldt/Twin Rivers Community School District, [lhul@humboldt.k12.ia.us](mailto:lhul@humboldt.k12.ia.us); 23 3<sup>rd</sup> St N Dakota City, IA 50529; or by telephoning 515-332-1330.

Approved 6-21-18 Revised 5-10-18

## **EQUAL EMPLOYMENT OPPORTUNITY**

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

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

Legal Reference: 29 U.S.C. §§ 621-634 (2012).  
42 U.S.C. §§ 12101 et seq. (2012).  
Iowa Code §§ 19B; 20; 35C; 73; 216; 279.8  
281 I.A.C. 12.4; 95.  
28 I.A.C. 14.1. 2000.

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

## **EMPLOYEE CONFLICT OF INTEREST**

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

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

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

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

- (1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district's badge, uniform, business card or other evidences of office to give the employee or the employee's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to an employee who is employed by the school district.

**EMPLOYEE CONFLICT OF INTEREST**

- (2) The outside employment or activity involves the receipt of, promise of, or acceptance of more or other consideration by the employee or a member of the employee's immediate family from anyone other than the school district for the performance of any act that the employee would be required or expected to perform as part of the employee's regular duties or during the hours during which the employee performs service or work for the school district.
- (3) The outside employment or activity is subject to the official control, inspection, review, audit or enforcement authority of the employee during the performance of the employee's duties.

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

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

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

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

Legal Reference: 7 C.F.R. 3016.36(3)  
Iowa Code §§ 20.7; 68B; 279.8; 301.28 (2013).

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

Approved 6-21-18       Revised 5-10-18

**NEPOTISM**

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

The employment by the board of more than one individual in a family shall be on the basis of their qualifications, credentials and records. It shall be the policy of the Twin Rivers Community School to notify the Board in writing prior to consideration of family members for employment.

Legal Reference: Iowa Code §§ 20; 71; 277.27; 279.8 (2013).

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

Approved 6-21-18 Revised 5-10-18



**EMPLOYEE COMPLAINTS**

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

Guidelines for staff will be in District Handbook.

Legal Reference: Iowa Code §§ 20.7, .9; 279.8 (2013).

Cross Reference: 307 Communication Channels

Approved 6-21-18 Revised 5-10-18

**EMPLOYEE RECORDS**

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

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

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

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

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

Legal Reference: Iowa Code chs. 20; 21; 22; 91B (2013).

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

Approve 6-21-18

Revised 5-10-18

## **EMPLOYEE RECORDS REGULATION**

### Employee Personnel Records Content

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

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).
4. Leave records, including sick leave, will be maintained in a separate annual file.

## **EMPLOYEE RECORDS REGULATION**

### **Applicant File Records Content**

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

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

### **Record Access**

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

### **Employee Record Retention**

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

Approved 6-21-18 Revised 5-10-18

## **EMPLOYEE TRAVEL COMPENSATION**

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

### **Travel Outside the School District**

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

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

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

Pre-approved expenses for transportation within three-hundred miles of the school district administrative office shall be by automobile. If a school district vehicle is not available, the employee will be reimbursed 40 cents per mile. Pre-approved expenses for transportation outside of three-hundred miles of the school district administrative office may be by public carrier. Reimbursement for air travel shall be at the tourist class fares. Should an employee choose to travel by automobile, reimbursement shall be limited to the public carrier amount. Pre-approved expenses for transportation in a rental car is limited to the cost of a Class "C" rental car at a medium priced agency unless the number of people traveling on behalf of the school district warrants a larger vehicle.

## **EMPLOYEE TRAVEL COMPENSATION**

### Travel Within the School District

Employees required to travel in their personal vehicle between school district buildings to carry out the duties of their position may be reimbursed at 40 cents per trip. It shall be the responsibility of the superintendent to approve travel within the school district by employees. It shall be the responsibility of the board to review the travel within the school district by the superintendent through the board's audit and approval process.

Employees who are allowed an in-school 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.

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

### Travel Out-of-State

All out-of-state travel must be pre-approved. Actual and necessary travel expenses shall include, but not be limited to, transportation and/or mileage costs, lodging expenses, meal expenses and registration costs.

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

Pre-approved expense for lodging outside the state is limited to the rate of a medium priced hotel in that area. Lodging may be pre-approved for a larger amount if special circumstances require the employee to stay at a particular hotel. Pre-approved expenses for meals outside the state are limited to \$15 for breakfast, \$20 for lunch and \$30 for dinner. Meals may be approved for a larger amount by the board.

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

#### Legal Reference:

Iowa Constitution, Art.III, §31.

Iowa Code §§ 70A.9-.11 (2013).

1980 Op. Att'y Gen. 512.

#### Cross Reference:

216.3 Board of Director's Member Compensation and Expenses

401.6 Transporting of Students by Employees

401.10 Credit Cards

904.1 Transporting Students in Private Vehicles

Approved 6-21-18 Revised 5-10-18

**TWIN RIVERS COMMUNITY SCHOOL BOARD OF DIRECTORS**

**RECOGNITION FOR SERVICE OF EMPLOYEES**

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

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

Legal Reference: Iowa Const. Art. III, § 31.  
Iowa Code § 279.8 (2013).  
1980 Op. Att'y Gen. 102.

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

Approved 6-21-18 Revised 5-10-18

**EMPLOYEE POLITICAL ACTIVITY**

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

Violation of this policy may be grounds for disciplinary action.

Legal Reference: Iowa Code §§ 55; 279.8 (2013).

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

Approved 6-21-18 Revised 5-10-18



**CREDIT CARDS**

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

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

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

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

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

Legal Reference: Iowa Constitution, Art. III, § 31.  
Iowa Code §§ 279.8, .29, .30 (2013).  
281 I.A.C. 12.3(1).

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

Approved 6-21-18 Reviewed 5-10-18

**EMPLOYEE USE OF CELL PHONES**

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

The Twin Rivers School Board authorizes the purchase and employee use of cell phones as deemed appropriate by the superintendent. School district-owned cell phones shall be used for authorized school district business purposes, consistent with the school district's mission and goals. Personal use of cell phones is prohibited except in emergency situations. Any expenses incurred for such personal use shall be reimbursed to the school district.

Use of cell phones in violation of board policies, administrative regulations, and/or state/federal laws will result in discipline, up to and including dismissal, and referral to law enforcement officials, as appropriate.

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 phone 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 or during prep time or break/lunch times. Employees, except for bus drivers, see below, are prohibited from using cell phones while driving except in the case of an emergency.

Cell phones are not to be used for conversations involving confidential information. Twin Rivers school district-provided cell phones devices are not to be loaned to others.

School bus drivers are prohibited from using any communication device while operating the bus except in the case of an emergency, or to call for assistance, after the vehicle has been stopped.

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](http://www.irs.gov/irb/2009-23_IRB/ar07.html)  
Iowa Code § 279.8, 321.276 (2013)

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

Approved \_\_\_\_\_ Revised 5-10-18

**EMPLOYEE USE OF CELL PHONES REGULATION**

Cell phone Usage

1. Cell phones shall be used in a manner that does not disrupt instruction and should not be used during school-sponsored programs, meetings, in-services, or other events where there exists a reasonable expectation of quiet attentiveness unless there is a reason of personal health or safety involved.
2. Cell phones should not be used to transmit confidential information either verbally or written.
3. Employees are prohibited from using a cell phone while driving for district purposes, unless in the case of an emergency, unless the vehicle has come to a complete stop.
4. Cell phones are provided specifically to carry out official school district business when other means of communications are not readily available. These devices may not be used for routine personal communications except in emergencies.
5. Personal use of school district-provided cell phones is limited to making or receiving calls for family emergency purposes, including contacting a family member or child care provider to advise that the employee is going to be late arriving home or picking up children for a reason directly related to his/her official school district duties, i.e., a meeting which runs later than expected or a last minute schedule change. Whenever possible, such calls should be made or received on school district or other public telephones.
6. Employees issued a cell phone are responsible for its safekeeping at all times. Defective, lost or stolen cell phones are to be reported immediately to the superintendent who will in turn notify the service provider. Reckless or irresponsible use of school district equipment, resulting in loss or damage may result in the employee having to reimburse the school district for any associated costs of replacement or repair.
7. Cell phones and any other school district issued communication equipment issued for employees are to be returned to the board secretary at the conclusion of the school year, activity or as otherwise specified or immediately upon request.

***Cell Phone Authorization*** - *School district-provided cell phones may be purchased and authorized for staff use in accordance with the following guidelines:*

## **EMPLOYEE USE OF CELL PHONES REGULATION**

Cell phones may be assigned or made available on a temporary basis, by the superintendent, when it is determined:

1. The assignment of a cell phone device to the employee is a prudent use of school district resources;
2. The employee's job responsibilities requires the ability to communicate frequently and access to a school district or public telephone is not readily available.
3. The employee's job involves situations where immediate communication is necessary to ensure the safety of individuals and security of school district property.

### **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.

1. 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.
2. On a monthly basis all personal calls on a district-provided cell phone are to be highlighted on the billing statement by the user. A notation for each highlighted entry indicating the nature of the call is required. The cost of all personal calls made/received by a employee are to be totaled and a check written for the amount to the school district. 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.

**STAFF TECHNOLOGY USE/SOCIAL NETWORKING**

Computers are a valuable education and research tool and, as such, are an important part of the instructional program. The school district depends upon computers as an integral part of administering and managing the school's resources and instructional programs. The board expects all users to demonstrate responsible digital citizenship. Users must conduct themselves in a manner that does not disrupt the educational process and failure to do so will result in disciplinary action.

General Provisions

The superintendent, working with appropriate staff, shall establish regulations governing the use and security of the school district's computer resources. The school district will make every reasonable effort to maintain the security of the system. All users of the school district's computer 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.

Usage of the school district's computer resources is a privilege, not a right. All information on the school district's computer system is considered the property of the school district. Users of the school district's computer network must not expect, nor does the school district guarantee privacy. The school district reserves the right to access and view any material stored, shared or accessed on school district equipment or provided services.

Personal network devices may be allowed to connect to the district network and devices. When connecting personally owned devices of any nature to district equipment and networks, prior approval of the site administrator is needed. Staff and students seeking to connect their devices to district equipment and networks agree that the contents of these personal devices may be inspected by district personnel on request and in accordance with this policy.

Users will not access, upload, download, transmit or distribute obscene, profane, abusive, threatening or sexually explicit material, or material encouraging the toleration or promotion of discrimination towards, individuals or groups of individuals based upon age, race, creed, color, gender, sexual orientation, gender identity, socioeconomic status, national origin, religion or disability or any other protected trait or characteristic.

Users will make every effort to protect district equipment from physical and electronic damage. The district reserves the right to charge a student or staff member for physical, electronic or software damages. Fines, other charges and/or loss of privileges may be imposed as a result of misuse or damage to these technology resources.

A good digital citizen:

1. Uses technology resources in a manner consistent with the district's educational mission and policies, as well as in compliance with state and federal laws and regulations.
2. Respects the property and privacy of themselves and others by safeguarding personal information, electronic storage, passwords, etc.
3. Remains ever mindful of wise, ethical, and efficient use of resources, refraining from wasteful or unauthorized data transfer or personal use of district technology.
4. Makes every effort to protect all equipment, software and hardware, from physical and electronic damage.
5. Respects the intellectual property of others.
6. Does not use district technology resources to harass, insult, attack, threaten harm, or cause embarrassment to others.

Legal Reference: Iowa Code § 279.8 (2013).  
281 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 6-21-18 Revised 5-10-18

**Use of Social Media and Other Electronic Communication**

The Twin Rivers Community School District recognizes and encourages the use of social media as an educational and communication tool. The District also recognizes that the lines between educational and personal use of social media can be confusing. In all instances it is important that employees and students conduct themselves in such a way that their educational or personal use of social media does not adversely affect their status with the District. Just as the District encourages the use of social media, the District also encourages employees and students to use good and sound practices when using social media.

The purpose of this policy is to establish protocols for the use of social media by employees and students as well as to outline expectations for its use. These protocols are in place regardless of whether access to any social media is through a District-owned computer or other electronic device. For purposes of this policy, "social media" is any form of online publication or presence that allows interactive communication, including, but not limited to, social networking websites such as Facebook, YouTube, Twitter, Instagram, Yik Yak, Snap Chat or similar sites now or in the future. In addition, personal web pages or blogs, educational networking sites, email, texting, instant messaging, and other electronic communication fall under this policy as well.

*Expectations for All Use of Social Media and Other Electronic Communication:*

- Employees and students should understand and abide by the social media site's policies and terms of use.
- Employees and students should understand that they are personally responsible for the content they post or otherwise publish on social media. Only predetermined staff members are to act as representatives of or spokespersons for the District.
- Employees and students should not post or otherwise publish content that is deemed defamatory or obscene or which constitutes an incitement to imminent violence or a true threat, or which violates copyright or other intellectual property laws.
- Employees and students should be careful about the type and amount of personal information they provide on social media.
- Employees and students should not post or otherwise publish confidential or protected information about the District, its employees, or students. Disclosure of confidential or protected information may result in liability for invasion of privacy or defamation.
- Employees and students should set and maintain appropriate social networking privacy settings. Be aware that social media sites can change their privacy policies and standards at any time, possibly exposing posts that employees and students believed were private to the public.

*Expectations for Educational Use of Social Media and Other Electronic Communication:*

- Employees and students accessing social media or other electronic communication through a District-owned computer or other electronic device or network are subject to applicable laws and District policies and rules regarding acceptable use of such District-owned resources, including, but not limited to, the Districts Acceptable Use Policies(Code No. 401.13, 401.14, 605.6)
- Employees and students accessing social media or other electronic communication at school are subject to District policies and rules regarding appropriate conduct. It is important to remember that infractions prohibiting certain types of communication, such as bullying and harassment, also apply to electronic communication. Behavior that is inappropriate in face-to-face interactions with others at school should be considered inappropriate online.
- Employees may create a social media site for a school, class, or program only with the prior approval of the District Superintendent or designee. No school logos, mascots, photographs of the facilities, or other such graphic representations or images associated with the District may be used without permission.

*Expectations for Personal Use of Social Media and Other Electronic Communication:*

**Use of Social Media and Other Electronic Communication**

- Employees should carefully consider the pros and cons, potential difficulties, and additional responsibilities that may be involved if they accept current District students as “friends” or “follow” them on social media. Employees are expected to maintain appropriate professional boundaries in their electronic communications with students.
- Employees should consider whether a particular posting on social media or other electronic communication puts their professional reputation and effectiveness as a District employee at risk.
- Students should consider that their social media or other electronic communication use may result in disruption at school and the school may need to get involved.
- Employees should be aware that social media activity can impact their employment, such as if that activity is illegal, in violation of board policies, has a negative impact on the efficient operation of the school district, or impacts the ability of an individual to do or return to his/her job.
- Sharing of information via social media that impedes or interferes with an ongoing or current investigation by District officials regarding an employee or student is prohibited.

Employees and students found to have engaged in inappropriate use of social media or other electronic communication may be subject to disciplinary action by the District, up to and including termination and expulsion.

Approved 6-21-18 Revised 5-10-18

**Use of Social Media and Other Electronic Communication  
Policy Acknowledgement**

I, the undersigned student/employee, hereby acknowledge that I have received a copy of the Twin Rivers Community School District’s Board Policy on Use of Social Media and Other Electronic Communication. District policies and rules regarding acceptable use are including, but not limited to, the Districts Acceptable Use Policies (Code No. 401.13, 401.14, 605.6)

I have read and understand its terms.

Student Signature \_\_\_\_\_

Date \_\_\_\_\_

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

Date \_\_\_\_\_

Print Name: \_\_\_\_\_



**RELEASE OF CREDIT INFORMATION**

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

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

Legal Reference: Iowa Code §§ 22.7; 279.8 (2013).

Cross Reference: 401.5 Employee Records

Approved \_\_\_\_\_ Revised 6-21-18

**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 (2013).  
441 I.A.C. 9.2; 155; 175.  
1982 Op. Att'y Gen. 390, 417.  
1980 Op. Att'y Gen. 275.

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

Approved \_\_\_\_\_ Revised 6-21-18

## **CHILD ABUSE REPORTING REGULATION**

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

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

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

### **Child Abuse Defined**

"Child abuse" is defined as:

- Any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.
- The commission of a sexual offense with or to a child . . . as a result of the acts or omissions of the person responsible for the child. . . . Sexual offense includes sexual abuse, incest, and sexual exploitation of a minor.
- The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's welfare when financially able to do so or when offered financial or other reasonable means to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child.
- The acts or omissions of a person responsible for the care of a child which allow, permit or encourage the child to engage in acts prohibited pursuant to Iowa Code, section 725.1 which deals with prostitution.
- The commission of bestiality in the presence of a minor pursuant to Iowa Code, section 717C.1.
- The person responsible for the care of a child has, in the presence of the child, as defined in section 232.2, subsection 6, paragraph "p", manufactured a dangerous substance, as defined in section 232, subsection 6, paragraph "p", or in the presence of the child possesses a product containing ephedrine or its salts, optical isomers or its salts, pseudoephedrine or its salts, with the intent to use the product as a precursor or an intermediary to a dangerous substance.
- Any mental injury to a child's intellectual or psychological capacities evidenced by an observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior as the result of the acts or omissions of a person responsible for the care of the child, if the impairment is diagnosed by a licensed physician or qualified mental health professional.

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

Approved \_\_\_\_\_

Revised 6-21-18

## **CHILD ABUSE REPORTING REGULATION**

### **Reporting Procedures**

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

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

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

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

**ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES**

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

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

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

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

Legal Reference: Iowa Code §§ 232.67, .70, .73, .75; 235A; 272A; 280.17; 709; 728.12(1) (2013).  
281 I.A.C. 12.3(6) 102; 103.  
441 I.A.C. 155; 175.  
1980 Op. Att'y Gen. 275.

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

Approved \_\_\_\_\_ Revised 6-21-18

**ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REPORT FORM**

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

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

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

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

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

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

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

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

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

Were there any witnesses to the incident or are there students or persons who may have information about this incident?  
\_yes \_\_\_no

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

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

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

**ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REPORT FORM**

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

Has any professional person examined or treated the student as a result of the incident? yes no unknown

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

\_\_\_\_\_

Has anyone contacted law enforcement about this incident? yes no

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

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

Your name, address and telephone number:

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

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

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name (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 Iowa Board of Educational Examiners (if the accused is a licensed employee) for investigation of this incident. The filing of this report does not deny you that opportunity.

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

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

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

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

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

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

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

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

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

Date report of abuse was filed: \_\_\_\_\_

Allegation is of \_\_\_\_\_

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  
leave

\_\_student assigned to different class

\_\_other (please specify)

Level I investigator's conclusions:

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

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

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

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

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

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

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

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

\_\_\_ Complaint was withdrawn.

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

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

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

Current status of investigation:

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

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

\_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
Date

## **ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION**

An individual who has knowledge an employee has physically or sexually abused a student may immediately report it to the 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 Iowa Board of Educational Examiners in the case of a licensed employee.

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

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

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.

Approved \_\_\_\_\_ Revised 6-21-18

**ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION**

Physical Abuse Allegations

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

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

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

The written investigative report shall include:

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

**ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION**

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

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

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

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

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

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

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

## **ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION**

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 Iowa Board of Educational Examiners. The Level I investigator shall also arrange for counseling services for the student if the student or student's parents request counseling services.

### **Sexual Abuse**

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

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

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

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

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

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

**ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION**

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

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

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

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.

**ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION**

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

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

In cases involving founded physical or sexual abuse by a licensed employee, the board shall notify the Board of Educational

Examiners. Information of unfounded abuse at Level I or Level II shall not be kept in the employee's personnel file. If the Level I investigative report is founded but Level II is unfounded, then the Level I report shall be removed from the employee's permanent file. Notes, tapes, memorandums and related materials compiled in the investigation must be kept for two years.

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



## **GIFTS TO EMPLOYEES**

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

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

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

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

- Contributions to a candidate or a candidate's committee;
- Information material relevant to an employee's official function, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the employee;
- Items received from a charitable, professional, educational or business organization to which the employee belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Actual expenses of an employee for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service;
- Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;
- Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar or other meeting;
- 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;

## **GIFTS TO EMPLOYEES**

- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
- Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or
- Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee.
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

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

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

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

Legal Reference: Iowa Code ch. 68B (2013).  
1972 Op. Att'y Gen. 276.  
1970 Op. Att'y Gen. 319.

Cross Reference: 217 Gifts to Board of Directors  
401.2 Employee Conflict of Interest  
704.4 Gifts-Grants-Bequests

Approved \_\_\_\_\_

Revised 6-21-18

**PUBLIC COMPLAINTS ABOUT EMPLOYEES**

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

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

- (a) Matters concerning an individual student, teacher, or other employee should first be addressed to the teacher or employee.
- (b) Unsettled matters from (a) above or problems and questions about individual attendance centers should be addressed to the employee's building principal for licensed employees and the superintendent for classified employees.
- (c) Unsettled matters regarding licensed employees from (b) above or problems and questions concerning the school district should be directed to the superintendent.
- (d) If a matter cannot be settled satisfactorily by the superintendent, it may then be brought to the board. To bring a concern regarding an employee, the individual may notify the board president in writing, who may bring it to the attention of the entire board, or the item may be placed on the board agenda of a regularly scheduled board meeting in accordance with board policy 210.8.

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

Legal Reference: Iowa Code § 279.8 (2013).

Cross Reference: 210.8 Board Meeting Agenda  
213 Public Participation in Board Meetings  
307 Communication Channels

Approved \_\_\_\_\_

Revised 6-21-18

**EMPLOYEE OUTSIDE EMPLOYMENT**

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

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

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

Legal Reference: Iowa Code §§ 20.7; 279.8 (2013).

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

Approved \_\_\_\_\_ Revised 6-21-18

**EMPLOYEE PHYSICAL EXAMINATIONS**

The Twin Rivers 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 examination will be paid by the employee. 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.

Guidelines for staff will be in District Handbook.

Legal Reference:           29 C.F.R. § Pt. 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 6-6-17

Revised 5-15-17

**EMPLOYEE INJURY ON THE JOB**

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

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

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

It is the responsibility of the board secretary to file worker's comp claims

Legal Reference: Iowa Code §§ 85;279.40; 613.17 (2013).  
1972 Op. Att'y Gen. 177.

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

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**COMMUNICABLE DISEASES - EMPLOYEES**

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

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

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

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

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

Legal Reference: School Board of Nassau County v. Arline, 480 U.S. 273 (1987).  
29 U.S.C. § 794, 1910 (2012).  
42 U.S.C. §§ 12101 et seq. (2012).  
45 C.F.R. Pt. 84.3 (2012).  
Iowa Code § 139A; 141A (2013).  
641 I.A.C. 1.2-.7.

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

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

## **HEPATITIS B VACCINE INFORMATION AND RECORD**

### The Disease

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

### The Vaccine

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

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

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

### Dosage and Administration

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

### Possible Vaccine Side Effects

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



**HEPATITIS B VACCINE INFORMATION AND RECORD**

**CONSENT OF HEPATITIS B VACCINATION**

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**REFUSAL OF HEPATITIS B VACCINATION**

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

I refuse because I believe I have (check one)

started the series       completed the series

**HEPATITIS B VACCINE INFORMATION AND RECORD**

**RELEASE FOR HEPATITIS B MEDICAL INFORMATION**

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

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

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



## **UNIVERSAL PRECAUTIONS REGULATION**

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

### **Hand Washing**

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

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

### **Barriers**

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

### **Disposal of Waste**

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

## **UNIVERSAL PRECAUTIONS REGULATION**

### Clean up

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

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

### Laundry

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

### Exposure

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

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

The exposure should be reported immediately, the parent or guardian is notified, and the person exposed contacts a physician for further health care. Any questions, contact Humboldt County Public Health.

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**HAZARDOUS CHEMICAL DISCLOSURE**

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

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

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

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

NOTE: This policy reflects current law on employees' right to know about hazardous substances in the workplace.

Legal Reference: 29 C.F.R. Pt. 1910; 1200 et seq. (2012).  
Iowa Code chs. 88; 89B (2013).  
347 I.A.C. 120.

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

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**SUBSTANCE-FREE WORKPLACE**

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

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

Employees found to be in violation of the above component of the policy will be disciplined up to and including termination.

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

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

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

Legal Reference:       41 U.S.C. §§ 701-707 (2012).  
                              42 U.S.C. §§ 12101 *et seq.* (2012).  
                              34 C.F.R. Pt. 85 (2004).  
                              Iowa Code §§ 123.46; 124; 279.8 (2013).

Cross Reference:       404     Employee Conduct and Appearance

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES**

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

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

Employees who violate the terms of the Substance-Free Workplace policy may be required to successfully participate in a substance abuse evaluate and follow-up treatment program approved by the board. The superintendent retains the discretion to discipline an employee for violation of the Substance-Free Workplace policy. If the employee fails to successfully participate in the evaluation or recommended program, the employee is subject to discipline up to and including termination.

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

-----  
**SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM**

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

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

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

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14



**SUBSTANCE-FREE WORKPLACE REGULATION**

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

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

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**DRUG AND ALCOHOL TESTING PROGRAM**

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

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion and post-accident drug and alcohol testing at the district's expense. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the Board Secretary.

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

It is the responsibility of the superintendent to develop administrative regulations to implement this policy in compliance with the law. The superintendent will inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment. The Board Secretary will notify the Transportation Director of selected personnel for testing. They will collaborate on the scheduling of the testing appointments. The Transportation Director will notify the employees of their appointment the morning of the testing.

The superintendent will also be responsible for publication and dissemination of this policy and supporting administrative regulations and forms to employees operating school vehicles.

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup> 405 (4<sup>th</sup> Cir. 1995).  
49 U.S.C. §§ 5331 et seq. (2012).  
42 U.S.C. §§ 12101 (2012).  
41 U.S.C. §§ 701-707 (2012).  
49 C.F.R. Pt. 40; 382; 391.81-123 (2012).  
34 C.F.R. Pt. 85 (2012).  
Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91).  
Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2013).

Cross Reference: 403.5 Substance-Free Workplace  
409.2 Licensed Employee Personal Illness Leave  
414.2 Classified Employee Personal Illness Leave

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES**

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

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

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

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

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

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup> 405 (4<sup>th</sup> Cir. 1995).  
49 U.S.C. §§ 5331 et seq. (2012).  
42 U.S.C. §§ 12101 (2012).  
41 U.S.C. §§ 701-707 (2012).  
49 C.F.R. Pt. 40; 382; 391.81-123 (2012).  
34 C.F.R. Pt. 85 (2012).  
Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91).  
Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2013).

Cross Reference: 403.5 Substance-Free Workplace  
409.2 Licensed Employee Personal Illness Leave  
414.2 Classified Employee Personal Illness Leave

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM**

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

Program policy of the Twin Rivers Community School District and its supporting documents. I understand that if I violate the Drug and Alcohol Testing Program policy, its supporting documents, regulations or the law, I may be subject to discipline up to and including termination. I also understand that I must inform my supervisor of any prescription medication I use.

In addition, I have received a copy of the U.S. DOT publication, "What Employees Need to Know about DOT Drug Alcohol Testing," and have read and understand its contents.

Futhermore, I know and understand that I am required to submit to a controlled substance (drug) test, the results of which must be received by this employer before being employed by the school district and before being allowed to perform a safety-sensitive function. I also understand that if the results of the pre-employment test are positive, that I will not be considered further for employment with the school district.

I further understand that drug and alcohol testing records about me are confidential and may be released at my request or in accordance with the district's drug and alcohol testing program policy, its supporting documents or the law.

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

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

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 or I may be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program, if recommended by the substance abuse professional. If I am required to and fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program, I understand I may be subject to discipline up to and including termination.

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**EMPLOYEE CONDUCT AND APPEARANCE**

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

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

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

NOTE: The Board of Educational Examiners' Criteria of Professional Practices are included as a regulation to this policy.

Legal Reference: Iowa Code § 279.8 (2013).  
282 I.A.C. 13.

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

Approved 6-17-14

Reviewed 5-8-14

Revised 4-10-14

**CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION**

**CHAPTER 25**

**282—25.1(272) Scope of standards.**

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

**282—25.2(272) Definitions.**

Except where otherwise specifically defined by law:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION**

1. Any of the following forcible felonies included in IOWA CODE § 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
  2. Any of the following criminal sexual offenses, as provided in IOWA CODE Ch. 709, involving a child:
    - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
    - Lascivious acts with a child;
    - Detention in a brothel;
    - Assault with intent to commit sexual abuse;
    - Indecent contact with a child;
    - Sexual exploitation by a counselor;
    - Lascivious conduct with a minor; or
    - Sexual exploitation by a school employee;
  3. Incest involving a child as prohibited by IOWA CODE § 726.2;
  4. Dissemination and exhibition of obscene material to minors as prohibited by IOWA CODE § 728.2; or
  5. Telephone dissemination of obscene material to minors as prohibited by IOWA CODE § 728.15.
- (2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1) “b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:
1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
  2. The time elapsed since the crime or founded abuse was committed;
  3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
  4. The likelihood that the person will commit the same crime or abuse again;
  5. The number of criminal convictions or founded abuses committed; and
  6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.
- c. Sexual involvement or indecent contact with a student.* Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or breasts of a student; permitting or causing to fondle or touch the practitioner’s inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in IOWA CODE § 702.17.
- d. Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by IOWA CODE § 728.12, IOWA CODE Ch. 709 or 18 U.S.C. § 2252A(a)(5)(B).
- e. Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:
- (1) Committing any act of physical abuse of a student;
  - (2) Committing any act of dependent adult abuse on a dependent adult student;
  - (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
  - (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
  - (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee; or
  - (6) Failing to report any suspected act of child or dependent adult abuse as required by state law.
- 25.3(2) Standard II—alcohol or drug abuse.** Violation of this standard includes:
- a.* Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs.

**CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION**

- b. Being on school premises or at a school–sponsored activity involving students while under the influence of, possessing, using, or consuming alcohol.
- 25.3(3)** *Standard III—misrepresentation, falsification of information.* Violation of this standard includes:
- a. Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
  - b. Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.
  - c. Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
  - d. Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—Chapter 17.
  - e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.
- 25.3(4)** *Standard IV—misuse of public funds and property.* Violation of this standard includes:
- a. Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.
  - b. Converting public property or funds to the personal use of the practitioner.
  - c. Submitting fraudulent requests for reimbursement of expenses or for pay.
  - d. Combining public or school–related funds with personal funds.
  - e. Failing to use time or funds granted for the purpose for which they were intended.
- 25.3(5)** *Standard V—violations of contractual obligations.*
- a. Violation of this standard includes:
    - (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
    - (2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.
    - (3) Abandoning a written professional employment contract without prior unconditional release by the employer.
    - (4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.
    - (5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.
  - b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner’s control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:
    - (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or
    - (2) The practitioner provided notice to the employing board no later than the latest of the following dates:
      - 1. The practitioner’s last work day of the school year;
      - 2. The date set for return of the contract as specified in statute; or
      - 3. June 30.



**CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION**

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

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, national origin, or membership in a definable minority.
- f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
- i. Refusing to participate in a professional inquiry when requested by the board.
- j. Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.
- k. Failing to self-report to the board within 60 days any founded child abuse report, or any conviction for a criminal offense listed 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.
- p. Falsifying, forging, or altering a license issued by the board.
- q. Failure of the practitioner holding a contract under IOWA CODE [Section 279.13](#) to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.
- r. Failure of a school official responsible for assigning licensed practitioners holding contracts under IOWA CODE [Section 279.13](#) to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

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

- a. Failing to comply with 282 – Chapter 8 concerning payment of debts to state or local governments.
- b. Failing to comply with 282—Chapter 9 concerning repayment of student loans. C.
- c. Failing to comply with 282—Chapter 10 concerning child support obligations. D.
- d. Failing to comply with 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.

Approved 2-11-16 Revised 1-14-16

**CODE OF RIGHTS AND RESPONSIBILITIES REGULATION**

**CHAPTER 26**

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

**282—26.2(272) Rights.** Educators licensed under IOWA CODE Ch. 272 have the following rights:

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

**282—26.3(272) Responsibilities.** Educators licensed under IOWA CODE Ch. 272 have the following responsibilities:

1. The educator has a responsibility to maintain and improve the educator’s professional competence.
2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.
3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.
4. The educator shall protect students from conditions harmful to learning or to health or safety.
5. The educator shall not, without just cause, restrain a student from independent action in the pursuit of learning and shall not, without just cause, deny a student access to varying points of view.
6. The educator shall not use professional relationships with students for personal advantage.
7. The educator shall not discriminate against any student on the grounds of national or ethnic origin, religion, age, sex, disability, membership in a definable minority, or marital status, nor grant any discriminatory consideration or advantage.
8. The educator shall accord just and equitable treatment to all members of the profession.
9. The educator shall keep in confidence personally identifiable information regarding a student or the student’s family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.
10. The educator who has reasonable basis to believe that a student has been abused, as defined by law, shall make all reports required by law and the IOWA ADMINISTRATIVE CODE and which are necessary to ensure the safety and well-being of the student.
11. In the administration of discipline, the educator shall treat all students with respect and in compliance with all policies of the school district served by the educator.
12. The educator shall provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.
13. The educator shall not refuse to participate in a professional inquiry, when requested by the board.
14. The educator shall not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.
15. The educator shall not delegate assigned tasks to unqualified personnel.

These rules are intended to implement IOWA CODE § 272.2(1)“a.”

**LICENSED EMPLOYEE DEFINED**

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

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

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

Legal Reference: Clay v. Independent School District of Cedar Falls, 187 Iowa 89, 174 N.W. 47 (1919).  
Iowa Code §§ 256.7(3); 272.6; 272A; 279.8; 294.1 (2013).  
282 I.A.C. 14.  
281 I.A.C. 12.4; 41.25.  
1940 Op. Att'y Gen. 375.

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

Approved 7-16-14

Reviewed 6-17-14

Revised 5-8-14

**LICENSED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION**

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

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

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

Guidelines for staff will be in District Handbook.

Legal Reference: 29 U.S.C. §§ 621-634 (2012).  
42 U.S.C. §§ 2000e 12101 et seq. (2012).  
Iowa Code §§ 20; 35C; 216; 279.13 (2013).  
281 I.A.C. 12.  
282 I.A.C. 14.  
1980 Op. Att'y Gen. 367.

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

Approved 6-6-17 Revised 5-15-17

**LICENSED EMPLOYEE INDIVIDUAL CONTRACTS**

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

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

NOTE: By law, the board president must sign all employment contracts and must do so prior to the employee signing the contract. Individual teaching contracts cannot exceed one year.

Legal Reference: Harris v. Manning Independent School District of Manning, 245 Iowa 1295, 66 N.W.2d 438 (1954).  
Shackelford v. District Township of Beaver, Polk County, 203 Iowa 243, 212 N.W. 467 (1927).  
Burkhead v. Independent School District of Independence, 107 Iowa 29, 77 N.W. 491 (1898).  
Iowa Code chs. 20; 279 (2013).

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

Approved 7-16-14

Reviewed 6-17-14

Revised 5-8-14

**LICENSED EMPLOYEE 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 Employee Individual Contracts  
405.9 Licensed Employee Probationary Status  
407 Licensed Employee Termination of Employment

Approved 9-14-17

Revised 8-15-17

**LICENSED EMPLOYEE WORK DAY**

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

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

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

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

Guidelines for staff will be in District Handbook.

Legal Reference: Iowa Code §§ 20; 279.8 (2013).

Cross Reference: 200.2 Powers of the Board of Directors

Approved 6-6-17

Revised 5-15-17

**LICENSED EMPLOYEE ASSIGNMENT**

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

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

Guidelines for staff will be in District Handbook.

Legal Reference: Iowa Code §§ 20.9; 279.8 (2013).

Cross Reference: 200.2 Powers of the Board of Directors

Approved 6-6-17

Revised 5-15-17



**LICENSED EMPLOYEE TRANSFERS**

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

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

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

Guidelines for staff will be in District Handbook.

Legal Reference: Iowa Code §§ 20.9; 216.14; 279.8 (2013).

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

Approved 6-6-17

Revised 5-15-17

## **LICENSED EMPLOYEE EVALUATION**

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

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

Licensed employees will be required to:

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

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

Guidelines for staff will be in District Handbook.

Legal Reference: Aplington Community School District v. PERB, 392 N.W.2d 495 (Iowa 1986).  
Saydel Education Association v. PERB, 333 N.W.2d 486 (Iowa 1983).  
Iowa Code §§ 20.9; 279.14, .19, .27 (2013).  
281 I.A.C. 12.3(4).

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

Approved 6-6-17

Revised 5-15-17

**LICENSED EMPLOYEE PROBATIONARY STATUS**

The first three consecutive years of a licensed employee's contract shall be a probationary period unless the employee has successfully complete 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 the end of year without cause immediately discharge the employee consistent with applicable law and board policies.

Legal Reference: Iowa Code §279

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

Approved 9-14-17

Revised 8-15-17

**LICENSED EMPLOYEE COMPENSATION**

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2013).

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

Approved 3-12-18 Revised 2-8-18

**LICENSED EMPLOYEE COMPENSATION ADVANCEMENT**

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2013).

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

Approved 3-12-18 Revised 2-8-18

**LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT**

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

Licensed employees who wish to obtain additional education for advancement must notify their supervisor within **10 days after the start of each school year** preceding the actual year when advancement occurs. The superintendent has the discretion to approve credit outside the employee's area of endorsement or responsibility.

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2013).

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

Approved 3-12-18

Revised 2-8-18

**LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY**

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8, .13-.15, .19A-B (2013).

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

Approved 3-12-18 Revised 2-8-18

**LICENSED EMPLOYEE GROUP INSURANCE BENEFITS**

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

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

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

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

Guidelines for staff will be in District Handbook.

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

Cross Reference: 405.1 Licensed Employee Defined  
706.2 Payroll Deductions

Approved 6-6-17 Revised 5-15-17



**LICENSED EMPLOYEE TAX SHELTER PROGRAMS**

The board authorizes the administration to make a payroll deduction for licensed employees' tax sheltered annuity premiums purchased from any company the employee chooses or through an Iowa-licensed salesperson selected by the employee.

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

Legal Reference: Iowa Code §§ 20.9; 260C; 273; 294.16 (2013).  
1988 Op. Att'y Gen. 38.  
1976 Op. Att'y Gen. 462, 602.  
1966 Op. Att'y Gen. 211, 220.

Cross Reference: 706 Payroll Procedures

Approved 3-12-18

Revised 2-8-18

**LICENSED EMPLOYEE RESIGNATION**

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

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

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.13, .19A (2013).

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

Approved 8-21-14

Reviewed 7-16-14

Revised 6-17-14

**LICENSED EMPLOYEE CONTRACT RELEASE**

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

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

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

Legal Reference: Iowa Code §§ 216; 272; 279.13, .19A, .46 (2013).  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

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

Approved 8-21-14

Reviewed 7-16-14

Revised 6-17-14

**LICENSED EMPLOYEE EARLY RETIREMENT**

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

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

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

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

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

Note: Mandatory retirement ages are a violation of federal law. The witnessing of the retiring employee's letter is to protect the school district in the event an employee alleges that the school district forced the employee to retire.

Legal Reference: Iowa Code §§ 97B; 216; 279.46 (2013).  
581 I.A.C. 21.  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 401.8 Recognition for Service of Employees

Approved 3-12-18 Revised 2-8-18

**LICENSED EMPLOYEE VOLUNTARY EARLY RETIREMENT BENEFIT**

The Board of Education in order to reward both its full-time and part-time licensed employees establishes early retirement policy to benefit licensed employees who will be 55 years of age or older prior to the first day of workshop for the **next** school year. For purposes of this policy “licensed employees shall include both full-time and part-time personnel with 279 contracts.

The eligible teacher/administrator who applies for and is granted by the Board early retirement under this policy will be a retired teacher/administrator employee of the Twin Rivers Community School District and entitled to the rights and privileges of such a retiree under applicable laws and the policies of the District.

The eligible full-time teachers/administrators who apply for and are granted early retirement under this policy will receive benefits distributed after July 1 in the year of retirement. Part-time employees who apply for and are granted early retirement under this policy will be eligible on a pro-rata basis, **based upon their full-time equivalency** in their last year of employment. The effective date for this early retirement will be at the conclusion of the school year. If the employee's 55th birth date is after June, early retirement benefits will be distributed the month following his/her birth date.

I. Eligibility for early retirement benefit:

- A. Must be 55 years old at the time of retirement and retire prior to the first day of workshop.
- B. And have completed at least 10 years of service with the district
- C. And have submitted an application for the early retirement program on or before February 5. Applications submitted after February 5 may be considered at the election of the Board of Education
- D. And have submitted a written resignation for their existing contract effective at the end of the Current school year or their current contract term, unless an alternative date is mutually agreed Upon by the District and employee. The resignation will be contingent upon approval by the Board of Education of the individual's participation in the voluntary early retirement program. Employees with birth dates after the end of the school year, shall provide a resignation date effective the day after the employee's 55th birthday.
- E. The application for early retirement benefits and the resignation must be approved by the Board of Education prior to distribution of benefits.
- F. Any person taking early retirement will have three years of the same benefits given. To gain this benefit, the teacher/s will need to notify the district by February 5.
- G. An employee shall not be eligible for this early retirement program if the employee has been recommended For termination for cause, other than staff reduction. The number of years of service to the District shall Not include any years or partial years during which the employee was a classified staff employee or was on An extended leave of absence.

II. Voluntary early retirement benefit:

- A. The early retirement benefit shall include \$100 for teachers and \$275 for administrators for each unused sick day up to 100 days maximum at the conclusion of the contract.
- B. Any person taking early retirement will have three years of the same benefits given. To gain this benefit, the teacher/s will need to notify the District by February 5. Up to \$10,000 for teachers and \$27,500 for administrators may be paid each year up to the maximum of three years.

**LICENSED EMPLOYEE VOLUNTARY EARLY RETIREMENT BENEFIT**

- C. Retirees who turn 55 after June 30 will receive the sum benefit of the total benefit package in the month following their birth of the calendar year.
- D. Subject to applicable restrictions and limitations the District shall contribute the lump sum amount of the employee's retirement benefit directly in an account for the employee under the District's Employer Sponsored 403(b) Special Pay Deferral Plan, as non-elective employer contribution, within 60 days of the employee's retirement effective date, provided however, that the amount of such contribution shall not exceed the applicable restrictions and limitations under sections 403(b), 415 and other applicable provisions of the Internal Revenue Code as amended. In no event may the employee (or the employee's Beneficiary) receive all or any portion of his or her tax-sheltered annuity benefit in cash or any other form of benefit in lieu of the annual contribution to the employee's tax sheltered annuity.
- E. All payments are subject to any applicable taxes and other required state or federal withholdings.
- F. No interest will accrue on any monies to be paid under this policy.

**III. Insurance**

As provided by Iowa Code Section 509A.13, an eligible employee who participates in the early retirement program and who participated as of or June 30<sup>th</sup>, in the District's group health insurance plan, may continue to participate in the District's group plan, at the employee's expense, to the extent consistent with state law. Continued participation will require the employee to submit payments for his/her monthly premiums in advance to the District according to District requirements. The employee may only continue to participate as long as it is allowed by the District, its group plan and insurance carrier and/or until the employee dies or becomes eligible for Medicare for any reason (regardless of whether the employee actually applies for Medicare coverage).

**IV. Beneficiary**

In the event of the death of the employee prior to payment of the basic benefit and after acceptance of application for early retirement, payment of the basic benefit shall be made to a designated beneficiary; or, if no beneficiary is named, payment will be made to the estate of the employee. In the event of the death of the employee prior to payment of the entire basic benefit, the remaining sum will be paid as one lump sum to the estate or the beneficiary as designated.

- V. The Board or its designees shall be the sole, exclusive and final interpreter of all issues of eligibility or benefit calculation under this policy. The Board has discretion to approve or disapprove any and all applications for early retirement benefits or limit the number of applications to be approved. Failure of the Board to approve an application and/or resignation shall make the employee's contract(s) with the District continue in full force and effect unless the employee otherwise resigns or is terminated.
- VI. The Board has the complete discretion to amend or repeal this policy at any time with or without notice.
- VII. Should any portion of this policy be in conflict with state or federal laws or regulations, that portion of the policy shall be invalid and all other portions shall remain in full force and effect. Any decision by the Board to waive a requirement or condition which is part of this policy shall not establish any precedent with regard to future requests for a wavier.