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400 ROLE OF 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.

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401 EMPLOYEES AND INTERNAL RELATIONS

401.1 EQUAL EMPLOYMENT OPPORTUNITY

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

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

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

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

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

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, will be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, West Lyon Community School District, 1787 182nd Street, Inwood, Iowa 51240; or by telephone 712-753-4917.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Equal Employment Opportunity Commissions, Milwaukee Area Office, Reuss Federal Plaza, 310 West Wisconsin Ave., Suite 800, Milwaukee, WI., 53203-2292, (800) 669-4000 or TTY (800) 669-6820. <http://www.eeoc.gov/field/milwaukee/index.cfm> or the Iowa Civil Rights Commission, 400 E. 14th Street, Des Moines, Iowa, 50319-1004, (515) 281-4121 or 1-800-457-4416, <http://www.state.ia.us/government/crc/index.html>. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

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

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

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

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401.2 EMPLOYEE CONFLICT OF INTEREST

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

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

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

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

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

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

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

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

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401.3 NEPOTISM

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

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

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

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

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401.4 EMPLOYEE COMPLAINTS

Complaints of employees against fellow employees should be discussed directly between employees. If necessary, complaints will 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.

Legal Reference: Iowa Code §§ 20; 279.8

Cross Reference: 307 Communication Channels

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401.5 EMPLOYEE RECORDS

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

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

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

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

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

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

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

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401.5R1 EMPLOYEE RECORDS REGULATION

Employee Personnel Records Content

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

Applicant File Records Content

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

- Application for employment.

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

Record Access

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

Employee Record Retention

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

401.6 LIMITATIONS TO EMPLOYMENT REFERENCES

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

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

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

Legal References: 20 U.S.C. §7926
281 I.A.C. 12.3(14)

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

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401.7 EMPLOYEE TRAVEL COMPENSATION

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

Travel Outside the School District

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

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

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

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

Pre-approved expenses for transportation within three-hundred miles of the school district administrative office will be by automobile. If a school district vehicle is not available, the employee will be reimbursed at the rate of 42 cents per mile.

Travel to/from home and work is never a reimbursable travel expense. 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 will be at the tourist class fares. Should an employee choose to travel by automobile, reimbursement will 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. Travel costs for a spouse or anyone other than the district employee shall be a personal expense not reimbursed by the district.

Pre-approved expense for lodging within the state is limited to \$150 per night. Pre-approved expense for lodging outside the state is limited to the rate of a medium-priced hotel in the 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 are limited to \$30.00 per day. (This applies to General Fund Expenditures.) Meals may be pre-approved for a larger amount by the Superintendent.

Travel Within the School District

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

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

Use of District-Owned Vehicles

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

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

Legal Reference: Iowa Constitution, Art. III, § 31.
Iowa Code §§ 70A.9-.11.

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

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401.8 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 will seek prior approval from the board.

Legal Reference: Iowa Const. Art. III, § 31.
Iowa Code § 279.8

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

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401.9 EMPLOYEE POLITICAL ACTIVITY

Employees will not engage in political activity upon property under the jurisdiction of the board including the use of school district e-mail accounts. 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, general information regarding elections or ballot issues 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.

Cross Reference: 409.2 Employee Leaves of Absence

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401.10 CREDIT AND PROCUREMENT CARDS

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

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

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

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

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

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

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

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401.11 EMPLOYEE ORIENTATION

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

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

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

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401.12 EMPLOYEE USE OF CELL PHONES

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

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

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

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

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

Legal References: Internal Revenue Comment Notice, 2009-46, http://www.irs.gov/irb/200923_IRB/ar07.html
Iowa Code §§ 279.8; 321.276.

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

Approved 10/11/21

Reviewed 10/11/21

Revised 10/11/21

401.12R1 EMPLOYEE USE OF CELL PHONES REGULATION

Cell phone Usage

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

401.13 STAFF TECHNOLOGY USE/SOCIAL NETWORKING

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

General Provisions

The superintendent is responsible for designating a technology coordinator(s) who will oversee the use of school district technology resources. The technology coordinator(s) will prepare in-service programs for the training and development of school district staff in technology skills, appropriate use of district technology and for the incorporation of technology use in subject areas.

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

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

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

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

Social Networking or Other External Web Sites

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

Employees, who would like to start a social media site for school district sanctioned activities, should contact the superintendent.

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

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

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

Approved 10/11/21 Reviewed 10/11/21 Revised 10/11/21

401.13R1 STAFF TECHNOLOGY USE/SOCIAL NETWORKING REGULATION

General

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

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

Prohibited Activity and Uses

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

- Using the network for commercial activity, including advertising, or personal gain.
- Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the school district computer network. See *Policy 605.7, Use of Information Resources* for more information.

- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material
- Using the network to receive, transmit or make available to others messages that are racist, sexist, and abusive or harassing to others.
- Use of another's account or password.
- Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- Forging or attempting to forge e-mail messages.
- Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy school district equipment or materials, data of another user of the school district's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a virus on the network.
- Using the network to send anonymous messages or files.
- Revealing the personal address, telephone number or other personal information of oneself or another person.
- Intentionally disrupting network traffic or crashing the network and connected systems.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

Other Technology Issues

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

401.14 EMPLOYEE EXPRESSION

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

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

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

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

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

Cross Reference: 502.3 Student Expression
504.3 Student Publications

Approved 10/11/21

Reviewed 10/11/21

Revised 10/11/21

402 EMPLOYEES AND OUTSIDE RELATIONS

402.1 CHILD ABUSE REPORTING

It is the policy of the Board of Directors, in compliance with the Code of Iowa, to provide for the greatest possible protection to victims of child abuse and to encourage immediate reporting of suspected cases directly to the Department of Human Services.

The administration shall develop reporting procedures that comply with legal requirements, and shall instruct members of the professional staff in their obligations with regard to reporting child abuse.

All certificated staff members are required to orally report any suspected cases of child abuse to the Department of Human Services within 24 hours of observation followed up by a written report within 48 hours of the oral report. All observers shall report directly to the county office of the Department of Human Services.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

402.1R1 CHILD ABUSE REPORTING

The Code of Iowa requires certificated school employees to report to the Department of Human Services all instances of suspected child abuse involving students.

The law further specifies that any certificated school employee who knowingly or willfully fails to report a suspected case of child abuse is guilty of a simple misdemeanor, and may also leave the employee open to civil liability for the damages caused by his/her failure to report.

The Iowa Code provides immunity from any liability--civil or criminal--to anyone participating in good faith in the making of a report or in judicial proceedings that may result from the report.

Child Abuse Defined

"Child Abuse" or "abuse" means "harm occurring through":

- 1) Any non accidental physical injury or injury that is at a variance with the history given it, suffered by a child (that is, any person under 18 years of age) as the result of the acts or omissions of a person responsible for the care of the child.*
- 2) The commission of any sexual abuse with or to a child as defined by Chapter 709, Iowa Code, as a result of the acts or omissions of the person responsible for the child.*
- 3) 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 health and 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; however a court may still order that medical services be given to the child if the child's health requires it.)

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

Reporting Procedures

The Code establishes a reporting and investigation procedure for alleged cases of child abuse. Certified school employees, including teachers and school nurses, are required to orally report within 24 hours to the Department of Human Services when the person "reasonably believes a child has suffered from abuse". The requirement to report is mandatory. Within 48 hours of the oral report, a written report must be forwarded to the Department of Human Services.

Each report should contain as much of the following information as can be obtained within the time limit.

- * name, age, address of the suspected abused child;
- * name, address of parents, guardians or persons legally responsible for his/her care;
- * description of injuries, including evidence of previous injuries;
- * name, age, and condition of other children in the home;
- * the child's whereabouts if different from parents, guardian, or persons legally responsible for the child;
- * any other information considered helpful;
- * name, address of person making the report.

The law specifies that a report will be considered valid even if it does not contain all of the above information.

Board policy states that it is not the responsibility of school employees to prove that a child has been abused or neglected, and that school employees should not take it upon themselves to investigate the case or contact the family of the child to ask questions or make any kind of judgment. The Department of Human Services has the responsibility to follow up on report.

Approved: November 12, 1990
Reviewed: July 11, 2016

Reviewed: August 14, 2006

Reviewed: August 8, 2011

402.2 SEXUAL HARASSMENT 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.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

402.3 EMPLOYEE HARASSMENT

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

Harassment includes, but is not limited to, racial, religious, national origin, age, disability and sexual harassment. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

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

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

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

Employees and students who believe they have suffered harassment shall report such matters to the investigator for harassment complaints. However, claims regarding harassment may also be reported to the alternate investigator for harassment complaints.

Upon receiving a complaint, the investigator shall confer with the complainant to obtain an understanding and a statement of the facts. It shall be the responsibility of the investigator to promptly and reasonably investigate claims of harassment and to pass the findings on to the superintendent who shall complete such further investigation as deemed necessary and take such final action as deemed appropriate. Information regarding an investigation of harassment shall be confidential to the extent possible, and those individuals who are involved in the investigation shall not discuss information regarding the complaint outside the investigation process.

No one shall retaliate against an employee or student because they have filed a harassment complaint, assisted or participated in a harassment investigation, proceeding, or hearing regarding a harassment charge or because they have opposed language or conduct that violates this policy.

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

This policy and accompanying regulations shall only apply when an employee is the victim of an alleged harasser or an employee is the alleged harasser. It shall be the responsibility of the superintendent, in conjunction with the investigator, to develop administrative rules regarding this policy.

Approved 3/13/00

Reviewed 7/11/16

Revised 7/11/16

403 EMPLOYEES' HEALTH AND WELL-BEING

403.1 GENERAL PERSONNEL PHYSICAL EXAMINATIONS

School bus drivers shall present evidence of good health at initial employment and every two years thereafter in the form of a physical examination report.

Employees whose physical or mental health, in the judgment of the administration may be in doubt, shall submit to additional examinations at the expense of the School District when requested to do so.

If the classified employee isn't provided health insurance, the District will arrange and pay the cost of routine physical examinations required by this policy.

Approved 7/10/89

Reviewed 7/11/16

Revised 7/11/16

403.2 OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

It shall be the responsibility of the Superintendent to establish procedures and guidelines to eliminate or minimize occupational exposure to bloodborne pathogens. The West Lyon plan for designated employees shall include scope and application, definitions, exposure control, methods of compliance, hepatitis B vaccination and post-exposure evaluation and follow-up, communication of hazards to employees, and record keeping.

Approved 5/11/92

Reviewed 7/11/16

Revised 7/11/16

403.3 COMMUNICABLE DISEASES - EMPLOYEES

School District personnel with a communicable disease will be allowed to perform their customary employment duties as long as they are able and as long as their presence does not create a substantial risk of illness transmission to the students or other personnel. The term "communicable disease" shall mean an infectious or contagious disease spread from person to person or animal to person or as defined by the State Department of Health.

The health risk to immunodepressed School District personnel shall be determined by a personal physician. The health risk to others in the school environment from the presence of employees with a communicable disease shall be determined on a case by case basis by public health officials.

Since there may be greater risks of transmission of a communicable disease for some persons with certain conditions than for other persons infected with the same disease, these special conditions, the risk of transmission of the disease, the effect upon the educational program, the effect upon the person and other factors deemed relevant by public health officials or the Superintendent shall be considered in assessing the School District personnel's continued presence and performance. The Superintendent may require medical evidence that School District personnel with a communicable disease are able to perform their assigned duties.

A School District employee shall notify the Superintendent when it is learned that he/she has a communicable disease. It shall be the responsibility of the Superintendent to notify the State Department of Health. The Superintendent is to act on knowledge rather than rumor.

Health data of an employee is confidential and shall not be disseminated.

It shall be the responsibility of the Superintendent to develop administrative regulations stating the procedures for dealing with School District personnel with a communicable disease.

Approved 7/10/89

Reviewed 7/11/16

Revised 7/11/16

403.4 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 work place.

Each School District employee shall review this information about hazardous substances. When an additional hazardous substance enters the work place, information about it shall be distributed and training shall be conducted for the appropriate employees. The Superintendent shall maintain a file indicating when training and informing takes place.

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

It shall be the responsibility of the Superintendent to develop administrative regulations regarding this program. The Superintendent shall report annually to the Board about the program.

Approved 7/10/89

Reviewed 7/11/16

Revised 7/11/16

403.5 USE OF ALCOHOL, DRUGS, AND CONTROLLED SUBSTANCES BY EMPLOYEES
(Drug Free Work Place)

Student and employee safety is a paramount concern to the Board. Employees under the influence of alcohol, drugs, or controlled substances are a serious risk to themselves, to students, and to other employees. Therefore, the Board will not tolerate the unlawful manufacture, use, possession, sale, distribution or being under the influence of drugs or controlled substances. Nor will the Board tolerate the unlawful use of, or being under the influence of, alcohol by an on-duty employee. Any employee who violates this policy will be subject to disciplinary action which may include dismissal. Each employee of the district is hereby notified that, as a condition of employment, the employee must abide by the terms of this policy and will report to the Superintendent any criminal drug statute convictions for a violation occurring in or on the premises of this school district, or while engaged in regular employment. Such notification must be made by the employee to the Superintendent no later than five days after conviction. The Superintendent will provide notice of such violation to the Impact Aid Program, United States Department of Education, or other appropriate government agency within ten days after the Superintendent receives such notification.

Thirty days after receipt of information concerning a violation of this policy the District will take appropriate discipline action which may include termination of employment or requiring the employee to participate in drug abuse assistance or rehabilitation programs.

All employees will be informed about the dangers of drug abuse in the work place; this policy of maintaining a drug-free work place, available drug counseling; rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug abuse violations occurring in the work place.

The Board recognizes that employees who have a drug abuse problem should be encouraged to seek professional assistance. An employee who requests assistance shall be referred to a treatment facility or agency in the community if such a facility or agency is available.

When a staff member has consumed alcoholic beverages or illegal drugs on school property and/or before a school activity, the staff member will not be allowed on school property or to participate in school activities. Staff members who violate this regulation will be subject to the same penalties as for possession or consumption on school property.

The Board hereby commits itself to a continuing good faith effort to maintain a drug-free work place.

Approved 11/12/89

Reviewed 7/11/16

Revised 7/11/16

403.6 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, return-to-duty and follow-up drug and alcohol testing. Employees operating school vehicles shall not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district contact person, the Business Manager, at 1787 182N Street, Inwood, IA 51240 (712) 753-4917.

Employees who violate the terms of this policy may be subject to discipline up to and including termination. Employees who violate this policy bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and a substance abuse treatment program if recommended by the substance abuse professional. Employees who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

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

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

Approved 1/8/96

Reviewed 7/11/16

Revised 7/11/16

403.6R1 DRUG AND ALCOHOL TESTING PROGRAM REGULATION

This administrative regulation supports the Drug and Alcohol Testing Program policy. It also establishes and explains the requirements of the school district's drug and alcohol testing program required for employees operating school vehicles. Note the Drug and Alcohol Testing Program Definitions.

- A. Questions regarding the drug and alcohol testing program policy, its supporting administrative regulations or the drug and alcohol testing program may be directed to the school district contact person, the Business Manager, at 1787 182N Street Inwood, IA 51240 (712) 753-4917.
- B. Covered Drivers.
 - 1. A driver is covered by the drug and alcohol testing program if the driver:
 - a. Drives a vehicle transporting sixteen or more persons, including the driver, OR drive 1.) vehicle weighing over twenty-six thousand one pounds; and
 - b. Required to hold a commercial driver's license for the driver position.
 - 2. Covered drivers include:
 - a. Applicants seeking a position as a driver;
 - b. Full time, regularly employed drivers;
 - c. Casual, intermittent, occasional or substitute drivers;
 - d. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of a school district.
 - 3. Drivers are subject to the drug and alcohol testing program and its requirements throughout the year, including the times when school is not in session or when the driver is on leave.
- C. Prohibited Driver Conduct.
 - 1. Drivers shall not report to duty or remain on duty with a 0.04 breath alcohol concentration or greater.
 - 2. Drivers shall not report for duty or remain on duty when using any drug except:
 - a. When a licensed medical practitioner has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle.
 - 3. Drivers shall not use alcohol at least four hours prior to, or during performance of a safety-sensitive function.
 - 4. Drivers shall not possess alcohol while on duty. This includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken.
 - 5. Drivers required to take a post-accident alcohol test shall not use alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
 - 6. Drivers shall not refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test requiring the driver to bear the personal and financial responsibility to undergo a substance abuse evaluation as a condition of continued employment and subjecting the driver to discipline up to and including termination.
 - 7. Drivers shall not report for duty or remain on duty performing a safety-sensitive function if the driver has a positive drug test result.
- D. Alcohol Breath Testing Procedures.
 - 1. Driver's breath or saliva is tested for alcohol.
 - 2. The screening alcohol test is conducted with an evidentiary breath testing device or a saliva testing device.
 - a. The screening alcohol or saliva test determines whether the driver's alcohol concentration is less than 0.02.
 - 1.) A screening alcohol test result of less than 0.02 breath alcohol concentration allow the driver to continue to perform a safety-sensitive function.
 - 2.) An screening alcohol test result of 0.02 alcohol concentration or greater requires a confirmation test.
 - 3. The confirmation alcohol is conducted only by an evidentiary breath alcohol testing device to determine whether the driver can continue to perform a safety-sensitive function.
 - a. A confirmation alcohol test result of less than 0.02 breath concentration allows the driver to continue to perform a safety-sensitive function.

- b. A confirmation alcohol test result of 0.02 alcohol concentration but less than 0.04 alcohol concentration requires the driver to cease performing a safety-sensitive function for twenty-four hours.
 - c. A confirmation alcohol test result of 0.04 breath alcohol concentration or greater requires the driver to cease performing a safety-sensitive function and undergo a substance abuse evaluation.
 - 4. Alcohol testing is conducted at collection sites which provide privacy to the driver and contain the necessary equipment, personnel and materials.
 - a. Alcohol testing is conducted at a designated collection site unless the situation requires another location.
 - b. In the event privacy cannot be assured, privacy will be provided to the extent practical.
 - 5. Screening alcohol testing steps.
 - a. Once the driver is notified to submit to an alcohol test, the driver must complete the Alcohol/Drug Test Notification Form and proceed immediately to the collection site. Collection site personnel contact the Business Manager immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.
 - b. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test.
 - c. The testing procedure is explained to the driver by the collection site person.
 - d. The breath alcohol technician (BAT) or saliva test technician (STT) and the driver complete and sign the appropriate sections of the alcohol testing form.
 - e. Evidentiary breath alcohol testing device procedures.
 - 1.) The driver forcefully blows into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
 - 2.) The screening alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
 - a) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.
 - b) A physician analyzes the driver's inability to provide adequate breath.
 - c) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
 - 3.) The results of the screening alcohol test are shared with the driver.
 - f. Saliva alcohol testing device procedures.
 - 1.) The driver and the STT review the expiration date of the saliva alcohol testing device, and if the date is valid, the packaging is opened.
 - 2.) The driver or STT places the swab in the driver's mouth until the swab is completely saturated. If the alcohol test is started again, only the STT may place the swab in the driver's mouth.
 - 3.) The saliva alcohol testing device is activated with the saturated swab in place.
 - 4.) The saliva alcohol test is stopped when the driver fails twice to provide an adequate amount of saliva. In that case:
 - a) The school district is informed.
 - b) The driver must submit to a breath alcohol test immediately.
 - 5.) The saliva testing device results are read two minutes, and no later than fifteen minutes, after the saliva testing device was activated.
 - 6.) The results of the screening alcohol test are shared with the driver.
 - g. The driver and breath alcohol technician or saliva test technician must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the BAT or STT notes the driver's refusal to sign.
 - h. Screening alcohol test results.
 - 1.) An alcohol test result of less than 0.02 alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive function.

- 2.) An alcohol test result of 0.02 alcohol concentration or more requires a confirmation alcohol test between fifteen and twenty minutes of the screening test.
- 3.) The BAT or STT provides the Business Manager with a copy of the alcohol testing form if written communication was not used to report the test results.
- i. Potentially incomplete or invalid screening alcohol tests are repeated with corrected procedures.

5. Confirmation alcohol testing steps.

- a. The driver is instructed to not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during the fifteen-minute waiting period to avoid accumulation of mouth alcohol leading to an artificially high reading.
- b. The confirmation alcohol test is done between fifteen and twenty minutes of the screening alcohol test whether or not the driver followed the requirements.
- c. If a different collection site is used, the driver must be under the observation of the collection site person or school district person while in transit to the confirmation alcohol testing site or while waiting for the confirmation alcohol test.
- d. If a different collection site person conducts the confirmation alcohol test, the driver must again provide photo identification.
- e. The testing procedure is explained to the driver by the BAT.
- f. The BAT and the driver complete and sign the appropriate sections of the alcohol testing form.
 - 1.) Refusal of the driver to sign the form prior to the confirmation alcohol test is considered a refusal to test.
 - 2.) The school district is notified immediately of the refusal to sign.
- g. The driver forcefully blows into the evidentiary breath testing device mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
- h. The confirmation alcohol test results, which are the final and official test results, are shared with the driver.
- i. The driver and BAT must sign the alcohol testing form following completion of the alcohol test. Failure to sign the form after the alcohol test is not considered a refusal to test. However, in the remarks section of the form, the BAT notes the driver's refusal to sign.
- j. The BAT informs the Business Manager of the results of the test in a confidential manner.
 - 1.) An alcohol test result of less than 0.02 alcohol concentration is reported to the school district in a confidential manner and the driver may continue to perform a safety-sensitive function.
 - 2.) The BAT notifies the Business Manager immediately of confirmation alcohol test results of 0.02 alcohol concentration or more.
 - 3.) The collection site person provides the Business Manager with a copy of the alcohol testing form if written communication was not used to report the test results.
- k. Potentially incomplete or invalid breath alcohol tests are repeated with corrected procedures.
- l. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
 - 1.) A physician analyzes the driver's inability to provide adequate breath.
 - 2.) Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
 - 3.) A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.

E. Drug Testing Procedures.

- 1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
- 2. A split specimen urine drug test, often called "split sample test," is used to conduct the drug test.
 - a. A negative drug test results allow the driver to continue to perform a safety-sensitive function.
 - b. A positive drug test on the primary sample requires the driver to be removed from performing a safety-sensitive function.

- c. A positive drug test result on the primary sample allows the driver an opportunity to request the split sample be tested by another certified laboratory for the specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result.
 - d. A positive drug test result requires the driver to bear the personal and financial responsibility to undergo a substance abuse evaluation as a condition of continued employment.
3. Drivers taking medication at a licensed medical practitioner's direction may perform a safety-sensitive function if the licensed medical practitioner determines there is not an adverse effect on performing a safety-sensitive function.
4. Drug testing is conducted at collection sites which provide privacy to the driver and where the necessary equipment, personnel and materials are located.
- a. Drug testing is conducted at a designated collection site unless the situation requires another location. Public restrooms can be used as collection sites in exceptional circumstances.
 - b. In the event privacy cannot be assured, privacy is provided to the extent practical. However, direct observation is allowed if:
 - 1.) Reasons exist to believe the driver may alter or substitute the specimen.
 - 2.) The driver presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided.
 - 3.) The last specimen provided by the driver was determined by the laboratory to not need specific gravity and urine creatinine concentration criteria.
 - 4.) This collection site person observes conduct of the driver to substitute or adulterate the specimen.
 - 5.) The driver has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty.
 - c. Direct observation is approved by the supervisor of the collection site person or the designated school district representative. Non-medical personnel performing direct observation must be of the same gender as the driver.
5. Drug testing steps:
- a. The school district contact person makes arrangements with the collection site for the test.
 - b. Once the driver is notified to submit to a drug test, the driver must complete the Alcohol/ Drug Test notification Form and proceed immediately to the collection site. The collection site person contacts the Business Manager immediately when a driver does not arrive at the specified time. Failure to arrive at the collection site in a timely manner is considered a refusal to test.
 - c. Upon arrival, the driver must provide a photo identification. Repeated failure of the driver to produce a photo identification is considered insubordination as well as a refusal to test. The driver may require the collection site person to provide proof of identification.
 - d. The driver may keep his or her wallet but must remove any unnecessary outer garments, purses, briefcases and similar items at the request of the collection site person.
 - e. Immediately prior to providing a urine specimen, the driver must wash his or her hands.
 - f. The driver must then provide forty-five milliliters of urine and deliver it immediately to the collection site person.
 - 1.) Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and trying again.
 - 2.) The drug test is stopped when the driver fails twice to provide an adequate amount of urine.
 - 3.) Failure to provide adequate urine is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate urine.
 - g. The specimen is kept in view of the driver and the collection site person.
 - h. Upon receipt of the specimen, the collection site person immediately, and in no event later than four minutes from the time of urination, measures the temperature of the specimen.
 - i. The driver may volunteer to have his or her oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the

specimen.

- j. The collection site person inspects the specimen for color and other signs of contaminants and notes any unusual findings in the remarks section of the chain of custody form.
- k. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person. Specimens suspected of adulteration or substitution are also sent to laboratory for testing.
- l. The specimen is divided into the primary and the split specimen, sealed and labeled. The label is initialed by the driver.
- m. The driver is required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
- n. The collection site person is required to note on the chain of custody form any unusual behavior or appearance of the driver and any failure to cooperate.
- o. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete. Failure of the driver to sign the form after the drug test is not considered a refusal to test. However, the collection site person notifies the school district contact person and notes the driver's failure to sign on the form.
- p. The specimens are packed for shipping to the laboratory and are shipped immediately or placed in secure storage until they can be shipped.

6. Laboratory:

- a. The laboratory used by the school district's drug and alcohol testing program is certified by the U.S. Department of Health and Human Services (DHHS). Certified laboratories meet the testing procedures, personnel and record keeping requirements of the law.
- b. Upon arrival of the specimen at the laboratory, the split specimen is stored and the primary specimen is tested.
 - 1.) A positive drug test result on the initial test of the primary specimen requires a confirmation drug test of the primary specimen.
 - 2.) The split specimen is discarded if the primary specimen has a negative drug test result.

7. Medical Review Officer (MRO).

- a. The MRO may release drug testing records of a driver to unauthorized individuals only with the written consent of the driver.
- b. The MRO keeps a record of negative drug test results and reports negative drug test results to the school district, usually within two working days.
- c. The primary role of the MRO is to review and interpret positive drug test results to determine whether a legitimate explanation exists for the positive drug test result.
 - 1.) After reviewing the chain of custody form and the laboratory drug test results, the MRO contacts the driver to discuss the positive drug test result prior to notifying the school district and to ask whether the driver requests a drug test of the split sample. The driver's request for a drug test of the split sample must be made within seventy-two hours of talking with the MRO.
 - 2.) Upon request of the driver, the split specimen is sent to a second certified laboratory test only for the drug found in the primary specimen.
 - 3.) The MRO contacts the Business Manager for assistance if the driver cannot be reached.
 - 4.) The Business Manager must confidentially inform the driver to contact the MRO.
 - 5.) Upon contacting the driver, the Business Manager must inform the MRO that the driver was contacted.
 - 6.) Drivers who cannot be contacted are placed on temporary medically unqualified status or medical leave.
- d. The MRO may verify a positive drug test without talking to the driver if:
 - 1.) The driver declines the opportunity to discuss the positive drug test.
 - 2.) The driver fails to contact the MRO within five days after the Business Manager has contacted the driver.
 - 3.) MRO verification of positive drug test results under these circumstances can be challenged by the driver if the driver presents the MRO with information documenting a serious illness, injury or other circumstances unavoidably preventing

the driver from timely contacting the MRO. The MRO, based on this additional information, may find a legitimate explanation for the positive drug test result and declare the drug test negative.

- e. The driver is notified of the drugs found in a positive drug test result by the MRO, the Business Manager or by certified mail to the driver's last known address.
- f. The school district receives a written report of the negative and positive drug test results from the MRO.

F. Substance Abuse Professional.

1. A substance abuse evaluation by a substance abuse professional is the personal and financial responsibility of the driver as a condition of continued employment when a driver has:
 - a. A positive drug test;
 - b. A positive alcohol test of 0.04 breath alcohol concentration or greater; or
 - c. Otherwise violates the drug and alcohol testing program policy, its supporting documents or the law.
2. The substance abuse evaluation determines what assistance, if any, the driver needs in resolving problems with alcohol misuse and/or drug use.
3. A list of available substance abuse professionals to provide assistance to bus drivers is available through the Business Manager.

G. Pre-employment Testing.

1. Drivers shall submit to a drug test if a job offer is made. The job offer is contingent upon:
 - a. A negative drug test result; and
 - b. A signed written statement authorizing former employers to release all information on the driver related to drugs and alcohol.
2. Prior to allowing a driver to perform a safety-sensitive function, and no later than fourteen days after performing a safety-sensitive function, information must be obtained, or a good faith effort must have been made to obtain the information about the driver's drug and alcohol history.
 - a. The following information must be obtained about the driver for the two year period preceding the date of the application.
 - 1.) Alcohol test results of 0.04 alcohol concentration or greater;
 - 2.) Positive drug test results; and
 - 3.) Refusals to be tested
 - b. The information must be obtained, or a good faith effort made to obtain, the information if the driver is currently performing and will continue to perform a safety-sensitive function.
 - c. The information must be obtained or a good faith effort made to obtain the information if the driver performed a safety-sensitive function and is no longer employed by the school district.
 - d. The information does not need to be obtained if the driver did not perform a safety-sensitive function and is no longer employed by the school district.
 - e. The school district may obtain information held by the prior employer for the two-year period preceding the date of application even if the information came from other employers.
 - f. A good faith effort requires the school district to request and hopefully receive, the information prior the driver driving and no later than fourteen days after first driving by taking the following steps:
 - 1.) Obtain the driver's written consent immediately after a conditional employment offer is made.
 - 2.) Send a completed consent for Release of Information signed by the driver to prior employers via certified mail.
 - 3.) Contact the prior employers' drug and alcohol testing program managers about the status of the request if no response is received within reasonable period.
 - 4.) Take appropriate action (i.e. follow-up with a SAP, terminate employment) if the information received, whether prior to or after the fourteen day period, requires.
 - 5.) Document and maintain the documentation of the steps taken to obtain the information when it is not received or the prior employer refuses to submit the information.

H. Random Testing.

1. Annually, ten percent of the average number of drivers are selected for random alcohol tests and

- fifty percent of the average number of drivers are selected for random drug tests.
2. The drivers' identification numbers are selected by a scientific method giving each driver an equal chance to be selected.
 3. Random tests are unannounced and spread throughout the year.
 4. Drivers selected for random alcohol testing are notified just before, during or just after performing a safety-sensitive function. The school district documents why some, if any, drivers were selected but not notified.
 5. Drivers selected for random drug testing are notified at any time. The school district must document why some, if any, drivers were selected but not notified.
 6. Once the driver is notified of being selected for a random test, the driver must proceed immediately to the collection site. However, drivers performing a safety-sensitive function must safely stop and proceed to the collection site as soon as possible.
- I. Reasonable Suspicion Testing.
1. A driver may be required to submit to a reasonable suspicion drug test at any time.
 2. A driver may be required to submit to a reasonable suspicion alcohol test just before, during or just after the driver performs a safety-sensitive function or just before, during or just after the time the driver is required to be in compliance with the drug and alcohol testing program policy, its supporting administrative regulations or the law.
 - a. A reasonable suspicion alcohol test is performed within two hours and no later than eight hours of determining reasonable suspicion.
 - b. If the alcohol test is not given within two hours, the reasons for the delay must be documented.
 - c. If the alcohol test is not given within eight hours, attempts to test are stopped and the reason for not testing must be documented.
 3. A reasonable suspicion test request is made by an employee who received training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observes the driver, that employee must also document their reasons.
- J. Post-accident Testing.
1. Drivers are subject to both post-accident drug and alcohol testing as soon as possible after an accident in which:
 - a. A fatality other than the driver occurred.
 - b. The driver was cited and bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or
 - c. The driver was cited and one or more vehicles incurred disabling damage as a result of the accident, requiring a motor vehicle to be transported away from the accident scene by a tow truck or other motor vehicle.
 - 1.) "Disabling damage" is damage which precludes the departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It includes damage to motor vehicles that could have been driver but would have been further damaged if so driver.
 - 2) "Disabling damage" excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts.
 - a) Tire disablement without other damage even if no spare tire is available.
 - b) Headlight or taillight damage.
 - c) Damage to turn signals, horn, or windshield wipers which make them inoperative.
 2. Drivers must remain readily available for post-accident testing.
 - a. Drivers who leave the scene or who do not remain readily available are deemed to have refused to test.
 - b. Necessary medical treatment cannot and should not be denied to a driver waiting to complete post-accident drug and alcohol tests.
 3. Alcohol testing requirements.
 - a. The alcohol test is administered within two hours and no later than eight hours of the accident.
 - b. The reasons for administering the test later than two hours after the accident must be

- documented.
 - c. The reasons for not administering the test within eight hours of the accident must be documented.
 - d. Drivers are prohibited from consuming alcohol for eight hours after the accident or until the alcohol test is completed.
4. Drug testing requirements.
- a. The drug test is administered as soon as possible and no later than 32 hours after the accident.
 - b. The reasons for not administering the test must be documented.
5. Results of drug or alcohol testing conducted by law enforcement officers or other officials on the scene with independent authority to conduct such tests are presumed valid if the the testing conforms with the law. The school district must receive a copy of the results to use them.
- K. Return-to-duty/Follow-up Testing.
1. Prior to returning to duty after a positive test, a positive alcohol test of 0.04 alcohol concentration or greater, or otherwise violating the drug and alcohol testing program policy, its supporting documents or the law, the driver bears the personal and financial responsibility to:
 - a. Be reevaluated by a substance abuse professional to determine that the driver has properly followed any treatment program prescribed.
 - b. Submit to the tests required by the substance abuse professional. The substance abuse professional may require a return-to-duty test for drugs, alcohol or both.
 - c. Have a negative return-to-work drug test result and/or an alcohol test result of less than 0.02 breath alcohol concentration before the driver can return to duty and perform safety-sensitive function.
 2. After returning to duty, the driver is subject to a minimum of six unannounced follow-up tests within twelve months for alcohol, drugs, or both, as determined by the substance abuse professional.
 - a. The substance abuse professional can terminate the follow-up testing requirement after the first six tests have been completed or continue the follow-up testing for up to sixty months from the date of the driver's return to duty.
 - b. Alcohol follow-up testing is done just before, during or just after performing a safety-sensitive function.
 - c. Drug follow-up testing is done any time.
- L. School district responsibilities.
1. Provide drivers with information on the drug and alcohol testing requirements of the drug and alcohol testing program policy, its supporting documents and the law, including the driver's obligations.
 2. Supervisors of drivers or employees designated to determine reasonable suspicion must receive sixty minutes of training on alcohol misuse and sixty minutes of training on drug use. The training must address the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug use. The reasonable suspicion training certificate must be maintained by the school district until the employee leaves employment of the school district or is no longer authorized to make a reasonable suspicion determination.
 3. Provide drivers with instructions prior to the driver operating a school vehicle to enable the driver to comply with the drug and alcohol testing requirements.
 4. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver's drug use whether or not a drug test was conducted.
 5. Disallow drivers to report to work or perform a safety-sensitive function when the school district has actual knowledge of a driver with 0.02 alcohol concentration or greater whether or not an alcohol test was conducted.
 6. Ensure, through the school district's drug and alcohol testing program service provider, that the quality assurance plan, developed by the manufacturer and approved by the National Highway Traffic Safety Administration (NHTSA) for the evidentiary testing device or saliva alcohol testing device used for alcohol testing of its drivers, describes the inspection, maintenance and calibration requirements and intervals for the device.
 7. Ensure, through the school district's drug and alcohol testing program service provider, that the collection site person using an evidentiary breath testing device is a certified breath alcohol

technician (BAT).

8. Ensure, through the school district's drug and alcohol testing program service provider, that the collection site person using a saliva alcohol testing device is a certified BAT or saliva test technician (STT).

M. Consequences of violating the drug and alcohol testing program policy, its supporting documents or the law.

1. Each violation is dealt with based on the circumstances surrounding the violation. The following consequences may result from a violation.
 - a. Drivers may be disciplined up to and including termination.
 - b. Drivers may not be permitted to perform safety-sensitive functions.
 - c. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.
 - d. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to termination.
 - e. Drivers/applicants who refuse to submit to or cooperate with the drug and/or alcohol testing process and requirements shall be disqualified from further consideration.
 - f. Drivers, as a condition of continued employment, bear the personal and financial responsibility for undergoing a substance abuse evaluation to determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any recommended substance abuse treatment program.
 - g. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding the incident.
 - h. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination.
2. Nothing in the drug and alcohol testing program policy, its supporting documents or the law relating to drug and alcohol testing limits or restricts the right of the board or superintendent to discipline, up to and including termination, a driver for conduct which violates the school district's policies, supporting documents and procedures.

N. Drug and alcohol testing records.

1. Drug and alcohol testing records are stored in locked files at limited access locations separate and apart from the driver's personnel records.
2. The records are released only with the written consent of the driver. Only those records specifically authorized for release may be released. However:
 - a. Records may be released to appropriate government agencies without a driver's written consent.
 - b. Records may be released to appropriate school district employees without a driver's written consent.
 - c. School districts may, without a driver's written consent, make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver and arising from the result of an alcohol or drug test under the drug and alcohol testing program policy, its supporting regulations or the law or from the school district's determination that the driver violated the drug and alcohol testing program, its supporting regulations, or the law.
3. With a written request, drivers may access and copy their drug and alcohol test records in accordance with the board policy related to employee records. A driver is not denied access to these records for failure to pay fees associated with other records.
4. The following records of the school district's drug and alcohol testing programs are maintained for the period indicated.
 - a. One year:
 - 1.) Records of negative and canceled drug test results and alcohol test results of less than 0.02 alcohol concentration.
 - 2.) Records related to a driver's test results.
 - 3.) Records related to other violations of the law.
 - 4.) Records related to substance abuse evaluations.
 - b. Two years:

- 1.) Records related to the alcohol and drug collection process, except calibration of evidentiary breath testing devices, and training.
 - c. Five years:
 - 1.) Alcohol test results of 0.02 alcohol concentration and greater.
 - 2.) Verified positive drug test results.
 - 3.) Documentation of refusals to take required alcohol and/or drug tests.
 - 4.) Evidentiary breath testing device calibration documentation.
 - 5.) Driver substance abuse evaluations and referrals.
 - 6.) Annual calendar year summary.
 - 7.) Records related to the administration of the drug and alcohol testing program.
 - d. Forever or as designated below:
 - 1.) Reasonable suspicion training certificates must be retained two years after the employee is no longer authorized to make a reasonable suspicion determination.
 - 2.) Records related to the education and training of drivers must be retained two years after the employee ceases to perform a safety sensitive function.
5. The following records of a school district collection site for saliva alcohol testing are maintained for the time period indicated.
- a. Two years.
 - 1.) Records related to the alcohol collection process.
 - b. Five years.
 - 1.) Collector copy of Chain of Custody Form for Controlled Substance Testing.
 - 2.) Collector copy of Breath Alcohol Test Form.
 - 3.) Quality assurance plan, if any.
 - 4.) Quality control check sheet.
 - c. Records related to the education and training of STTs must be retained two years if the employee ceases to perform the duties of an STT.

403.6R2 DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

Air blank - a reading by an evidentiary breath testing device (EBT) of ambient air containing non alcohol.

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) - the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidentiary breath alcohol test or saliva alcohol test under the law.

Alcohol use - the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) - an individual who instructs and assists drivers in the alcohol testing process and operates an evidentiary breath testing device, non-evidentiary breath testing device or saliva testing device.

Canceled or invalid test - in drug testing it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. In alcohol testing it is a test that deemed to be invalid under the law. A canceled drug test or alcohol test is neither a positive nor a negative test.

Chain of Custody - procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

Collection site - a place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

Confirmation test - for alcohol testing it is a second test following a screening alcohol test with a result of 0.02 breath alcohol concentration or greater that provides quantitative data of alcohol concentration. For drug testing is a second analytical procedure (GC/MS) to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principal from that of the initial test in order to ensure reliability and accuracy.

Controlled substances/Drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine.

Driver - any person who operates a school vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the school district or who operate a school vehicle at the direction of or with the consent of the school district. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for drivers of school vehicle positions.

Initial test (or screening test) - in drug testing it is an immunoassay screen to eliminate "negative" urine specimens from further consideration. In alcohol testing it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath or saliva specimen.

Licensed medical practitioner - a person who is licensed, certified, and/or registered, in accordance with applicable federal, state, local or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical review officer (MRO) - a licensed physician (medical doctor or osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate a driver's confirmed positive test result together with the driver's medical history and any other relevant biomedical information.

Non-suspicion-based post-accident testing - testing of a driver after an accident without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence or drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.

Performing a safety-sensitive function - a driver is considered to be performing a safety-sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Random Selection Process - when drug and alcohol tests are unannounced and every driver has an equal chance of being selected for testing.

Reasonable suspicion - when the school district believes the appearance, behavior, speech or body odors of the driver are indicative of the use of drugs or alcohol.

Refusal to test - when a driver (1) fails to provide adequate breath or saliva for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of the law, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the law, or (3) engages in conduct that clearly obstructs the testing process. A refusal to test is treated as a positive drug test result or an alcohol test result of 0.04 alcohol concentration or greater.

Safety-sensitive function - all time from the time when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.

Saliva test technician (STT) - an individual who has successfully completed U.S. DOT approved training for saliva alcohol testing who instructs and assists drivers in the initial (screening) alcohol testing process and operates a non-evidentiary breath testing or saliva testing device.

School vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports sixteen or more persons, including the driver, or weighs over twenty-six thousand one pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.

Split-specimen/split sample - the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in second specimen bottle (the split sample).

Substance abuse professional (SAP) - a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

403.6E1 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 supportive 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 shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate a school vehicle and continue to be subject to the drug and alcohol testing program.

It is the responsibility of the superintendent to inform employees of the drug and alcohol testing program requirements. Employees with questions regarding the drug and alcohol testing requirements shall contact the school district contact person, the Business Manager, 1787 182N Street, Inwood, Iowa 51240.

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 violating this policy, its supporting documents or the law bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and, a substance abuse treatment program, it recommended by the substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED it is a condition of their continued employment to comply with the Drug and Alcohol Testing Program policy, its supporting 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.

403.6E2 DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

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

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

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

Signature of Employee

Date

403.6E3 CONSENT FOR RELEASE OF INFORMATION

Name (Print)

Social Security Number

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

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

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

Signature

Date

RECORDS TO BE RELEASED FROM:

Company Name: _____

Address: _____

Telephone/other: _____

RECORDS TO BE RELEASED TO:

School District Contact Person: _____

Address: _____

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

Named/Signature/Title

Date

403.7E5 CERTIFICATION OF PREVIOUS EMPLOYERS REQUIRING A COMMERCIAL DRIVER'S LICENSE

Name (Print) Social Security Number

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

Company: _____ Phone _____

Address: _____

City/State/Zip: _____

Company: _____ Phone _____

Address: _____

City/State/Zip: _____

Company: _____ Phone _____

Address: _____

City/State/Zip: _____

Company: _____ Phone _____

Address: _____

City/State/Zip: _____

Company: _____ Phone _____

Address: _____

City/State/Zip: _____

Signature Date

403.7E6 DRUG AND ALCOHOL REASONABLE SUSPICION OBSERVATION

Employee's Name _____ Date of Observation: _____

Time of Observation: From _____ am/pm to _____ am/pm

Location: _____

Observed personal behavior: (circle all appropriate items)

Speech: Normal Incoherent Confused Slurred Whispering Silent Loud Disruptive

Balance: Normal Swaying Staggering Falling

Walking and Turning: Normal Stumbling Swaying Falling Arms raised for balance
Reaching for support

Awareness: Normal Confused Paranoid Sleepy or Stupor Lack of Coordination

Odor: Normal Alcohol Burned rope

Appearance: Red Eyes Vomiting Half closed eyes

Comments: _____

Reasonable suspicion of current use or impaired by alcohol drugs.
Above behavior witnessed by:

Signature Date

Signature (Optional) Date

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

403.6E7 DRUG AND ALCOHOL TESTING PROGRAM PRE-EMPLOYMENT DRUG TEST
ACKNOWLEDGMENT FORM

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

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

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

Signature of Applicant

Date

403.6E8 RANDOM TESTING DRIVER LIST FORM IOWA DRUG AND ALCOHOL TESTING PROGRAM

School District Contact Person: _____ Date: _____

School District: _____ Phone: _____

Address: _____

Additions		Deletions	
SSN	NAME	SSN	NAME
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

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

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

403.6E9 DRUG AND ALCOHOL TESTING PROGRAM REFERRAL TO SUBSTANCE ABUSE PROFESSIONAL
ACKNOWLEDGMENT FORM

I, _____, understand I have violated the Drug and Alcohol Testing Program policy, its supporting administrative regulations and the law by having a

Positive drug test result: _____

Alcohol test result of 0.04 breath alcohol concentration or greater: _____

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

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

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

Signature of Employee

Date

403.6E10 POST-ACCIDENT DRUG AND ALCOHOL TESTING INSTRUCTIONS TO DRIVERS

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

1. Take action to maintain the safety and health of the persons being transported in the school vehicle.
2. Report the accident to the following person as soon as practicable following the accident and follow any directions given to the driver.
 - Business Manager
 - West Lyon Community School District
 - Work Phone #712-753-4917
 - Home Phone #712-477-2299
 - Back-Up Contact Person Phone #712-477-2249
3. Determine whether any of the following have occurred, and if so, post-accident drug and alcohol testing must be done.
 - a. A fatality, other than the driver, occurred.
 - b. The driver was cited and bodily injury occurred to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident.
 - c. The driver was cited and one or more motor vehicles incurred disabling damage as a result of the accident, requiring a vehicle to be transported away from the scene of the accident by a tow truck or other motor vehicle.
 - 1) "Disabling damage" is damage which precludes department of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. It includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
 - 2) "Disabling damage" excludes damage which can be remedied temporarily at the scene of the accident without special tools or parts;
 - a) Tire disablement without damage even if no spare tire is available.
 - b) Headlight or taillight damage.
 - c) Damage to turn signals, horn, or windshield wipers which make them inoperative.
4. Consume no alcohol for eight hours or prior to submitting to a post-accident alcohol test, whichever occurs first, following an accident meeting the criteria in "3" above.
5. Remain available to submit to a post-accident alcohol test within two hours and no later than eight hours after the accident.
6. Remain available to submit to a post-accident drug test as soon as possible after the accident and no later than 32 hours after the accident.
7. Failure to remain available for post-accident drug and alcohol testing is considered a refusal to test and will result in termination of the driver.
8. Seek appropriate medical attention despite the need to remain available to submit to a post-accident drug and alcohol tests.
9. Using the Transportation Emergency Assistance Program manual developed by the Iowa Pupil Transportation Association, contact the nearest school district transportation director for assistance.
10. Obtain the name, badge number and telephone number of the law enforcement officer if the law enforcement officer conducts a post-accident drug and/or alcohol test. If possible, obtain copies of any alcohol and drug test results conducted by the law enforcement officer. Since these test results are generally unacceptable to meet the school district's requirements for post-accident drug and alcohol testing, the driver must remain available for post-accident drug and alcohol testing by a trained collection site person.
11. Complete the School Bus Accident Report form issued by the Iowa Department of Education as soon as possible.
12. Document failure to submit to a post-accident alcohol test if no alcohol test was conducted:
 - a. Document why the driver was not alcohol tested within two hours after the accident.
 - b. Document why the driver was not alcohol tested within eight hours after the accident.

- c. A copy of the documentation must be submitted to the Business Manager upon return to the school district.
13. Document failure to submit to a post-accident drug test if no drug test was conducted:
- a. Document why the driver was not drug tested within 32 hours after the accident.
 - b. A copy of the documentation must be submitted to the Business Manager upon return to the school district.

404 EMPLOYEE CONDUCT AND APPEARANCE

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

Employees 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.

Approved: October 9, 2017 Reviewed _____ Revised _____

404.R1 CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

Chapter 25

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

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

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

“Board” means the Iowa board of educational examiners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:
 - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
 - Lascivious acts with a child;
 - Assault with intent to commit sexual abuse;
 - Indecent contact with a child;
 - Sexual exploitation by a counselor;
 - Lascivious conduct with a minor;
 - Sexual exploitation by a school employee;
 - Enticing a minor under Iowa Code section 710.10; or
 - Human trafficking under Iowa Code section 710A.2;
3. Incest involving a child as prohibited by Iowa Code section 726.2;
4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2;
5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;
6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)“b”(1); or
7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)“b”(1).

(2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)“b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:

1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
2. The time elapsed since the crime or founded abuse was committed;
3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
4. The likelihood that the person will commit the same crime or abuse again;
5. The number of criminal convictions or founded abuses committed; and
6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.

c. Sexual involvement or indecent contact with a student. Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or breasts of a student; permitting or causing to fondle or touch the practitioner’s inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in Iowa Code section 702.17.

d. Sexual exploitation of a minor. The commission of or any conviction for an offense prohibited by Iowa Code section 728.12, Iowa Code chapter 709 or 18 U.S.C. Section 2252A(a)(5)(B)e. *Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:

- (1) Committing any act of physical abuse of a student;
- (2) Committing any act of dependent adult abuse on a dependent adult student;
- (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
- (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;

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

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

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

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

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

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

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

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

A. Violation of this standard includes:

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

3. June 30.

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

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, creed, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
- f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
- i. Refusing to participate in a professional inquiry when requested by the board.
- j. Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.
- k. Failing to self-report to the board within 60 days any founded child abuse report, or any conviction for a criminal offense listed in 25.3(1)“b”(1) which requires revocation of the practitioner's license.
- l. Delegating tasks to unqualified personnel.
- m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
- n. Allowing another person to use one's practitioner license for any purpose
- o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared or performing services without holding a valid license.
- p. Falsifying, forging, or altering a license issued by the board.
- 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.
Failing to comply with 282—Chapter 10 concerning child support obligations. D. Failing to comply with a board order.

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

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

405 LICENSED EMPLOYEES – GENERAL

405.1 CERTIFICATION

Certified personnel shall be certified or licensed for the position they hold with the School District. The certification shall meet the requirements set out by the State Department of Education. Each certified employee must present a copy of his/her current certificate or license to the Superintendent annually prior to payment of salary.

Approved 7/10/89

Reviewed 7/11/16

Revised 7/11/16

405.2 RECRUITMENT OF CERTIFICATED PERSONNEL

Recruitment of the professional staff of the School District shall be the responsibility of the Superintendent of Schools or his/her designee. In the discharge of this responsibility, the Superintendent shall make use of such other supervisory or administrative staff members as may be practical.

Applications will not be accepted unless a vacancy, for which the applicant is qualified, presently exists or an advertisement has been made for a potential opening.

Selection shall be based on the merits of the candidates, without regard to age, race, creed, color, gender, national origin, religion, disability, marital status, sexual orientation, socio-economic status or gender identity.

Approved 11/11/85

Reviewed 7/11/16

Revised 7/11/16

405.3 QUALIFICATIONS OF CERTIFICATED PERSONNEL

Selection of certificated staff shall be based on the following qualifications:

1. Training and certification
2. Demonstrated professional competence
3. Suitability for the position in terms of professional experience
4. Nature of the occupation

Certificated personnel qualifications shall be evaluated on the merits of the candidates, without regard to age, race, creed, color, gender, national origin, religion, disability, marital status, sexual orientation, socio-economic status or gender identity.

Approved 11/11/85

Reviewed 7/11/16

Revised 7/11/16

406 LICENSED EMPLOYEE COMPENSATION AND BENEFITS

406.1 PAYMENT OPTION

Each employee shall have the option of receiving all or any portion of his/her earned, contracted salary in the pay period following the completion of the employee's work year (July 1 through June 30).

Approved 7/12/99

Reviewed 7/11/16

Revised 7/11/16

407 LICENSED EMPLOYEE TERMINATION OF EMPLOYMENT

407.1 RESIGNATION OF CERTIFICATED PERSONNEL

Resignations shall be in writing, signed by the resigning party, directed to the Superintendent of Schools; the Superintendent will submit it to the Board of Directors with recommendations, as provided by law.

All resignations for the following school year submitted within twenty one (21) days of the annual issuance of the contract modification form shall be accepted by the Board.

All other resignations should be filed at least thirty (30) days prior to the requested release from contract. Except as otherwise provided, no teacher will be released until a suitable replacement has been found. The resigning teacher shall also be required, at the discretion of the Board, to reimburse the School District up to \$500 for expenses incurred to hire the replacement teacher. Such expenses shall be payable to the District by the resigning teacher as a condition for the Board to accept the resignation. Failure to provide reimbursement will result in a charge being filed in small claims court. This paragraph does not apply to resignations resulting from medical disability.

If an employee leaves without proper release, the Superintendent of Schools is directed to advise the State Department of Education for appropriate action.

Approved 11/11/91

Reviewed 7/11/16

Revised 7/11/16

407.6 EARLY RETIREMENT INCENTIVE - CERTIFIED TEACHERS

The West Lyon Community School District (the "District") may, from time to time, provide an early retirement benefit for certified teachers who, pursuant to the terms and conditions listed below, qualify for and elect to utilize the benefit. It is the intent of the District to provide the benefit as a consequence of early retirement. It is also the expressed intent of the District to not create any age discrimination in this policy, but rather to reward years of service by certified teachers of the District.

A certified teacher desiring to elect the benefit shall notify the Superintendent on or before February 1st immediately prior to the school year when the desired early retirement would commence. School term is defined as that period of time falling within and including the first day of school and the final day of school. **For the benefit to be payable, the teacher must satisfy all of the following terms and conditions:**

1. Be a certified teacher with a teaching license in good standing with the State of Iowa as of the end of the school term in which early retirement is requested.
2. Is employed as a teacher with the West Lyon School District at the time of applying for early retirement.
3. Submit a timely written request for early retirement on form 403.5E.
4. Have reached the minimum age of 55 before the end of the school term in which the application for early retirement is filed with the Superintendent.
5. Have completed the equivalent of at least 20 years of service in the District as a certified teacher as of the end of the school term in which the application for early retirement is filed with the Superintendent, of which the last 10 years of service with the District must be continuous employment.
6. Have reached the Rule of 88 **for the first time**, as defined by IPERS, as of the end of the school term in which the application for early retirement is filed with the Superintendent.

It is solely the teacher's responsibility to submit form 403.5E to the Superintendent by February 1st in the year that all of the above terms and conditions are met, even if he or she does not wish to apply for this early retirement benefit. This is a one time opportunity to apply for said benefits. Teachers who decline to apply will not be eligible for early retirement benefits in succeeding years.

The teacher's request for the early retirement benefit on form 403.5E shall be deemed as a voluntary resignation of his or her contract with the District if said request is approved by the Board of Directors and shall not, after such acceptance, be revocable by the teacher. (Conversely, a request shall not be deemed a voluntary resignation if it is not approved by the Board of Directors.) The benefit granted under this policy is limited to a cash bonus.

A qualified teacher electing early retirement, whose request has been approved by the Board of Directors, will receive a benefit of \$60,000. This amount will be paid over 6 years (\$10,000 per year); with half due on or before August 20th and the other half due on or before January 20th. Payments shall be subject to tax and all other applicable withholdings. Said teacher may elect to pay for single health premiums with the District's group plan. If said teacher decides to take the single health coverage, he or she may continue to do so until age 65; without any additional reimbursement from the District.

Teachers employed at .8 FTE or greater will be eligible 100% of the stated benefit. Teachers employed between .5 and .79 FTE will be eligible for a prorated benefited based on their employment FTE. Teachers employed below .5 FTE will not be eligible for the early retirement benefit.

A teacher who is participating in this early retirement program shall not be eligible for any full time employment with the District. Similarly, a participating teacher also shall not, except at the sole discretion of the Board of Directors, be eligible for any part-time employment with the District. Should a participating teacher be entitled to any salaries from the District for such part-time employment, those salaries may be reserved to pay for the teacher's share, if any, of his or her single health insurance premiums. The amount reserved shall not exceed the amount of the teacher's share of such premiums.

If any employee who has elected retirement should die before receiving the entire retirement benefit as provided by this policy, the remaining payments will cease.

The Board of Directors has complete discretion to offer or not offer an early retirement policy for teachers. The Board of Directors may, in its sole discretion, also amend or discontinue the District's early retirement policy at any time. Such amendments shall not affect a retired teacher whose request for early retirement has previously been approved by the Board of Directors. However, notwithstanding the foregoing, nothing in this policy shall limit the Board's ability to change the terms of its existing health and major medical insurance coverage. Moreover, nothing in the policy guarantees a teacher participating in this early retirement program any certain level of insurance benefits during the time of his or her participation if taken as a part of this early retirement program.

Approved 1/8/07

Reviewed 7/11/16

Revised 7/11/16

407.6E1 EARLY RETIREMENT INCENTIVE

MUST BE SUBMITTED TO THE SUPERINTENDENT BY FEBRUARY 1ST OF THE YEAR THAT ALL OF THE FOLLOWING TERMS AND CONDITIONS ARE MET!

THIS IS THE SOLE RESPONSIBILITY OF THE TEACHER!

I attest that this year _____ is the first time that I have met **all** of the following terms and conditions for this early retirement program.
(school term)

1. Be a certified teacher with a teaching license in good standing with the State of Iowa as of the end of the school term in which early retirement is requested.
2. Is employed as a teacher with the West Lyon School District at the time of applying for early retirement.
3. Have reached the minimum age of 55 before the end of the school term in which the application for early retirement is filed with the Superintendent.
4. Have completed the equivalent of at least 20 years of service in the District as a certified teacher as of the end of the school term in which the application for early retirement is filed with the Superintendent, of which the last 10 years of service with the District must be continuous employment.
5. Have reached the Rule of 88 **for the first time**, as defined by IPERS, as of the end of the school term in which the application for early retirement is filed with the Superintendent.

_____ **Yes, I wish to accept the terms of this early retirement incentive, with the first payment being made on or before August 20, _____.**

_____ **No, I DO NOT wish to accept the terms of this early retirement incentive. I recognize that I will not be eligible for early retirement benefits, as provided in this policy, in future years.**

Teacher's Name

Date

TEACHERS WHO FAIL TO SUBMIT THIS FORM BY THE DESIGNATED DEADLINE FORFEIT ALL RIGHTS TO ANY OF THE PROVISIONS OF THIS POLICY IN FUTURE YEARS!

408 LICENSED EMPLOYEE PROFESSIONAL GROWTH

408.1 CERTIFIED PERSONNEL PROFESSIONAL DEVELOPMENT

The Board encourages certified personnel to attend and participate in professional development activities to maintain, develop, and extend their skills.

The Board shall maintain and support an inservice program for certified personnel. As part of this inservice program the Board shall establish, through annual budget expenditures, a library and media materials collection that supports the Board's inservice program and that can be used by certified personnel.

Requests for attendance or participation in a development program, other than those development programs sponsored by the School District, shall be made to the Superintendent. Approval of the Superintendent must be obtained prior to attendance by a certified employee in a professional development program.

The Superintendent or his/her designee shall have the discretion to allow or disallow certified employees to attend or participate in the requested event. When making this determination, the Superintendent will consider the value of the program for the employee and the School District, the effect of the employees absence, on the education program and School District operations, the School District's budget, and other factors deemed relevant in the judgment of the Superintendent.

Approved 7/10/89

Reviewed 7/11/16

Revised 7/11/16

408.3 TUTORING BY CERTIFICATED PERSONNEL

Professional tutoring for separate pay by any employee of the school system is not considered to be acceptable unless a program is submitted to the Superintendent and approved.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

409 EMPLOYEE - VACATIONS AND LEAVES OF ABSENCE

409.2 EMPLOYEE LEAVES OF ABSENCE

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

- Association Leave – Leave for the West Lyon Education Association for professional business
- Bereavement Leave – Leave to mourn the loss of a family member or close friend
- Family and Medical Leave Act (FMLA) – Leave for specified family and medical reasons
- Family/Emergency Leave – Leave to care for a sick member of the employee's immediate family
- Jury Duty/Civic Responsibility Leave – Leave for jury duty, legal summons, or other responsibilities
- Military Leave – Leave for military service, including the national guard
- Personal Leave – Leave to accomplish personal business that cannot be conducted outside the work day
- Political Leave – Leave to run for elective public office
- Professional Leave – Leave for the purpose of attending meetings and conferences
- Sick Bank – Leave that is voluntarily to participate in during a contract year
- Sick Leave (personal illness) – Leave for medically-related disability or illness
- Unpaid Leave – To excuse an involuntary absence not provided for in other leave policies of the board.

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

- Bereavement Leave – Leave to mourn the loss of a family member or close friend
- Family and Medical Leave Act (FMLA) – Leave for specified family and medical reasons
- Family/Emergency Leave – Leave to care for a sick member of the employee's immediate family
- Jury Duty/Civic Responsibility Leave – Leave for jury duty, legal summons, or other responsibilities
- Military Leave – Leave for military service, including the national guard
- Personal Leave – Leave to accomplish personal business that cannot be conducted outside the work day
- Political Leave – Leave to run for elective public office
- Professional Leave – Leave for the purpose of attending meetings and conferences
- Sick Bank – Leave that is voluntarily to participate in during a contract year
- Sick Leave (personal illness) – Leave for medically-related disability or illness
- Unpaid Leave – To excuse an involuntary absence not provided for in other leave policies of the board.

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

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

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

Cross Reference: 403.2 Employee Injury on the Job
409.3 Employee Family and Medical Leave

Approved 12/13/21 Reviewed 12/13/21 Revised 12/13/21

409.3 EMPLOYEE FAMILY AND MEDICAL LEAVE

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

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

Links: <https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>
[WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition \(PDF\)](#)
[WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition \(PDF\)](#)
[WH-381 Notice of Eligibility and Rights & Responsibilities \(PDF\)](#)
[WH-382 Designation Notice \(PDF\)](#)
[WH-384 Certification of Qualifying Exigency For Military Family Leave \(PDF\)](#)
[WH-385 Certification for Serious Injury or Illness of Covered Servicemember -- for Military Family Leave \(PDF\)](#)

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

Cross Reference: 409.2 Employee Leave of Absence

Approved 12/13/93 Reviewed 12/13/21 Revised 12/13/21

409.3E1 EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES

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

409.3E2 EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

Date: _____

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

(check all that apply)

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

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

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

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

continuous

I anticipate that I will be able to return to work on _____.

intermittent leave for the:

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

Details of the needed intermittent leave:

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

reduced work schedule for the:

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

____ serious health condition of myself, spouse, parent, or child when medically necessary;
____ because of a qualifying exigency arising out of the fact that my ____ spouse; ____ son or daughter;
____ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
____ because I am the ____ spouse; ____ son or daughter; ____ parent; ____ next of kin of a covered service member with a serious injury or illness.

Details of needed reduction in work schedule as follows:

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

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

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

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

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

Signed _____

Date _____

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

409.3R1 EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

A. School district notice.

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

B. Eligible employees.

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

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

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

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

- a. Foreseeable family and medical leave.
 - a. Definition - leave is foreseeable for the birth or placement of an adopted or foster child with the employee or for planned medical treatment.
 - b. Employee must give at least thirty days notice for foreseeable leave. Failure to give the notice may result in the leave beginning thirty days after notice was received. For those taking leave due to military family and medical leave, notice should be given as soon as possible.
 - c. Employees must consult with the school district prior to scheduling planned medical treatment leave to minimize disruption to the school district. The scheduling is subject to the approval of the health care provider.
- b. Unforeseeable family and medical leave.
 - a. Definition - leave is unforeseeable in such situations as emergency medical treatment or premature birth.

- b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
 - c. A spouse or family member may give the notice if the employee is unable to personally give notice.
- D. Eligible family and medical leave determination. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.
- 1. Six purposes.
 - a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child's birth;
 - b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child's placement;
 - c. To care for the spouse, son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or
 - d. Employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.
 - e. because of a qualifying exigency arising out of the fact that an employee's ___ spouse; ___ son or daughter; ___ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
 - f. because the employee is the spouse; ___ son or daughter; ___ parent; ___ next of kin of a covered service member with a serious injury or illness.
 - 2. Medical certification.
 - a. When required:
 - (1) Employees shall be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.
 - (2) Employees shall be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
 - (3) Employees shall be required to present certification of the call to active duty when taking military family and medical leave.
 - b. Employee's medical certification responsibilities:
 - (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
 - (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.
 - (3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.
 - c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.
 - d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.

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

E. Entitlement.

- 1. Employees are entitled to twelve weeks unpaid family and medical leave per year. Employees taking military caregiver family and medical leave to care for a family service member are entitled to 26 weeks of unpaid family and medical leave but only in a single 12-month period.
- 2. A year is defined as fiscal year.
- 3. If insufficient leave is available, the school district may:
 - a. Deny the leave if entitlement is exhausted
 - b. Award leave available

F. Type of Leave Requested.

- 1. Continuous - employee will not report to work for set number of days or weeks.
- 2. Intermittent - employee requests family and medical leave for separate periods of time.
 - a. Intermittent leave is available for:
 - ___ birth of my child or adoption or foster care placement subject to agreement by the district;
 - ___ serious health condition of myself, spouse, parent, or child when medically necessary;
 - ___ because of a qualifying exigency arising out of the fact that my ___ spouse; ___ son or daughter; ___ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;
 - ___ because I am the ___ spouse; ___ son or daughter; ___ parent; ___ next of kin of a covered service member with a serious injury or illness.
 - b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.
 - c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits. *(For instructional employees, see G below.)*
- 3. Reduced work schedule - employee requests a reduction in the employee's regular work schedule.
 - a. Reduced work schedule family and medical leave is available for:
 - ___ birth of my child or adoption or foster care placement subject to agreement by the district;
 - ___ serious health condition of myself, spouse, parent, or child when medically necessary;
 - ___ because of a qualifying exigency arising out of the fact that my ___ spouse; ___ son or daughter; ___ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;
 - ___ because I am the ___ spouse; ___ son or daughter; ___ parent; ___ next of kin of a covered service member with a serious injury or illness.
 - b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.
 - c. During the period of foreseeable reduced work schedule leave, the school district may move the employee to an alternative position with equivalent pay and benefits. *(For instructional employees, see G below.)*

G. Special Rules for Instructional Employees.

1. Definition - an instructional employee is one whose principal function is to teach and instruct students in a class, a small group or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors and special education assistants.
2. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule family and medical leave greater than twenty percent of the work days in the leave period may be required to:
 - a. Take leave for the entire period or periods of the planned medical treatment; or,
 - b. Move to an available alternative position, with equivalent pay and benefits, but not necessarily equivalent duties, for which the employee is qualified.
3. Instructional employees who request continuous family and medical leave near the end of a semester may be required to extend the family and medical leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter or spring break.
 - a. If an instructional employee begins family and medical leave for any purpose more than five weeks before the end of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last at least three weeks and the employee would return to work during the last three weeks of the semester if the leave was not continued.
 - b. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the school district may require that the leave be continued until the end of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.
 - c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.

H. Employee responsibilities while on family and medical leave.

1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.
2. The employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the school district at a time set by the superintendent.
3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.
4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.
5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.
6. If an employee intends not to return to work, the employee must immediately notify the school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.

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

Option I:

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

Option II:

1. An employee may substitute unpaid family and medical leave for the serious health condition of the employee with paid sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of the employee is unpaid.
2. An employee may substitute unpaid family and medical leave for the serious health condition of an employee's family member or to care for a family service member with paid sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of an employee's family member is unpaid.
3. An employee may substitute unpaid family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth with sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth is unpaid.
4. An employee may substitute unpaid family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for that child prior to the first anniversary of the child's placement or adoption with sick, vacation and personal leave. Upon the expiration of paid leave, the family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for the child prior to the first anniversary of the child's placement or adoption is unpaid.
5. An employee may substitute unpaid family and medical leave when a family service member is called to active duty or on call to active duty with sick, vacation and personal leave. Upon expiration of the paid leave, the leave is unpaid.
6. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

Option III:

1. An employee may substitute unpaid family and medical leave for the serious health condition of the employee with paid sick leave. Upon the expiration of paid leave, the family and medical leave for the serious health condition of the employee is unpaid.
2. An employee may substitute unpaid family and medical leave for the serious health condition of an employee's family member with paid sick leave or to care for a family service member. Upon the expiration of paid leave, the family and medical leave for the serious health condition of an employee's family member is unpaid.
3. An employee may substitute unpaid family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth with sick and vacation leave. Upon the expiration of paid leave, the family and medical leave for the birth of a child of the employee and in order to care for that child prior to the first anniversary of the child's birth is unpaid.
4. An employee may substitute unpaid family and medical leave for the placement of a child with the employee for adoption or foster care and in order to care for that child prior to the first anniversary of the child's placement or adoption with sick and vacation leave. Upon the expiration of paid leave, the family

and medical leave for prior to the first anniversary of the placement of a child with the employee for adoption or foster care is unpaid.

5. An employee may substitute unpaid family and medical leave when a family service member is called to active duty or on call to active duty with sick and vacation leave. Upon expiration of the paid leave, the leave is unpaid.
6. When the school district determines that paid leave is being taken for an FMLA reason, the school district will notify the employee within two business days that the paid leave will be counted as FMLA leave.

Option IV:

1. Family and medical leave is unpaid.

409.3R2 EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

Health Care Provider -

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

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

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

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

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

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

"Needed to Care For" - the medical certification that an employee is "needed to care for" a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is

unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Next of Kin - an individual's nearest blood relative

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

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

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

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

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

Serious Health Condition -

- An illness, injury, impairment, or physical or mental condition that involves:
- Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
 - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - o Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, or on referral by, a health care provider; or
 - o Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
 - Any period of incapacity due to pregnancy or for prenatal care.
 - Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
 - o Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
 - o Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - o May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need

not be receiving active treatment by, a health care provider. Examples include Alzheimer's a severe stroke or the terminal stages of a disease.

- Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.
- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

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

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

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

410 OTHER LICENSED EMPLOYEES

410.3 TRUANCY OFFICER

The School Liaison Coordinator is appointed as the truancy officer for the West Lyon School District. However, the elementary and secondary principals are responsible for collecting information on truant students at their respective levels.

Approved 11/11/91

Reviewed 7/11/16

Revised 7/11/16

410.4 EDUCATION AIDES

The Board may employ education aides or other instructional support personnel to assist certified personnel in non-teaching duties, including, but no limited to:

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

It shall be the responsibility of the Principal to supervise education aides.

Approved 7/10/89

Reviewed 7/11/16

Revised 7/11/16

410.5 STUDENT TEACHERS

It is the policy of the West Lyon Community School District to cooperate with the higher educational institutions in the practical preparation of future teachers by placing student teachers within the system.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

410.6 EXCHANGE TEACHERS

For the purposes of securing knowledge of educational methods in other school districts, either inside or outside the United States, and for promoting international goodwill, the Board of Directors may contract with another board or other education authorities for the exchange of teaching services.

Any such requests shall be judged by the Superintendent upon its merits, namely, what benefits may be derived through such an exchange.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

411 CLASSIFIED EMPLOYEES – GENERAL

411.1 DEFINITION OF CLASSIFIED PERSONNEL

The term classified personnel shall include the following employees whether full-time or part-time:

1. Custodian and maintenance employees
2. Clerical employees
3. Kitchen employees
4. Bus drivers
5. Educational aides
6. Extra help for summer maintenance

Job specifications and descriptions shall be established by the administration for all positions that require classified personnel. A manual containing such job specifications and descriptions shall be developed. The manual shall be reviewed and revised as part of the planned evaluation program within the school system, and shall be formally approved by the Board of Directors.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

411.2 RECRUITMENT AND SELECTION OF CLASSIFIED PERSONNEL

Recruitment and selection of classified personnel shall be the responsibility of the administration. The preliminary screening of candidates may be done along with the designated supervisor who will be directly in charge of the personnel being hired. The Superintendent shall have the authority to delegate recruitment and selection responsibilities to staff members. Names and salaries to be paid shall be presented at a subsequent meeting of the Board for approval.

Applications will not be accepted unless a vacancy, for which the applicant is qualified, presently exists or an advertisement has been made for a potential opening.

Selection shall be based upon the merits of the candidates without regard to age, race, creed, color, gender, national origin, religion, disability, marital status, sexual orientation, socio-economic status or gender identity.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

411.3 QUALIFICATIONS OF CLASSIFIED PERSONNEL

Selection shall be determined on the following factors:

1. Must possess or be able to qualify for state license if this is required by law.
2. Training, experience and skill.
3. Demonstrated competency.
4. Personality and compatibility.
5. Over-all suitability for the position.
6. Nature of the occupation

Classified personnel qualifications shall be evaluated on the merits of the candidates, without regard to age, race, creed, color, gender, national origin, religion, disability, marital status, sexual orientation, socio-economic status or gender identity.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

412 CLASSIFIED EMPLOYEE COMPENSATION AND BENEFITS

412.1 PAYMENT OPTION

Each employee shall have the option of receiving all or any portion of his/her earned, contracted salary in the pay period following the completion of the employee's work year (July 1 through June 30).

Approved 7/12/99

Reviewed 7/11/16

Revised 7/11/16

413 CLASSIFIED EMPLOYEE TERMINATION OF EMPLOYMENT

413.1 RESIGNATION OF CLASSIFIED PERSONNEL

Resignations shall be in writing signed by the resigning party and directed to the Superintendent of Schools and communicated by him/her to the Board of Directors. Two weeks notification is desired.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

413.4 DISMISSAL OF CLASSIFIED PERSONNEL

The Superintendent of Schools or the designee has the authority to suspend the services of any classified employee. The next meeting of the Board of Directors, action shall be taken by the Board as to whether or not the employee shall be reinstated or dismissed. The employee shall have the right to a hearing before the Board if desired.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

414 MISCELLANEOUS

414.1 MILITARY SERVICE OF CERTIFICATED PERSONNEL

Leave of absence is granted for military purposes, but not to exceed the enlistment of draft period. On completion of the military service the individual is entitled to reinstatement at the same salary he/she would have received had he/she not taken such leave but subject to the following conditions: that the position was not abolished, that he/she is physically and mentally capable of performing the duties of the position, that he/she makes written application for reinstatement of the Superintendent of Schools within 90 days after termination of military service and that he/she submits an honorable discharge from the military service.

A leave of absence will be granted for national guardsmen or reservists for training purposes, but not for a period exceeding a total of 30 days in any calendar year.

Teachers hired to replace those in the military should be hired with the understanding that they will have to leave the system when the veteran returns to his/her original position. The teachers may remain in the system if another position is available and if he/she is qualified for it.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

414.2 WORKPLACE PRIVACY AND SEARCHES

The West Lyon School District attempts to maintain equipment and supplies which permit work to be accomplished in an efficient manner. While employees are encouraged to use these items, it is important to understand that they are district property and are only to be used in a manner appropriate for the school workplace.

As part of employment, a desk or work space may be made available. The desk and work space are West Lyon School District owned. Because they are property of the district, not the employee's personal property, the desk and work space are subject to inspection by the administration at any time, with or without notice.

The West Lyon School District assumes no responsibility or liability for any items of personal property which are placed in the desk or work space.

The West Lyon School District may also provide a telephone and/or a computer to assist in job performance. These items are property of the district and may only be used in a manner appropriate for the school workplace. Administrators may enter and copy any computer file, examine and copy any computer communication, may monitor and record any phone communication, and may examine, copy, and record any voice communication. Employment with the West Lyon School District constitutes employee consent to the interception and recording of any of these communications. To the extent that computer or telecommunication activities are regulated by state or federal law, the West Lyon School District will observe all such regulations imposed upon it.

Approved 2/12/01

Reviewed 7/11/16

Revised 7/11/16

414.3 WORK-RELATED INVESTIGATIONS

All employees are required to fully cooperate with any member of the administration who is conducting a work-related investigation. Employees will be disciplined for lying to any member of the administration, or providing information which is dishonest, misleading, inaccurate, or incomplete.

Employees will also be disciplined for impeding, obstructing, or failing to cooperate with an inquiry or investigation conducted by the administration. "Obstructing" includes, but is not limited to, threatening, intimidating, coercing other individuals who may be contacted by the administration, or discouraging other individuals who may be contacted by the administration from responding or cooperating. "Failing to cooperate" includes, but is not limited to, failing to provide information, documents, or materials requested by the administration, or providing information, documents, or materials which are dishonest, misleading, inaccurate, or incomplete.

Disciplinary action may include a recommendation to the school board for immediate termination of employment.

Approved 2/12/01

Reviewed 7/11/16

Revised 7/11/16

414.4 PRINTING AND DUPLICATING SERVICES (COPYRIGHT PROTECTION)

All personnel are assured that the complete facilities of the District are available to assist them in their educational assignments. These "complete facilities" include machines for the reproduction of the written and spoken word and visual media, either in single or multiple copies. All personnel, both certified and classified, are reminded that unauthorized reproduction and/or use of copyrighted materials is illegal and unethical and are cautioned that violations of the copyright laws may result in criminal or civil suits and/or suspension or dismissal from employment in District.

For the protection of individual staff members and the District against legal redress for alleged violations of the copyright laws, the person making the reproduction must be certain that the action is within the law. When an individual is not certain, he/she should contact the Principal in order to ascertain whether copying falls under "permitted use". If not, the Principal may request permission to reproduce materials from copyright holders.

Additionally, requests for the reproduction of materials will not be honored unless certification is made by the person making the request that the reproduction is legally permissible.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16

414.5 RELATIONS TO PUPILS AND PUBLIC FOR CLASSIFIED PERSONNEL

In general, students are the responsibility of the professional staff. Except as noted below, classified personnel should assume no authority in this matter:

1. A bus driver is responsible for the students on his/her bus when he/she is alone and in charge of the students.
2. Certain clerks and secretaries are designated to deal with students in attendance and related matters.
3. A custodian is in charge of a building during "non-school" hours when he/she is present and no professional staff member is immediately present.
4. When students are being destructive of public property and no professional staff member is immediately present.

Approved 11/12/90

Reviewed 7/11/16

Revised 7/11/16