

EMPLOYEES

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ROLE OF AND GUIDING PRINCIPLES FOR EMPLOYEES

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

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

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

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

Legal Reference: Iowa Code §§ 20; 279.8 (1999).
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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EQUAL EMPLOYMENT OPPORTUNITY

The New London 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 shall take affirmative action in major job categories where women, men, minorities and persons with disabilities are underrepresented. Employees will support and comply with the district's established equal employment opportunity and affirmative action policies. Employees shall be given notice of this policy annually.

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

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

Advertisements and notices for vacancies within the district shall contain the following statement: "The New London Community School District is an equal employment opportunity/affirmative action employer." The statement shall also appear on application forms.

Prior to a final offer of employment for any teaching position the school district will perform the background checks required by law. The district will 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.

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, shall be directed to the Affirmative Action Coordinator by writing to the Affirmative Action Coordinator, Superintendent, New London Community School District, 106 Jack Wilson Drive, New London, Iowa 52645, or by telephoning 319-367-0512.

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EQUAL EMPLOYMENT OPPORTUNITY

Inquiries by employees or applicants for employment regarding compliance with equal employment opportunity and affirmative action laws and policies, including but not limited to complaints of discrimination, may also be directed in writing to the Director of the Region VII office of Civil Rights, U.S. Department of Education, 310 W. Wisconsin Ave., Ste. 800, Milwaukee, Wisconsin, 53203-2292, (414) 291-1111 or the Iowa Civil Rights Commission, 211 E. Maple, Des Moines, Iowa, 50309, (515) 281-4121. This inquiry or complaint to the federal office may be done instead of, or in addition to, an inquiry or complaint at the local level.

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

Legal Reference: 29 U.S.C. §§ 621-634 (1994).
42 U.S.C. §§ 2000e *et seq.* (1994).
42 U.S.C. §§ 12101 *et seq.* (1994).
Iowa Code §§ 19B; 20; 35C; 73; 216; 279.8 (1999).
281 I.A.C. 12.4; 95.

Cross Reference: 103 Equal Educational Opportunity
403.5 Harassment
405.2 Licensed Employee Qualifications, Recruitment, Selection
411.2 Classified Employee Qualifications, Recruitment, Selection

EMPLOYEE CONFLICT OF INTEREST

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

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

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

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

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

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EMPLOYEE CONFLICT OF INTEREST

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

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

Cease the outside employment or activity; or

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

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

Legal Reference: Iowa Code §§ 20.7; 68B; 279.8; 301.28 (1999).

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

NEPOTISM

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

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

Legal Reference: Iowa Code §§ 20; 71; 277.27; 279.8 (1999).

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

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EMPLOYEE COMPLAINTS

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

A formal grievance procedure is contained in the master contract between the employee's licensed bargaining unit and the board. This policy shall not apply to a complaint that has been or could be filed at the employee's discretion under that formal grievance procedure.

Legal Reference: Iowa Code §§ 20.7, .9; 279.8 (1999).

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

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EMPLOYEE RECORDS

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

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

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

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

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

Legal Reference: Iowa Code chs. 20; 21; 22; 91B (1999).

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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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 shall be kept in a file separate from the employee's personnel records. Health and medical records may contain, but are not limited to:

- Medical professional signed physical form.
- Sick or long-term disability leave days.
- Worker's compensation claims.
- Reasonable accommodation made by the school district to accommodate the employee's disability.
- Employee's medical history.
- Employee emergency names and numbers.
- Family and medical leave request forms.

Applicant File Records Content

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

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

EMPLOYEE RECORDS REGULATION

Record Access

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

Employee Record Retention

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

EMPLOYEE RELATIONS TO THE ADMINISTRATION AND TO THE BOARD

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

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

Legal Reference: Iowa Code §§ 20; 279.8 (1999).

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

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EMPLOYEE INVOLVEMENT IN DECISION MAKING

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

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

Legal Reference: Iowa Code § 279.8 (1999).

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

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USE OF SCHOOL DISTRICT FACILITIES & EQUIPMENT BY EMPLOYEES

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

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

Legal Reference: Iowa Code §§ 256.12; 279.8; 297.9 (1999).

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

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USE OF SCHOOL DISTRICT MATERIALS FOR INTERNAL COMMUNICATIONS

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

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

Legal Reference: Iowa Code § 279.8 (1999).

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

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TRANSPORTING OF STUDENTS BY EMPLOYEES

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

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

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

Legal Reference: Iowa Code chs. 285; 321 (1999).

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

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EMPLOYEE TRAVEL COMPENSATION

Employees of the school district shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. Reimbursement will be contingent on following contract procedures for pre-approval of expenses.

Prior to reimbursement of actual and necessary expenses, the employee must submit a detailed receipt indicating the date, purpose and nature of the expense for each claim item. A credit card receipt is generally not considered a detailed receipt. Failure to provide a detailed receipt shall make the expense nonreimbursable. Personal expenses shall be reimbursed by the employee to the school district no later than ten working days following the date of the expense. In exceptional circumstances, the board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances shall be maintained as part of the school district's record of the claim.

It shall be the responsibility of the board secretary to compile the expenses of employees and bring them to the board for audit and approval in the same manner as other claims of the school district. It shall be the responsibility of the board to determine through the audit and approval process of the board whether the expenses incurred by a employee are actual and necessary expenses incurred in the performance of their official duties.

Legal Reference: Iowa Constitution, Art. III, § 31.
Iowa Code §§ 70A.9-.11 (1999).
1980 Op. Att'y Gen. 512.

Cross Reference: 219.3 Board of Directors' Member Compensation and Expenses
401.11 Transporting of Students by Employees
401.16 Credit Cards
905.1 Transporting Students in Private Vehicles

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EMPLOYEE ACTIVITY PASSES

An employee pass to school-sponsored activities will be made available to employees as approved by the board. The pass will enable the employee +1 to attend school sponsored activities. It shall be the responsibility of the employee to obtain the school activity pass.

Legal Reference: Iowa Code § 279.8 (1999).

Cross Reference: 219.5 Activity Passes for Board Members

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RECOGNITION FOR SERVICE OF EMPLOYEES

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

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

Legal Reference: Iowa Const. Art. III, § 31.
Iowa Code § 279.8 (1999).
1980 Op. Att'y Gen. 102.

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

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EMPLOYEE POLITICAL ACTIVITY

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

Violation of this policy may be grounds for disciplinary action.

Legal Reference: Iowa Code §§ 55; 279.8 (1999).

Cross Reference: 402.9 Solicitations from Outside
409.6 Licensed Employee Political Leave
414.6 Classified Employee Political Leave

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CREDIT CARDS

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

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

The school district may maintain a school district credit card for actual and necessary expenses incurred by employees and officers in the performance of their duties. The superintendent may maintain a school district credit card for actual and necessary expenses incurred in the performance of the superintendent's duties.

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

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

Legal Reference: Iowa Constitution, Art. III, § 31.
.29, .30 (1999).

Iowa Code §§ 279.8,
281 I.A.C. 12.3(1).

Cross Reference: 219.3
Member Compensation and Expenses

Board of Directors'
401.12 Employee

Travel Compensation

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STAFF TECHNOLOGY USE

Computers are a powerful and valuable education and research tool and, as such, are an important part of the instructional program. In addition, the school district depends upon computers 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 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 who will oversee the use of school district computer resources. The technology coordinator will prepare in-service programs for the training and development of school district staff in computer skills, appropriate use of computers and for the incorporation of computer use in subject areas.

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

Usage of the school district's computer resources is a privilege, not a right, and that use entails responsibility. All information on the school district's computer system may be considered a public record. Whether there is an exception to keep some narrow, specific content within the information confidential is determined on a case by case basis. Users of the school district's computer network must not expect, nor does the school district guarantee, privacy for e-mail or use of the school district's computer 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 computer network.

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

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

STAFF TECHNOLOGY USE

Social Networking or Other External Web Sites

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

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

Legal Reference: Iowa Code § 279.8 (2011).
281 I.A.C. 13.35, .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 May 2011
Revised Oct 2012

Reviewed Sept 2013

STAFF TECHNOLOGY USE REGULATION

General

The following rules and regulations govern the use of the school district's computer network system, employee access to the Internet, and management of computerized 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 with school district resources, unless in the case of an emergency, and should be saved and the school district will archive the e-mail records according to procedures developed by the superintendent.
- Employees may access the Internet for education-related and/or work-related activities.
- Employees shall refrain from using social networking sites for personal use.
- Use of the school district computers 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 computer 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 computer 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 computer 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.

Prohibited Activity and Uses

The following is a list of prohibited activity for all employees concerning use of the school district's computer 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.
- Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.

STAFF TECHNOLOGY USE REGULATION

- 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 computer 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.
- Installing personal software or using personal disks on the school district's computers and/or network without the permission of the superintendent.
- Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.

Other Technology Issues

Employees should contact students and their parents through the school district phone or computer unless in the case of an emergency or with prior consent of the principal. 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/athletic director is included in the text address list.

RELEASE OF CREDIT INFORMATION

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

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

Legal Reference: Iowa Code §§ 22.7; 279.8 (1999).

Cross Reference: 401.6 Employee Records

Approved Dec 2003 Reviewed Sept 2013 Revised _____

CHILD ABUSE REPORTING

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

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

Within six months of their initial employment, mandatory reporters shall take a two-hour training course involving the identification and reporting of child abuse. The course shall be re-taken at least every five years.

Legal Reference: Iowa Code §§ 232.67-.77; 232A; 235A; 280.17 (1999).
441 I.A.C. 9.2; 155; 175.
1982 Op. Att'y Gen. 390, 417.
1980 Op. Att'y Gen. 275.

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

Approved Dec 2003

Reviewed Sept 2013

Revised _____

CHILD ABUSE REPORTING REGULATION

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

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

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

Child Abuse Defined

"Child abuse" is defined as:

Any nonaccidental physical injury, or injury which is at variance with the history given of it, suffered by a child as the result of the acts or omissions of a person responsible for the care of the child.

The commission of a sexual offense with or to a child . . . as a result of the acts or omissions of the person responsible for the child. . . . Sexual offense includes sexual abuse, incest, and sexual exploitation of a minor.

The failure on the part of a person responsible for the care of a child to provide for the adequate food, shelter, clothing or other care necessary for the child's welfare when financially able to do so. A parent or guardian legitimately practicing religious beliefs who does not provide specified medical treatment for a child for that reason alone shall not be considered abusing the child

The acts or omissions of a person responsible for the care of a child, which allow, permit or encourage the child to engage in acts prohibited pursuant to *Iowa Code*, section 725.1 that deals with prostitution.

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

Reporting Procedures

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

CHILD ABUSE REPORTING REGULATION

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

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

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

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

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

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

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

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

Legal Reference: Iowa Code §§ 232.67, .70, .73, .75; 235A; 272A; 280.17; 709; 728.12(1) (1999).
281 I.A.C. 102; 103.
441 I.A.C. 155; 175.
1980 Op. Att'y Gen. 275.

Cross Reference: 402.2 Child Abuse Reporting
403.5 Harassment
503.5 Corporal Punishment

Approved Dec 2003 Reviewed Sept 2013 Revised _____

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES

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

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

Student's name and address: _____

Student's telephone no.: _____

Student's school: _____

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

Allegation is of _____ Physical abuse _____ sexual abuse*

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

Were there any witnesses to the incident or are there students or persons who may have information about this incident? _____yes _____no

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

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

_____ Yes _____ No Telephone Number _____

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

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

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

Has anyone contacted law enforcement about this incident? yes no

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

Your name, address and telephone number:

Relationship to student: _____

Complainant Signature

Witness Signature

Date

Witness Name (please print)

Witness Address

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

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

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

Student's name: _____

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

Student's address: _____

Student's school: _____

Name of accused school employee: _____ Building: _____

Name and address of person filing report: _____

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

Date report of abuse was filed: _____

Allegation is of _____ Physical abuse _____ sexual abuse*

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

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

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

___ Yes ___ No Was the right exercised? ___ Yes ___ No

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

Were audio tapes made of any interviews? ____yes ____no

Were video tapes made of any interviews? ____yes ____no

Was any action taken to protect the student during or as a result of the investigation? ____yes ____no

If yes, describe:

____student excused from school

____school employee placed on
leave

____student assigned to different class

____other (please specify)

Level I investigator's conclusions:

____ **The complaint is being dismissed for lack of jurisdiction.**

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

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

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

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

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

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

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

____ Complaint was withdrawn.

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

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

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

Current status of investigation:

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

Other comments: _____

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

Name of investigator (please print)

Investigator's place of employment

Signature of investigator

Date

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

The full name, address, and telephone number of the person filing.

The full name, age, address, and telephone number, and attendance center of the student.

The name and place of employment of the employee who allegedly committed the abuse.

A concise statement of the facts surrounding the incident, including date, time, and place of occurrence, if known.

A list of possible witnesses by name, if known.

Names and locations of persons who examined, counseled or treated the student for the alleged abuse, including the dates on which those services were provided, if known.

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

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

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

temporarily remove the student from contact with the employee;

temporarily remove the employee from service; or,

take other appropriate action to ensure the student's safety.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

Physical Abuse Allegations

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

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

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

The written investigative report shall include:

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

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

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

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

- a. Using reasonable and necessary force, not designed or intended to cause pain:
 - (1) To quell a disturbance or prevent an act that threatens physical harm to any person.
 - (2) To obtain possession of a weapon or other dangerous object within a pupil's control.

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

- (3) For the purposes of self-defense or defense of others as provided for in Iowa Code § 704.3.
 - (4) For the protection of property as provided for in Iowa Code §§ 704.4, .5.
 - (5) To remove a disruptive pupil from class, or any area of school premises or from school-sponsored activities off school premises.
 - (6) To prevent a student from the self-infliction of harm.
 - (7) To protect the safety of others.
- b. Using incidental, minor, or reasonable physical contact to maintain order and control.

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

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

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

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

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

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

Sexual Abuse

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

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

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

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

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

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

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

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

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

ABUSE OF STUDENTS BY SCHOOL DISTRICT EMPLOYEES REGULATION

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

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

In cases involving founded physical or sexual abuse by a licensed employee, the board shall notify the Board of Educational Examiners. Information of unfounded abuse at Level I or Level II shall not be kept in the employee's personnel file. If the Level I investigative report is founded but Level II is unfounded, then the Level I report shall be removed from the employee's permanent file.

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

GIFTS TO EMPLOYEES

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

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

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

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

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

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Revised _____

GIFTS TO EMPLOYEES

Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;

Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar or other meeting;

Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;

Funeral flowers or memorials to a church or nonprofit organization;

Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;

Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting; or

Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the employee.

Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

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

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

GIFTS TO EMPLOYEES

A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization or the Iowa department of general services; or
A payment made to an employee for services rendered as part of a private business, trade or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an employee of the district, but, rather, because of some special expertise or other qualification.

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

Legal References: Iowa Code ch. 68B (1999).
1972 Op. Att'y Gen. 276.
1970 Op. Att'y Gen. 319.

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

PUBLIC COMPLAINTS ABOUT EMPLOYEES

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

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

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

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

Legal Reference: Iowa Code § 279.8 (1999).

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

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EMPLOYEE RELATIONS TO THE PUBLIC

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

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

Legal Reference: Iowa Code § 279.8 (1999).

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

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EMPLOYEE OUTSIDE EMPLOYMENT

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

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

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

Legal Reference: Iowa Code §§ 20.7; 279.8 (1999).

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

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SOLICITATIONS FROM OUTSIDE

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

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

Legal Reference: Iowa Code § 279.8 (1999).

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

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EMPLOYEE PHYSICAL EXAMINATIONS

Good health is important to job performance. Employees shall present evidence of good health, in the form of a physical examination report, prior to their employment with the school district.

School bus drivers shall present evidence of good health every two years in the form of a DOT physical examination report. Employees whose physical or mental health, in the judgment of the administration, may be in doubt shall submit to additional examinations, when requested to do so, at the expense of the school district.

The cost of the initial examination, up to \$60, will be paid by the school district. The form, indicating the employee is able to perform the duties for which the employee was hired, must be returned prior to beginning employment with the district or arrangements for the physical shall be reported to the Board Secretary. The school district shall provide the standard examination form to be completed by the personal physician of the employee. Employees identified as having reasonably anticipated contact with blood or infectious materials shall receive the Hepatitis B vaccine or sign a written waiver stating that they will not take the vaccine.

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

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

Legal Reference: 29 C.F.R. Pt. 1910.1030 (1996).
Iowa Code §§ 20.9; 279.8 (1999).
281 I.A.C. 12.4(14); 43.15 -.20.

Cross Reference: 403 Employees' Health and Well-Being

Approved Dec 2003 Reviewed Oct 2013 Revised Oct 2006

EMPLOYEE INJURY ON THE JOB

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

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

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

It shall be the responsibility of the employee to file claims, such as workers' compensation, through the board secretary.

Legal Reference: Iowa Code §§ 85; 279.40; 613.17 (1999).
1972 Op. Att'y Gen. 177.

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

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HEPATITIS B VACCINE INFORMATION AND RECORD

The Disease

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

The Vaccine

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

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

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

Dosage and Administration

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

Possible Vaccine Side Effects

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

HEPATITIS B VACCINE INFORMATION AND RECORD

CONSENT OF HEPATITIS B VACCINATION

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

Signature of Employee (consent for Hepatitis B vaccination)

Date

Signature of Witness

Date

REFUSAL OF HEPATITIS B VACCINATION

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

Signature of Employee (refusal for Hepatitis B vaccination)

Date

Signature of Witness

Date

I refuse because I believe I have (check one)

_____ started the series

_____ completed the series

HEPATITIS B VACCINE INFORMATION AND RECORD

RELEASE FOR HEPATITIS B MEDICAL INFORMATION

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

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

Signature of Employee

Date

Signature of Witness

Date

UNIVERSAL PRECAUTIONS REGULATION

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

Hand Washing

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

Hands should be washed before physical contact with individuals and after contact is completed.

Hands should be washed after contact with any used equipment.

If hands (or other skin) come into contact with blood or body fluids, hands should be washed immediately before touching anything else.

Hands should be washed whether gloves are worn or not and, if gloves are worn, after the gloves are removed.

Barriers

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

UNIVERSAL PRECAUTIONS REGULATION

Disposal of Waste

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

Clean up

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

Wear gloves.

Clean up the spill with paper towels or other absorbent material.

Use a solution of one part household bleach to one hundred parts of water (1:100) or other EPA-approved disinfectant and use it to wash the area well.

Dispose of gloves, soiled towels and other waste in a plastic bag.

Clean and disinfect reusable supplies and equipment.

Laundry

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

Exposure

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

Always wash the exposed area immediately with soap and water.

If a mucous membrane splash (eye or mouth) or exposure of broken skin occurs, irrigate or wash the area thoroughly.

If a cut or needle stick injury occurs, wash the area thoroughly with soap and water.

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

HAZARDOUS CHEMICAL DISCLOSURE

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

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

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

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

Legal Reference: 29 C.F.R. Pt. 1910; 1200 *et seq.* (1996).
Iowa Code chs. 88; 89B (1999).
347 I.A.C. 120.

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

Approved Dec 2003 Reviewed Oct 2013 Revised _____

SUBSTANCE-FREE WORKPLACE

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

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

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

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

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

Legal Reference: 41 U.S.C. §§ 701-707 (1994).
42 U.S.C. §§ 12101 *et seq.* (1994).
34 C.F.R. Pt. 85 (1996).
Iowa Code §§ 123.46; 124; 279.8 (1999).

Cross Reference: 404 Employee Conduct and Appearance

Approved Dec 2003 Reviewed Oct. 2013 Revised _____

SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

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

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

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

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

SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

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

(Signature of Employee)

(Date)

SUBSTANCE-FREE WORKPLACE REGULATION

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

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

DRUG AND ALCOHOL TESTING PROGRAM

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

Employees or employee applicants that will operate a school vehicle as described above are subject to pre-employment drug testing prior to being allowed to perform a safety sensitive function using the school vehicle. In addition, employees will be subject to random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district contact person, Superintendent at 106 Jack Wilson Drive, New London, IA 52645

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

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

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

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3rd

405 (4th Cir. 1995).

49 U.S.C. §§ 5331 et seq. (1994).

42 U.S.C. §§ 12101 (1994).

41 U.S.C. §§ 701-707 (1996).

49 C.F.R. Pt. 40; 382; 391.81-123 (2002).

34 C.F.R. Pt. 85 (2002).

Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876 (3-26-91).

Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2005).

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

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Reviewed Oct 2013

Revised March 2005

NEW LONDON COMMUNITY SCHOOL DISTRICT

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 in addition are subject to random, reasonable suspicion and post-accident drug and alcohol testing as outlined in the Drug and Alcohol Testing Program policy, its supporting documents and the law.

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

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

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

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

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

I, (_____), have received a copy, read and understand the Drug and Alcohol Testing
Name of Employee

Program policy 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, regulations and the law.

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

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

(Signature of Employee)

(Date)

By federal regulation this information must be on file in our office within two weeks of hire. Please fax or return this form to the address listed above at once. Please direct any questions to the above name and address.

DRUG/ALCOHOL TEST NOTIFICATION FORM

Date

Name (print)

Social Security Number

The above named employee is to have the following test:

	Drug	Alcohol	Both Drug and Alcohol
Type of Test	_____ Random	_____ Pre-employment (drug only)	_____ Post-accident
	_____	_____ Reasonable suspicion	_____

Time Sent by District

Business Manager

319-257-7700

Time Arrived at Collection Site

Collection Site Person

Time Test Was Completed

Collection Site Person

I understand I am to go directly to the collection site located at:

I understand a positive drug test result or an alcohol test result of .04 alcohol concentration or greater will result in termination of my employment and that an alcohol test result of greater than .02 but less than .04 alcohol concentration requires me to cease performing a safety-sensitive function for twenty-four hours.

I further understand my drug and alcohol testing results are reported to and maintained by the school district and the Iowa Drug and Alcohol Testing (IDATP) medical review officer for the purpose of completion of reports including, but not limited to, the Annual Summary/MIS reports required under the federal drug and alcohol testing regulations.

Employee's Signature

Date

CERTIFICATION OF PREVIOUS EMPLOYERS REQUIRING A COMMERCIAL DRIVER'S
LICENSE

Name

Social Security Number

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

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

I, (name of applicant), 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)

RANDOM TESTING DRIVER CHANGE LIST FORM
IOWA DRUG AND ALCOHOL TESTING PROGRAM

School District
Contact Person: Business Manager Date: _____

School District: New London Phone: 319-367-0512

Address: 106 Jack Wilson Drive, New London, IA 52645

Social Security Number and Name (first and last). Example 111-22-3333, John Doe.

<u>SSN</u>	<u>Additions</u> <u>Name</u>	<u>SSN</u>	<u>Deletions</u> <u>Name</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

IDAPT participants please fax or mail to:
Medical Enterprises
200 Essex Ct.
Omaha, NE 68114
FAX: (402) 393-8946

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

For school districts choosing to pay for the substance abuse evaluation and rehabilitation, if any:

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 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.

For school districts choosing to make the driver bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:

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.

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

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.

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.

School district contact person: business manager

School district telephone: 319-367-0512

School district contact person home telephone: _____

Back-up school district contact person: _____

Back-up school district contact person home telephone: _____

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 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 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.

POST-ACCIDENT DRUG AND ALCOHOL TESTING INSTRUCTIONS TO DRIVERS

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 may subject the driver to discipline up to and including termination.
8. Seek appropriate medical attention despite the need to remain available to submit to 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 school district contact person 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 school district contact person upon return to the school district.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Section I: General requirements:

- _____ Determine qualifying drivers in the drug and alcohol testing program. (*Driver must meet first and third **OR** second and third*).
- ___ Drive or may drive a vehicle transporting 16 or more persons, including the driver;
- ___ Drive or may drive vehicles weighing over 26,001 pounds requiring a commercial driver license; and
- ___ Drive full time, part-time, occasionally, under a lease or under a contract with an independent contractor or otherwise drive with the consent of the school district.
- _____ Total drivers meeting the qualifications above in the drug and alcohol testing program.
- ___ Regularly employed drivers
- ___ Substitute drivers
- ___ Others who are available to drive.
- _____ Determine delivery method of drug and alcohol testing program. (*Choose one.*)
- ___ Iowa Drug and Alcohol Testing Program (IDATP). (*Contact IASB for information.*)
- ___ Other service provider.
- ___ School district will conduct its own program.
- _____ Identify/Verify the school district contact person(s) and back-up school district contact person(s).
- _____ Draft revised board policy and its supporting documents and forms.
- _____ Hold meeting to inform drivers about the federal regulations and revised board policy and its supporting documents and forms.
- _____ Inform drivers that time involved with drug and alcohol testing is on-duty time and they will be paid.
- _____ Inform drivers that their records related to drug and alcohol testing are confidential records and will only be released with appropriate authorization.
- _____ Adopt revised board policy and its supporting documents and forms.
- _____ Hold meeting or meet with drivers individually to inform them about the federal regulations, and revised board policy and its supporting documents and forms.
- ___ Drivers complete policy sign off sheet. (403.7E2)
- ___ Drivers take policy and sign off sheet with them to complete within a limited number of days. (403.7E2)
- ___ Compile a list of resources available to provide evaluation and assistance with drug use or alcohol misuse for the drivers.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- _____ Confirm with the school district's employee assistance program the availability of a substance abuse professional or locate the nearest substance abuse professional.
- ___The substance abuse professional is required to be 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.
- ___Make arrangements with substance abuse professional to have drivers sign a release of the substance abuse professional's records related to the driver. (Contact IASB for a sample form.)
- ___Ensure the substance abuse professional will refer drivers for treatment, if any, to a public agency, a person under contract with the school district, the sole source of appropriate treatment under the driver's health insurance program, or the sole source of appropriate treatment reasonably accessible to the driver and not to the substance abuse professional's personal practice or to a person or organization from which the substance abuse professional receives financial remuneration or has a financial interest.
- ___Make arrangements for written documentation from substance abuse professional when a driver fails to cooperate and successfully complete the substance abuse evaluation and the recommended substance abuse treatment, if any.
- _____ Develop a training program or contract for training to educate drivers about the effects of drug use and alcohol misuse on their work and their personal lives.
- _____ File new policy sign off sheet in each driver's drug and alcohol testing personnel file.
- ___File new unsigned policy sign off sheet in the driver's drug and alcohol testing personnel file with documentation why it is unsigned.
- _____ Instruct drivers on revised procedures to follow in the event of an accident. (403.7E10)
- _____ Place revised summary of post-accident instructions in each school vehicle for reference by driver in the event of an accident. (403.7E10)
- _____ Make arrangements to have a minimum of two employees receive the reasonable suspicion training.
- _____ Contact the collection site and arrange a meeting to review the following.
 - ___Procedures for setting up appointments.
 - ___School district's collection site contact person.
 - ___Procedures when a driver has no photo identification
 - ___Procedures for receiving alcohol test results.
 - ___Procedures for transporting drivers with an alcohol test result of 0.02 alcohol concentration or greater.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Section II. Record keeping.

- _____ Ensure drug and alcohol testing related records are retained in limited access secure storage files separate and apart from the drivers' general personnel records.
- _____ Verify/create individual driver drug and alcohol testing file to contain:
- __ Policy sign off sheet. (403.7E2)
 - __ Agreement to participate in the program. (403.7E2)
 - __ Pre-employment drug and alcohol testing related information. (*Applicable only to drivers hired after Jan. 1, 1996*). (403.7E5)
 - __ Pre-employment release of prior employer drug and alcohol testing related information. (*Applicable only to drivers hired after Jan. 1, 1996*). (403.7E3)
 - __ Pre-employment drug test authorization. (*Applicable only to drivers hired after Jan. 1, 1996*). (403.7E7)
 - __ Copy of Drug/Alcohol Test Notification form. (403.7E4)
 - __ Copy of drug test chain of custody form.
 - __ Copy of alcohol test form.
 - __ Refusals to test.
 - __ Substance abuse professional evaluation and treatment records, (if any).
 - __ Other information pertinent to the driver.
 - __ Supervisor and/or driver training sign-off sheets.
- _____ Verify/create files for other drug and alcohol testing related information.
- __ Accident information.
 - __ Random selection lists.
 - __ Positive drug test results.
 - __ Positive alcohol test results.
 - __ Negative drug tests results.
 - __ Negative alcohol tests results.
 - __ Change list of all driver adds/deletes from the drug and alcohol testing program. (403.7E8)
 - __ Miscellaneous drug and alcohol testing related information.
 - __ Reasonable suspicion training certificates.
- _____ Records related to the calibration of the evidentiary breath testing devices, training of the collection site personnel and other related information kept by (IDATP/service provider) is available from (IDATP/service) provider within two working days.
- _____ Records related to saliva alcohol testing devices.
- _____ Records related to the school district serving as a saliva alcohol testing or urine specimen collection site.

Section III. Release of Drug and Alcohol Testing Related Records.

- _____ Generally, a driver's drug and alcohol testing records are released only with the permission of the driver.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- Driver may have prompt access to and copies of their drug and alcohol testing records.
 - Request for access must be in writing.
 - Copying fees for the records must be in accordance with board policy.

- Drug and alcohol testing records are available to subsequent employers with the driver's written authorization.

- Without the driver's written permission, the driver's drug and alcohol test records are made available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver, and arising from the results of a drug or alcohol test under the federal regulations or from the school district's determination that the driver violated the federal regulations.

Section IV. Pre-employment testing

- Include the requirement of a drug test in any advertising, posting or other notice of the driver position.

- Applicant completes the Pre-employment Drug Test Acknowledgment form. (403.7E7)

- Applicant completes the Consent for Release of Information form. (403.7E3)

- Applicant completes Certification of Previous Employers Requiring a Commercial Driver's License. (403.7E5)

- Applicant completes the Drug/Alcohol Test Notification Form. (403.7E4)

- Obtain information required on the Consent for Release of Information form. (403.7E3)
 - Received prior to the applicant performing a safety-sensitive function.
 - Received no later than fourteen days of the applicant performing a safety-sensitive function.
(Recommended only when absolutely necessary.)

- Applicant obtains the pre-employment drug test.

- Receive pre-employment drug test results.
 - Negative drug test allows the applicant to begin to perform a safety-sensitive function.
 - Positive drug test removes the applicant from further consideration for the driver position.

- Forward the pre-employment drug test results to the applicant upon the applicant's request.

- File all documentation
 - If not hired, file with the applicant's application.
 - If hired, file with the applicant's drug and alcohol related personnel file.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

Section V: Alcohol Test Results.

- Receive alcohol test results from collection site person.
 - By telephone using a password system with written results to follow by mail (or other means).
 - By a secure electronic means.
 - By secure fax.

- Alcohol test result is less than 0.02 alcohol concentration.
 - Driver may continue to perform a safety-sensitive function.

- Alcohol test result is 0.02 to 0.0399 alcohol concentration.
 - School district transport driver to home or other location.
 - Driver may not perform a safety-sensitive function for twenty-four hours.
 - Make arrangements for substitute, if necessary.
 - No action may be taken against the driver under the federal regulations.
 - Repeated offenses must be reported to superintendent for action.
 - Document incident and file.

- Alcohol test result is 0.04 or greater alcohol concentration.
 - School district transport driver to home or other location.
 - Driver may not perform a safety-sensitive function until evaluated by a substance abuse professional and completed the recommended substance abuse treatment program, if any.
 - Make arrangements for substitute, if necessary.
 - Place driver on leave.
 - Take necessary steps after consulting with the school attorney to terminate the driver.

Section VI: Drug Test Results.

- Receive drug test results from the medical review officer.
 - By telephone using a password system with written results to follow by mail (or other means).
 - By secure electronic means to be printed for filing.
 - By secure fax.

- Drug test result is negative.
 - Driver may continue to perform a safety-sensitive function.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- _____ Drug test result is positive.
- ___ Driver may not perform a safety-sensitive function until evaluated by a substance abuse professional and completed the recommended substance abuse treatment program, if any.
- ___ Make arrangements for substitute, if necessary.
- ___ Place driver on leave. .
- ___ Take necessary steps after consulting with the school attorney to terminate the driver.

Section VII: Random Drug and Alcohol Testing.

- _____ Receive the random selection list from IDATP.
- _____ Determine the date and time a driver or the random selection list will be notified and make appointments at the collection site.
- _____ Notify selected drivers.
- ___ Notify the required number of drivers on the random selection list prior to the end of the quarter.
- ___ Vary notification each quarter, including day, week and time of day to ensure drivers do not know the random testing is completed for the quarter and now they are free to misuse alcohol or use drugs until the next quarter.
- _____ Notified drivers sign the Drug/Alcohol Test Notification form. (403.7E4)
- _____ Driver proceeds to collection site.
- _____ Document, if necessary, reasons why any driver on the random selection list was not notified and attach documentation to the random selection list.
- _____ Go to Section V, Alcohol Test Results, or Section VI, Drug Test Results, for appropriate action based on test results.

Section VIII: Reasonable Suspicion Testing.

- _____ Driver supervisors who have received reasonable suspicion training document specific, contemporaneous, articulable observations of the driver's behavior, speech or body odors on the Reasonable Suspicion Observation form. (403.7E6)

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- _____ A second reasonable suspicion trained employee, if at all possible, documents specific, contemporaneous, articulable observations of the driver's behavior, speech or body odors on the Reasonable Suspicion Observation form. (403.7E6)
- _____ Driver is removed from performing a safety-sensitive function pending the drug and/or alcohol test results.
- _____ Driver completes Drug/Alcohol Testing Notification form. (403.7E4)
- _____ Driver is transported to the collection site.
- _____ Complete and file documentation of Reasonable Suspicion Observation form immediately and no later than within twenty-four hours or prior to receiving the test results. (403.7E6)

Section IX: Post-Accident Testing.

- _____ Instruct driver on procedures to follow in the event of an accident.
- _____ Place summary of instructions in each school vehicle with the Iowa Pupil Transportation Association's Transportation Assistance Manual for reference by a driver in the event of an accident. (403.7E10)
- _____ Receive notice of accident from driver.
- _____ Determine whether post-accident testing must be done. *(If any of the following are present, post-accident testing must be done.)*
 - ___ A fatality, other than the driver, occurred.
 - ___ 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.
 - ___ The driver was cited **and** one or more motor vehicles incurred disabling damage as a result of the accident, requiring a motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- _____ Remind the driver of the requirement to remain available for drug and alcohol testing and to **not** consume alcohol for eight hours after the accident.
- _____ Contact the nearest school district transportation director for the location of their collection site using the Iowa Pupil Transportation Association's Transportation Emergency Assistance Manual.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

_____ Make arrangements for the driver to be tested for alcohol within two hours and no later than eight hours after the accident.

___The reason for failing to have an alcohol test after two hours but prior to eight hours after the accident must be documented and filed.

___The reason for failing to have an alcohol test prior to eight hours after the accident must be documented and filed.

_____ Make arrangements for the driver to be drug tested as soon as possible and no later than thirty-two hours after the accident.

___The reason for failing to have a drug test after thirty-two hours after the accident must be documented and filed.

_____ Medical attention to the driver is not denied in order to conduct the drug and alcohol tests.

_____ Alcohol and drug test results conducted by law enforcement in accordance with the federal regulations may be used to meet the post-accident drug and alcohol testing requirements if the school district receives a copy of the test results.

_____ Notify insurance company of all accidents, whether post-accident drug and alcohol testing was required and ask the insurance company to maintain a list of **all** accidents reported so a list of all accidents may be easily compiled in the event of a U.S. DOT audit.

Section X: Return to Duty and Follow-up Testing.

_____ Driver has completed the substance abuse professional's evaluation and recommended substance abuse treatment program, if any.

_____ Driver must provide in accordance with the substance abuse professional's instructions a negative drug test result and/or alcohol test result of less than 0.02 alcohol concentration.

_____ Meeting this requirement allows the driver to return to work to perform a safety-sensitive function.

_____ Failure of the driver to meet this requirement is reported to the superintendent for discipline up to and including termination.

_____ In accordance with the substance abuse professional's instructions, the driver is subject to a minimum of six unannounced drug and/or alcohol tests during the next twelve months and may be subject to an unannounced drug and/or alcohol tests during the next twelve months.

_____ The substance abuse professional notifies the school district when the drug and/or alcohol testing is to take place.

DRUG AND ALCOHOL TESTING PROGRAM WORKSHEET

- _____ Make an appointment at the collection site for the appropriate collection.
- _____ Notified driver signs the Drug/Alcohol Test Notification form. (403.7E4)
- _____ Driver proceeds to collection site.
- _____ A positive drug test result or an alcohol test result of greater than 0.02 alcohol concentration is reported to the superintendent for discipline up to and including termination.

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, Code No. 403.7R2.

- 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 106 Jack Wilson Drive, New London, IA 52645.
- 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 a 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; and
 - 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 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; and
 - b. The school district is informed in writing of the medication and licensed medical practitioner's opinion.
 - 3. Drivers shall not use alcohol at least four hours prior to, or during the 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.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

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 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 breath 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 alcohol concentration allows the driver to continue to perform a safety-sensitive function.
 - (2) A screening alcohol test result of 0.02 alcohol concentration or greater requires a confirmation test.
3. The confirmation alcohol test 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 alcohol 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.
3. 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.
4. 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 school district contact person 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.

DRUG AND ALCOHOL TESTING PROGRAM REGULATION

- b. Upon arrival, the driver must provide 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 be performed between fifteen and thirty minutes after the screening test.
 - (3) The BAT or STT provides the school district contact person with a copy of the alcohol testing form if written communication was not used to report the test results.

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- 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, a 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 school district's contact person 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 breath alcohol technician notifies the school district contact person immediately of confirmation alcohol test results of 0.02 alcohol concentration or more.
 - (3) The collection site person provides the school district contact person with a copy of the alcohol testing form if written communication was not used to report the test results.
 - k. Potentially incomplete or invalid confirmation 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.

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- (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 result allows the driver to continue to perform a safety-sensitive function.
 - b. A positive drug test result 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 only 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. 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 meet specific gravity and urine creatinine concentration criteria.
 - (4) The 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.

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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 school district contact person 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 photo identification. Repeated failure of the driver to produce 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 packaged for shipping to the laboratory and are shipped immediately or placed in secure storage until they can be shipped.

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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 specimens 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 to test only for the drug found in the primary specimen.
 - (3) The MRO contacts the school district contact person for assistance if the driver cannot be reached.
 - (4) The school district contact person must confidentially inform the driver to contact the MRO.
 - (5) Upon contacting the driver, the school district contact person 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 school district contact person 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 school district contact person 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.

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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 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 (employee assistance program/school district contact person).

School districts choosing to retain the option not to terminate for a positive drug or alcohol test and allowing the driver to rehabilitate and return to driving duties have several responsibilities. School districts must ensure that the substance abuse professional determining drivers' needs is not referring drivers to the substance abuse professional's personal practice or to a person or an organization from which the substance abuse professional receives financial remuneration or has a financial interest. The substance abuse professional may refer the drivers to a public agency, the school district or a person under contract with the school district, the sole source of appropriate treatment under the driver's health insurance program, or the sole source of appropriate treatment reasonably accessible to the driver. It is the school district's responsibility to inform its drivers of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol and use of drugs including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. School districts may contact the Iowa Substance Abuse Information Center at 1-800-247-0614 for a variety of resources including the location of the nearest substance abuse professional meeting the requirements of the federal regulations. Also, the Iowa Department of Public Health has published the Substance Abuse Directory and Related Services which provides a listing of services. A copy of this directory may be obtained at no cost by contacting:

*Iowa Department of Public Health
Division of Substance Abuse
Lucas Office Building, 3rd Floor
Des Moines, Iowa 50319-0075
515-281-3641*

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.

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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 result 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.

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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 documents 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

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- c. The driver was cited **and** one or more motor 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 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 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 testing conforms with the law. The school district must receive a copy of the results to use them.

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K. Return-to-duty/Follow-up Testing.

1. Prior to returning to duty after a positive drug 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 re-evaluated 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 duty drug test result and/or an alcohol test result of less than 0.02 alcohol concentration before the driver can return to duty and perform a 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.

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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, 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.
 - e. 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.
 - f. 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.

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- 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 general 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.

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- 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 documents 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 time 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.

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Several school districts have chosen to perform the urine specimen collection for drug testing and the alcohol screening test using a saliva alcohol testing device. School districts performing these tests must keep additional records. It is recommended the following language be added:

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.*

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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 is 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 breath alcohol concentration. For drug testing it 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 principle 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.

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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 doctor of 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 bio-medical 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 of 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.

DRUG AND ALCOHOL TESTING PROGRAM DEFINITIONS

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.

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 shall conduct themselves in a professional manner. Employees shall 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 shall follow the code of ethics for their profession as established by the Iowa Board of Educational Examiners.

Legal Reference: Iowa Code § 279.8 (1999).
282 I.A.C. 13.

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

Approved July 1999

Reviewed Oct 2013

Revised _____

EMPLOYEE CONDUCT REGULATION

I. Commitment to the student.

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

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

II. Commitment to the public.

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

a. Shall not misrepresent an institution or organization with which the educator is affiliated and shall take adequate precautions to distinguish between personal and institutional or organizational views.

EMPLOYEE CONDUCT REGULATION

- b. Shall not knowingly distort or misrepresent the facts concerning educational matters in direct and indirect public expressions.
- c. Shall not interfere with a colleague's exercise of political and citizenship rights and responsibilities.
- d. Shall not use institutional privileges for monetary private gain or to promote political candidates or partisan political activities.
- e. Shall accept no gratuities, gifts, or favors that might impair or appear to impair professional judgment, not offer any favor, service, or thing of value to obtain special advantage.

III. Commitment to the profession.

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

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

that lead to the denial of increments, significant change in employment or termination of employment.

g.
professional qualifications.

Shall not misrepresent

h.
distort evaluations of colleagues.

Shall not knowingly

EMPLOYEE CONDUCT REGULATION

IV. Commitment to professional employment practices.

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

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

LICENSED EMPLOYEE DEFINED

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

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

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

Legal Reference: Clay v. Independent School District of Cedar Falls, 187 Iowa 89, 174 N.W. 47 (1919).
Iowa Code §§ 256.7(3); 272.6; 272A; 279.8; 294.1 (1999).
282 I.A.C. 14.
281 I.A.C. 12.4; 41.25.
1940 Op. Att'y Gen. 375.

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

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a licensed position, other than administrative positions which will be employed in accordance with board policies in Series 300, "Administration," shall have an opportunity to apply and qualify for licensed positions in the school district without regard to race, color, age, national origin, gender, sexual orientation, gender identity, marital status, socioeconomic status, disability, religion or creed. Job applicants for licensed positions shall be considered on the basis of the following:

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

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

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

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

Legal Reference: 29 U.S.C. §§ 621-634 (1994).
42 U.S.C. §§ 2000e *et seq.* (1994).
42 U.S.C. §§ 12101 *et seq.* (1994).
Iowa Code §§ 20; 35C; 216; 294.1 (1999).
281 I.A.C. 12.
282 I.A.C. 14.
1980 Op. Att'y Gen. 367.

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

Approved Dec 2003
2007

Reviewed Nov 2013

Revised Sept

LICENSED EMPLOYEE INDIVIDUAL CONTRACTS

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

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

Legal Reference: Harris v. Manning Independent School District of Manning, 245 Iowa 1295, 66 N.W.2d 438 (1954).
 Shackelford v. District Township of Beaver, Polk County, 203 Iowa 243, 212 N.W. 467 (1927).
 Burkhead v. Independent School District of Independence, 107 Iowa 29, 77 N.W. 491 (1898).
 Iowa Code chs. 20; 279 (1999).

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

Approved Dec 2003 Reviewed Nov 2013 Revised Nov 2004

LICENSED EMPLOYEE CONTINUING CONTRACTS

Contracts entered into with licensed employees, other than an administrator, will continue from year to year unless the contract states otherwise, is modified by mutual agreement between the board and the employee, or the contract is terminated by the board.

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

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

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

Legal Reference: Ar-We-Va Community School District v. Long and Henkenius, 292 N.W.2d 402 (Iowa 1980).
 Bruton v. Ames Community School District, 291 N.W.2d 351 (Iowa 1980).
 Hartman v. Merged Area VI Community College, 270 N.W.2d 822 (Iowa 1978).
 Keith v. Community School District of Wilton in the Counties of Cedar and Muscatine, 262 N.W.2d 249 (Iowa 1978).
 Iowa Code §§ 20; 272; 279.12-.19B, .27; 294.1 (1999).

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

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE WORK DAY

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

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

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

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

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

Legal Reference: Iowa Code §§ 20; 279.8 (1999).

Cross Reference: 200.3 Powers of the Board of Directors

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE ASSIGNMENT

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

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

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

Legal Reference: Iowa Code §§ 20.9; 279.8 (1999).

Cross Reference: 200.3 Powers of the Board of Directors

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE TRANSFERS

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

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

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

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

Legal Reference: Iowa Code §§ 20.9; 216.14; 279.8 (1999).

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

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE EVALUATION

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

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

Licensed employees will be required to:

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

It is the responsibility of the superintendent to ensure licensed employees are evaluated. New and probationary licensed employees will be evaluated in accordance to the teacher evaluation guidelines as approved by the New London Board of Education.

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

Legal Reference: Aplington Community School District v. PERB, 392 N.W.2d 495 (Iowa 1986).
Saydel Education Association v. PERB, 333 N.W.2d 486 (Iowa 1983).
Iowa Code §§ 20.9; 279.14, .19, .27 (2007).
281 I.A.C. Ch 83; 12.3(4).

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

Approved Dec 2003

Reviewed Nov 2010

Revised November 2013

LICENSED EMPLOYEE PROBATIONARY STATUS

The first three years of a new licensed employee's contract shall be a probationary period unless the employee has already successfully completed the three year probationary period. New employees who have successfully completed a probationary period in a previous Iowa school district will serve a one year probationary period.

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

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

Legal Reference: Iowa Code §§ 279.12-.19B (1999).

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

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE ORGANIZATION AFFILIATION

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

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

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

Legal Reference: Iowa Code §§ 20.1, .8, .10; 279.8 (1999).

Cross Reference: 408 Licensed Employee Professional Growth

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE SALARY SCHEDULE

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (1999).

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

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE SALARY SCHEDULE ADVANCEMENT

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (1999).

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

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

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

Licensed employees who wish to obtain additional education for advancement on the salary schedule must notify their supervisor according to the specified deadline written in the Master Contract. This additional education must be in the same area as the education that was required of the employee to hold the employee's current position with the school district. For purposes of illustration only, a math teacher would advance on the salary schedule only if the additional education was in math courses. The superintendent has the discretion to approve credit outside the employee's area of endorsement or responsibility.

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (1999).

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

Approved Dec 2003

Reviewed Nov 2010

Revised November 2013

LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY

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

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8, .13-.15, .19A-B (1999).

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

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE GROUP INSURANCE BENEFITS

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

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

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

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12, .27; 509; 509A; 509B (1999).

Cross Reference: 405.1 Licensed Employee Defined

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE TAX SHELTER PROGRAMS

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

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

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

Legal Reference: Small Business Job Protection Act of 1996, Section 1450(a), repealing portions of IRS REG § 1.403(b)-1(b)(3).

260C; 273; 294.16 (2007).

38.

462, 602.

211, 220.

Iowa Code §§ 20.9;

1988 Op. Att'y Gen.

1976 Op. Att'y Gen.

1966 Op. Att'y Gen.

Cross Reference: 706

Payroll Procedures

Approved Dec 2003
2009

Reviewed Nov 2013

Revised April

LICENSED EMPLOYEE RESIGNATION

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

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

Legal Reference: Iowa Code §§ 91A.2, .3, .5; 279.13, .19A (1999).

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

Approved Dec 2003

Reviewed Nov 2013

Revised _____

LICENSED EMPLOYEE CONTRACT RELEASE

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

Release from a contract shall be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay the board up to \$1,000 for expenses incurred to locate and hire a suitable replacement. Upon written mutual agreement between the employee and the superintendent, the costs may be deducted from the employee's salary. Payment of these costs shall be a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

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

Legal Reference: Iowa Code §§ 216; 272; 279.13, .19A, .46 (1999).
1978 Op. Att'y Gen. 247.
1974 Op. Att'y Gen. 11, 322.

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

Approved Dec 2003 Reviewed Nov 2013 Revised _____

LICENSED EMPLOYEE RETIREMENT

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

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

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

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

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

Legal Reference: Iowa Code §§ 97B; 216; 279.46 (1999).
581 I.A.C. 21.
1978 Op. Att'y Gen. 247.
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 401.14 Recognition for Service of Employees
407.4 Licensed Employee Early Retirement

Approved Dec 2003 Reviewed Nov 2013 Revised _____

No. 407.4

EARLY

RETIREMENT

Eligibility for Early Retirement Benefits:

The new London Community School District Board of Directors agree to provide a benefit to district certified staff who wish to retire early and meet the following requirements:

1. Desire to voluntarily retire early from New London Schools
2. Hold a valid State of Iowa teaching certificate (for certified staff only)
3. Have a minimum of fifteen (15) years of contracted service to New London Community School District
4. Are otherwise eligible to receive the IPERS retirements benefits (Chapter 97B of the Code of Iowa)

Duration of Policy:

This early retirement policy is offered for one year only, for retirements to begin with the 2014-15 school year. It will be re-evaluated for subsequent years.

Settlement Benefit:

The settlement benefit for a full-time teacher shall be \$15,000. The retirement benefit will be paid directly to the 403 (b) Special Pay Plan or authorize the Administration to establish a Trust based on the Health Reimbursement Arrangement (HRA) in the name of the employer.

Notice to the District:

Employees that take advantage of early retirement under this policy must submit a written acceptance of this offer to the New London School Board no later than February 15th of the year in which the employee will retire. By submitting written acceptance of this offer the school board shall consider this to be a voluntary resignation and termination of the teacher’s continuing contract. Early retirement would then be effective at the end of the school year. The school board reserves the right to limit the number of early retirement recipients each year, determined on a “first-come” basis.

Legal Reference: Iowa Code §§ 97B; 216; 279.46 (1999).

Cross Reference: 401.14 Recognition for Service of Employees

Approved Dec 2003

Reviewed January 2014

Revised August 2014