

## EMPLOYEE CONDUCT AND APPEARANCE

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

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

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

Legal Reference: Iowa Code § 279.8 (2013).  
282 I.A.C. 13.25, .26.

Cross Reference: 104 Anti-Bullying/Harassment  
306 Administrator Code of Ethics  
401.11 Employee Orientation  
403.5 Substance-Free Workplace  
407 Licensed Employee Termination of Employment  
413 Classified Employee Termination of Employment

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

### CHAPTER 25

#### **282—25.1(272) Scope of standards.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- a. *Fraud.* Fraud in the procurement or renewal of a practitioner's license.
- b. *Criminal convictions.* The commission of or conviction for a criminal offense as defined by Iowa law or the laws of any other state or of the United States, provided that the offense is relevant to or affects teaching or administrative performance.
  - (1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:
    1. Any of the following forcible felonies included in IOWA CODE section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
    2. Any of the following criminal sexual offenses, as provided in IOWA CODE chapter 709, involving a child:
      - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
      - Lascivious acts with a child;
      - Detention in a brothel;
      - Assault with intent to commit sexual abuse;
      - Indecent contact with a child;
      - Sexual exploitation by a counselor;
      - Lascivious conduct with a minor; or,
      - Sexual exploitation by a school employee;
    3. Incest involving a child as prohibited by IOWA CODE section 726.2;
    4. Dissemination and exhibition of obscene material to minors as prohibited by IOWA CODE section 728.2; or,
    5. Telephone dissemination of obscene material to minors as prohibited by IOWA CODE section 728.15.
  - (2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1) "b"(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:
    1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
    2. The time elapsed since the crime or founded abuse was committed;
    3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;



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4. The likelihood that the person will commit the same crime or abuse again;
  5. The number of criminal convictions or founded abuses committed; and,
  6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.
- c. *Sexual involvement or indecent contact with a student.* Sexual involvement includes, but is not limited to, the following acts, whether consensual or nonconsensual: fondling or touching the inner thigh, groin, buttocks, anus or breasts of a student; permitting or causing to fondle or touch the practitioner's inner thigh, groin, buttocks, anus, or breasts; or the commission of any sex act as defined in IOWA CODE section 702.17.
- d. *Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by IOWA CODE section 728.12, IOWA CODE chapter 709 or 18 U.S.C. Section 2252A(a)(5)(B).
- e. *Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:
- (1) Committing any act of physical abuse of a student;
  - (2) Committing any act of dependent adult abuse on a dependent adult student;
  - (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
  - (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
  - (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee; or
  - (6) Failing to report any suspected act of child or dependent adult abuse as required by state law.

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

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



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

- a. Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.
- b. Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.
- c. Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.
- d. Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—Chapter 17.
- e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

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

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

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

- a. Violation of this standard includes:
  - (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
  - (2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.
  - (3) Abandoning a written professional employment contract without prior unconditional release by the employer.
  - (4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.

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- (5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.
- b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner's control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:
  - (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or,
  - (2) The practitioner provided notice to the employing board no later than the latest of the following dates:
    - 1. The practitioner's last work day of the school year;
    - 2. The date set for return of the contract as specified in statute; or,
    - 3. June 30.

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

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
- f. Soliciting students or parents of students to purchase equipment, supplies, or services from the practitioner for the practitioner's personal advantage.
- g. Accepting gifts from vendors or potential vendors where there may be the appearance of or an actual conflict of interest.
- h. Intentionally disclosing confidential information including, but not limited to, unauthorized sharing of information concerning student academic or disciplinary records, health and medical information, assessment or testing results, or family income. Licensees shall comply with state and federal laws and local school board policies relating to the confidentiality of student records, unless disclosure is required or permitted by law.
- i. Refusing to participate in a professional inquiry when requested by the board.
- j. Aiding, assisting, or abetting an unlicensed person in the completion of acts for which licensure is required.

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- k.* Failing to self-report to the board within 60 days any founded child abuse report, or any conviction for a criminal offense listed in 25.3(1) "b"(1) which requires revocation of the practitioner's license.
- l.* Delegating tasks to unqualified personnel.
- m.* Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.
- n.* Allowing another person to use one's practitioner license for any purpose.
- o.* Performing services beyond the authorized scope of practice for which the individual is licensed or prepared or performing services without holding a valid license.
- p.* Falsifying, forging, or altering a license issued by the board.
- q.* Failure of the practitioner holding a contract under IOWA CODE section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.
- r.* Failure of a school official responsible for assigning licensed practitioners holding contracts under IOWA CODE section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

**25.3(7) *Standard VII—compliance with state law governing student loan obligations and child support obligations.*** Violation of this standard includes:

- a.* Failing to comply with 282—Chapter 9 concerning repayment of student loans.
- b.* Failing to comply with 282—Chapter 10 concerning child support obligations.

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

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



## CODE OF RIGHTS AND RESPONSIBILITIES REGULATION

### CHAPTER 26

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

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

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

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

1. The educator has a responsibility to maintain and improve the educator's professional competence.
2. The educator has a responsibility to accept only those assignments for which the educator is legally authorized.
3. The educator has a responsibility to provide conditions that are conducive to teaching and student learning.
4. The educator shall protect students from conditions harmful to learning or to health or safety.
5. The educator shall not, without just cause, restrain a student from independent action in the pursuit of learning and shall not, without just cause, deny a student access to varying points of view.
6. The educator shall not use professional relationships with students for personal advantage.
7. The educator shall not discriminate against any student on the grounds of race, color, religion, age, sex, sexual orientation, gender identity, disability, marital status, or national origin.
8. The educator shall accord just and equitable treatment to all members of the profession.
9. The educator shall keep in confidence personally identifiable information regarding a student or the student's family members that has been obtained in the course of professional service, unless disclosure is required by law or is necessary for the personal safety of the student or others.
10. The educator who has reasonable basis to believe that a student has been abused, as defined by law, shall make all reports required by law and the IOWA ADMINISTRATIVE CODE and which are necessary to ensure the safety and well-being of the student.
11. In the administration of discipline, the educator shall treat all students with respect and in compliance with all policies of the school district served by the educator.
12. The educator shall provide accurate, truthful, and complete information to the board and to the local education system concerning all licensure transactions.
13. The educator shall not refuse to participate in a professional inquiry, when requested by the board.

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14. The educator shall not require or direct another educator to violate any provisions of the code of professional conduct and ethics or any rights of a student, parent, educator or citizen.
15. The educator shall not delegate assigned tasks to unqualified personnel.

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

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

Legal Reference:        Clay v. Independent School District of Cedar Falls, 187 Iowa 89, 174 N.W. 47 (1919).

Iowa Code §§ 256.7(3); 272; 279.8; (2013).  
281 I.A.C. 12.4.;  
282 I.A.C. 14.  
1940 Op. Att'y Gen. 375.

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

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## 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," will have an opportunity to apply and qualify for licensed positions in the school district in accordance with applicable laws and school district policies regarding equal employment. Job applicants for licensed positions will be considered on the basis of the following:

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

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

East Mills Community School District requires, as a condition of hire, that all new employees sign up for direct deposit of the employee's wages in a financial institution of the employee's choice.

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

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

### Legal Reference:

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

### Cross Reference:

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



## LICENSED EMPLOYEE INDIVIDUAL CONTRACTS

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

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

Legal Reference:     Harris v. Manning Independent School District of Manning, 245 Iowa 1295, 66 N.W.2d 438 (1954).

Shackelford v. District Township of Beaver, Polk County, 203 Iowa 243, 212 N.W. 467 (1927).

Burkhead v. Independent School District of Independence, 107 Iowa 29, 77 N.W. 491 (1898).

Iowa Code chs. 20; 279 (2013).

Cross Reference:     405.2 Licensed Employee Qualifications, Recruitment, Selection

405.4 Licensed Employee Continuing Contracts

407 Licensed Employee Termination of Employment





## LICENSED EMPLOYEE CONTINUING CONTRACTS

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

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

Licensed employees who wish to resign, to be released from a contract, or to retire must comply with 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 (2013).

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

## LICENSED EMPLOYEE WORK DAY

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

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

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

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

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

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

Cross Reference: 200.3 Powers of the Board of Directors

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## LICENSED EMPLOYEE ASSIGNMENT

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

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

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

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

Cross Reference: 200.3 Powers of the Board of Directors

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## LICENSED EMPLOYEE TRANSFERS

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

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

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

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

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

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

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## LICENSED EMPLOYEE EVALUATION

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

The formal evaluation criteria is in writing and approved by the board. The formal evaluation will provide an opportunity for the evaluator and the licensed employee to discuss performance and areas in need 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 according to the district evaluation plan. New and probationary licensed employees are evaluated at least twice each year. Career teachers will develop a "Professional Learning Plan" each year and will have an intensive performance review once every three years.

The requirements stated in the Master Contract between employees in the 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; ch.294 (2013).

281 I.A.C.; 12.3(4)

Cross Reference: 405.2 Licensed Employee Qualifications, Recruitment, Selection

405.9 Licensed Employee Probationary Status

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## LICENSED EMPLOYEE PROBATIONARY STATUS

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

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

Legal Reference: Iowa Code §§ 279.12-.19B (2013).

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

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## LICENSED EMPLOYEE SALARY SCHEDULE

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

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

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

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

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

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LICENSED EMPLOYEE SALARY SCHEDULE ADVANCEMENT

The board will determine if licensed employees will advance in compensation 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 is the responsibility of the superintendent to make a recommendation to the board for the advancement of licensed employees.

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

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

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

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## LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

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

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

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

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

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

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

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## 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 may, in its sole discretion, 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 will assign the extra duty positions to qualified licensed employees. The licensed employee will receive compensation for the extra duty required to be performed.

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

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

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

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

Approved 9/12/2011

Reviewed 1/9/2023

Revised 1/9/2023

## LICENSED EMPLOYEE GROUP INSURANCE BENEFITS

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

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

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

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

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

Legal Reference: Iowa Code §§ 20.9; 85; 85B; 279.12, .27; 509; 509A; 509B (2013).

Cross Reference: 405.1 Licensed Employee Defined  
706.2 Payroll Deductions

Approved 9/12/2011

Reviewed 1/9/2023

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## LICENSED EMPLOYEE TAX SHELTER PROGRAMS

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

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

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

Legal Reference        Iowa Code §§ 20.9; 260C; 273; 294.16 (2013).

1988 Op. Att'y Gen. 38.  
1976 Op. Att'y Gen. 462, 602.  
1966 Op. Att'y Gen. 211, 220.

Cross Reference:        706        Payroll Procedures

Approved 9/12/2011

Reviewed 1/9/2023

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## LICENSED EMPLOYEE RESIGNATION

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

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

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

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

Approved 9/12/2011

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## 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 will have sole discretion to determine what constitutes unusual and extreme circumstances.

Release from a contract will be contingent upon finding a suitable replacement. Licensed employees requesting release from a contract after it has been signed and before it expires may be required to pay the board the cost of advertising incurred to locate and hire a suitable replacement. This amount will be \$1,000 plus the amount of any signing bonus the district may be offering to new hires at the time. Upon written mutual agreement between the employee and the superintendent, and to the extent allowed by law, the costs may be deducted from the employee's salary. Payment of these costs is a condition for release from the contract at the discretion of the board. Failure of the licensed employee to pay these expenses may result in a cause of action being filed in small claims court.

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

Legal Reference: Iowa Code §§ 216; 272; 279.13, .19A, .46 (2013).

1978 Op. Att'y Gen. 247.

1974 Op. Att'y Gen. 11, 322.

Cross Reference: 405.3 Licensed Employee Individual Contracts

405.4 Licensed Employee Continuing Contracts

407.3 Licensed Employee Retirement

## 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 is within the discretion of the board to determine whether special circumstances exist.

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

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

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

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

Legal Reference: Iowa Code §§ 97B; 216; 279.46 (2013).

581 I.A.C. 21.  
1978 Op. Att'y Gen. 247.  
1974 Op. Att'y Gen. 11, 322.

Cross Reference: 407.6 Licensed Employee Early Retirement

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Reviewed 1/9/2023

Revised 1/9/2023



## LICENSED EMPLOYEE SUSPENSION

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

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

### Legal Reference:

Northeast Community Education Association v. Northeast  
Community School District, 402 N.W.2d 765 (Iowa 1987).  
McFarland v. Board of Education of Norwalk Community  
School  
District, 277 N.W.2d 901 (Iowa  
1979).  
Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27  
(2013).

### Cross Reference:

404 Employee Conduct and Appearance

407 Licensed Employee Termination of Employment

Approved 9/12/2011

Reviewed 1/9/2023

Revised 1/9/2023

## LICENSED EMPLOYEE REDUCTION IN FORCE

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

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

It is the responsibility of the superintendent to make a recommendation for termination to the board.

Job Classification - For the purpose of staff reduction, employees shall be classified as follows:

1. PK-6 Classroom Teachers
2. 7-8 Subject Matter Teachers - By Certification
3. 9-12 Subject Matter Teachers - By Certification
4. K-12 Art Teachers
5. K-12 Instrumental Music Teachers
6. K-12 Vocal Music Teachers
7. K-6 Physical Education Teachers
8. 7-12 Physical Education Teachers
9. K-6 Title I Teachers
10. K-12 Guidance Counselors and At-Risk Counselors
11. K-6 Special Education Teachers - By Certification
12. 7-12 Special Education Teachers - By Certification
13. 7-12 Exploratory/Vocational Teacher - By Certification
14. 7-12 Alternative High School Teacher
15. K-12 Media/Library Services

Employees shall be classified based upon their assignment during the school year in which staff reduction procedures are commenced. An employee with an assignment in more than one of the categories listed above in this section shall be classified in the category in which he/she has the greatest number of periods of assignment. If the number of periods of an employee's assignment is equal, then the employee shall be classified in the category in which he/she has the greatest length of service.

## LICENSED EMPLOYEE REDUCTION IN FORCE

When the Board determines that employees should be laid off, the following procedure will determine the order in which employees shall be laid off:

1. The Board shall first attempt to make all staff reductions through attrition. Attrition shall only be deemed to have occurred where the Board has received resignations in the classification in which reduction is sought prior to the issuance by the Superintendent of Notice of Intent to Terminate Contract.
2. Unless the employees are needed to maintain an existing program, employees with emergency and/or temporary certification will be laid off first.
3. Unless the employees are needed to maintain an existing program, probationary employees will be laid off next. If there is more than one probationary employee in the affected job classification, then probationary employees will be laid off based upon seniority.
4. If the staff reduction cannot be fully accomplished following the layoff of employees as provided in steps 1-3 above, then the employee(s) in the job classification with the least seniority shall be laid off.
5. Any employee who has initially been identified for layoff in step 4 shall have the right to displace the least senior employee in another job classification, provided the initially identified employee has the proper licensure to perform the job in that classification.

### Legal Reference:

Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2013).

### Cross

### Reference:

407.5 Licensed Employee Suspension  
413.6 Classified Employee Reduction in Force  
703 Budget

Approved 9/12/2011

Reviewed 1/9/2023

Revised 1/9/2023

## LICENSED EMPLOYEE PROFESSIONAL DEVELOPMENT

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

For all professional development programs the district requires employees to take, the district will provide to the employee notice indicating the section of the law, or rules adopted by the state board of education or board of educational examiners that the district determines requires the employee to participate in the professional development program.

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

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

### **I.C. Iowa Code Description**

Iowa Code §279.8 Director's-General Rules-Bonds of Employees Iowa Code 279.74 Powers and Duties-Specific Defined Concepts **I.A.C. Iowa Administrative Code Description**

281 I.A.C. 12.7 Professional Development

281 I.A.C. 83.6 General Accreditation Standards-Teacher Professional Development

### **Cross References**

Code

414 Classified Employee Professional Purposes Leave

Approved 08/09/23

Reviewed 09/11/23

Revised 09/11/23



## LICENSED EMPLOYEE PUBLICATION OR CREATION OF MATERIALS

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

Legal Reference:

17 U.S.C. § 101 et al. Iowa Code § 279.8 (2013).

Cross Reference:

401.2 Employee Conflict of Interest

606.4 Student Production of Materials and Services

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Revised 1/9/2023

## LICENSED EMPLOYEE TUTORING

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

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

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

Legal Reference:

Iowa Code §§ 20.7; 279.8 (2013).

Cross Reference:

401.2 Employee Conflict of Interest  
402.6 Employee Outside Employment

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Revised 1/9/2023

LICENSED EMPLOYEE VACATION - HOLIDAYS

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

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

Legal Reference: Iowa Code §§ 1C.1-.2; 4.1(34); 20.9 (2013).

Cross Reference: 414.1  
Employee Vacations - Holidays - Personal Leave  
601.1

Classified  
School Calendar

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## EMPLOYEE LEAVE OF ABSENCE

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

- Personal (Sick) Leave – Leave for medically-related disability or illness
- Family Illness Leave – Leave to care for a sick member of the employee's immediate family
- Bereavement Leave – Leave to mourn the loss of a family member or close friend
- Adoption Leave – Leave for an employee who legally adopts a child
- Personal Leave – Leave to accomplish personal business that cannot be conducted outside the work day
- Jury Duty Leave – Leave to be excused for jury duty
- Military Leave – Leave for military service, including the national guard
- Political Leave – Leave to run for elective public office
- Unpaid Leave - To excuse an involuntary absence not provided for in other leave policies of the board

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

- Personal Illness (Sick) Leave- Leave for medically-related disability or illness
- Family Sick Leave - Leave to care for a sick member of the employee's immediate family
- Bereavement Leave - Leave to mourn the loss of a family member or close friend
- Adoption Leave- Leave for an employee who legally adopts a child
- Personal Leave – Leave to accomplish personal business that cannot be conducted outside the work day
- Jury Duty Leave – Leave to be excused for jury duty
- Military Leave – Leave for military service, including the national guard
- Political Leave – Leave to run for elective public office
- Unpaid Leave - To excuse an involuntary absence not provided for in other leave policies of the board

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

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

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

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

Approved 9/12/2011

Reviewed 1/9/2023

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## EMPLOYEE FAMILY AND MEDICAL LEAVE

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

Employees must use any accrued vacation, personal, sick and/or illness leave concurrently with FMLA leave. Employees eligible for family and medical leave must comply with the family and medical leave administrative rules to starting family and medical leave. It is the responsibility of the superintendent to develop administrative rules to implement this policy.

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

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

- WH-380-E Certification of Health Care Provider for Employee's Serious Health Condition (PDF)
- WH-380-F Certification of Health Care Provider for Family Member's Serious Health Condition (PDF)
- WH-381 Notice of Eligibility and Rights & Responsibilities (PDF)
- WH-382 Designation Notice (PDF)
- WH-384 Certification of Qualifying Exigency for Military Family Leave (PDF)
- WH-285 Certification for Serious Injury or Illness of Covered Servicemember – for Military Family Leave (PDF)

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

Cross Reference: 409.2 Employee Leave of Absence

Approved: 09/12/2011

Reviewed: 01/09/2023

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