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 ~~or~~ use, or be under the influence of ~~on or~~ 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~~ 124.

"Workplace" is defined as the site for the performance of work done in the capacity as an employee. This includes school district facilities, other school premises or school district vehicles. Workplace also includes non-school 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 or there are multiple violations of this policy 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. 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~~ will 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~~ will 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 are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs twenty-six thousand one pounds or more. For purposes of the drug and alcohol testing program, the term "employees" includes applicants who have been offered a position to operate a school vehicle.

The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, ~~and~~ post-accident, return-to-duty and follow-up drug and alcohol testing. Employees operating school vehicles 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 who violate this policy bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and a substance abuse treatment program recommended by the substance abuse professional. Employees who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination. Employees with questions about the drug and alcohol testing program may contact the school district contact person, Board Secretary at 2102 Durant Street, Harlan, IA 51537.

Employees who violate the terms of this policy are subject to discipline, up to and, including termination. The district is required to keep a record of all drug or alcohol violations by employees for a minimum of five years. Employees are put on notice that information related to drug or alcohol violations will be reported to the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse. Additionally, the district will conduct FMCSA Clearinghouse queries for employees annually. Employees must provide written consent for the district to conduct FMCSA Clearinghouse queries; however, employees who choose to withhold consent will be prohibited from performing any safety sensitive functions

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 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.

IASB Drug and Alcohol Testing Program (IDATP) Web site: http://www.ia-sb.org/MemberBenefits.aspx?id=304

NOTE: It is important for the school district to read this policy and its supporting documents and the notes very carefully. This policy and its supporting documents assume the school district employs its drivers and owns the school vehicles rather than contracts with a private service provider with its own drug and alcohol testing program. School districts contracting with a private service provider must ensure the provider has a drug and alcohol testing program complying with the federal regulations.

Compliance with the regulations is the responsibility of the school district even if the school district uses a service provider. Boards need to determine who will be responsible for administering the drug and alcohol testing program in the second paragraph and make that determination throughout the policies and regulations.

This policy and its supporting documents also assume private contractors and nonpublic schools participating in the Iowa Drug and Alcohol Testing Program (IDATP) have chosen to test only under the federal regulations and not to test under state law.

This policy and its supporting documents terminate a driver for violation of the policy and its supporting documents. Such a violation includes a positive drug test result. Should a school district, after careful consideration, choose to retain the option not to terminate for violation of this policy, consideration should be given to making the following changes:

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

First sentence of paragraph two: The employees operating a school vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing.

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

Paragraph three: Employees who violate the terms of this policy may be subject to discipline up to and including termination at the discretion of the school district. Employees who violate this policy, as a condition of continued employment, will be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program, recommended by the substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

School districts choosing to make the employee bear the personal and financial responsibility for the substance abuse evaluation and rehabilitation, if any:

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

This policy and the supporting documents require the school district to designate a school district contact person for the drug and alcohol testing program. The title of the person(s) designated should be entered in paragraph two. This person will answer questions from employees and others about the program, receive the test results and receive the identification numbers of the drivers who were selected for random testing and notify those drivers. If these responsibilities are divided among different persons, the policy and supporting documents must clearly explain which person handles which part of the drug and alcohol testing program.

Information about the Federal Motor Carrier Safety Administration Clearinghouse is located at: clearinghouse.fmcsa.dot.gov

Information about resources for a substance-free awareness program and related services may be obtained from the school district's employee assistance program, the Department of Education at (515) 281-3021 or Department of Health, Substance Abuse Division at (515) 281-3641. For regulations and forms, http://www.fmcsa.dot.gov/rules-regulations/topics/drug/drug.htm?

Legal Reference:
American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3rd 405 Cir. (4th 1995).

49 U.S.C. §§ 5331 et seq. (2012).

42 U.S.C. §§ 12101 (2012).

41 U.S.C. §§ 81 (2012).

49 C.F.R. Pt. 40; 382; 391 (2012).

34 C.F.R. Pt. 85 (2012).

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

Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2013).

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

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

Employees who operate school vehicles are subject to drug and alcohol testing if, ~~(1)~~ a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver, or ~~(2)~~ the school vehicle weighs twenty-six thousand, one pounds or more. For purposes of the drug and alcohol testing program, "employees" also includes applicants who have been offered a position to operate a school vehicle. The employees operating a school vehicle are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate a school vehicle and continue to be subject to the drug and alcohol testing program.

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

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination. *As a condition of continued employment, employees violating this policy, its supporting documents or the law bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and, a substance abuse treatment program recommended by the substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.*

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that information related to drug or alcohol violations will be reported to the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse.

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

NOTE: This form also assumes the school district will terminate the driver upon violation of this policy and its supporting documents. Should a school district, after careful consideration, choose to retain the option not to terminate for violation of this policy, consideration should be given to changing the first and third paragraph to read:

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

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

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination at the discretion of the school district. As a condition of continued employment, employees violating this policy, its supporting documents or the law will be required to successfully participate in a substance abuse evaluation and a substance abuse treatment program recommended by a substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

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

EMPLOYEES GOVERNED BY THE DRUG AND ALCOHOL TESTING POLICY ARE FURTHER NOTIFIED that employees violating this policy, its supporting documents or the law may be subject to discipline up to and including termination. As a condition of continued employment, employees violating this policy, its supporting documents or the law bear the personal and financial responsibility, as a condition of continued employment, to successfully participate in a substance abuse evaluation and, a substance abuse treatment program recommended by the substance abuse professional. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination.

The format of this notice is not specifically required by the federal regulations. It is designed to provide a starting point for school districts to develop their own form. However, the federal regulations do require the drivers have notice of the drug and alcohol testing program. Under the federal regulations, school districts may require their drivers to notify them of any prescription medications they are using. School districts which do not want to be informed may delete this language from this notice.

Code No. 403.6E3

DRUG & ALCOHOL PROGRAM AND PRE-EMPLOYMENT TESTING

WRITTEN CONSENT TO SHARE INFORMATION[SS1]

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

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

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

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

_____ _____

(Signature of Employee) (Date)

EMPLOYEE CONDUCT AND APPEARANCE

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

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

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

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

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

Cross Reference:
104 Anti-Bullying/Harassment
305 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 licensed professional, including an individual who holds a statement of professional recognition, who provides educational assistance to students.

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

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

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

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

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

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

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

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

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

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

1. Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;

2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:

- First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
- Lascivious acts with a child;
- Assault with intent to commit sexual abuse;
- Indecent contact with a child;
- Sexual exploitation by a counselor;
- Lascivious conduct with a minor;
- Sexual exploitation by a school employee;
- Enticing a minor under Iowa Code section 710.10; or
- Human trafficking under Iowa Code section 710A.2;

3. Incest involving a child as prohibited by Iowa Code section 726.2;

4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2;

5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;

6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)*"b"*(1); or

7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1)*"b"*(1).

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

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

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

d. Sexual exploitation of a minor. The commission of or any conviction for an offense prohibited by Iowa Code section 728.12, Iowa Code chapter 709 or 18 U.S.C. Section 2252A(a)(5)(B).

e. Student abuse. Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:

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

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

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

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

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

a. Falsifying or deliberately misrepresenting or omitting material information regarding professional qualifications, criminal history, college credit, staff development credit, degrees, academic award, or employment history when applying for employment or licensure.

b. Falsifying or deliberately misrepresenting or omitting material information regarding compliance reports submitted to federal, state, and other governmental agencies.

c. Falsifying or deliberately misrepresenting or omitting material information submitted in the course of an official inquiry or investigation.

d. Falsifying any records or information submitted to the board in compliance with the license renewal requirements imposed under 282—Chapter 20.

e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

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

a. Failing to account properly for funds collected that were entrusted to the practitioner in an educational context.

b. Converting public property or funds to the personal use of the practitioner.

c. Submitting fraudulent requests for reimbursement of expenses or for pay.

d. Combining public or school-related funds with personal funds.

e. Failing to use time or funds granted for the purpose for which they were intended.

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

A. Violation of this standard includes:

~~(1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.~~

(~~2~~ 1) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract, unless the practitioner provided notice to the practitioner's employing board as set forth in subparagraph 25.3(5)*"b"*(2). ~~An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.~~

(~~3~~ 2) Abandoning a written professional employment contract without prior unconditional release by the employer.

(~~4~~ 3) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.

(~~5~~ 4) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.

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

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

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

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

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

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

o. Performing services beyond the authorized scope of practice for which the individual is licensed or prepared or performing services without holding a valid license.
p. Falsifying, forging, or altering a license issued by the board.
q. Failure of the practitioner holding a contract under Iowa Code section 279.13 to disclose to the school official responsible for determining assignments a teaching assignment for which the practitioner is not properly licensed.
r. Failure of a school official responsible for assigning licensed practitioners holding contracts under Iowa Code section 279.13 to adjust an assignment if the practitioner discloses to the official that the practitioner is not properly licensed for an assignment.

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

a. Failing to comply with 282—Chapter 8 concerning payment of debts to state or local governments.
~~*b. Failing to comply with 282—Chapter 9 concerning repayment of student loans.*~~
c. Failing to comply with 282—Chapter 10 concerning child support obligations.
d. Failing to comply with a board order.

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

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

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.

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.

Code No. 405.1

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

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 Department of Education for posting on TeachIowa, 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.

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.

NOTE: This is a mandatory policy. Marital status is not a protected class for employees. The class may be added at the discretion of the board. Boards may delegate the hiring of teachers to the superintendent. If the board decides to do so, the delegation must be in board policy so boards should either accept the language in the board policy or develop their own.

NOTE: Boards should adapt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

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

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

LICENSED PERSONNEL INDIVIDUAL CONTRACTS

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

Each ~~teacher~~ contract will be ~~salaried~~ for a period of one (1) year.

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

~~The contracts for returning certificated employees are signed when they are issued. Only new employees shall receive unsigned contracts.~~

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

Legal reference:
Harris v. Manning Independent School District of Manning, 245 Iowa 1295, 66 N. W. 2d 438 (1954).
Shackelford v. District Township of Beaver, Polk County, 203 Iowa 243, 212 N. W. 467 (1927)
Burkhead v. Independent School District of Independence, 107 Iowa 29, 77 N. W. 491 (1899)
~~Iowa Code §§20, 279, 294.1 (1989).~~
Iowa Code chs. 20; 279 (2013).

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. ~~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 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.

~~The first three years of a new licensed employee's contract is 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. In the event of termination of the employee's contract during this period, the Board will afford the licensed employee appropriate due process. The action of the Board will be final.~~

~~In accordance with the continuing contract law, the Board of Directors shall give written notice through the superintendent by April 30 to any teacher whom it does not wish to re-employ; teachers shall notify the Board of Directors by May 15 through the Superintendent of Schools of their intent not to remain in the system. The Superintendent will make a recommendation to the Board for the termination of the licensed employee's contract.~~

Licensed employees who wish to resign, to be released from a contract, or to retire must comply with applicable law and board policies ~~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 (2003)~~

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

Code No. 405.5

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.

NOTE: Boards should adapt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

Legal Reference: Iowa Code §§ 20; 279.8

Cross Reference: 200.2 Powers of the Board of Directors

Code No. 405.6

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.

NOTE: Boards should adapt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

Legal Reference: Iowa Code §§ 20; 279.8

Cross Reference: 200.2 Powers of the Board of Directors

Code No. 405.7

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.

NOTE: Boards should adapt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

Legal Reference: Iowa Code §§ 20; 216.14; 279.8.

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

LICENSED EMPLOYEE EVALUATION

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

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

Licensed employees will be required to:

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

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

Legal Reference:
Iowa Code §§ 20.9; 279, 284, 294.
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).
281 I.A.C. 83; 12.3

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

LICENSED EMPLOYEE PROBATIONARY STATUS

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

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

~~Contracts entered into with certificated 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 (3) years of a new licensed employee's contract shall be a probationary period unless the employee has already successfully completed the three (3) year probationary period. New employees who have successfully completed the three (3) year probationary period in a previous school district will serve a one-year probationary period.~~

~~The board may extend this period for an additional year upon the consent of the licensed employee. In the event of termination during this period, the board shall afford the licensed employee appropriate due process. The action of the board will be final.~~

~~Licensed employees may be placed on probation based upon their performance or conduct, which could reduce individual employee effectiveness. Such probation 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 as determined by the building principal.~~

Legal Reference:
Iowa Code § 279~~.12-.19B (1997).~~

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

Code No. 406.1

LICENSED EMPLOYEE COMPENSATION

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.

Note: Districts may choose to maintain a salary schedule but are only required to negotiate base wages as part of the collective bargaining process.

For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 25 #4 – May 1, 2017.

Note: Boards should adopt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

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

Cross Reference: 405 Licensed Employees - General
406.2 Licensed Employee Compensation Advancement

Code No. 406.2

LICENSED EMPLOYEE COMPENSATION ADVANCEMENT

The board will determine if licensed employees will advance in compensation for their 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.

Note: Boards should adopt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 25 #4 – May 1, 2017.

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

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

Code No. 406.3

LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

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

~~Licensed employees who wish to obtain additional education for advancement must notify their supervisor by March 1 of the school year preceding the actual year when advancement occurs. The superintendent has the discretion to approve credit outside the employee's area of endorsement or responsibility.~~

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

Note: The law no longer requires a district to provide advancement for continued education credit. Districts may choose to maintain advancement for continued education credit but are only required to negotiate base wages as part of the collective bargaining process.

NOTE: If the Master Contract is silent, school districts need to insert a deadline in this policy. It is recommended the deadline be before budget certification so school districts can budget for the increase. If the Master Contract contains a date, that date can be inserted in this policy.

Note: Boards should adopt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 25 #4 – May 1, 2017.

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

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

Code No. 406.4

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 compensation 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 compensation for extra duty, for the board's review.

Note: Boards should adopt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 25 #4 – May 1, 2017.

Legal Reference: Iowa Code §§ 279.8, .13-.15, .19A-B.

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

Code No. 406.5

Option I

LICENSED EMPLOYEE GROUP BENEFITS

(For districts that employ an average of at least 50 full-time employees, including an equivalent for part-time employees)

Licensed employees may be eligible for group benefits as determined by the board and required by law. The board will select the group benefit program(s) and the insurance company or third party administrator which will provide or administer the program.

In accordance with the Patient Protection and Affordable Care Act (ACA), the board will offer licensed employees who work an average of at least thirty (30) hours per week or one hundred thirty (130) hours per month, based on the measurement method adopted by the board, with minimum essential coverage that is both affordable and provides minimum value. The board will have the authority and right to change or eliminate group benefit programs, other than the group health plan, for its licensed employees.

Licensed employees who work an average of at least thirty (30) hours per week or one hundred thirty (130) hours per month, based on the measurement method adopted by the board, are eligible to participate in the group health plan. Licensed employees who work 40 per week are eligible to participate in life and long term disability group insurance plans. Employers should maintain documents regarding eligible employees acceptance and rejection of coverage.

~~Regular part-time employees (i.e., employees who work less than 30 hours per week or 130 hours per month for health benefit purposes or employees who work less than 40 per week for benefits other than health) who wish to purchase coverage may participate in group benefit programs by meeting the requirements of the applicable plan.~~ Full-time and regular part-time licensed employees who wish to purchase health benefit coverage for their spouse or dependents may do so by meeting the requirements of the applicable plan.

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

NOTE: Beginning on January 1, 2015, school districts that employ an average of at least 50 full-time employees (including an equivalent for part-time employees), are required to offer health coverage to full-time employees (and their dependents) or pay a penalty tax under the ACA Employer Mandate. Districts with 50-99 full-time employees (including an equivalent for part-time employees) may have until their 2016 plan year before compliance is required, if certain conditions are satisfied. Option I assumes a school district employs at least 50 full-time employees (including an equivalent for part-time employees) and is subject to the ACAs Employer Mandate. Boards can edit Option I to

reflect their district's actual coverage (e.g., additional group insurance plans offered by the districts, which may include: life and long-term disability group insurance plans).

NOTE: For a more detailed discussion of this issue, see IASB's Special Report, A School District's Responsibilities under the Federal Patient Protection and Affordable Care Act (ACA), December 2014.

NOTE: Boards should adapt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

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

Cross Reference: 405.1 Licensed Employee Defined
706.2 Payroll Deductions

Code No. 406.6

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 authorizes 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. ~~*[Requests for purchase or change of tax-sheltered annuities may be made _____.]*~~

Note: The school district time frame for adding or changing tax-sheltered annuities should be reflected in this policy, if the school district uses one. The time frame should be inserted in the blank in the second paragraph.

Note: Boards should adopt IASB sample policies to meet the needs of the local district. Please ensure that the language contained in local policy is consistent with language contained in other district documents (e.g., handbooks, master contracts, etc.).

For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 25 #4 – May 1, 2017.

Legal Reference: Iowa Code §§ 260C; 273; 294.16.
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