

**HARLAN COMMUNITY SCHOOL DISTRICT**  
**BOARD OF DIRECTORS - REGULAR MEETING**  
**BOARD ROOM - HARLAN COMMUNITY HIGH SCHOOL**

**March 2, 2020**

**4:00 p.m.**

**AGENDA**

A. Call meeting to order and determination of a quorum

B. Public Forum

*In accordance with Policy 213 - Public Participation in Board Meetings the board recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and board meetings are conducted efficiently and in an organized manner, the board has set aside this specific time for public comment.*

*Citizens wishing to address the board during public comment must notify the board secretary **no later than 2 hours** prior to the board meeting. The board president will recognize these individuals to make their comments at the appropriate time during public comment. Citizens wishing to present petitions to the board may also do so at this time. The board however, will only receive the petitions and not act upon them or their contents.*

*Normally, speakers will be limited to five minutes. However, the board president may modify this time limit, if deemed appropriate or necessary. Public comment is a time set aside for community input, but the board will not discuss or take any action on any matter during public comment. Only individuals recognized by the board president will be allowed to speak. Comments by others are out of order. If disruptive, the individual causing disruption may be asked to leave the board meeting.*

C. Approve the Agenda

D. Presentations

E. Discussion Items

1. Administrator Report
  1. Jeff Moser – Primary and Intermediate Building Principal
2. Superintendent Update on Staffing
3. Draft Calendar
4. Scheduling the Budget Hearing

F. Action Items:

1. Resignation of Personnel
  1. Nicole Holst – Kindergarten Teacher
  2. Tricia Spangenberg - MS Assistant Girls Track Coach
  3. Nancy Barnum – HS Food Service

2. Employment of Personnel

1. Todd Bladt – Head Football Coach
2. Jeff Fah – MS Grade Boys Track
3. Eleisa Preston – MS Assistant GirlsTrack Coach

G. Consent Agenda

1. Non-Personnel Contract
  1. Special Education Contract with Alpha School

H. Policy Review

1. Policy Review/Approval – First Reading/Final Review
  - Policy 407.1 – Licensed Employee Resignation
  - Policy 407.2 – Licensed Employee Contract Release
  - Policy 407.4 – Licensed Employee Suspension
  - Policy 407.5 – Licensed Employee Reduction in Force
  - Policy 407.6 – Licensed Employee Early Retirement - *Delete*
  - Policy 408.1 - Licensed Employee Professional Development
  - Policy 408.2 – Licensed Employee Publication or Creation of Materials
  - Policy 409.1 – Licensed Employee Vacation – Holidays – Personal Leave
  - Policy 409.2 – Licensed Employee Personal Illness Leave
  - Policy 409.3 – Licensed Employee Family and Medical Leave
  - Policy 409.3E1 – Licensed Employee Family and Medical Leave Notice to Employees
  - Policy 409.3E2 – Licensed Employee Family and Medical Leave Request Form
  - Policy 409.3R1 – Licensed Employee Family and Medical Leave Regulation
  - Policy 409.3R2 Licensed Employee Family and Medical Leave Definitions
  - Policy 409.4 – Licensed Employee Bereavement Leave
  - Policy 409.5 – Licensed Employee Political Leave
  - Policy 409.5 – Licensed Employee Political Leave
  - Policy 409.6 – Licensed Employee Jury Duty Leave
  - Policy 409.7 – Licensed Employee Military Service Leave
  - Policy 409.8 – Licensed Employee Unpaid Leave
  - Policy 410.1 – Substitute Teachers
  - Policy 410.2 – Summer School Licensed Employees
  - Policy 410.4 – Education Associate
  - Policy 411.1 – Classified Employee Defined
  - Policy 411.2 – Classified Employee Qualifications, Recruitment, Selection
  - Policy 411.4 – Classified Employee Licensing/Certification
  - Policy 411.5 – Classified Employee Assignment
  - Policy 411.6 – Classified Employee Transfers

Policy 411.7 – Classified Employee Evaluation  
Policy 412.1 – Classified Employee Compensation  
Policy 412.2 – Classified Employee Wage and Overtime Compensation  
Policy 413.1 – Classified Employee Resignation  
Policy 413.3 – Classified Employee Suspension  
Policy 413.4 – Classified Employee Dismissal  
Policy 413.5 – Classified Employee Reduction in Force  
Policy 414.1 – Classified Employee Vacations – Holidays – Personal Leave  
Policy 414.2 – Classified Employee Personal Illness Leave  
Policy 414.3 – Classified Employee Family and Medical Leave  
Policy 414.3E1 – Classified Employee Family and Medical Leave Notice to Employees  
Policy 414.3E2 – Classified Employee Family and Medical Leave  
Policy 414.3R1 – Classified Employee Family and Medical Leave Regulation  
Policy 414.3R2 – Classified Employee Family and Medical Leave Definitions  
Policy 414.4 – Classified Employee Bereavement Leave  
Policy 414.5 – Classified Employee Political Leave  
Policy 414.6 – Classified Employee Jury Duty Leave  
Policy 414.7 – Classified Employee Military Service Leave  
Policy 414.8 – Classified Employee Unpaid Leave  
Policy 414.9 – Classified Employee Professional Purposes Leave

2. Policy Review/Approval – Second/Final Reading

Policy 507.9 – Wellness Policy  
Policy 507.9R1 – Wellness Regulation

I. Upcoming Events and Community Updates

1. Community Engagement Date – Monday, March 9<sup>th</sup> at 7:00 p.m. the back-up date is Tuesday, March 17<sup>th</sup> at 7:00 p.m.

J. Adjournment

- **Test scores:** 3X per year all elementary age students are assessed with the FAST state assessment.  
Fall/Winter Comparison
  - Grades 2- 5

Fast Assessment	Fall Testing	Winter Testing
Reading Rate	73%	76%
Reading Accuracy	82%	82%
Reading Comp	65%	69%
Math Processing	42%	61%
Math Reasoning	70%	74%








- It is important to know that these scores are based on benchmarks that increase as the the year progresses. For example the 5th grade reading rate target was 132 Words per minute in the Fall and 149 Words per minute in the Winter.
- **Schoolwide initiatives:** The number talks strategy is going very well and the students are responding. Notice the increase in the math processing and math reasoning. This is a big focus for our staff this year.
- **Professional Development:** Dr. Jill Johnson is a professor at Drake University and will be leading our professional development on March 6th. The focus of this professional development is improving our writing instruction, particularly conferring and providing feedback to students.
- Progress on action plans: Elementary Action PLaN
  - I've linked our action plan to this document so you can see our plans, goals , etc....
- **Celebratory information:**
  - Math Cadre has determined next steps as to improving our math instruction. The elementary has selected, applied for, and been approved to be part of the Illustrative Mathematics Beta Pilot. This will provide support to the school through professional development, feedback and materials. We are very, very excited about this opportunity.
  - Next week is **Read Across America Week** and Dr. Seuss' birthday week. The elementary will celebrate reading with a number of reading events. Monday, March 2 is the main event with our Family Literacy Night. It is scheduled to run fro 5:00 a.m. - 6:30 p.m. in the elementary buildings. There will be guest readers, activities, dress up days, food and LOTS OF READING! Come join us in the fun.

**Harlan Community Schools 2020-2021 Calendar DRAFT E2**

**Summary of Calendar**

1st Semester	81
2nd Semester	91
Total Days	172 days
(Including 2 Conference Comp days and 4 built in snow days)	

**Calendar Legend**

Begin/End	
New Teachers	
.5 Work Day/.5 PD Day	
Vacation Days	
Prof Development	
Conferences	
Full work Day	
2 hour early out	**

**Holidays**

Labor Day	Sept 7
Thanksgiving Day	Nov 26
Christmas Day	Dec 25
New Year's Day	Jan 1
Easter Sunday	April 4
Memorial Day	May 31

**Contract Days**

Student Days	172
<b>Full Work Days</b>	2
December 23	
May 28	
<b>.5 Work Day/.5 PD Day</b>	2
October 23	
March 12	
<b>Prof. Development</b>	10
Aug 18, Aug 19, Aug 20, Sept 23, Nov 25, Jan. 4, Jan. 25, Feb 18, April 1, May 5	
<b>Teacher Choice Days</b>	4
<b>Total</b>	190

**Make-Up Days**

The last student day could be as early as May 21st if there are no snow days. This calendar allows for 4 built in snow days and students would be out no later than May 27th.

AUGUST				
MON	TUE	WED	THUR	FRI
				1
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				
SEPTEMBER				
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		
OCTOBER				
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30
NOVEMBER				
2**	3	4	5**	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30				
DECEMBER				
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	
JANUARY				
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29
FEBRUARY				
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
MARCH				
1	2	3	4	5
8	9	10	11	12
15	16**	17	18**	19
22	23	24	25	26
29	30	31		
APRIL				
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30
MAY				
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27**	28
31				
JUNE				
	1	2	3	4

August 3	Fall Sport Camps
August 10	All fall practices begin
August 17	New Teacher Day
August 18-20	Professional Development Days
0	0
August 24	1st Student Day
5	5
1	6
4	10
4	14
Sept 7	No School - Labor Day
5	19
4	23
Sept 23	No School/Teacher PD
3	26
2	28
5	33
5	38
October 22	End of First Quarter (42 days)
4	42
October 23	No School -.5 Work Day/.5 PD
5	47
October 26	Start of Second Quarter
5	52
November 2	Conferences 4:00-7:30
5	57
November 5	Conferences 3:30-6:30
5	62
November 6	No School
2	64
November 25	No School/Teacher PD
1	65
November 26-27	Thanksgiving Break
0	
4	69
5	74
Dec 22	End of Second Quarter (39 days)
5	79
Dec 22	End of 1st Semester (81 days)
2	81
Dec 23	Teacher Work Day
0	
Dec 24-31	Holiday Break
0	81
Jan. 1	New Years Day
4	85
Jan 4	No School/Teacher PD
5	90
Jan. 5	Begin Second Semester
5	95
4	99
Jan 25	No School/Teacher PD
5	104
5	109
3	112
Feb. 18	No School/Teacher PD
5	117
Feb. 18-19	Winter Break
0	
March 11	End of 3rd Quarter (45 days)
5	122
March 12	No School -.5 Work Day/.5 PD
4	126
March 15	Begin 4th Quarter
5	131
March 16	Conferences 4:00-7:30
5	136
March 18	Conferences 3:30-6:30
3	139
March 19	No School
0	
April 1	No School/Teacher PD
4	143
April 2-5	Easter Break
5	148
5	153
5	158
May 5	No School/Teacher PD
4	162
May 14	Last Day for Seniors
5	167
May 16	Graduation
5	172
May 27	End of 4th Quarter (46 days)
4	176
May 27	End of 2nd Semester (91 days)
May 28	Teacher Work Day
May 31	Memorial Day

4 Weather/Tournament Days Built In

HARLAN COMMUNITY SCHOOL DISTRICT  
CONTRACT WITH COACH

This contract is entered into by and between **Fah, Jeff**, and the Board of Directors, hereinafter called the Board, of the Harlan Community School District, located at 2102 Durant, Harlan, Iowa.

In consideration of the salary listed below, the coach agrees to perform the duties of the position listed below, and such other duties as may be assigned by the Board or its duly authorized representatives:

Salary:               \$2,820.13      
Position:             MS Boys Track    

**AND IT IS FURTHER AGREED:**

1. That the coach shall perform coaching duties as assigned, complete other duties related to post-season tournaments, and perform other related duties. The work to be performed and the use of the contract days identified in this contract shall be determined by the Board, or its designee.
2. That the number of contract days for this position is 68, and an amount equal to the pay for one day of service shall be deducted from the salary of the coach for each day of service not performed if absence from duty with pay is not authorized by the board or leave policy in effect.
3. That, if the coach is lawfully discharged or is released by mutual agreement before the completion of the term of this contract, final settlement shall be made so the total amount which the coach shall have received shall be an amount equal to the product of the number of days of service multiplied by the amount considered as pay for one day of service.
4. That the coach shall attend, outside of regular school hours as established by the Board, such professional meetings as might be called by school authorities for coordinating the work of the coach in the school program.
5. That the coach shall present a certificate with coaching endorsement, or a coaching authorization, to the Business Manager of the School District, and that the coach shall not accept, and the District shall not be under any obligation to pay, any part of the annual salary until the required certificate or authorization is submitted.
6. That this contract is for one school year only and that it may be terminated at any time for any lawful reason.
7. That, in the event of error, the District will recover any overpayment and make any necessary corrections for underpayment.

This contract shall be without force and effect unless it is in the hands of the Board bearing the signature of the coach and the President of the Board on or before the 9<sup>th</sup> day of March, 2020.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Coach

March 2, 2020  
Date

\_\_\_\_\_  
Board President

HARLAN COMMUNITY SCHOOL DISTRICT  
CONTRACT WITH COACH

This contract is entered into by and between **Preston, Eleisa**, and the Board of Directors, hereinafter called the Board, of the Harlan Community School District, located at 2102 Durant, Harlan, Iowa.

In consideration of the salary listed below, the coach agrees to perform the duties of the position listed below, and such other duties as may be assigned by the Board or its duly authorized representatives:

Salary:                \$1,990.68      
Position:             MS Girls Track Asst    

**AND IT IS FURTHER AGREED:**

1. That the coach shall perform coaching duties as assigned, complete other duties related to post-season tournaments, and perform other related duties. The work to be performed and the use of the contract days identified in this contract shall be determined by the Board, or its designee.
2. That the number of contract days for this position is 68, and an amount equal to the pay for one day of service shall be deducted from the salary of the coach for each day of service not performed if absence from duty with pay is not authorized by the board or leave policy in effect.
3. That, if the coach is lawfully discharged or is released by mutual agreement before the completion of the term of this contract, final settlement shall be made so the total amount which the coach shall have received shall be an amount equal to the product of the number of days of service multiplied by the amount considered as pay for one day of service.
4. That the coach shall attend, outside of regular school hours as established by the Board, such professional meetings as might be called by school authorities for coordinating the work of the coach in the school program.
5. That the coach shall present a certificate with coaching endorsement, or a coaching authorization, to the Business Manager of the School District, and that the coach shall not accept, and the District shall not be under any obligation to pay, any part of the annual salary until the required certificate or authorization is submitted.
6. That this contract is for one school year only and that it may be terminated at any time for any lawful reason.
7. That, in the event of error, the District will recover any overpayment and make any necessary corrections for underpayment.



This contract shall be without force and effect unless it is in the hands of the Board bearing the signature of the coach and the President of the Board on or before the 9<sup>th</sup> day of March, 2020.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Coach

\_\_\_\_\_  
March 2, 2020  
Date

\_\_\_\_\_  
Board President

### **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

### 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. Upon written mutual agreement between the employee and the superintendent, 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.

*NOTE: School districts may charge employees for costs incurred in finding a replacement. Employees can only be charged costs, not "penalties." The costs cannot be withheld from money owed the employee unless the employee agrees. If costs are not withheld from moneys owed to the employee, the school district must bill the employee. If the employee fails to pay, the school district's only option for reimbursement is to file a claim in small claims court. The school district also has the option of filing a complaint with the Board of Educational Examiners stating the employee has engaged in unprofessional conduct.*

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 SUSPENSION OF PERSONNEL**

Licensed Employees ~~shall will~~ perform their assigned job, respect ~~and follow~~ board policy and obey the law. The superintendent is authorized to suspend a ~~certificated or support staff~~ licensed employee pending board action on a discharge, for investigation of charges against the employee, ~~or and~~ for disciplinary purposes. It ~~shall be 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 ~~shall will~~ be followed. The employee shall be given notice of the reasons for the suspension, and an opportunity to respond to the reasons before the action to suspend is taken. The superintendent shall review those reasons to ensure they support a suspension and to determine that reasonable grounds exist to believe that the reasons are true. If a finding is for a suspension, the employee shall be informed in writing and a copy included in the employee's personnel file.

**NOTE: This is a mandatory policy.**

Legal Reference:

Northeast Community Education Association v. Northeast Community School District, 402 N.W.2d 765, 769 (Iowa 1987).

McFarland v. Board of Education of Norwalk Community School District, 277 N.W.2d 901 (Iowa 1979); 402.N.W. 2d 765, 769 (Iowa 1987)  
Iowa Code §§ 20.7, .24; 279.13, .15-.19, .27 (2013).

Cross Reference:

404 Employee Conduct and Appearance

407 Licensed Employee Termination of Employment

Legal reference: \_\_\_\_\_

~~Iowa Code §§ 20.7, .24, 279.13, 279.15-.19, .27 (1987)~~

## 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. The process for reduction in force shall be as follows:

*The superintendent shall consider the following criteria in making the recommendations:*

- 1. Relative skills, ability and demonstrated performance;*
- 2. Endorsements, certifications, and educational preparation within the grade level and subject areas in which the employee is now performing;*
- 3. Qualifications for co-curricular programs;*
- 4. If a tie exists based on the above two criteria, administration has final determination.*

Due process for terminations due to a reduction in force will be followed.

### BELOW IS THE LANGUAGE WE HAVE IN CURRENT "HANDBOOK"

1) performance based on the most recent evaluation

2) certifications and endorsements held Employees shall be classified in the following manner for purposes of staff reduction and shall be laid off in accordance with said classifications: PK-5, 6-12 grade levels. Reduction in the 6-12 grade level classification shall be within curriculum departments. Reduction in art, music, library and physical education shall be within a PK-12 classification. An employee in grades 6-12 with a split assignment shall be classified in each department in which he/she is currently working. Special Education, Talented and Gifted, ESL, Guidance Counselors, and Title 1 employees shall be classified according to the grade level they serve the majority of the time.

3) if a tie exists based on the above two criteria, administration has final determination of decisions referencing employment.

### BELOW IS IA-SB RECOMMENDED LANGUAGE:

- Endorsements and educational preparation within the grade level and subject areas in which the employee is now performing;
- Relative skills, ability and demonstrated performance;
- Qualifications for co-curricular programs; and
- Number of continuous years of service to the school district. This will be considered only when the foregoing factors are relatively equal between 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.).**

***NOTE: Boards should consider adding detail to this policy that outlines specific criteria to be used in making a recommendation for reduction in force. This information will assist the superintendent in making consistent decisions in this area.***

Legal Reference:

Iowa Code §§ 20; 279.

Cross Reference:

407.4 Licensed Employee Suspension

413.5 Classified Employee Reduction in Force

703 Budget

**EARLY RETIREMENT 403(B) SPECIAL PAY PLAN**

~~Master contract agreements with various Employee groups and Employer Policy may currently provide for retirement incentives for eligible Employees at retirement. Enhancements to the IRS Tax Code allow the Employer to implement plans that save the Employer the 7.65% FICA taxes (Social Security and Medicare) on these payments. The retiring Employee also derives a tax advantage as a result of implementing the Special Pay Plan.~~

~~Documents necessary to implement the Plan and Plan Administration are available at no cost.~~

~~The Administration, in cooperation with Employee group representatives and with legal review, has selected the Special Pay Plan offered through National Insurance Services and administered by MidAmerica Administrative & Retirement Solutions, Inc. The Plan and Plan Administration best provides for the interests of the Employer and its Employees.~~

## **LICENSED EMPLOYEE CERTIFIED PERSONNEL PROFESSIONAL DEVELOPMENT**

The Board encourages ~~certified personnel~~ licensed employees to attend and participate in professional development activities to maintain, develop, and extend their skills. The board ~~shall~~ will maintain and support an in-service a staff development program for licensed employees certified personnel. Features of the staff development program:

- ~~Staff development resources and time shall be allocated in keeping with the mission and priorities of the district.~~
- ~~The staff development program shall concentrate on the programs and practices of effective schools and teaching, goal setting, assessment procedures, evaluation, and the change process.~~
- ~~Content shall be selected that has been verified by research to improve student outcomes~~
- ~~Certified staff shall be actively involved in initiating, planning, and conducting the development programs for certified staff.~~

Requests for attendance or participation in a development program, other than those development programs sponsored by the school district, ~~is made to the building principal~~ is made to the superintendent. Approval of the building principal superintendent must be obtained prior to attendance by ~~the a certified 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 ~~or designee shall~~ will have the discretion to allow or disallow certified 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 budget financial situation as well as other factors deemed relevant in the judgment of the superintendent. Requests that involve unusual expenses or more than three nights of overnight travel must also be approved by the board.

NOTE: This is a mandatory policy.

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 § 279.8; 294.  
281 I.A.C. 12.7; 83.6(1)(f)

### Cross Reference:

414.9 Classified Employee Professional Purposes Leave

### Legal Reference: —

~~Iowa Code §§279.8 (1989).~~  
~~670 Iowa Admin. Code 3.7.~~  
~~281 Iowa Admin. Code 12.7 (new standards)~~



**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 (2012).

Cross Reference:

401.2 Employee Conflict of Interest

606.4 Student Production of Materials and Services

**LICENSED EMPLOYEE VACATION - HOLIDAYS - PERSONAL LEAVE**

The board will determine the amount of vacation, holidays, and personal leave that will be allowed on an annual basis for licensed employees. Any requirements outlined in the Master Contract regarding leaves will be followed.

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

~~NOTE: Option II includes more details than Option I. Boards should select the option that fits their practice.~~

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 §§ 1C; 4.1(34); 20.

Cross Reference:

414.1 Classified Employee Vacations - Holidays - Personal Leave

601.1 School Calendar

## LICENSED EMPLOYEE PERSONAL ILLNESS LEAVE

The board will determine the amount of personal illness leave that will be allowed on an annual basis for licensed employees. Any requirements outlined in the Master Contract regarding leaves will be followed.

Licensed employees will be granted **no less than** ten days of sick leave in their first year of employment. Each year thereafter, **no less than** one additional day of sick leave will be granted to the licensed employees up to a maximum of **no less than** fifteen days. "Day" is defined as one work day regardless of full-time or part-time status of the employee. A new employee will report for work at least one full work day prior to receiving sick leave benefits. A returning employee will be granted the appropriate number of days at the beginning of each fiscal year.

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

~~Sick leave may be accumulated up to a maximum of \_\_\_\_\_ days for licensed employees.~~

~~[Should the personal illness occur after or extend beyond the sick leave accumulated allowance, the employee may apply for disability benefits under the group insurance plan. If the employee does not qualify for disability benefits, the employee may request a leave of absence without pay.]~~

Evidence may be required regarding the mental or physical health of the employee when the administration has a concern about the employee's health. Evidence may also be required to confirm the employee's illness, the need for the illness leave, the employee's ability to return to work, and the employee's capability to perform the duties of the employee's position. It is within the discretion of the board or the superintendent to determine the type and amount of evidence necessary. When an illness leave will be greater than three consecutive days, the employee will comply with the board policy regarding family and medical leave.

NOTE: The first paragraph of this policy is a re-statement of Iowa law regarding sick leave for school district employees. School districts that have a different policy need to insert it there. The third paragraph is for those school districts that have a disability benefit plan. School districts that don't have a disability benefits plan should remove the paragraph.

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. §§ 2601 et seq.

29 C.F.R. §825.

Iowa Code §§ 20; 216; 279.40.

Whitney v. Rural Ind. School District, 232 Iowa 61, 4 N.W.2d 394 (1942).

### Cross Reference:

403.2 Employee Injury on the Job

- 409.3 Licensed Employee Family and Medical Leave
- 409.8 Licensed Employee Unpaid Leave

## LICENSED 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 ~~July 1 through June 30~~ **the 12-month period measured forward from the first date an employee takes FMLA leave**. Requests for family and medical leave will be made to the superintendent.

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

**The requirements stated 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.**

*NOTE: This policy is consistent with federal law regarding family and medical leave. The links below are to applicable forms on the U.S. Department of Labor Web site.*

Links:

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

Legal Reference:

29 U.S.C. §§ 2601 *et seq.*

29 C.F.R. § 825

Iowa Code §§ 20; 85; 216; 279.40.

*Whitney v. Rural Ind. School. District*, 232 Iowa 61, 4 N.W.2d 394 (1942).

Cross Reference:

409.2 Licensed Employee Personal Illness Leave

409.8 Licensed Employee Unpaid Leave

414.3 Classified Employee Family and Medical Leave

409.3E1 Licensed Employee FMLA Notice to Employees

**LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE NOTICE TO EMPLOYEES**

This document is available at <https://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf>.

*NOTE:* FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post a notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.

LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REQUEST FORM

Date:

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

(check all that apply)

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

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

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

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

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

Details of the needed intermittent leave:

I anticipate returning to work at my regular schedule on \_\_\_\_\_.

- reduced work schedule for the:
  - birth of my child or adoption or foster care placement subject to agreement by the district;
  - serious health condition of myself, spouse, parent, or child when medically necessary;

- because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
- because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.

Details of needed reduction in work schedule as follows:

I anticipate returning to work at my regular schedule on \_\_\_\_\_.

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

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

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

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

Signed

Date

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



## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE REGULATION

### A. School district notice.

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

### B. Eligible employees.

Employees are eligible for family and medical leave if three criteria are met.

1. The school district has more than 50 employees on the payroll at the time leave is requested;
2. The employee has worked for the school district for at least twelve months or 52 weeks (the months and weeks need not be consecutive); and,
3. The employee has worked at least 1,250 hours within the previous year. Full-time professional employees who are exempt from the wage and hour law may be presumed to have worked the minimum hour requirement.

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

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

- d. ~~{Boards who adopt other requirements or additional collective bargaining provisions can add them here.}~~
  - 2. Unforeseeable family and medical leave.
    - a. Definition - leave is unforeseeable in such situations as emergency medical treatment or premature birth.
    - b. Employee must give notice as soon as possible but no later than one to two work days after learning that leave will be necessary.
    - c. A spouse or family member may give the notice if the employee is unable to personally give notice.
- D. Eligible family and medical leave determination. The school district may require the employee giving notice of the need for leave to provide reasonable documentation or a statement of family relationship.
- 1. Six purposes.
    - a. The birth of a son or daughter of the employee and in order to care for that son or daughter prior to the first anniversary of the child's birth;
    - b. The placement of a son or daughter with the employee for adoption or foster care and in order to care for that son or daughter prior to the first anniversary of the child's placement;
    - c. To care for the spouse, son, daughter or parent of the employee if the spouse, son, daughter or parent has a serious health condition; or
    - d. Employee's serious health condition that makes the employee unable to perform the essential functions of the employee's position.
    - e. because of a qualifying exigency arising out of the fact that an employee's \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves.
    - f. because the employee is the spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.
    - g. ~~{Boards who adopt other purposes for which family and medical leave may be taken should add them here.}~~
  - 2. Medical certification.
    - a. When required:
      - (1) Employees [may/shall] be required to present medical certification of the employee's serious health condition and inability to perform the essential functions of the job.
      - (2) Employees [may/shall] be required to present medical certification of the family member's serious health condition and that it is medically necessary for the employee to take leave to care for the family member.
      - (3) Employees [may/shall] be required to present certification of the call to active duty when taking military family and medical leave.
    - b. Employee's medical certification responsibilities:
      - (1) The employee must obtain the certification from the health care provider who is treating the individual with the serious health condition.
      - (2) The school district may require the employee to obtain a second certification by a health care provider chosen by and paid for by the school district if the school district has reason to doubt the validity of the certification an employee submits. The second health care provider cannot, however, be employed by the school district on a regular basis.
      - (3) If the second health care provider disagrees with the first health care provider, then the school district may require a third health care provider to

certify the serious health condition. This health care provider must be mutually agreed upon by the employee and the school district and paid for by the school district. This certification or lack of certification is binding upon both the employee and the school district.

- c. Medical certification will be required fifteen days after family and medical leave begins unless it is impracticable to do so. The school district may request recertification every thirty days. Recertification must be submitted within fifteen days of the school district's request.
- d. Employees taking military caregiver family and medical leave to care for a family service member cannot be required to obtain a second opinion or to provide recertification.
- e. ~~[Boards who adopt other requirements or have collective bargaining agreements with provisions regarding certification should add them here.]~~

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

#### E. Entitlement.

1. Employees are entitled to twelve weeks unpaid family and medical leave per year. Employees taking military caregiver family and medical leave to care for a family service member are entitled to 26 weeks of unpaid family and medical leave but only in a single 12 month period.
2. Year is defined as: (choose one)  
~~Option I - Fiscal year~~  
~~Option II - Calendar year~~  
~~Option III - School year~~  
Option IV - Rolling: measured forward from the first day leave is used, or measured backward from the date leave is used.  
~~Option V - Collective bargaining agreement contract year.~~
3. If insufficient leave is available, the school district may:
  - a. Deny the leave if entitlement is exhausted\
  - b. Award leave available
  - c. ~~[Award leave in accordance with other provisions of board policy or the collective bargaining agreement.]~~

#### F. Type of Leave Requested.

1. Continuous - employee will not report to work for set number of days or weeks.
2. Intermittent - employee requests family and medical leave for separate periods of time.
  - a. Intermittent leave is available for:
    - birth of my child or adoption or foster care placement subject to agreement by the district;
    - serious health condition of myself, spouse, parent, or child when medically necessary;
    - because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;

- because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.
  - b. In the case of foreseeable intermittent leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable intermittent leave, the school district may move the employee to an alternative position with equivalent pay and benefits.
3. Reduced work schedule - employee requests a reduction in the employee's regular work schedule.
- a. Reduced work schedule family and medical leave is available for:
    - birth of my child or adoption or foster care placement subject to agreement by the district;
    - serious health condition of myself, spouse, parent, or child when medically necessary;
    - because of a qualifying exigency arising out of the fact that my \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent is on active duty or call to active duty status in support of a contingency operation as a member of the National Guard or Reserves;
    - because I am the \_\_\_ spouse; \_\_\_ son or daughter; \_\_\_ parent; \_\_\_ next of kin of a covered service member with a serious injury or illness.
  - b. In the case of foreseeable reduced work schedule leave, the employee must schedule the leave to minimize disruption to the school district operation.
  - c. During the period of foreseeable reduced work schedule leave, the school district may move the employee to an alternative position with equivalent pay and benefits.

G. Special Rules for Instructional Employees.

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

of the semester if the leave will last more than two weeks and the employee would return to work during the last two weeks of the semester.

- c. If the employee begins family and medical leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, the school district may require the employee to continue taking leave until the end of the semester.
  4. The entire period of leave taken under the special rules is credited as family and medical leave. The school district will continue to fulfill the school district's family and medical leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's family and medical leave entitlement ends before the involuntary leave period expires.
- H. Employee responsibilities while on family and medical leave.
1. Employee must continue to pay health care benefit contributions or other benefit contributions regularly paid by the employee unless employee elects not to continue the benefits.
  2. The employee contribution payments will be deducted from any money owed to the employee or the employee will reimburse the school district at a time set by the superintendent.
  3. An employee who fails to make the health care contribution payments within thirty days after they are due will be notified that their coverage may be canceled if payment is not received within an additional 15 days.
  4. An employee may be asked to re-certify the medical necessity of family and medical leave for the serious medical condition of an employee or family member once every thirty days and return the certification within fifteen days of the request.
  5. The employee must notify the school district of the employee's intent to return to work at least once each month during their leave and at least two weeks prior to the conclusion of the family and medical leave.
  6. If an employee intends not to return to work, the employee must immediately notify the school district, in writing, of the employee's intent not to return. The school district will cease benefits upon receipt of this notification.
- I. Use of paid leave for family and medical leave.

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

## LICENSED EMPLOYEE FAMILY AND MEDICAL LEAVE DEFINITIONS

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

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

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

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

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

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

Eligible Employee - the district has more than 50 employees on the payroll at the time leave is requested. The employee has worked for the district for at least twelve months and has worked at least 1250 hours within the previous year.

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

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

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

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

Health Care Provider-

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

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

Incapable of Self-Care - that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" or "ADLs." Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing,

dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

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

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

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

"Needed to Care For" - the medical certification that an employee is "needed to care for" a family member encompasses both physical and psychological care. For example, where, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic or nutritional needs or safety or is unable to transport himself or herself to medical treatment. It also includes situations where the employee may be needed to fill in for others who are caring for the family member or to make arrangements for changes in care.

Next of Kin - an individual's nearest blood relative

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

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

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

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

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

Serious Health Condition –

- An illness, injury, impairment, or physical or mental condition that involves:
- Inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from), or any subsequent treatment in connection with such inpatient care; or



- Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:
  - A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment for or recovery from) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:
    - Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders or, or on referral by, a health care provider; or
    - Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
    - Any period of incapacity due to pregnancy or for prenatal care.
    - Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
      - Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider;
      - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
      - May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
    - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's a severe stroke or the terminal stages of a disease.
    - Any period of absence to receive multiple treatments (including any period of recovery from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).
- Treatment for purposes of this definition includes, but is not limited to, examinations to determine if a serious health condition exists and evaluation of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. Under this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify

for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

- Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.
- Absence attributable to incapacity under this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

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

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

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

## LICENSED EMPLOYEE BEREAVEMENT LEAVE

Bereavement leave will be granted in accordance with any terms of the collective bargaining agreement. In the absence of a collective bargaining agreement, bereavement leave provisions will be established by the Board and outlined in the employee handbook on an annual basis.

It is the responsibility of the superintendent to make a recommendation to the board annually on bereavement leave for licensed employees.

~~In the event of a death of a member of a licensed employee's immediate family, bereavement leave may be granted. Bereavement leave may be granted to a licensed employee for no more than [insert number] days, with "day" being defined as one work day regardless of full-time or part-time status of the employee, per occurrence, for the death of a member of the immediate family. The immediate family includes [child, spouse, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandchildren, grandparents of the employee, or any member of the immediate household or personal friend or relative not listed above.]~~

~~No more than [insert number] days of bereavement leave per year will be granted for the death of a close friend or other relative not listed above.~~

~~It is within the discretion of the superintendent to determine the number of bereavement leave days to be granted.~~

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:  
409 Licensed Employee Vacations and Leaves of Absence

### **LICENSED EMPLOYEE POLITICAL LEAVE**

The board will provide a leave of absence to licensed employees to run for elective public office. The superintendent will grant a licensed employee a leave of absence to campaign as a candidate for an elective public office as unpaid leave.

The licensed employee will be entitled to one period of leave to run for the elective public office, and the leave may commence within thirty days of a contested primary, special, or general election and continue until the day following the election.

The request for leave must be in writing to the superintendent of schools at least thirty days prior to the starting date of the requested leave.

NOTE: Iowa law gives employees a right to political leave to run for public office. This policy reflects the law.

Legal Reference:  
Iowa Code ch. 55 (2013).

Cross Reference:  
401.9 Employee Political Activity  
409 Licensed Employee Vacations and Leaves of Absence

### **LICENSED EMPLOYEE JURY DUTY LEAVE**

The board will allow licensed employees to be excused for jury duty unless extraordinary circumstances exist. The superintendent has the discretion to determine when extraordinary circumstances exist.

Employees who are called for jury service will notify the direct supervisor within twenty-four hours after notice of call to jury duty and suitable proof of jury service pay must be presented to the school district. The employee will report to work within one hour on any day when the employee is excused from jury duty during regular working hours.

Licensed employees will receive their regular salary. Any payment for jury duty will be paid to the school district.

NOTE: This policy reflects the practice that the employee sign over checks received for jury duty to the school district. School districts which let employees keep their checks but then deduct the amount from the employee's salary, should reflect that practice in the third paragraph.

Legal Reference:  
Iowa Code §§ 20.9; 607A (2013).

Cross Reference:  
409 Licensed Employee Vacations and Leaves of Absence

### **LICENSED EMPLOYEE MILITARY SERVICE LEAVE**

The board recognizes licensed employees may be called to participate in the armed forces, including the national guard. If a licensed employee is called on to serve in the armed forces, the employee will have a leave of absence for military service until the military service is completed.

The leave is without loss of status or efficiency rating, and without loss of pay during the first thirty calendar days of the leave.

NOTE: This policy reflects Iowa law.

Legal Reference:

Bewley v. Villisca Community School District, 299 N.W. 2d 904 (Iowa 1980).  
Iowa Code §§ 20; 29A.28 (2013).

Cross Reference:

409 Licensed Employee Vacations and Leaves of Absence

## LICENSED EMPLOYEE UNPAID LEAVE

Unpaid leave may be used to excuse an involuntary absence not provided for in other leave policies of the board. Unpaid leave for licensed employees must be authorized by the superintendent.

The superintendent will have complete discretion to grant or deny the requested unpaid leave. In making this determination, the superintendent will consider the effect of the employee's absence on the education program and school district operations, length of service, previous record of absence, the financial condition of the school district, the reason for the requested absence and other factors the superintendent believes are relevant to making this determination.

If unpaid leave is granted, the duration of the leave period will be coordinated with the scheduling of the education program whenever possible to minimize the disruption of the education program and school district operations.

Whenever possible, licensed employees will make a written request for unpaid leave 21 days prior to the beginning date of the requested leave. If the leave is granted, the deductions in salary are made unless they are waived specifically by the superintendent.

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; 85; 85A; 85B; 279.12; 509; 509A; 509B.

Cross Reference:

409 Licensed Employee Vacations and Leaves of Absence

## SUBSTITUTE TEACHERS

~~In all cases of absence, the substitute teacher is to be secured by the building administrator. Substitutes are paid by the District at a daily rate, which is set by the Board of Directors. After ten successive days of substituting for the same teacher, the substitute will be paid on the per diem basis of 1/190th of the salary at his or her position on the salary schedule.~~

The board recognizes the need for substitute teachers. Substitute teachers shall be licensed to teach in Iowa.

It shall be the responsibility of the ~~building principal~~ district office to maintain a list of substitute teachers who may be called upon to replace regular contract licensed employees. Individuals whose names do not appear on this list will not be employed as a substitute without specific approval of the superintendent. It shall be the responsibility of the building principal to fill absences with substitute teachers immediately.

Substitute teachers will be paid a per diem rate. Substitute licensed employees are expected to perform the same duties as the licensed employees. The school board will determine rates of pay for substitutes on an annual basis. The superintendent is responsible for making recommendations of pay to the board.

Note: School districts should reflect their practice in the third paragraph by inserting a number in the blank and by determining whether placement on the salary schedule is retroactive. Both decisions are within the discretion of the board.

### Legal Reference:

Iowa Association of School Boards v. PERB, 400 N.W.2d 571 (Iowa 1987).  
Iowa Code §§ 20.1, .4(5), .9; Ch.272.  
281 I.A.C. 12.4.

### Cross Reference:

405.1 Licensed Employee Defined  
405.2 Licensed Employee Qualifications, Recruitment, Selection



### **SUMMER SCHOOL LICENSED EMPLOYEES**

The Harlan Community School District shall offer summer school options in accordance with law and may, in its discretion offer additional programming during the summer recess. Licensed employees who volunteer or who are appointed to deliver the summer education program are compensated in addition to their regular duties during the school academic year, unless such arrangements are made prior to determining the employee's compensation for the year.

Licensed employees will be given the opportunity to volunteer for the positions available. If the board determines a course must be offered and no licensed employee volunteers for the position, the board will make the necessary arrangements to fill the position. The board will consider applications from volunteers of current licensed employees in conjunction with other applications.

It is the responsibility of the superintendent to make a recommendation to the board regarding the need for and the delivery of the summer education program.

**Legal Reference:**

Iowa Code §§ 279.8; 280.14.

**Cross Reference:**

505.2 Student Promotion – Retention – Acceleration

603.2 Summer School Instruction

**EDUCATIONAL AIDE ASSOCIATE**

The board may employ education **aides associates** or other instructional support personnel to assist **certified licensed** personnel in non-teaching duties, including, but not limited to:

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

Education **aides associates** who hold a teaching certificate ~~shall be~~ **are** compensated at the rate of pay established for their position as an education **aide associate**. It ~~shall be~~ **is** the responsibility of the principal to supervise education **aides associates**.

Legal Reference:

Iowa Code §§279.8, 280.3, .14, ~~(1989)-(2013)~~.

~~670 Iowa Admin. Code 3.4(5), 3.7(1).~~

~~281 Iowa Admin. Code 12.3(4) (new standards)~~

281 I.A.C. 12.4(9); .5(9).

Cross Reference:

411.2 Classified Employee Qualifications, Recruitment, Selection

## CLASSIFIED EMPLOYEE DEFINED

Classified employees are employees who are not administrators or employees in positions which require a teaching license issued by the Iowa Board of Educational Examiners and who are employed to fulfill the duties listed on their job description on a monthly or hourly basis. Classified employees will include, but not be limited to, teacher and classroom aides, custodial and maintenance employees, clerical employees, food service employees, bus drivers, and temporary help for summer or other maintenance. The position may be full-time or part-time.

It is the responsibility of the superintendent to establish job specifications and job descriptions for classified employee positions. Job descriptions may be approved by the board.

Classified employees required to hold a license for their position must present evidence of their current license to the board secretary prior to payment of wages each year.

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:**

405.1 Licensed Employee Defined

411.2 Classified Employee Qualifications, Recruitment, Selection

412.3 Classified Employee Group Insurance Benefits

## CLASSIFIED EMPLOYEE - QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a classified employee position will have an opportunity to apply and qualify for classified employee positions in **accordance with applicable laws and school district policies regarding equal employment.** ~~the school district without regard to age, color, disability, gender identity, national origin, race, religion, sex, or sexual orientation.~~ Job applicants for classified employee 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 or other license or certificate, 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 ~~will be may occur~~ through means the superintendent believes will inform potential applicants about the position. Whenever possible, the preliminary screening of applicants will be conducted by the administrator who directly supervises and oversees the position.

~~[The superintendent will recommend employment of classified employees to the board for approval.]~~

OR

~~[The superintendent has the authority to hire and sign support personnel employment contracts, without board approval, for bus drivers, custodians, education associates, maintenance staff, clerical personnel, and food service workers. (These positions are the ones listed in the statute. Boards can add or delete from this list and should develop the list as it best reflects their district.)]~~

~~The Board will employ classified employees after receiving a recommendation from the superintendent. However, the superintendent will have the authority to employ on a temporary basis until a recommendation can be made and action can be taken by the board on the position. This would include bus drivers, custodians, education associates, maintenance staff, clerical personnel, and food service workers.~~

~~NOTE: This is a mandatory policy. The board has the authority to delegate hiring of classified staff to the superintendent if it is stated in board policy. The board has to specify in policy the classified positions the superintendent is authorized to hire.~~

Legal Reference:

~~29 U.S.C. §§ 621-634.~~

~~42 U.S.C. §§ 2000e; 12101 et seq.~~

~~Iowa Code §§ 20; 35C; 216; 256.27; 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

411 Classified Employees - General