

## HAZARDOUS CHEMICAL DISCLOSURE

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

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

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

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

Legal Reference: 29 C.F.R. Pt. 1910; 1200 *et seq.* (2002).  
Iowa Code chs. 88; 89B (2005).  
347 I.A.C. 120.

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

Approved June 2006

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

Code No. 403.6

## SUBSTANCE-FREE WORKPLACE

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

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

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

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

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

Legal Reference: 41 U.S.C. §§ 701-707 (1994).  
42 U.S.C. §§ 12101 *et seq.* (1994).  
34 C.F.R. Pt. 85 (2002).  
Iowa Code §§ 123.46; 124; 279.8 (2005).

Cross Reference: 404 Employee Conduct and Appearance

Approved June 2006

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

SUBSTANCE-FREE WORKPLACE NOTICE TO EMPLOYEES

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

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

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

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

SUBSTANCE-FREE WORKPLACE ACKNOWLEDGMENT FORM

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

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Date)

Approved June 2006

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## SUBSTANCE-FREE WORKPLACE REGULATION

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

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

## DRUG AND ALCOHOL TESTING PROGRAM

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

Employees or employee applicants that will operate a school vehicle as described above are subject to pre-employment drug testing prior to being allowed to perform a safety sensitive function using the school vehicle. In addition, employees will be subject to random, reasonable suspicion and post-accident drug and alcohol testing. Employees operating school vehicles will not perform a safety-sensitive function within four hours of using alcohol. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about the drug and alcohol testing program may contact the school district contact person, transportation secretary at 710 West Main, New Hampton, IA 50659-1004.

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

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

The superintendent will also be responsible for publication and dissemination of this policy and its 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.

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.

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup>  
405 (4<sup>th</sup> Cir. 1995).  
49 U.S.C. §§ 5331 et seq. (1994).  
42 U.S.C. §§ 12101 (1994).  
41 U.S.C. §§ 701-707 (1996).  
49 C.F.R. Pt. 40; 382; 391.81-123 (2002).  
34 C.F.R. Pt. 85 (2002).  
Local 301, Internat'l Assoc. of Fire Fighters, AFL-CIO, and City of Burlington, PERB No. 3876  
(3-26-91).  
Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2005).

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

Approved June 2006

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

DRUG AND ALCOHOL TESTING PROGRAM NOTICE TO EMPLOYEES

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

Employees who operate school vehicles are subject to drug and alcohol testing if a commercial driver's license is required to operate the school vehicle and the school vehicle transports sixteen or more persons including the driver or the school vehicle weighs 26,001 pounds or more. For purposes of the drug and alcohol testing program, "employees" also includes applicants who have been offered a position to operate a 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.

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.

Legal Reference: American Trucking Association, Inc., v. Federal Highway Administration, 51 Fed. 3<sup>rd</sup> 405 (4<sup>th</sup> Cir. 1995).  
49 U.S.C. §§ 5331 et seq. (1994).  
42 U.S.C. §§ 12101 (1994).  
41 U.S.C. §§ 701-707 (1996).  
49 C.F.R. Pt. 40; 382; 391.81-123 (2002).  
34 C.F.R. Pt. 85 (2002).  
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Iowa Code §§ 124; 279.8; 321.375(2); 730.5 (2005).

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

Approved June 2006

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

DRUG AND ALCOHOL TESTING PROGRAM ACKNOWLEDGMENT FORM

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

Program policy and its supporting documents. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Testing Program policy, its supporting documents, regulations and the law.

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

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

\_\_\_\_\_  
(Signature of Employee)

\_\_\_\_\_  
(Date)

Approved June 2006

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## EMPLOYEE CONDUCT AND APPEARANCE

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

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

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

Legal Reference: Iowa Code § 279.8 (2005).  
282 I.A.C. 13.

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

Approved June 2006

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

## CHAPTER 25

**282—25.1(272) Scope of standards.**

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

**282—25.2(272) Definitions.**

Except where otherwise specifically defined by law:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. *Fraud.* Fraud in the procurement or renewal of a practitioner’s license.

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

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

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

1. Any of the following forcible felonies included in *Iowa Code* § 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;
  2. Any of the following criminal sexual offenses, as provided in *Iowa Code* Ch. 709, involving a child:
    - First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
    - Lascivious acts with a child;
    - Detention in a brothel;
    - Assault with intent to commit sexual abuse;
    - Indecent contact with a child;
    - Sexual exploitation by a counselor;
    - Lascivious conduct with a minor; or
    - Sexual exploitation by a school employee;
  3. Incest involving a child as prohibited by *Iowa Code* § 726.2;
  4. Dissemination and exhibition of obscene material to minors as prohibited by *Iowa Code* § 728.2; or
  5. Telephone dissemination of obscene material to minors as prohibited by *Iowa Code* § 728.15.
- (2) Other criminal convictions and founded child abuse. In determining whether a person should be denied a license or whether a licensee should be disciplined based upon any other criminal conviction, including a conviction for an offense listed in 25.3(1)“b”(1) which occurred before July 1, 2002, or a founded report of abuse of a child, the board shall consider:
1. The nature and seriousness of the crime or founded abuse in relation to the position sought;
  2. The time elapsed since the crime or founded abuse was committed;
  3. The degree of rehabilitation which has taken place since the crime or founded abuse was committed;
  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* § 702.17.
- d. *Sexual exploitation of a minor.* The commission of or any conviction for an offense prohibited by *Iowa Code* § 728.12, *Iowa Code* Ch. 709 or 18 U.S.C. § 2252A(a)(5)(B).
- e. *Student abuse.* Licensees shall maintain professional relationships with all students, both inside and outside the classroom. The following acts or behavior constitutes unethical conduct without regard to the existence of a criminal charge or conviction:
- (1) Committing any act of physical abuse of a student;
  - (2) Committing any act of dependent adult abuse on a dependent adult student;
  - (3) Committing or soliciting any sexual or otherwise indecent act with a student or any minor;
  - (4) Soliciting, encouraging, or consummating a romantic or otherwise inappropriate relationship with a student;
  - (5) Furnishing alcohol or illegal or unauthorized drugs or drug paraphernalia to any student or knowingly allowing a student to consume alcohol or illegal or unauthorized drugs in the presence of the licensee; or
  - (6) Failing to report any suspected act of child or dependent adult abuse as required by state law.
- 25.3(2) Standard II—alcohol or drug abuse. *Violation of this standard includes:***
- a. Being on school premises or at a school-sponsored activity involving students while under the influence of, possessing, using, or consuming illegal or unauthorized drugs or abusing legal drugs.

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

- 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 17.
- e. Falsifying or deliberately misrepresenting or omitting material information regarding the evaluation of students or personnel, including improper administration of any standardized tests, including, but not limited to, changing test answers, providing test answers, copying or teaching identified test items, or using inappropriate accommodations or modifications for such tests.

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

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

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

- a. Violation of this standard includes:
  - (1) Signing a written professional employment contract while under contract with another school, school district, or area education agency.
  - (2) Asking a practitioner to sign a written professional employment contract before the practitioner has been unconditionally released from a current contract. An administrator shall make a good faith effort to determine whether the practitioner has been released from the current contract.
  - (3) Abandoning a written professional employment contract without prior unconditional release by the employer.
  - (4) As an employer, executing a written professional employment contract with a practitioner, which requires the performance of duties that the practitioner is not legally qualified to perform.
  - (5) As a practitioner, executing a written professional employment contract, which requires the performance of duties that the practitioner is not legally qualified to perform.
- b. In addressing complaints based upon contractual obligations, the board shall consider factors beyond the practitioner’s control. For purposes of enforcement of this standard, a practitioner will not be found to have abandoned an existing contract if:
  - (1) The practitioner obtained a release from the employing board before discontinuing services under the contract; or
  - (2) The practitioner provided notice to the employing board no later than the latest of the following dates:
    - 1. The practitioner’s last work day of the school year;
    - 2. The date set for return of the contract as specified in statute; or
    - 3. June 30.

## CODE OF PROFESSIONAL CONDUCT AND ETHICS REGULATION

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

- a. Denying the student, without just cause, access to varying points of view.
- b. Deliberately suppressing or distorting subject matter for which the educator bears responsibility.
- c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.
- d. Conducting professional business in such a way that the practitioner repeatedly exposes students or other practitioners to unnecessary embarrassment or disparagement.
- e. Engaging in any act of illegal discrimination, or otherwise denying a student or practitioner participation in the benefits of any program on the grounds of race, color, religion, age, sex, disability, marital status, national origin, or membership in a definable minority.
- 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.

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

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

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

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

These rules are intended to implement *Iowa Code* § 272.2(1) "a."

Approved June 2006

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

Code No. 404.R2

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* Ch. 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* Ch. 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* Ch. 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 national or ethnic origin, religion, age, sex, disability, membership in a definable minority, or marital status, nor grant any discriminatory consideration or advantage.
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.

These rules are intended to implement *Iowa Code* § 272.2(1) "a."

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

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

Legal Reference: Clay v. Independent School District of Cedar Falls, 187 Iowa  
89, 174 N.W. 47 (1919).  
Iowa Code §§ 256.7(3); 272.6; 272A; 279.8; 294.1 (2005).  
282 I.A.C. 14.  
281 I.A.C. 12.4; 41.25.  
1940 Op. Att'y Gen. 375.

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

## LICENSED EMPLOYEE QUALIFICATIONS, RECRUITMENT, SELECTION

Persons interested in a licensed position, other than administrative positions which will be employed in accordance with board policies in Series 300, "Administration," will have an opportunity to apply and qualify for licensed positions in the school district without regard to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability, ancestry, political party preference, political belief, SES, family status. 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.

Announcement of the position is in a manner which the superintendent believes will inform potential applicants about the position. Applications for employment may be obtained from and completed applications are returned to the school district administrative office. 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 except the superintendent may hire teachers without approval of the board. However, the superintendent will have the authority to employ a licensed employee on a temporary basis until a recommendation can be made and action can be taken by the board on the position.

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

Legal Reference: 29 U.S.C. §§ 621-634 (1994).  
 42 U.S.C. §§ 2000e *et seq.* (1994).  
 42 U.S.C. §§ 12101 *et seq.* (1994).  
 Iowa Code §§ 20; 35C; 216; 279.13, 294.1 (2005).  
 281 I.A.C. 12.  
 282 I.A.C. 14.  
 1980 Op. Att'y Gen. 367.

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

Approved December 2010

Reviewed November 2010

Revised November 2010

LICENSED EMPLOYEE INDIVIDUAL CONTRACTS

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

Each contract will be for a period of one year, beginning on July 1 and ending on June 30.

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

Legal Reference: Harris v. Manning Independent School District of Manning, 245 Iowa 1295, 66 N.W.2d 438 (1954).  
Shackelford v. District Township of Beaver, Polk County, 203 Iowa 243, 212 N.W. 467 (1927).  
Burkhead v. Independent School District of Independence, 107 Iowa 29, 77 N.W. 491 (1898).  
Iowa Code chs. 20; 279 (2005).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

LICENSED EMPLOYEE CONTINUING CONTRACTS

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

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

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

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

Legal Reference: Ar-We-Va Community School District v. Long and Henkenius, 292 N.W.2d 402 (Iowa 1980).  
Bruton v. Ames Community School District, 291 N.W.2d 351 (Iowa 1980).  
Hartman v. Merged Area VI Community College, 270 N.W.2d 822 (Iowa 1978).  
Keith v. Community School District of Wilton in the Counties of Cedar and Muscatine, 262 N.W.2d 249 (Iowa 1978).  
Iowa Code §§ 20; 272; 279.12-.19B, .27; 294.1 (2005).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

LICENSED EMPLOYEE WORK DAY

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

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

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

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

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

Legal Reference: Iowa Code §§ 20; 279.8 (2005).

Cross Reference: 200.3 Powers of the Board of Directors

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

LICENSED EMPLOYEE ASSIGNMENT

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

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

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

Legal Reference: Iowa Code §§ 20.9; 279.8 (2005).

Cross Reference: 200.3 Powers of the Board of Directors

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

## LICENSED EMPLOYEE TRANSFERS

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

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

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

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

Legal Reference: Iowa Code §§ 20.9; 216.14; 279.8 (2005).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

## LICENSED EMPLOYEE EVALUATION

Evaluation of licensed employees on their skills, abilities, and competence shall be an ongoing process supervised by the building principals and conducted by approved evaluators. The goal of the formal evaluation of licensed employees, other than administrators, but including extracurricular employees, shall be 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 shall be in writing and approved by the board. The formal evaluation shall provide an opportunity for the evaluator and the licensed employee to discuss the past year's performance and the future areas of growth. The formal evaluation shall be 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.

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

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

Legal Reference: Aplington Community School District v. PERB, 392 N.W.2d 495 (Iowa 1986).  
Saydel Education Association v. PERB, 333 N.W.2d 486 (Iowa 1983).  
Iowa Code §§ 20.9; 279.14, .19, .27 (2005).  
281 I.A.C. 12.3(4).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

## LICENSED EMPLOYEE PROBATIONARY STATUS

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

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

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

Legal Reference: Iowa Code §§ 279.12-.19B (2005).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

LICENSED EMPLOYEE ORGANIZATION AFFILIATION

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

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

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

Legal Reference: Iowa Code §§ 20.1, .8, .10; 279.8 (2005).

Cross Reference: 408 Licensed Employee Professional Growth

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

LICENSED EMPLOYEE SALARY SCHEDULE

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2005).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

LICENSED EMPLOYEE SALARY SCHEDULE ADVANCEMENT

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2005).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

LICENSED EMPLOYEE CONTINUED EDUCATION CREDIT

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

Licensed employees who wish to obtain additional education for advancement on the salary schedule must notify their supervisor by June 15<sup>th</sup> of the school year preceding the actual year when advancement occurs. This additional education must be in the same area as the education that was required of the employee to hold the employee's current position with the school district. For purposes of illustration only, a math teacher would advance on the salary schedule only if the additional education was in math courses. The superintendent has the discretion to approve credit outside the employee's area of endorsement or responsibility.

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8 (2005).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

LICENSED EMPLOYEE COMPENSATION FOR EXTRA DUTY

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

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

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

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

Legal Reference: Iowa Code §§ 20.1, .4, .7, .9; 279.8, .13-.15, .19A-B (2005).

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

Approved December 2010

Reviewed November 2010

Revised \_\_\_\_\_

